Home Office
UK Border Agency

ERITREA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

17 August 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 14 July 2011. The 'Latest News' section contains further brief information on events and reports accessed from 15 July to 17 August 2011. The report was issued on 17 August 2011.

ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Latest News

EVENTS IN ERITREA FROM 15 JULY 2011 TO 17 AUGUST 2011

THE LATEST NEWS PROVIDES A NON-EXHAUSTIVE SELECTION OF SIGNIFICANT EVENTS SINCE 15 JULY 2011.

Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

2 August Eritrea's neighbours are considering its request to rejoin the East African body, the Inter-Governmental Authority on Development (IGAD). The country that currently chairs IGAD is Ethiopia - other members are Kenya, Uganda, Djibouti, Sudan and Somalia. The process of rejoining IGAD is reported to be in its early stages. Eritrea withdrew from IGAD in 2007 after the body backed Ethiopia's intervention to oust an Islamist militia force from power in Mogadishu.

BBC News Online
Eritrea seeks to rejoin East African body Igad, 2 August 2011
http://www.bbc.co.uk/news/world-africa-14370257
Date accessed 4 August 2011

30 July The United Nations, Red Cross and other organisations have appealed to the Eritrean government to carry out a joint assessment of the impact of the Horn of Africa drought crisis on Eritrea. These organisations believe there is a food shortage problem in Eritrea but lack detailed information about this. The Eritrean government has, so far, denied that the country is suffering from food shortages.

Ethiopian Review
Fears that Eritrea may be hiding its famine victims from the world, 30 July 2011
http://www.ethiopianreview.com/forum/viewtopic.php?f=2&t=29788
Date accessed 5 August 2011

28 July The United Nations Monitoring Group on Somalia and Eritrea stated that the Eritrean regime has been involved in supporting insurgent forces in Sudan, Ethiopia, Somalia and Djibouti. This support is in the form of training, financial and logistical assistance, and is in direct violation of United Nations Security Council resolution 1907, made in 2009.

Awate
Monitoring Group Finds The Smoking Gun On Eritrean Regime, 28 July 2011
http://awate.com/monitoring-group-finds-the-smoking-gun-on-eritrean-regime/
Date accessed 4 August 2011

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USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex E – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
All Africa http://allafrica.com/eritrea/
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Reuters http://www.reuters.com/
Voice of America (VoA) News http://www.voanews.com/english/news/

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Background Information

1. GEOGRAPHY

1.01 The Eritrea section of the Europa World Plus website, undated, accessed on 4 February 2011, stated that:

"The State of Eritrea, which has a coastline on the Red Sea extending for almost 1,000 km, is bounded to the north-west by Sudan, to the south and west by Ethiopia, and to the south-east by Djibouti. Its territory includes the Dahlak islands, a low-lying coralline archipelago off shore from Massawa...the major language groups in Eritrea are Afar, Bilien, Hedareb, Kunama, Nara, Rashaida, Saho, Tigre and Tigrinya. English is rapidly becoming the language of business and is the medium of instruction at secondary schools and at university. Arabic is also widely spoken. The population is fairly evenly divided between Tigrinya-speaking Christians (mainly Orthodox), the traditional inhabitants of the highlands, and the Muslim communities of the western lowlands, northern highlands and east coast; there are also systems of traditional belief adhered to by a small number of the population…the capital is Asmara."
[24] (Eritrea - Country Profile)

1.02 As regards the total population of Eritrea, the Central Intelligence Agency (CIA) *World Factbook* section on Eritrea (updated 14 July 2011) stated that Eritrea has a total population of 5,939,484 (July 2011 est.). **[1] (People)**. The United States State Department *Background Note on Eritrea* (updated 9 March 2011), also stated that the estimated population of Eritrea in 2010 was 5.6 million. **[3a] (People)**. The BBC *Country Profile on Eritrea* (updated 30 November 2010), however, stated that Eritrea has a total population of 5.2 million (figure obtained from a United Nations source). **[25b]**. The WorldStat.info website (accessed on 18 February 2011) stated that Eritrea had a population of 5.07 million in 2009. **[75]**. Europa World Plus, undated, accessed on 4 February 2011, stated that the estimated population in 2010 was 5,223,994. **[24] (Eritrea Country Statistics)**

See also Ethnic groups for details of ethnic demographics.

1.03 In the *Festivals and Public Holidays in Eritrea* section of the www.eritrea.be website, accessed on 13 December 2010, the following days are listed as Eritrean public holidays in 2011:

Date	Name of public holiday
1 January	New Year's Day
7 January	Leddet (Geez Christmas)
19 January	Timket (Epiphany)
10 February	Liberation of Massawa (Operation Fenkil)
8 March	International Women's Day
22 April	Good Friday

24 April	Tensae (Easter)
1 May	International Labour Day
16-24 May	Independence Day festivities (one week)
24 May	Independence Day
29 May	Festival of Mariam Dearit (Keren)
20 June	Martyr's Day
28 June	Mariam Debre Sina
30 July - 7 August	Festival Eritrea Asmara Expo (one week)
11 August	Debre Bizen Abune Libanos
1 September	Anniversary of the Start of the Armed Struggle
11 September	Keddus Yohannes (Geez New Year)
27 September	Meskel (Finding of the True Cross)
11 November	Nidget of Saint Georghis Orthodox Church (Gejeret)
21 November	Nidget Saint Michaels Orthodox Church (Tseserat)
30 November	Nidget Enda Mariam Orthodox Cathedral
25 December	Christmas Day

[12a]

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MAP

1.04 Map of Eritrea showing the main towns and cities.

Weblink to the above map:

http://www.infoplease.com/atlas/country/eritrea.html#axzz0zbwhqfLr [4]

More maps of Eritrea can be accessed using the following weblinks:

http://www.zim24travel.com/images/maps/eritrea.jpg

http://www.geschichteinchronologie.ch/afrika/kol/Eritrea-Munzinger-d/012-karte-Eritrea.gif

http://3.bp.blogspot.com/_NE-72ZXux-g/RtQTj99dN8I/AAAAAAAABec/craeyVaslGk/s320/eritrea.gif

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2. ECONOMY

2.01 The Eritrea section of Europa World Plus, undated, accessed on 4 February 2011, stated that the national currency is the Nakfa. **[24] (Eritrea - Business and Commerce)**. The XE Universal Currency Converter website, accessed on 30 June 2011, listed the following official market rates - one American dollar is equivalent to 15.02 Nakfas; one Euro is equivalent to 21.7 Nakfas, and that one British pound is equivalent to 24.1 Nakfas. **[26]**

2.02 The United States State Department *Background Note on Eritrea* (updated 9 March 2011) stated that the agriculture sector contributed 24 per cent to the GDP (2007); worker remittances and other private transfers from abroad contribute 32 per cent to the GDP. Eritrea has a real GDP of US$1.87 billion (2009 estimate) with an annual growth rate of 3.6 per cent (2009 estimate), and a per capita income (in 2008) of US$640 (Purchasing Power Parity). The average inflation rate is 18% (2008 estimate). **[3a] (Economy)**

2.03 The Heritage Foundation's (public policy institute) *2011 Index of Economic Freedom,* published on 12 January 2011, provided an analysis of Eritrea's economy:

"Eritrea's economic freedom score is 36.7, [100 is the highest score] making its economy one of the least free in the 2011 Index. Its overall score is 1.4 points higher than last year, reflecting some improvements in its ratings for government spending, business freedom, and labor freedom. Eritrea is ranked 45th out of the 46 countries in the Sub-Saharan Africa region.

"Eritreans have suffered substantial losses of economic freedom in recent years. Afflicted by poor economic management and structural problems that severely undermine private-sector development, the country lags in productivity growth and dynamism and, consequently, in economic growth as well. Long-standing structural problems include poor public finance management and underdeveloped legal and regulatory frameworks.

"Poor governance and the lack of commitment to structural reforms continue to hamper economic freedom. Investment freedom, financial freedom, property rights, and freedom from corruption are extraordinarily weak. Monetary stability remains fragile, and inflation is very high, largely reflecting excessive money creation to fund fiscal deficits. Arbitrary taxation, poor infrastructure, marginal enforcement of property rights, and weak rule of law have driven many people and enterprises into the informal sector…inflation has been out of control, averaging 28.8 percent between 2007 and 2009. The government uses the military and party-owned businesses to implement its development agenda and strictly controls the use of foreign currency. Few private enterprises remain. The diversion of manpower and government funds away from peacetime economic activities is expected to continue…Eritrea remains a strict command economy, eliminating most private investment. Large-scale projects must be approved by the appropriate minister or the Office of the President. The government has selectively and narrowly courted foreign investors to explore underexploited resources in mineral extraction, energy, fisheries, and tourism. Regulatory procedures are haphazard and irregularly enforced…Eritrea's financial system remains poorly developed, and government interference is significant. High credit costs and scarce access to financing severely impede private investment and economic growth. All banks are majority-owned by the state, and private-sector involvement in the financial system remains limited." **[65]**

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3. HISTORY

This section provides a brief history of the country from British control in 1949 to December 2010, with the focus on the last 15 years. For further information about the history of Eritrea, see the United States State Department *Background Note on Eritrea* **[3a]**; and also the Foreign and Commonwealth Office *Country Profile on Eritrea.* **[10d]**.

See also Annex A for a chronology of major events in Eritrea since 1952.

FROM BRITISH RULE TO NATIONAL INDEPENDENCE (1949 TO 1993)

3.01 The Global Security website, undated, accessed on 6 January 2011, provided the following information about Eritrea's independence:

"Following World War II, Eritrea was placed under British military administration and beginning in 1949, administered it as a trust territory of the United Nations. In 1950 the UN decided that Eritrea should become a part of a federated Ethiopia, who had long been trying to attain the territory with its vast Red Sea coast. In 1962 Eritrea decided to end the federation and completely unify with Ethiopia. However, this was not a position that all Eritreans agreed on and those who opposed the union began to fight limited guerrilla warfare and the Eritrean Liberation Front (ELF) was founded. Initially, the ELF was more nationalist and Islamic and received aid from Iraq and Syria, although as more Christians began to join the ELF became increasingly anti-capitalist. Internal divisions within the ELF led to the creation of the rival Eritrean People's Liberation Front (EPLF) in 1972, led by Osman Salah Sabbe, the former head of the Muslim League.

"After Ethiopian Emperor Haile Selassie was overthrown in a military coup in 1974 the EPLF and ELF united against the Ethiopian government. There was a marked increase in fighting and by 1976 the united Eritrean forces had pushed virtually all government forces out of Eritrea. There was yet another division within the Eritrean opposition as Osman broke from the EPLF and formed the Eritrean Liberation Front-Popular Liberation Front (ELF-PLF), a move that reflected personal rivalries and ideological divisions. The Ethiopians however could benefit from the massive amounts of aid and troops given to them by the Soviet Union and Cuba, and with this help the Ehtiopians [sic] were able to defeat the Eritreans in 1978. It was not a total victory for the Ethiopian forces and there was a return to more limited guerrilla warfare where neither side was really able to take control. There was continued fighting between the guerrillas and government forces throughout the 1980s, but eventually the guerrillas were able to gain the upper hand, scoring several key victories against Ethiopian forces.

"In 1991 the rebels captured the Eritrean capital of Asmara and the ports, which essentially gave them full control of Eritrea. Soon after the UN scheduled a referendum on Eritrean independence which was approved by an overwhelming margin. The main leader of the EPLF, Isaias Afwerki, became the new country's first president." **[59]**

3.02 The Eritrea section of Europa World Plus, undated, accessed on 4 February 2011, stated:

"Following the liberation of Asmara by the EPLF [in May 1991], and of Addis Ababa by the Ethiopian People's Revolutionary Democratic Front (EPRDF), a conference was convened in London, United Kingdom, in August 1991. Both the USA and the Ethiopian delegation accepted the EPLF administration as the legitimate provisional Government of Eritrea, and the EPLF agreed to hold a referendum on independence in 1993. The provisional Government, which was to administer Eritrea during the two years prior to the referendum, drew most of its members from the EPLF. The Government struggled to rehabilitate and develop Eritrea's war-torn economy and infrastructure, and to feed a population largely dependent on food aid. The agricultural sector had been severely disrupted by the war, and urban economic activity was almost non-existent."
[24] (Eritrea - Historical Context)

3.03 The same source stated that the United Nations supervised a referendum on independence in April 1993, with a 99.8 per cent vote of Eritreans in favour of independence. The date chosen for Independence Day was 24 May (anniversary of the liberation of Asmara), and on 28 May 1993, the state of Eritrea was formally granted international recognition. Three institutions were set up to govern the state - the Consultative Council, the National Assembly, and the judiciary. One of the National Assembly's first acts was the election of Isaias Afewerki, the leader of the EPLF, as President and Head of State. **[24] (Eritrea - Historical Context)**

DOMESTIC POLITICAL DEVELOPMENTS (1991 TO 1997)

3.04 A German Institute of Global and Area Studies (GIGA) academic paper about the national service programme by Nicole Hirt, dated January 2010, stated: "In November 1991 the provisional government of Eritrea, formerly the Eritrea People's Liberation Front (EPLF), introduced a mandatory national service (Proclamation 18/1991) for all Eritreans, male and female, aged 18 to 40. Initially, this service included six months of military training and 12 months of work on reconstruction and development projects." **[67]**

3.05 The Eritrea section (29 June 2009 update) of the War Resisters International website, accessed on 13 January 2011, stated that "...until May 1994, the 1991 decree was not implemented", and that "…the 1991 Decree was initially revised (Decree 71/1995), but later replaced with the 23 October 1995 Decree on national service." **[64]**

See also National service for further details.

3.06 The Eritrea section of the Europa World Plus website, undated, accessed on 4 February 2011, stated that in February 1994, the EPLF became a political party called the People's Front for Democracy and Justice (PFDJ). In March 1994, the Consultative Council was replaced with a State Council, and the National Assembly was reconstituted to include 75 members of the PFDJ Central Committee, and 75 directly elected members. A Constitutional Committee of 58 members (50 of these members were government appointees) was set up to reorganise the country administratively. **[24] (Eritrea - Domestic Political Affairs)**

3.07 The Travel Documents Systems website, accessed on 6 January 2011, provided the following information:

"In March 1994, the PGE [Provisional Government of Eritrea] created a constitutional commission charged with drafting a constitution flexible enough to meet the current

needs of a population suffering from 30 years of civil war as well as those of the future, when prospective stability and prosperity would change the political landscape. Commission members traveled throughout the country and to Eritrean communities abroad holding meetings to explain constitutional options to the people and to solicit their input. A new constitution was ratified in 1997 but has not been implemented, and general elections have not been held." **[60]**

See also Constitution

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INTERNATIONAL AND DOMESTIC DEVELOPMENTS (1998 TO MARCH 2011)

3.08 Regarding Eritrea's border conflict with Ethiopia, the United Kingdom Foreign and Commonwealth Office *Country Profile on Eritrea* (updated 28 April 2010), stated that:

"A dispute over the ill-defined border with Ethiopia flared into military conflict in May 1998. There were an estimated 100,000 casualties. Hostilities concluded with the signing of the Algiers Peace Agreement of December 2000. This established the Eritrea-Ethiopia Boundary Commission (EEBC) to delimit and demarcate the border and established a 25km Temporary Security Zone (TSZ) between the 2 countries. A UN peacekeeping force (UNMEE) was deployed along the TSZ in 2001. Following restrictions placed on UNMEE activities and staff by the Eritrean Government the UN Security Council formally terminated UNMEE's mandate in July 2008.

"The EEBC announced its decision on the border on 13 April 2002. Demarcation was due to follow in 2003. However, when it became clear that the town of Badme (where the hostilities started) had been awarded to Eritrea, Ethiopia challenged the EEBC's conclusions. In 2004 Ethiopia announced its acceptance 'in principle' of the EEBC ruling. In 2007 Ethiopia then stated its acceptance of the EEBC's decision 'without precondition' but has said relations need to be normalised between the two sides before the decision should be implemented. The international community continues its efforts to keep the peace process on track by underlining that the EEBC decision is final and binding and by urging both governments to engage in political dialogue. Unable to physically demarcate the border on the ground the EEBC instead issued a 'virtual demarcation' showing where the boundary posts should be placed." **[10d]**

3.09 The United Kingdom House of Commons Library, International Affairs and Defence Section, briefing paper, *Ethiopia in the run-up to [the] May 2010 elections*, dated 30 December 2009, provided a further update:

"The situation [regarding the border dispute] remains fundamentally unchanged since mid 2008, when the [UN] Security Council terminated the UN mission that had been operating on both sides of the border. There are still hundreds of thousands of troops facing each other in the border area. It is effectively a 'frozen conflict'. Both parties accuse the other, in pursuit of 'regime change', of providing political and military support to rebel groups operating on their territories…in recent months, UN involvement in the border dispute has been limited to the August 2009 final and legally binding ruling of the Eritrea-Ethiopia Claims Commission (EECC), a body established under the 2000 Algiers peace agreement to arbitrate conflicting claims for compensation for violations of international humanitarian law committed by both parties in the course of the war. The Commission blamed Eritrea for starting the war and awarded a slightly larger sum to

Ethiopia (the outstanding differential is $10 million). In a moderately hopeful sign, both parties accepted the ruling of the Commission." **[61] (The Eritrea-Ethiopia border dispute: Recent developments, pages 7-8)**

3.10 Regarding domestic events in Eritrea, the United States State Department *Background Note on Eritrea* (updated 9 March 2011), noted that in late 2001, there was a clampdown against political opposition groups favouring elections and constitutional reform. As the source observed:

"In September 2001, after several months in which a number of prominent PFDJ party members had publicly aired grievances against the government and in which they called for implementation of the constitution and the holding of elections, the government instituted a crackdown. Eleven prominent dissidents, members of what had come to be known as the Group of 15, were arrested and held without charge in an unknown location. At the same time, the government shut down the independent press and arrested its reporters and editors, holding them incommunicado and without charge. In subsequent weeks, the government arrested other individuals, including two Eritrean employees of the U.S. Embassy." **[3a]**

3.11 The Human Rights Watch press release, *Escalating Crackdown in Eritrea Reformists, Journalists, Students At Risk*, dated 21 September 2001, also reported on the arrests of university students at this time:

"The recent clampdown on civil society and critical political voices was reportedly triggered by an increasingly tense standoff between the government and university students demanding greater academic freedom and social liberties, particularly the publication last week in a private newspaper of a long diary of a student on a forced summer work program.

"Students at the University of Asmara, the only one in the country, had joined in criticizing the government by demanding better treatment from the government and consultation on matters that concern them. The summer work program is mandatory for University of Asmara students, who are allowed to defer their national military service until after graduation. This year [2001], the students protested the appalling conditions of previous camps. On July 31 [2001], the police arrested the president of the Asmara University student council, Semere Kesete, a day after he publicly announced that students would not enroll in the summer program unless certain reforms were carried out. He remains in jail without charge.

"When students tried to protest his arrest at his court appearance on August 10 [2001], four hundred of them were rounded up and sent to the work program in Wia, a desert camp near the Red Sea port of Massawa, in a region where daytime temperatures hover about 100 degrees Fahrenheit (38 degrees Celsius). The government accused the students, who were not charged, of 'unruly behavior' and 'unlawful acts.' Following the forcible transfer of the arrested students to Wia, 1700 others 'voluntarily' joined them there, according to the government. The government acknowledged that two students died of heatstroke during the past month, but attributed the loss to 'lack of adequate logistical support' at the camp. There were reports that a number of other students were taken for treatment from heat exhaustion in closed military hospitals, and some may have died." **[29a]**

3.12 An Open Doors (NGO) analysis paper on religious freedom in Eritrea (no title), dated 13 April 2009, submitted to the United Nations Human Rights Council as a contribution to the Universal Periodic Review of Eritrea, stated that:

"In May 2002, the Eritrean government ordered all unregistered religious communities to close their places of worship and stop practicing their faith until they were registered. They had to apply for registration with the Department for Religious Affairs in the Office of the President in accordance with the 1995 Proclamation regarding legally elucidating and regulating of religious activities and religions declaration NO 73/1995, the full implementation of which had been delayed." **[62]**

See also Freedom of religion for more information about the impact of this.

3.13 A German Institute of Global and Area Studies (GIGA) academic paper about the national service programme by Nicole Hirt, dated January 2010, stated:

"In summer 2002 the government announced the so-called Warsay Yikealo Development Campaign [WYDC]. The younger generation is referred to as warsay, meaning 'inheritor' or 'follower,' While yikealo denotes a wise elderly person, a term the government uses explicitly for the fighter generation. The younger generation is supposed to follow in the footsteps of the former fighters by internalizing and practicing the values of self-sacrifice, hard work and dedication to the Eritrean nation in the form of unlimited and unpaid service. The introduction of the WYDC meant de facto that the national service was no longer limited to 18 months (as a matter of fact, all those remobilized in 1998 had already spent years in the military) but rather became open-ended." **[67]**

For more information about National service, please see the section of the same name.

3.14 The Eritrea section of the Europa World Plus website, undated, accessed on 4 February 2011, stated:

"During 2004 several parties took steps to form a viable opposition movement to the PFDJ. In February, following talks in Germany, the EPLF - DP announced that it would reform as the Eritrean Democratic Party (EDP), under the continued leadership of Mesfin Hagos. In May numerous former members of the ELF and the PFDJ combined to establish the Eritrean Popular Movement (EPM). In August two new coalitions were formed; the first united the EPM and four smaller parties under the umbrella of the Eritrean National Alliance (ENA), while the second brought the EDP, the ELF and the Eritrean Liberation Front - Revolutionary Council together. In late December representatives of these two alliances met in Khartoum, Sudan, for talks with the Ethiopian Prime Minister, Meles Zenawi, and the Sudanese President, Omar Hassan Ahmad al-Bashir, aimed at settling issues surrounding the border conflict with Ethiopia ...in 2004 the ENA was reorganized as the Eritrean Democratic Alliance (EDA) and in January 2005 Hiruy Tedla Bairu was elected leader of the coalition. In January 2008 the 11 opposition parties comprising the EDA met in Addis Ababa to consolidate the alliance after divisions had emerged in the previous year. Two additional parties were admitted to the coalition: the Eritrean Islamic Congress and the Eritrean People's Movement.

"Hopes that national legislative elections would finally take place were raised in 2004 as elections to the regional assemblies were held in May with some 92% of registered voters casting their ballots." **[24] (Domestic Political Affairs)**

3.15 The Amnesty International report, *Eritrea: Thousands of people held at Adi Abeto army prison*, dated 9 November 2004, reported that some prisoners who had made an apparent attempt to escape from Adi Abeto military prison had been shot and killed by soldiers. Wounded prisoners were taken to hospital and were held incommunicado under military guard. Conditions in the prison in general were reported to be very poor and prisoners were reportedly ill-treated. **[6g]**

3.16 A report published on the IOL website (South African online news service), entitled *Eritrea clashes claim more lives*, dated 12 June 2008, provided information about a border clash between Eritrea and Djibouti that took place in June 2008:

"Border clashes between Eritrea and Djibouti have killed nine Djiboutian soldiers and wounded 60 others in three days of fighting between the Horn of Africa nations, a defence official said on Thursday [12 June 2008].

"In the first fighting since the mid-1990s between two of Africa's smallest states, Eritrean and Djiboutian troops have exchanged fire along a part of their shared border overlooking strategic shipping lanes in the Red Sea.

"Djibouti hosts French and US military bases and is the main route to the sea for Eritrea's arch-foe Ethiopia.

"Africa's youngest nation, Eritrea has fractious ties with the West, which accuses it of backing Somali insurgents and impeding UN peacekeepers on the Ethiopia border…Djiboutian state media said the Red Sea state had captured 100 Eritrean prisoners.

"There was, however, no independent verification of events from the remote border area that has long been a source of tension between the two countries." **[63]**

3.17 The United Nations (UN) press release, *Security Council Imposes Sanctions on Eritrea over Its Role in Somalia, Refusal to Withdraw Troops Following Conflict with Djibouti,* dated 24 December 2009, provided details about a UN Security Council resolution concerning Eritrea:

"[The UN Security Council is] Gravely concerned about findings that Eritrea had provided support to armed groups undermining peace and reconciliation in Somalia and that it had not withdrawn its forces following clashes with Djibouti in June 2008, the Security Council today [24 December 2009] imposed an arms embargo on that country, in addition to travel restrictions on and a freeze on the assets of its political and military leaders.

"Adopting resolution 1907 (2009) by a vote of 13 in favour to 1 against (Libya), with 1 abstention (China) under Chapter VII of the United Nations Charter, the Council reiterated its demand that Eritrea withdraw its forces to the positions of the status quo ante in the area where its conflict with Djibouti had occurred, acknowledge its border dispute and cooperate fully with the Secretary-General's good offices. It further

demanded that the country cease all efforts to destabilize or overthrow, directly or indirectly, the Transitional Federal Government of Somalia.

"The Council demanded that all States, in particular Eritrea, cease arming, training and equipping armed groups and their members, including Al-Shabaab, which aimed to destabilize the region or incite violence and civil strife in Djibouti. It further demanded that Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee established pursuant to resolution 751 (1992) regarding Somalia and other sanctions committees, in particular the Committee established pursuant to resolution 1267 (1999) regarding Al? [sic] Qaida and the Taliban.

"Imposing an embargo on arms and associated materiel [sic] to and from Eritrea, the Council called upon all States to inspect all cargo to and from Somalia and Eritrea, and upon discovery of prohibited items, to seize and dispose of them. It decided that travel restrictions and an asset freeze should apply to individuals, including but not limited to, the Eritrean political and military leadership, so designated by the Committee on Somalia Sanctions, as well as to governmental and parastatal actors and entities privately owned by Eritrean nationals living within or outside Eritrean territory, so designated by the same Committee. Also by the text, the Council expanded the Committee's mandate to undertake those additional tasks, as well as that of the Monitoring Group assisting the Committee." **[56]**

3.18 The Asmarino ("news and views" Eritrean community website) report, *Eritrea: Frozen and Reshuffled, Again*, dated 17 January 2010, stated that there had been a reshuffling of government personnel:

"The reshufflings are not confined to individuals; administrative regions are not spared either. In Eritrea, there are not only civilian administrative zobas but also military administrative regions, the latter superimposed on the former. This superimposition is made with the intention of giving the military the upper hand in administrative matters that even concerns civilians. There used to be five such military administrative regions. Now they have been collapsed into three: the Red Sea area (North and South) into one; Maekel and Debub into another one, and Gash-Barka and Anseba into yet another one." **[68a]**

3.19 The United Nations News Service report, *Ban Welcomes Deal Between Eritrea and Djibouti to Resolve Border Conflict*, dated 9 June 2010, stated:

"Secretary-General Ban Ki-moon today [9 June 2010] welcomed the agreement signed by Eritrea and Djibouti to resolve their two-year border dispute through a negotiated settlement.

"Eritrean President Isaias Afwerki and Djibouti's President Ismail Omar Guelleh signed the agreement on Sunday [6 June 2010] in a deal reached under the auspices of Qatar and its Emir, Sheikh Hamad Bin Khalifa al-Thani.

"'The Secretary-General is encouraged by this positive development, which he believes will contribute to long-term peace and stability in the Horn of Africa region,' he said in a statement issued by his spokesperson in which he also voiced deep appreciation for the Qatari Emir's mediation efforts.

"The agreement entrusts Qatar with establishing a mechanism for the resolution of the border dispute and the normalization of relations between the two countries.

"The deal ends the dispute that erupted in early 2008 when, following weeks of tensions and military build-up, the two countries' armed forces clashed over an un-demarcated area in the Red Sea known as Doumeira, killing 35 people and leaving dozens of others wounded.

"In January 2009 the Security Council adopted a resolution demanding that Eritrea pull its forces from the disputed area and cooperate with diplomatic initiatives, and welcoming Djibouti's withdrawal of its forces to its positions before the dispute." **[54b]**

3.20 The Asmarino report, *Message from the National Commission for Democratic Change (ENCDC),* dated 28 October 2010, stated that an Eritrean National Conference for Democratic Change had taken place from 31 July to 9 August 2010 in Addis Ababa. A new organisation called the Eritrean National Commission for Democratic Change was set up. One of the aims of the new Commission is to bring the various elements of the Eritrean political opposition together to form a more united opposition against the Eritrean regime. **[68d]**

3.21 The United Nations News Service report, *At General Assembly, Ethiopia accuses Eritrea of spoiling peace efforts in Somalia*, dated 29 September 2010, stated:

"Ethiopia today [29 September 2010] accused Eritrea of continuing to undermine efforts to restore peace and stability in Somalia by arming insurgents battling the transitional Government in Mogadishu and urged the Security Council to strictly enforce existing sanctions against Eritrea.

"'Despite the sanctions, Eritrea is still the principal architect of the complicated situation in Somalia by training, arming and nurturing the extremist elements such as Al Shabaab and Hisbul Islam who are causing havoc in the country today,' Ethiopia's Foreign Minister Seyoum Mesfin said in his statement to the General Assembly's high-level debate.

"In a resolution in January last year [2009], the Council imposed an arms embargo on Eritrea and a travel ban and an assets freeze on Eritrean political and military leaders who violated the embargo or provided support to armed opposition groups destabilizing Somalia.

"The resolution followed a request by the regional Intergovernmental Authority on Development (IGAD) and the African Union (AU) for the Council to take such action.

"'The time, therefore, is long overdue for the Security Council to take resolute action and see to it that its decisions are complied with if we are to maintain the integrity of the decisions of our organizations,' Mr. Mesfin said." **[54a]**

3.22 The *Sudan Tribune* report, dated 17 December 2010, *AU Panel urges new approach to settle Ethiopia-Eritrea border dispute*, stated that the African Union's Panel of the Wise, at its 9th assembly in Algiers had urged a "launch for a new and binding peace process to resolve the long-standing border row between Ethiopia and Eritrea." The *Sudan Tribune* report explained that the "…African Union's Panel of the Wise held from

December 12-14 expressed concerns over the stalled border crises saying a lasting solution was needed. The panel urged the chairperson of the commission to envisage useful initiatives to help the countries resolve the outstanding issues and work towards the normalization of relations." **[57b]**

For more recent news reports on Eritrea, refer to the following weblinks: BBC News; Reuters; All Africa; Afrol News, and Africa Online.

See also Latest news

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4. RECENT DEVELOPMENTS (APRIL 2011 TO AUGUST 2011)

This section covers the period April 2011 to August 2011 and provides a selection of incidents as reported by a number of sources. This section is organised thematically and then chronologically, from the oldest to most recent events.

For further information generally, see the following links:

AlertNet (Thomson Reuters)
http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
All Africa http://allafrica.com/eritrea/
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Reuters http://www.reuters.com/
Voice of America (VoA) News http://www.voanews.com/english/news/

See also Latest news, where there is a fuller list of useful sources to consult for updates on developments in Eritrea.

PROTESTS IN ETHIOPIA

4.01 The *Sudan Tribune* report, *Eritreans demonstrate in Ethiopia against Asmara government*, dated 22 April 2011, stated that thousands of Eritreans living in Ethiopia took part in public demonstrations in various locations in Ethiopia, including refugee camps and Addis Ababa, the capital city. The protesters called for international pressure to bring down the regime of Isaias Afewerki [President of Eritrea]. The report stated that 60,000 Eritreans live in Ethiopia. The report also stated that the demonstrations followed accusations made by the Ethiopian government that Eritrea has been responsible for terrorist attacks. **[57d]**

4.02 The Eritrean Ministry of Information (Shabait) reported on 24 May 2011 (Eritrean Independence Day) that many Eritreans in Eritrea and abroad had celebrated the country's Eritrean Independence Day with a "strong sense of patriotism and pride." **[46d]**. The *Sudan Tribune* newspaper report, *Exiled Eritreans demonstrate against Asmara regime in Ethiopia*, dated 25 May 2011, however, reported that Eritreans living in Ethiopia organised demonstrations against the Eritrean government, with hundreds of Eritreans taking part in a demonstration in Addis Ababa. They denounced the current

Eritrean regime and called for more United Nations sanctions to be imposed on the Eritrean government. The report added that, according to the organisers, similar demonstrations were being held in other countries throughout the world. **[57a]**

INTERNATIONAL RELATIONS

4.03 The *Sudan Tribune* report, *Ethiopia to step-up support to Eritrean rebels*, dated 16 April 2011, stated that:

"Ethiopia on Friday declared that it will increase its support to Eritrean rebel groups in their struggle to topple the regime of Issaias Afeworki.

"'In light of Eritrea's continuing nefarious campaigns', Ethiopia has given up on 'the passive approach it has pursued in the past in dealing with the Eritrean regime in Asmara', thus 'decided to carry out a more active policy, taking measured action against Eritrea's activities', the Ministry of Foreign Affairs said in its weekly press release published on Friday [15 April 2011].

"Last week, Addis Ababa threatened it might be forced to take military action against the Red Sea nation accusing it of continuous 'terrorist acts' and attempts to destabilize Ethiopia.

"The latest statement said: 'No act of aggression by the government of President Isaias will be left unanswered'.

"Ethiopia has given refuge to a number of Eritrean resistance groups including Eritrean Democratic Alliance (EDA), a coalition of some nine political organizations.

"The Horn of Africa country hosts over 50,000 Eritrean refugees who fled home in protest to the current rule. Many of these refugees join Eritrean resistance groups in Ethiopia.

"Ethiopia has been providing political support to the Eritrean political groups and it says now the support to the opposition groups will be strengthened further." **[57e]**

4.04 The Economist Intelligence Unit *Eritrea Country Report*, dated 1 May 2011, reported that:

"The belligerent rhetoric that has characterised the bitter relationship between Ethiopia and Eritrea over the past ten years has been intensified in recent months. In an address to the Ethiopian parliament on April 5th [2011], broadcast live by state-run Ethiopian television, the Ethiopian prime minister, Meles Zenawi, vowed that his government would 'facilitate regime change' in Eritrea by helping the Eritrean people to rise up against the government, and would respond to Eritrean-backed terrorist attacks with 'appropriate' force, although he ruled out a military invasion. Meles also accused Eritrea of being a 'militia force' for Egypt, implementing Egyptian efforts to 'hinder' Ethiopian development projects along the River Nile. Meles said that his government had been forced to change its policy on Eritrea because Eritrea was attempting to destabilise Ethiopia by targeting public places in order to make the Ethiopian capital, Addis Ababa, 'another Baghdad'.

"Meles's comments came after a spokesman for the Ethiopian foreign ministry, Dina Mufti, accused Eritrea of attempting to carry out attacks inside Ethiopia during an African Union summit in Addis Ababa in February [2011]. The previous month, seven alleged militants had been arrested by the Ethiopian security forces for intending to attack Ethiopian targets under orders from the Eritrean government. Indeed, one of the seven confessed to being trained and armed by the Eritrean regime. Mr Dina said that Ethiopia was asking the international community to put pressure on Eritrea to refrain from such activities, and also that Ethiopia would take 'all measures necessary' to defend itself. Earlier in March [2011] Meles told local media that his administration would work towards changing either 'Eritrea's policies or its government', which could be done 'diplomatically, politically or through other means'. Reacting to these statements, in a letter to the UN Security Council (UNSC) dated March 25th, Eritrea's ambassador to the UN, Araya Desta, urged its members to 'deal urgently' with Ethiopia's 'reckless threat to use force' against Eritrea." **[80b]**

4.05 The Tesfa News (Eritrean news website) report, *Entry Visas Abolished between Sudan and Eritrea,* dated 11 May 2011, stated that:

"Sudan and Eritrea have agreed to open their common borders to facilitate passage between the two countries through ID cards without the need for entry visas.

"In addition, the two countries have agreed to facilitate goods and commodities traffic, without restrictions, organize inter trade and remove all border crossing points that hinder movement of citizens of the two countries.

"Eritrean President, Isaias Afewerki, said the close relations between Sudan and Eritrea has prompted governments of the two countries to work for facilitating natural movement of the peoples of the two countries…The Minister of Interior said the visit by the Sudanese delegation to Eritrea comes by within the directives of *President Omer Al Bashir* who has directed for the removal of all obstacles that hinder smooth traffic between the two countries." **[43]**

NARBO VOLCANIC ERUPTION

4.06 The *Sudan Tribune* report, *Eritrean opposition asks for international support as volcano kills seven*, dated 22 June 2011, stated that:

"An exiled Eritrean opposition group on Wednesday [22 June 2011] called on the international community to immediately act to provide urgent assistance to the thousands of Eritreans it said are affected by the Narbo volcano that erupted over a week ago in the country's south.

"After over a week-long silence, Eritrean state television last night confirmed the causalities after the Red Sea Afar rebels released a statement on their website regarding the deaths and damage the volcano had caused…The Addis Ababa-based Red Sea Afar Democratic Organization (RSADO) said the volcanic eruption has killed at least seven people, injured many others and displaced thousands of people." **[57f]**

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5. CONSTITUTION

5.01 The United States State Department *Background Note on Eritrea* (updated 9 March 2011), noted that the constitution of Eritrea was ratified on 24 May 1997 but has not yet been implemented. **[3a]**. The Constitutionnet.org website stated that the Eritrean Constitution guarantees fundamental human rights such as the right to life, liberty, freedom of movement, freedom of religion, freedom of speech, right to vote in elections, and right to a fair trial. Under the constitution, "all persons are equal before the law" and "no person may be discriminated against on account of race, ethnic origin, language, colour, sex, religion, disability, political belief or opinion, or social or economic status or any other factors." The constitution also contains provisions relating to how the executive, legislature, and judiciary are organised and function. National unity, participation in national service and patriotism in general is emphasised. **[41]**

Link to Eritrean constitution:
http://www.constitutionnet.org/files/Eritrea%20Constitution.pdf

See also Political system and Judiciary

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6. POLITICAL SYSTEM

6.01 The United States State Department *Background Note on Eritrea*, published on 9 March 2011, stated that:

"The present government structure includes legislative, executive, and judicial bodies. The legislature, the Transitional National Assembly, comprises 75 members of the PFDJ [People's Front for Democracy and Justice] and 75 additional popularly elected members. The Transitional National Assembly is the highest legal power in the government until the establishment of a democratic, constitutional government. The legislature sets the internal and external policies of the government, regulates implementation of those policies, approves the budget, and elects the president of the country. The president nominates individuals to head the various ministries, authorities, commissions, and offices, and the Transitional National Assembly ratifies those nominations. The cabinet is the country's executive branch. It is composed of 17 ministers and chaired by the president. It implements policies, regulations, and laws and is accountable to the Transitional National Assembly. The ministries are agriculture; defense; education; energy and mines; finance; fisheries; foreign affairs; health; information; labor and human welfare; land, water, and environment; local governments; justice; public works; trade and industry; transportation and communication; and tourism." **[3a]**

6.02 The International Crisis Group report, *Eritrea: The Siege State*, published on 21 September 2010, provided a detailed analysis of the political system:

"The PFDJ is the sole legal political movement and has dominated public and private life. At first glance, there is no distinction between party and state. However, the party is only one element of an amorphous apparatus centred on the president's office. The PFDJ funded the war effort, as the government lacked resources. The party rather than government ministries inherited the EPLF [Eritrean People's Liberation Front] legacy

and its financial and moral capital, but it is only as important as the president allows at any given time. Since independence, and especially since 2001, his favour has alternated between the party and the army. Creating rivalry between the two institutions for Isaias's favour is one of the strategies deployed by the Office of the President to maintain its importance.

"EPLF/PFDJ members dominate state institutions. From the early 1990s, all the main ministries - defence, interior, education, health, labour - have been headed by leading ex-fighters. Many of the lower rungs in the administrative structure have likewise been occupied by tegadelay ["EPLF fighter" (Tigrinyan)]. Posts were reserved for ex-fighters, and only exceptionally - notably in the banking sector - were key figures brought in who had not seen combat. It was axiomatic that there was no job - technical, commercial or administrative - that an ex-fighter could not do. This created a gulf between ex-combatants and everyone else, for whom there were relatively few opportunities. An independent, professional civil service is virtually non-existent, and those who work in the lower levels of an increasingly stultifying bureaucracy are demoralised, underpaid and inadequately trained. Civilians predominate in only a few areas, such as teaching. The university was led by a nonfighter between the mid-1990s and early 2000s and for a time was harnessed to the nation-building process, but as a key institution that is potentially a seedbed for alternative views, it has never been trusted.

"Even before the crackdown, the president frequently rotated ministers. Individuals who were out of favour were sidelined in largely meaningless posts. Today, those who criticise or question presidential edicts are 'frozen' from their posts for lengthy periods, permitted to do little but collect their salaries and not much else. Few of the early leaders remain in high public office, and the country is mostly run by second- or even third-tier revolutionaries or close associates of the president. Moreover, there is often duplication of responsibilities, with the president creating what are in effect shadow ministries; run by people who report to him directly, while the official ministry is left to compete for attention. Isaias increasingly appoints malleable individuals who lack a sense of direction or even discernible abilities but are eager to do his bidding." **[18] (page 8)**

6.03 The Freedom House *Worst of the Worst 2011* report, published in May 2011, stated that:

"The political system remained frozen in 2010, with no plans for national elections, despite seventeen years of independence and ten years of tense peace with Ethiopia… Eritrea is not an electoral democracy. The only legal political party, the Popular Front for Democracy and Justice, maintains complete dominance over the country's political life and has become harshly authoritarian since the end of the war with Ethiopia. The constitution provides for an elected legislature that would choose the president from among its members from a majority vote." **[9c]**

6.04 Although no national elections have taken place since independence, local and regional elections have been organised. Europa World Plus, undated, accessed on 4 February 2011, noted that regional assembly elections took place in May 2004. A total of 92 per cent of those registered to vote voted in these elections. **[24] (Eritrea - Domestic Political Affairs)**. The Freedom House *Countries at the Crossroads 2007* report, published in September 2007, stated that:

"Over the past decade and a half, Eritrea has conducted regional and local elections with balloting open to men and women of all religious and ethnic backgrounds, but no forms of new political organization, such as independent parties or caucuses within the PFDJ, have been permitted. All voting for local public office has been conducted in town meeting-style sessions presided over by PFDJ cadres. Campaigns are not permitted, as there are no legal organizations to put them together, apart from those run by the government. Individuals are not allowed to set up organized political operations during PFDJ-run elections. Public discussion prior to elections is centered on the character of the candidates and their loyalty to the ruling party. There is no debate over policy options or initiatives in public forums and no outlet for new proposals or critiques of existing policies…as there are no legal parties in Eritrea apart from the PFDJ, and as there have been no national elections of any kind, no rotation of power has been or is likely to be possible." **[9b]**

See also Political affiliation; Women - political rights; Constitution

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Human Rights

7. INTRODUCTION

7.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"Human rights abuses included abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders; harsh and life-threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement on privacy rights. National service obligations are effectively open-ended although the government does not acknowledge this circumstance. There is no due process and persons remain in jail for years. The government severely restricted freedoms of speech, press, assembly, association, and religion. The government also limited freedom of movement and travel for citizens, foreign residents, the UN, humanitarian and development agencies; it harassed and tightly controlled the movements of foreign diplomats…restrictions continued on the activities of national and international nongovernmental organizations (INGOs). Female genital mutilation (FGM), although prevalent in rural areas, declined significantly in urban areas, according to trusted sources. Societal abuse and discrimination against women, members of the Kunama ethnic group, gays and lesbians, members of certain religious groups, persons with disabilities, and persons with HIV/AIDS remained areas of concern. There were limitations on worker rights, and the government was party to forced labor on its citizenry. Children were engaged in forced labor." **[3b] (Introduction)**

7.02 The Human Rights Watch *World Report 2011: Eritrea*, published on 24 January 2011, summarised the human rights situation in Eritrea:

"By any measure, the unelected government of President Afewerki is oppressive. It allows no space for individual autonomy in any sphere - political, economic, or religious. Arbitrary arrests, torture, and forced labor are rampant. Rule by fiat is the norm. The Eritrean government refuses to implement a constitution approved in 1997 containing civil and human rights provisions. Many Eritreans conclude that they can avoid oppression only by fleeing the country at risk to their lives.

"Thousands of Eritreans are incarcerated without charge, trial, or opportunity to appeal. They are denied access to lawyers or family. The government release no information about numbers of prisoners, their places of confinement, whether they remain alive, or why they are being held. Many detainees simply 'disappear'." **[29b] (p1)**

7.03 The International Crisis Group report, *Eritrea: The Siege State*, published on 21 September 2010, provided an analysis of the general human rights situation:

"Eritrea can aptly be described as a prison state, without rule of law or independent judiciary and where the legal process is routinely ignored, and internal security is ever more oppressive and ubiquitous. The government has long demonstrated a cavalier attitude toward the law, including the safeguards critical to protection of civil society. From the early 1990s, the police were deliberately given excessive power, with no checks or monitors to curb them. State security targets suspect groups with relative

28 The main text of this COI Report contains the most up to date publicly available information as at 14 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 17 August 2011.

impunity. One is Jehovah's Witnesses, whose members refused to acknowledge the earthly kingdom being created by the EPLF, so did not participate in the 1993 referendum and refuse national service. To the EPLF, this renders them non-citizens and a legitimate target. The legal system functions primarily to bring dissenters to heel, without a formal legal code. Judges are not independent and are closely monitored. Moreover, the legal profession, like the enfeebled civil service, suffers from a chronic lack of skills and training…the government has become extremely suspicious of the outside world and paranoid about any Eritrean associated with 'external influences' and not fully committed to the 'national cause'. Enemies of the state and 'non-citizens' are seen to come in many guises. In addition to that of the Jehovah's Witnesses, the persecution of Pentecostal Christians has escalated dramatically in recent years. Internal security forces monitor, harass and routinely detain those identified as practising 'illegal' faiths. The state recognises as legal faiths only the Lutheran Church, Orthodox Christianity, Roman Catholicism and Islam. All others are regarded as dangerous, unpatriotic and 'foreign'. Muslims belonging to new, unrecognised groups are likewise targeted, as are followers of the Bahai faith.

"Others who are jailed include, failed asylum seekers, businessmen and merchants suspected of hoarding goods or otherwise engaging in black market activities, journalists who have been critical or are suspected of being potential critics and a range of political dissidents, real or imagined, including those who in 2000-2002 expressed misgivings about the government. Draft evaders and deserters have swollen jails more than any other single category. There is deep and widespread fear of the security forces, and contrary political thoughts are rarely, if ever, voiced in public, and then only in hushed tones." **[18] (pages 11-12)**

7.04 The Economist Intelligence Unit's (EIU) *Democracy index 2010: Democracy in retreat* report, published in 2010, stated that the EIU's 2010 democracy index ranks Eritrea 152 out of 167 countries and places it among the 50 countries categorised as "authoritarian" regimes. Eritrea's overall score in the democracy index was 2.31 out of 10. The Index of Democracy is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation, and democratic political culture. **[80a].**

The *Democracy index 2010: Democracy in retreat* report, containing the full index and detailed methodology used, can be downloaded from this weblink: http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf. **[80a]**

7.05 The Foreign and Commonwealth Office (United Kingdom) *Human Rights and Democracy: The 2010 Foreign and Commonwealth Office report*, published in March 2011, noted how difficult it is to obtain information about the human rights situation in Eritrea:

"Addressing human rights issues in Eritrea is very difficult. There are serious obstacles to obtaining reliable information from inside the country: there are no independent journalists in Eritrea; foreign diplomats require travel permits to travel outside Asmara, which are often refused; and the Ministry of Information tightly controls access to information and will not engage with foreign embassies or international bodies unless approved at a very senior level. The Eritrean government frequently claims that reports on Eritrea's human rights situation are outdated or inaccurate. We [Foreign and Commonwealth Office] have called on the Eritrean government to allow access to the

country and to the people of Eritrea by journalists, human rights groups and foreign embassies to ensure accurate reporting. The Eritrean government has consistently refused these requests." **[10b] (pages 194-195)**

For information about specific human rights issues, see Human rights violations by government forces; Freedom of movement; Freedom of speech and media; Freedom of religion; Freedom of political expression; Freedom of association and assembly; Prison and detention centre conditions; Women; Children

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8. SECURITY FORCES

POLICE

8.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that the:

"Police were officially responsible for maintaining internal security, and the army was responsible for external security; however, the government could call on the armed forces, the reserves, and demobilized soldiers to meet either domestic or 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 the authority to arrest and detain civilians. Generally [the] police did not have a role in cases involving national security, but they were heavily involved in rounding up individuals evading national service." **[3b] (section 1d)**

See also Human rights violations by government forces

ARMED FORCES

8.02 The Central Intelligence Agency's (CIA) *World Factbook* section on Eritrea (14 July 2011 version), stated that of the estimated 2.7 million military service reservists and military conscripts, around 1.8 million were fit for military service. **[1]**. The Eritrea section of Europa World Plus, undated, accessed on 4 February 2011, stated that "…as assessed at November 2009, Eritrea's active armed forces included an army of about 200,000, a navy of 1,400 and an air force of about 350; reserve forces numbered 120,000." **[24] (Government and Politics)**

8.03 The Armed Forces section of Jane's *Sentinel Country Risk Assessments* (26 January 2010 version), Eritrea, provided the following information about the armed forces:

"The [Eritrean] armed forces appear to have successfully transformed themselves from a guerrilla army into one that is fully capable of fighting a conventional war but the pressure on society, economy and political freedom entailed is likely to be prohibitive in the medium term.

"In terms of capabilities, the Eritrean military remains overwhelmingly a light infantry force with little in the way of armoured, mechanised or artillery support. Development of the air force has aimed to overcome the strategic limitations of a largely conscript army as well as to match the expansion of Ethiopia's capabilities, which remain comparable

and broadly constrained by the same factors. With no naval dimension to the conflict with Ethiopia, the development of Eritrea's small navy has stalled, although it may still be considered a competent paramilitary force in the coast guard role…President Isaias Afewerki is the commander in chief of the Eritrean Defence Force (EDF), which consists of an army, air force and navy. Eritrea has one of the biggest land armies in sub-Saharan Africa, with conscription strictly enforced. By comparison with the army, the air force and navy deploy modest numbers of personnel. The commander in chief exercises control through a small number of trusted, long-serving associates who occupy key posts in the defence area. The key senior personnel are the minister of defence, the commanders of the five Military Operation Zones (MOZs), and the commanders of the air force and navy. During the 1990s it was understood that there was a chief of general staff overseeing a land forces commander, an air force commander and a navy commander. In more recent years the army has been organised on the basis of the five MOZs". **[7a]**

See also National service

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HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

Arbitrary arrest and detention

8.04 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that:

"The law stipulates that detainees must be brought before a judge within 48 hours of their arrest and may not be held more than 28 days without being charged with a crime. In practice [the] authorities detained suspects for much longer periods without being brought before a judge, charged with a crime, or in some cases even understanding the reason for their detention. Some detainees, who were not given a right to due process, were still in prison after a decade, and others have died while in detention. The government has argued that those detained without charge can be assumed to be charged under national security grounds…Incommunicado detention was widespread, although detainees in police stations generally had access to legal representation and family members. Authorities provided indigent detainees with counsel on an irregular basis. There was a functioning bail system, except for persons charged with national security crimes or crimes that could carry the death penalty." **[3b] (section 1d)**

8.05 The same source further stated that: "Security force personnel detained individuals for evading national service and for other unspecified national security charges. Numerous detainees were arrested, even if they had valid papers showing that they had completed or were exempt from national service. In practice most detainees were informally charged with issues relating to national service, effectively allowing authorities to incarcerate citizens indefinitely." **[3b] (section 1d)**

See also Arrest and detention - legal rights; Detention of national service conscripts

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Torture

8.06 The Amnesty International *Annual Report 2011: The state of the world's human rights,* covering events in 2010, published on 13 May 2011, stated that: "The use of torture in detention facilities was widespread. Detainees, including prisoners of conscience, were often tortured and ill-treated. The most frequent forms of torture reported were whippings, beatings and being tied with ropes in painful positions for prolonged periods." **[6b]**

See Prison and detention centre conditions

8.07 The Human Rights Watch (HRW) *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated: "According to eyewitness accounts gathered by Human Rights Watch, torture and cruel, inhuman, and degrading treatment or punishment by military officers and commanders are systematic and 'normal'...in Eritrea, deaths in custody are common as a result of ill-treatment, torture, and denial of medical treatment." **[29c] (p29-30)**

8.08 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"The law and the ratified but unimplemented constitution prohibit torture. However, torture and beatings are institutionalized within prison and detention centers. There were credible reports that several military conscripts died following torture and beatings. Security forces tortured and beat army deserters, draft evaders, persons living near mining camps, persons attempting to flee the country without travel documents, and members of certain religious groups. Examples of torture and mistreatment include: prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit; the binding of hands, elbows, and feet for extended periods of time; forcing inmates to walk barefoot on sharp objects; overcrowded conditions; extreme temperature fluctuations caused by confinement in crowded and unventilated metal shipping containers in the desert; extreme temperatures and lack of sanitation resulting from detention in crowded cement-lined underground pits without ventilation or sanitation; suspension from trees with arms tied behind back, a technique known as 'almaz' (diamond); and being placed face down with hands tied to feet outside in the desert, a technique known as the 'helicopter,' while pouring sugar on detainees to attract biting insects.

"The government sanctioned these torture methods, and no known action was taken during the year [2010] to punish perpetrators of torture and abuse." **[3b] (section 1c)**

8.09 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, describes the various torture methods used on prisoners in military detention. According to the report, the names of the known different types of torture are:

'Helicopter' - the victim's hands and feet are tied together behind the back. The victim is left face down, often outside in the sun. According to former detainees, this form of torture is practiced in most of the prisons, in particular in Alla prison.

'Otto' (or 'eight') - the victim's hands are tied together behind the back, and the victim has to lie on his or her stomach. According to former detainees, this was the most

common form of torture, practiced in all the prisons, and also in Wi'a and Sawa military camps.

'Ferro' - the victim's hands are placed behind the back and the wrists are bound together with handcuffs. The victim is made to lie on his or her stomach. The victim may also be left outside in the sun. According to a former army officer, 'ferro' was often the punishment for individuals suspected of being army deserters.

'Jesus Christ' - the victim is crucified by being tied up with rope to a tree or a cross and then left to hang in that position. Sometimes the victim is also beaten while in the hung position.

'Goma' - the victim is placed in a radial truck tyre in a double-bent position for long periods of time.

'Mock drowning' - the victim's head is submerged in water as an act of 'mock drowning'.

'Beating' - according to former detainees, beatings are a common punishment and take place on a regular, often daily, basis. Beatings can occur before or after other forms of torture. **[29c] (p30-32)**

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Extra-judicial killings

8.10 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"The government continued to subject detainees to harsh and life threatening prison conditions, including torture, that resulted in deaths during the year [2010]. Additional deaths resulted from the government's continued authorization of the use of lethal force against individuals resisting or attempting to flee military service or found in prohibited regions near the border or near mining camps.

"Several persons detained for evading national service reportedly died after receiving harsh treatment by [the] security forces. There were reports that individuals were severely beaten and killed during roundups of young men and women for national service. There was a pattern of mistreating and hazing conscripts, a practice that sometimes resulted in deaths. However, no official cases were available for citation. The government continued the practice of summary executions and shooting of individuals on sight near mining camps and border regions for allegedly attempting to flee military service, interfering with mining activities, or attempting to leave the country without an exit visa." **[3b] (section 1a)**

8.11 The Oslo Centre for Peace and Human Rights 2009 report, *The Lasting Struggle for Freedom in Eritrea - Human Rights and Political Development, 1991-2009*, stated:

"There are also numerous reports of summary executions or people being tortured to death, carried out by military personnel in the many military detention camps throughout the country. Extrajudicial killings take place not only in detention centres and prisons, but also in the context of everyday life in rural and urban areas. A number of people

have been shot near the Sudanese and Ethiopian borders, allegedly for attempting to cross the border illegally. Apparently, military personnel on the border have standing orders to shoot on sight if people are attempting to flee the country. Furthermore, the government has authorised the use of lethal force against anyone resisting or attempting to flee during military searches for deserters and draft evaders in the cities; a practice that reportedly has resulted in many deaths." **[19] (p14)**

8.12 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated:

"Human Rights Watch were told by a number of sources that there is an official 'shoot-to-kill' policy in operation against all those trying to cross the border. A former officer in exile told Human Rights Watch that such an order was in effect: 'Now the law is killing people for crossing the border. The law changed one year ago'. Another more senior officer, specified: 'There was a circular. There has been such a large number of people [crossing] that there was an announcement that anyone who crosses the border will be shot.'" **[29c] (p39)**

AVENUES OF COMPLAINT

8.13 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that during 2010: "There were reports that [the] police demanded bribes to release detainees and that military forces accepted money to smuggle citizens from the country. There were no mechanisms to address allegations of official abuse, and impunity was a problem." **[3b] (section 4)**

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9. NATIONAL SERVICE

The information in this section has been obtained from a number of sources, some of which give differing information about national service and how it is implemented in practice. For example, sources differ on what age national service starts and ends for men and women. As a result, it is not possible to be definitive about how the legislation governing national service and the other aspects of national service are implemented in practice.

GENERAL BACKGROUND

9.01 A German Institute of Global and Area Studies (GIGA) academic paper about the national service programme by Nicole Hirt, dated January 2010 (GIGA paper 2010), stated:

"In November 1991 the provisional government of Eritrea, formerly the Eritrea People's Liberation Front (EPLF), introduced a mandatory national service (Proclamation 18/1991) for all Eritreans, male and female, aged 18 to 40. Initially, this service included six months of military training and 12 months of work on reconstruction and development projects. One important aim of the national service is 'to serve as an instrument for socializing Eritrean youth into the values and characteristics of the EPLF'. Although there has not been much enthusiasm for the program since its beginning, it was initially accepted as a national duty. In early 1998, a few months before the war with Ethiopia started, a national development campaign was announced

and all those who had finished their national service were remobilized. When the war started, they were directly integrated into their specific army positions. Since the end of the war in 2000 there has been no significant demobilization of the army, which consists of more than 350,000 people, while every year new rounds of young men and women have been drafted.

"In summer 2002 the government announced the so-called Warsay Yikealo Development Campaign [WYDC]. The younger generation is referred to as warsay, meaning 'inheritor' or 'follower,' While yikealo denotes a wise elderly person, a term the government uses explicitly for the fighter generation. The younger generation is supposed to follow in the footsteps of the former fighters by internalizing and practicing the values of self-sacrifice, hard work and dedication to the Eritrean nation in the form of unlimited and unpaid service. The introduction of the WYDC meant de facto that the national service was no longer limited to 18 months (as a matter of fact, all those remobilized in 1998 had already spent years in the military) but rather became open-ended." **[67]**

9.02 The International Crisis Group report, *Eritrea: The Siege State*, published on 21 September 2010, also provided background information about the national service programme:

"Eritrea is a highly militarised society shaped by war, run by warriors and in which citizenship has come to be equated with indefinite national service - associated not with rights but with obligations. The ethos of the armed struggle permeates all aspects of public life, and the country has proved unable, as yet, to escape its violent past. Immediately after independence, the EPLF [Eritrean People's Liberation Front] created a system of national service, the core component of which was military, centred on the training camp at Sawa, where it sought to inculcate the next generation with the culture and spirit of the liberation struggle. Sawa was conceived as the foundation stone of the nation-building process. Initially, it was a potentially constructive arrangement: all men and women between the ages of eighteen and 50 were to undergo six months of military training, followed by twelve months either of active duty deployment or developmental work.

"Several such rounds were completed between 1993 and 1998. However, the war with Ethiopia brought a fundamental change, as the national service commitment became, in effect, indefinite. Young Eritreans were swiftly absorbed into a military machine with little prospect of eventual demobilisation or even appropriate levels of leave. In 2002, this was formalised by the creation of the Warsai Yikalo ["those who follow the powerful"] development campaign, which amounted to the institutionalisation of the liberation struggle on a massive scale. Today hundreds of thousands are trapped in the system, since despite commitments made after the 2000 ceasefire, the demobilisation program is largely suspended. The small groups which have been released from time to time are often composed of those who are chronically ill, and their numbers are swiftly replaced by new recruits caught in periodic round-ups.

"The government's position is that national service is necessary for nation-building, to imbue younger people with a sense of loyalty, discipline and patriotism and to break down regional, ethnic and religious barriers. It defends the prominent role of the military, arguing that Eritrea is surrounded by enemies, so cannot afford to let down its guard." **[18] (pages 9-10)**

9.03 The Eritrea section (29 June 2009 update) of the *War Resisters International* website, accessed on 13 January 2011, provided the following information:

"In 1991 the provisional government of Eritrea introduced compulsory national service, including military service (Decree no. 11/1991 of 6 November 1991). However, until May 1994, the 1991 decree was not implemented.

"After officially achieving independence from Ethiopia in 1993, the 1991 Decree was initially revised (Decree 71/1995), but later replaced with the 23 October 1995 Decree on national service [Proclamation No 82/1995]." **[64]**

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NATIONAL SERVICE PROCLAMATION 82/1995

9.04 The National Service Proclamation No 82/1995 issued by the Eritrean Government on 23 October 1995 sets out the national service requirements in full. Article 2 of the Proclamation stated that: "'National Service' will mean the general service that a citizen will give in active national service and in reserve military service, under the present proclamation…'Active National Service' will mean the training and service that a citizen [referred to as a "Trainee"] fit for national service under Article 8 of this proclamation will undergo for 18 months". **[13] (National Service Proclamation of 23 October 1995)**

9.05 Article 6 of the National Service Proclamation states that: "…any Eritrean citizen from 18 to 50 years of age has the obligation of carrying out national service." Article 8 of the Proclamation states that: "…all Eritrean citizens from the age of 18 to 40 years have the compulsory duty of performing Active National Service. Active National Service consists of six months of training in the National Service Training Center and 12 months of active military service and development tasks in military forces for a total of 18 months." The use of the term "active national service" in the National Service Proclamation refers to military training and national service duties but does not include reserve military service. **[13] (National Service Proclamation of 23 October 1995)**

9.06 Article 9 states that "…any Eritrean citizen from the age of 18 to 40 years called upon to undertake active national service has the compulsory duty of undertaking military training for six months in the National Service Military Training Center". Article 13 (i) adds that anyone declared unfit for military training may be obliged to undertake 18 months of active national service in "any public and Government organ according to their capacity and profession." **[13] (National Service Proclamation of 23 October 1995)**

9.07 Article 11 of the National Service Proclamation states that citizens have to register at a registration centre for national service when called upon to do so by the Ministry of Defence. Youths who are 17 years old are expected to register for national service at a registration centre without being formally instructed to by the Ministry of Defence. **[13] (National Service Proclamation of 23 October 1995)**

9.08 Article 12 of the National Service Proclamation covers the categories of people who are exempt from "Active National Service", and these are:

"(1) The citizens who have performed National Service before the promulgation of this proclamation;

"(2) All Fighters and Armed peasants who have proved to have spent all their time in the liberation struggle;" **[13] (National Service Proclamation of 23 October 1995)**

9.09 Article 13 of the National Service Proclamation covers individuals who are unfit for military service and states that:

"(1) Those citizens who have been declared unfit for military [service] by the Board composed of the Ministry of Regional Administration of other Government Organs under the directives given by the Ministry of Defence will undertake 18 months of National Service in any public and Government organ according to their capacity and profession.

"(2) After completing 18 months of service they will have the compulsory duty of serving according to their capacity until the expiry of 50 years of age under mobilization or emergency situation directives given by the Government." **[13] (National Service Proclamation of 23 October 1995)**

See Exemption on medical grounds

9.10 Article 14 of the National Service Proclamation covers exemptions that are only valid for a limited period, and mainly affects students. Article 15 of the Proclamation deals with medical exemptions and states that individuals who are disabled, blind or suffer from psychological derangement, can be given official exemption from all types of national service - not just military service. Article 16 of the Proclamation states that the Ministry of Defence decides what type of national service individuals have to complete. **[13] (National Service Proclamation of 23 October 1995)**

See Exemption on medical grounds

9.11 Article 17 sets out the regulations that relate to exit from the country when either being eligible for the draft or performing national service. According to this Article, an Eritrean citizen eligible for national service may travel abroad "upon giving evidence that he is exempted from National Service or that he has completed his service by producing a Certificate of Service" or, alternatively, by "producing a registration card and entering into a bond of 60,000 Birr as security that he will return to resume his duty when called upon to do so." Article 18 of the Proclamation states that the Ministry of Defence has the responsibility to resolve problems individuals may have with the length and nature of national service they have to undergo. **[13] (National Service Proclamation of 23 October 1995)**

See Demobilisation

9.12 Article 21(1) of the National Service Proclamation stated that "during a mobilization or war period anyone in Active National Service is under the obligation of remaining even beyond the prescribed period unless the concerned Authority allows him to leave officially." **[13] (National Service Proclamation of 23 October 1995)**

9.13 Article 22 of the National Service Proclamation provides details of the rights and privileges of the individuals in national service. These include food, lodging, transport, uniform, medical services, and payment. Individuals who have completed active national service have the right to return to their previous employment - whether this is in the public sector or private sector.

9.14 Articles 23 to 32 of the National Service Proclamation deals with service in the reserve army. Article 23 states that:

"1) -The citizen[s] mentioned below are subject to compulsory service in [the] reserve Army:

- Anyone that has completed active National Service;

- Anyone that was rehabilitated because he had joined the Armed Struggle; Fighters and militia in civil life.

- Former fighters working in private, public and government work;

- Citizens who have been discharged from the army or Police.

2) -The citizens mentioned in Sub-Art. (1) of this article have the compulsory duty of service until the age of 50." **[13] (National Service Proclamation of 23 October 1995)**

9.15 Article 37 relates to the penalties for evading national service duties, including attempts to evade national service by deliberate self-inflicted injury. **[13] (National Service Proclamation of 23 October 1995)**

The full text of National Proclamation 82/1995 can be accessed using the weblink below:

http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html

See Exemptions; Penalties for evading national service; Exit and return

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NATIONAL SERVICE IN PRACTICE

9.16 The United States State Department *Trafficking in Persons Report 2011*, published on 27 June 2011, stated:

"Under the parameters set forth in the Proclamation of National Service (No. 82/1995), men aged 18 to 54 and women aged 18 to 47 are required to provide 18 months of military and non-military public works and services in any location or capacity chosen by the government. Some national service conscripts, however, are required to continue their service indefinitely, beyond the duration specified by law, with many required to serve in their positions for over 10 years under the threat of inhumane treatment, torture, or punishment of their families. There have been reports that some Eritrean conscripts are forced to build private homes for army officers, as well as to perform agricultural labor on farms and construction activities for firms owned by the state, the ruling party, senior army officers, and private investors, functions outside the scope of the proclamation. The military's four command zones reportedly undertake diversified economic activities, including trading, farming, property development, and infrastructure construction, for the enrichment of the government, the ruling party, and high-ranking army officers using conscripted labor. National service conscripts could not resign from

their jobs or take new employment and could not leave the country, as those under national service were often denied passports or exit visas." **[3d]**

9.17 The Human Rights Watch (HRW) report *Service for Life - State Repression and Indefinite Conscription in Eritrea*, published on 16 April 2009, stated:

"Although the war with Ethiopia ended in 2000, in May 2002 the government introduced the Warsai Yekalo Development Campaign (WYDC), a proclamation that indefinitely extended national service…the WYDC was a national effort in which the generation that had fought for independence would join with new recruits to build the nation. In effect, it meant the forced conscription of every adult male up to the age of 50, although some refugees claim 55 is now the upper limit, with other sources claiming up to 57 for men and 47 for women…not all national service is military service, since many conscripts are not deployed in the army but on civilian projects, or are assigned to commercial enterprises with their salary paid to the Ministry of Defence. However, the Ministry of Defence is in control of the national service program and if someone working on a construction project were to abscond they are still be [sic] regarded as a deserter under military law.

"Refugees interviewed by Human Rights Watch emphasized that there was no difference between military and civilian national service - conscripts are equally at the mercy of the state…military duties are only one of a number of different assignments that conscripts can be tasked with, although it is the most common." **[29c] (pages 43-44)**

9.18 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"Officially, the Eritrean Ministry of Defence runs the military/national service programme. However, in practice other ministries are involved in the assignment of people to national service positions in ministerial dependencies…when students finish school in the Sawa miltary/school camp, they are automatically assigned to either military service, another type of national service or further education, and are given the relevant documents to that effect at that time. Other Eritreans are forcefully brought into military/national service as a result of round-ups or house searches. Military service or national service call-up documents are not issued to these individuals and they are not informed in advance that they have to undergo military/national service…in principle, individuals have no choice about their military/national service assignment though some may be able to influence where (e.g Asmara). Individuals are generally arbitrarily transferred by their commanders or supervising officers. There are no standard rules with regard to such transfers." **[10a]**

9.19 The Human Rights Watch *World Report 2011: Eritrea*, published on 24 January 2011, stated that "…in practice, national service is routinely prolonged indefinitely. National service conscripts are paid a pittance and often used as cheap, involuntary labor on projects personally benefiting ranking civilian and military leaders. They have been used as forced labor to implement development projects." **[29b]**

9.20 The Awate report, *21st Round: 'Yimerena'lo'*, dated 13 July 2007, stated that students were sent to different military training centres, based on their examination results:

"The 21st [national service] round includes two groups: those assigned to Sawa and those assigned to WiA. The Sawa contingent left on July 4th [2007]; a day later, the WIA contingent followed suit. The difference in assignments is based on examination results: those who score 50 or higher are sent to Sawa and those who score below 50 are sent to WiA.

"Sawa military camp, which long had been a dreaded destination, has suddenly emerged as a premium choice simply because it compares favorably to WiA, an even more punishing landscape." **[27n]**

9.21 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated:

"After six months of compulsory military training, national service conscripts are deployed indefinitely in one of several possible activities. Many conscripts are simply drafted into military service and are deployed in regular military units. One refugee interviewed by Human Rights Watch was sent to work as clerk in a court in Asmara, another was sent to work as a mechanic in a civilian garage repairing trucks in Asmara. Others described working on farms or mines owned by the state or the PFDJ ruling party, or building roads and bridges. Regular military units, conscripted military personnel, and prisoners are all also engaged in similar activities - building, mining, and farming...the projects on which conscripts are deployed are not just public works for the national good. They are often sent to work on private construction projects, building houses for military leaders, and working on private farms. Human Rights Watch and Amnesty International have both previously documented the use of conscript labor for the benefit of ranking members of the military and the government…it is not just conscripts who are providing cheap labor for the benefit of military leaders. Prisoners are regularly employed and school children are made to work during their school holidays. The national program for school children is called Mahtot." **[29c] (pages 51-56)**

9.22 Students may also be required to work on national service projects which are part of a Summer Work Programme (SWP). The Eritrean Ministry of Information (Shabait) article, *Summer Work Program Effectively Undertaken in Anseba Region*, dated 23 July 2010, provided details about the SWP:

"Summer Work Program is underway in the Anseba region in an effective manner, according to Mr. Kifle Solomon, coordinator of the program.

"He explained that the activities involve the construction of embankments and terraces, digging of holes for planting tree seedlings, gardening, renovation of roads, micro-dams and water reservoirs. More than 4,000 students are taking active participation in the campaign being undertaken in 42 stations, in addition to about 166 agricultural experts and teachers…the Administrator of Debresina administrative area, Mr. Yikaalo Asgedom, on his part stressed the significance of the SWP in providing conducive ground for students to share experience and develop the culture of hard work." **[46f]**

See also Women - national service

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PAYMENT FOR NATIONAL SERVICE

9.23 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated:

"According to escaped conscripts, the normal 'allowance' during training is 50 Eritrean Nakfa per month (about US$3). After 18 months training while on national service, this is increased to 150 Nakfa a month ($9). This is the same amount paid to former soldiers recalled for service during the 1998-2000 war and still mobilized as well as for the over-50s who have been mobilized to serve in a reserve militia. Some of those conscripted prior to 1998 appear to have been incorporated into the regular army and receive salaries accordingly. Regular soldiers are paid a salary of 330 to 3,000 Nakfa ($20 to $183) depending on rank…for regular recruits on national service, 150 Nakfa does not constitute a living wage, nor is their labor given freely. Refugees interviewed by Human Rights Watch refused to refer to the money they were paid as a salary, preferring instead to call it 'pocket money'. All complained that it was insufficient to live on and completely inadequate to feed a family. Western diplomats and UN officials confirmed that making ends meet on such amounts was impossible in Eritrea." **[29c] (p52-53)**

9.24 An academic paper entitled *The Eritrean National Service: A Missed Opportunity*, by Professor Gaim Kibreab, presented to a conference of Citizens for Democratic Rights in Eritrea, held in London on 11 January 2009, stated:

"Large numbers of skilled individuals, whilst formally remaining in the army, are systematically released to work for the government and the ruling party without payment, save the pittance paid monthly. In the beginning, the agelglot [national service conscripts] received 50 Nakfa (ERN), i.e. equivalent to US $7 per month and this was later increased to ERN 150 (US $10). This was again increased to N 450 (US $22) in the mid-2002 but the value of the Eritrean currency, ERN, had by then depreciated and inflation skyrocketed so much that the increase of the allowance did not make any difference to the situation of the conscripts. With the exception of the tegadelti (ex-fighters), nearly all Eritreans working for the government and the ruling party who are between the ages of 18 and 51 have been receiving no salaries or wages since 1998, save some professionals who were issued 'demobilisation ID cards' without being demobilised who were subsequently given civilian assignment while remaining under the auspices of the NS [national service] and the WYDC [Warsay Yikealo Development Campaign]. For example, most teachers, engineers, bankers, clerks, architects, electricians, mechanics, welders, nurses, dressers, bricklayers, masons, unskilled construction and agricultural labourers, etc. within the eligibility age working for the government and the ruling party receive no wages or salaries. Not only does this represent loss of indispensable income to families but also the effect of the loss of income on demand in combination with the government's hostile policy on private enterprise have wiped out Eritrea's entrepreneurial culture." **[66]**

9.25 Regarding individuals in national service work programmes, the GIGA 2010 paper stated that:

"They receive a 'salary' of approximately 500 nakfa per month (approximately €25) and live under military discipline even when working on civil activities. Some educated persons are allowed to perform their national service in the offices of the administration, but they still do not receive payment. Thus, it is the government, the PFDJ, the mass

organizations, and the senior army officers that are the beneficiaries of the campaign. Party-owned construction firms operate mainly with national service conscripts. The four military command zones are involved in economic activities such as trading, farming, property development and infrastructure construction, all of which are based on the unpaid labor of the conscripts." **[67]**

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PENALTIES FOR EVADING NATIONAL SERVICE

Legal penalties

9.26 Article 37 (Penalties) of the National Service Proclamation 82/1995 lists a range of sanctions which exist for evading national service, and is sub-divided into four sections. Art 37(1) states that any violation of the Proclamation is punishable by two years imprisonment or a fine, or both. Art 37(2) states that avoidance of national service by deceit or self-inflicted injury is punishable by up to two years imprisonment or a fine, followed by national service. If the self-inflicted injury precludes national service, the prison term is three years. Art 37(3) states that individuals who travel abroad to avoid national service and return before they are 40 years of age must undertake national service. The penalty for individuals who return after the age of 40, but are under 50, is imprisonment for five years; and they also lose the right to employment, to own a business licence, to be issued with an exit visa, and to own land. Art 37(4) states that the punishment for deliberately delaying being registered for national service or avoiding national service by deceit or the use of obstructive methods is two years imprisonment or a fine, or both. **[13] (National Service Proclamation of 23 October 1995)**

9.27 The Oslo Centre for Peace and Human Rights report, *The Lasting Struggle for Freedom in Eritrea - Human Rights and Political Development, 1991-2009* (Oslo Centre 2009 report), published on 22 October 2009, stated:

"The legal penalty for evading conscription or assisting in it is two years' imprisonment (as per the National Service Regulations of 1995). Amnesty International reports, however, that in practice offenders are being punished by their local commanding officers without any form of trial, legal recourse or opportunity to appeal or redress. The forms of punishment may vary, but usually consist of torture and arbitrary detention for an indefinite period." **[19] (p94)**

9.28 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published 20 April 2011, stated that:

"In addition to the penalties imposed under the Proclamation on National Service, the penalties stipulated in the Eritrean Transitional Penal Code also cover military violations, including failure to enlist, or re-enlist, seeking fraudulent exemptions, desertion, absence without leave, refusal to perform military service and infliction of unfitness (injury to avoid service). The punishment ranges from six months' to 10 years' imprisonment depending on the gravity of the act. During emergencies or mobilizations, the penalties are significantly more severe. Desertion is the most severely sanctioned and entails imprisonment for up to five years. In times of mobilization or emergency this can increase from five years to life, or, in the gravest cases, the death penalty, for

desertion from a unit, post or military duties or for failure to return to them after an authorized period of absence.

"In practice, punishment for military offences is carried out extrajudicially, and has been reported to include 'shoot to kill' orders, detention for long periods often in inhumane conditions, torture and forced labour. Draft evaders/deserters are reported to be frequently subjected to torture, while conscientious objectors can face severe physical punishment as a means of forcing them to perform military service. Furthermore, extrajudicial executions are allegedly ordered by local commanders and carried out in front of military units for what are considered serious military offences." **[32b] (p11)**

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Punishment of relatives of national service evaders

9.29 The *Eritrea Daily* report, *Eritrea: Mutinying Army Units Free Over 600 Unjustly Jailed*, dated 18 December 2008, stated that mutinying Eritrean army units had freed 618 people from a prison located in the South administrative zone. The people released were the parents of children subject to military service. The report explained that:

"The parents were jailed for failing and in many cases even for simply refusing to pay an arbitrary punitive fine of 50,000 Nafka imposed on them for not disclosing the whereabouts of their children who were being sought out for conscription in the military…according to local reports, the mutinying units used military force to free the jailed parents only after prison guards declined calls to let the prisoners go free voluntarily." **[21]**

9.30 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated:

"There are strict penalties for those who try and escape national service as well as for any Eritreans who leave the country without government authorization. Families are collectively punished if their relatives flee national service, usually by being jailed or forced to pay fines…all of the deserters interviewed by Human Rights Watch were fearful for the safety of their families and anxious that they would face the crippling 50,000 Nakfa fines, detention, or some other retribution such as the denial of business permits or the forfeiting of land in lieu of a cash fine. Three former conscripts said their mothers had been imprisoned for four months, two months, and two weeks respectively because they could not afford to pay the 50,000 Nakfa fine." **[29c] (p45-46)**

9.31 The Oslo Centre 2009 report stated:

"Since 2005, thousands of mothers and fathers, sisters and brothers, of draft evaders and escapees have been arrested throughout Eritrea. For instance, reportedly around 179 women and 26 men were detained on 24 October 2005 in the highland town of Dekemhare. The targets were parents whose children had fled the country over the last several years. If a parent was not found, the eldest available brother or the closest adult relative was detained. This wave of arrests followed earlier clamp-downs in the region. Furthermore, over 500 relatives, mostly parents, of young men and women who have avoided conscription or deserted the army, were reportedly arrested and held under harsh conditions in Asmara in late 2006. As the flight of Eritrea's young men and

women today has reached about 2000 per month, the regime has reportedly ceased the practice of arresting parents or relatives of the escapees, as this would have implicated an unmanageably large share of the population of the country." **[19] (p93)**

9.32 The United States State Department *2010 Human Rights Report: Eritrea* stated:

"The government deployed military and police personnel throughout the country [in 2010], using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders. Security forces continued to detain and arrest parents and other family members of individuals who evaded national service duties or fled the country. There were reports that such parents were either fined 50,000 nakfa ($3,333) or forced to surrender their children to the government. Government officials entered households and confiscated property and livestock of draft evaders." **[3b] (section 1f)**

See Human rights violations by the security forces

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ROUND-UPS (*GIFFAS*)

9.33 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, noted that:

"Conscription is generally managed by local councils, the smallest units of local administration, sometimes referred to as kebelle, sometimes as memehidar, a general word meaning 'administration'. These council officials maintain detailed records on the individual families in their area and ensure that those of age are conscripted. But in larger towns, the police or military also try to capture evaders or deserters through ad hoc round-ups. Round-ups of the population in towns and villages - known as giffa in Tigrinya - are common and constitute a kind of modern press-ganging. Anyone of age found without the relevant documents exempting them from national service is taken to the military camps of Sawa and Wi'a for training…even aside from evaders and deserters, any civilian who forgets their identification or travel documents is at particular risk of being rounded up in a giffa and arbitrarily detained." **[29c] (pages 48-49)**

9.34 The British Embassy in Asmara, in a letter dated 11 October 2010, provided the following information, obtained from Eritrean sources:

"Occasionally, the local authorities [Kebelles] issue letters to those who have not entered into the military urging them to do so. Round-ups are normally carried out by the military…the most common form of assistance is through informing the military of any individuals who have not undertaken military training. They usually get this information through 'informants'. The Kebelles distribute call-up papers to those found in breach of the rules on military training." **[10f]**

9.35 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"It is important to note that there are no set government policies or standard procedures regarding how round-ups are organised. Military service round-ups take place usually around 4 to 5 times a year but can occur more frequently or less frequently, and usually coincide with public holidays when large numbers of people are

out and about. They can occur in various parts of Eritrea and are not confined to one particular part of it. Once rounded up, people are sent from Asmara to the Adi Abeto camp for processing and onward assignment." **[10a]**

9.36 The same source explained that conscripts are taken to the Adi Abeto camp after being rounded up, according to information obtained from Eritrean sources. **[10a]**. Information in the HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, **[29c] (p48-49)**, and an Awate report, *Eritrean regime rounds up thousands of Keren youth*, dated 12 March 2007, indicated that conscripts had been taken to other military camps. **[27o]**

9.37 The Awate report, *Back to Eritrea: Eight Million Nakfas Missing; Thousands of Youth Rounded Up*, dated 23 May 2009, stated:

"In what has become an annual ritual since 2001, Eritrean government has rounded up thousands of Eritreans, mostly the youth, from the environs of Asmara. Eyewitnesses report that many youngsters who were fleeing from the military police (MPs) were beaten cruelly to the extent of being hospitalised…the odd thing about the annual roundups is that they occur during the Eritrean tourism season (May-August) and many devoted government supporters in the Diaspora, having witnessed the cruelty of the roundups and the dire condition of their families, come back disillusioned with the government they support." **[27c]**

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AUTHORISED LEAVE

9.38 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"There are no standard rules with regard to leave. Individuals have no entitlement to leave, and cannot request it, but can be given it arbitrarily by local commanding officers. If a military commander authorises leave for an individual, documents are issued specifying where that person may travel to and for how long (usually one month maximum). We do not know whether leave papers are issued in a printed standard format or are handwritten." **[10a]**

CONSCIENTIOUS OBJECTION

9.39 The War Resisters' International *World survey of conscription and conscientious objection to military service* (Eritrea section, June 2009 update), stated that "the right to conscientious objection is not recognised", and that conscientious objectors are "detained - often indefinitely - without trial." **[64]**. The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated that the "National Service Proclamation of 1995 makes no provision for conscientious objection to military service." **[29c] (p47)**

9.40 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published on 20 April 2011, stated that: "No alternative or substitute service is available to those objecting for reasons of conscience, including members of the Jehovah's Witness

movement who cannot, in accordance with their faith, carry arms. Those who object can face extreme physical punishment as a means of forcing them to perform military service." **[32b] (p17)**

See also Jehovah's Witnesses

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STUDENTS AND CONSCRIPTION

9.41 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that:

"The government required all students who reached the final year of secondary school to attend grade 12 at the Sawa military training facility in the western section of the country. Students who did not attend this final year did not graduate and could not take examinations that determined eligibility for advanced education. The remote location of this military boarding school, security concerns, fear of abuse, and societal attitudes reportedly resulted in many female students not enrolling for their final year and attempting to leave the country. However, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades or dropped out of high school after the 11th grade to avoid forced conscription into the Sawa military education…All students spend their final year of high school at the Sawa military and educational camp in Sawa. Attendance at Sawa was compulsory and those who do not attend remain at risk of arrest. Students at Sawa were typically 18 years old or older, although a fair percentage were as young as 16 years old. The initial three months of school were spent undergoing military training. Students who received poor grades in high school had in the past been sent to the Wi'a Military Training Camp in lieu of being allowed to complete the academic year." **[3b] (section 6)**

9.42 The HRW *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated:

"The preferred method of the Eritrean government is to conscript students into national service straight from school, unless they are continuing higher education. To this end, the final year of secondary school was moved to Sawa military camp in 2003. This 12th grade takes place only in Sawa, under military authority, and incorporating military training. Although many 12th grade students are 18 years old, or less, some are older because they take longer to finish high school. Each round or intake of students incorporates 8,000 to 9,000 students.

"Once they are in the camp, however, military service effectively starts then and there. A teacher whose national service involved teaching in Sawa told Human Rights Watch, 'The students could not study. They were always being forced to leave the class for some kind of military service.' A former student said he did not even enter 12th grade but was ordered straight into national service in July 2007 even though he was less than 18 years old." **[29c] (p50)**

9.43 The military authorities have made it difficult for students to escape from Sawa or to avoid military training, as noted in the HRW Service for Life report:

"National service is deeply unpopular, especially because new recruits know that there is no prospect of it ending. Students have started escaping from Sawa camp during their 12th grade year without completing school. Escape is no mean feat, because, as described above, Sawa is in effect a huge prison. Those who made it described braving machine gun fire, barbed wire fences, and several days of walking through the desert without food and water.

"Some students, aware of their fate once they reach 12th grade have begun to deliberately fail classes so that they can remain in the lower grades. Government awareness of this practice has been to simply pull anyone of military age - 18 and above - out of school altogether, even though it is normal for some students to take extra years to finish school because they are poor or work on family farms…Wi'a is reportedly the camp where the 'not so clever' students go. If it appears that a student will not graduate [from] high school anyway, then the government will send him to Wi'a even before he has finished. One former student who was sent to Sawa explained, 'In school, if you are absent more than two weeks, you get sent to Wi'a - for whatever reason. Sawa is supposed to be for educated people. If you get kicked out of school, you are not fit for education anyway, so you go to Wi'a." **[29c] (pages 50-51)**

See Children - Child labour

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EXEMPTIONS

9.44 The British Embassy in Asmara, in a letter dated 11 October 2010, obtained the following information from Eritrean sources about exemptions:

"Normally, married women or women with young children are exempt from military service as are those registered disabled. The elderly have usually completed their national service, but if conflict ensues they could be expected to take up arms. Military commanders are able to authorise medical exemptions, with a report from a military medical officer. There are no exemptions for those from a poor background or those who have family members dependent on them through age or illness." **[10f]**

Exemption of women

9.45 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"People who are disabled or medically unfit for military/national service, and pregnant women can and have been exempted from military/national service…Married women and women with children are exempt from military/national service. Single women who become formally engaged are also exempt. Muslims and Christians are treated the same (they are given no special allowances for prayers, etc) although it is believed that Muslim women in rural areas are rarely called up. This may be due to early marriages and the fact that those communities are made up of mostly poor, subsistence-farming families." **[10a]**

See also Women - national service

Exemption on medical grounds

9.46 Article 13(1) of the Proclamation on National Service states that individuals who are deemed to be medically unfit for military service may be given non-military duties as an alternative to military service for a period of eighteen months. This will depend on the nature of the illness or disability of the individual concerned. For some individuals, this will not be possible, and they will be exempt from all types of national service. Article 15 of the Proclamation allows individuals who are disabled, blind or psychologically deranged to be exempt from national service altogether - whether this is military service or some other type of national service. **[13] (National Service Proclamation of 23 October 1995)**.

9.47 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"People who are disabled or medically unfit for military/national service, and pregnant women can and have been exempted from military/national service. To be exempted, these individuals have to be medically certified by a doctor at a military base as disabled/medically unfit…doctors produce the medical reports needed and then make a recommendation as to whether a particular individual should be exempted from military/national service. The military authorities make the decision regarding exemption and issue the relevant exemption documents." **[10a]**

9.48 The Human Rights Watch *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published in April 2009, stated:

"'Psychological derangement' (article 14, 5.1[of the National Service Proclamation]) is also a ground for exemption from military service, and this appears to be a popular way to try and evade service. Recruits who have recently been in Sawa describe a dramatic increase in the number of people in the camp showing signs of severe mental illness. Recruits describe a new disease that has sprung up among young women drafted into Sawa and Wi'a training camps, called 'lewt' and only known in the camps." **[29c] (p48)**

Exemption of religious clerics

9.49 Full-time religious clerics are not automatically exempt from national service, as noted in the International Christian Concern report, *The Dismantling of the Eritrean Orthodox Church*, dated 23 April 2008:

"The Eritrean officials are forcefully sending ministers of the Eritrean Orthodox Church to military training camps. As a consequence, Eritrean Orthodox churches throughout the country are losing their leaders.

"At the end of 2006, the Eritrean government informed churches of its decision to rescind a long-standing exemption of clerics from compulsory military service. The Roman Catholic Church in Eritrea was the only church to express vehement and public opposition to this unprecedented action. In contrast, the top leaders of the Eritrean Orthodox Church, who have been hand-picked by the government, embraced the new policy with open arms.

"Eritrean officials are now forcibly recruiting church ministers into military service on a wide scale. On March 24, 2008, Eritrean officials issued replacement identity cards to a limited number of the church's priests and deacons, exempting them from military

training. The vast majority of the church's leaders, however, who did not receive updated identity cards, are now required to go to military training camps.

"The largest Eritrean Orthodox Church in the country, St. Mary, in the capital city, Asmara, had 96 ministers, but only 10 of them were issued IDs that exempted them from military training. Similarly, in rural areas, where most Orthodox churches are located, the maximum number of priests and deacons allowed to serve in any church is 10. The rest are expected to report for military service if they are under the age of 50." **[30]**

9.50 A letter from the British Embassy in Asmara, dated 1 April 2010, containing information obtained from Eritrean sources, stated that: "Full-time religious clerics/nuns can be required to do military/national service although in previous years they have been exempt. It is believed that some churches or mosques are limited to having a minimum of serving religious members who are exempt from military/national service." **[10a]**

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DETENTION OF NATIONAL SERVICE CONCRIPTS

9.51 The Human Rights Watch *Service for Life - State Repression and Indefinite Conscription in Eritrea* report, published on 16 April 2009, stated:

"Deserting from the army or even expressing dissent over the indefinite military service is viewed as a political issue by the government. Therefore, most prisoners held for political reasons are detained without charge or trial for refusing or questioning national service or for offences punishable under military law. Even where detainees may have committed a potential crime under military law, numerous former detainees told Human Rights Watch that there was no system of military justice, that they were simply imprisoned on the orders of their commanders without any courts-martial or other procedure.

"Human Rights Watch spoke to over 40 deserters from the national service and the military who had fled the country, all of whom had been thrown in jail multiple times without due process. Their alleged offences ranged from questioning the educational curriculum to being caught in prayer meetings to being suspected of trying to leave national service.

"An officer in charge of a military prison who subsequently fled to Djibouti explained that sentencing was completely arbitrary and commanders decide how long people remain in jail…detention of conscripts who try to practice unregistered religions is common. Several people who escaped from their military service told Human Rights Watch that they were arbitrarily thrown in jail for secretly reading the Bible in Sawa camp or being caught in prayer meetings." **[29c] (pages 27-29)**

9.52 The United States State Department *2010 Human Rights Report: Eritrea* noted:

"Prison conditions remained harsh and in some cases life threatening [in 2010]…There were reports that detention center conditions for persons temporarily held for evading military service were also harsh and life threatening. During the year [2010] there were hundreds of such detainees. Draft evaders were reportedly sent to the W'ia military

camp where, typically, they were beaten. Some were held for as long as two years before being reassigned to their units. At one detention facility outside Asmara, authorities continued to hold detainees in an underground hall with no access to light or ventilation and sometimes in very crowded conditions." **[3b] (section 1c)**

See also Arbitrary arrest and detention; Arrest and detention - legal rights

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DEMOBILISATION

9.53 The Proclamation on National Service allows for demobilisation. The relevant article of the Proclamation is Article 20, which states that except for cases provided for in Article 21(1), citizens who have completed Active National Service are allowed to be discharged from duty. Also, citizens on Active National Service may be discharged before the end of the term of their Active National Service. The Ministry of Defence has the responsibility to issue citizens discharged from Active National Service with relevant certification. **[13] (National Service Proclamation of 23 October 1995)**

Weblink to the National Service Proclamation:
http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html

9.54 The Oslo Centre 2009 report stated that "since the start of the Eritrea-Ethiopian war in 1998, national service recruits have been kept in the army for an indefinite period, as no demobilisation has taken place." **[19] (p94)**

9.55 The United States State Department *Background Note on Eritrea*, published on 9 March 2011, provided detailed information about the demobilization programme:

"In 1993, Eritrea embarked on a phased program to demobilize 50%-60% of the army, which had by then shrunk to about 95,000. During the first phase of demobilization in 1993, some 26,000 soldiers - most of who enlisted after 1990 - were demobilized. The second phase of demobilization, which occurred the following year, demobilized more than 17,000 soldiers who had joined the EPLF before 1990 and in many cases had seen considerable combat experience. Many of these fighters had spent their entire adult lives in the EPLF and lacked the social, personal, and vocational skills to become competitive in the work place. As a result, they received higher compensation, more intensive training, and more psychological counseling than the first group. Special attention was given to women fighters, who made up some 30% of the EPLF's combat troops. By 1998, the army had shrunk to 47,000.

"The moves to demobilize were abruptly reversed after the outbreak of the 1998-2000 war with Ethiopia over the contested border. During the war, which is estimated to have resulted in well over 100,000 casualties on the two sides, Eritrea's armed forces expanded to close to 300,000 members, almost 10% of the population. This imposed a huge economic burden on the country. The war ended with a cessation of hostilities agreement in June 2000, followed by a peace agreement signed in December of the same year. The International Monetary Fund (IMF) estimates that the economy shrank by more than 8% in 2000, although it rebounded somewhat in 2001.

"The government has been slow to demobilize its military after the end of the conflict, although it formulated an ambitious demobilization plan with the participation of the World Bank. A pilot demobilization program involving 5,000 soldiers began in November 2001 and was to be followed immediately thereafter by a first phase in which some 65,000 soldiers would be demobilized. This was delayed repeatedly. In 2003, the government began to demobilize some of those slated for the first phase; however, the government maintains a 'national service' program, which includes most of the male population between 18-40 and the female population between 18-27." **[3a]**

9.56 The Awate report, *Colonels and Teachers: The Ravages of Militarized Education in Eritrea*, dated 14 March 2010, stated that demobilisation does not exempt individuals from national service altogether:

"A plan to demobilize 200,000 soldiers, about two-thirds of the wartime army, started only tentatively and soon stalled…instead, the government in May 2002 announced a virtual extension of the open-ended national service system by announcing a new mobilization drive termed the 'Warsai-Yikealo development campaign' (WYDC)…even those formally demobilized, provided they are still physically fit, remain members of the National Reserve Army and are frequently called up for military refresher courses or even renewed active military service or duty in the militarized work service." **[27e]**

See also Armed forces

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10. JUDICIARY

ORGANISATION

10.01 The *Lasting Struggle for Freedom in Eritrea* report, published by the Oslo Centre for Peace and Human Rights in October 2009, provided the following information about the organisation of the judiciary:

"In principle, Eritrea has three types of courts, although their separate jurisdictions may at times be blurred: civil (three levels, including community and shari'a courts), military (two levels), and the special court. Furthermore, there are indications that there exists a parallel secret system of extra-judicial sentencing of political prisoners that is not anchored in any laws or presidential decrees.

"The civil court structure in Eritrea has three levels of authority. The Community Court system was formally established in 2001 to ease the pressure on the higher courts. It has a single-judge bench system filled by elected judges who hold jurisdiction over cases relating to minor infractions of the law, involving sums of less than approximately US$7300 (110,000 nakfa). The elected judges do not have any formal legal training, but base their decisions on traditions of customary law in the area in which they serve. It is reported, however, that magistrates versed in criminal law also hear criminal cases at the level of the community courts. All decisions made by the community courts may be appealed to provincial (zoba) courts. Most people's only contact with the legal system is with the traditional community courts. As the higher levels of the Eritrean judiciary are wholly inept and politically corrupted, the importance of the customary law-based village courts as providers of justice is increasing.

"The Zoba court is generally the court of first instance. It has civil, criminal, and shari'a benches. All first instance cases are heard by a single-judge bench system, but the Zoba Court has a three-judge appellate bench that hears cases appealed from determinations made by the Labour Office on employer-employee relations. The shari'a bench adjudicates matters of personal status of followers of Islam only. Decisions rendered by any of the benches at the zoba court can be appealed to the appropriate benches at the High Court.

"The High Court, although primarily an appellate court, is the court of first instance for a significant proportion of cases involving murder, rape, and other serious felonies. It has a three-judge bench system with jurisdiction in civil, criminal and commercial cases, and shari'a benches. Eritrea also has a five-judge bench that hears final appeals in lieu of a Supreme Court. Although at the same level of all other benches in the High Court, the final appeals panel functions much as a Supreme Court does and it is the bench of last resort. The president of this bench is the President of the High Court and four other judges from the other benches at the High Court. The President of the High Court functions as Chief Justice.

"Although serving the civilian community, civil courts judges include former senior military officers with no formal legal training. Judges are routinely appointed and dismissed at the will of the government; despite the constitutional requirement that such actions are supposed to be based on the recommendations of an independent Judicial Service Commission (Articles 52 and 53 of the Constitution). Such a commission has yet to be established in the country.

"The Military Court has jurisdiction over penal cases brought against members of the armed forces in addition to crimes committed by and against the members of the armed forces. The presiding judges in the Military Court are all senior military officers. The Court is structured in two levels (higher and lower); the jurisdiction of these two levels depends on the seriousness of the offences in question. Neither level, however, affords the right of appeal to the accused. The higher level of the Military Court is part of the Eritrean High Court…the Special Court was established in 1996 by President Isaias Afwerki, in the aftermath of Eritrea's first publicly known corruption scandal in the mid 1990s, involving officials in the EPLF-owned Red Sea Trading Corporation. The statute or law for the establishment of the Special Court is not available, and no published records of its procedures or cases are available, as the court generally operates in secrecy…the judges of the Special Court are predominantly senior military officers and EPLF commanders hand-picked by the President and accountable to his office only. Their recruitment to the Court is likely to be based on personal affiliations and loyalty to the President, and their proven 'toughness' in disciplining their troops. There are no formal requirements of judicial training or competence, and many of the judges have little or no legal training whatsoever. It is not known how many 'benches' operate under the Special Court.

"The Special Court is an executive-controlled separate jurisdiction, not under the authority of the President of the High Court. The Office of the Attorney-General decides which cases are to be tried by a Special Court. The Court primarily has jurisdiction over criminal cases involving capital offences, theft, embezzlement, and corruption, and other unspecified abuses by government, and party officials. The Special Courts also issues directives to other courts regarding administrative matters…individuals arrested under the Special Court are kept in detention incommunicado, usually in a secret location, and there is no time limit on pre-trial detention. After the Court has decided

upon a case, the detainee is transferred to an official prison or one of the many detention camps scattered throughout Eritrea. All decisions passed by the court are final and binding, as there is no appellate court. However, reportedly, in rare instances, appeals made to the Office of the President have resulted in Special Courts rehearing certain cases." **[19] (pages 40-43)**

10.02 The quoted information above stated that community courts were set up in 2001 but the Shaebia report, *Community Courts Peacefully Resolve More Than Half of Cases Presented*, dated 7 November 2006, stated that:

"Since being officially established three years ago [in 2003], community courts have helped thousands of people from traveling long distances, and the magistrates elected by the people have been commended on successfully accomplishing their jobs in spite of obstacles faced.

"A community court is composed of three judges, all having the same power in voting. For documenting purposes however, at least one of the three has to be literate.

"It is to be recalled that the government launched on November 1, 2003 under Proclamation 132/2003 community courts with a two-year term of office that could formally resolve cases according to the customs and practices of the community." **[44b]**

10.03 An academic study paper by Dr. Robert Winslow, undated, accessed on 4 February 2011, published by the San Diego State University (United States) stated:

"The judicial system has three parts: civilian, military, and special courts. The civilian court system consists of village courts, subregional courts, regional courts, and the High Court, which also serves as an appellate court…under the legal system, minor infractions are brought to village courts and subregional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge; on the High Court, panels of three judges hear cases…since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, who are appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, hear civil cases. Magistrates versed in criminal law hear criminal cases. Many local issues - for example, property disputes and most petty crimes - are adjudicated by local elders according to customary law. Where both litigants are Muslims, civil cases are heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment." **[72]**

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INDEPENDENCE

10.04 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"The law and unimplemented constitution provide for an independent judiciary; however, in practice the judiciary was impotent. Judicial corruption remained a problem [in 2010]. The judicial process was influenced by patronage of former fighters who later

became judges. Executive control of the judiciary continued; the Office of the President served as a clearinghouse for citizens' petitions to the courts or acted for the courts as arbitrators or facilitators in civil matters." **[3b] (section 1e)**

FAIR TRIAL

10.05 The United States State Department *2010 Human Rights Report: Eritrea* stated that:

"The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that limited the ability of the accused persons to a speedy and fair trial, and the fate of these detainees remains unknown. The drafting into national service of many civilian court administrators, defendants, judges, lawyers, and others involved in the legal system continued to have a significant negative effect on the judiciary. While not prohibited, the government has in practice not issued licenses to lawyers seeking to enter private practice for the past four years." **[3b] (section 1e)**

See also Constitution

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11. ARREST AND DETENTION – LEGAL RIGHTS

11.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"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 [the] authorities detained suspects for much longer periods without being brought before a judge, charged with a crime, or in some cases even understanding the reason for their detention. Some detainees, who were not given a right to due process, were still in prison after a decade, and others have died 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. Authorities did not promptly inform detainees of charges against them and often changed the charges during detention. Detainees in prisons often did not have access to counsel or appear before a judge." **[3b] (section 1d)**

11.02 The Foreign and Commonwealth Office (United Kingdom) *Human Rights and Democracy: The 2010 Foreign and Commonwealth Office report*, published in March 2011, stated:

"Basic legal rights afforded by Eritrean law, including the prohibition of arbitrary and indefinite detention, are routinely violated. President Isaias confirmed this approach in May 2009 when he said publicly, in reference to the detention of Swedish-Eritrean journalist Dawit Isaac, 'We will not have any trial and he will not be released'. In August [2010], a senior government official confirmed that, in the case of Mr Isaac, 'it was a conscious decision from the government not to hold a trial'". **[10b] (page 196)**

See also Detention of national service and military service conscripts; Arbitrary arrest and detention

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12. PRISON AND DETENTION CENTRE CONDITIONS

12.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, provided the following information about prison conditions:

"Prison conditions remained harsh and in some cases life threatening [in 2010]. Severe overcrowding was common. Some prisoners were shackled in unventilated holding cells for long periods of time in extreme heat, with outside temperatures reaching 120 degrees Fahrenheit, and died due to heat exhaustion in combination with other medical conditions. There were reports that prisoners were held in underground cells or in shipping containers with little or no ventilation in extreme temperatures. The shipping containers were reportedly not large enough to allow all of those incarcerated to lie down at the same time. Other prisoners were held in cement-lined underground bunkers with no ventilation. Up to 200 prisoners were held in each bunker, and there are reports that prisoners lost consciousness from the extreme heat while in detention.

"The government does not provide adequate provisions for basic and emergency medical care in prisons and detention centres, and detainees were known to have died due to lack of medical treatment during the year [2010]. Food provided was not adequate. Potable water was generally not available, and one detainee reported going without water for several days until providing [sic] money to purchase bottled water." **[3b] (section 1c)**

12.02 The Human Rights Watch *2011 World Report*, published on 24 January 2011, stated that:

"Torture and other forms of cruel, inhuman, and degrading treatment in detention are routine. Former detainees report that detention almost always included severe beatings, often leading to permanent bodily harm. Punishments also entail mock drowning, being hung by the arms from trees, and being tied up in the sun in contorted positions for hours or days.

"Poor detention conditions often amount to torture. Many prisoners are held in unlit underground bunkers and in shipping containers with broiling daytime and freezing nighttime temperatures. A woman with deep visible scars from beatings in detention told a BBC reporter in 2010 she had been held 23 hours a day in an underground cell in 'unbearable' heat and made to walk on sharp rocks and thorns for an hour each day." **[29b] (p2)**

12.03 The Amnesty International *2011 Annual Report*, published on 13 May 2011, stated:

"Prison conditions [in 2010] were extremely harsh, with many prisoners held in overcrowded, unhygienic and damp conditions. Large numbers of detainees were held in underground cells and others were locked in metal shipping containers, many in desert locations creating extreme temperatures. Prisoners were given inadequate food and unclean drinking water. Almost no medical assistance was available. Various prisoners of conscience and political prisoners were reported to have died in detention, but most reports were not confirmed by the authorities." **[6b]**

12.04 The Foreign and Commonwealth Office (United Kingdom) *Human Rights and Democracy: The 2010 Foreign and Commonwealth Office report*, published in March 2011, stated:

"Conditions in prisons and detention centres are reported to be harsh and life-threatening…many sites are below ground where prisoners are kept in dark cells. Elsewhere, detainees are held in metal shipping containers where temperatures are believed to reach the high 40s (°C). There are reports of severe overcrowding. Former guards and detainees describe food, water and medical supplies being strictly limited or withheld. There are multiple reports of systematic torture and people dying in detention. Detainees have described a series of punishments where people are tied in painful positions, for as long as weeks at a time." **[10b] (page 196)**

12.05 As regards prison visits by NGOs and relatives of prisoners, the United States State Department *2010 Human Rights Report on Eritrea* stated: "During the year [2010] the government did not permit the International Committee of the Red Cross (ICRC) or any local human rights organizations to monitor prison conditions. Since the shutdown of the repatriation program during 2009, the government also denied the ICRC access to Ethiopian prisoners of war detained in the country." **[3b] (section 1c)**

See also Arbitrary arrest and detention

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LOCATION OF PRISONS AND DETENTION CENTRES

12.06 The Human Rights Watch *Service for Life - State Repression and Indefinite Conscription in Eritrea* report (HRW Service for Life report), published on 16 April 2009, stated:

"The total number of prisons in Eritrea is a mystery. Eritrea has a formidable network of detention facilities, some of which are well known, and others secret, some authorized, and others not…keeping track of all the detention facilities is extremely difficult because each town and administrative district in Eritrea has a jail; wherever there is a police post [there] is a cell; and each military division has its own prison. In addition, there are secret facilities about which many rumors exist, such as Eiraeiro, where members of the G15 are thought to be held…underground facilities were reported at Sawa, Track B, Mai Serwa, Haddis Ma'asker, Aderser, Alla, and Dahlak, among others. There are multiple prisons in Camp Sawa, including several underground cells." **[29c] (p34)**

12.07 The following is a list of places of detention in alphabetical order that have been mentioned in sources accessed. The list should not be regarded as a complete or comprehensive list of all the Eritrean detention facilities:

Aderser. Military camp/training centre, located 25 km from Sawa camp. **[29c] (p93)** (HRW Service for Life report, 16 April 2009).

Adi Abeto. Main prison for Asmara; also used as a processing centre to send prisoners elsewhere. Situated 10 to 15 km north east of Asmara, off the road to Keren. **[29c] (p93)** (HRW Service for Life report, 16 April 2009). An Awate report, *Eritrea's food security: theory vs practice*, dated 7 April 2008, stated:

"The two story building generally functions as a holding bin, a 'referral jail.' Nearly five hundred prisoners are held there: those who have the resources are able to buy their freedom by paying the penalty fee, which generally ends up in the pockets of a colonel or a general. Those who do not have the means are sent to other prisons, like Track B [Tract B], an underground prison or, if they are in the military, they are referred to the military units, where they serve their terms. There is no court hearing, no police case and no documentation." **[27a]**

Adi Quala or Adi Qala. Military prison. Located 40 km north of Ethiopian border, off the main road from Asmara through Mendefera. **[29c] (p93)** (HRW Service for Life report, 16 April 2009).

Agip, Asmara. The location, according to Reporters Without Borders, of eight of the nine state media journalists arrested in November 2006. "Located behind the 'Capitol' cinema and opposite the presidential palace, this complex is 'where the police take detainees to torture them before transferring them to their final destination,' a former detainee told Reporters without Borders." **[20a]** (Reporters Without Borders, *Eight state media journalists still held in police-run "Agip" centre in Asmara*, 30 November 2006).

Alla or Ala. Located 40 km from Asmara, near Dekemhare town. **[29c] (p93)** (Human Rights Watch Service for Life report, 16 April 2009).

Assab Front (aka 'Gimbar'). Military prison in Assab. **[29c] (p93)** (HRW Service for Life report, 16 April 2009).

Baharia Naval Base. Military facility in Massawa. **[29c] (p94)** (HRW Service for Life report, 16 April 2009).

Barantu. Civilian prison. **[29c] (p94)** (HRW Service for Life report, 16 April 2009).

Dahlek Kebir. Maximum security civilian prison. **[29c] (p94)** (HRW Service for Life report, April 2009). Detention and prison facilities built on the main Dahlek island in the Red Sea, with a capacity for 800 prisoners, and comprising eight large iron-sheet buildings. **[6c] (p21)** (Amnesty International - You have no right to ask, May 2004).

Duarwa. Located south of Asmara, on the road to Adi Quala before Adi Ugri. **[29c] (p94)** (Human Rights Watch Service for Life report, 16 April 2009).

Eiraeiro. Filfil-Selomuna area north of the Asmara-Massawa road. A 'secret' prison for political prisoners. It was purpose-built in 2003, receiving the G15/G11 political prisoners from Embatkala in June 2003. It is reported to be comprised of five main blocks, with two main cell blocks, and 62 rooms used as cells; the standard cell size is 3 x 3 metres. An Awate article claims there are 36 political prisoners, and names most of them, giving their cell numbers. Conditions are basic, and prisoners are chained and in solitary confinement. A total of 150 guards and staff operate the prison. The guards are heavily vetted and monitored. **[27j]** (Awate - *The obscure and tragic end of the G-15*, 31 August 2006).

Galaalo military camp. Located on the Red Sea coast. (Amnesty International - You have no right to ask, May 2004). Deaths of conscripted students were reported in August 2001. **[6c]**

Gedem prison. Located 40 km south of Massawa. It is alleged that prisoners in this prison have been used to build a naval base. **[29c] (p94)** (HRW Service for Life report, April 2009).
Ghatelay (Ghatielay). Military labour camp. Located about 40 to 45 km north west of Asmara, off main road to Massawa. **[29c] (p94)** (HRW Service for Life report, April 2009).

Haddis Ma'askar. An army prison equipped with underground cells. **[6c]** (Amnesty International - You have no right to ask, May 2004). It is located near Gyrmayka, on the Sudanese border. **[17a]** (United Nations IRIN - *Eritrea: Another journalist detained*, 7 August 2002)

Halhalas. Sub-provincial prison. Located 45 km from Asmara. Specifically for persons caught trying to cross the border. **[29c] (p94)** (HRW Service for Life report, April 2009).

Kambo Ndafurstale. Military jail located in Sanafe town. Military jail. **[29c] (p94)** (HRW Service for Life report, April 2009).

Klima. Situated near Assab. **[29c] (p94**) (HRW Service for Life report, April 2009).

Mai Edaga. Located in Decamhare town. Shipping containers were reported as being used as punishment blocks in this facility. **[6c]** (Amnesty International - You have no right to ask, May 2004).

Mai Srwa. Prison outside Asmara. Used for the detention of political prisoners and Pentecostal pastors. **[29c] (p94)** (HRW Service for Life report, April 2009).

Mai Temenei. An army prison equipped with underground cells. **[6c]** (Amnesty International - You have no right to ask, May 2004). In May 2008, the camp was mentioned as a detention centre for Ethiopian women detained circa 21 May 2008, in a facility named as "the Enda Seal (TB Center)". **[27g]** (Awate - *Eritrea's prisoners of conscience get a voice at the UN*, 22 May 2008)

Metkelabet. Military prison belonging to the 32 division, located between Massawa and Asmara. **[29c] (p94)** (HRW Service for Life report, April 2009).

Meiter. The Awate report, *How the PFDJ treats voluntary and involuntary returnees*, dated 10 July 2008, provided information about Meiter as a detention centre:

"Of all the prisons they have designed, Meiter is the most inaccessible locality so far. Anyone once taken to Meiter will never ever be able either to communicate with his kin or flee from the place. It is so far from the nearest towns and too arid that even if you are allowed to go on your own, you will come back for fear of death due to thirst. These returnees, even if allowed to meet with their family for a fraction of a second, will move to that place in due time. The PFDJ will try any means to hoodwink the public till those remaining in Libya and Egypt come back. After all of them arrive, Meiter will be full to capacity." **[27i)**

Nakhura Island. Maximum security prison; part of the Dahlak complex of prisons. **[29c] (p95)** (Human Rights Watch Service for Life report, April 2009).

Prima 1+2. Military prison. **[29c] (p95)** (Human Rights Watch Service for Life report, April 2009).

Sawa Military Training Camp. Located along Sawa River, in far western Eritrea near the border with Sudan, about 10 km south of the road midway between Sebderat and Hawashayt. **[29c] (p95)** (HRW Service for Life report, April 2009). The complex includes the prison camp of Brigade Six, comprising temporary barracks built on a hilltop to the right of the main camp. According to the testimony of an ex-prisoner, "Sawa prison is made entirely of tin material…" and thus hot in the day and cold at night. It comprises of 12 tin barrack blocks. Malnutrition, poor hygiene and lack of medical attention reported, with high levels of infections and diseases associated with poor living conditions. **[27f]** (Awate - *Testimony: ex-prisoner of Brigade Six, Sawa*, 25 April 2006).

Sembel prison. Located in Asmara. An officially designated prison for political prisoners. **[6c]** (Amnesty International - You have no right to ask, May 2004).

Tehadasso. Military prison. Shipping containers were reported as being used as punishment blocks in this facility. **[6c]** (Amnesty International - You have no right to ask, May 2004).

Tessenei. Military prison, classified as a 'rehabilitation centre'. Allegations of torture, beatings and general abuse reported in this facility. **[6c]** (Amnesty International - You have no right to ask, May 2004).

"Tract B" (also known as "Track B"). Military prison. It comprises of a former American storage facility near Asmara airport. **[6c]** (Amnesty International - You have no right to ask, May 2004). The United States State Department *2010 Human Rights Report: Eritrea*, stated that Track B was closed in 2010, and its prisoners were transferred to other prisons and detention centres. **[3b] (section 1c)**

Tsererat. Military prison. "Mainly for EPLF veterans, held in underground cells." **[6c]** (Amnesty International - You have no right to ask, May 2004).

Wengel Mermera (Wenjel Mirmera). The AI May 2004 report stated that it is a special security section in the 2nd police station, Asmara. **[6c]** (Amnesty International - You have no right to ask, May 2004). The Asmarino report, *Eritrea continues to hold thousands of prisoners of faith*, dated 11 March 2010, described Wengel Mermera as a "…crime investigation unit maximum security prison." **[68b]**

Wi'ya/W'ia/Wieh. Military camp/training centre, located on the Red Sea coast about 40 km south east of Massawa, off the road to Assab. **[29c] (p95)** (HRW Service for Life report, 16 April 2009).

The Awate report, *Scores of Eritreans die at W'ia*, dated 3 October 2007, provided details: "Wia is not a single camp. It represents a cluster of several camps, including one used exclusively as a detention center. Among the commanders in Wia are: Lt. Col.

Jemal, Lt. Col. Weddi Haile and Capt. Ramadan…it holds two large groups of Eritreans protesting unjust laws: military conscription escapees/evaders and members of banned churches." **[27d]**

See also the Annex in the Human Rights Watch report, *Service for Life - State Repression and Indefinite Conscription in Eritrea*.

http://www.hrw.org/sites/default/files/reports/eritrea0409web_0.pdf

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13. DEATH PENALTY

13.01 The Amnesty International *Death Sentences and Executions 2010* report, published on 28 March 2011, classed Eritrea as one of those countries "…which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions." **[6a]**

13.02 Similarly, a report submitted by the Eritrean government in 2009 to the United Nations Human Rights Council for the purposes of a United Nations Universal Periodic Review stated:

"In Eritrea, the death penalty is applied with extreme caution. It is the mandate of the Ministry of Justice to forward the judgments where death penalty is pronounced, together with its opinions, to the President of the State of Eritrea. The President of the State of Eritrea may remit or commute the sentence. The Constitution of Eritrea guarantees against deprivation of life without due process of law. The Transitional Penal Code of Eritrea, on its part, provides that a sentence of death may not be passed except in cases where there are no extenuating circumstances. It further provides that the death penalty may not be pronounced on any person who commits an offence under the age of eighteen years or in a state of limited responsibility. In the case of a prisoner who is seriously ill, carrying out execution of the sentence is prohibited while that prisoner continues to be in that state. In the case of [a] convicted woman who is pregnant or have [sic] children less than three years of age the sentence is commuted to rigorous imprisonment for life." **[73a]**

13.03 The Foreign and Commonwealth Office (United Kingdom) *Human Rights and Democracy: The 2010 Foreign and Commonwealth Office report*, published in March 2011, stated that: "Although we have no reports of the death sentence being passed by the courts there are numerous reports of summary executions." **[10b] (page 196)**

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14. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

14.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, noted that: "The law and unimplemented constitution provide citizens with

the right to change their government peacefully; however, citizens were not allowed to exercise this right in practice." **[3b] (section 3)**

14.02 The *Freedom in the World 2011 Report*, published by Freedom House on 4 May 2011, explained that:

"A new constitution was ratified in 1997, calling for 'conditional' political pluralism and an elected 150-seat National Assembly, which would choose the president from among its members by a majority vote. However, this system has never been implemented, as national elections have been postponed indefinitely. President Isaias Afwerki has remained in office since independence. In 2004, regional assembly elections were conducted, but they were carefully orchestrated by the PFDJ and offered no real choice to voters. The PFDJ and the military, both strictly subordinate to Isaias [Afwerki], are in practice the only institutions of political significance in Eritrea." **[9a] (Political Rights and Civil Liberties)**

FREEDOM OF ASSOCIATION AND ASSEMBLY

14.03 The United States State Department *2010 Human Rights Report: Eritrea* stated that: "The law and unimplemented constitution provide for freedom of assembly and association; however, the government did not permit either. For public gatherings, the government required those assembling to obtain a permit, although this requirement was enforced sporadically." **[3b] (section 2b)**

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.04 The Central Intelligence Agency (CIA) *World Factbook* section on Eritrea (updated 14 July 2011) lists the names of various opposition groups and the names of their leaders:

"Eritrean Democratic Party (EDP) [HAGOS, Mesfin]; Eritrean Islamic Jihad or EIJ (includes Eritrean Islamic Jihad Movement or EIJM also known as the Abu Sihel Movement); Eritrean Islamic Salvation or EIS (also known as the Arafa Movement); Eritrean Liberation Front or ELF [ABDULLAH Muhammed]; Eritrean National Alliance or ENA (a coalition including EIJ, EIS, ELF, and a number of ELF factions) [HERUY Tedla Biru]; Eritrean Public Forum or EPF [ARADOM Iyob]." **[1]**

14.05 The International Crisis Group report, *Eritrea: The Siege State*, published on 21 September 2010, provided an analysis of the political opposition:

"Political debate and pluralism have rarely flourished in Eritrea: briefly in the late 1940s; as part of the underground nationalist movement in the late 1960s and early 1970s; and then even more briefly in 2000-2001. The EPLF [Eritrean People's Liberation Front] is the product of a splinter opposition movement to the then-dominant ELF. The civil war between the ELF [Eritrean Liberation Front] and EPLF confirmed in the minds of its leadership that there was no room for debate and dissent in the vortex of violent competing nationalisms and in the face of the powerful Ethiopian enemy. Therefore, the EPLF permitted no other liberation front to operate within the country, just as it accepted no disunity within its own ranks. Once driven into Sudan in 1981 and then scattered into European and North American exile, however, the ELF spawned a range of movements

that opposed the EPLF from abroad. While some fighters and factions rejoined the EPLF in the late 1980s, the rest remained firmly outside the political fold.

"There consequently has always been a broad opposition outside the country, ranging from branches of the ELF; to ethnocentric 'liberation' organisations (notably Kunama and Afar); to new parties fronted by former EPLF leaders and other dissidents in exile. These remain divided. Some advocate constitutional, negotiated transition and thus a degree of engagement with the EPLF; others call for renewal of armed struggle. There are also starkly different perceptions of the regime, whether as a Tigrinya dictatorship or a manifestation of Christian hegemony. Thus, there are sometimes sharp disagreements between Tigrinya highlanders in exile - especially those associated with the armed struggle - and Muslims - especially those from or purporting to represent the lowlands. There are likewise disagreements over leadership and structure.

"No legal opposition party or broad opposition movement exists - yet - in the country. Hostility to the government is manifest in silent, fearful, brooding disengagement from the state and tacit withdrawal of support from the *tegadelay* ["EPLF fighter" (Tigrinyan)] generation. Yet, despite the deep disillusionment and low morale, overseas opposition parties are regarded somewhat sceptically. Ordinary citizens are not yet persuaded that any of them would significantly improve their lot. Many believe the leaders of some of these movements are cut from much the same cloth as the president and are at the least unsure of their democratic credentials…the only opposition movement of any significance which operates inside Eritrea, at least part of the time, is Eritrean Islamic Jihad (EIJ), an armed, radical Islamic front. Founded in the early 1980s, it enjoyed the support of both the Sudanese government and Osama bin Laden in the 1990s. It continues to operate covertly at a relatively low level in the western lowlands and northern mountains. Until the recent thaw in relations with Sudan, Asmara regularly accused Khartoum of providing support and bases to enable it to cross the remote border with ease. Despite the low-level of its activities, EIJ has potential to tap into the alienation of young Muslims, who are increasingly aggrieved at state interference in Muslim institutions, land alienation, the economic domination of highlanders (especially in the western lowlands), the state's refusal to recognise Arabic as an official language, the lack of Muslim representation in the upper echelons of the political and military leadership and the recruitment of Muslim women into the army." **[18] (pages 12-13)**

14.06 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published on 20 April 2011, stated that: "Although the Constitution guarantees the right to form political organizations, the People's Front for Democracy and Justice (PFDJ) remains the only authorized political party in the country and has dominated public and private life since 1994, when it came to power. All opposition groups have been driven out of the country and, since late 2004, operate only in exile, mainly in neighbouring countries." **[32b] (pages 18-19)**

14.07 The Asmarino report, *Mesfin Hagos steps down as chair of EDP*, dated 9 April 2009, stated that Mesfin Hagos resigned from his post as head of the Eritrean Democratic Party (EDP) in April 2009. The Central Council of the EDP elected Tesfamichael Yohannes to be the new head of the party. **[68c]**

14.08 The Awate report, *Eight EDA Member Organization Agree To Unite Their Military Wings*, dated 9 May 2010, provided information about recent developments concerning the political opposition:

"On May 4, 2010, eight member organizations of the Eritrean Democratic Alliance (EDA), an umbrella organization of Eritrean opposition forces, signed a memorandum of understanding to unify their military wings under one command.

"The eight signatories are:

(1) Eritrean Federal Democratic Movement (EFDM); (2) Eritrean Islamic Party for Justice and Development (EIPJD); (3) Eritrean Liberation Front (ELF, also known as 'Jebha'); (4) Eritrean People's Congress (EPC); (5) Democratic Movement for the Liberation of Eritrean Kunama (DMLEK); (6) Red Sea Afar Democratic Organization (RSADO); (7) Eritrean National Salvation Front (ENSF, also known as 'Dehnet' or 'Inqaz'); and (8) Eritrean People's Democratic Front (EPDF, also known as 'Sagem'). Two additional member organizations of the EDA, the Eritrean Islamic Congress (EIC) and the Eritrean Nahda Party (Nahda), which do not have military wings, have agreed, in principle, with the memorandum of understanding.

"The agreement is a culmination of a sustained campaign by the constituencies and sympathizers of the organizations who, for over a decade, appealed to the leadership to eschew multiplication of fronts and work towards unity. After initiating many 'confidence-building' baby steps, the political organizations have been, of late, conducting coordinated military campaigns which are regularly announced in their websites." **[27k]**

See also Political system; Women - political rights; Annex B Political Organisations

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15. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

15.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, summarised the situation regarding freedom of speech and media in Eritrea:

"The law and unimplemented constitution provide for freedom of speech and of the press; however, the government severely restricted these rights in practice. Citizens did not have the right to criticize their government in public or in private, and some who did were arrested or detained. The private press remained banned, and most independent journalists remained in detention or had fled the country during the year [2010], which effectively prevented any public and media criticism of the government. All journalists practiced self-censorship due to fear of government reprisal. The government actively monitored the Eritrean Diaspora within the country and abroad via agents.

"The government attempted to impede criticism and took reprisals against persons who criticized government officials or policies. Public criticism about the government's inability to combat poverty and starvation was prohibited." **[3b] (section 2a)**

15.02 The International Crisis Group report, *Eritrea: The Siege State*, published on 21 September 2010, provided an overview of freedom of the press and media:

"Eritrea is regarded as one of the worst offenders in terms of press freedom. No independent media has been permitted since 2001…today, only state-run media

operate, including the newspapers *Hadas Eritrea* (Tigrinya); *Eritrea al-Hadisa* (Arabic); *the Eritrea Profile* (English); the television channel EriTV; a radio station (*Dimtsi Hafash*, 'voice of the masses'); and the website Shaebia.org. Other publications and news services are controlled by the government. All produce carefully-vetted material and militaristic propaganda. Journalists at the information ministry - often largely untrained national service personnel - are closely monitored, not least because they occasionally flee the country. The ministry is the voice of the state, and its head, Ali Abdu, is sometimes seen as being groomed as a possible successor to Isaias [Afewerki] There are few foreign journalists. Those who make it through the rigorous accreditation process find their movements highly restricted; when they become too critical, they are 'frozen' or expelled. Internet and email are closely monitored, though Eritreans frequently access opposition websites.

"The 1996 Press Law was supposed to guarantee a free media, but it also made clear that no outlet should produce material which promoted dissension and division or might 'disturb the peace'. The government can intervene at any time to prevent the dissemination of 'undesirable' material." **[18] (p16)**

15.03 Regarding Eritrea's broadcasting and print media, the United States State Department *2010 Human Rights Report: Eritrea*, stated:

"The government controlled all media, which included three newspapers, three radio stations, and two television stations. The law does not allow private ownership of broadcast or other media. The government banned the import of foreign publications without prior approval; however, satellite dishes were widespread and allowed by the government, and subscriptions to international media were allowed. Those who could afford to purchase satellite dishes have access to uncensored international news including the BBC, CNN, and Al Jazeera. The government mandated approval of publications distributed by religious or international organizations before their release, and the government continued to restrict the right of religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications.

"The only foreign news organization operating, the VOA [Voice of America], has only one heavily censored stringer who does not permanently reside in the country. The last Reuters correspondent left the country in 2009. In 2008 the government created administrative obstacles for the Agence-France Presse (AFP) international journalist resulting in his forced departure. AFP had not been allowed to return to the country. President Isaias occasionally conducted interviews with foreign news agencies invited specifically for the interview." **[3b] (section 2a)**

15.04 The Reporters Without Borders report, *Predators of Press Freedom*, published on 3 May 2010, stated:

"Basic freedoms were officially 'suspended' ten years ago after ruling party dissidents started pressing for more democracy. Any hint of opposition is seen as a threat to 'national security.' The privately-owned media no longer exist. There are just state media whose content is worthy of the Soviet era.

"Ruled with an iron hand by a small ultra-nationalist clique centred on Afeworki, this Red Sea country has been transformed in just a few years into a vast open prison, Africa's biggest jail for the media. Around 30 journalists are currently being held in

prisons, undergrounds cells or metal containers. Four of them have died as a result of the extremely cruel conditions or committed suicide. Others have just disappeared. And others flee the country illegally, at risk to their lives." **[20e]**

MEDIA ORGANISATIONS

15.05 The BBC *Eritrea Country Profile*, updated on 30 November 2010, lists the state press agencies as: Hadas Eritrea (published three days a week); Eritrea Profile (government-owned English language weekly paper); Tirigta (pro-government youth weekly) and Geled (youth weekly); Eri-TV (state television); Voice of the Broad Masses of Eritrea (Dimtsi Hafash) (state-run radio networks); Radio Zara (state-run FM network); and Erina (Eritrean state news agency). **[25b]**. The website for the Eritrean Ministry of Information (Shabait), accessed on 2 August 2011, under the index found on the homepage, listed several titles under the heading of local newspapers. These were Eritrea Profile, Eritrea Alhaditha, Haddas Ertra and Eritrea Haddas. **[46g]**

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INTERNET

15.06 The Reporters Without Borders report, *Internet Enemies 2011*, published on 11 March 2011, about government restrictions on the use of the Internet stated that:

"To date, the Internet is the only space in which Eritreans are free to voice their opinions in a country which President Issaias Afeworki rules with an iron hand. The independent press was wiped off the map in 2001. The state-controlled media merely relay the regime's ultra-nationalist ideology.

"The government has proven reluctant to accept Internet growth, fearing the Web's potential for disseminating independent information. In this last African country to connect to the Net, in 2000, the penetration rate now hovers around 3.5%, which means that virtually all of the population has been excluded from the digital era.

"Telecom operator EriTel, which owns the network's infrastructure, is directly controlled by the government. The Eritrean Ministry of Information granted a licence to the country's four Internet service providers from whom EriTel rents its bandwidth. Since EriTel is under the authorities' orders, network surveillance and slowing down bandwidth speed are easy tasks.

"The government has chosen not to increase bandwidth speed - a major technical barrier to connection - which explains why, more than sending e-mails (which can take a very long time) - chat has become the most popular way to communicate. Yahoo Messenger and Facebook's 'chat' function are constantly being used in cybercafés, where connection speeds are particularly slow.

"In fact, most of the Eritreans who connect to the Web do so from cybercafés, since they cannot access the Internet from their cell phones. To enjoy private access, netizens need to obtain a high-cost special authorisation from the regime.

"Although the government has not set up any widespread automatic Internet filtering system, it has not hesitated to order the blocking of several diaspora websites critical of

the regime. Access to these sites is blocked by two of the Internet service providers, Erson and Ewan, as are pornographic websites and even YouTube. The latter would require too much bandwidth.

"Sometimes surveillance and self-censorship are enough. The two other Internet access providers, Eritel and Tifanus, do not block opposition websites, since they know that the great majority of Eritrean surfers would never dare to openly consult them for fear of being arrested and imprisoned.

"The few netizens and webmasters courageous enough to create an independent website, or collaborate in its development, are being threatened and closely monitored. It is commonplace for the authorities to intercept e-mails from individuals whom they consider 'suspect.'

"The forty-odd Internet cafés, most of which mainly operate in Asmara, the capital, and in two or three other Eritrean cities, are constantly closely watched, particularly during periods of social unrest, or when compromising news about the regime is circulating abroad. At least two cybercafés are said to have closed in 2010 and their owners arrested. The official excuse was that they were used for showing pornography to young netizens.

"In January 2011, several Internet users and bloggers were allegedly arrested in cybercafés, most of them in Asmara. Questioning such people has had a dissuasive effect on other Internet users." **[20c]**

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JOURNALISTS

15.07 Reporters Without Borders placed Eritrea at last place (178th) in its *2010 World Press Freedom Index* report, published on 20 October 2010. The report stated that:

"Eritrea (178th) is at the very bottom of the world ranking for the fourth year running. At least 30 journalists and four media contributors are held incommunicado in the most appalling conditions, without right to a trial and without any information emerging about their situation. Journalists employed by the state media - the only kind of media tolerated - have to choose between obeying the information ministry's orders or trying to flee the country." **[20b]**

15.08 A Reporters Without Borders report, dated 17 September 2010, entitled *Journalists still hunted down nine years after September 2001 purges*, stated:

"The Eritrean authorities continue to gag all forms of free expression and recently arrested another journalist as he was trying to flee the country, Reporters Without Borders said today, on the eve of the ninth anniversary of the start of a brutal political purge in Asmara on 18 September 2001…journalist **Eyob Kessete** [bold in text of source] of state-owned radio *Dimtsi Hafash*'s Amharic-language service was arrested at some point during the past summer as he was trying to cross the border into Ethiopia. It is not known where he is now being held. After his first arrest for trying to defect at the start of the summer of 2007, he was held in several prisons until relatives obtained his release in late 2008 or early 2009 by acting as guarantors.

"The fate of around 20 other imprisoned journalists is still cloaked in the same oppressive official silence. There is still no news, for example, about **Said Abdulhai** [bold in text of source], a journalist who was arrested during the last week of March. It is still not clear where Swedish-Eritrean journalist **Dawit Isaac** [bold in text of source] of the now-closed daily Setit, who was arrested on 23 September 2001 in Asmara, is being held…the September 2001 round-ups, the closure of all the privately-owned media and the arrests of the main newspaper publishers began a period of terror from which Eritrea still has not emerged because of the intolerance and paranoia of its leaders." **[20d]**

15.09 The Committee to Protect Journalists *2010 Prison Census* report, published on 8 December 2010, provided information about the journalists who had been arrested in 2001:

"Eritrean security forces jailed at least 10 local journalists without charge or trial in the days after September 18, 2001. The arrests took place less than a week after authorities effectively shut down the country's fledgling private press.

"Authorities vaguely accused the journalists of avoiding the country's compulsory military service, threatening national security, and failing to observe licensing requirements. CPJ research indicates that the crackdown was part of a government drive to crush political dissent ahead of elections scheduled for December 2001, which were subsequently canceled. The private press had reported on divisions within the ruling party, the Eritrean People's Defense Force, and had criticized the increasingly authoritarian nature of President Isaias Afewerki's regime.

"The journalists were initially held incommunicado at a police station in Asmara, where they began a hunger strike on March 31, 2002, and smuggled a message out of jail demanding due process. The government responded by transferring them to secret locations and has since refused to divulge their health, whereabouts, or legal status. No charges, court proceedings, or convictions have ever been publicly disclosed…CPJ has confirmed that one of the 10 journalists initially arrested has died. Publisher and editor Fesshaye 'Joshua' Yohannes, 47, a 2002 recipient of CPJ's International Press Freedom Award, died in custody on an unknown date, several sources confirmed to CPJ in early 2007.

"At least two reports have said that other journalists also died in custody. In April 2010, the Ethiopian station Radio Wegahta broadcast an interview with Eyob Bahta Habtemariam, an Eritrean defector described as a former supervisory guard at two prisons northeast of Asmara. Habtemariam claimed that extreme heat had taken the life of Tsigenay editor Ali in 2003, while Keste Debena editor Haile had died from unspecified maltreatment in 2004. He said Admas editor Abdelkader had taken his own life in 2003, and that Meqaleh editor Habteab had also died of maltreatment in 2006.

"Emmanuel Hadgo, a spokesman for the Eritrean Information Ministry, told CPJ that Habtemariam had never worked for the government and that the statements were untrue. He did not respond directly to the question of whether the journalists were alive.

"An unbylined 2006 report published on several websites, including Aigaforum, a site considered close to the Ethiopian government, noted the deaths of three detained journalists. The report cited the deaths of 'Mr. Yusuf,' believed by CPJ sources to refer

to Yusuf Mohamed Ali of Tsigenay; 'Mr. Medhane Tewelde,' believed to refer to Medhanie Haile of Keste Debena; and 'Mr. Said,' believed to refer to Said Abdelkader of Admas. Although details of the report could not be independently corroborated, CPJ sources considered it to be generally credible." **[76a]**

15.10 The Committee to Protect Journalists (CPJ) *Attacks on the Press in 2010* report, published on 15 February 2011, stated that:

"Eritrea was the world's third-worst jailer in 2010, having imprisoned 17 journalists as of December 1 [2010]. Eleven of the Eritrean detainees have been held in secret locations without charge for a decade. The Eritrean government has refused to disclose any information about these detainees, who were swept up in a brutal shutdown of the independent press. Unconfirmed reports have said that four of the jailed journalists may have died due to mistreatment in custody. CPJ is seeking to corroborate those reports and continues to list the journalists in its 2010 census as a means of holding the government responsible for their fates." **[76b]**

For further information on the treatment of prisoners, see Prison and detention centre conditions

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16. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

16.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"No domestic human rights groups and only four [sic] international humanitarian NGOs (Oxfam, Lutheran World Federation, Irish Self-Help, Gruppo Missione Asmara of Italy, Refugee Trust International, and Norwegian Church Aid) operated in the country; the government interfered with and restricted their work. Catholic Relief Services closed during the year [2010] due to government restrictions on international staff obtaining visas and other restrictions on travel and activities.

"The government allowed two ruling party-aligned domestic rights NGOs, Toker International and Vision Eritrea, to operate. All NGOs were required to register with the Ministry of Labor and Human Welfare, but international NGOs were required to maintain 30 million nakfa (two million dollars) in a government controlled bank.

"In previous years, the government permitted only the ICRC to operate effectively, although it limited ICRC operations to repatriation, providing shelter to families displaced by the conflict with Ethiopia, visiting prisons and detention centers where Ethiopians were held, and providing assistance to IDPs." **[3b] (section 5)**

16.02 The International Crisis Group report, *Eritrea: The Siege State*, published on 21 September 2010, stated:

"Independent civil society does not exist in any meaningful way. The [People's Front for Democracy and Justice (PFDJ)] party dominates what passes for the nongovernmental sector. It runs national unions for youths and students, women and workers, much as during the armed struggle branches of the EPLF were responsible for socio-economic entities that were to participate in the 'social revolution'. No independent civil society

groups, trade unions or NGOs are permitted; strikes are not allowed under any circumstances; and advocacy or lobby groups cannot be organised outside PFDJ structures. Leaders of the party unions are carefully vetted. Religious organisations, both Christian and Muslim, are closely monitored. Their leaders are cowed and take no public stance on policy or any other social issue. The last time a senior non-government figure was publicly outspoken was in 2005, when the deeply revered Patriarch of the Eritrean Orthodox Church criticised state interference in the church's affairs. He was stripped of his authority and has been under house arrest ever since." **[18] (p16)**

16.03 The *Freedom in the World 2011 Report*, published by Freedom House on 4 May 2011, stated that:

"A 2005 law requires NGOs to pay taxes on imported materials, submit project reports every three months, renew their licenses annually, and meet government-established target levels of financial resources. International human rights NGOs are barred and only six international humanitarian NGOs are present in the country. Eritrea in 2010 accepted a recommendation by the UN Human Rights Council to establish an independent national human rights institution, but nothing had been set up by year's end." **[9a]**

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17. CORRUPTION

17.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"During the year [2010] there have been reports that citizens seeking executive, legislative, and or judicial services must pay a 'gift' or bribe through a system of patronage and cronyism to access services. The law does not provide criminal penalties for official corruption. However, the government arrested many individuals it unofficially charged with corruption based on political motivations. Those arrested under these charges were never tried in court.

"There were reports of petty corruption within the executive branch, largely based on family connections. Judicial corruption was also a problem, and illegal acts such as property theft were not prosecuted when carried out by certain armed forces officials or former fighters from the independence struggle who are in favor with the government. There were allegations of corruption among armed forces leaders involving illicit trade, the appropriation of houses, and the black market sale of goods such as diesel and cement. Corruption was extensive in the passport office, and individuals requesting exit visas or passports had to pay bribes.

"Police, who often were conscripted, were paid 15 nakfa (approximately one dollar per day) and corruption was a problem. During the year [2010] there were reports of police and other security forces committing crimes to supplement their income, including breaking into homes to confiscate jewelry, money, and food. Police typically used their influence as government officials to assist friends and family, such as in facilitating family members' release from prison. There were no mechanisms to address allegations of official abuse, and impunity was a problem.

"Public officials were not subject to financial disclosure laws, and there was no government agency responsible for combating government corruption. Corruption was extensive for government services involving identification and travel documents." **[3b] (section 4)**

17.02 The Freedom House *Freedom in the World 2011* report, published by on 4 May 2011, stated:

"Corruption appears to have increased in Eritrea in recent years. The government's control over foreign exchange effectively gives it sole authority over imports. At the same time, those in favor with the regime are allowed to profit from the smuggling and sale of scarce goods such as building materials, food, and alcohol. According to the International Crisis Group, senior military officials are the chief culprits in this trade. They have also been accused of enriching themselves by charging fees to assist the growing number of Eritreans who wish to flee the country, and using conscript labor for private building projects." **[9a] (Political Rights and Civil Liberties)**

17.03 Eritrea ranked 123rd in Transparency International's *2010 Corruption Perceptions Index* (CPI) of 180 countries, published in October 2010. Eritrea was given an overall CPI score of 2.6. The CPI defines corruption as the abuse of public office for private gain, and measures the degree to which corruption is perceived to exist among a country's public officials and politicians. The CPI is a composite index that draws on multiple expert opinion surveys. The CPI scores range from 10 (low level of corruption) to 0 (high level of corruption). **[16]**

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18. FREEDOM OF RELIGION

OVERVIEW

18.01 The United States State Department *International Religious Freedom Report 2010 on Eritrea*, covering the period 1 July 2009 to 30 June 2010, published on 17 November 2010, stated that:

"The 1997 constitution, and the former constitution implemented in 1952 both provide for religious freedom; however, the government has yet to implement the 1997 constitution. Although the government requires religious groups to register; it has not approved any registrations beyond the country's four principal religious groups since 2002: the Eritrean Orthodox Church, the Evangelical (Lutheran) Church of Eritrea, Islam, and the Roman Catholic Church.

"The government's record on religious freedom remained poor. The Government continued to harass and detain thousands of members of unregistered religious groups and retained substantial control over the four registered religious groups. The government failed to approve religious groups that fulfilled the registration requirements and arrested persons during religious gatherings. The government subjected religious prisoners to harsher conditions and held them for long periods of time, without due process. There continued to be reports of forced recantations of faith, torture of religious prisoners, and deaths while in custody.

"There were few reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Citizens generally were tolerant of one another in the practice of their religion with the exception of societal attitudes towards Jehovah's Witnesses and Pentecostal groups, and conscientious objectors. Some individuals viewed failure to perform the required military service as a sign of disloyalty and encouraged harassment of those unwilling to perform military duty." **[3c] (Introduction)**

RELIGIOUS DEMOGRAPHY

18.02 As regards the religious make-up of the Eritrean population, the United States State Department *International Religious Freedom Report 2010 on Eritrea* stated that:

"Although reliable statistics are not available, it is estimated that 50 percent of the population is Sunni Muslim, 30 percent is Orthodox Christian, and 13 percent is Roman Catholic. Groups that constitute less than 5 percent of the population include Protestants, Seventh-day Adventists, Jehovah's Witnesses, Buddhists, Hindus, and Baha'is. Approximately 2 percent of the population practices traditional indigenous religious beliefs. The population is predominantly Muslim in the eastern and western lowlands and predominantly Christian in the highlands. Religious participation is high among all ethnic groups." **[3c] (section 1)**

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RESTRICTIONS

18.03 The United States Commission on International Religious Freedom *2011 Annual Report*, covering the period 1 April 2010 - 31 March 2011, published in May 2011, stated:

"In 2002, the government increased its control over civil society following a second war with Ethiopia, and imposed a registration requirement on all religious groups other than the four officially-recognized religions. The requirements mandated that communities provide detailed financial and membership information, as well as background on their activities in Eritrea. Among those affected were Protestant Evangelical and Pentecostal Christian denominations, as well as the Baha'is. Some of these religious communities have operated in Eritrea for decades.

"Because of the government's registration requirement, no group can legally hold public religious activities until its registration is approved. The requirement effectively makes unregistered religious activity 'illegal', which has resulted in places of worship being closed and prohibitions being placed on the public religious activities, including worship services, of all unregistered religious communities. No religious group has been registered since 2002, although the Presbyterian Church, Methodist Church, Seventh-day Adventists, and Baha'i religious community all submitted the required applications. As a result of the registration requirement and of the government's inaction on registration applications, all of Eritrea's religious communities except the four government-sanctioned ones lack a legal basis on which to practice their faiths publicly, including holding prayer meetings or weddings." **[35] (Eritrea - p68)**

18.04 The United States State Department *International Religious Freedom Report 2010 on Eritrea* stated:

"The government forbids religious practice outside the four recognized faiths, and even recognized faiths are often forbidden from managing their own operations and finances. The government has appointed both the mufti (head) of the Islamic faith in the country and the patriarch of the Eritrean Orthodox Church, in addition to numerous lower level positions. Those who publically protested such direct government management were branded as radicals and could be subject to indefinite imprisonment in harsh conditions, despite being members of recognized religious faiths. The government did not appoint the president of the Lutheran Church; however, reliable sources indicated extensive government coordination. The Pope appointed the highest-ranking Catholic Church official; however, the government pressured the church on its activities. Unregistered faiths reported having their mail confiscated and do not use local Internet providers to send or receive information related to their faith for fear of being monitored.

"Following a 2002 government decree that all religious groups must register or cease all religious activities, religious facilities that did not belong to the four officially recognized religious groups were forced to close. Some local authorities allowed unregistered groups to worship in homes or rented spaces, whereas others did not allow such groups to meet. During the reporting period, the Government continued to disrupt home-based worship and arrested those who hosted home prayer meetings…the Government continued its involvement in the affairs of the four registered religious groups and required them to provide a list of religious leaders for enrollment in military and national service. The Government maintained control over the operations of the Eritrea Orthodox Church; a government-appointed lay administrator managed church operations and controlled all church donations. The government continued to provide the Catholic Church with limited duration national service exemption cards for all religious workers and seminarians." **[3c] (section 2)**

18.05 The Human Rights Watch *2011 World Report*, published on 24 January 2011, stated:

"Security forces arrest members of 'unregistered' religions, often during religious services. A religious-freedom monitoring group reported that scores were arrested in 2010. Persons arrested for this reason are subject to the same torture and abuse as other prisoners, but can often obtain their release by renouncing their faith. Those who refuse sometimes pay with their lives. Jehovah's Witnesses are especially targeted; three have been detained since 1994 for refusing to submit to military service. The patriarch of the Orthodox Church, deposed by the government in 2006, remains under house arrest without access to communication." **[29b]**

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CHRISTIAN PENTECOSTALS AND EVANGELICALS

18.06 The BBC News report, *Eritrean Christians tell of torture*, dated 27 September 2007, stated that:

"During the past five years, a brutal campaign has been waged in Eritrea against Christian minorities, focusing mainly on the evangelical and Pentecostal movements.

"Weddings, baptisms, church services and prayer meetings have been raided by security forces. Guests or congregation members have [been] rounded up and detained en masse...the crackdown on Eritrea's minority churches followed a government

announcement in May 2002 that only its four oldest faiths - Orthodox, Catholic, Lutheran and Islam - would receive official sanction." **[25g]**

18.07 The more recent Voice of the Martyrs (VOM), report, *Eritrea: Approximately 100 Christians Arrested*, dated 5 January 2009, stated that:

"Since late November [2008], about 100 Christians, men, women and children, have been arrested by Eritrean authorities, VOM Canada reported. The wave of house arrests began in northern Eritrean cities and moved to southern regions before reaching the capital, Asmara, on Dec. 12 [2008]. Some of the detained Christians were reportedly transferred to a military facility and were severely mistreated. Local sources indicate that an unspecified number may have died due to untreated injuries sustained in detention.

"The Eritrean government persecutes Christians, often placing believers in metal containers that are extremely hot during the day and cold during the night. Nearly 1,800 Eritrean Christians are believed to be under arrest because of their religious beliefs. They are being held in police stations, military camps and prisons in 12 known locations across Eritrea. It is believed more than 28 clergymen are being held.

"Jailed Christians are routinely subjected to physical beatings and severe psychological pressure to deny their religious beliefs. Police and military authorities continue to demand the prisoners return to one of the three 'official' Christian denominations recognized by the government. But even the legally recognized denominations - the nation's historic Orthodox, Catholic and Lutheran churches - have come under government disfavor in recent years, incurring threats and even imprisonment." **[33]**

18.08 The Compass Direct News report, *Eritrea: Third Christian This Year Dies in Military Prison*, dated 28 July 2009, stated:

"Another Christian imprisoned for his faith in Eritrea has died from authorities denying him medical treatment, according to a Christian support organization.

"Sources told Netherlands-based Open Doors that Yemane Kahasay Andom, 43, died Thursday (July 23) at Mitire Military Confinement Center.

"A member of the Kale-Hiwot church in Mendefera, Andom was said to be secretly buried in the camp.

"Weakened by continuous torture, Andom was suffering from a severe case of malaria, Open Doors reported in a statement today.

" 'He was allegedly further weakened by continuous physical torture and solitary confinement in an underground cell [in] the two weeks prior to his death for his refusal to sign a recantation form,' the organization said. 'It is not clear what the contents of the recantation form were, but most Christians interpret the signing of such a form as the denouncement of their faith in Christ.'

"Andom is the third known Christian to die this year [2009] at the Mitire camp, located in northeastern Eritrea." **[34]**

18.09 The BBC News report, *Eritrea arrests 30 praying women, relatives say,* dated 11 December 2009, stated:

"Thirty elderly women have been arrested in Eritrea while praying together, one of their relatives living in the United States has told the BBC.

"Requesting anonymity, she said she only found out about her mother when she phoned to speak to her this week.

"Most of the women belonged to an outlawed evangelical group." **[25c]**

18.10 An ASSIST News Service [international Christian NGO] report, *Eleven Christians Arrested by Eritrean Officials in Latest Crackdown*, dated 28 October 2010, stated that International Christian Concern [Christian NGO] was aware that 11 Christians had been arrested in October 2010:

"Eritrean government officials have arrested 11 Christians and taken them to unknown locations.

"According to International Christian Concern (ICC) www.persecution.org, Eritrean security officials on October 20 [2010] rounded up the Christians from the cities of Mendefera, Dekemharre and Dibarwa following an order given by Mustafa Nurhussein, the governor of the Southern Zone (province) of Eritrea. The governor ordered a crackdown on Christians living in his province."

"ICC says the security officials also confiscated TVs, video players and other electronic equipment that belonged to the Christians.

"In a media update, ICC says: 'Most of the detained belong to the Full Gospel Church, an evangelical church that was among those that were banned by Eritrean officials in 2002'." **[55a]**

18.11 The United States Commission on International Religious Freedom *2011 Annual Report*, published in May 2011, stated:

"Persons detained for religious activities, in both short- and long-term detentions, often are not formally charged, permitted access to legal counsel, accorded due process, or allowed access to their families. During the past year, there were reports of deaths of religious prisoners who refused to recant their beliefs, were denied medical care, or were subjected to other ill treatment, including in April, June, July, and October of 2010 and January 2011.

"The State Department's most recent religious freedom report states that 115 followers of unregistered religious groups were arrested during the 2009-2010 reporting period, including 27 on Good Friday (April 2). Christian advocacy groups report that since December 2010, more than 100 evangelicals have been arrested, including 41 on New Year's Eve and 35 on January 9. Other arrests reported by Christian advocacy groups during 2010 include 15 men in military service at an unregistered evangelical church in November, 37 Christians in Assab in November, and 25 members of the Asmara Full Gospel Church on April 2." **[35] (Eritrea - p69)**

18.12 The United States State Department *International Religious Freedom Report 2010 on Eritrea* noted that:

"Authorities regularly harassed, arrested, and detained members of various religious groups. The government closely monitored the activities and movements of unregistered religious groups and members, including nonreligious social functions attended by members. Persons arrested for religious reasons were often detained for extended periods in harsher conditions and without due process.

"The government held individuals jailed for their religious affiliation at various locations, including military-administered facilities, such as Mai Serwa, Sawa, Meiter, and Gelalo, as well as police stations in the capital and other cities. Prisoners were held in harsh conditions, and there were at least five deaths while in custody during the reporting period due to neglect or the infliction of life-threatening injuries and the denial of medical treatment. Often, prisoners were not formally charged, accorded due process, or allowed access to their families. While many were ostensibly jailed for evasion of conscription, significant numbers were held solely for their religious beliefs. Many prisoners were required to recant their religious beliefs as a precondition of release and/or pay fines…during the reporting period, there were reliable reports that authorities detained approximately 115 members of unregistered religious groups without legitimate charges. Some were released after detentions of several days or less, while others spent longer periods in confinement without charge and without access to legal counsel, or were not released. Government restrictions made it difficult to determine the precise number of religious prisoners at any one time, and releases sometimes went unreported; however, the number of long-term religious prisoners continued to grow." **[3c] (section 2)**

18.13 The ASSIST News Service report, *Two die in prison and over 100 detained in church raids in Eritrea*, dated 4 February 2011, stated:

"Two Christians are reported to have died in separate Eritrean prisons after being refused medical treatment amid a renewed crackdown by the authorities against unregistered churches.

"According to Barnabas Aid, one of the martyrs is known to be 27-year-old woman Seble Hagos Mebrahtu, who was arrested after being caught reading a Bible in her bedroom. Her death comes as a new wave of raids, which started on New Year's Eve [31 December 2010], saw more than 100 evangelical believers detained.

"Barnabas Aid says almost an entire congregation - 41 people - from the capital Asmara was taken into custody where they are said to have endured beatings.

"'The following day, 27 believers from various underground churches near Asmara were rounded up by the security forces. On January 9 [2011], 35 Christians including 15 women and two elderly men in poor health were seized from a house church gathering in the town of Nakfa,'" the group said in an update." **[55b]**

See also Arbitrary arrest and detention

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Jehovah's Witnesses

18.14 The United States Commission on International Religious Freedom *2011 Annual Report* stated:

"Fifty-two Jehovah's Witnesses are detained without trial, or administrative appeal. A third of the Jehovah's Witnesses currently detained are reported to be over 60 years old, well beyond draft age. Additionally, three Jehovah's Witnesses - Paulos Eyassu, Isaac Mogos, and Negede Teklemariam - have been held for more than 15 years despite the maximum legal penalty for refusing to perform national service being two years…Since 1994, the government of Eritrea has denied Jehovah's Witnesses citizenship and a range of government services, as well as civil and political rights. President Isais Afwerki issued a decree in October 1994 barring Witnesses from obtaining government jobs, business licenses, and government issued identity and travel documents. He reportedly viewed their refusal on religious grounds to participate in the 1993 independence referendum or to perform mandatory national military service as a rejection of Eritrean citizenship. Without Eritrean identity cards Jehovah's Witnesses cannot obtain legal recognition of marriages or land purchases.

"The government requires a military training component for secondary school graduation, with no non-military alternative service option, which effectively denies educational and employment opportunities to young Jehovah's Witnesses, causing many to flee the country. Some children of Jehovah's Witnesses have been expelled from school because of their refusal to salute the flag or to pay for membership in the officially sanctioned national organization for youth and students." **[35] (Eritrea - p68-69)**

18.15 The United States State Department *International Religious Freedom Report 2010 on Eritrea* stated:

"Although members of several religious groups were imprisoned in past years for failure to participate in required national military service, the Government singled out Jehovah's Witnesses for harsher treatment than that given to followers of other religious groups for similar actions. Jehovah's Witnesses and other conscientious objectors were normally willing to perform nonmilitary national service. At least three Jehovah's witnesses were detained for 15 years, reportedly for evading compulsory military service, far beyond the maximum legal penalty of two years for refusing to perform national service. In addition, Jehovah's Witnesses who did not participate in national military service were subject to dismissal from the civil service, revocation of business licenses, eviction from government-owned housing, and denial of passports, identity cards, and exit visas. They were also prohibited from having civil authorities legalize their marriages." **[3c] (section 2)**

See also Arbitrary arrest and detention ; National service - conscientious objection and Citizenship and nationality

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MUSLIMS

18.16 Muslims as well as Christians have been arrested and detained, as noted in the United States Commission on International Religious Freedom *2010 Annual Report*: "The government does not permit Muslim religious activities or groups it views as 'radical'. Government officials point to the actions of foreign or foreign-inspired Muslim fundamentalists, whom they believe are seeking to radicalize the traditional Eritrean practice of Islam and thus possibly create tensions in a society that is roughly half Christian and half Muslim." **[35] (Eritrea - p70)**

18.17 The *Freedom in the World 2011 Report*, published by Freedom House on 4 May 2011, stated that: "Muslims also complain of discrimination. In February 2010 a leading Islamic organization published a document accusing the government of marginalizing Muslims, closing traditional Muslim schools, persecuting religious leaders, and appropriating Muslim-owned land." **[9a]**

See also Arbitrary arrest and detention

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19. ETHNIC GROUPS

19.01 The report entitled *The Constitutional and Legislative Protection of the Rights of Indigenous Peoples: Eritrea*, published by the International Labour Organisation and the African Commission on Human and People's Rights in 2009, stated:

"It is generally recognised that there are nine ethnic groups in Eritrea. These groups may be divided into three categories, according to their historical evolution from ancient races: the Semitic; the Hamitic (Cushitic); and the Nilotic races. The Semitic group forms the majority of the population, and consists of the Tigrinya (48 per cent of the total population) and the Tigre (35 per cent). The Rashaida (1 per cent), a recently-established group of Arab origin, may also be included in the Semitic family. Four ethnic groups comprise the Cushitic category: the Afar (4 per cent of the total population); the Saho (3 per cent); the Bilen (2 per cent); and the Hedareb (2 per cent). The Nilotic groups are the Kunama (with 3 per cent of the total population) and the Nara (2 per cent). Jiberti Muslims regard themselves as an additional (tenth) ethnic group. In addition, there is a small group of recently-settled migrants said to be descendants of the Hausa tribe in Nigeria, called the Tekurir. At present, the Eritrean government recognises all these groups - with the exception of the Jeberti and the Tekurir.

"The Tigrinya live on the central and southern plateau. The Tigre groups inhabit the northern hills and lowlands. The Afar live among the southern Red Sea coast. The Bilen are located in the Northern Eritrean highlands and in and around the city of Keren and north of it in the region of Halhal (the Bogos area). The Hedareb live in the western lowlands and along the border with Sudan. The Kunama occupy the region between the Gash and Setit rivers, near the border with Ethiopia. The Nara reside north of the Gash river around Barentu. The Tekurir live in the Anseba and Gash-Barka regions. The Rashaida live along the Red Sea coast. The Saho live on the escarpment and coastal plain southeast of Asmara. To some extent, most of the ethnic groups exist across the boundaries of the present-day Ethiopia, Djibouti and the Sudan." **[36] (pages 3-4)**

19.02 More information about Eritrea's ethnic groups was provided in the Everyculture.com website, undated, accessed on 11 October 2010:

"The highland Tigrinya ethnic group is the dominant group, numerically, politically, and economically. There is also a minority group of Tigrinya-speaking Muslims called Jeberti in the highlands. The Jeberti, however, are not recognized as a separate ethnic group by the Eritrean government. The lowland groups -the Afar, Beja/Hadarab, Bileyn, Kunama, Nara, Rashaida, Saho, and Tigre - are all, with the exception of the Tigre, relatively small and, taken together, they do not form any homogenous cultural or political blocs. Traditionally, the relationship between the highland and lowland groups has been one of tension and conflict. Raids on livestock and encroachment on land and grazing rights have led to mutual distrust, which is still, to a certain degree, relevant in the relation between the minorities and the state. Many of the groups are also divided between Eritrea and Ethiopia, Sudan, and Djibouti, making cross-border ethnic alliances a possible threat to the national identity." **[37]**

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LANGUAGES

19.03 The Ethnologue website, Languages of Eritrea section, accessed on 11 October 2010, lists the languages spoken in Eritrea as: Afar, Arabic, Bedawiyet, Bilen, English, Italian, Kunama, Nara, Saho, Tigré and Tigrigna. The same source noted that English, standard Arabic, and Tigrinya are the official languages. **[38]**. The eritreaeducation.info website, accessed on 11 October 2010, also noted that Tigrinya, Arabic and English were the official languages of Eritrea. **[39]**

19.04 More information about the languages spoken in Eritrea was provided in the Everyculture.com website, undated, accessed on 11 October 2010:

"Although the Eritrean Constitution states that all nine ethnic languages in the country are equal, the government of Eritrea has two administrative languages: Tigrinya and Arabic. Tigrinya is a Semitic language also spoken by the Tigreans of Ethiopia. Arabic was chosen to represent the lowland Muslim groups in the country. Nevertheless, only one ethnic group, the Rashaida, has Arabic as a mother tongue, whereas the other groups use it as a religious language. Many of the groups are bilingual, and because of the legacy of Ethiopian domination over Eritrea, many Eritreans also speak Amharic, the Ethiopian administrative language. Eritrean pupils are today taught in their mother tongue in primary levels (one through five), and English takes over to be the language of instruction from sixth grade (at least in theory). English is taught as a second language from second grade. It appears, however, that Tigrinya is taking over as the dominant language, since the majority of the population are Tigrinya-speakers, the biggest towns are located in the highlands, and most people in government and the state bureaucracy are from the Tigrinya ethnic group." **[37]**

19.05 The ILO and African Commission on Human and People's Rights, *The Constitutional and Legislative Protection of the Rights of Indigenous Peoples: Eritrea*, report, published in 2009, stated:

"The Constitution guarantees equality of all Eritrean languages (article 4(3)). It was deliberately left to the wisdom of the courts and, more importantly, to future generations to decide as the situation warrants whether there shall be an official language or not…In

a historical perspective, the Italians encouraged the use of their language rather than the native languages while the British encouraged both Tigrinya and Arabic as co-official languages and languages of education. Linguistically, the nine most widely-spoken languages in Eritrea fall into three major language families. Afar, Bilen, Hidareb and Saho are Cushitic languages, Tigrinya, Tigre and Arabic belong to the Semitic group, and Nara and Kunama are Nilo-Saharan. As far as the nature of bilingualism is concerned, it can generally be argued that the majority of the western lowland-dwellers speak Tigre as either their first or second language. Arabic is not as a matter of fact a real *lingua franca* [italics in text of source] at a national or sub-national level…however, it is a sacred and prestigious language for Muslims in Eritrea and is the preferred spoken language among the Muslim elite. As a result, Arabic remains a language of official ceremonies, national gatherings and government declarations. In this sense, therefore, both Tigrinya and Arabic enjoy both statutory and official status.

"In general it can be said that Tigrinya and Tigre together are spoken by about 83 per cent of the total population and are widely distributed throughout the country. Both languages serve as languages of inter-ethnic communication in that many members of other nationalities use one of the languages as a second language. Multilingualism is common as most of the numerical minority groups speak Tigre or Tigrinya or both in addition to their mother-tongue." **[36] (pages 35-36)**

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GOVERNMENT AND SOCIETAL ATTITUDES

19.06 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that:

"The law and unimplemented constitution prohibits discrimination… based on race, language, and social status, but the government did not enforce these provisions… There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the western sector of the country. Societal abuse of Ethiopians occurred and was noticeable during the yearly roundups that occur just before Liberation Day (May 24). Ethiopians were arbitrarily arrested and asked to pay fines to be released. Requests from citizens in rural areas (where ethnic minorities are concentrated) for basic services, such as an adequate number of schools, were routinely ignored by the government." **[3b] (section 6)**

19.07 The ILO and African Commission on Human and People's Rights, *The Constitutional and Legislative Protection of the Rights of Indigenous Peoples: Eritrea*, report, published in 2009, stated:

"Generally, the numerical majority ethnic groups, particularly the Tigrinya, tend to regard all minority ethnic groups as 'less developed' and 'less advanced'. However, such an attitude is more pronounced towards the Kunama, the Nara, and the Tekurir, who face social marginalisation as a result…The Kunama, in particular, have been singled out as unpatriotic. Although the Kunama participated in the Eritrean independence struggle, they are sometimes blamed for lacking strong allegiance with the independence state…Going beyond mere stigmatisation, all three of these groups have been subjected to marginalisation. There is no official policy of political marginalisation, and the nine officially-recognised ethnic groups are mostly represented in various public

presentation, cultural performances, national documents and, importantly, the national media. The exceptions are the Tekurir and Jiberti Muslims. However, marginalisation does occur due to the dominance of the culture and way of life of the two major ethnic groups, which have gradually influenced the culture and way of life of the other groups. This is illustrated most clearly in the high rate of resettlement of the members of the Tigrinya ethnic group, who form the core of ex-soldiers resettled by the government on the settlements and living areas of the Kunama and the Nara." **[36] (pages 5-6)**

19.08 The *Freedom in the World 2011 Report*, published by Freedom House on 4 May 2011, stated that: "The Kunama people, one of Eritrea's nine ethnic groups, reportedly face severe discrimination. They are viewed with suspicion for having backed a rival group to the EPLF [Eritrean People's Liberation Front] during the war of independence and for resisting attempts to integrate them into national society. Members of the Afar ethnic group have also been targeted. In May and June 2010, several hundred Afars were arrested, according to Human Rights Watch." **[9a] (Political Rights and Civil Liberties)**

19.09 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published on 20 April 2011, stated that:

"Discriminatory measures against minority ethnic groups are historically motivated and rooted in socio-cultural bias. Perceived as having supported Ethiopia during the war of independence and a potential threat to the nationalistic policies of the Eritrean Government, the Kunama are reportedly subject to discrimination, harassment and other intimidation techniques. Historically, the Afar people have also been perceived as ambivalent in their support for the Eritrean People Liberation Front.

"The land reform introduced by the Government after independence abolished all traditional land tenure forms and made all land the property of the State. As a result, the plains of Gash-Setit traditionally inhabited by the Kunama were used for resettlement and agricultural plantation schemes. The new land policy is seen as effectively undermining the clan-based traditional ownership rights of the Kunama. The encroachment on Kunama land rights and the targeting of their cultural sites and symbols have spawned resistance movements such as the Democratic Movement for the Liberation of the Eritrean Kunama (DMLEK) and the Eritrean Democratic Resistance Movement (EDRM). This resistance has only increased the perception by the Eritrean authorities of the Kunama as 'Ethiopian collaborators and spies'. The Kunama are reportedly particularly vulnerable to arbitrary arrest and detention." **[32b] (p31-2)**

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20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

20.01 The International Lesbian and Gay Association *State-sponsored Homophobia* report, published in May 2011, stated that in legislative terms, Eritrea follows the old Ethiopian law and same-sex sexual acts (both male and female) are illegal (Article 600 of the 1957 Penal Code). The punishment for same-sex acts is imprisonment. The actual prison sentence, determined by the courts, can be as short as ten days or as long as three years (Article 105 of the 1957 Penal Code). **[40] (p22)**

20.02 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that:

"Homosexuality is illegal, and individuals continue to be prosecuted under article 600 of the penal code. During the year [2010] there were unconfirmed reports that the government carried out periodic roundups of individuals considered gay and lesbian, and gays and lesbian[s] faced severe societal discrimination. The government accused foreign governments of promoting the practice to undermine the government. There were uncorroborated reports that known gays and lesbians in the armed forces were subjected to severe abuse. There were no known lesbian, gay, bisexual, or transgender organizations in [the] country." **[3b] (section 6)**

20.03 The United Nations High Commissioner for Refugees *Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Eritrea*, published on 20 April 2011, stated that:

"Consensual same-sex conduct is criminalized under the Transitional Penal Code and punishable by imprisonment from ten days to three years. Only rather limited information is available on the treatment of LGBTI [lesbian, gay, bisexual, transgender and intersex] individuals in Eritrea. It has nevertheless been reported that LGBTI individuals face severe societal discrimination and are also subjected to likewise severe abuse in the military. It has also been reported that the authorities have carried out periodic round-ups of LGBTI individuals. The Eritrean Government has recently rejected a recommendation by the Working Group on the Universal Periodic Review to legalize same-sex activity between consenting adults, deeming it 'in direct contradiction with the values and traditions of the Eritrean people.'" **[32b]**

Most of the above information is reiterated in the Canadian Immigration and Refugee Board's response to an information request, dated 28 February 2007: http://www.unhcr.org/refworld/docid/469cd6b815.html. **[23]**

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21. WOMEN

LEGAL RIGHTS

21.01 A national report submitted by the Eritrean government in 2009 to the United Nations Human Rights Council for the purposes of a United Nations Universal Periodic Review [A/HRC/WG.6/6/ERI/1], carried out in 2009, stated:

"The Constitution of Eritrea and other pertinent laws guarantee equality of all persons under the law. It further provides that no person may be discriminated against on account of race, ethnic origin, language, colour, gender, religion, disability, age, political view, or social or economic status or any other improper factors…it has always been a basic State policy of Eritrea to promote equality between men and women. Eritrea has put in place a variety of legal regimes for protecting the rights and interests of women. This regime has been reflected, inter alia, in the Transitional Civil Code of Eritrea, such as family law, the Land Proclamation No. 58/1994, Election of Regional Assemblies Proclamation No. 140/2004, and a Proclamation to Abolish Female Circumcision No. 158/2007.

"The Eritrean Constitution and other pertinent laws guaranty [sic] equal rights for women and men. In addition to the supreme principle enshrined in the Constitution prohibiting discrimination on account of race, ethnic origin, language, color, gender, religion, disability, age, political view, social or economic status, various Articles in the Constitution grant equal right to women as men…right after the independence of Eritrea, the Provisional Government undertook measures to revise the inherited colonial laws. Consequently, Proclamation No.2/1991 (the Transitional Civil Code of Eritrea) and Proclamation No. 4/1991 (the Transitional Penal Code of Eritrea) repealed all discriminatory clauses and connotations from the colonial Civil Codes and included protective legal measures. To mention some important provisions in the Transitional Codes pertaining to the status of women:

- Marriage is now based on the free consent of both partners, and needs no parental consent. The age of the female partner was raised to 18 from the previous 15 years;
- Women can enter into a contract of marriage freely;
- bride price and abduction were prohibited by law;
- Irregular unions have been abolished because they don't provide any legal protection of women's right[s] upon separation;
- the death penalty is commuted to life imprisonment for convicted women who may be pregnant or have children under three years of age;
- abortion, although still punishable under the penal code, is permitted in situations where a physician certifies that the mother would suffer grave and permanent damage due to severe physical and mental stress, or when the pregnancy has resulted from rape or incest;
- Rape is punishable by law with a maximum imprisonment of 15 years;
- Pornography and other indecent and obscene exposure are also punishable under the Transitional Penal code of Eritrea; and
- A provision of the colonial Civil Code which bluntly glorifies the husband as head of the family was repealed and replaced by a new Article which recognizes the equal power and status of the spouses." **[73a]**

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POLITICAL RIGHTS

21.02 There are women in government positions and government administration as noted in the United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011: "Women held four nominal ministerial positions in the government: justice, labor and human welfare, tourism, and health. Women also served in other senior government positions, such as mayors and regional administrators." **[3b] (section 3)**

21.03 The National Union of Eritrean Women website, undated, accessed on 25 February 2011, provided the following information about the participation of women in society:

"The Eritrean People's Liberation Front (EPLF) had a clear policy on the issue of women. As a result, its popular motto 'Equality through Participation' served not only as a slogan, but also as a practical doctrine in the struggle for the emancipation of women.

"The 1st and 2nd congresses of the EPLF, held in 1977 and 1987 respectively, clearly stated the Front's principles on the rights and equality of women.

"This trend continued after independence. Policy and legislative measures where taken to insure the participation of women, who comprise half of the society. The fact that 30% of parliament seats are exclusively reserved for women, who can, moreover, contest the other seats in the elections, is an example of some of the measures taken to that end.

"The Constitution of Eritrea guarantees equal rights for both sexes. The Government of the State of Eritrea (GSE) made a deliberate effort to ensure women's participation in every stage of the constitution-making process." **[78]**

See also Political system and Political affiliation

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SOCIAL AND ECONOMIC RIGHTS

21.04 Information published in the peacewomen.org website, undated, accessed on 24 February 2011, stated that the Eritrean government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 5 September 1995. **[77]**

21.05 The World Organisation Against Torture report, *Violence against Girls in Eritrea - a report to the Committee on the Rights of the Child*, dated 7 July 2004, stated:

"The Constitution of Eritrea has strong protections of women's rights, a reflection of the high status women attained by participating in the liberation struggle as fighters. However, the respect women gained through the war and the resulting gender sensitive laws are in direct contrast to the traditional Eritrean attitude towards women and girls…although Eritrea is composed of several different cultures, with differing perspectives towards women, customary views generally dominate many areas of society and are often discriminatory towards women and girls. This is especially true within the realm of the family, and is thus, extremely important when examining the rights of girls." **[71] (pages 201-202)**

21.06 The United States State Department *2010 Human Rights report: Eritrea*, noted that:

"Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, particularly in rural areas. Women generally did not enjoy a social status equal to men…The Ministry of Labor and Human Welfare and Ministry of Health were the primary government offices responsible for ensuring legal rights of women along with the quasi-governmental National Union of

Eritrean Women (NUEW). Economic discrimination against women was not a problem, despite the social discrepancies." **[3b] (section 6)**

21.07 The Social Institutions and Gender Index (Eritrea section), accessed on 19 October 2010, provided the following information:

"In 1991, the TCE [Transitional Civil Code of Eritrea] abolished previously discriminatory clauses in existing legislation. Today, the law gives women a relatively high level of protection within the family. The TCE recognises three types of marriage: civil, religious and customary. The code explicitly states that all three types follow several binding conditions that enhance women's rights, including setting the minimum age of marriage at 18 years. (These conditions do not apply to marriages governed by Islamic Sharia law.)…the Constitution accords parental authority to both parents, along with equal rights. However, both the TCE and customary laws fall short of recognising the principle of common responsibilities for both parents, particularly in regard to custody of children in case of divorce. In most cases, fathers are still considered as head of the household and are given right of custody.

"Eritrean law does not discriminate in relation to inheritance rights. However, the Muslim community follows Sharia law, which provides for detailed and complex calculations of inheritance shares. Under Sharia, women may inherit from their father, mother, husband or children and, under certain conditions, from other family members, but their share is generally only half of that to which men are entitled…the Eritrean Constitution provides for full ownership rights for women, but the application of legal provisions tends to favour men and limit women's ability to achieve financial independence.

"The Eritrean People's Liberation Front established a policy on land redistribution to improve women's access to land by granting extensive land rights to divorced, widowed and childless women. Despite this effort to institutionalise land rights, many women still lack the means of working the land and face specific difficulties, especially in regions in which cultural norms prevent women from clearing land.

"With regard to access to property other than land, Eritrean women have equal rights to conclude contracts, administer property and run businesses. According to business licensing office statistics, women own around 30 per cent of businesses." **[15]**

21.08 A United Nations Committee on the Elimination of All Forms of Discrimination against Women report [CEDAW/C/ERI/CO/3], dated 3 February 2006, stated:

"While noting the advocacy work carried out by the National Union of Eritrean Women, the Committee is concerned that the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights…while recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict as well as recurrent droughts, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is concerned at the very large number of women heads of household who are particularly vulnerable to poverty…the Committee is especially

concerned about the situation of women in rural areas who often lack access to health, education, clean water and sanitation services and means and opportunities for economic survival." **[81b] (pages 3 and 5)**

21.09 The same United Nations report also stated concerning marriage and family relations:

"While noting that the Transitional Code of Eritrea adopted in 1991 establishes a minimum age at marriage, prohibits forced marriages and establishes a system of equitable division of marital property upon divorce, the Committee is concerned that these laws are not enforced and that discriminatory customary laws and practices continue to be applied. The Committee is also concerned that the Transitional Code's provisions on marriage and family relations do not apply to Muslim marriages and divorces." **[81b] (p5)**

21.10 A United Nations Committee on the Elimination of all forms of Discrimination against Women report on the status of Eritrean women, dated 18 January 2006, stated:

"At this time, Eritrea's majority population still follows Sharia law as opposed to national law. Although the legal age for marriage is 18, underage marriage remains prevalent. Raising awareness of national laws is a constant effort, involving attitude changes among the people of Eritrea. One particular setback in the struggle against early marriage was that many children had no birth registration enabling parents to simply bring a witness to testify a girl was 18, when she may in fact be much younger…in recent developments, one of Eritrea's six regions appointed a female governor in 2005. In addition, the city of Massawa has voted a female mayor into office. Measures have been taken regarding participation of government service positions including hiring through positive discrimination, and lower educational level requirements (although opportunities to upgrade academic levels are available through evening courses as well as correspondence). There is currently unprecedented representation of women in the local judicial structures." **[81a] (p2)**

21.11 The World Organisation Against Torture report, *Violence against Girls in Eritrea - a report to the Committee on the Rights of the Child*, dated 7 July 2004, stated:

"Eritrean civil law provides that the minimum age for marriage for both girls and boys is 18. Nevertheless, customary law carries great weight in Eritrean society and often girls are married at ages well below the legal limit.

"It is widely acknowledged in Eritrea that girls are married earlier than boys. The traditional view holds that the ideal age for marriage for a girl is between 12 and 18. In one study, the view was expressed that marrying girls at a young age was necessary to ensure their virginity before marriage and protect 'the woman from sin'. The ideal age for marriage for men is not correspondent with that of women. In the study mentioned above, many respondents claimed that men should wait until they are between at least 20 and 25, with some asserting that 25 be the minimum age, because of the many responsibilities a man assumes once he is married." **[71] (page 206)**

21.12 A report submitted by the Sexual Rights Initiative (an association of NGOs including Mulabi, Action Canada, Action India, Polish Federation for Women and Family Planning, and others) to the United Nations Human Rights Council, in December 2009, for the purposes of a universal periodic review, stated:

"The Constitution guarantees freedom of movement to everyone and the transitional civil code provides both spouses with the right to choose residence. However, deeply rooted traditions practically necessitate that after marriage a woman automatically holds the domicile of her spouse. Socially, men are entitled to select their wives, although women have no such entitlement, especially in the patriarchal rural communities. In rural areas, women after marriage stay at home, and never go out without the permission of their husbands. The father at home is the dominant figure financially and socially and his daughters cannot go out with men or getting [sic] married without his permission. Women are not allowed any relationship outside the marriage frame, and it is hard for the women to travel alone seeking education or work especially in rural areas away from Asmara." **[70]**

21.13 The United Nations Children's Fund (UNICEF) website, accessed on 25 July 2011, provided the following statistical information on life expectancy, education and health:

Eritrean women - Statistics (UNICEF)	
Life expectancy: females as a percentage of males, 2009 Life expectancy: The number of years newborn children would live if subject to the mortality risks prevailing for the cross-section of population at the time of their birth.	108
Adult literacy rate: females as a percentage of males, 2005 - 2008* Adult literacy rate: Percentage of persons aged 15 and over who can read and write.	71
Enrolment and attendance ratios: females as a percentage of males, Net primary school 2005-2009*, enrolled Gross enrolment ratios: females as % of males: Girls' gross enrolment ratio divided by that of boys, as a percentage. The gross enrolment ratio is the number of children enrolled in a schooling level (primary or secondary), regardless of age, divided by the population of the age group that officially corresponds to that level.	87
Enrolment and attendance ratios: females as a percentage of males, Net primary school 2005 -2009*, attending	93
Enrolment and attendance ratios: females as a percentage of males, Net secondary school 2005 -2009*,	71

86 The main text of this COI Report contains the most up to date publicly available information as at 14 July 2011. Further brief information on recent events and reports has been provided in the Latest News section to 17 August 2011.

enrolled	
Enrolment and attendance ratios: females as a percentage of males, Net secondary school 2005 -2009*, attending	92
Contraceptive prevalence (%), 2005 -2009* Contraceptive prevalence: Percentage of women aged 15-49 years currently using contraception.	8
Antenatal care coverage (%), At least once, 2005 -2009* Antenatal care: Percentage of women aged 15-49 years attended at least once during pregnancy by skilled health personnel (doctors, nurses or midwives).	70
Antenatal care coverage (%), At least four times, 2005 - 2009*	41
Delivery care coverage (%), Skilled attendant at birth, 2005 - 2009* Skilled attendant at delivery: Percentage of births attended by skilled health personnel (doctors, nurses or midwives).	28
Delivery care coverage (%), Institutional delivery, 2005 - 2009*	26

*Data refers to the most recent year available during the period specified in the column heading. **[52a]**

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VIOLENCE AGAINST WOMEN

21.14 The United States State Department *2010 Human Rights Report: Eritrea* stated, in its introduction, that: "Female genital mutilation (FGM) although prevalent in rural areas, declined significantly in urban areas, according to trusted sources." **[3b] (Introduction)**. The same report also noted that: "Violence against women occurred and was pervasive in rural areas." **[3b] (section 6)**

21.15 The World Organisation Against Torture report, *Violence against Girls in Eritrea - a report to the Committee on the Rights of the Child*, dated 7 July 2004, stated that: "Marital rape is not a crime under Eritrean law, as the Transitional Penal Code provides in Article 589 that rape, by definition, must occur outside of marriage. The Draft Penal

Code forsees a slight change in this definition, recognizing rape between spouses where the spouses are separated and living in different households." **[71] (p205)**

21.16 The Social Institutions and Gender Index (Eritrea section), accessed on 19 October 2010, noted that: "Women in Eritrea have relatively low protection for their physical integrity. Violence against women is widespread, particularly domestic violence and wife beating. It was estimated in 2001 that more than 65 per cent of women in the Asmara area had been victims of domestic violence." **[15]**

National service

21.17 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published on 20 April 2011, stated that:

"Sexual violence against female conscripts within the military is being reported by human rights monitors. Some female conscripts are reportedly subject to sexual harassment and violence, including rape, by their supervisors. It is reported that female conscripts are coerced into having sex with commanders, including through threats of heavy military duties, harsh postings, and denial of home leave. Refusal to submit to sexual exploitation and abuse is allegedly punished by detention, torture and ill-treatment, including exposure to extreme heat and limitation of food rations. No effective mechanism for redress and protection exists within or outside the military, and perpetrators generally go unpunished. Women, who become pregnant as a result, are decommissioned and likely to experience social ostracism from their families and communities as unmarried mothers." **[32b] (p18)**

21.18 Regarding national service and abuses against women, the United States State Department *2010 Human Rights Report: Eritrea* stated that: "During the year [2010] the government continued efforts to detain female draft evaders and deserters. According to reports, some women drafted for national service were subjected to sexual harassment and abuse." **[3b] (section 6)**.

21.19 A Human Rights Concern - Eritrea report, *International Women's Day Celebration in Eritrea*, dated 9 March 2010, provided more information about the abuses committed against women:

"It is compulsory for Eritrean women to serve in the national service where they are not treated as equals with the male soldiers, who themselves are there against their wishes and maltreated, but used as sex objects by the military officers and made to work as housemaids-cum-slaves. Women are subjected to abuses and sexual harassment by officers in the training/concentration camps, prisons and the army. Refusal to meet the demands of the officers usually results in torture and reassignment to places with extremely hostile living and working conditions." **[45]**

21.20 The same Human Rights Concern - Eritrea report also stated that:

"In most Eritrean ethnic groups recruitment of women into the military is traditionally not accepted. Women thus recruited are therefore shunned as suitable wives and mothers. They are maltreated by the army and ostracised by the rest of Eritrean society. Paradoxically, childbirth provides the only release from national service into a socially

and economically rejecting society. Some Eritrean women marry early simply to avoid the national service." **[45]**

Protection

21.21 The United States State Department *2010 Human Rights Report: Eritrea* stated that:

"Domestic violence is a crime; however, domestic violence cases were rarely brought to trial, and there were no legal penalties enshrined into law. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by clergy. The authorities' response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes." **[3b] (section 6)**

21.22 The United States State Department *2010 Human Rights Report: Eritrea* also stated that: "Rape is a crime punishable by up to 10 years' imprisonment. Gang rape, 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 categorically outlawed. No information was available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim." **[3b] (section 6)**

21.23 A United Nations Human Rights Council Working Group on the Universal Periodic Review report (summary of stakeholders submissions) on Eritrea, dated 15 September 2009, stated that:

"SRI [Sexual Rights Initiative NGO] stated that the Government has taken a firm public stance against domestic violence, especially wife beating, which is widespread and that marital rape is not categorically outlawed in Eritrea…while noting that overall the Government has failed to protect women from violence, SRI recommended that the Government: criminalize marital rape; conduct public awareness-raising campaigns on rape as a crime and empower victims and their families to expose it; amend the necessary legislation so marriage to the victim does not result in charges of rape being dropped…while also duly investigating and punishing those responsible for it and providing assistance to victims." **[73b] (p4)**

REPRODUCTIVE HEALTH AND RIGHTS

21.24 A report submitted by the Sexual Rights Initiative (an association of NGOs including Mulabi, Action Canada, Action India, Polish Federation for Women and Family Planning, and others) to the United Nations Human Rights Council, in December 2009, for the purposes of a Universal Periodic Review, stated:

"The use of contraception is not widespread. Unless their husbands allow it, women have no choice to prevent pregnancy. Abortion is forbidden by Law and Sharia'a in Eritrea and there is no way to find registered clinics offering that practice. For the Eritreans, abortion is a religious sin. If a woman has to abort, she may do it at home - called 'domestic abortion' - a practice that doubtless puts her on high risk of death. If she dies, her relatives would never admit the reason of death, so there are no clear records in this regard. The main causes of maternal mortality are the lack of medical assistance, the bad roads which delay access to medical help, and the malnutrition, especially in the villages and towns far from Asmara." **[70]**

21.25 As regards abortion, a report submitted by the Eritrean government in 2009 to the United Nations Human Rights Council for the purposes of a United Nations Universal Periodic Review, stated that: "Abortion, although still punishable under the penal code, is permitted in situations where a physician certifies that the mother would suffer grave and permanent damage due to severe physical and mental stress, or when the pregnancy has resulted from rape or incest." **[73a]**

See also Human Rights - Introduction; Trafficking - Overview; National service - exemptions; National service in practice

For information about FGM, see Children - Female Genital Mutilation (FGM)

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22. CHILDREN

OVERVIEW

22.01 A national report submitted by the Eritrean government in 2009 to the United Nations Human Rights Council [A/HRC/WG.6/6/ERI/1] for the purposes of a United Nations Universal Periodic Review stated:

"The State of Eritrea has various provisions for the protection of children's rights under its Transitional Civil Code, Transitional Penal Code and the Transitional Criminal Procedure Code.

"The State of Eritrea signed and ratified the United Nations Convention of the Rights of the Child (CRC) in August 1994 and the African Charter on the Rights and Welfare of Children (ACRWC) in January 2000. Moreover, Eritrea acceded to the CRC optional Protocol on the Sale of children, Child Prostitution and Child Pornography as well as CRC optional Protocol on the Involvement of Children in Armed Conflicts in February 2005." **[73a]**

22.02 The United Nations Children's Fund (UNICEF) *State of the World's Children 2011* report, published in February 2011, provided the following statistical information about Eritrean children:

UNICEF statistical information Children in Eritrea	
Under-5 mortality rate in 2009	55 per 1,000 live births
Infant mortality rate in 2009 (one year of age or younger)	39 per 1,000 live births
Number of births in 2009	185,000

Number of under-5 deaths in 2009	10,000
life expectancy at birth in 2009	60 years
Primary school net enrolment/attendance (%) 2005-2009* (number of children enrolled in or attending primary school, expressed as a percentage of the total number of children of primary school age)	39

*Data refers to the most recent year available during the period specified in the column heading **[52b]**

BASIC LEGAL INFORMATION

22.03 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, noted that: "The legal minimum age for marriage for both men and women is 18 years old, although religious entities may bless marriages at younger ages." **[3b] (section 6)**. The same report also stated that: "The legal minimum age for employment is 14 years old. The law prohibits minors from working in transport industries or working underground, such as in mines and sewers." **[3b] (section 7)**. The Child Soldiers *2008 Global Report* stated that the legal voting age in Eritrea is 18 years of age and 18 is the minimum age for voluntary recruitment into the armed forces. **[8]**. Only persons who are 18 years of age or older are required to undergo national service duties, including compulsory military service, according to Article 6 of the National Service Proclamation. **[13]**. The Child Soldiers *2008 Global Report*, however, stated that "…the forcible recruitment of under-18s had previously been reported, but there was no recent information due to severe restrictions imposed by the government on access to independent observers." **[8]**. The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published on 20 April 2011, stated that: "Although the minimum age for military conscription is 18, forced underage recruitment, particularly of boys, as well as detention and ill-treatment of children have been reported." **[32b] (p16)**

LEGAL RIGHTS

22.04 The Constitution mentions children specifically in Article 22 in relation to the right to enjoy family life and that "…parents have the right and duty to bring up their children with proper care and affection; and, in turn, children have the right and the duty to respect their parents and to sustain them in their old age." **[41]** (Constitutionnet.org)

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VIOLENCE AGAINST CHILDREN

22.05 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated that: "There are no laws against child abuse and no government programs to combat the problem. Physical punishment was widespread and socially accepted", and also that: "The law criminalizes child prostitution, pornography, and

sexual exploitation; however, there were reports that it increasingly occurred during the year [2010] as economic conditions worsened." **[3b] (section 6)**

22.06 Information on the Child Rights Information Network (CRIN) website (accessed on 28 February 2011), comprising of a compilation of extracts about child-rights issues from reports submitted in connection with the first United Nations Universal Periodic Review, stated that:

"In 2008, CRC [UN Committee on the Rights of the Child] was concerned over the information that children, including those in high schools, are victims of torture, cruel and degrading treatment by the police and military, in particular children seeking to avoid military service. It requested Eritrea to take effective measures to protect all children from torture, cruel, inhuman and degrading treatment; to investigate and sanction those responsible for having committed abuses; ensure that all child victims of ill-treatment are provided access to physical and psychological recovery and social reintegration as well as compensation.

"In 2008, CRC noted that the provision on corporal punishment in the Transitional Penal Code only applies to children under 15 when endangering gravely their physical and mental health and that 'reasonable chastisement' remains permitted. CRC was concerned that corporal punishment was still widely practiced in the home, the schools and other settings." **[79]**

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Female genital mutilation (FGM)

22.07 The United States State Department *2010 Human Rights Report: Eritrea* stated that:

"According to reliable sources, the practice of FGM has been largely eliminated in urban areas through the efforts of government educational campaigns to discourage its practice, but FGM continued in remote villages and among nomadic populations. The government did not release official figures estimating the current rate of FGM, but before recent campaigns largely eliminated FGM in urban areas, international organizations reported that 95 percent of girls had undergone FGM, and these figures are likely still accurate in rural regions with limited government interaction. In the lowlands, infibulation - the most severe form of FGM - was practiced. In 2007 the government issued a proclamation declaring FGM a crime and prohibiting its practice. The government and other organizations, including the NUEW [National Union of Eritrean Women] and the National Union of Eritrean Youth and Students, sponsored a variety of education programs during the year [2010] that discouraged the practice." **[3b] (section 6)**

22.08 A report published on the No Peace Without Justice (international NGO) website, entitled *2007: Eritrea bans female circumcision*, stated that the law making the practice of FGM illegal in Eritrea is Proclamation 158/2007, issued on 4 April 2007. This law states that:

"(1) Whosoever performs female circumcision shall be punishable with imprisonment of two to three years and a fine of five to ten thousand (5,000.00 to 10,000.00) Nakfa. If female circumcision causes death, imprisonment shall be from five to ten years.
(2) Whosoever requests, incites or promotes female circumcision by providing tools or

by any other means shall be punishable with imprisonment of six months to one year and a fine of three thousand (3,000.00) Nakfa.
(3) Where the person who performs female circumcision is a member of the medical professions, the penalty shal[l] be aggravated and the court may suspend such an offender from practicing his/her profession for a maximum period of two years.
(4) Whosoever, knowing that female circumcision is to take place or has taken place, fails, without good cause, to warn or inform, as the case may be, the proper authorities promptly about it, shal[l] be punishable with a fine of up to one thousand (1,000.00) Nakfa." **[5]**

22.09 The BBC News report, *Eritrea bans female circumcision*, dated 4 April 2007, provided additional information about the 2007 ban on FGM:

"Eritrea has banned the life-threatening practice of female circumcision, the Eritrean information ministry has said...The move follows a campaign against the practice by the National Union of Eritrean Women, which says more than 90% of Eritrean women are circumcised…female circumcision is a procedure that seriously endangers the health of women, causes them considerable pain and suffering besides threatening their lives,' the government proclamation said.

"'Whosoever requests, incites or promotes female circumcision by providing tools or any other means and whosoever, knowing that female circumcision is to take place or has taken place, fails without good cause, to warn or inform the proper authorities promptly, shall be punishable with a fine and imprisonment,' it continued." **[25h]**

22.10 There was some variation between sources regarding the percentage of girls who have undergone FGM. The United States State Department *2010 Human Rights Report: Eritrea* stated that "…95 percent of girls had undergone FGM…" **[3b] (section 6)**. The BBC News report, *Eritrea bans female circumcision*, dated 4 April 2007, stated that "…more than 90% of Eritrean women are circumcised." **[25h]**. The United Nations Children's Fund (UNICEF) *State of the World's Children 2011* report, published in February 2011, however, stated that 89 percent of women had undergone FGM. **[52b]**

22.11 The UNICEF report *Commemorating the ban on female genital mutilation in Eritrea*, dated 22 February 2010, stated that:

"Letenkiel Misghina, a former practitioner of female genital mutilation/cutting (FGM/C), recently attended an all-day event commemorating the banning of the practice in Eritrea. The colourful procedings included speeches, poems, testimonies, information sessions, a marathon, a bicycle race and a carnival.

"In 2007, the Government of Eritrea passed a proclamation banning FGM/C. An intensive, multi-faceted advocacy and mobilization campaign ensued, aiming to change attitudes among different groups of society - including traditional birth attendants, circumcizers, community elders and religious leaders…despite the ban, much work is still needed to ensure the full elimination of FGM/C in Eritrea, where the practice is still seen by many as an important factor in attaining social acceptance and improving girls' marriage prospects.

"In 2002, the Eritrean Demographic and Health Survey showed that 89 per cent of Eritrean women had been cut. This prevalence rate is among the highest on the African

continent. In the survey, 42 per cent of women said the practice was beneficial for social acceptance; 25 per cent for marriage prospects; and 18 per cent for religious approval.

"Since the ban, it appears that traditional birth attendants and circumcizers have increasingly dropped the practice and become advocates for change. UNICEF Eritrea's goal is to attain a 30 per cent reduction in the practice of FGM/C by 2011." **[52c]**

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Child labour

22.12 The United States Department of Labour *2009 Findings on the Worst Forms of Child Labor* report, published on 15 December 2010, stated that:

"Children are exploited in the worst forms of child labor in Eritrea, many of them in agriculture. Children in rural areas of Eritrea work on farms producing corn, wheat, sorghum, and other grains, and in fields gathering firewood, hauling water, and herding livestock. Children's work in agriculture commonly involves use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children are also engaged in domestic labor where they may face long hours of work and exposure to physical and sexual exploitation by their employers.

"In urban areas, children repair vehicles and work on the streets as vendors. Children also work in garages and workshops making household utensils and furniture. In Asmara, some children engage in commercial sexual exploitation and street begging. Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements." **[42] (p235)**

22.13 As regards laws and legal protections that relate to child labour, the United States Department of Labour *Child Labor* report stated that:

"The Labor Proclamation sets the minimum age for employment at 14 and the minimum age for hazardous work at 18. Under this law, hazardous work includes transporting goods and passengers, heavy lifting, working with toxic chemicals and dangerous machines, and working underground, such as in mines, quarries, sewers, and tunnel digging. However, the Labor Proclamation does not include penalties for employers of children in hazardous work or children under the minimum age…slavery, servitude and forced labor are prohibited by the Constitution. The Penal Code prohibits and provides penalties for trafficking in persons for sexual exploitation, child rape, and child prostitution. There is no legislation to prohibit trafficking for labor exploitation. Children under 18 are prohibited from being recruited into the armed forces by Proclamation 11/1991. However, children under age 18 may receive military training." **[42] (p236)**

See also National service – students and conscription

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Sexual abuse

22.14 The World Organisation Against Torture report, *Violence against Girls in Eritrea - a report to the Committee on the Rights of the Child*, dated 7 July 2004, stated:

"Article 594-599 of the Eritrean Penal Code provides harsh penalties for sexual acts involving children. However, these punishments are rarely exercised because such crimes are seldom reported.

"There is a lack of information concerning sexual abuse and incest within the family…girl sex workers are particularly vulnerable to sexual violence and abuse. Additionally, because they are ostracized by society, they are susceptible to psychological harm and stunted development. With very few child sex workers being aware of the need for contraception, they are also at extreme risk of contracting HIV/AIDS and other sexually transmitted diseases." **[71] (pages 209-210)**

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EDUCATION

22.15 Europa World Plus, undated, accessed on 4 February 2011, stated that:

"Education is provided free of charge in government schools and at the University of Asmara. There are also some fee-paying private schools. Education is officially compulsory for children between seven and 13 years of age. Primary education begins at the age of seven and lasts for five years. Secondary education, beginning at 12 years of age, lasts for up to six years, comprising a first cycle of two years and a second of four years." **[24] (Society and Media).** Awate reported on 4 June 2010 that the University of Asmara was closed down in 2006. **[27l]**

22.16 The UNICEF (United Nations Children's Fund) *State of the World's Children* report, published in February 2011, stated that the primary school attendance ratio (number of children enrolled in or attending primary school, expressed as a percentage of the total number of children of primary school age) in the 2005-2009 period was 69 for males and 64 for females. **[52b]**

22.17 The United States State Department *2010 Human Rights Report: Eritrea* stated that:

"Education through grade seven is compulsory, and tuition free; however, students were responsible for uniforms, supplies, and transportation, which was prohibitively expensive for many families. Education above grade seven requires a nominal fee and was not compulsory. There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. In rural areas, young girls usually left school early to work at home." **[3b] (section 6)**

22.18 The Eritrean Ministry of Information (Shabait) report, *Eritrea: Institutions of Higher Education Making Due Contribution in Building Human Capacity*, dated 11 March 2009, stated:

"The Executive Director of the National Board for Higher Education, Dr. Tadesse Mehari, said that the expansion of colleges of higher education in all the administrative regions has become a cornerstone in developing competent manpower.

"He said that the University of Asmara that was the sole institution of higher learning in the country used to enroll only about 1,000 students. At present, however, tens of thousands of students have become beneficiaries of higher education thanks to the opening of a number of colleges across the nation.

"Dr. Tadesse further noted that the colleges opened over the past couple of years include the Eritrean Institute of Technology in Mai Nefhi, the Hamelmalo Agricultural College, the College of Health Sciences, the Orotta School of Medicine, the College of Marine Science and Technology, the College of Business and Economics as well as the College of Arts and Social Science. To-date, a total of 3,000 students have graduated in degree and diploma from the newly opened institutions of higher education, he added." **[46c]**

See also National service – students and conscription

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HEALTH AND WELFARE

22.19 The UNICEF (United Nations Children's Fund) *State of the World's Children 2011* report, published in February 2011, provided the following statistical information about the health of Eritrean children:

UNICEF statistical information - health of children in Eritrea	
percentage of one-year-old children immunised against tuberculosis (2009)	99
percentage of one-year-old children who have received their first dose of diphtheria, pertussis and tetanus vaccine (2009)	99
percentage of one-year-old children who have received three doses of diphtheria, pertussis and tetanus vaccine (2009)	99
percentage of one-year-old children who have received three doses of polio vaccine (2009)	96
percentage of one-year-old children immunised against measles (2009)	95
percentage of one-year-old children who have received three doses of hepatitis B vaccine (2009)	99
percentage of one-year-old children who have received three doses of haemophilus type b vaccine (2009)	99
percentage of new-borns protected against tetanus (2009)	86
percentage of children under five years old with diarrhoea receiving oral rehydration and continued feeding 2005-2009*	54x
percentage of children under five years old with fever receiving anti-malarial drugs 2006-2009*	4x

* Data refers to the most recent year available during the period specified
x Data refers to years or periods other than those specified; differ from the standard definition, or refer to only part of a country. **[52b]**

22.20 An article entitled *Eritrea's Significant Achievement in Child Health*, dated 10 December 2008, published on the Shaebia (People's Front for Democracy and Justice) website, stated:

"Eritrea is one of the few third world countries that are expected to achieve the Millennium Development Goals on the health sector in general and child health in particular. The country has registered remarkable progress in child mortality rate over

the last 17 years…while African children's health care situation is at a low level, Eritrea has given a good lesson to the rest of the continent. Eritrea reduced child death rate by 50 percent and that makes it one of the few countries on track for achieving the Millennium Development Goals.

"According to the report of the Ministry of Health, the achievement is attributed to regular vaccination, public campaigns, dedication of health workers, high community participation, and above all the political commitment of the country. Consequently, Eritrean children are now free from polio, measles, tetanus and the malaria mortality rate has also dropped dramatically over the last few years.

"Community based child health care, one of the most effective measures, was established in 2005 in 17 villages, and in 2007 it reached 63. These centers played an important role in the provision of health services to remote areas of the country where the majority of the people live." **[44a]**

See also Human Rights - Introduction; Trafficking - Overview; Medical Issues; and Students and conscription

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23. TRAFFICKING

OVERVIEW

23.01 The United States State Department *Trafficking in Persons Report 2011*, published on 27 June 2011, stated that:

"Eritrea is a source country for men, women, and children subjected to forced labor and, to a lesser extent, sex trafficking. During the reporting period, acts of forced labor occurred in Eritrea, particularly in connection with the implementation of the country's national service program…Each year, large numbers of Eritrean workers migrate in search of work, particularly to the Gulf States and Egypt, where some become victims of forced labor, primarily in domestic servitude. For example, in December 2010, smugglers reportedly held 250 Eritrean migrants hostage in the Sinai Desert and forced some to build homes and provide domestic labor. Smaller numbers of Eritrean women and girls are subjected to sex trafficking inside the country and potentially in Gulf countries. In addition, thousands of Eritreans flee the country illegally, mostly to Sudan, Ethiopia, and Kenya, where their illegal status makes them vulnerable to situations of human trafficking." **[3d] (Eritrea)**

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GOVERNMENT EFFORTS TO TACKLE TRAFFICKING

23.02 The United States State Department *Trafficking in Persons Report 2011* stated:

"The Government of the State of Eritrea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Eritrean government does not operate with transparency and published neither data nor statistics regarding its efforts to combat human trafficking; it did not respond to

requests to provide information for this report…The Government of the State of Eritrea made no known efforts to prosecute or punish trafficking offenses during the reporting period. Article 605 of the Eritrean Transitional Criminal Code prohibits trafficking in women and young persons for sexual exploitation, which is punishable by up to five years' imprisonment, or from three to 10 years' imprisonment if aggravating circumstances are present; these penalties are not commensurate with punishments prescribed for other serious crimes, such as rape. Article 565 prohibits enslavement and prescribes punishment of five to 20 years' imprisonment, penalties which are sufficiently stringent. Forced labor is prohibited under Article 16 of the ratified, but suspended, Eritrean Constitution; this provision, however, does not prescribe any penalties. Proclamation 11/199 prohibits the recruitment of children under 18 years of age into the armed forces. Nevertheless, there are no documented penalties for such recruitment and the government has never used these statutes to prosecute cases of human trafficking. The government did not publish information on investigations or prosecutions, if any, of human trafficking offenses during the reporting period. Eritrea similarly failed to report any law enforcement efforts against official complicity in trafficking offenses, such as the use of forced labor to build personal homes or for other personal gain of military officers and government officials…the government provided no known training to its law enforcement on identifying and responding to trafficking crimes." **[3d] (Eritrea)**

See also Human Rights - Introduction; Children; Women

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24. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.01 The World Health Organisation *Eritrea Country Cooperation Strategy 2009 - 2013* report, published in 2009, stated that:

"Since independence in 1991, Eritrea has made considerable progress in promoting equitable, accessible and affordable health services to the majority of its citizens with the support of its partners. This is demonstrated by the significant improvement of health indicators…the country still experiences acute shortage of human resource at all levels of the Health Care delivery System. The health service is delivered in a three tier system in the country and an effort to improve the referral system is underway." **[22b]**

24.02 The AmeriCares (NGO) website (accessed on 28 January 2011) provided the following information about Eritean health services:

"Ongoing violence, recurring droughts and a rural population in Eritrea pose great challenges for the new country's health care system. Eritrea gained its independence from neighboring Ethiopia in 1993. Ninety percent of the country's 5 million people are allowed to access free medical treatment at public hospitals and clinics.

"However, Eritrea has only one doctor per 10,000 people and most health care providers are located in urban areas. With 80% of the country's population living in rural areas, it is much harder to access health care or travel to urban health facilities. The

lack of access to medical care leads to needless deaths in patients with treatable illnesses, new mothers and children under the age of 5.

"Strengthening the public health system is a priority. In recent years, significant investments have been made and several new hospitals and teaching facilities were opened to reach medically underserved communities." **[69]**

24.03 Some Eritreans have been critical of health services, as the Eritrean Ministry of Information (Shabait) report, *Members Of The Public Express Complaint With The Work Of Halibet Hospital*, dated 10 December 2010, noted:

"Members of the public expressed complaints with the long-hour lining up at Halibet Hospital for getting medical card[s] before receiving treatment that is causing extra suffering to patients.

"They stated that intensive lining up is a daily phenomenon in the hospital as there exists no separate facility for getting medical cards to children and adults. In this connection, members of the public voiced criticism against the Health Ministry in general and the Administration of Halibet Hospital in particular for failing to take meaningful action towards tackling the problem.

"They went on to say that additional staff members need to be assigned in the card-provision service. They further explained that although the hospital is rendering better and fair medical service, concerted action need nonetheless be taken to upgrade work performance." **[46h]**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

24.04 A report submitted by the Sexual Rights Initiative (an association of NGOs including Mulabi, Action Canada, Action India, Polish Federation for Women and Family Planning, and others) to the United Nations Human Rights Council, in December 2009, for the purposes of a Universal Periodic Review, stated:

"Eritrea faces a rapid expansion of the HIV/AIDS pandemic within the next few years. The number of people infected by HIV could increase significantly…while figures compiled since 1997 indicate that HIV prevalence in the adult population is around 3 percent, a recent survey of the army revealed that 4.6 percent of soldiers were HIV-positive. The same study showed an HIV prevalence of 22.8 percent among female bar workers.

"Since the first AIDS case in Eritrea was reported in 1988, the progress of the disease has been rapid. By 2004, more than 13,000 people had been registered as infected. About 2,500 of these cases were reported in 2001 alone. Other statistics also demonstrate how quickly the pandemic has expanded. In 1996, AIDS was claimed to be the 10th highest cause of death in Eritrean hospitals. By last year [2008] it was the second leading cause of death among patients over five years of age…awareness campaigns have also been organised by the government for groups considered at higher risk of being infected, such as truckers and commercial sex workers. But HIV is still a stigma in Eritrea, so another problem is that those infected do not reveal their condition and thus have no access to proper assistance." **[70]**

24.05 The Eritrean Ministry of Information (Shabait) report, *Relentless Endeavors Underway to Prevent HIV/Aids Infection*, dated 22 December 2009, however, stated that:

"The number of visitors of the voluntary HIV/AIDS blood testing and counseling service is on the rise which in turn contributed to the reduction of HIV infection, stated Dr. Andeberhan Tesfatsion, director of HIV/AIDS and TB in the Ministry of Health.

"In a meeting held at Hotel Asmara Palace, he commended the encouraging endeavors of all institutions and partners in preventing the spread of the infection and uprooting the discriminatory attitude of the society towards persons living with HIV/AIDS.

"Dr. Andeberhan further pointed out that the Government is working diligently in introducing age prolonging medicine (ART- Antiretroviral Therapy) and distributing it to people living with HIV/AIDS free of charge, and thereby enable [sic] them become productive.

"He explained that although the spread of HIV/AIDS is at its lowest level in Eritrea compared to other countries in the region, concerted action is nonetheless needed as the country is located in high-risk zone." **[46b]**

24.06 A more recent Eritrean Ministry of Information (Shabait) report, *HIV/Aids Keeps on Declining,* dated 1 December 2010, stated that:

"The spread of HIV/AIDS infection in Eritrea continues to decline, stated Dr Andeberhan Tesfatsion, director of national HIV/AIDS and Tuberculosis control department in the Health Ministry.

"In an interview he conducted with ERINA [Eritrean News Agency] in connection with World AIDS Day, he pointed out that the infection is declining from year to year thanks to the campaign being undertaken to raise societal awareness.

"Dr Andeberhan further indicated that the Government is disbursing 8 million to 10 million Nakfa annually for providing medical care to nationals living with HIV/AIDS so as to enable them [to] become productive. He went on to say that concerted action is also being taken to help them organize in the Bidho HIV/AIDS Association so that they may obtain psychological and medical advice, besides securing financial support.

"Noting that the Ministry has been working diligently through mapping out a 5-year work program for the period 2008 to 2012, Dr Andeberhan said that strenuous efforts are being exerted to raise public awareness to the highest level and reducing the infection to the lowest level possible." **[46e]**

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DIALYSIS

24.07 The Eritrean Ministry of Information (Shabait) report, *Eritrea: Dialysis Treatment Introduced*, dated 21 November 2008 stated that "…dialysis treatment for patients suffering from kidney disease has been introduced in Eritrea. Accordingly, Orotta Referral Hospital has introduced four modern equipments [sic] to this end." The report also stated that "…Eritrean nurses have been trained to properly monitor the newly

introduced equipments [sic]", and also that "…previously, patients who require dialysis treatment used to travel abroad for the treatment." **[46a]**

MENTAL HEALTH

24.08 Regarding mental health care in Eritrea, the World Health Organization (WHO) *Mental Health Atlas*, published in 2005, stated that although a mental health policy was devised in 1997, there is no specific mental health legislation other than provisions in the Penal Code; there is no national mental health programme, nor budget allocations for mental health. **[22a] (pages 1-2)**. On actual provision, the WHO Mental Health Atlas stated that "mental health is a part of the primary health care system. Actual treatment of severe mental disorders is available at the primary level. Severe mental disorders are primarily treated at the tertiary level (at St Mary's Psychiatric Hospital). However, limited care is available at secondary and primary levels." **[22a] (p2)**. The WHO Mental Health Atlas 2005 noted that phenobarbital, chlorpromazine, and diazepam are available at the primary health care level. **[22a] (p3)**

See also Overview of availability of medical treatment and drugs

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25. FREEDOM OF MOVEMENT

25.01 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, stated:

"The law and unimplemented constitution provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government restricted all of these rights in practice…Citizens required government permission for most travel within the country and to change their places of residence. The government severely restricts travel to the border regions and does not even offer bus services to towns near the border. The government continually modified its requirements to obtain passports and exit visas, sometimes suspending passport or exit visa services without prior warning. During the year the government introduced a new, machine-readable passport at a cost of 4,000 nakfa ($267) valid for two years. It costs a citizen in national service approximately 40 percent of his gross yearly salary just to maintain a valid passport. The prohibitive cost of the passport deters many citizens from foreign travel.

"Citizens participating in national service were often denied internal travel permits, passports, and exit visas. Many persons who previously were issued passports were not allowed to renew them, nor were they granted exit visas. Military police periodically set up roadblocks in Asmara and on roads between other cities to find draft evaders and deserters. Police also stopped persons on the street and forcibly detained those who were unable to present identification documents or movement papers showing they had permission to be in that area." **[3b] (section 2d)**

25.02 The Human Rights Watch *Service for Life - State Repression and Indefinite Conscription Eritrea* report, published on 16 April 2009, stated:

"Severe restrictions on freedom of movement are in place. As more and more of its citizens leave the country, the government's methods to try and stem the exodus have

become more brutal…within Eritrea, movement is equally circumscribed through a variety of mechanisms…a visitor to Eritrea in late 2008 described buses being frequently stopped and passengers asked for ID cards: some possessed laminated cards showing that they had completed national service, others had letters authorizing travel to a specific place and for a limited period of time." **[29c] (p62-63)**

25.03 Foreign nationals in Asmara need permission to travel outside the city, as noted in the *Travel Advice* (updated 5 July 2011) section of the United Kingdom Foreign and Commonwealth Office website:

"All foreign nationals are required to have a travel permit to leave Asmara. Those working outside Asmara are also required to have a travel permit to leave their area of residence or work. Applications for such travel permits in Asmara are handled by the relevant ministry. For business travellers, applications are dealt with by the Ministry of Trade and Industry. Applications outside Asmara are handled by the local Zoba (Region) Administration Offices. Permission may take several days to be granted and is sometimes refused or delayed…Foreign diplomats were told in February 2011 that they would not be issued with travel permits until further notice. Staff from the British Embassy are therefore unlikely to be able to offer any consular assistance to British nationals outside Asmara." **[10c]**

25.04 The British Embassy in Asmara, in a letter dated 10 August 2010, provided the following information, obtained from Eritrean sources:

"Travel permits are required to travel anywhere in Eritrea, travel to border areas is not permitted. They are issued by the Ministry of Defence (MOD), the Demobilisation Commission and other local administration offices. The format is not standard, for those who have completed their national service, they can travel using their ID Card and their demobilisation papers. If issued by the MOD, the travel permit contains: full name, date of travel, expiry date of permit and where travelling to and from. The demobilisation paper contains: full name, military number, date of birth, national service details and a photograph of the holder. Anyone found trying to leave without the necessary permit or demobilisation paper will be detained until they can prove they have completed their national service. Those who have not reported for national service will be detained as deserters and sent to a military training camp. ID cards are compulsory for anyone over the age of 18. They are issued by the Department of Immigration and Nationality in a standard format. They contain: full name, date of birth, place of birth, address and a photograph of the holder. ID cards need to be carried at all times. If found not to be in possession of an ID card, individuals will be detained until such time as one can be produced. They rely on friends or guards to inform their family of their detention." **[10e]**

See also Round-ups (*Giffas*) and Exit and return

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26. CITIZENSHIP AND NATIONALITY

26.01 The legal requirements for Eritrean nationality are set out in Eritrean Nationality Proclamation 21/1992, which became law on 6 April 1992. Eritrean nationality can be acquired through birth, adoption, naturalisation, and marriage. Dual nationality is not

allowed. The Proclamation also contains provisions that allow citizenship to be rescinded. **[2] (Eritrean Nationality Proclamation 21/1992)**

26.02 Article 2 of the Nationality Proclamation relates to birth in Eritrea and states that:

"1 Any person born to a father or a mother of Eritrean origin in Eritrea or abroad is an Eritrean national by birth.

"2 A person who has 'Eritrean origin' is any person who was resident in Eritrea in 1933.

"3. A person born in Eritrea of unknown parents shall be considered an Eritrean national by birth until proven otherwise.

"4. Any person who is an Eritrean by origin or by birth shall, upon application, be given a certificate of nationality by the Department of Internal Affairs.

"5. Any person who is Eritrean by birth, resides abroad and possesses foreign nationality shall apply to the Department of Internal Affairs if he wishes to officially renounce his foreign nationality and acquire Eritrean nationality or wishes, after providing adequate justification, to have his Eritrean nationality accepted while maintaining his foreign nationality." **[2] (Eritrean Nationality Proclamation 21/1992)**

26.03 Article 3 of the Nationality Proclamation relates to individuals who were born abroad and entered and resided in Eritrea between 1934 and 1951 and states that:

"1. Eritrean nationality is hereby granted to any person who is not of Eritrean origin and who entered, and resided in, Eritrea between the beginning of 1934 and the end of 1951, provided that he has not committed anti-people acts during the liberation struggle of the Eritrean people. He shall, upon application, be given a certificate of nationality by the Department of Internal Affairs, provided that he has not rejected Eritrean nationality. The provisions of article 2(5) of this Proclamation shall apply when such a person possesses the nationality of another country.

"2. Any person born to a person mentioned in sub-article 1 of this article is Eritrean by birth. The Department of Internal Affairs shall, upon his application, issue him a certificate of nationality.

"3. The Department of Internal Affairs shall revoke the nationality of any person mentioned in sub-article 1 of this article where it determines that he had acquired Eritrean nationality or the certificate of Eritrean nationality by fraud, deceit or concealment of decisive facts." **[2] (Eritrean Nationality Proclamation 21/1992)**

26.04 Article 4 of the Nationality Proclamation relates to individuals who were born abroad and entered and resided in Eritrea in 1952 or thereafter and states that:

"1. Any person who is not of Eritrean origin and has entered, and resided in, Eritrea in 1952 or after shall apply for Eritrean nationality to the Secretary of Internal Affairs.

"2. The Secretary of Internal Affairs shall grant Nationality by Naturalization to the person mentioned in sub-article 1 of this article provided that the person:

a) has entered Eritrea legally and has been domiciled in Eritrea for a period of ten (10) years before 1974 or has been domiciled in Eritrea for a period of twenty (20) years while making periodic visits abroad;

b) possesses high integrity and has not been convicted of any crime;

c) understands and speaks one of the languages of Eritrea;

d) is free of any of the mental or physical handicaps mentioned in article 339-340 of the Transitory Civil Code of Eritrea, will not become a burden to Eritrean society and can provide for his own and his family's needs;

e) has renounced the nationality of another country, pursuant to the legislation of that country;

f) has decided to be permanently domiciled in Eritrea upon the granting of his Eritrean nationality;

g) has not committed anti-people acts during the liberation struggle of the Eritrean people.

"3. A person shall be granted Eritrean Nationality by Naturalization and given a certificate of nationality pursuant to sub-article 2 of this article only after he signs the oath of allegiance attached to, and is part of, this Proclamation before the Secretary of Internal Affairs or any other official designated by him. Eritrean nationality granted pursuant to article 4 of this Proclamation shall be proclaimed in the Gazette of Eritrean Laws.

"4. A person given a certificate of Eritrean nationality pursuant to sub-article 2 of this article shall acquire the status of a Naturalized Eritrean national as of the date of receipt of the certificate.

"5. The Secretary of Internal Affairs may cause the name of any offspring on whose behalf an application has been made by a person responsible for him under the law and who has been granted Eritrean Nationality by Naturalization to be included in the certificate of nationality of the applying person. The minor offspring shall acquire the status of a naturalized national as of the date of the inclusion of his name.

"6. Any person born to a naturalized Eritrean national pursuant to article 4 of this Proclamation after the person has been granted the status of a Naturalized National becomes an Eritrean by birth." **[2] (Eritrean Nationality Proclamation 21/1992)**

26.05 Article 5 of the Nationality Proclamation relates to obtaining nationality by adoption and states that: "The Secretary of Internal Affairs shall grant Eritrean Nationality by Naturalization and issue a certificate of nationality to a person adopted legally by, and upon the application of, an Eritrean national by birth or by Naturalization or by the adopted person himself." **[2] (Eritrean Nationality Proclamation 21/1992)**

26.06 Article 6 of the Nationality Proclamation relates to obtaining nationality through marriage and states that:

"1. Any person of non-Eritrean origin who is legally married to an Eritrean national by birth or to a person granted Eritrean Nationality by Naturalization shall be granted Eritrean Nationality by Naturalization when such a person applies to the Secretary of Internal Affairs, provided that the person:

a) has lived in Eritrea with the spouse for at least three (3) years;

b) has renounced his foreign nationality and is prepared to acquire Eritrean nationality;

c) signs an oath of allegiance pursuant to article 4(3).

"2. A person who had been granted Eritrean nationality by reason of marriage shall be deprived of his nationality by the Secretary of Internal Affairs where such a person chooses to re-acquire his original nationality upon the death of the spouse or by divorce or when the marriage is declared null and void by a court of law." **[2] (Eritrean Nationality Proclamation 21/1992)**

26.07 Article 8 of the Nationality Proclamation relates to the deprivation of nationality and states that:

"1. A committee composed of the Secretaries of Justice, Internal Affairs and Public Administration may deprive of his nationality an Eritrean national by birth or an Eritrean granted Nationality by Naturalization pursuant to article 4 hereof, who has attained the age of eighteen and has capacity under the law where such a person:

a) voluntarily acquires a foreign nationality after the publication of this Proclamation; or

b) officially renounces his Eritrean nationality; or

c) signs an oath of allegiance of another country after the publication of this Proclamation; or

d) in violation of an explicit provision of Eritrean law, serves or continues to serve another country; or

e) is condemned for treason by a court of law.

"2. A committee composed of the Secretaries of Justice, Internal Affairs and Public Administration may deprive of his Nationality a person who has been granted Eritrean Nationality by Naturalization (articles 4 to 6) where such a person:

a) acquires Eritrean nationality or a certificate of nationality by fraud, deceit or concealment of decisive facts; or

b) is confirmed, that he has, by illegally contacting external powers, committed acts which aided and abetted an enemy;

c) has committed treason outside Eritrea;

d) has been indicted for a crime and sentenced to more than five years imprisonment;

e) has committed any one of the acts enumerated in sub article(l) hereof.

"3. A person shall be deprived of his nationality pursuant to sub-articles (l) and (2) hereof only after the necessary investigation has been conducted and after such a person has been given an opportunity to defend himself." **[2] (Eritrean Nationality Proclamation 21/1992)**

The nationality law, Eritrean Nationality Proclamation 21/1992, can be accessed here: http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b4e026

See also Religion - Jehovah's Witnesses

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ETHIOPIANS IN ERITREA

26.08 The Human Rights Watch report, *The Horn Of Africa War: Mass Expulsions and the Nationality Issue*, published in January 2003, noted that:

"The legal status of Ethiopian residents in Eritrea who had not sought Eritrean nationality at the time of the war's [with Ethiopia] outbreak [in 1998] does not appear to be in dispute. The Eritrean government as a rule considered them as aliens. It did not automatically issue the Eritrean national identity card or passport to these Ethiopians nor did it recruit them for employment reserved for nationals. Ethiopians were also not called up for military service in Eritrea. For the purposes of residency and departure procedures, the Eritrean government continued to deal with Ethiopian nationals under the normal institutions and procedures governing aliens residing in the country, i.e. they were required to acquire residency permits and obtain exit visas to leave the country." **[29d] (p31)**

26.09 An International Committee of the Red Cross report, published in August 2009, stated that "…the Eritrean authorities have informed the International Committee of the Red Cross (ICRC) that it will no longer be involved in any repatriation of Ethiopians from the country. According to the authorities, this decision was motivated by the unilateral cancellation of two repatriation operations in late 2008 and early 2009 by Ethiopia". The report further stated that since 2000, more than 43,000 Ethiopian and Eritrean civilians have been repatriated to their respective countries, and that "the decision of the Eritrean authorities to terminate the ICRC's involvement in the repatriations does not affect the right of Ethiopian nationals to leave Eritrea if they wish to do so." **[47]**

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27. IDENTITY (ID) CARDS AND DOCUMENTATION

27.01 The British Embassy in Asmara, in a letter dated 10 August 2010, provided the following information, obtained from Eritrean sources:

"ID cards are compulsory for anyone over the age of 18. They are issued by the Department of Immigration and Nationality in a standard format. They contain: full name, date of birth, place of birth, address and a photograph of the holder. ID cards need to be carried at all times. If found not to be in possession of an ID card, individuals will be detained until such time as one can be produced. They rely on friends or guards to inform their family of their detention…by virtue of Article 51 of the T/Criminal

Procedure Code of Eritrea, the police and army are empowered to carry out routine checks on individuals unless the person concerned is a member of the diplomatic community. Individuals have to produce their ID card and demobilisation papers…according to Art 5 of the Eritrean Peoples' Liberation Front (EPLF) Civil Law, every People's Congress has the duty and responsibility to organise Civil Status Officers who shall register births, marriages and deaths within its jurisdiction, and are duty-bound to issue certificates on request by any individual, as prescribed under Article 9 of the law. But in practice People's Congresses have not yet been re-established since independence in the spirit of the law. Therefore, registration of births, marriages and deaths is not available except in Asmara. Registration in Asmara has been in practice since the time of Italian colonisation, however, registration is not mandatory for the people - even in Asmara. That said, most people do register births in order to include all family members on their ration cards. There is no central register office where records are held." **[10e]**

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28. EXIT AND RETURN

PASSPORT APPLICATIONS

28.01 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"Individuals working in a government ministry or agency must obtain ministerial permission before applying for a passport. Other individuals must obtain authorisation from a local government administrator and present a birth certificate, any military/national service medical exemption documents, and an ID card. The administrator will then instruct the Department of Immigration (which has offices in regional capitals) to issue a passport. All of the Department of Immigration's regional offices can issue passports. There is a fee for this service. For some time now, it has been very difficult to obtain first-issue passports. In practice, those individuals who are exempt from military/national service, such as people who are ill or old, as well as government officials who need to travel abroad on official business, will find it easier to obtain passports. Even in these cases, however, there is no guarantee that a passport application will be accepted. Passports, which are due to go biometric at some point, are printed in English, Tigrinya and Arabic." **[10a]**

28.02 The Awate report, *Eritrea Annuls All Passports; Issues New Ones*, dated 19 April 2010, stated that:

"Cash strapped and facing sanctions and asset-freezes, the Government of Eritrea has issued an order to its embassies to annul all Eritrean Passports and to require Eritrean passport-holders to apply for new ones by paying USD $200 (for expatriates) and Nakfa 3000 for Eritrean residents.

"Unlike the old passports, which were valid for 5 years, the new ones will have to be renewed every 2 years…the decision to reduce the expiration date of the passports from 5 to 2 years will be specially onerous on Eritreans residing in Middle Eastern countries who are required to have valid passports from their native country to secure employment in their host countries. When renewing their passports, they are asked to

pay the passport fee, any 2% income tax in arrears (tax on income generated in the host country), as well as any other fee that was imposed by the ruling party (national defense fee, adopt-a-martyr fee, fight-the-sanction-fee, etc.)." **[27m]**

28.03 The United States State Department *2010 Human Rights Report: Eritrea*, published on 8 April 2011, noted that:

"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 exit visas upon their departure from the country. Applications to return to the country filed by citizens living abroad were considered on a case-by-case basis if the applicant had broken the law, contracted a serious contagious disease, or was declared ineligible for political asylum by other governments." **[3b] (section 2d)**

See Freedom of Movement

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EXIT VISAS AND ILLEGAL EXIT

28.04 The United States State Department *2010 Human Rights Report: Eritrea* stated:

"Citizens and some foreign nationals were required to obtain exit visas to depart the country. Persons routinely denied exit visas included men up to the age of 54, regardless of whether they had completed national service; women under the age of 47; members of Jehovah's Witnesses and unregistered religious groups; persons who had not completed national service; and other persons out of favour with, or seen as critical of, the government. In 2006 the government began refusing to issue exit visas to children 11 years and older. During the year [2010] some children as young as five years of age were denied exit visas either on the grounds that they were approaching the age of eligibility for national service or because their foreign-based parents had not paid the 2 percent income tax required of all citizens residing abroad. The government did not in general grant exit visas to entire families or the male and female parents of children simultaneously in order to prevent families from fleeing the country. Some citizens were given exit visas only after posting bonds of approximately 150,000 nakfa ($10,000). Exit visa policies are frequently adjusted in nontransparent ways to specifically benefit the relatives of high-ranking government officials, such as the unannounced posting of public notices in locations that the public cannot access." **[3b] (section 2d)**

28.05 The United States State Department *International Religious Freedom Report 2010 on Eritrea*, published on 17 November 2010, stated that:

"The application for an exit visa requires a designation of religious affiliation, and Christians must include their religious denomination in the application. Members of registered faiths can often obtain exit visas if they have completed national service requirements and were of retirement age. Members of unregistered faiths required additional permission from the Office of Religious Affairs, which granted permission, denied permission, or immediately arrested the applicant." **[3c] (section 2)**

28.06 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"Exit visas used to be issued in sticker form but following a 2009 alleged visa scam are now stamps. They are produced in a standard format, in English only.

"Exit visas are not issued free of charge. The cost is currently around £8 (GBP) for a single exit visa. If government officials are travelling on official business we assume, but cannot confirm, that they do not pay fees.

"Exit visas are issued by the Department of Immigration which has regional offices. All these regional offices have the authority to issue exit visas. Applicants must apply in person only…in practice, the majority of Eritreans wishing to travel abroad are not issued with exit visas and therefore cannot leave the country legally. Government officials and ministers can certainly obtain exit visas provided they have been given authorisation to travel abroad on official business. People who need medical treatment abroad can also obtain exit visas. Businessmen will almost always have to satisfy the age limit. In other words, they would have to be over the age of 57 before they would be allowed to apply for an exit visa. Women are not given preferential treatment or dispensation. For example, we know of many Eritrean women who have undergone military service, or are married and have children, but have still been refused exit visas for bona fide journeys abroad. Religious ministers or clerics can obtain exit visas if they need to travel abroad to attend meetings or events in connection with their religious faith, but they would have to belong to one of the officially recognised religions, such as the Roman Catholic Church…multi-exit visas are not issued. Exit visas are valid for one month and for one journey only." **[10a]**

28.07 The Human Rights Watch report *Service for Life - State Repression and Indefinite Conscription in Eritrea*, published on 16 April 2009, stated:

"Due to the large number of people fleeing or refusing to return after being allowed to leave, exit visas are routinely denied for young people who are eligible for national service. Children from the age of 14 are usually denied exit visas but the US State Department has reported exit visas refused for children as young as five. One older woman who had managed to travel to visit her children abroad described the signs in the Foreign Ministry as saying that only men over the age of 54 and women over 47 are eligible for exit visas, she said, 'only the old can travel.'" **[29c] (p63-64)**

28.08 The Awate report, *A Nation of Fleeing Masses*, dated 21 May 2008, suggested that:

"A small privileged group composed of the children and families of high government officials and ministers as well as of loyal cadres, some in need of specialised medical diagnosis and treatment, are allowed to travel via Asmara Airport and encouraged to acquire permanent residence permits in the West, posing as paperless political asylum seekers. When granted refugee status they travel frequently to Eritrea and remain ardent supporters of the regime from whom they have sought 'asylum'. Likewise, many of the perpetuators [sic] of human rights violations in Eritrea have their entire families transferred abroad and travel regularly to visit them." **[27h]**

28.09 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

"People wishing to travel overseas for medical treatment are required to have a medical certificate provided by a government medical panel. The medical panel is made up of doctors who have the authority to carry out a medical examination on the person concerned. Medical certificates are only issued after a medical examination has been carried out. Depending on the age of the person concerned and severity of the condition, the normal requirement for military/national service exemption papers may be waived. We do not believe that letters from foreign doctors are also required as it is local medical opinion that carries weight in these matters." **[10a]**

See Freedom of Movement

28.10 Government officials have been involved in assisting Eritrean citizens to leave Eritrea illegally, as reported in the United States State Department *2010 Human Rights Report: Eritrea*: "There is a sophisticated network of security officials who accept bribes to aid draft evaders in crossing the border." **[3b] (section 1f)**

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REQUIREMENT TO PAY INCOME TAX

28.11 The Human Rights Watch report *Service for Life - State Repression and Indefinite Conscription in Eritrea*, published on 16 April 2009, stated:

"There are a variety of ways in which the Eritrean government exerts pressure on exiles for both financial and political reasons. The government expects all Eritreans in the diaspora to pay a two percent tax on income. While taxing expatriates may be a legitimate state function, the manner in which the Eritrean government coerces individuals into paying this income [tax] presents serious human rights concerns. If refugees or other Eritrean expatriates do not pay the two percent tax then the government typically punishes family members in Eritrea by arbitrarily detaining them, extorting fines, and denying them the right to do business by revoking licenses or confiscating land.

"The two percent tax is not only a financial mechanism, however. The government also uses it to consolidate its control over the diaspora population by denying politically suspect individuals essential documents such as passports and requiring those who live in Eritrea to provide 'clearance' documents of their relatives who live abroad - essentially coercion to ensure that their relatives have paid the two percent expatriate income tax demanded by the government…one man living in the UK, a known critic of the government, said that his family had been denied land that they had applied for in Eritrea, because of his refusal to pay the tax…clearance is a process whereby an embassy charges a fee to certify that Eritreans living abroad have paid their dues and are up to date with the two percent tax…a woman living in Eritrea described how several of her neighbors had had their business licenses revoked because their children, residents in the United States, had not paid the two percent [tax] and they could not provide clearance certificates.

"Embassies have particular leverage over many Eritrean immigrants and refugees who do not have travel documents, and those whose passports require renewing. A refugee living in Rome had his application for a new passport refused…'if you don't pay [the tax]

they don't renew your passport, with no passport, you have no permit to stay in Italy…so directly or indirectly you are obligated to pay.'" **[29c] (p75-76)**

See Freedom of Movement

FAILED ASYLUM SEEKERS

28.12 The United Nations High Commissioner for Refugees *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Eritrea*, published in April 2009, stated:

"Eritreans who are forcibly returned may, according to several reports, face arrest without charge, detention, ill-treatment, torture or sometimes death at the hands of the authorities. They are reportedly held incommunicado, in over-crowded and unhygienic conditions, with little access to medical care, sometimes for extended periods of time. According to credible sources, 1,200 persons were forcibly returned from Egypt to Eritrea in June 2008, where the majority was detained in military facilities. UNHCR is aware of at least two Eritrean asylum-seekers who have arrived in Sudan having escaped from detention following deportation from Egypt in June 2008. Eritreans forcibly returned from Malta in 2002 and Libya in 2004 were arrested on arrival in Eritrea and tortured. The returnees were sent to two prisons on Dahlak Island and on the Red Sea coast, where most are still believed to be held incommunicado. There are also unconfirmed reports that some of those returned from Malta were killed. In another case, a rejected asylum-seeker was detained by the Eritrean authorities upon her forcible return from the United Kingdom. On 14 May 2008, German immigration authorities forcibly returned two rejected asylum-seekers to Eritrea. They were reportedly detained at Asmara airport upon arrival and are being held incommunicado, and believed to be at risk of torture or other ill-treatment.

"For some Eritreans, being outside the country may be sufficient cause on return to be subjected to scrutiny, reprisals and harsh treatment. Individuals may be suspected of having sought asylum, participating in diaspora-based opposition meetings or otherwise posing a (real or perceived) threat to the Government, particularly where they have exited the country illegally." **[32a]**

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Annex A

CHRONOLOGY OF MAJOR EVENTS

Information is taken from Europa World Plus, undated, accessed on 4 February 2011, unless stated otherwise. **[24]**

1952	Federation formed between Eritrea and Ethiopia. **[24] (Eritrea - Historical Context)**
1958	Eritrean Liberation Movement (ELM) founded. **[24] (Eritrea - Historical Context)**
1961	Eritrean Liberation Front (ELF) begins armed campaign for Eritrean independence from Ethiopia. **[24] (Eritrea - Historical Context)**
1962	Eritrea's status reduced to that of an Ethiopian province. **[24] (Eritrea - Historical Context)**
1970	The Eritrean People's Liberation Front (EPLF) forms. **[11]** (About.com - accessed on 1 February 2011)
1972-74	Civil war in Eritrea between ELF and breakaway Popular Liberation Forces (which went on to form the Eritrean People's Liberation Front [EPLF] in 1977). **[24] (Eritrea - Historical Context)**
1974	Revolution brings hard-line Marxist 'Derg' regime to power. **[24] (Eritrea - Historical Context)**
1977	First conference of the EPLF held. **[58]** (EHREA website - accessed on 1 February 2011).
1977-78	Further splits within ELF. **[24] (Eritrea - Historical Context)**
1990	
February	The EPLF captures the port of Massawa from the Ethiopians. **[12b]** (www.eritrea.be - accessed on 15 September 2010)
1991	
May	EPLF captures Asmara; at the same time Eritrean People's Revolutionary Defence Force (EPRDF) captures Addis Ababa and overthrows Derg; EPRDF recognises EPLF as government of Eritrea and agrees independence referendum for Eritrea in 1993. **[24] (Eritrea - Historical Context)**
1993	
April	UN-supervised referendum overwhelmingly approves independence from Ethiopia. **[24] (Eritrea - Historical Context)**
May	On 24 May, Eritrean independence is proclaimed. On 28 May, Eritrean independence is internationally recognised. The EPLF establishes a transitional government. The leader of the EPLF, Isaias Afewerki becomes the first president of Eritrea. **[24] (Eritrea - Historical Context)**

June	On 8 June, Isaias Afewerki becomes President of Eritrea. **[48]** (Economic Expert - *Politics of Eritrea* - accessed on 15 September 2010)
1994	
February	EPLF becomes the People's Front for Democracy and Justice (PFDJ) and espouses its support for a pluralistic political system. **[24] (Domestic Political Affairs)**
1995	
May	The National Assembly approves proposals to create six administrative regions to replace the 10 regional divisions that had been in place since colonial rule. **[24]] (Domestic Political Affairs)**
November	The National Assembly approved new names for the regions and finalised details of their exact boundaries and sub-divisions. **[24] (Domestic Political Affairs)**
1997	
May	On 23 May, a new constitution is adopted by the Constituent Assembly but is not fully implemented. **[24] (Domestic Political Affairs)**
1998	
May	Border conflict with Ethiopia erupts into heavy fighting; thousands of Eritreans expelled from Ethiopia and many Ethiopians leave Eritrea. This conflict lasts until 2000. **[24] (Conflict with Ethiopia)**
1999	The border conflict between Eritrea and Ethiopia continues. Numerous clashes occur during 1999 between Eritrean and Ethiopian troops. **[24] (Conflict with Ethiopia)**
2000	
April	Peace talks organised by the Organisation for African Unity in Algiers to end the border conflict fail. **[24] (Conflict with Ethiopia)**
May	Hostilities between Ethiopia and Eritrea resume. **[24] (Conflict with Ethiopia)**
June	The Eritrean and Ethiopian governments sign ceasefire agreement and agree to UN monitoring force along border. **[24] (Conflict with Ethiopia)**
December	The Eritrean and Ethiopian governments sign a peace agreement in Algeria establishing commissions to mark border, exchange prisoners, return displaced people and hear compensation claims. **[24] (Conflict with Ethiopia)**
2001	
February	Eritrea accepts United Nations plans for a temporary demilitarised zone along its border with neighbouring Ethiopia. **[24] (Conflict with Ethiopia)**
	Ethiopia says it has completed its troop withdrawal from Eritrea in accordance with a United Nations-sponsored agreement to end the border war. **[24] (Conflict with Ethiopia)**
April	The Eritrean government announces that its forces have pulled out of the border zone with Ethiopia - a key provision of the peace agreement signed between the two countries. **[24] (Conflict with Ethiopia)**
May	A dissident group at the centre of the PFDJ publicly expresses strong criticisms of the President. This group is known as the 'Group of 15' or 'G-15'. (In later sources as 'G11', thus referred to as 'G15/G11'). **[24] (Domestic Political Affairs)**
September	The Government closes all privately owned newspapers. Following this the

police arrest ten leading journalists. **[6c] (p6)** (Amnesty International - *You have no right to ask*, 19 May 2004).

Security authorities detain 11 members of the G11/G15 group. Four members escape arrest. **[24] (Domestic Political Affairs)**

2002

March — On 31 March, the ten journalists arrested in September 2001 begin a hunger strike. Nine of the ten were moved from the 1st Police Station in Asmara to an unknown location. **[6c] (p7)** (Amnesty International - *You have no right to ask*, 19 May 2004)

April — On 13 April, the International Tribunal announces a decision on the border issue between Eritrea and Ethiopia. Both Eritrea and Ethiopia declare victory. Confusion over which country controls Badme remains. **[24] (Conflict with Ethiopia)**

May — Roma Gebremichael, the wife of one of the G-15 detainees, is arrested. **[6c] (p7)** (Amnesty International - *You have no right to ask*, 19 May 2004)

October — Malta deports over 200 asylum seekers back to Eritrea. They are detained on arrival and held incommunicado without charge or further explanation. **[6c] (p5)** (Amnesty International - *You have no right to ask*, 19 May 2004)

2003

March — The Boundary Commission categorically rules Badme to be in Eritrean territory. Ethiopia voices its opposition to the ruling. **[24] (Conflict with Ethiopia)**

2004

July — UN Secretary-General Kofi Annan visited the Horn of Africa in a new initiative to kick-start the stalled Ethiopian-Eritrean peace process. **[17b]** (United Nations IRIN - *Ethiopia-Eritrea: Chronology of Key Events in 2004*, 5 January 2005)

September — The United Nations Mission in Ethiopia and Eritrea (UNMEE) expresses disappointment after the Eritrean Government re-imposed restrictions of movement along a crucial supply route for its peacekeepers. **[17b]** (United Nations IRIN - *Ethiopia-Eritrea: Chronology of Key Events in 2004*, 5 January 2005)

November — Prime Minister Zenawi announces a five-point plan to try to end the border stalemate with Eritrea, saying his country would accept, “in principle”, the April 2002 ruling of the independent Boundary Commission that was intended to end hostilities between the two neighbours. He, however, insists that the ruling is still illegal and unjust. Any attempt to implement the Hague-based decision, he adds, “might lead to a serious escalation of the tension between the two countries and thereby undermine the peace”. **[17b]** (United Nations IRIN - *Ethiopia-Eritrea: Chronology of Key Events in 2004*, 5 January 2005)

2005

February — The United Nations noted a large number of troops being deployed at the border between Ethiopia and Eritrea. The troops remained on their own soil, but Ethiopian soldiers had come within a 20 - 40 kilometre range of the frontier**.** **[25d]** (BBC News - *Concern at Horn troop deployment*, 17 February 2005)

August — A UN special envoy for the humanitarian crisis in the Horn of Africa, conducted an eight-day visit to the region to assess prospects for long-term food security. The government asks the US Agency for International Development (USAID) to cease its operations in the Horn of Africa country. **[17c]** (United Nations IRIN -

	Ethiopia-Eritrea: Year in Brief, July-Dec 2005 - A Chronology of Key Events, 11 January 2006)
October	The Eritrean government imposes more restrictions on the movement of UN peacekeepers, days after grounding UN helicopter flights. **[17c]** (United Nations IRIN - *Ethiopia-Eritrea: A Chronology of Key Events in 2005*, 11 January 2006)
December	The United Nations relocates some UNMEE staff to Ethiopia following Eritrea's decision to expel European and North American personnel. **[17c]** (United Nations IRIN - *Ethiopia-Eritrea: A Chronology of Key Events in 2005*, 11 January 2006)

2006

January	Christian Today NGO reports that the patriarch of the Eritrean Orthodox Church has been placed under arrest. **[49]** (Christian Today - *Eritrean Patriarch Under House Arrest as Government Repression Increases*, 23 January 2006)
June	The Eritrean government places travel restrictions on foreign nationals and dual nationality holders that apply to travel into the country and travel within the country. **[3e]** (US State Dept *Document Reciprocity Schedule*, Eritrea - accessed on 22 October 2010)
October	On 16 October, the Eritrean army moves 1,500 troops and 14 tanks into the demilitarised zone of the Ethiopian/Eritrean border. The United Nations state that this is a "major breach of the ceasefire" agreement. **[25e]** (BBC News - *Eritrea incursion 'to pick crops',* 17 October 2006)
November	On 3 November, Helen Berhane, a Rhema church member who had been detained without trial, and was reportedly tortured, was confirmed as having been released from detention. **[6d]** (Amnesty International - *Eritrea: gospel singer Helen Berhane released*, 3 November 2006)
December	Military service round-up (Giffa) begins in Asmara; 500 parents and relatives of young people missing from official registers targeted for arrest, detention and fines. **[6e]** (Amnesty International - *Eritrea: Over 500 parents of conscripts arrested*, 21 December 2006)

2007

June	Police raids in Asmara, Pente Christians are detained. **[50]** (Christian Solidarity Worldwide - *Demonstrators call for release of Eritrean Prisoners of Conscience*, 29 May 2009)
November	Eritrea accepts border line demarcated by international boundary commission. Ethiopia rejects it. **[25a]** (BBC *Timeline: Eritrea*, 7 May 2011)

2008

January	UN extends mandate of peacekeepers on Ethiopia-Eritrea border for six months. UN Security Council demands Eritrea lift fuel restrictions imposed on UN peacekeepers at the Eritrea-Ethiopia border area. Eritrea declines, saying troops must leave border. **[25a]** (BBC *Timeline: Eritrea*, 7 May 2011)
April	UN Secretary-General Ban Ki Moon warns of likelihood of new war between Ethiopia and Eritrea if peacekeeping mission withdraws completely. Outlines options for the future of the UN mission in the two countries. Djibouti accuses Eritrean troops of digging trenches at disputed Ras Doumeira border area and infiltrating Djiboutian territory. Eritrea denies charge. **[25a]** (BBC *Timeline: Eritrea*, 7 May 2011)
May	The Eritrean government calls on the UN to terminate its peacekeeping mission. **[25a]** (BBC *Timeline: Eritrea*, 7 May 2011)

June	Fighting breaks out between Eritrean and Djiboutian troops in the disputed Ras Doumeira border area. **[25a]** (BBC *Timeline: Eritrea*, 7 May 2011)
September	It was reported by Awate that an Eritrean government intelligence camp in Molokhseito was attacked by armed units of the Eritrean National Salvation Front (ENSF). **[27b]** (Awate - *Eritrean Government Unit Attacked*, 26 September 2008)
November	The Eritrean government launched a fresh crackdown on practicing Christians. At least 110 evangelical believers were detained. The Christians were arrested in all parts of the country apart from Asmara. Those detained included 65 members of the evangelical Kale Hiwot Church. **[51]** (Walta - *Eritrea launches new crackdown on Christians*, 27 November 2008)

2009

February	The Australian Broadcasting Corporation reported that a bomb explosion killed two people and wounded eight others at a restaurant in western Eritrea. The ABC report further stated that "Eritrea blamed Ethiopia for an earlier bomb attack in January 2008 that killed one person and wounded several others in another market town near the western border". **[53]** (Reuters - *Eritrea govt says bomb kills two,wounds eight*, 28 February 2009)
April	UN Secretary Council says Eritrea failed to fulfil its obligation to withdraw troops from disputed border area of Djibouti under an ultimatum issued in January [2009]. Eritrea denies having troops on Djiboutian soil. **[25a]** (BBC *Timeline: Eritrea*, 7 May 2011)
June	The United Nations reported that Eritrea was facing a food crisis caused by poor harvests, a lack of rain, and the high cost of food. **[17d]** (United Nations IRIN - *How bad is the food crisis really? - analysis*, 12 June 2009)
August	International tribunal ruling stipulates that Eritrea and Ethiopia have to pay one another financial compensation for war damages incurred in the 1998-2000 border war. **[25f]** (BBC News - *Eritrea to pay Ethiopia millions*, 18 August 2009)
December	The United Nations Security Council voted to impose sanctions on the Eritrean regime. The sanctions place an arms embargo on Eritrea, an asset freeze on specific businesses and individuals, as well as a travel ban on political and military leaders to be identified by a sanctions committee. **[14]** (The Times (UK newspaper) - *UN imposes sanctions on Eritrea over support for rebels in Somalia*, 23 December 2009)

2010

February	The Red Sea Afars Democratic Organisation (RSADO) stated that it had it killed 17 Eritrean government soldiers and injured more than 20 others in an attack on military barracks. The attack was carried out in Fura in central Dankalia on 15 February according to a RSADO spokesman. **[74]** (Ethiopian Journal [Reuters] - *Eritrea rebels say [they] killed 17 government troops,* 18 February 2010)
March	On 27 March, Egyptian police reportedly shot dead Eritreans trying to cross the Egyptian/Israeli border illegally. **[28]** (France24 News - *Egypt police kill two Eritrean migrants at Israel border*, 27 March 2010)
August	An Ethiopian government ruling allows Eritrean refugees the freedom to live outside refugee camps, provided they can support themselves, or receive support from friends or relatives. **[17e]** (United Nations IRIN - *Eritrea-Ethiopia: Refugees embrace life 'out of camps'*, 30 August 2010)

September On 29 September, the Ethiopian government accused Eritrea of continuing to undermine efforts to restore peace and stability in Somalia by arming insurgents battling the transitional Government in Mogadishu and urged the United Nations Security Council to strictly enforce existing sanctions against Eritrea. **[54a]** (United Nations News Service - *At General Assembly, Ethiopia accuses Eritrea of spoiling peace efforts in Somalia*, 29 September 2010)

December The international press freedom NGO, the Committee to Protect Journalists, reported that Eritrea imprisons the most journalists in Africa and the third most in the world. **[57a]** (Sudan Tribune - *Eritrea remains Africa's largest jailor of journalists - CPJ*, 10 December 2010)

2011

April On 22 April, thousands of Eritreans living in Ethiopia took part in public demonstrations in various locations in Ethiopia, including the capital, Addis Ababa. The protesters called for international pressure to bring down the Isaias Afewerki regime. **[57d]** (Sudan Tribune - *Eritreans demonstrate in Ethiopia against Asmara government,* 22 April 2011)

May On 24 May, the Eritrean people celebrated 20 years of independence. **[46d]** (Shabait [via allafrica.com] *People Welcomes May 24 With Sense of Patriotism and Pride*, 24 May 2011)

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Annex B

POLITICAL ORGANISATIONS

Eritrean Democratic Alliance (EDA)
Formerly Alliance of Eritrean National Forces and founded in 1999. Became the Eritrean National Alliance in 2002. Adopted present name in 2004. Broad alliance of 13 opposition parties opposed to the PFDJ regime. Chairman: Berhane Yemane "Hanjema". Secretary General: Husayn Khalifa.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

Eritrean Islamic Party for Justice and Development (EIPJD)
Founded in 1988 as the Eritrean Islamic Jihad Movement. Changed name to al-Khalas in 1998; political wing of EIJ. Leader: Khalil Muhammad Amer.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

Eritrean Islamic Salvation Movement (EISM)
Known until 1998 as the Eritrean Islamic Jihad. The EISM is led by Sheikh Khalil Mohammed Amer. It is a member of the EDA.
[7b] (Jane's - *Eritrea Internal Affairs* - accessed on 1 March 2011)

Eritrean Liberation Front (ELF)
The original was the first rebel organisation to fight for Eritrean independence. Member of the EDA opposition alliance. Leader: Abdallah Idris.
[7b] (Jane's - *Eritrea Internal Affairs* - accessed on 1 March 2011)

Eritrean Liberation Front -Central Command (ELF-CC)
Founded in 1982. Chairman: Abdella Idriss.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

Eritrean Liberation Front-National Council (ELF-NC)
ELF splinter group. Member of the EDA. Leader: El Amin El Assad.
[7b] (Jane's - *Eritrea Internal Affairs* - accessed on 1 March 2011)

Eritrean Liberation Front-Revolutionary Council (ELF-RC)
Chairman: Ahmed Woldeyesus Ammar.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

Eritrean National Commission for Democratic Change (ENCDC)
New organisation set up during a political opposition conference held from 31 July to 9 August 2010 in Addis Ababa. One of the aims of the new Commission is to bring the various elements of the Eritrean political opposition together to form a more united opposition against the Eritrean regime. **[68d]** (Asmarino - *Message from the National Commission for Democratic Change* (ENCDC), 28 October 2010

Eritrean People's Democratic Liberation Front (EPDLF)
The EPDLF is better known as Sagem (Return). Close to the ERDF. It is a member of the EDA and close to Ethiopian leadership circles. It has limited support, particularly from Christian Tigrayans. Leader: Tewolde Gebreselassie.
[7b] (Jane's - *Eritrea Internal Affairs* - accessed on 1 March 2011)

Eritrean People's Democratic Party (EPDP)
Relatively new party. On 25 May 2009, the Eritrean Democratic Resistance Movement united with the Eritrean People's Party (EPP), with the latter retaining the name of the united organisations. On 1 January 2010, the EPP merged with two other parties, the Eritrean Democratic Party (EDP) and the Eritrean People's Movement (EPM) to found a new party - the Eritrean People's Democratic Party (EPDP). This was achieved in a conference in December 2009.
[27p] (Awate - *The Next EDA-EPDP Confrontation* - 17 January 2011)

Eritrean People's Liberation Front - Democratic Party (EPLF-DP)
The EPLF-DP announced its establishment in January 2002. Leadership is based abroad but claims that its main support base is in Eritrea. Leader: Mesfin Hagos.
[7b] (Jane's - *Eritrea Internal Affairs* - accessed on 1 March 2011)

Eritrean Popular Movement (EPM)
Founded in 2004. Leader: Abdallah Adem.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

Eritrean Revolutionary Democratic Front (ERDF)
Founded in 1997 following a merger of the Democratic Movement for the Liberation of Eritrea and a faction of the People's Democratic Front for the Liberation of Eritrea. Leader: Berhane Yemane "Hanjema".
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

Gash Setit Organization
Leader: Ismail Nada.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

People's Front for Democracy and Justice (PFDJ)
Founded in 1970 as the Eritrean Popular Liberation Forces (EPLF); following a split in the Eritrean Liberation Front, renamed the Eritrean People's Liberation Front in 1977; adopted present name in February 1994. Christian and Muslim support; in May 1991 took control of Eritrea and formed provisional Government; formed transitional Government in May 1993; Chairman: Isaias Afewerki. Secretary General: Alamin Mohamed Said.
[24] (Political Organisations (Europa World Plus, undated, accessed on 4 February 2011)

Red Sea Afar Democratic Organisation
Afar opposition group. Secretary General: Amin Ahmmad.
[24] (Political Organisations) (Europa World Plus, undated, accessed on 4 February 2011)

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Annex C

PROMINENT PEOPLE

The sources used in the following list are **[24]** (Europa World Plus, undated, accessed on 4 February 2011); and **[68e]** (Asmarino - *Isaias - Reshuffles Some of His Ministers*, 24 April 2009).

President of Eritrea	Isaias Afewerki **[24] (The Government)**
Minister of Defence	General Sebhat Ephrem **[24] (The Government)**
Minister of Justice	Fawzia Hashim **[24] (The Government)**
Minister of Foreign Affairs	Osman Salih Muhammad **[24] (The Government)**
Minister of Information	Ali Abdu **[24] (The Government)**
Minister of Finance	Berhane Abrehe **[24] (The Government)**
Minister of Trade and Industry	Dr Giorgis Teklemikael **[24] (The Government)**
Minister of Agriculture	Arefaine Berhe **[24] (The Government)**
Minister of Labour and Human Welfare	Wizero Salema Hassen **[68e]**
Minister of Fisheries	Dr Salih Mekki **[68e]**
Minister of Regional Administration	Ato Woldmichael Gebremariam **[68e]**
Minister of Construction	Abraha Asfaha **[24] (The Government)**
Minister of Education	Semere Rusom **[24] (The Government)**
Minister of Health	Amna Nur Hussein **[68e]**
Minister of Mining	Ato Ahmad Haji **[68e]**
Minister of Transport and Communications	Woldemikael Abraha **[24] (The Government)**
Minister of Tourism	Askalu Menkerios **[68e]**
Minister of Land, Water and the Environment	Tesfai Gebreselassie **[68e]**
Minister of Local Government	Naizghi Kiflu **[24] (The Government)**

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
BBC	British Broadcasting Corporation
CIA	Central Intelligence Agency
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EIU	Economist Intelligence Unit
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
NGO	Non Governmental Organisation
RSF	Reporters sans Frontières
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization

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Annex E

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