



Eritrea

Country Reports on Human Rights Practices - [2007](#)

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Eritrea, with a population of approximately 3.6 million, is a one-party state that became independent in 1993 when citizens voted for independence from Ethiopia. The People's Front for Democracy and Justice (PFDJ), previously known as the Eritrean People's Liberation Front, is the sole political party and has controlled the country since 1991. The country's president, Isaias Afwerki, who heads the PFDJ and the armed forces, dominated the country, and the government continued to postpone presidential and legislative elections; the latter have never been held. The border dispute with Ethiopia continued, despite international efforts at demarcation, to the detriment of the country's international trade and external relations. The situation was used by the government to justify severe restrictions on civil liberties. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, and authorities continued to commit numerous serious abuses. They 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; arrest and torture of national service evaders, some of whom reportedly died of abuses while in detention; harsh and life threatening prison conditions; arbitrary arrest and detention, including of family members of national service evaders; executive interference in the judiciary and the use of a special court system to limit due process; infringement on privacy rights; and roundups of young men and women for national service. They also included: severe restrictions of basic civil liberties, including the freedoms of speech, press, assembly, association, and religion, particularly for religious groups not approved by the government; restriction of freedom of movement and travel for diplomats, the personnel of humanitarian and development agencies, and the UN Mission to Eritrea and Ethiopia (UNMEE); and restriction of the activities of nongovernmental organizations (NGOs). There was societal abuse and discrimination against women; widespread practice of female genital mutilation (FGM); governmental and societal discrimination against members of the Kunama ethnic group; widespread societal discrimination based on sexual orientation, and reports of discrimination against those with HIV/AIDS. There were limitations on workers' rights.

The government acted as a principal source and conduit for arms to antigovernment, extremist, and insurgent groups in Somalia, according to a June report issued by the UN Munitions Monitoring Group.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, the government continued to authorize the use of lethal force against anyone resisting or attempting to flee during military searches for deserters and draft evaders, and the practice reportedly resulted in deaths during the year. Several persons detained for evading national service died after harsh treatment by security forces. There were reports that individuals were severely beaten and killed during roundups of young men and women for national service.

There were reports of summary executions and of individuals shot on sight near the Ethiopian and Sudanese borders, allegedly for attempting to cross the border illegally. For example, on September 17, security forces reportedly shot and killed a member of the al-Rashaydeh tribe for refusing to comply with security authorities and trying to escape. The victim sustained bullet wounds to the face and head, according to the family.

Late in the year, a businessman died in detention under circumstances that suggested the involvement of government officials.

There were reports that some persons who were detained because of their religious affiliation died from security force

abuses.

At least 13 deaths and 41 injuries resulted from landmine explosions during the year. According to the Government Commission for Coordination with the UN Peacekeeping Mission, an estimated three million landmines and unexploded ordnance remained from the 30-year war of independence and the 1998–2000 conflict with Ethiopia. The Eritrean Islamic Party for Justice and Development (formerly known as the Eritrean Islamic Jihad Movement), and other opposition groups reportedly laid new mines during the year. The Eritrean Demining Authority, in cooperation with the UN Mine Action Committee, continued demining activities in the Temporary Security Zone (TSZ) between Eritrea and Ethiopia.

b. Disappearance

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

At year's end, the whereabouts of 11 senior PFDJ and National Assembly members and several journalists and employees of diplomatic missions arrested by the government in 2001 remained unknown; however, there were unconfirmed reports during the year that one of the 11 had died in detention in previous years and that the rest were being held in solitary confinement. There were also unconfirmed reports that a journalist, Fessahaye "Joshua" Yohannes, held since 2001, died in detention from unknown causes.

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

The law and ratified but unimplemented constitution prohibit torture; however, there were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations. There were credible reports that several military conscripts died following such treatment. Security forces severely mistreated and beat army deserters, draft evaders, persons attempting to flee the country without travel documents and exit permits, and members of certain religious groups. Security forces subjected deserters and draft evaders to such disciplinary actions as prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit and the binding of hands, elbows, and feet for extended periods. No known action was taken during the year to punish perpetrators of torture and abuse.

There were reliable reports that torture was widespread in an unknown number of detention facilities, corroborated by prison escapees. For example, authorities suspended prisoners from trees with their arms tied behind their backs, a technique known as "almaz" (diamond). Authorities also placed prisoners face down with their hands tied to their feet, a technique known as the "helicopter."

Reports continued that some female conscripts were subjected to sexual harassment and abuse. There were continued reports that instructors raped female conscripts at Sawa High School. There were also unconfirmed reports that during the year the government implemented a 'code of conduct' that would forbid a female student to be alone with male cadre.

Prison and Detention Center Conditions

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

There were credible reports that detention center conditions for persons temporarily held for evading military service were also harsh and life threatening. Unconfirmed reports suggested there may be hundreds of such detainees. Draft evaders were 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. Some detainees reportedly suffered from severe mental and physical stress due to these conditions. There were also reports of multiple deaths at the W'ia military camp due to widespread disease and lack of medical care.

There was reportedly a juvenile detention center in Asmara; however, juvenile offenders often were incarcerated with adults. In contrast to the previous year, there were no reports that juvenile offenders were sexually abused. Pretrial detainees generally were not held separately from convicted prisoners.

No visits were conducted by local human rights organizations, which the government prevented from operating during the year. The government permitted the International Committee of the Red Cross (ICRC) to visit several Ethiopian soldiers, who the government claimed were deserters from the Ethiopian army, and to visit and register Ethiopian civilian detainees in police stations and prisons. However, the government did not permit the ICRC to visit other detainees or prisoners.

Authorities generally permitted three visits per week by family members, except for detainees arrested for reasons of national security or for evading national service.

d. Arbitrary Arrest or Detention

The law and unimplemented constitution prohibit arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

Role of the Police and Security Apparatus

Police are officially responsible for maintaining internal security, and the army is responsible for external security; however, the government can call on the armed forces, the reserves, and demobilized soldiers to meet either domestic or external security requirements. Agents of the National Security Office, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The military has the authority to arrest and detain civilians. Generally, police did not have a role in cases involving national security, but beginning in 2005 the police became involved in rounding up individuals who were evading national service.

Police, who often were conscripted, were poorly paid, and corruption was a problem. Police typically used their influence as government officials to assist friends and family. There were reports that police demanded bribes to release detainees and that military forces accepted money to smuggle citizens out of the country.

During the year the police, military, and internal security forces engaged in arrests and detentions without due process. Police and security forces frequently used violent tactics. Police forcibly arrested individuals on the street who were unable to present identification documents. Those in government national service were required to present "movement papers" issued by their offices or departments authorizing their presence in a particular location.

There were no mechanisms to address allegations of abuse by the police, internal security, or military forces.

Arrest and Detention

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 authorities often detained persons suspected of crimes for much longer periods. The law stipulates that unless there is a "crime-in-progress," police must conduct an investigation and obtain a warrant prior to an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. Authorities often did not promptly inform detainees of the charges against them. Often detainees did not have access to counsel or appear before a judge, and incommunicado detention was widespread. Authorities provided indigent detainees with counsel on an irregular basis. There was a functioning bail system, except for cases involving national security or crimes that could carry the death penalty.

Security forces conducted arrest campaigns during the year.

They continued the practice, begun in 2005, of detaining and arresting parents and spouses of individuals who had evaded national service duties or fled the country, although there is nothing in the legal code to authorize such arrests. Numerous family members arrested during security force operations in December 2006 remained in detention at year's end, reportedly under harsh conditions. There were reports of family members being fined in lieu of imprisonment.

There were reports that police arbitrarily arrested individuals patronizing Asmara nightclubs. It was unknown whether nightclub patrons arrested in 2006 for escaping the draft or posing threats to national security remained in detention.

The government does not recognize dual nationality, and security forces arbitrarily arrested Eritrean citizens with other nationalities during the year, on national security charges. The government also detained one foreign diplomat without charge during the year. There were reports that plainclothes agents of the National Security Office entered homes without warrants and arrested occupants. There also were reports that security force personnel detained individuals for reasons ranging from evading national service to unspecified national security charges. Reports also indicated that persons with connections to high-level government officials instigated the arrest of individuals with whom they had personal vendettas.

Security forces detained, generally for fewer than three days, many persons during their searches for evaders of national service, even if the detainees had valid papers showing that they had completed, or were exempt from, national service.

The government continued to arbitrarily arrest and detain journalists, persons who spoke out against the government, and members of nonregistered religious groups.

In contrast to 2006, there were no reports during the year that authorities singled out Ethiopian nationals for arrest because they were unable to pay the necessary fees to renew their residency permits every 12 months.

There also were no reports that union leaders were arrested. The three union leaders arrested in March 2005 were

released during the year.

There were no developments in the 2002 arrests of individuals associated with the 11 PFDJ National Assembly members who were detained in 2001 or of Eritrean diplomats who were recalled from their posts. At least four Eritrean diplomats arrested in previous years, including former ambassador to China Ermias Debassai (Papayo) remained in detention as did Aster Yohannes, wife of former foreign minister Petros Solomon. Two citizens who worked for a foreign embassy have remained in detention without charge since 2001. One of two citizens who worked for another foreign embassy and were arrested in 2005 and 2006 was released during the year; the other remained in detention. Two citizen employees of a diplomatic mission were arrested during the year while performing their official duties but released at year's end without charge. One foreign holder of a diplomatic passport was denied permission to leave the country for over one week.

There were reports that the government continued to hold without charge numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence.

The government held numerous other detainees; however, there were widespread reports that it released many of them without bringing them to trial. The detainees included an unknown number of persons suspected of antigovernment speech or of association with the 11 former PFDJ members arrested in 2001. Suspected Islamic radicals or suspected terrorists also remained in detention without charge. Some have been detained for more than 10 years. These detainees reportedly did not have access to legal counsel and were not brought before a judge.

e. Denial of Fair Public Trial

The law and unimplemented constitution provide for an independent judiciary; however, the judiciary was weak and subject to executive control. Judicial corruption remained a problem. The judicial process was influenced by patronage of former fighters who in many cases were judges themselves. Executive control of the judiciary continued; the Office of the President served as a clearinghouse for citizens' petitions to the courts or acting in their stead as arbitrators or facilitators in civil matters. The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that limited the government's ability to grant accused persons a speedy and fair trial. Public trials were held, but virtually no cases involving individuals detained for national security or political reasons were brought to trial. 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 impact on the judiciary. The government has not issued licenses to lawyers wishing to enter private practice for eight years.

The text of the Eritrean Constitution was completed in 1997 and ratified by the National Assembly later that year. It contains provisions intended to promote fair trials; however, the constitution has not been implemented. The judicial system consists of civilian courts and "special courts." The civilian court system consists of community courts, regional courts, and the High Court, which also serves as an appellate court. Appeals can be made in the civilian courts up to the High Court. Minor infractions involving sums of less than approximately \$7,300 (110,000 nakfa) are brought to community courts. More serious offenses are argued before regional courts, but a significant proportion of cases involving murder, rape, and other felonies are heard by the High Court as court of first instance. A single judge hears all cases except those argued before the High Court, where panels of three judges hear cases. A panel of five judges hears cases in which the High Court serves as the court of final appeal.

The executive-controlled special courts issue directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors and may request that individuals involved in the cases present their positions. The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without regard for due process. Most trials in special courts were not open to the public.

Judges of courts in both branches included former senior military officers with no formal legal training. They generally based their decisions on "conscience," without reference to the law. There was no limitation on punishment, although the special courts did not hand down capital punishment sentences during the year. The attorney general also allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy. In rare instances appeals made to the Office of the President reportedly resulted in special courts rehearing certain cases.

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

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

Trial Procedures

The law and unimplemented constitution provide specific rights to defendants in the regular court system. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer, and government legal aid was limited to defendants accused of serious crimes punishable by more than 10 years in prison. In the High Court, defendants have the right to confront and question witnesses, present evidence, gain access to government-held evidence, appeal a decision and are presumed innocent; these rights were upheld in practice. These safeguards do not apply in the special courts.

Political Prisoners and Detainees

There were no confirmed reports of new political prisoners; however, there were numerous reports of political detainees. No information was available on the circumstances of several hundred individuals detained beginning in 2001 for political reasons. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. Most of these detainees had not been tried and did not have access to legal counsel. The ICRC was not authorized to visit these detainees.

Civil Judicial Procedures and Remedies

There are no civil judicial procedures for individuals claiming human rights violations by the government. Some persons who were critical of the government were detained without due process. For the majority of citizens there were few remedies available for enforcing domestic court orders; however, persons affiliated with the executive branch, former fighters, and persons with wealth could use their influence with the court to secure civil remedies before the law.

Property Restitution

There were unconfirmed reports that the government seized property without restitution. For example, on September 19, government agents forcibly removed residents from former rehabilitated property in Um Hajer and Goloj areas--Gash Barka region--and transferred it to other settlers. The government failed to compensate foreigners for property taken by preindependence governments or to restore the property to them. After the forced closure of several NGOs in 2005 and 2006, the government required that all property be turned over to it, including such items as computers, printers, and vehicles. There were also reports that properties belonging to registered religious organizations were confiscated.

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

The law and unimplemented constitution prohibit such actions; however, the government infringed upon the right to privacy.

The government deployed military and police throughout the country, using roadblocks, street sweeps, and house-to-house searches, to find deserters and draft evaders as well as parents of deserters and draft evaders. Security forces continued to detain and arrest parents of individuals who evaded national service duties or fled the country. Parents were fined up to \$3,300 (50,000 nakfa) per child and required to bring their children back. Families could pay the fine in installments or offer property in lieu of payment. During the year the government also detained spouses of individuals who had evaded national service or fled the country, and the government prevented spouses of such individuals from departing the country.

There were reports that security forces targeted gatherings of unregistered religious groups; however, unlike in the previous year there were no reports that authorities searched the homes of foreigners.

The government monitored mail, e-mail, and telephone calls without obtaining warrants as required by law. Government informers were believed to be present throughout the country.

There were reports that military officials and government officials seized residences and businesses belonging to private citizens and religious organizations and subsequently housed the families of senior military officers or government officials in the properties, used the properties for government or military functions, or reassigned ownership of the properties to government and military officials.

In 2006 there were reports that the government forced the resettlement of individuals residing in Massawa based on professed concerns for the security of the president. Individual houses and businesses were demolished without adequate compensation.

During the year the government denied parents permission to visit their minor children in Sawa Academy, an isolated and remote government-run school for all 12th grade students.

While membership in the PFDJ, the government's only sanctioned political party, was not mandatory for all citizens, the government coerced membership for certain categories of individuals, particularly those occupying government positions or assigned through national service to serve in government institutions. Private citizens were forced to attend PFDJ indoctrination meetings, and there were reports of threats to withhold the ration cards of those who did not attend. There are reports that the government also oppressed individuals belonging to parties that were pro-Ethiopian prior to independence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The government controlled all media, which included three newspapers, two magazines, one radio station, and one television station. The law does not allow private ownership of broadcast or other media. The government banned the import of foreign publications; however, individuals were permitted to purchase satellite dishes and subscribe to international media. The government had to approve publications distributed by religious or international organizations before their release, and the government continued to restrict the right of the religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications. The government also required diplomatic missions to submit all press releases for approval before their publication in the government media.

The government permitted two of the three reporters representing foreign news organizations to operate in the country; however, it frequently prevented them from filing stories with their news organizations. A third reporter was told not to report and was expelled from the country after refusing to reveal sources. The Swedish reporter who was held by the government for nearly four years, released for medical treatment in November 2005 and then detained again a few days later, remained in detention without charge at year's end.

Security forces arrested numerous journalists during the year. For example, on June 6, journalist Eyob Kessete was detained for trying to illegally depart the country. Paulos Kidane, a journalist with Eri-TV and radio Dimtsi Hafash, who was arrested earlier in the year, died during a June attempt to flee on foot across the border into Sudan.

At least 15 local journalists who were arrested in 2001 remained in government custody at year's end. There were reports in February that former journalist Fessehaye "Joshua" Yohannes, who had been detained since 2001 for publishing an open letter critical of the president, died in detention.

According to Reporters Without Borders, journalists who remained in detention at year's end included: Eri-TV journalists Ahmed "Bahja" Idris, Johnny Hisabu, Senait Tesfay, Fathia Khaled, and Amir Ibrahim; Radio Dimtsi Hafash employees Daniel Mussie and Temesghen Abay; and Yemane Haile of the Eritrean News Agency. All those detained, except Hisabu, who was held in a detention center in Barentu, were reportedly held in a police-run complex in Asmara known as Agip.

Some of the nine ministry of information journalists arrested in November 2006 were released during the year; others remained in detention.

Unlike in the previous year, there were no reports that the government denied exit visas to expatriate journalists, although other expatriates permission to leave was delayed.

Internet Freedom

There were no official government restrictions on the use of the Internet; however, all Internet service providers were required to use government-controlled Internet infrastructure to provide service. The government owned, either directly or through high-ranking PFDJ party members, the three Internet service providers. In urban areas, individuals were able to access the Internet through Internet cafes for a fee or through an at-home service provider. There were reports that the government monitored Internet communications.

No information was available on the Internet service provider closed by the government in September 2006.

Academic Freedom and Cultural Events

The government restricted academic freedom; in the academic context it did not respect freedom of speech, students'

freedom of movement, or the right to assemble.

The government issued a directive in 2002 reconfiguring the University of Asmara, which effectively shut down the university's undergraduate programs. As a result, prospective students have not been allowed to enroll in the university and instead were directed by the government to attend the Mai Nafhi Technical Institute. Students finishing high school were not permitted to choose their next course of study and were assigned to specific vocational programs based on their performance on the matriculation exam, but only those students completing military training at Sawa or receiving a medical waiver were allowed to sit for the exam. A few graduate-level programs remained at the university; however, the law school was effectively closed, as new students were not permitted to enroll.

The government denied exit visas to many students who wanted to study abroad. University academics who wished to travel abroad for further study or training were required to seek permission in advance from the university president and the government.

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

b. Freedom of Peaceful Assembly and Association

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

No information was available on the 40 women and elders who were arrested in May 2006 when they gathered at the presidential palace of Asmara to ask for information about their husbands, who had been detained in retribution for their children fleeing the country to evade national service; security forces arrested the women and elders for not having a permit to assemble.

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

c. Freedom of Religion

The law and unimplemented constitution provide for freedom of religion; however, the government restricted this right in practice. Only the four religious groups whose registrations had been approved by the government were allowed to meet legally during the year. These were: Orthodox Christians, Muslims, Catholics, and members of the Evangelical Lutheran Church of Eritrea, an umbrella group of several Protestant churches affiliated with the Lutheran World Federation. Security forces continued to abuse, arrest, detain, and torture members of nonregistered churches; at times such abuse resulted in death.

During the year there continued to be reports that security forces used extreme physical abuse such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. Numerous detainees were reportedly required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. There also continued to be reports that relatives were asked to sign for detainees who refused to sign such documents. In 2006 two men died from injuries and severe dehydration in a military camp outside the town of Adi-Quala, where they were held for conducting a religious service in a private home.

In February there were unconfirmed reports that government officials tortured to death a man at a military center outside of Assab for worshipping at a banned Protestant church. In September government officials reportedly tortured to death a woman who had been detained for more than 18 months at Wi'a Military Training Center because of her refusal to sign a letter renouncing her faith.

During the year there were reports that hundreds of followers of various unregistered churches (mostly Protestant) were detained, harassed, and abused. Many of those detained were held in military prisons for not having performed required national military service. Several pastors and dozens of women were among the imprisoned. Several were released after recanting their faith; however, many refused to recant their faith and continued to be detained in civilian and military detention facilities across the country. While some were detained for short periods of time and released, approximately 2,000 individuals remained in detention at year's end because of their religious affiliation, according to the NGO Compass Direct.

In May government officials arrested over 80 members of a nonregistered church; all were released in June.

In the spring, following a November 2006 decree removing the exemption of the clergy from military service, the government requested the four state-sanctioned religions organizations to provide a list of priests, seminarians, and religious workers to be conscripted into military service. Three of the organizations complied, but the Catholic church

requested that ordained priests be provided with an alternative to military service and that the duration of military service be limited for other religious workers.

In August the government demanded that the Catholic Church comply with a 1995 proclamation that strictly limited the activities of religious organizations to conduct services and other religious duties. On November 20, the government refused to renew residence and work permits for 12 foreign Catholic sisters and priests and ordered them to leave the country. An official characterized the order as a routine immigration issue not related to the freedom and independence of the Catholic Church. There were also reports of Catholic church property being confiscated by the government.

The government effectively remained in charge of the Eritrean Orthodox Church. In January 2006 the Holy Synod, under government pressure, deposed Patriarch Abune Antonios of the Eritrean Orthodox Church on charges that he had committed heresy and was no longer following church doctrine. The synod selected a new patriarch, Dioscoros. Deposed Patriarch Antonios remained under house arrest and continued to challenge the circumstances of Patriarch Dioscoros's selection at year's end. The lay administrator appointed by the government in August 2005 remained the de facto head of the church; the administrator was neither a member of the clergy nor an appointee of the patriarch, as required by the constitution of the Eritrean Orthodox Church.

In December 2006 the government established the practice of taking possession of the weekly offerings given by parishioners to the Orthodox Church. The government-appointed lay administrator of the Orthodox Church claimed that the government used the money from the offerings to pay priests and provide alms for the poor.

The government also continued to monitor, harass, threaten, and arrest members of the Orthodox Medhane Alem group, whose religious services it had not approved. The three ministers who led Medhane Alem and who were arrested in October 2004 remained imprisoned without charge at year's end.

There were reports that the government in September 2006 ordered the Kale Hiwot church to surrender all of its property to the government.

The government prohibited political activity by religious groups and faith-based NGOs. The government's Office of Religious Affairs monitored religious compliance with this proscription.

The government continued to harass, detain, and discriminate against the small community of members of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum and the refusal of some to perform national service. Although members of several religious groups, including Muslims, reportedly have been imprisoned in past years for failure to participate in national military service, the government singled out Jehovah's Witnesses for harsher treatment than that received by followers of other faiths for similar actions. In the past the government dismissed members of Jehovah's Witnesses from the civil service, and many were evicted from, or not allowed to occupy, government-owned housing. Members of Jehovah's Witnesses frequently were denied passports and exit visas, and some had their identity cards revoked or were not issued them at all.

According to the Office of General Counsel for the Jehovah's Witnesses, 22 Jehovah's Witnesses remained imprisoned without charge. Although the maximum penalty for refusing to perform national service is three years' imprisonment, several members had been detained for more than 14 years. Of the members of Jehovah's Witnesses detained, 15 were reportedly held at Sawa Military Camp for refusing military service and 7 were held in other prisons.

Societal Abuses and Discrimination

There were negative societal attitudes toward members of some religious denominations other than the four sanctioned ones. Some citizens approved of the strict measures levied against unsanctioned churches, especially Pentecostal groups and Jehovah's Witnesses.

There was a very small Jewish population in the country; there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The law and unimplemented constitution provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government restricted some of these rights in practice. While citizens could generally travel freely within the country and change their place of residence, the government restricted travel to some areas within the country, particularly along the borders with Sudan and Ethiopia. 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 a certain location.

In 2005 the government ordered the grounding of all UN helicopters. The order continued to constrain UNMEE's ability to supply troops in the field, monitor the temporary security zone, and support medical evacuations. In March 2006 an UNMEE soldier died from heart failure; the ban on helicopter flights was believed to have contributed to his death as his access to medical treatment was significantly delayed.

Travel restrictions imposed in June 2006 on noncitizens remained in effect. All diplomats, humanitarian organization and UN staff, and foreign tourists were required to obtain advance permission from the government in order to leave Asmara. Travel restrictions were enforced by military checkpoints. Travel permission was not a transparent process. While some foreign nationals obtained permission to travel to certain locations, the government refused to issue travel permits to others traveling to the same place. The government often failed to respond to requests for travel authorization.

Unlike in the previous year, there were no reports that Ethiopians who remained in the country were prohibited from living in the Debub Province bordering Ethiopia. Citizens and foreign nationals were required to obtain exit visas to depart the country. There were numerous cases where foreign nationals were delayed in leaving for up to two months or initially denied permission to leave when they applied for an exit visa. Persons routinely denied exit visas included men 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 other persons out of favor with, or seen as critical of, the government. In 2006 the government began refusing to issue exit visas to children 11 years and older. The government also refused to issue exit visas to children, some as young as five years of age, either on the grounds that they were approaching the age of eligibility for national service or because their expatriate parents had not paid the 2 percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately \$10,000 (150,000 nakfa).

The law has no provisions concerning exile, and the government generally did not use exile.

In general citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the government while living abroad to be eligible for some government services, including exit visas, upon their return to the country. Applications to return filed by citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments were considered on a case-by-case basis.

During the year, in conjunction with the ICRC, the government repatriated approximately 2,585 Ethiopians to Ethiopia; 112 Eritreans were repatriated from Ethiopia during the year.

Internally Displaced Persons (IDPs)

Approximately 19,000 IDPs from the conflict with Ethiopia were permanently resettled during the year. Approximately 6,625 IDPs remained in two camps in the Debub zone, and approximately 1,250 refugees remained in an IDP camp in the Southern Red Sea Zone. Camp facilities were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year. The government allowed UN organizations to provide assistance to IDPs. The ICRC provided assistance to approximately 54,000 citizens through projects improving water supply, health structure, rehabilitation, and housing. The country made rapid progress in resettling the remaining 12,000 IDPs.

Protection of Refugees

The law and unimplemented constitution do not provide for the granting of asylum or refugee status in accordance with the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish a system for providing protection to refugees. As a result the government cannot provide legal refugee or asylum status. However, in practice the government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution, and provided temporary protection to approximately 135 persons from Sudan and 4,789 persons from Somalia on a prima facie basis. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in assisting refugees who were not from Ethiopia.

The government requires noncitizens to pay an annual fee for a residency card; there was no discrimination regarding nationality. The fee was \$34 (500 Nakfa), which was used to demonstrate that a foreigner was not indigent. If the foreigner could not pay the fee he was first referred to the ICRC for repatriation, but if he refused repatriation, he was incarcerated for 60 days, at which point the cycle began again.

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

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

Elections and Political Participation

The government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government; however the "transitional government" has not permitted the formation of a democratic system. The government twice scheduled elections in accordance with the Constitution but cancelled them without explanation. An official declaration on January 1, 2003, claimed that "in accordance with the prevailing wish of the people it is not the time to establish political parties, and discussion of the establishment has been postponed." Government officials also assert that implementation of the constitution is not possible until the border demarcation with Ethiopia is finalized. Eritrea is a one-party state. Power rests with the PFDJ and its institutions. At times the government coerced membership in the PFDJ.

Three women, including the ministers of justice, and of tourism, labor, and welfare, served on the PFDJ's 19-member Executive Council, and 11 women served on the 75-member Central Council. Women participated in the constitutional commission that completed its work in 1997, occupying almost half of the positions on the 50-person committee. Women also serve in other senior government positions such as mayors and regional administrators.

There was no information on whether members of ethnic minorities were on the PFDJ's 19-member Executive Council, served on the 75-member Central Council, or participated in the constitutional commission. Some senior government and party officials are members of minority groups such as the Tigray.

Government Corruption and Transparency

The World Bank's 2006 governance indicators perceived corruption in the country as a problem. There were reports of petty corruption within the executive branch, largely based on family connections. There were unconfirmed reports of more serious corruption among military leaders involving illicit trade and the appropriation of houses. There were reports that individuals requesting exit visas or passports had to pay bribes.

In the past the government has seized successful private companies and turned them over to the party or to the government.

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

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The government permitted only one international human rights organization, the ICRC, to operate, and limited it strictly to operations such as repatriation, providing shelter to approximately 500 families who were displaced by the conflict with Ethiopia, visiting prisons and detention centers where Ethiopians were held, and providing assistance to IDPs.

All NGOs, regardless of their scope of work, were required to register with the Ministry of Labor and Human Welfare. In 2005 the government issued a law requiring NGOs to reregister under new guidelines in order to continue operating. The new guidelines require international NGOs to maintain two million dollars in the local bank. Many failed to receive government approval under the registration process and were required to leave the country. As of year's end, there were 11 registered NGOs. During 2006 the government asked five NGOs--Mercy Corps, ACCORD, Samaritan's Purse, International Rescue Committee (IRC), and Concern--to close operations and depart the country, which they did.

In April 2006 authorities announced that all food assistance would henceforth be provided through a cash-for-work program. Simultaneously, the government redirected over 80,000 metric tons of food belonging to the World Food Program (WFP) and other donors to its own programs. An accounting of the distribution of this food was not provided by year's end. In keeping with the new policy, the government did not permit general humanitarian food distribution by NGOs or by the WFP, although it allowed the UN Children's Fund (UNICEF) to continue its supplemental feeding programs, and supplemental feeding and hospital feeding programs continued under the supervision of the Ministry of Health. By requiring NGOs and UN organizations to obtain permission to travel outside the capital, the government effectively controlled access by relief organizations to the rural areas. The status of school feeding programs was unknown at year's end.

The government allowed UN organizations to provide assistance to IDPs. By year's end the government had not returned the 45 vehicles it had seized in 2005 from the UNHCR.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law and unimplemented constitution prohibit discrimination against women and persons with disabilities; while the

government generally enforced these provisions, violence against women and discrimination against minority ethnic groups continued.

Women

Rape is a crime; however, it was unclear whether spousal rape is illegal. There was no specific information available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim.

Violence against women was pervasive. Domestic violence is a crime; however, domestic violence, especially wife beating, was widespread, and the government did not effectively enforce the 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. Authorities' response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes.

Prostitution is illegal but was a serious problem. Security forces occasionally followed women engaged in prostitution and arrested those who had spent the night with a foreigner.

Sexual harassment is illegal; however, cultural norms prevented women from reporting these types of incidents, and no one was charged or prosecuted for sexual harassment.

Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, particularly in rural areas. Women generally did not enjoy a social status equal to men.

The law requires that women from 18 to 47 years of age participate in national service. During the year the government continued efforts to detain female draft evaders and deserters. According to reports, some women drafted for national service were subject to sexual harassment and abuse.

The National Union of Eritrean Women (NUEWs), Ministry of Labor and Human Welfare, and Ministry of Health are the primary government offices responsible for ensuring legal rights of women. Economic discrimination against women was not a problem.

Children

Although the government was generally committed to children's rights and welfare, its programs were limited by resource constraints. The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation.

Education through grade seven is compulsory and tuition-free; however, students were responsible for uniforms, supplies, and transportation, which was prohibitively expensive for many families. Education above grade seven requires a nominal fee and is not compulsory. There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. According to estimates by the Ministry of Education, the net enrollment rate of school-age children in the 2003-04 school year was approximately 43 percent; the gross elementary (grades one to five) enrollment rate was 71.7 percent. As of 2001, 86 percent of children who started primary school were likely to reach grade five. Approximately 75 percent of the population was illiterate. In rural areas young girls usually left school early to work at home.

The government required that all students attend their final year of secondary school at a location adjacent to the Sawa military training facility in the western section of the country. Students who did not attend this final year did not graduate and could not sit for examinations that determined eligibility for advanced education. The remote location of this boarding school, security concerns, and societal attitudes reportedly resulted in many female students not enrolling for their final year; however, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades or dropped out of high school after the 11th grade to avoid being forced to go to Sawa.

In 2002 the government issued a directive which effectively shut down the University of Asmara. Since then, students who scored well on university exams were admitted to Mai Nafhi Technical Institute, which was operated by the government.

Although the government did not provide medical care for children, it operated an extensive vaccination program, and girls and boys had equal access to it.

There are no laws against child abuse and no government programs to combat the problem. Physical punishment, including harsh punishment, was widespread and socially accepted.

An estimated 89 percent of girls had undergone FGM. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, infibulation--the most severe form of FGM--was practiced. In March the government issued a proclamation declaring FGM a crime and prohibiting its practice. The government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, sponsored education programs during the year that discouraged the practice.

The legal minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UNICEF reported that child marriage occurred in the west and in coastal areas. According to a 2002 Demographic and Health Survey, 28.2 percent of the female population between 15 and 19 were married, and 1.5 percent of the male population between 15 and 19 were married.

The law criminalizes child prostitution, pornography, and sexual exploitation; however, some children were involved in prostitution.

There are a few uncorroborated stories of street children being taken to camps for skills training, but it is likely that only children approaching 17 years of age were actually conscripted. The number of street children was small but growing.

Trafficking in Persons

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

Persons with Disabilities

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

National/Racial/Ethnic Minorities

There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the west. Societal abuse of Ethiopians occurred, but there were fewer reports of such abuse than in the previous year.

Other Societal Abuses and Discrimination

Homosexuality is illegal, and homosexuals faced severe societal discrimination.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of some unions, including within the civil service, military, police, and other organizations providing essential services. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the government opposed the formation of labor associations during the year; however, the government did not approve the formation of any unions. All unions, including the Teacher's Union, Women's Union, Youth's Union, and Worker's Union, were run by the government. Membership in these unions was required. Since most businesses were also government-owned, these unions did not experience antiunion discrimination. The government did not encourage the formation of independent unions by employees of private businesses. Union leaders were typically government employees, and union activities were generally government sanctioned.

The three trade union activists arrested without charge in March 2005, and reportedly held in a secret detention center controlled by security forces, were released at year's end.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and collective bargaining is allowed. In practice all

unions are subservient to the government, which sets wages for union workers, employees of PFDJ owned enterprises, and government employees. However, wages are set independently in the small private sector, although workers are not allowed to organize independently.

The law allows strikes; however, since union leaders are accountable to the government, workers did not exercise this right in practice. Free zones, authorized in January 2006 to attract foreign and local investors, did not begin operating during the year.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that it occurred during the year. The government required all men between the ages of 18 and 54 and women between the ages of 18 and 47 to participate in the national service program, which included military training and civilian work programs. Some citizens were reportedly enlisted in the national service for many years with no prospective end date. The government justifies its open-ended draft on the basis of the undemarcated border with Ethiopia. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the government or the economy. These individuals continued to receive only their national service salary. The government required them to forfeit to the government any money they earned above and beyond that salary. Government employees generally were unable to leave their jobs or take new employment. Draft evaders often were used as laborers on government development projects.

d. Prohibition of Child Labor and Minimum Age for Employment

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

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent.

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

e. Acceptable Conditions of Work

The minimum wage in the civil service sector of \$24 (360 nakfa) per month did not provide a decent standard of living for a worker and family. Most persons in national service and the service industry made less than the minimum wage. The government did not enforce the minimum wage law. There is no legally mandated minimum wage in the private sector.

The standard workweek is 44.5 hours, but many persons worked fewer hours. Workers are entitled to one rest day per week; most workers were allowed one to one and a half days off per week. There are no prohibitions against excessive overtime. The government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. In practice some workers were permitted to remove themselves from dangerous work sites without retaliation.

