

# ERITREA 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

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

The country continued to experience significant adverse changes in its human rights situation due to its intervention in the conflict in northern Ethiopia, which began in November 2020 and continued throughout the year. The Eritrean Defense Forces were responsible for widespread and serious human rights abuses, including execution, rape, and torture of civilians within Ethiopia.

Significant human rights issues included credible reports of: unlawful and arbitrary killings; forced disappearance; torture; harsh and life-threatening prison and detention center conditions; arbitrary detention; political prisoners; serious problems with judicial independence; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including reportedly unlawful and widespread civilian harm, rape, and enforced disappearances; serious restrictions on free expression and media, including censorship and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or

operation of nongovernmental organizations and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement and residence within the territory of the state and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government restrictions on domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including but not limited to domestic or intimate partner violence; trafficking in persons; existence of laws criminalizing consensual same-sex sexual conduct between adults; outlawing of independent trade unions; and the worst forms of child labor.

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

## **Section 1. Respect for the Integrity of the Person**

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

While there were no credible reports of unlawful or politically motivated killings within the country, there were credible reports that government forces deployed in northern Ethiopia committed arbitrary or unlawful killings (see section 1.g.).

### **b. Disappearance**

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

There were no known developments in the case of the G-15, a group of former ruling party members and officials who called for reforms, and of journalists detained in 2001.

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

The law prohibits torture. Reports of torture, however, continued, especially against political prisoners. According to UN experts, torture is allegedly common at the Eiraeiro prison. Former prisoners who have escaped the country have reported being tied up and held upside down on frames, legs and arms bound, while their feet, legs and buttocks were beaten with sticks or wire.

In August 2019, Human Rights Watch published a report documenting security forces' torture, including by beating, prisoners, army deserters, national service evaders, of persons attempting to flee the country without travel documents, and members of certain religious groups.

Former prisoners described two specific forms of punishment by security forces known as "helicopter" and "8." For "helicopter," prisoners lie face down on the ground and their hands and legs are tied behind them. For "8," they are tied to a tree. Prisoners were often forced to stay in either position for 24-48 hours, in some cases longer, and only released to eat or to relieve themselves. Use of psychological torture was common, according to inmates held in prior years. Some former prisoners reported authorities conducted interrogations and beatings within hearing distance of other prisoners to intimidate them.

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

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

The Eritrean Defense Forces (EDF) were responsible for serious human rights abuses, including execution, rape, and torture of civilians, within Ethiopia as part

of its military involvement there (see section 1.g.).

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

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

**Physical Conditions:** There were numerous official and unofficial detention centers, some located in military camps. The law requires that juveniles be held separately from adults. There is a juvenile detention center in Asmara, but authorities held some juveniles, particularly teenagers, with adults due to overcrowding in that center. When police arrested mothers, their young children sometimes were held with them. Severe overcrowding was common.

Data on death rates in prison and detention facilities were not available, although persons reportedly died from harsh conditions, including lack of medical care and use of excessive force. There was no available information to determine whether the government acted against persons responsible for detainee deaths.

Authorities are believed to have continued the practice of holding some detainees incommunicado in metal shipping containers and underground cells without toilets or beds. The government did not consistently provide adequate basic or emergency medical care in prisons or detention centers. Food, sanitation, ventilation, and lighting were inadequate, and potable water was sometimes available only for purchase.

Former prisoners described prolonged food shortages, which sometimes led to anemia or even the need for hospitalization. One former prisoner claimed to have been without food for 42 days. Other former prisoners reported no such issues.

Former detainees and other sources reported harsh detention conditions in police stations and in prisons for persons held for evading national service and militia duties.

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

underground cells.

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

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

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

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

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

#### **Arrest Procedures and Treatment of Detainees**

The law stipulates that, unless a crime is in progress, police must investigate and obtain a warrant prior to making an arrest, but this seldom occurred. In cases involving national security, police may waive the process. Detainees must be brought before a judge within 48 hours of arrest and may not be held for more than 28 days without being charged with a crime. Authorities generally detained suspects for longer periods without bringing them before a judge, charging them with a crime, or informing them the reason for their detention. Authorities

sometimes arbitrarily changed charges during detention. The law provides for a bail system, but bail was often denied for no apparent reason, and bail amounts were capricious.

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

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

During the year the government both arrested and released religious prisoners. According to Christian Solidarity Worldwide, officials released 70 religious prisoners in January and February: six on January 27, and 64 on February 1. On April 5, Release International reported two new sets of arrests, one of 23 women in Asmara and the other of 12 women in Assab. On April 12, BBC reported that 36 Christians were released on bail, including 22 of the 23 arrested in Asmara (first reported by Release International) and of 14 who had been in prison on the Dahlak islands for four years. In September, according to Christianity Today, 15 more Christians were arrested, all of whom had previously been imprisoned for their religion.

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

**Pretrial Detention:** Authorities brought few, if any, persons detained on alleged

national security grounds to trial. The percentage of the prison and detention center population in pretrial detention was not available.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:**

Detainees were not able to challenge the lawfulness of detention before a court.

**e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but executive control of the judiciary continued, and the judiciary was neither independent nor impartial. There are special courts charged with handling corruption cases, but there was no clarity on their structure or implementation. The Office of the President served as a clearinghouse for citizens’ petitions to some courts. It also acted as an arbitrator or a facilitator in civil matters for some courts. The judiciary suffered from lack of trained personnel, inadequate funding, and poor infrastructure.

**Trial Procedures**

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

There is no presumption of innocence or right for defendants to be informed promptly and in detail of charges in a language they understand. The law does not specifically address the provision of adequate time or facilities to prepare a defense, the right of defendants to confront witnesses, or the provision of free interpretation from the moment charged through all appeals, although courts generally accorded the rights to defendants in cases deemed unrelated to national security. There is no right of defendants to refuse to testify. Defendants have the right to be present and to consult with attorneys or to present their own evidence if they do not wish to have an attorney. Prosecution and defense lawyers have the right to present evidence and witnesses. In normal cases, defendants can choose their attorney or have one assigned to them, but this right is not afforded to defendants in national security cases.

Courts of first instance are at the regional level. Each party to a case has the right to one appeal. Decisions rendered by any regional court may be appealed to the

next appellate court. Should the appellate court reverse a decision of the lower court, the party whose petition was not sustained may appeal to the five-judge upper appellate court. If the lower appellate court upholds the decision of a regional court, there is no second appeal.

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

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

### **Political Prisoners and Detainees**

The government continued to hold an unknown number of detainees without charge or trial, including politicians, journalists, members of registered and unregistered religious groups, and persons suspected of not completing national service or evading militia duty (see also section 1.b., Disappearance). In 2019 Amnesty International estimated there were hundreds of “prisoners of conscience... including journalists, former politicians and practitioners of unauthorized religions.” The government did not permit access to political detainees, most of whom were housed in unofficial facilities.

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

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

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



## **or Correspondence**

The law prohibits arbitrary interference with privacy, family, home, or correspondence, but the government did not respect these rights.

Many citizens believed the government monitored cell phones. Authorities required permits to use SIM cards.

The government used an extensive informer system to gather information.

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

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

## **g. Conflict-related Abuses**

**Killings:** The EDF were reportedly responsible for deliberately killing civilians, including Eritrean refugees, in northern Ethiopia as part of the conflict there. On May 21, the Attorney General of Ethiopia accused the EDF of killing 110 civilians in November 2020, including 40 who were pulled from their homes in house-to-house raids. Internally Displaced Persons (IDPs) in Tigray described a systematic effort by the EDF to inflict as much harm on the ethnic Tigrayan population as possible in areas where the EDF operated. IDPs reported that in some cases, the EDF used knives or bayonets to slash the torsos of pregnant women and then left them for dead. The EDF reportedly forced survivors to leave the bodies of the dead where they lay or face execution themselves. Many IDPs recounted instances of witnessing the rape, murder, and torture of friends and family members by the EDF.

**Physical Abuse, Punishment, and Torture:** According to media and NGO reports, the EDF was responsible for massacres, looting, and sexual assaults in

Tigray; EDF troops raped, tortured, and executed civilians; the EDF also destroyed property and ransacked businesses; and the EDF purposely shot civilians in the street and carried out systematic house-to-house searches, executing men and boys, and forcibly evicted Tigrayan families from their residences.

The EDF also reportedly engaged in sexual violence to terrorize and traumatize Tigrayan civilians. IDPs also spoke of a “scorched earth” policy intended to prevent IDPs from returning home.

According to Amnesty International, several women reported being raped by EDF personnel inside Ethiopia, including some who reported being held captive for weeks. According to Human Rights Watch, Eritrean soldiers forcibly repatriated Eritrean refugees and largely destroyed the Hitsats and Shimelba refugee camps. Human Rights Watch said Eritrean troops killed at least 31 individuals in Hitsats town. According to the Office of the UN High Commissioner for Refugees (UN refugee agency), more than 7,600 of the 20,000 refugees sheltering at the Hitsats and Shimelba camps in October 2020 remained unaccounted for as of August.

## **Section 2. Respect for Civil Liberties**

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

Although the law provides for freedom of speech, including for the press, the government severely restricted these rights.

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

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** The law bans private broadcast media and foreign ownership of media. The government controlled all domestic media, including one newspaper published in four languages, three radio stations, and two television stations.

The law requires journalists to be licensed. The law restricts printing and publication of materials by anyone lacking a permit and the printing or

dissemination of prohibited foreign publications are punishable under the law.

The Committee to Protect Journalists reported there were 16 journalists in detention.

The government did not prevent persons from installing satellite dishes that provided access to international cable television networks and programs. The use of satellite dishes was common nationwide in cities as well as villages. Access to South Africa's Digital Satellite Television required government approval, and a subscriber's bill could be paid only in hard currency, but access to free Egyptian satellite television was common. Satellite radio stations operated by diaspora Eritreans reached listeners in the country. Citizens could also receive radio broadcasts originating in Ethiopia.

**Violence and Harassment:** The government did not provide information on the location or health of journalists it detained and who were held incommunicado.

**Censorship or Content Restrictions:** The law requires submission of documents, including books, to the government for approval prior to publication. Most independent journalists were in detention or lived abroad, which limited domestic media criticism of the government. Authorities required journalists to obtain government permission to take photographs. Journalists practiced self-censorship due to fear of government reprisal.

**Libel/Slander Laws:** The law criminalizes libel as a misdemeanor and prescribes a punishment of between one and six months' imprisonment and a fine. The law also criminalizes "malicious injury to honor or reputation," which covers true statements communicated solely to damage a person's reputation and prescribes a punishment of less than one month in prison and a fine. It is unclear if these provisions were enforced.

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

### **Internet Freedom**

The government reportedly monitored some internet communications, including

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

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

The government restricted academic freedom and cultural events.

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

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

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

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

The government restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

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

#### **Freedom of Association**

The law provides citizens the right to form organizations for political, social,

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

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

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

### **d. Freedom of Movement**

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

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

Travel restrictions on noncitizens lawfully in the country remained in effect. The government required all diplomats, international humanitarian workers, UN staff, and other foreigners to request permission from the government at least 10 days in advance to travel outside of Asmara. During the year, however, the government on many occasions approved requests with fewer than 10 days' advance notice.

**Foreign Travel:** The government restricted foreign travel. The government required citizens, including dual nationals, to obtain exit visas. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. The government often denied citizens passports and exit visas because they had not completed their military, national service, or militia duties; had unpaid income taxes; or for arbitrary or unstated reasons. Authorities generally did not give exit visas to children older than age five. Categories of persons commonly denied exit visas included men younger than 40, regardless of whether they had completed the

military portion of national service, and women younger than 30. Authorities were more likely to approve exit visas for married women and those with children. The land border with Sudan was open, but other land borders remained closed, preventing legal overland travel for most citizens. Members of some cross-border ethnic groups (such as the Afar in the east and the Beja in the west) were allowed to cross the borders.

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

#### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

**Abuse of Migrants, Refugees, and Stateless Persons:** The government did not cooperate with the UN refugee agency regarding treatment of refugees. The government defined refugee status differently than the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees.

The government closed the Umkulu Refugee Camp on January 12.

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

**Refoulement:** According to observers, the approximately 53 remaining Somali refugees were returned to Mogadishu. The UN refugee agency stated that it was not involved in, nor informed of, this return of refugees.

**Employment:** Refugees were not granted formal work permits, but some worked informally.

**Access to Basic Services:** The UN refugee agency was no longer able to provide basic support for persons of Ethiopian and Sudanese origin.

**Durable Solutions:** Although the government did not grant persons of Ethiopian and Sudanese origin asylum or refugee status, authorities permitted them to remain in the country and to live among the local population instead of in a refugee camp. Authorities granted Sudanese and Ethiopians exit visas to leave the country for resettlement and study.

### **Section 3. Freedom to Participate in the Political Process**

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

#### **Elections and Political Participation**

**Recent Elections:** The government came to power in a 1993 popular referendum, in which voters chose to have an independent country managed by a transitional government. The transitional government did not permit the formation of a democratic system. The government twice scheduled elections but canceled them without explanation. An official declaration in 2003 asserted, “In accordance with the prevailing wish of the people, it is not the time to establish political parties, and discussion of the establishment has been postponed.” In November local communities in the Central and Southern Red Sea regions elected neighborhood and village administrators. Unlike 2019 regional elections, these were conducted by secret ballot and all residents older than 18 could vote.

**Political Parties and Political Participation:** The country is a one-party state. Political power rests with the People’s Front for Democracy and Justice and its institutions; the government does not allow the formation of any other political parties. Membership in the People’s Front was not mandatory, but authorities pressured some categories of individuals, particularly those occupying government positions, to join the party. Authorities reportedly visited citizens in their homes

after they completed national service and compelled them to join the party and pay the required fees. Authorities occasionally convoked citizens to attend political indoctrination meetings as part of mandatory participation in the militia irrespective of People's Front membership. Authorities denied benefits such as ration coupons to those who did not attend. Some citizens in the diaspora claimed such meetings also occurred at embassies abroad, with the names of those who did not attend reported to government officials, sometimes resulting in denial of benefits such as passport services.

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

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

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

**Corruption:** Persons seeking executive or judicial services sometimes reported they obtained services more easily after paying a “gift” or bribe. Patronage, cronyism, and petty corruption within the executive branch were based largely on family connections and used to facilitate access to social benefits. Judicial corruption was a problem, and authorities generally did not prosecute acts such as property seizure by military or security officials or those seen as being in favor with the government. Local party officials, who draw no direct salary, are reported to engage in petty corruption to provide necessary paperwork.

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



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

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

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

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape is a crime punishable by up to 10 years in prison, or up to 16 years in aggravated cases (such as those that inflict serious bodily injury, involve a minor or someone under the perpetrator's care, or involve a group of perpetrators). The law makes no distinction based on the gender of the assailant or the victim. Rape between spouses is punishable only when the spouses have permanently separated.

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

It is difficult to determine the extent of such abuses, as stigma prevents individuals from coming forward, and the government does not publicize statistics.

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C for both women and girls. Government efforts to reduce FGM/C included public awareness campaigns at the local level targeting religious and community leaders.

Government reports stated certain regions and subzones were considered entirely free of FGM/C. Local UN representatives confirmed that the government took FGM/C seriously as a problem and acted credibly to combat the practice. The UN Population Fund worked with the government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, on a variety of education programs to discourage the practice.

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

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization by government authorities. Vulnerable populations can provide informed consent to medical treatment affecting reproductive health, including sterilization.

The Ministry of Health promoted modern contraceptive means and took steps to inform women throughout the country of these means. Contraception was provided free of charge in many cases; however, in more rural areas, women still lacked access or information. The World Health Organization reported that from 2010 to 2019 only 21 percent of women of reproductive age had their need for family planning satisfied with modern methods.

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

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

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

According to the World Health Organization, the maternal death rate was an estimated 480 deaths per 100,000 live births. The high maternal death rate was

likely due to such factors as limited health-care services, particularly in rural areas. No information was available on the adolescent birth rate. While this has traditionally been a problem in the country and likely contributed to high maternal death rates, the government has made a concerted effort to convince individuals to delay marriage and childbirth.

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

## **Systemic Racial or Ethnic Violence and Discrimination**

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

## **Children**

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

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

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

**Child, Early, and Forced Marriage:** The legal minimum age for marriage for both men and women is 18, unless the woman is pregnant or has already had a child, in which case the minimum for both is 16. The minister of justice or someone appointed by the minister may also waive the age requirement. There were no recent statistics on early marriage. Officials spoke publicly on the dangers of early marriage and collaborated with UN agencies to educate the public regarding these dangers, and many neighborhood committees actively discouraged the practice.

**Sexual Exploitation of Children:** The law criminalizes most commercial sexual exploitation and practices related to child pornography. The use of a child for commercial sex, however, is not specifically prohibited by law. The minimum age for consensual sex is 18.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

One Jewish person remains in the country, and he maintained the only synagogue without reported government interference. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

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

## **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities. The government implemented programs to assist persons with disabilities, especially combat veterans, and dedicated substantial resources to support and train thousands of persons with physical disabilities. No laws mandate access for persons with

disabilities to public or private buildings, information, and communications. There were separate schools for children with hearing, vision, mental, and intellectual disabilities. Most of these schools were private; the government provided some support to them. The Ministry of Labor and Human Welfare is responsible for protecting the rights of persons with disabilities, including mental disabilities.

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

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity “or any other indecent act,” which is punishable if convicted by five to seven years’ incarceration. The government actively enforced this law. Antidiscrimination laws relating to LGBTQI+ persons do not exist.

There were no known LGBTQI+ organizations in the country. The government tightly restricts freedom of expression (see section 2.a.), including on subjects related to sexual orientation and gender identity.

## **Section 7. Worker Rights**

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

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

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

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

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

The law prohibits forced labor and slavery, but gaps in the law allowed widespread forced labor to occur. The government enforced these laws within private industry; penalties were not commensurate with those for analogous serious crimes. The definition of forced labor in local law excludes activities performed under national service or other civic obligations, compulsory labor for convicted prisoners, and “communal services rendered during an emergency.” This definition excludes nearly all public sector employees, who are mostly national service workers. Labor protections limiting hours of work and prohibiting harsh conditions do not apply to persons conscripted into national service.

The country's national service obligation amounted to a form of forced labor. By law all citizens between ages 18 and 50, with limited exceptions, must perform national service. The national service obligation legally consists of six months of military training and 12 months of active military or civilian national service, for a total of 18 months, or, for those unfit to undergo military training, 18 months of service in any public and government organ. During times of emergency, however, the government can suspend the 18-month limit, which it did in 1998

with the outbreak of the war with Ethiopia and has not rescinded. The result is an indefinite extension of the duration of national service, in some cases for more than 20 years; discharge from National Service is arbitrary and procedures for doing so remain opaque. Conscripts were employed by all governmental and party-run agencies, including for-profit enterprises, in conditions of forced labor.

Wages for conscripts are low, although pay scales have been revised for several job functions in recent years, particularly for those with higher education or skilled training credentials. National Service workers without educational or vocational qualifications continue to be paid extremely low wages, and the government often substitutes food or nonfood rations for wages. The law provides for assignment to a job category according to the person's capacity and profession, but this was not always followed in practice. There is no provision for alternative service for conscientious objectors.

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

Penalties involving compulsory labor may be imposed for the peaceful expression of opposition to the established political, social, or economic system or the practice of a religion. There were no reliable data on the number of prisoners subjected to compulsory labor for political offenses. The government did not effectively enforce prohibitions on forced and compulsory labor in the informal sector, which included 80 percent of workers.

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

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

The law does not prohibit the worst forms of child labor. The legal minimum age

for employment is 14, although this restriction does not apply to children working outside of formal employment relationships, including self-employed workers. The government prohibits persons younger than 18 from employment between 6 p.m. and 6 a.m. and for more than seven hours per day. The government has not determined by law or regulation the types of hazardous work prohibited for children.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but enforcement was inconsistent and did not extend to the informal sector. Inspections were infrequent, and penalties, if imposed, were arbitrary and not necessarily commensurate with those for analogous serious crimes.

Children in rural areas commonly worked on family farms, fetched firewood or water, worked in illegal mines, and herded livestock. In urban areas children worked as street vendors. Children also worked in small-scale garages, bicycle repair shops, metal workshops, and tea and coffee shops. They also transported grain or other goods via donkey cart or bicycle. Child domestic service occurred, as did begging by children, often under conditions of forced labor.

Secondary school students participated in the Summer Work Program, which mostly included planting trees. In past years, the program included school and hospital maintenance. Students worked for four to six hours a day, five days a week, and at least some students were given a small stipend for participating. Reports indicated students who did not participate in the work program in past years were fined, although waivers were sometimes available.

To graduate from high school and meet national service requirements, students complete their final year of schooling (12th grade) at the Sawa military complex. Nearly half the year is devoted to mandatory military training. Some students at Sawa were reportedly as young as 16. In addition, some students are forced to work on government-owned farms.

To enforce this system, the government conducted forcible roundups of students and young persons across the country who did not report to military training. Furthermore, the military occasionally performed identity checks that led to the



imprisonment of children alleged to be attempting to evade compulsory national service.

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

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws prohibit employment and occupation discrimination based on race, color, sex, disability, social origin, nationality, political orientation, or religion. The law does not prohibit discrimination based on sexual orientation or gender identity, HIV-positive status, language, or age. The Labor Relations Board has responsibility for enforcing antidiscrimination law but provided no public information on cases or their resolution.

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

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The national minimum wage for employees of party-owned enterprises and government employees was below the international poverty line. There was no national minimum wage for private sector workers. The law provides for a standard workweek of 48 hours and no more than two hours per day of overtime, but it includes exceptions for when an employee is absent or when there is “urgent work.” The law entitles workers, except for those employed in national service, to overtime pay, but this was not always enforced. The legal rest period is one day per week, although most employees received one and one-half days.

The Ministry of Labor and Human Welfare is responsible for enforcement of wage and hour laws. The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The number of inspectors was not sufficient to enforce compliance. The government did not report on violations of wage and hour laws.

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

The Ministry of Labor and Human Welfare is responsible for worker safety and welfare. The government did not effectively enforce the negotiated standards. The ministry employed 28 inspectors, which was insufficient to enforce compliance. The National Confederation of Eritrean Workers reported that every enterprise has an inspection at least once per year, which is then reviewed by the enterprise, the union, and the ministry. Inspectors have the authority to make unannounced inspections and demand changes, but they may not initiate sanctions.

The government did not report on abuses of safety or health standards. There was no information on major industrial accidents during the year.

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