

ERITREA

Eritrea is a one-party state that became independent in 1993 after its citizens voted for independence from Ethiopia, following 30 years of civil war. 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. The government continued to postpone general elections which have not taken place since independence in 1993. The government continued to use border disputes with Ethiopia and Djibouti as a pretext for curbing human right and civil liberties. Although civilian authorities generally maintained effective control of the security forces, consistent and systemic gross human rights violations persisted unabated at the government's behest.

Human rights abuses included abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders; harsh and life-threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement of privacy rights. National service obligations are effectively open-ended although the government does not acknowledge this circumstance. There is no due process and persons remain in jail for years. The government severely restricted freedoms of speech, press, assembly, association, and religion. The government also limited freedom of movement and travel for all citizens, foreign residents, the UN, humanitarian and development agencies; it harassed and tightly controlled the movements of foreign diplomats. Foreign diplomats are required to apply for travel permits in writing 10 days in advance, even for consular emergencies, and travel permit applications were often not answered or refused. Restrictions continued on the activities of national and international nongovernmental organizations (INGOs). Female genital mutilation (FGM), although prevalent in rural areas, declined significantly in urban areas, according to trusted sources. Societal abuse and discrimination against women, members of the Kunama ethnic group, gays and lesbians, members of certain religious groups, persons with disabilities, and persons with HIV/AIDS remained areas of concern. There were limitations on worker rights, and the government was party to forced labor on its citizenry. Children were engaged in forced labor.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom From:****a. Arbitrary or Unlawful Deprivation of Life**

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

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

During the year the UN Development Program (UNDP) sought, but did not receive, additional funding to continue its explosive ordinance disposal programs and mine risk education for school children and families in mine-impacted communities. The UNDP drew on its own funding to continue minimal programming in education and victims' assistance.

In June an opposition Web site reported that Eritrean military forces executed 12 persons as they were trying to cross the border to Sudan. The 12 individuals executed were from the village of Mai Temenay near Asmara.

In its May report, INGO Reporters Without Borders, reported that approximately 30 journalists are currently held in the government's 314 prison camps and detention centers. At least four journalists died during the year as a result of medical neglect, food deprivation, and excessive heat; an unknown number of others have disappeared.

In April, according to an opposition Web site, 24 persons were executed in the gold mining areas of Hademdem and Fankon in the Gash-Barka region. The

executions were in retaliation for resistance to an unwarranted round up conducted by the government to forcefully conscript workers into the army.

In April, Eyob Bahta Habtemariam, a team leader at the Era-Ero prison, and formerly the Embatkala prison, fled the country. Habtemariam stated the Era-Ero prison housed 35 high-ranking government officials, journalists, and staff of international organizations including the G-15, a group of high-ranking political activists who regularly pushed President Isaias for democratic reform during the country's formative years. Of this group of 35, 15 have died due to torture and medical neglect, food deprivation, and excessive heat in the Era-Ero or Embatkala prisons. Of the remaining 20 prison inmates of the group still alive at the Era-Ero prison, nine have reportedly become disabled physically or mentally. There were only 11 remaining inmates of this group of 35 considered still to be "aware of their situation" and thus kept in handcuffs and leg chains 24 hours a day. The 20 prison inmates still alive only received one meal a day, consisting of bread, lentils, and tea, and Habtemariam reported they were all emaciated. Among the dead were the one-time Eritrean vice-president, Mahmoud Sherifo; General Ogbe Abraha; and five journalists. Haile Woldetensae, the former foreign minister, was still alive but alleged to have been blinded.

Habtemariam reported the following deaths of political prisoners among the group of 35 high-ranking government officials and journalists.

In June 2009 Germano Nati, former administrator of Southern Red Sea Region, died of unknown causes.

In 2004 the former administrator of Sorona Subzone Tesfagiorgish and journalist Sied Abdelkadir committed suicide. Journalist Medhanie Haile died due to lack of medical treatment the same year.

In 2003 journalist Yosuf Mohamed Ali, Aster Fessehasion, and former minister Salih Kekiya, all died during a three day period as a consequence of excessive heat in prison.

In 2003 journalist Fessehaye Yohannes (Joshua) was found hanged in his cell after making several unsuccessful attempts to commit suicide. Minister Mahmoud Sherifo died due to lack of urgent medical treatment the same year.

In 2002 General Okbe Abraha attempted suicide. However, the attempt failed, and he received medical treatment for three months in Glass, a military hospital, west

of Keren. However, his health condition further deteriorated, worsened by asthma, and he died after his return to Embatkala prison.

According to an August 2009 report from an opposition Web site, Berhanes Gebregzabhier, one of 11 members of the PFDJ National Assembly, who had been held in solitary confinement since 2001, was executed in 2002 based on the recommendation of Naizghi Kiflu, a former presidential advisor.

During the year there were credible reports that at least five prisoners detained because of their religious affiliation died due to lack of medical treatment. The government did not investigate or prosecute any reports of security force abuse.

b. Disappearance

Eritrean refugees and asylum seekers repatriated from other countries during the year reportedly disappeared and an unknown number of persons assumed to be in government detention have also disappeared. The government does not provide information on disappearances, and does not regularly notify family members or respond to information requests regarding the status of persons in detention.

In February, according to an opposition Web site, 12 of 67 Eritreans deported from Libya disappeared. There were unconfirmed reports that nine of the deportees were detained incommunicado in Embatkala prison before its closure. Their names are: Zigta Tewelde, Asmelash Kidane, Captain Zeraburuk Tsehaye, Second Lieutenant Zewde Teferi, Yohannes Tekle, Ghebrekidan Tesema, Tilinte Estifanos Halefom, Nebyat Tesfay, and Tilinte Tesfagabre Mengstu. Additional unconfirmed reports state that Habte Semere and Yonas Ghebremichael, who worked for the President's Office before they left Eritrea, are being detained incommunicado in Ghedem prison near Massawa.

During the year a number of imprisoned journalists disappeared, according to NGO Reporters Without Borders.

In January 2009 the government of Egypt refouled several hundred Eritrean refugees and asylum seekers, all of whom were returned to their families, according to the government. Nevertheless, there were numerous reports from family members of missing individuals, mostly young men and women who had not completed national service.

In 2008 approximately 1,200 Eritreans were repatriated from Egypt, many of whom remained missing at year's end. Similarly in 2008 German immigration authorities returned two Eritrean nationals, neither of whom had been seen since their arrival in Asmara.

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

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

The government sanctioned these torture methods, and no known action was taken during the year to punish perpetrators of torture and abuse.

According to international NGO Human Rights Watch, Eritrean female refugees reported in 2009 that female conscripts in national service were often raped by their supervisors, and there is no information to indicate increased protection of female conscripts during the year. There were also reports that military officials tortured foreign fishermen captured in Eritrean waters.

Prison and Detention Center Conditions

Prison conditions remained harsh and in some cases life threatening. Severe overcrowding was common. Some prisoners were shackled in unventilated holding cells for long periods of time in extreme heat, with outside temperatures reaching 120 degrees Fahrenheit, and died due to heat exhaustion in combination with other

medical conditions. There were reports that prisoners were held in underground cells or in shipping containers with little or no ventilation in extreme temperatures. The shipping containers were reportedly not large enough to allow all of those incarcerated to lie down at the same time. Other prisoners were held in cement-lined underground bunkers with no ventilation. Up to 200 prisoners were held in each bunker, and there are reports that prisoners lost consciousness from the extreme heat while in detention.

The government does not provide adequate provisions for basic and emergency medical care in prisons and detention centers, and detainees were known to have died due to lack of medical treatment during the year. Food provided was not adequate. Potable water was generally not available, and one detainee reported going without water for several days until providing money to purchase bottled water. In June and July 2009, a meningitis outbreak created by unsanitary conditions in Wi'a prison caused the death of approximately 50 Christian prisoners from unregistered denominations who were detained for practicing their religion. The Wi'a prison closed during the year and surviving prisoners were relocated to the Metier prison; others were taken to the May Idaga prison outside of Dekemhare.

There were numerous unofficial detention centers, most located in military camps and used as overflow detention centers following mass arrests and roundups. There were reports that detention center conditions for persons temporarily held for evading military service were also harsh and life threatening. During the year there were hundreds of such detainees. Draft evaders were reportedly sent to the Wi'a military camp where, typically, they were beaten. Some were held 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.

Use of psychological torture was common, according to former inmates. One common technique was for the interrogator to open and close the door of the cell constantly, as if the prisoner were going to be taken for interrogation where beatings are administered. Denial of food, medical treatment, and family access were also used to punish prisoners. Some prisoners were released after close friends or relatives offered their homes or other property as bond.

Deaths occurred in prisons and detention centers as a result of inadequate nutrition, disease, extreme temperature fluctuations, and denial of medical care. In August

2009 a meningitis outbreak at a prison in Massawa reportedly killed dozens of inmates.

The government did not provide current number of prisoners. The government did not investigate and monitor prison and detention center conditions. It was known that there are more than 300 prisons and detention centers, which were filled to capacity. Prisoners and detainees did not have reasonable access to visitors and were not always permitted religious observance. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities did not investigate credible allegations of inhumane conditions and document the results of such investigations in a publicly accessible manner.

Those imprisoned were often interrogated about religious affiliation and were asked to identify members of nonapproved religious groups, such as Jehovah's Witnesses.

During the year the largest prison in Asmara, called Track B, was closed, and its prisoners were transferred to Adi Abieto prison and other detention centers outside Asmara, making even indirect monitoring by the international community impossible. During the year the government did not permit the International Committee of the Red Cross (ICRC) or any local human rights organizations to monitor prison conditions. Since the shutdown of the repatriation program during 2009, the government also denied the ICRC access to Ethiopian prisoners of war detained in the country.

Ombudsmen cannot serve on behalf of prisoners to alleviate inhumane overcrowding. There are no provisions for addressing the status and circumstances of confinement of juvenile offenders, pretrial detention, or bail. Record keeping procedures are not transparent making it impossible to assure that prisoners do not serve beyond the maximum sentence for the charged offense, even if a specific charge is brought.

Although there was a juvenile detention center in Asmara, juveniles frequently were held with adults in prisons and detention centers. Juveniles as young as 15 years old were tried as adults. Juveniles were sometimes imprisoned with their mothers and other detainees and not in juvenile detention centers. Pretrial detainees were not always separated from convicted prisoners.

Authorities commonly moved prisoners to locations away from their families to make family visits impossible. In some circumstances, authorities permitted convicted criminals in prisons up to three visits per week by family members; however, this was only common for those who had relatives working within the government. Persons detained, arrested, or convicted for reasons of national security or for evading national service were denied family visits.

d. Arbitrary Arrest or Detention

The law and unimplemented constitution prohibit arbitrary arrest and detention; however, arbitrary arrest and detention remained chronic problems.

Role of the Police and Security Apparatus

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

During the year the police, armed forces, and internal security arrested and detained persons without due process and often used violence. Police forcibly arrested individuals on the street who were unable to present identification documents. Those in the government national service were required to present "movement papers" issued by their offices or departments authorizing their presence in a particular location. Those persons who did not present "movement papers" were arrested.

Arrest Procedures and Treatment While in Detention

The law stipulates that detainees must be brought before a judge within 48 hours of arrest and may not be held more than 28 days without being charged with a crime. In practice authorities detained suspects for much longer periods without being brought before a judge, charged with a crime, or in some cases even understanding the reason for their detention. Some detainees, who were not given a right to due process, were still in prison after a decade, and others have died while in detention.

The government has argued that those detained without charge can be assumed to be charged under national security grounds.

There were credible repeated reports of the following detention practices and outcomes: release after providing proof of completion of national service requirements, release after being threatened with death for continued religious activity, release after being threatened with death for continued homosexuality activity, release after recanting of religious faith or declaring allegiance to the Eritrean Orthodox Church, release after paying a fine equivalent of hundreds or thousands of dollars or having another Eritrean put up their house as collateral, release after unpaid forced labor such as picking vegetables for several months, release just before imminent death caused by torture during detention, unconditional release, indefinite detention, inadequate provision of food, torture and confinement in crowded unsanitary conditions subject to extreme temperatures (see section 1.c.).

The law stipulates that unless there is a "crime in progress," police must conduct an investigation and obtain a warrant prior to making an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. Authorities did not promptly inform detainees of charges against them and often changed the charges during detention. Detainees in prisons often did not have access to counsel or appear before a judge.

Incommunicado detention was widespread, although detainees in police stations occasionally had access to legal representation and family members. Authorities provided indigent detainees with counsel on an irregular basis. There was a functioning bail system, except for persons charged with national security crimes or crimes that could carry the death penalty.

Security force personnel detained individuals for evading national service and for other unspecified national security charges. Numerous detainees were arrested, even if they had valid papers showing that they had completed or were exempt from national service. In practice most detainees were informally charged with issues relating to national service, effectively allowing authorities to incarcerate citizens indefinitely.

Security forces also continued to detain and arrest the parents and spouses of individuals who evaded national service or fled the country (see section 1.f.).

There were reports of mass arrests known as "round-ups," in which citizens were held without charge indefinitely while authorities sorted out their military service paperwork in search of deserters and questioned them about their religious affiliation. These round-ups tended to coincide with Liberation Day (May 24) ceremonies, and harvest season when many of those detained were used as free manual labor and are forced to pick vegetables for several months on government controlled farms.

The government does not recognize dual nationality and, during the year, security forces arbitrarily arrested citizens holding other nationalities on national security charges. There were reports that plainclothes agents of the National Security Office entered homes without warrants and arrested occupants.

Numerous reports also indicated that persons with connections to high-level officials instigated the arrest of individuals with whom they had personal vendettas. In many instances, these individuals were never formally charged.

The government continued to arbitrarily arrest members of nonregistered religious groups and persons who criticized the government (see sections 2.a. and 2.c.). There were reports that the government continued to hold without charge and sometimes torture 2,000 to 3,000 members of unregistered religious groups and numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence.

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. Hundreds of staff of embassies and international organizations have been temporarily detained and interrogated since 2001, and several remained in detention at year's end.

The government held numerous other detainees without charge or due process, including an unknown number of NGO employees detained in a 2008 round-up (see section 5). 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 had been detained for more than 10 years. These detainees reportedly did not have access to legal counsel and were not brought before a judge. During the year the deposed Orthodox patriarch remained under house arrest (see section 2.c.). There were also widespread reports that many detainees were released without going to trial.

e. Denial of Fair Public Trial

The law and unimplemented constitution provide for an independent judiciary; however, in practice the judiciary was impotent. Judicial corruption remained a problem. The judicial process was influenced by patronage of former fighters who later became judges. Executive control of the judiciary continued; the Office of the President served as a clearinghouse for citizens' petitions to the courts or acted for the courts as arbitrators or facilitators in civil matters. The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that limited the ability of the accused persons to a speedy and fair trial. Public trials were held for some detainees facing criminal charges. However, no cases involving individuals detained for national security or political reasons were brought to trial, and the fate of these detainees remains unknown. The drafting into national service of many civilian court administrators, defendants, judges, lawyers, and others involved in the legal system continued to have a significant negative effect on the judiciary. While not prohibited, the government has in practice not issued licenses to lawyers seeking to enter private practice for the past four years.

The text of the constitution was completed and ratified by the National Assembly in 1997. It contains provisions intended to promote fair trials; however, the constitution remains unimplemented.

The judicial system consists of civil courts and "special courts." The civil court system includes community courts, regional courts, and the High Court, which also serves as an appellate court. Minor infractions involving sums of less than approximately 110,000 nakfa (\$7,300) are brought to community courts. The regional court is generally the court of the first instance and has civil, criminal, and Sharia (Islamic law) benches. The Sharia bench adjudicates family law for Muslims only. Decisions rendered by any of the benches at the regional court can be appealed to the High Court. The High Court is primarily an appellate court but also serves as the court of first instance for cases involving murder, rape, and other serious felonies. The High Court has civil, criminal, and Sharia benches. There also is a five-judge bench that hears final appeals in lieu of a Supreme Court.

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.

Many civilian and special court judges are 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 were not known to have issued capital punishment sentences during the year. The attorney general 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.

The military court has jurisdiction over penal cases brought against members of the armed forces in addition to crimes committed by and against members of the armed forces. Presiding judges are senior military officers, and the court has higher and lower levels, depending on the seriousness of the offense. With approximately 200,000 enlisted personnel in the armed forces, the military courts have a significant and unregulated importance in the country.

Sharia for family and succession cases may be applied when both litigants in civil cases are Muslims. The government allowed Muslim courts to apply Sharia law, but not in any cases where physical punishment was envisioned.

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. Only in the High Court did defendants have the right to confront and question witnesses, present their own witnesses, present evidence, gain access to government-held evidence, appeal a

decision, and enjoy the presumption of innocence; these rights were upheld in practice. However, the High Court adjudicated very few cases, trials were generally closed to the public, and the attorney general allowed High Court cases to be retried in special courts where defendants have none of the above rights in practice.

Rural courts followed customary law rather than constitutional law and were headed by rural elders or elected officials. Smaller cases in rural areas were encouraged to be reconciled outside the court system, while more substantial cases were reserved for the courts. These procedures did not apply in the special courts. Trials in rural courts were open to the public but were not heard by a jury; they were heard by a panel of judges.

Political Prisoners and Detainees

Persons are routinely arrested on political grounds, and there was lack of due process and lack of transparency surrounding the penal system. The most famous politically motivated mass arrest occurred when several hundred individuals were detained in 2001. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. These detainees have not been tried and did not have access to legal counsel. Several have been tortured to death and others are still in Era-Ero prison. The ICRC was not authorized to visit these detainees (see section 1.a.).

Civil Judicial Procedures and Remedies

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

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

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

The government deployed military and police personnel throughout the country, using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders. Security forces continued to detain and arrest parents and other family members of individuals who evaded national service duties or fled the country. There were reports that such parents were either fined 50,000 nakfa (\$3,333) or forced to surrender their children to the government. Government officials entered households and confiscated property and livestock of draft evaders. There is a sophisticated network of security officials who accept bribes to aid draft evaders in crossing the border.

There were reports of security forces arresting persons whose foreign family members did not pay their extraterritorial income tax of 2 percent of foreign earned income.

There were reports that security forces targeted gatherings of unregistered religious groups, regularly searched their homes, and detained their members. There were also reports that the government sometimes seized the property of registered and unregistered religious groups (see section 2.c.).

The government monitored mail, e-mail, text messages, and telephone calls without obtaining warrants as required by law. Government informers were believed to be present throughout the country. Many citizens believed the government particularly monitored cell phones; the government requires a permit for the use of SIM cards, necessary for operating and storing information in mobile phones. The government allowed only one SIM card per person, although this rule is unevenly applied, and there is a black market for the sharing of SIM cards. The government did not allow citizens in military service to have SIM cards. There were reports of the government arresting those who rented their cell phones to others or used a cell phone while in military service.

There were multiple reports that military 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 them for government or military functions, or reassigned ownership to government and military officials. There were also reports that military officials used soldiers in national service to perform free labor such as construction of houses and crop harvesting.

In 2008 the government demanded that departing NGOs transfer financial and reporting documents to government officials. While membership in the PFDJ, the

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. All citizens were forced to attend PFDJ indoctrination meetings irrespective of membership, and there were reports of threats to withhold the ration cards of those who did not attend. There were reports that similar meetings were mandatory for Eritrean communities abroad, and the names of those not attending were reported to government officials. Reportedly citizens who did not attend were harassed. Officials also collected biographical and contact information on Eritrean residents living abroad.

It is reported that Eritrean military officials or proxies use access to persons in refugee communities to threaten them against becoming politically active in Eritrean politics in neighboring countries such as Kenya and Sudan, without permission of the respective governments.

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 were arrested or detained. The private press remained banned, and most independent journalists remained in detention or had fled the country during the year, which effectively prevented any public and media criticism of the government. All journalists practiced self-censorship due to fear of government reprisal. The government actively monitored the Eritrean Diaspora within the country and abroad via agents.

The government attempted to impede criticism and took reprisals against persons who criticized government officials or policies. Public criticism about the government's inability to combat poverty and starvation was prohibited. Gatherings were considered illegal without prior approval, and the government routinely monitored religious gatherings. Most other gatherings took place through government-run organizations and, thereby, were implicitly monitored by government officials present.

The government also continued to forbid free speech. In a February 2009 interview with news agency Al Jazeera, President Isaias stated that he would not allow

independent media to operate in Eritrea. In an interview in October with a Qatari reporter for *Al Watan* newspaper, the president did not indicate any change in stance with regard to issues related to press freedom.

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

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

Dawit Isaak, a Swedish-Eritrean reporter, has been held by the government for nearly nine years without charge. He was released for medical treatment in 2005, detained again a few days later, and remained in detention at year's end. The Swedish Embassy has not been granted consular access. In a May 29 televised interview, the president stated he had no intention of releasing the journalist or providing him with a trial. At year's end, the government had not responded to the Swedish government's calls for the journalist's release. In August Yemane Ghebreab, head of Political Affairs for the PFDJ, traveled to Sweden and was questioned about the imprisonment of Dawit Isaak. Yemane replied only that Dawit was being held for "very serious crimes regarding Eritrea's national security and survival as an independent state," without providing any evidence or allowing for the possibility for due process. Dawit was believed to be in poor health.

After they fled the country during the 2001 crackdown, the journalists founded several radio stations from exile. For example, Radio Assenna and Radio Erena

were founded in Europe by former journalists in Eritrea including Amanuel Ghirmai, Biniam Simon, and Emanuel Iyassu.

In March an opposition Web site reported that Said Abdulhai, a well-known Eritrean journalist and official, was arrested for unknown reasons. Said Abdulhai was formerly head of the press department of the Ministry of Information and responsible for the state newspaper. The Eritrean news agency, which is the main source for local news in the country, was also run by him.

According to a February report by Reporters Without Borders, Amanuel Asrat, the former editor of *Zemen* (a private newspaper no longer in existence), was arrested in 2001 and held in Era-Ero prison camp (cell No. 25) along with freelance journalist Seyoum Tsehaye (cell No. 10) and Dawit Habtemichael, deputy editor and cofounder of *Meqaleh* (cell No. 12). Although libel or national security laws were not used to suppress criticism directly, citizens remained fearful of speaking out against the government or its policies. The government repeatedly asserted that national security concerns were at the root of suppressing free speech and criticism.

In February 2009 the government detained the entire staff of Asmara-based Radio Bana according to a February report by Reporters Without Borders. The group of detained journalists included Yirgalem Fisseha Mebrahtu, who was one of the few women working as a journalist in Eritrea; Bereket Misghina; and Meles Negusse Kifu. The whereabouts of these prisoners was unknown; at year's end, they were assumed to remain in detention.

Internet Freedom

There were no official restrictions on the use of the Internet; however, the government monitored Internet communications.

The government monitored e-mail without obtaining warrants as required by law (see section 2.a.). All Internet service users were required to use one of the three Internet service providers owned by the government either directly or through high-ranking PFDJ party members. Those who want a larger bandwidth, such as some international mining corporations, pay exorbitant prices far beyond the reach of the local population for DSL speed Internet connections. In rural areas of the country, there was no access to the Internet.

The government also discouraged citizens from viewing Web sites known to be antigovernment by continuously labeling the sites and their developers as saboteurs of the government. Many citizens expressed fear of arrest if the government caught them viewing such sites. Despite the requirement for journalists to receive written permission to take photographs, gatherings are regularly photographed by government officials for intimidation and as possible grounds for future detention.

According to International Telecommunication Union statistics for 2009, approximately 4 percent of the country's inhabitants used the Internet. While monitored Internet cafes with extremely limited bandwidth are available in Asmara and other major cities, the vast majority of Eritreans do not have access to the Internet.

Academic Freedom and Cultural Events

The government restricted academic freedom, including restricting or censoring course content and curriculum and censoring or sanctioning academic personnel for their teachings, writing and research. Academic travel and contact with other academics at home and abroad was restricted, intimidating academics into practicing self-censorship, and influencing academic appointments based on political affiliation.

The government practices widespread and systematic discrimination in the education system. In order to enroll students in more selective elementary and primary schools, parents often paid bribes or provided favors to local authorities or staff at the school.

During the year there have been reports that schools have separated students whose families include liberation "fighters" and students whose families do not include "fighters." Students whose families include liberation fighters are sometimes only required to serve five months or less in the military and are often assigned to prized places in technical colleges, freeing them of indefinite military service. Students whose families do not include a liberation fighter often serve indefinite military service with no opportunity for higher education.

In 2002 the government reorganized the University of Asmara, which effectively shut the traditional undergraduate level programs nationwide. As a result, prospective students were not allowed to enroll in the university and were directed instead by the government to attend technical institutes. With few exceptions, students must finish their last high school year at the Sawa military and educational

camp and were not permitted to choose their next course of study, instead being assigned to specific vocational programs based on their performance on the matriculation exam. Only those students who completed military training at Sawa or received a medical waiver were allowed to take the exam.

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. Many students choose to risk their lives by illegally crossing the border into Sudan or Ethiopia to attend university abroad eventually.

During the year the government censored, canceled, or closed films, art exhibits, and other cultural activities. For example, the government routinely monitored libraries and cultural centers maintained by foreign embassies, threatening censure of material and, in some instances, intimidating and harassing employees and attendees.

b. Freedom of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law and unimplemented constitution provide for freedom of assembly and association; however, the government did not permit either. For public gatherings, the government required those assembling to obtain a permit, although this requirement was enforced sporadically.

During the year security forces disrupted public meetings, religious gatherings, and cultural gatherings. Security forces typically took photographs and recorded the names of participants and interrogated participants upon arrival and departure.

Freedom of Association

The law and unimplemented constitution provide for freedom of association; however, the government did not respect these rights.

The government did not allow the formation of any political parties other than the PFDJ. It also prohibited the formation of any associations or private organizations (see section 3).

c. Freedom of Religion

For a complete description of the religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/rpt.

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 all of these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in assisting refugees who were not from Ethiopia. The government also cooperated in part with the UNHCR to provide protection and assistance to some refugees. The government's Office of Refugee Affairs managed the refugee camps, providing hospitals, schools, and other resources. The government did not recognize Ethiopians as refugees and did not cooperate with the UNHCR on their behalf.

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

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

Citizens and some foreign nationals were required to obtain exit visas to depart the country. Persons routinely denied exit visas included men under the age of 54, regardless of whether they had completed national service; women under the age of 47; members of Jehovah's Witnesses and unregistered religious groups; persons

who had not completed national service; and other persons out of favor with, or seen as critical of, the government. In 2006 the government began refusing to issue exit visas to children 11 years old and older. During the year some children as young as five years of age were denied exit visas either on the grounds that they were approaching the age of eligibility for national service or because their foreign-based parents had not paid the 2 percent income tax required of all citizens residing abroad. The government did not in general grant exit visas to entire families or the male and female parents of children simultaneously in order to prevent families from fleeing the country. Some citizens were given exit visas only after posting bonds of approximately 150,000 nakfa (\$10,000). Exit visa policies are frequently adjusted in nontransparent ways to specifically benefit the relatives of high-ranking government officials, such as the unannounced posting of public notices in locations that the public cannot access.

Travel restrictions imposed in 2006 on noncitizens remained in effect. All diplomats, humanitarian organizations, UN staff, and foreign tourists were required to obtain advance permission from the government to leave Asmara. Travel restrictions were enforced at military checkpoints. Securing 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.

The government prevented NGO travel by restricting fuel supplies and failing to respond to requests for travel permits (see section 5).

The law has no provisions concerning exile, and there is no confirmed report of the government employing exile during the year.

The government does not recognize dual citizenship; therefore, all persons of Eritrean descent are considered citizens. In general citizens had the right to return. However, citizens residing abroad had to show proof that they paid the 2 percent tax on foreign earned income to be eligible for some government services, including exit visas upon their departure from the country. Applications to return to the country filed by citizens living abroad were considered on a case-by-case basis if the applicant had broken the law, contracted a serious contagious disease, or was declared ineligible for political asylum by other governments. Citizens of foreign countries were regularly detained and harassed by government officials.

In August 2009 the government halted its repatriation program with the ICRC, preventing the repatriation of thousands of Ethiopians.

Internally Displaced Persons (IDPs)

During 2008 almost all of the internally displaced persons (IDPs) from the conflict with Ethiopia were permanently resettled, although hundreds of IDP families remained in the Gash Baraka region. The government allowed UN organizations and the ICRC to provide assistance to former IDPs.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and is not a party to the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. As a result, the government cannot provide legal refugee or asylum status. However, in practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year the government provided temporary protection to approximately 95 persons from Sudan, 4,500 persons from Somalia, and 73 persons from Ethiopia on a prima facie basis. Reports indicated that the government provided resources to Ethiopian refugees only if the refugees joined Ethiopian opposition groups. Ethiopian refugees who did not join opposition groups were harassed by government officials.

The government required noncitizens to pay an annual fee for a residency card; there was no discrimination regarding nationality in terms of protection of refugees, with the exception of Ethiopians. The fee was 500 nakfa (\$34); the card 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. If he refused repatriation, he was incarcerated for 60 days, at which point the cycle began again.

The government systematically rounded up Ethiopians each year around the country's Liberation Day (May 24). The Ethiopians were held in a camp until authorities verified that they were not indigent, or paid a fine.

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 did not permit the formation of a democratic system. The government twice scheduled elections in accordance with the constitution but cancelled them without explanation. An official declaration in 2003 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 stated that implementation of the constitution was not possible until the border demarcation with Ethiopia was finalized. In 2008 the president claimed in an Al-Jazeera interview that elections might not take place for another 30 or 40 years. The country is a one-party state. Power rested with the PFDJ and its institutions. At times the government coerced membership in the PFDJ.

Although no political parties operated in the country, citizens living abroad established several political parties and even a shadow government in Ethiopia. During the year the government continued to label individuals as traitors, rapists, pedophiles, and traffickers if they created or participated in the political parties other than the PFDJ.

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

A few members of ethnic minorities were on the PFDJ's Executive Council or served on the Central Council. Some senior government and party officials were members of minority groups such as the Tigre.

Section 4 Official Corruption and Government Transparency

During the year there have been reports that citizens seeking executive, legislative, and or judicial services must pay a "gift" or bribe through a system of patronage and cronyism to access services. The law does not provide criminal penalties for official corruption. However, the government arrested individuals it unofficially

charged with corruption based on political motivations. Those arrested under these charges were never tried in court.

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

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

Public officials were not subject to financial disclosure laws, and there was no government agency responsible for combating government corruption. Corruption was extensive for government services involving identification and travel documents.

During the year the government seized successful private companies and transferred them to the PFDJ or to the government. Individuals were not compensated for these seizures. Unlike the previous year, the government did not seize crops and other foodstuffs from individuals and transfer them to the ruling party. The government provided privileges to former liberation "fighters" and their relatives by granting them access to business opportunities, trade imports, education privileges, and property expropriated from "nonfighters."

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

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

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

In previous years, the government permitted only the ICRC to operate effectively, although it limited ICRC operations to repatriation, providing shelter to families displaced by the conflict with Ethiopia, visiting prisons and detention centers where Ethiopians were held, and providing assistance to IDPs.

There were no developments on the dozens of NGO employees seized and detained by the government during 2008 raids on NGO compounds; they remained in detention during the year.

During the year regular fuel shortages caused by government rationing of fuel, coupled with limitations on freedom of movement, prevented travel by NGOs. In 2008 the government restricted diesel fuel supplies for international NGOs, UN agencies, and the ICRC. These organizations were able to purchase unrationed gasoline at the market price. However, these restrictions made it increasingly difficult for NGOs, the UN, and the ICRC to visit project sites, implement new projects, or carry out resettlements. At year's end, the NGOs continued to be denied rationed fuel.

The government did not permit humanitarian food distribution by NGOs or by the World Food Program (WFP), although it allowed UNICEF to continue its supplemental feeding programs 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. UNICEF continued to support school feeding programs under the

supervision of the Ministry of Health. The WFP maintained an office but did not have any programs operating in country. Several UN organizations and NGOs cited high levels of malnutrition as a concern which could not be adequately addressed with the current limited feeding programs.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law and unimplemented constitution prohibit discrimination against women, persons with disabilities, and discrimination based on race, language, and social status, but the government did not enforce these provisions.

Women

Rape is a crime punishable by up to 10 years imprisonment. Gang rape, rape of a minor, or an invalid is punishable by up to 15 years in prison. Sexual assault is punishable by six months to eight years in prison. Spousal rape is not categorically outlawed. No information was available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim. Allegations of women being raped while attending mandatory military and educational training at the Sawa camp were common.

Violence against women occurred and was pervasive in rural areas. Domestic violence is a crime; however, domestic violence cases were rarely brought to trial, and there were no legal penalties enshrined into law. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by clergy. The authorities' response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes.

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

Couples and individuals maintained the basic right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence.

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 all Eritreans participate in national service beginning at the age of 18. In practice, however, some Eritreans are only 17 years old when they go to Sawa where they have six months of military training in addition to their normal grade 12 academic year. The law requires that women, starting from grade 12, 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 subjected to sexual harassment and abuse.

The Ministry of Labor and Human Welfare and Ministry of Health were the primary government offices responsible for ensuring legal rights of women along with the quasi-governmental National Union of Eritrean Women (NUEW). Economic discrimination against women was not a problem, despite the social discrepancies.

Children

Citizenship was derived from at least one parent being an Eritrean citizen. Persons born abroad to at least one Eritrean parent are considered citizens. There were instances of persons being born to Eritrean parents in country but not being able to obtain national identity cards and government services due to government discrimination. For example, members of certain religious groups were unable to obtain Eritrean identity cards for government services and as evidence of their citizenship due to their religious beliefs.

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

The government required all students who reached the final year of secondary school to attend grade 12 at the Sawa military and educational camp in the western section of the country. Students who did not attend this final year did not graduate and could not take examinations that determined eligibility for advanced education. The remote location of this military boarding school, security concerns, fear of abuse, and societal attitudes reportedly resulted in many female students not

enrolling for their final year and attempting to leave the country. However, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades or dropped out of high school after the 11th grade to avoid forced conscription into the Sawa military education. There were reports of discrimination between students whose parents were liberation fighters and students whose parents were not fighters in the form of better living accommodations, shorter terms of national service, more frequent approvals for temporary leave from military training, and greater opportunities for study.

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

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

The legal minimum age for marriage for both men and women is 18 years old, although religious entities may bless marriages at younger ages. UNICEF reported in 2009 that 46 percent of girls were married before 18 years of age in 2009.

There were no confirmed instances of children engaged in prostitution for survival with or without third party involvement, but there are several known locations in the capital of Asmara where prostitution takes place. The law criminalizes child prostitution, pornography, and sexual exploitation; however, there were reports that it increasingly occurred during the year as economic conditions worsened.

All students spend their final year of high school at the Sawa military and educational camp in Sawa. Attendance at Sawa was compulsory, and those who did not attend remain at risk of arrest. Students at Sawa were typically 18 years old or older, although a fair percentage were as young as 16 years old. The initial three

months of school were spent undergoing military training. Students who received poor grades in high school had, in the past, been sent to the Wi'a Military Camp in lieu of being allowed to complete the academic year.

The law prohibits the recruitment of children under the age of 18 years into the armed forces; however, in practice children under the age of 18 were conscripted by their forced attendance at Sawa. It was not known if rebel groups within the country recruited soldiers under the age of 18.

During the year humanitarian groups and interlocutors anecdotally noted an increase from previous years in the number of street children due in part to an increase in economic hardship. UNICEF funded programs for street children; however, the increase in the number of street children outstripped program's ability to provide services.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm

Anti-Semitism

There are fewer than 10 Jews in the country, and the government allows for the maintenance of a synagogue in Asmara. There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services. Unlike previous years, there were some reports of discrimination against persons with disabilities, especially in rural areas. Schools involved with the education of persons with disabilities reported that job discrimination was common. 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. The Ministry of Labor and Human Welfare was responsible for the rights of persons with disabilities.

National/Racial/Ethnic Minorities

There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the western sector of the country. Societal abuse of Ethiopians occurred and was noticeable during the yearly roundups that occur just before Liberation Day (May 24). Ethiopians were arbitrarily arrested and asked to pay fines to be released. Requests from citizens in rural areas (where ethnic minorities are concentrated) for basic services, such as an adequate number of schools, were routinely ignored by the government.

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

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

Other Societal Violence or Discrimination

There was no societal violence or discrimination based on persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The law provides workers with the legal right to form and join unions to protect their interests; however, some government policies restricted free association or prevented the formation of some unions, including within the civil service, armed forces, police, and other organizations providing essential services. The government ran all unions, including the Teacher's Union, Women's Union,

Youth's Union, and Worker's Union. Membership in these unions was required as a precondition to working in their respective fields. The government did not encourage the formation of independent unions by employees or private businesses. Union leaders were typically government employees, and union activities were generally government sanctioned. 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.

The law allows strikes; however, all unions were closely aligned with the government and thus did not exercise or promote the right to strike. The ability of government-backed industries to use national service conscripts as free or cheap sources of labor on nonmilitary projects prevents labor market competition.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and collective bargaining is allowed, but in practice all unions were subservient to the government. The government sets wages for union workers, employees of PFDJ-owned enterprises, and government employees. For most professions, wages have not been increased for more than a decade despite rampant inflation. Wages were set independently in the small private sector, although workers were not allowed to organize independently.

Since most businesses were government-owned, unions did not experience antiunion discrimination.

The Eritrean Free Zone in Massawa, authorized in 2006 to attract foreign and local investors, was not operational by year's end.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. However, forced labor occurred. Specifically, Eritrea's mandatory national service program of indefinite duration requires conscripts to perform a wide variety of nonmilitary activities, including harvesting and work in the service sector. Conscripting into mandatory, open-ended service begins at the senior year of high school for all students; they are required to spend their senior year at the Sawa military and education camp. Some students enter Sawa as early as the age of 16 or 17 and,

therefore, begin national conscripted labor immediately following Sawa under the age of 18.

With few exceptions, the government required all men and women upon graduation from high school to participate in the national service program until demobilization, which included military training and civilian work programs. However, the criteria for demobilization were unclear, and many were required to work indefinitely in any location or capacity chosen by the government. Reports indicated citizens were enlisted in the national service for many years at below minimum wage rates with no prospective end date, no promotion or salary increases, and restricted freedom of movement, since those employed under national service were often denied passports or exit visas. The government justified its open-ended draft on the basis of Ethiopia's occupation of Eritrean territory. 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 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.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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 of employment is 14 years old. The law prohibits minors from working in transport industries or working underground, such as in mines and sewers. It was common for rural children who did not attend school to work on family farms, fetch firewood and water, and herd livestock, among other activities. In urban areas, children could be seen in auto mechanic uniforms working in car repair shops. Some children worked as street vendors of cigarettes, newspapers, or chewing gum to supplement household income, or at the behest of older children. Persons who have fled Eritrea report that police have arrested children and forced them into military service and other forms of national service regardless of their being younger than the minimum working age.

There were no known reports of children engaged in the worst forms of child labor; however, in urban areas children were engaged in auto and bicycle repair or transport of grain and goods via donkey carts. Increasingly dire economic conditions have led to an increase in begging and prostitution among children in Asmara. In rural areas, children assisted with farming corn, wheat, sorghum, and other grains.

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

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

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

The minimum monthly wage in the civil service sector is 360 nakfa (eight dollars) per month. The official government conversion rate is 15 nakfa to one dollar, but the black market values nakfa at 45 nakfa to one dollar. The country is not self-sustaining in terms of food and basic goods. They are often smuggled into the country and purchased at the less favorable black market rate. Therefore a salary of 360 nakfa which has an official value of \$24 has an effective purchasing power of only eight dollars. This wage does not provide a decent standard of living for workers and support for their families. As an example, a large 1,600 gram can of powdered milk costs more than 1,000 nakfa or three months salary at minimum wage. Many persons in the service industry made less than the minimum wage. For instance, police officers earn between 50 and 400 nakfa per month (between \$3.33 and \$26.67). The government did not enforce the minimum wage law.

The standard workweek was 44.5 hours, but many persons worked fewer hours. Workers were entitled to one rest day per week; most workers were allowed from one to one-and-one-half days off per week. There are no prohibitions against excessive overtime. Citizens are legally entitled to overtime, except for those employed under national service; however, citizens were rarely forced to work more than the 44.5-hour workweek.

The government 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.

During the year there was discrimination against foreign or migrant workers, especially Ethiopians, who could not receive food coupons and were periodically arrested without cause and not released until paying a fine.

*United States personnel were rarely permitted to travel outside of the capital Asmara, and had very limited access to citizens and government officials in the country. This report draws in large part on non-U.S. government sources.