



## Eritrea

### Country Reports on Human Rights Practices - [2000](#)

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Eritrea became an independent state in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, serves as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ), and redefined itself as a political party in 1994; it is the sole political party in the country. Elections, which were scheduled originally for 1998, were postponed again due to the outbreak of an armed conflict with Ethiopia that began in May 1998. However, during the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. National Assembly elections are scheduled to take place in 2001. The Constitution provides for democratic freedom; however, while it was ratified in May 1997, its provisions had not yet been implemented fully by year's end. The judiciary is formally independent; however, it is weak and subject to executive interference.

The police are responsible for maintaining internal security, although the Government may call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. In May 1998, fighting broke out between Eritrean armed forces and Ethiopian militia along the border. The Government responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the border conflict, the army has had to deal with the Eritrean Islamic Salvation (EIS), a small, Sudan-based insurgent group that has mounted terrorist attacks in the north and west since 1993. Some members of the security forces committed human rights abuses.

The conflict with Ethiopia has resulted in severe economic disruption and the dislocation of more than 1 million persons. Problems included higher inflation, an increased fiscal deficit, a drop in economic activity, and increased pressure on the local currency as foreign exchange reserves fell. The fighting from May to June had a severe negative impact on agricultural production, making the country partially dependent on food donations. Inflation rose from about 8.3 percent in 1999 to 30 percent during the year. Private foreign investment dropped nearly to zero as a result of the conflict with Ethiopia. Economic growth declined from 3 percent in 1999 to negative 9 percent during the year. The severance of trade relations with Ethiopia, Eritrea's largest trading partner before the conflict, led to an extremely large drop in exports. The integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin who have been deported from Ethiopia and the internal displacement of approximately 1 million persons have strained resources and further aggravated pressures on the economy. In addition there was a shortage of skilled labor because of increased military conscription. As a result of a lack of foreign exchange, imports were curtailed during the year, resulting in shortages of basic consumer goods. While trade, services, and manufacturing account for the greatest portion of gross domestic product (GDP), the rural economy is based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million is engaged in farming and herding. The small industrial sector consists mainly of light industries, many using outmoded technologies. Principal exports include salt, leather products, and fish. Principal imports include machinery, spare parts, food, and military materiel. International economic assistance has accounted for a significant portion of external revenues. Eritreans who live abroad also provide a major source of external revenues, estimated at \$300 to \$400 million a year. Nominal GNP was estimated at \$695 million. The country has an annual per capita income of less than \$200, and about a third of the population depends on foreign emergency assistance. The PFDJ continues to exert a strong economic influence through a variety of investments and party-owned businesses.

The Government's human rights record was poor, and serious problems remain; however, there were improvements in a few areas. Citizens did not have the ability to change their government, which is dominated

by the PFDJ. Many observers believe that the police occasionally resort to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft dodgers. There were reports that police beat Ethiopian detainees and credible reports that soldiers beat and raped female Ethiopian deportees. The Government generally does not permit prison visits by local or international human rights groups, although it permitted some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began. In August the Government granted the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and prisoners of war (POW's). Arbitrary arrest and detention are problems. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations remained in prolonged detention. The judiciary is weak and subject to executive influence. The provision of speedy trials was limited by a lack of trained personnel, inadequate funding, and poor infrastructure. The use of a special court system limited due process. The Government infringed on the right to privacy. The Government restricted press freedom, including the rights of the religious media, and there were some limits on freedom of association. The Government restricted religious freedom in the case of Jehovah's Witnesses. The Government restricted freedom of movement. Violence and societal discrimination against women also are problems, and female genital mutilation (FGM) remains widespread despite government efforts to discourage the practice. Members of Jehovah's Witnesses and members of the Kunama ethnic group also face some government and societal discrimination. The Government restricted workers' rights and there were reports of forced labor.

## Respect for Human Rights

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

#### a. Political and Extrajudicial Killing

There were no reports of political killings; however, there were reports that security forces killed some Ethiopian detainees. For example, there were reports that camp guards killed approximately 30 Ethiopian detainees at a camp in Wia. There was no investigation into these reports by year's end.

The Government deployed military police in Asmara to find deserters and draft dodgers (see Section 1.d.). The Government authorized the use of deadly force against anyone resisting or attempting to flee; however, there were no reports that such force was used.

In July and August, the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions, which resulted in a number of deaths (see Sections 1.d. and 2.d.). On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. Credible sources reported that during a deportation on August 2 five Ethiopian deportees disappeared and are believed to have died.

In October six POW's in the Nakfa POW camp died from gastrointestinal illnesses (see Section 1.c.). There also were some reports that civilian detainees in camps at Sheb Mensheb and Afabet died (see Section 1.c.)

During the year, approximately 100 Ethiopian civilians were killed in landmine explosions from landmines laid by Eritrean forces withdrawing from occupied territories.

Unlike in the previous year, there were no reports that during the year the Government provided support to armed groups opposed to the Ethiopian Government operating out of Somalia and Kenya.

During the year, the Ethiopian army reportedly laid landmines in the Eritrean territories that it occupied. According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there are an estimated 2.5 million landmines or other unexploded ordnances in the country, including approximately 500,000 landmines laid by Ethiopia during the 1962-91 war for independence. On occasion, new mines have been laid by the EIS or others. During the year, there were approximately 48 reported casualties, including a number of deaths, as a result of landmines and unexploded ordnances; however, it is not clear which landmines in particular were responsible for these casualties. The Commission reported that 15 children were killed by landmines and unexploded ordnances during the year. For example, in February a fuel truck hit a landmine in the west that reportedly was laid by the EIS; the driver and his assistant both were killed. In December a bus hit a landmine on the Tologamja-Kotobia road; the driver was killed and two passengers were injured; the mine was laid the previous night, but it is not known by whom. It is probable that there were additional, unreported deaths in remote areas.

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances; however, the Ethiopian Government and media alleged that numerous Ethiopians in Eritrea disappeared during and after fighting that took place from May to June. These allegations reportedly were under investigation by international observers at year's end.

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

The transitional Penal Code prohibits torture; however, many observers believe that the police at least occasionally resort to torture and physical beatings of prisoners, particularly during interrogations. During the year, the police severely mistreated and beat army deserters and draft dodgers, and the army subjected deserters and draft dodgers to various military disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit, or the tying of the hands and feet for extended periods of time (see Section 1.d.).

In October a guard at the Keren detention facility shot in the shoulder an Ethiopian detainee who locked himself into a room with 68 other detainees for fear of being punished. The guard apparently shot the detainee through a window. The detainee was treated at a hospital and he was repatriated to Ethiopia by year's end. No action is known to have been taken against the guard.

In July the Government deported 92 Ethiopian women to Djibouti by boat (see Section 1.d.). There were credible reports that Eritrean soldiers beat and raped some of the women while they were in detention awaiting deportation.

There were credible reports that at times security forces beat Ethiopian detainees who were awaiting deportation or repatriation to Ethiopia.

In July and August, the Government deported to Ethiopia thousands of Ethiopians under potentially difficult or dangerous conditions without the participation of the ICRC (see Section 1.d.). On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. During another deportation on August 2 via the town of Tsorona, credible sources reported that five Ethiopian deportees disappeared and are believed to have died, one woman gave birth, and returnees were forced to march for 18 hours straight.

There were some instances in which private Eritrean individuals threatened and beat Ethiopians after fighting resumed in May. In some cases, police intervened too late to prevent the abuse, or were unable to halt such abuse. For example, on May 18, the day after Ethiopian troops occupied the Eritrean town of Barentu, students harassed, assaulted, and occasionally beat Ethiopians in Asmara.

During the year, there were approximately 48 reported casualties, including a number of deaths, from landmines and unexploded ordnances (see Section 1.a.). It is probable that there were additional, unreported injuries that occurred in remote areas.

Prison conditions are Spartan. The Government permits three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of proper medical care. Women and men are held in separate facilities. There are no juvenile detention centers or correction facilities and juvenile offenders often are incarcerated with adults.

Between June and September, the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, and Wekerti (see Section 1.d.). Monitors who visited the camps at Afabet, Adi Abieto, and Alla reported that conditions in the camps were Spartan but generally adequate; however, there were reports that numerous detainees became sick due to camp conditions at Afabet, and that some died. In addition between 10 and 15 persons died in the Sheb Mensheb detention camp during the year; most were infants and young children who died of dehydration due to the extremely hot weather. The Government responded by sending in a team of doctors and additional supplies, including water. There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c). By December the Government reported that most of these camps had been shut down and that approximately 1,500 detainees remained at Afabet and that 150 Ethiopians who did not want to leave the country remained at Alla.

Approximately 1,000 POW's were being held at a camp in Nakfa at year's end. Conditions at the POW camp reportedly were good; however, in October six POW's in the Nakfa POW camp died from gastrointestinal illnesses (see Section 1.c.). POW's were forced to perform labor on road-building projects; however, following an ICRC visit in late August, the POW's were no longer forced to perform such labor (see Section 6.c.).

Prior to August 8, the Government generally did not permit prison visits by local or international human rights groups; however, in 1998 the Government began to permit some independent monitoring of conditions in detention facilities by international groups after the conflict with Ethiopia began. Local groups reportedly were not permitted to monitor conditions in prisons. Beginning on August 8, the Government allowed the ICRC to visit and register civilian detainees in internment camps and prisons, and, beginning on August 30, the ICRC was permitted to visit Ethiopian POW's. In November for the first time, the ICRC was permitted to visit several police stations in Asmara where Ethiopians reportedly were being held. The ICRC was not granted access to approximately 800 Ethiopian detainees, mostly young men, who were being held at the Keren camp prior to their deportation in October.

During the year, the Government reportedly denied officials from the Government of Sudan access to 14 Sudanese prisoners arrested in 1994 (see Section 1.d.).

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes hold persons suspected of crimes for much longer periods. During the year, the Government detained between 10,000 and 20,000 Ethiopians, many of whom were repatriated or deported to Ethiopia. By December the Government reported that approximately 1,500 detainees remained at the Afabet internment camp and that 150 Ethiopians who did not want to leave the country remained at the Alla internment camp.

An unknown number of persons associated with radical Islamic elements or suspected terrorist organizations remained in detention without charge, in some cases for years. There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front, an armed opposition group. Authorities sometimes arbitrarily arrest and detain former combatants or members of the PFDJ who violate an unwritten code of conduct (see Section 1.e.).

In June approximately 200 members of the Kunama ethnic group were detained without charges on suspicion of collaborating with Ethiopian forces (see Section 5). Most were released within a few months; however, at year's end, several Kunamas remained in detention.

At year's end, approximately five members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. Some have been detained for more than 5 years without charge (see Section 2.c.).

During the year, the Government released 6 Sudanese from a group of 20 who reportedly were arrested in 1994. The other 14 Sudanese remained in detention at year's end. Officials from the Government of Sudan reportedly were denied access to these prisoners.

The few deportees of Eritrean origin from Ethiopia who cannot demonstrate their ties to Eritrea are subject to detention. The Government grants these deportees documents that identify them as Ethiopians who are permitted to stay in the country (see Section 2.d.). Government and army officials who routinely check the identification cards of citizens in order to find draft dodgers and deserters reportedly consider these Ethiopian deportees to be Eritreans who are trying to avoid national service. As a result, they are subject to harassment and detention while the authorities check their status.

There were reports that authorities arrested some Ethiopians in May for raising the Ethiopian flag in public places.

On October 14, authorities detained eight journalists (see Section 2.a.), six of whom were released on October 18. Reportedly the two other journalists were inducted into the military to fulfill their national service obligations.

During the year, the Government deployed military police in Asmara to find deserters and draft dodgers (see Section 1.a., 1.c., and 1.f.). The military police detained persons who had not done their national service, including some disabled and mentally ill individuals who were detained in a camp near Asmara. Those who were deemed unfit for military training by a military medical board were released; the rest were required to fulfill their national service obligations.

In June the Government began detaining Ethiopians in large numbers, and detained between 10,000 and 20,000 Ethiopians during the year. Between June and September, the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla,

Afabet, Megarih, Shiketi, Adi Abieto, and Wekerti (see Section 1.c.). There were credible reports that at least some of these detainees were forced to work outside their camps (see Section 6.c.). By December the Government reported that most of these camps were shut down and that approximately 1,500 detainees remained at Afabet and that 150 Ethiopians who did not want to leave the country remained at Alla. An unknown number of Ethiopians, particularly men, also were held in police stations, prisons, and jails in Asmara. The Government stated that Ethiopians detained in such places were being detained either for their own protection, because they had committed a crime, or because they were scheduled for deportation. There was no credible evidence that Ethiopians detained prior to deportation or detained for their protection continued to be held in police stations or jails at year's end.

The Government generally does not use exile as a means of political control; however, in August the Government began deporting and repatriating Ethiopians to Ethiopia. At year's end the Government had returned more than 25,000 Ethiopians from Eritrea to Ethiopia. Most of these persons were repatriated voluntarily; however, many were deported forcibly. Only about half of these returns were conducted with ICRC participation (see Section 2.d.). Ethiopian women in Asmara working as barmaids, prostitutes, and housemaids were singled out for detention and deportation to Ethiopia (see Section 5). In July and August, the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions without the participation of the ICRC. On July 31, up to six deportees reportedly disappeared crossing the Mereb river and are believed to have drowned. During another deportation on August 2 via the town of Tsorona, credible sources reported that five Ethiopian deportees disappeared and are believed to have died, one woman gave birth, and returnees had to march for 18 hours straight. Due to the long walk or dangerous river conditions, many of the deportees were forced to leave their belongings behind during deportations. In August the Government stated its intention to refrain from additional repatriations except under ICRC auspices.

#### e. Denial of Fair Public Trial

The judiciary is formally independent; however, it is weak and subject to executive interference. The continued use of an executive special court system allowed ongoing executive interference with the judicial process. In addition the judiciary relies on the Ministry of Justice for logistical and salary support, thereby further limiting the judiciary's independence.

The judicial system has three parts: civilian, military, and special courts. The civilian court system consists of village courts, subregional courts, regional courts, and the High Court, which also serves as an appellate court. The still developing judicial system suffers from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limit the State's ability to grant accused persons a speedy trial. Although 16 new courthouses were completed in 1998, further development of the judicial infrastructure was constrained due to the conflict with Ethiopia. At independence the Government chose to retain the Ethiopian legal system but made some modifications to it. The Government has developed new commercial, penal, and criminal codes, which were ready for ratification by the National Assembly at year's end, although such ratification had not occurred by year's end. A new civil code is expected to be completed by 2001.

Under the legal system, minor infractions are brought to village courts and subregional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge; on the High Court, panels of three judges hear cases. Defendants have access to legal counsel, usually at their own expense. Although there is no formal public defender's office, the Government has requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison, who are unable to afford legal counsel. Defendants may appeal verdicts to a High Court panel, which is composed of the High Court president and four other judges.

Since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, who are appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, hear civil cases. Magistrates versed in criminal law hear criminal cases. Many local issues—for example, property disputes and most petty crimes—are adjudicated by local elders according to custom. In the case of Muslims, civil cases are heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also offers training in alternative dispute resolution to handle some civil and petty criminal cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the national service due to the border conflict with Ethiopia has had a significant negative impact on the judiciary. The High Court was reduced from seven benches to three benches and provincial, zone, and village court personnel were reduced by 40 percent. As a result of these personnel constraints, there were lengthy delays in the processing of cases. However, during the year some court personnel were permitted to return to work.

In February 1997, the Defense Minister created a special court system, ostensibly to reduce a growing backlog in the civilian court system; however, in practice, the special courts, which ban defense counsel and the right of appeal, allow the executive branch to mete out punishment without respect for due process. Judges in the special courts are senior military officers, most of whom have little or no legal experience. The special courts have jurisdiction over some criminal cases, such as capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decides which cases are to be tried by a special court. The Attorney General also may allow the special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

The special courts also handle crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often are held to a stringent unwritten code of conduct, and violations of this code are handled by special courts outside the normal judicial process. Those accused of violating this circle of trust have been arrested and held without formal charge (see Section 1.d.).

There were no reports of political prisoners.

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

The Government at times infringed on the right to privacy. Under the law, warrants are required in routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also theoretically are required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government generally does not bother to obtain warrants and there were reports that the Government monitored some international telephone calls. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance. The Government has the authority to ban the import of any foreign publication; however, it has not yet done so (see Section 2.a.).

In July there were credible reports that the Government impeded communication between Eritrean POW's being held in Ethiopia and immediate family members in Eritrea.

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being exploited efficiently (see Section 5).

During the year, military police were deployed in Asmara to find deserters and draft dodgers. Members of the force carried out frequent document checks and routinely detained individuals of military age who had not done their national service (see Section 1.d.).

In August the Government shut down all businesses in Asmara that belonged to Ethiopians with only a few days' notice: approximately 300 businesses owned by Ethiopians were shut down. The Government gave Ethiopians occupying government-owned housing a 1-month notice to vacate. The Government reportedly also froze some bank accounts and seized some assets belonging to Ethiopians. Some Ethiopians had difficulty renewing business licenses, driving licenses, resident permits, or leases. A significant but unknown number of Ethiopians were fired or lost their jobs because of their nationality; in some cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or whose businesses were shut down.

During the fighting in May and June, Ethiopian forces looted and caused significant damage to a number of Eritrean towns and villages. Among the properties ransacked and looted were mosques and churches, factories, flour mills, health clinics, pharmacies, schools, warehouses, bridges, and the homes of government officials.

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

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, in practice, the Government restricts these rights, although it did so to a lesser extent than in the previous year. The Government uses the libel law to intimidate journalists. The editor-in-chief of the independent newspaper Katedebana so far has been charged in seven libel cases; the cases were suspended pending the editor's return from serving a sentence for hard labor for leaving his post without proper leave papers. In 1999 the Government arrested an

editor who refused to disclose the address of a reader whose letter to the editor criticized the commercial practices associated with Saudi Airlines operations in the country. He was rearrested briefly in late 1999 for additional questioning, and the Government brought more charges against him, some of which later were dropped. At year's end, the Saudi Airlines case and six other government charges of libel against the editor remained pending, and trial proceedings were suspended indefinitely when the editor was inducted into the army. While the Government has tolerated increased public debate over government decisions since the outbreak of conflict with Ethiopia, the media continues to practice self-censorship due, in part, to fear of Government reprisals.

In August the Government arrested and detained for a day without charge the editor of the independent newspaper Zemen, allegedly for having expired leave papers.

On October 14, authorities from the Ministry of Defense detained eight independent journalists, ostensibly to verify their draft status. Observers believe that the journalists were detained because their newspapers had been calling for access to National Assembly deliberations. Six of the journalists were released on October 18. Reportedly the two other journalists were inducted into the military to fulfill their national service obligations.

Some journalists claim that they were targeted unfairly for the draft and complained of routine harassment by unknown individuals who they believe work for the Government. These journalists also allege that they received threatening telephone calls and that unidentified individuals showed up at their offices and threatened them.

The Government controls much of the media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There are no private radio or television stations. The Government has the authority to ban the import of any foreign publication, although it has not done so. The press proclamation issued in 1996 forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies. In theory nonreligious print media are free to criticize the Government. Nonetheless, criticism tends to be limited and fairly mild, and the media practices a great deal of self-censorship.

The Government's press proclamation allows individuals to publish newspapers, and private newspapers and magazines began publishing at the end of 1997. At year's end, there were nine independent newspapers and magazines operating. Four independent newspapers or magazines closed during the year when all of their reporters were called up for military service. Three independent newspapers, Setit, Kastedebana and Tsighenai, each have a circulation of 15,000. The pro-Government publication of the PFDJ's National Union of Eritrean Youth and Students, Trgta, has the widest circulation at 20,000. The press proclamation does not allow private ownership of any broadcast media or foreign influence or ownership of any media. The proclamation requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters must register with the Ministry. The Government also may punish "whosoever insults, abuses, defames, or slanders the Government or one of the constituted legislative, executive, or judicial authorities," and forbids the publication of any subject matter that contravenes general morality. While there was no direct government censorship of the independent press during the year, the Government continued to exert pressure on the independent press through advice and warnings.

In 1999 the Government began the process of implementing Internet access through its telecommunications system, and with foreign donor assistance, access to the Internet became available in November. There also are two independent Internet service providers.

Although the Government claims that there were no restrictions on academic freedom, the University of Asmara refused to give diplomas to students who completed their studies unless they did their national service. In addition, new graduates occasionally were pressured to work for government entities. The University of Asmara was closed formally in May, a few weeks before final exams, due to the fighting with Ethiopia; it reopened in October, although exams were held in June. Students were sent to active duty or to military training.

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

The Constitution provides for freedom of assembly, and the Government respected this right in practice. The Government requires a permit from the Ministry of Local Government for a public meeting or demonstration. In general permits are granted freely for nonpolitical meetings or gatherings, and there were no reports that permits for political demonstrations were denied.

The Constitution provides for freedom of association and states that every citizen shall have the right to form organizations for political, social, economic, and cultural ends; however, in practice the Government restricts this right. The Government does not allow the formation of any political parties; however, during the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. The Government also has stated its opposition to the formation of any party based on ethnicity or religion. In 1999 journalists from the country's 11 independent newspapers formed an organizing committee to establish an independent journalists' organization. In October 1999, they filed for a license with the Ministry of Local Government; however, the Government refused to issue a license and the group had not formed by year's end.

### c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government restricts this right in the case of Jehovah's Witnesses. The Constitution provides for the "freedom to practice any religion and to manifest such practice," and Islam and most forms of Christianity are practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice; however, the Government continued to harass, detain, and discriminate against members of the small community of Jehovah's Witnesses because of their refusal to perform National Service.

In 1994 in accordance with a presidential decree, the Government revoked the trading licenses of some members of Jehovah's Witnesses and dismissed most of those who worked in the civil service. This governmental action resulted in economic, employment, and travel difficulties for many members of Jehovah's Witnesses, especially former civil servants and businessmen. In April 1997, the government labor office issued a form to all employers in Asmara and the surrounding area requesting information on any government personnel who were members of Jehovah's Witnesses. In addition to these measures, members of Jehovah's Witnesses also often are denied identification cards, passports, exit visas, trading licenses, and government housing unless they hide their religion.

Most members of Jehovah's Witnesses refused on religious grounds to vote in the referendum on independence and have declined to participate in national service. This spurred widespread criticism that members of Jehovah's Witnesses collectively were shirking their civic duty. Some Muslims also have objected to universal national service with regard to the requirement that women perform military duty. The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow alternative service. Although persons from other religious groups have been punished in past years for failure to participate in national service, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, been evicted from government-owned housing, and been denied passports, identity cards, and exit visas. However, there were no reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. Jehovah's Witnesses have several churches and members are not barred from meeting in private homes.

In 1998 several members of Jehovah's Witnesses were arrested for failure to comply with the national service law and some were tried, although there is no information available regarding the verdicts or sentences in these cases. At year's end, approximately five members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals had been detained for varying period of time, some for more than 5 years without charge. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials have denied that any members of Jehovah's Witnesses were being held without charge, although they acknowledge that some members of Jehovah's Witnesses, and a number of Muslims, are in jail serving sentences for convictions on charges of evading national service. There is no indication that any persons are detained or imprisoned solely because of their religious beliefs or practices; however, the Government has singled out members of Jehovah's Witnesses for harsher treatment than that received by members of other faiths for similar actions.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to do their military service (see Section 1.c.).

Unlike in previous years, there is no evidence that the Government discourages proselytizing by members of one faith among adherents of another.

In a 1995 proclamation, the Government described specific guidelines on the role of religion and religiously affiliated NGO's in development and government, stating that development, politics, and public administration are the sole responsibility of the Government and citizens. The 1995 Proclamation bans religious organizations from involvement in politics and restricts the right of religious media to comment on political matters. Pursuant to the 1995 proclamation, religious organizations are permitted to fund, but not initiate or

implement, development projects; however, this proclamation was not enforced in practice--several religious organizations executed small-scale development projects without government interference. The 1995 proclamation also sets out rules governing relations between religious organizations and foreign sponsors.

In 1998 authorities informed all religious organizations that all schools run by religious denominations providing general education would be incorporated into the public school system. At the time, it was not made clear whether the religious authorities would continue to administer the curriculum with government oversight or whether the school faculty would be absorbed into the Ministry of education. However, no action was taken to implement this initiative because of the outbreak of the border conflict with Ethiopia. In 1998 the Government decreed that religiously affiliated organizations were prohibited from running kindergartens; however, this decree still had not been implemented by year's end. According to officials in the Religious Affairs Office, the Government is expected to allow religious schools to operate independently as long as they adhere to a standard curriculum.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the rights of movement and emigration; however, while citizens can travel freely within the country and change their place of residence and work, authorities restrict freedom of movement and emigration in practice. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government restricted travel to some areas within the country for security reasons. Beginning in March, military police periodically set up numerous roadblocks in Asmara and other cities to find draft dodgers and military deserters (see Section 1.d.); however, the number of such roadblocks was reduced significantly by year's end.

During the year, the Government repatriated or deported more than 25,000 Ethiopians from Eritrea to Ethiopia (see Section 1.d.). Most of those who left the country were repatriated voluntary; however, many were deported forcibly (see Section 1.d.). Among the deportees were women who alleged that they were prevented from taking their children with them because their fathers were Eritreans (see Section 5). An estimated 40,000 to 50,000 Ethiopians remain in the country. Only about half of the returns were conducted with ICRC participation. In September the Government declared that it would conduct future repatriations only with the participation of the ICRC; however, while the Government generally abided by this declaration, on October 14, 800 Ethiopians were deported from the Keren camp without ICRC participation. The Government stated publicly on several occasions that it had not adopted a policy of deporting all Ethiopian nationals from the country.

Clashes between government forces and EIS members in 1997 led the Government to restrict travel along much of the border with Sudan. Some areas remain heavily mined, a legacy of the war for independence, and occasionally new mines are set by the EIS or others, leading to additional travel restrictions (see Sections 1.a. and 1.c.).

Some Ethiopians had difficulty renewing residence permits and were subject to detention when stopped by authorities with an expired residence permit (see Section 1.d.). In general Ethiopians were able to get exit visas.

Citizens largely are free to travel outside the country after obtaining an exit visa, although members of Jehovah's Witnesses (see Section 2.c.), officials of the former Ethiopian military regime, and those who have not completed national service have been denied passports or exit visas. In addition as a result of the conflict with Ethiopia, the Government increasingly denied exit visas to some young men and women, apparently on the ground that they were approaching the age of eligibility for national service.

In general citizens have the right to return; however, Eritreans must show proof that they paid a 2 percent tax on their annual income to the Government of Eritrea while living abroad in order to receive government services upon their return to the country. Instances in which citizens living abroad have run afoul of the law, have contracted a serious contagious disease, or have been declared ineligible for political asylum by other governments are considered on a case-by-case basis.

The border with Ethiopia was closed in May 1998, due to the outbreak of war, although Eritreans deported from Ethiopia crossed the border and were allowed to resettle in Eritrea. As many as 75,000 Eritreans or Ethiopians of Eritrean origin have been deported from Ethiopia. The deportees, if they wished, were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with internally displaced persons (IDP's) before being settled among the general population. In order to facilitate the deportees' integration into society, the Government provided them with documentation good for 6 months that identified them as deportees. If, during that time, the deportees could find three Eritrean witnesses willing to testify to their Eritrean ties, the Government issued them documentation of Eritrean

nationality; they then are considered to be permanent citizens. For the small minority of deportees who cannot demonstrate Eritrean ties, the Government grants them identity documents that specify that they are Ethiopian, but they are permitted to stay in the country. At times, these deportees are subject to harassment and detention by military authorities (see Section 1.d.). Deportees of military age who acknowledged Eritrean nationality were ordered to report for military service.

Approximately 1.1 million citizens have been displaced internally as a result of the conflict with Ethiopia. At year's end, approximately 243,000 IDP's were in 25 camps in the Debub, Gash-Barka, and Northern Red Sea zones, and there were approximately 100,000 IDP's outside of the camps. Camp facilities are basic, but conditions generally are adequate.

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to Somali and Sudanese refugees during the year. In May when fighting resumed with Ethiopia, there were 750 Sudanese refugees at the Elitte camp and 2,300 Somali refugees at the Harsile camp near the port of Assab. During the fighting, 1,228 Somali refugees were evacuated from the Harsile camp to the Emkulu camp near Massawa and another 972 were sent to Yemen and Djibouti by the UNHCR. The remaining 100 Somali refugees chose to remain in Assab. The ERREC, a government agency, is the principal Eritrean organization responsible for refugee and internally displaced issues.

In May the Government was scheduled to repatriate long-term Eritrean refugees from Sudan; however, the repatriations were postponed after the fighting with Ethiopia resumed. During the year, approximately 50,000 additional Eritreans from towns and villages in the southwest of the country fled to Sudan. By year's end, nearly all of these refugees in Sudan had returned to their villages or were in displacement camps inside Eritrea. The estimated 136,000 long-term Eritrean refugees in Sudan remained there at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Although the Constitution provides for this right, citizens have not been able to change their government in multiparty elections. Authority within the Government is held very narrowly among a small cadre of former fighters. The Government is dominated completely by the PFDJ, which came to power in the 1993 popular referendum in which over 99.8 percent of voters chose an independent Eritrea managed by a transitional government run by the PFDJ rather than electing to remain part of Ethiopia. The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. Elections, originally scheduled for 1997, have never been held. An electoral commission was established in 1997 to draft an electoral code for 1998 elections, but accomplished little because of the outbreak of the conflict with Ethiopia, and elections again were postponed. The only political party permitted to operate is the PFDJ, and there are no opposition parties active domestically (see Section 2.b.). During the year, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties; National Assembly elections are scheduled to take place in 2001.

Women are underrepresented in government and politics. In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's 19-member Executive Council and 11 women to the 75-member Central Council at the last party congress, held in 1994. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee) and hold several senior government positions, including the positions of Minister of Justice and Minister of Labor. By law a third of regional National Assembly seats are reserved for women, and women also are able compete for the non-reserved seats.

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

The Ministry of Foreign Affairs and the Ministry of Local Governments jointly are responsible for handling human rights inquiries. All NGO's must register with the ERREC; there were 36 non-domestic NGO's operating in the country, the majority of which are involved in emergency assistance. A local human rights organization, Citizens for Peace in Eritrea (CPE), formed in 1998 to investigate and publicize Ethiopian deportations of Eritreans, was registered in July as a local NGO and broadened its mandate to include other human rights problems. In June the CPE issued a statement appealing to citizens and the Government to safeguard the human rights of Ethiopians living in the country.

In 1995 the Government proclaimed that religious organizations, including religious-based NGO's, could not engage in development activities; however, this proclamation never has been enforced in practice. In addition the four main religious groups (Orthodox, Catholic, Muslim, and Protestant) continued to coordinate the provision of relief services to deportees from Ethiopia in conjunction with the ERREC. A 1998 decree prohibiting religiously affiliated organizations from running kindergartens has not been implemented yet (see Section 2.c.).

A governmental proclamation issued in 1996 required that all private NGO's hire only those who have completed their national service; however, this proclamation was not enforced in practice. This proclamation was part of the Government's effort to provide benefits to citizens who have served in the military.

In January 1998, the Government ordered most of the country's remaining NGO's to close down their programs, allegedly because they wasted too much money on administrative costs. Most NGO's left in 1998; however, several NGO's began returning in 1999 when the Government sought to encourage greater NGO participation in development and humanitarian aid. At year's end, there were 36 non-domestic NGO's operating in the country.

Most international human rights organizations are not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter and supplemental food to approximately 243,000 persons displaced by the conflict with Ethiopia. However, the ICRC was not permitted to visit Ethiopian civilian detainees until August 8 and was not permitted to visit Ethiopian POW's until August 30 (see Section 1.c.), nor was it granted access to Ethiopian detainees held in several jails in Asmara until November (see Section 1.c.). In September the Government agreed to conduct future repatriations of Ethiopian civilians under ICRC auspices and to allow the ICRC to organize the return of Ethiopian POW's held in Eritrea; however, while the Government generally abided by this declaration, on October 14, 881 Ethiopians were deported from the Keren camp without ICRC participation (see Section 2.d.).

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the transitional civil code prohibit discrimination against women and the disabled, and the Government generally enforces these provisions.

##### Women

The Government has taken a firm public stance against domestic violence; however, observers believe that violence against women, particularly in highland areas, is pervasive. Spousal abuse, especially wife beating, is common; however, domestic violence seldom is discussed openly by women because of societal pressures. Such incidents more commonly are addressed, if at all, within families or by religious clergy.

The Government consistently has advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. In 1994 the Third Party Congress advocated more rights for women, including parity in the right to land and other property. However, much of society remains traditional and patriarchal, and generally women do not enjoy a social status equal to men. The law provides a framework for improving the status of women, but laws are implemented unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes. In practice males retain privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

When the Government began detaining and returning Ethiopians to Ethiopia in June, authorities singled out young Ethiopian women, particularly prostitutes, barmaids, and waitresses, for detention and involuntary deportation (see Section 1.d. and 2.d.); reportedly this was due, in part, to the fear that these women spread HIV/AIDS. Reportedly those women who could demonstrate that they had a child with an Eritrean father were permitted to remain in the country. However, other female deportees alleged that they were prevented from taking their children because the fathers were Eritreans.

The law requires that women between the ages of 18 and 40 participate in the active national service program, and during the year, women were engaged in fighting in the conflict against Ethiopia. However, in 1999 the Government began moving more women away from direct combat roles and reassigned them to other responsibilities, including training and operation of heavy equipment.

##### Children

The Ministry of Labor and Human Welfare is responsible for government policies concerning the rights and welfare of children. The Children's Affairs Division under the Ministry of Labor and Human Welfare covers child care, counseling, and probation. The law criminalizes child prostitution, pornography, and sexual exploitation.

Education through grade seven is compulsory and free; however, education above grade seven is neither free nor compulsory, and while the situation has improved, there is a shortage of schools and teachers at all levels. According to the Ministry of Education, only 37 to 38 percent of children attend school. Approximately 75 percent of the population are illiterate. In rural areas, young girls usually leave school early to work at home.

A small number of children under the age of 18 entered military service, usually because of a lack of a birth certificate or other identification. When soldiers were found to be under the age of 18, they were removed from service.

Child abuse is not thought to be common; however, female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, with estimates placing the number of women and girls who have been subjected to FGM at 95 percent. FGM is practiced by almost all ethnic and religious groups in the country. In the lowlands, infibulation--the most severe form of FGM--is practiced. There is no law prohibiting FGM; however, the Government has worked to combat officially the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women, sponsored education programs that discourage the practice. The U.N. Population Fund, through the Ministry of Health, sponsors reproductive health projects that provide training and awareness programs that focus on the negative physical and psychological impacts of FGM.

#### People with Disabilities

The long war for independence and the conflict with Ethiopia left thousands of men and women physically disabled from injuries they received as guerrillas, soldiers, and civilian victims. The Government spends a large share of its resources to support and train these disabled fighters, who are regarded as heroes, and does not discriminate against them in training, education, or employment. There are no laws mandating access for the disabled to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for disabled persons.

#### Religious Minorities

Societal attitudes toward members of Jehovah's Witnesses are the exception to a widespread religious tolerance. Members of Jehovah's Witnesses generally are disliked and face some societal discrimination because of their refusal to participate in the independence referendum in 1993 and to perform national service, a refusal that is seen widely as unpatriotic. However, the level of societal discrimination against Jehovah's Witnesses has declined since the previous year.

#### Racial/Ethnic Minorities

There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups in the country and which are concentrated primarily in the west. Because of the existence of a Kunama opposition group operating in Ethiopia and supported by the Ethiopian Government, some Kunama in Eritrea are suspected of supporting or having sympathies with the Ethiopia Government. During the fighting from May to June, Ethiopian forces occupied many areas inhabited by Kunamas; following the withdrawal of Ethiopian troops, some Kunama were accused of collaborating with the Ethiopian troops or of looting of property. In June approximately 200 Kunamas were detained without charges on suspicion of collaborating with the Ethiopian forces (see Section 1.d.). There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being efficiently exploited. There also is some societal discrimination against Kunamas due to the fact that Kunamas are seen, ethnically and culturally, as different from the majority of citizens.

#### Section 6 Worker Rights

##### a. The Right of Association

Some government policies restrict free association or prevent the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor must grant special approval for groups of twenty or fewer persons seeking to form a union; the Government opposed the creation

of a press association during the year (see Section 2.b.).

Proclamation 8 of 1991 provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintains a close affiliation with the Government, and its leadership consists of high-ranking PFDJ members. The NCEW represents over 25,000 workers from 250 unions and receives some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW is the Textile, Leather, and Shoe Federation. There were no strikes reported during the year.

Unions may affiliate internationally, and all five workers' federations within the NCEW maintained affiliations with international unions during the year.

#### b. The Right to Organize and Bargain Collectively

In 1993 the ILO began assisting the Government with a draft labor code, which prohibits antiunion discrimination by employers, allows groups of 20 or fewer workers to organize without Ministry of Labor approval, and establishes a new tripartite mechanism for resolving disputes; however, the code had not implemented by year's end. Under the new labor code, a tripartite board composed of workers, employers, and Ministry of Labor officials is to work to resolve differences. Under the labor law in force during the year, disputes are taken to court. During the year, the NCEW brought 65 cases to court, while an additional 75 NCEW cases remained pending or were settled through conciliation by the Ministry of Labor at year's end.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, there were reports that some Ethiopian civilian detainees were forced to perform paid farm labor and road repair. POW's were forced to perform labor on road-building projects; however, following an ICRC visit in late August, the POW's were no longer forced to perform such labor (see Section 1.c.). All citizens between the ages of 18 and 40 are required to participate in the National Service Program, which includes military training as well as civic action programs. High school students also are required to participate in a paid summer work program.

The Constitution prohibits forced or compulsory labor by children, and there were no reports that it occurred.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law also prohibits apprentices under 18 years of age from performing certain dangerous and abusive labor, such as working in mines or sewers. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children; however, due to the small number of inspectors, inspections are infrequent. According to the Ministry of Education, only 37 to 38 percent of children attend school due, in part, to a shortage of schools and teachers. It is common for rural children who do not attend classes to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children work as street vendors of cigarettes, newspapers, or chewing gum. Children also work as child-minders, traders, and domestic accountants and in small-scale manufacturing. There were reports that the Government inadvertently employed children under the age of 18 as soldiers (see section 5).

The Government has not yet ratified ILO Convention 182 on the worst forms of child labor.

The Constitution prohibits forced or bonded labor, including that performed by children, and there were no reports that it occurred (see Section 6.c.).

#### e. Acceptable Conditions of Work

There are two systems that regulate employment conditions--the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages vary from \$34 to \$400 (320 to 3,800 nakfa) per month, with factory workers in government-owned enterprises earning the highest wages. The minimum wage in the civil service sector does not provide the average worker and family with a decent standard of living.

The standard workweek is 44 1/2 hours, but many persons work fewer hours. Under the Labor Law, workers are entitled to 1 day of rest per week, and most workers are allowed 1 to 1 1/2 days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement vary widely among factories. Workers are permitted to remove themselves from dangerous work sites without retaliation.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that such trafficking occurred to, from, within, or through the country.

[End.]