

# ERITREA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

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

The country experienced significant adverse changes in its human rights situation after, according to credible reports, it intervened in the conflict in Tigray, Ethiopia, that began in November. There are credible reports of Eritrean soldiers engaging in unlawful and arbitrary killings in Tigray. There are also reports of Eritrean soldiers engaging in forced disappearance and forced repatriation of Eritrean refugees from Tigray.

Significant human rights issues included: unlawful and arbitrary killings, forced disappearance; torture; and arbitrary detention, all committed by the government; harsh and life-threatening prison and detention center conditions; political prisoners; serious problems with judicial independence; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression and the press, including censorship and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; widespread restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; trafficking in persons; criminalization of consensual same-sex sexual conduct; and the worst forms of child labor.

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

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

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

There were credible reports that Eritrean forces deployed in Tigray committed arbitrary or unlawful killings.

### **b. Disappearance**

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

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

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

The law prohibits torture. Reports of torture, however, continued.

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

Former prisoners described two specific forms of punishment by security forces known as “helicopter” and “8.” For “helicopter,” prisoners lie face down on the

ground and their hands and legs are tied behind them. For “8,” they are tied to a tree. Prisoners were often forced to stay in either position for 24-48 hours, in some cases longer, and only released to eat or to relieve themselves. Use of psychological torture was common, according to inmates held in prior years. Some former prisoners reported authorities conducted interrogations and beatings within hearing distance of other prisoners to intimidate them.

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

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

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

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

Physical Conditions: There were numerous official and unofficial detention centers, some located in military camps. The Ministry of Justice oversees prisons run by police, and the Ministry of Defense oversees those run by the military. Unofficial detention centers housed those accused of political crimes. The law requires juveniles be held separately from adults. There is a juvenile detention center in Asmara, but authorities held some juveniles, particularly teenagers, with adults, due to overcrowding in that center. When police arrested mothers, their young children sometimes were held with them. Severe overcrowding was common.

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

Authorities are believed to have continued the practice of holding some detainees incommunicado in metal shipping containers and underground cells without toilets or beds. The government did not consistently provide adequate basic or emergency medical care in prisons or detention centers. Food, sanitation,

ventilation, and lighting were inadequate, and potable water was sometimes available only for purchase.

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

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

Authorities placed political prisoners in solitary confinement more often than other detainees.

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

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

According to international nongovernmental organizations (NGOs), the government released persons imprisoned for their religious beliefs. Between July and December, 101 Muslims arrested in 2018 and 143 Christians held for between two and 26 years were released. Christian Solidarity Worldwide noted the release of the Christians was conditional on the submission of property deeds. There were reports, however, that the government arrested 45 Christians in April and June.

Independent Monitoring: The government did not permit monitoring of prisoner conditions by independent government or nongovernmental observers or by international bodies, including the International Committee of the Red Cross (ICRC). The government also did not provide the ICRC with information about or

access to reported Ethiopian and Djiboutian prisoners of war detained in the country.

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

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

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

The law stipulates that, unless a crime is in progress, police must conduct an investigation and obtain a warrant prior to making an arrest, but this seldom occurred. In cases involving national security, police may waive the process. Detainees must be brought before a judge within 48 hours of arrest and may not be held for more than 28 days without being charged with a crime. Authorities generally detained suspects for longer periods without bringing them before a judge, charging them with a crime, or telling them the reason for their detention. Authorities sometimes arbitrarily changed charges during detention. The law provides for a bail system, but bail was often arbitrarily denied, and bail amounts were capriciously set.

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

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country, and for unspecified national security threats. Authorities also continued to arrest members of unregistered Christian groups. In April authorities reportedly arrested 15 Christians for attending services, and in June they arrested 30 Christians at a wedding. Many of these individuals, particularly women and children, were reportedly released soon thereafter, but it was unknown how many, if any, remained in detention.

There were unverified reports that security forces arrested at least 20 Muslim men in Mendefera and neighboring localities for unknown reasons in November 2019.

Those arrested reportedly included local businessmen, religious teachers, and community leaders, many of whom remain unaccounted for.

Authorities sometimes arrested persons whose papers were not in order and detained them until they were able to provide evidence of their militia status or demobilization from national service. The government contacted places of employment and used informers to identify those unwilling to participate in the militia.

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

Pretrial Detention: The government held detainees without charge or due process. Detainees were not always told the reason for their arrest. Authorities brought few, if any, persons detained purportedly on national security grounds to trial. The percentage of the prison and detention center population in pretrial detention was not available.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees were not able to challenge the lawfulness of detention before a court.

#### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

There is no right to a fair, timely, and public trial.

There is no presumption of innocence or right for defendants to be informed promptly and in detail of charges in a language they understand. The law does not specifically address the provision of adequate time or facilities to prepare a defense, the right of defendants to confront witnesses, or the provision of free

interpretation from the moment charged through all appeals, although courts generally accorded these rights to defendants in cases courts did not deem related to national security. There is no right of defendants to refuse to testify. Defendants have the right to be present and to consult with attorneys or to present their own evidence if they do not wish to have an attorney. Prosecution and defense lawyers have the right to present evidence and witnesses. Defendants can choose their attorney or else they will have one assigned to them.

Courts of first instance are at the regional level. Each party to a case has the right to one appeal. Decisions rendered by any regional court may be appealed to the next appellate court. Should the appellate court reverse a decision of the lower court, the party whose petition was not sustained may appeal to the five-judge upper appellate court. If the lower appellate court upholds the decision of a regional court, there is no second appeal.

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

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

### **Political Prisoners and Detainees**

The government continued to hold an unknown number of detainees without charge or trial, including politicians, journalists, members of registered and unregistered religious groups, and persons suspected of not completing national service or evading militia duty (see also section 1.b., Disappearance). Amnesty International estimated there were thousands of “prisoners of conscience and political prisoners.” The government did not permit any access to political detainees.

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

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

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

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

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

The government used an extensive informer system to gather information.

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

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

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

#### **a. Freedom of Expression, Including for the Press**

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

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

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



The law requires journalists to be licensed. The law restricts printing and publication of materials. The printing of a publication by anyone lacking a permit and the printing or dissemination of prohibited foreign publications are both punishable under the law. Government approval is required for distribution of publications from religious or international organizations.

On May 6, the Committee to Protect Journalists reported there were 16 journalists in detention.

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

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

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

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

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

## **Internet Freedom**

The government monitored some internet communications, including email, without appropriate legal authority. Government informants were reported to frequent internet cafes, prior to their closure as an anti-COVID-19 measure. Some citizens expressed fear of arrest if caught viewing opposition sites. Nonetheless, the sites were generally available.

In February a media report described the deployment of a 30-member intelligence unit to monitor internet activities. The report also claimed that an unspecified number of technology experts and cyber cafe owners arrested in 2019 on accusations of disseminating material from the diaspora and supporting an opposition group in exile remained in detention.

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

The government restricted academic freedom and cultural events.

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

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

The government censored film showings and other cultural activities. It monitored libraries and cultural centers maintained by foreign embassies and in some instances questioned employees and users. The government directly sponsored most major cultural events or collaborated with various embassies and foreign cultural institutions in sponsoring musical performances by international performers. All cultural centers, cinemas, and libraries were closed, however, in April as a COVID-19 countermeasure.

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

The government restricted freedoms of peaceful assembly and association.

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

The law provides for freedom of assembly, but the government restricted this right. For some public gatherings, the government intermittently required those assembling to obtain permits. Authorities investigated and interfered with large gatherings lacking prior approval, with the exception of gatherings of government-affiliated organizations that were social in nature, or of religious observances of the four officially registered religious groups.

### **Freedom of Association**

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

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

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

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted all these rights.

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

Travel restrictions on noncitizens lawfully in the country remained in effect. The government required all diplomats, international humanitarian workers, UN staff, and foreigners to request permission from the government at least 10 days in advance to travel more than 15 miles (25 kilometers) outside of Asmara. During the year, however, the government on many occasions approved requests with fewer than 10 days' advance notice.

Foreign Travel: The government restricted foreign travel. The government required citizens, sometimes including dual nationals, to obtain exit visas. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. The government often denied citizens passports and exit visas because they had not completed their military or national service duties or for arbitrary or unstated reasons. Authorities generally did not give exit visas to children older than age five. Categories of persons most commonly denied exit visas included men younger than 40, regardless of whether they had completed the military portion of national service, and women younger than 30. Authorities were more likely to approve exit visas for married women and those with children. All land borders remained closed, preventing legal overland travel.

Exile: In general, citizens had the right to return, but citizens residing abroad had to show proof they paid the two percent tax on foreign earned income to the Ministry of Foreign Affairs to be eligible for some future government services and documents, including exit permits, birth or marriage certificates, passport renewals, and real estate transactions. The government enforced this requirement inconsistently.

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

Not applicable.

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

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

The government continued downsizing the Umkulu Refugee Camp. Of the more than 2,100 refugees housed at the camp in 2018, only 80 remained in the country as of October. Most of those who left have relocated to refugee camps in Ethiopia.

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

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

Access to Basic Services: Persons of Ethiopian and Sudanese origin living in the country sometimes claimed they received social entitlements commensurate with the perceived degree of their loyalty to the government, including ration coupons to buy essentials at government-subsidized prices.

Ethiopians, Sudanese, and Somalis were able to access basic government services upon procuring and presenting residency permits.

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

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

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

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

Recent Elections: The government came to power in a 1993 popular referendum, in which voters chose to have an independent country managed by a transitional government. The transitional government did not permit the formation of a democratic system. The government twice scheduled elections but canceled them without explanation. An official declaration in 2003 asserted, “In accordance with the prevailing wish of the people, it is not the time to establish political parties, and discussion of the establishment has been postponed.” Local communities elect area administrators, magistrates, and managing directors.

Political Parties and Political Participation: The country is a one-party state. Political power rests with the People’s Front for Democracy and Justice and its institutions; the government does not allow the formation of any other political parties. Membership in the People’s Front was not mandatory, but authorities

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

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process.

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

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

Corruption: Persons seeking executive or judicial services sometimes reported they obtained services more easily after paying a “gift” or bribe. Patronage, cronyism, and petty corruption within the executive branch were based largely on family connections and used to facilitate access to social benefits. Judicial corruption was a problem, and authorities generally did not prosecute acts such as property seizure by military or security officials or those seen as being in favor with the government.

There were reports of police corruption. Police occasionally used their influence to facilitate the release from prison of friends and family members.

Financial Disclosure: The law does not subject public officials to financial disclosure.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

International civil society organizations focused on human rights were generally not able to operate in the country. The government generally did not cooperate

with such groups or with investigations into human rights abuses. No local human rights NGOs operated in the country (see section 2.b., Freedom of Association).

The government permitted the ICRC to operate but limited its operations to supporting Ethiopian repatriation and vulnerable Ethiopian residents; implementing assistance projects (water, agriculture, and livestock) for persons living in regions affected by conflict; disseminating information on international humanitarian law to students and government officials; and connecting separated family members living abroad to their family members in the country through the country's Red Cross. Authorities did not permit the ICRC to visit prisons or detention centers. As a result, in September the ICRC downsized its office, removing all international staff.

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

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

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

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

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for both women and girls. Government efforts to reduce FGM/C included public awareness campaigns at the local level targeting religious and community leaders. Government reports stated certain regions and subzones were considered 100 percent free of FGM/C practices. Local UN representatives confirmed that the government took FGM/C seriously as a problem and acted credibly to combat the practice. The UN Population Fund worked with the government and other

organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, on a variety of education programs to discourage the practice.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization by government authorities.

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

## **Children**

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

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

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

Child, Early, and Forced Marriage: The legal minimum age for marriage for both men and women is 18, unless the woman is pregnant or has already had a child, in which case the minimum for both is 16. The minister of justice or someone appointed by the minister may also waive the age requirement. There were no recent statistics on early marriage. Officials spoke publicly on the dangers of early



marriage and collaborated with UN agencies to educate the public regarding these dangers, and many neighborhood committees actively discouraged the practice.

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

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

### **Anti-Semitism**

There were no reports of anti-Semitic acts, and the country's sole remaining Jew maintained the only synagogue without reported government interference.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities. The government implemented programs to assist persons with disabilities, especially combat veterans, and dedicated substantial resources to support and train thousands of persons with physical disabilities. No laws mandate access for persons with disabilities to public or private buildings, information, and communications. There were separate schools for children with hearing, vision, mental, and intellectual disabilities. Most of these schools were private; the government provided some support to them. The Ministry of Labor and Human Welfare is responsible for protecting the rights of persons with disabilities, including mental disabilities.

### **Members of National/Racial/Ethnic Minority Groups**

There were reports governmental discrimination continued against ethnic minorities, particularly against the Afar, one of nine ethnic groups in the country.

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

The law criminalizes consensual same-sex sexual activity “or any other indecent act,” which is punishable if convicted by five to seven years’ incarceration. The government actively enforced this law. Antidiscrimination laws relating to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons do not exist.

There were no known LGBTI organizations in the country.

### **Section 7. Worker Rights**

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

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

The government did not adequately enforce the law. The Labor Relations Board decided on a case-by-case basis penalties and legal protections against antiunion interference and acts of interference. Penalties were not necessarily commensurate with those for denials of civil rights. Labor laws did not fully cover all workers, including civil servants, domestic workers, and national service conscripts.

The government did not respect freedom of association and the right to collective bargaining in practice. There is one umbrella trade union, the National Confederation of Eritrean Workers. The confederation was not wholly independent, because it was directly linked to the ruling party. The confederation’s members represent hotel workers, service personnel, agricultural professionals, and teachers, among other occupations. The confederation reported that labor boards, made up of representatives from the union, the workers, and the Ministry of Labor and Human Welfare address grievances before the likelihood of

strikes emerges. The sole independent union in the country was incorporated into the confederation during the year.

In general no NGOs played a significant role in promoting the rights of workers in the country.

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

The law prohibits forced labor and slavery, but forced labor occurred. The government enforced these laws within private industry; penalties were not commensurate with those for analogous serious crimes. The legal definition of forced labor excludes activities performed under national service or other civic obligations, compulsory labor for convicted prisoners, and “communal services rendered during an emergency.” Labor protections limiting hours of work and prohibiting harsh conditions do not apply to persons conscripted into national service.

The country’s national service obligation in some cases amounted to a form of forced labor. By law all citizens between ages 18 and 50, with limited exceptions, must perform national service. The national service obligation consists of six months of military training and 12 months of active military or civilian national service, for a total of 18 months, or, for those unfit to undergo military training, 18 months of service in any public and government organ. During times of emergency, however, the government can suspend the 18-month limit, which it did in 1998 with the outbreak of the war with Ethiopia. The government has not rescinded emergency rule. The result is an indefinite extension of the duration of national service, in some cases for more than 20 years. Pay for conscripts improved in recent years, but remained very low. The law provides for assignment to a job category according to the person’s capacity and profession, but this was not always followed in practice. There is no provision for alternative service for conscientious objectors.

Forced labor occurred. Despite the 18-month legal limit on national service, the government did not demobilize many conscripts from the military or from civilian national service as scheduled and forced some to serve indefinitely in national service under threats of detention, torture, or punishment of their families. Persons performing national service could not resign, generally received no promotions, and could rarely leave the country legally because authorities denied them passports or exit visas. Those conscripted into national service performed standard patrols and border monitoring in addition to labor such as agricultural terracing,

planting, road maintenance, hotel work, teaching, construction, and laying power lines, as well as many office jobs in government ministries, agencies, and state-owned enterprises. There were reports that some conscripts were additionally required to perform manual labor on national service projects unrelated to their assignment and for which they received no overtime payment. Plaintiffs in a lawsuit filed in Canada in 2014 alleged that, as conscripts in national service, they were required to work 72-hour weeks in a mine for between 11 and 17 years before fleeing the country.

The government required those not already in the military to attend civilian militia training and carry firearms, including many who were demobilized, the elderly, and persons otherwise exempted from military service. Failure to participate in the militia or national service could result in detention. Militia duties mostly involved security-related activities, such as airport or neighborhood patrolling. Militia training involved occasional marches and listening to patriotic lectures.

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

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

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

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

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

The government suspended its Summer Work Program due to COVID-19 concerns. Secondary school students participating in the program planted trees and served as crossing guards in urban areas. In past years, the program included school and hospital maintenance. Students worked for four to six hours a day, five days a week, and at least some students were given a small stipend for participating. Reports indicated students who did not participate in the work program in past years were fined.

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

To enforce this system, the government conducted forcible “round-ups” of students and young persons across the country who did not report to military training. Furthermore, the military occasionally performed identity checks that led to the imprisonment of children alleged to be attempting to evade compulsory national service.

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

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

Labor laws prohibit employment and occupation discrimination based on race, color, sex, disability, social origin, nationality, political orientation, or religion. The law does not prohibit discrimination on the basis of sexual orientation or gender identity, HIV-positive status, language, or age. It is unclear whether the government effectively enforced antidiscrimination laws; levied penalties were not made public and might not have been commensurate with penalties for breaking other laws related to civil rights.

Discrimination against women was common in the workplace and occurred in an environment of impunity. The law does not criminalize sexual harassment (see section 6, Women).

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

The national minimum wage for employees of People's Front-owned enterprises and government employees was below the international poverty line. There was no national minimum wage for private sector workers. The law provides for a standard workweek of 48 hours and no more than two hours per day of overtime, but it includes exceptions for when someone is missing or when there is "urgent work." The law entitles workers, except for those employed in national service, to overtime pay, but this was not always enforced. The legal rest period is one day per week, although most employees received one and one-half days. The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes.

No published occupational health and safety standards existed. Each government enterprise has a separate agreement with the local union defining the work standards, including occupational health and safety regulations, for that enterprise. There were 168 government enterprises in the country, accounting for most large-scale employers.

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

Approximately 80 percent of the population was employed in subsistence farming and small-scale retail trading. There were no reliable data on the informal economy and no effective mechanisms for monitoring conditions or protecting workers in the informal economy.

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