



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

Report of fact-finding mission to Eritrea

by

Country Information and Policy Unit

Immigration and Nationality Directorate

Home Office

United Kingdom

4 – 18 November 2002

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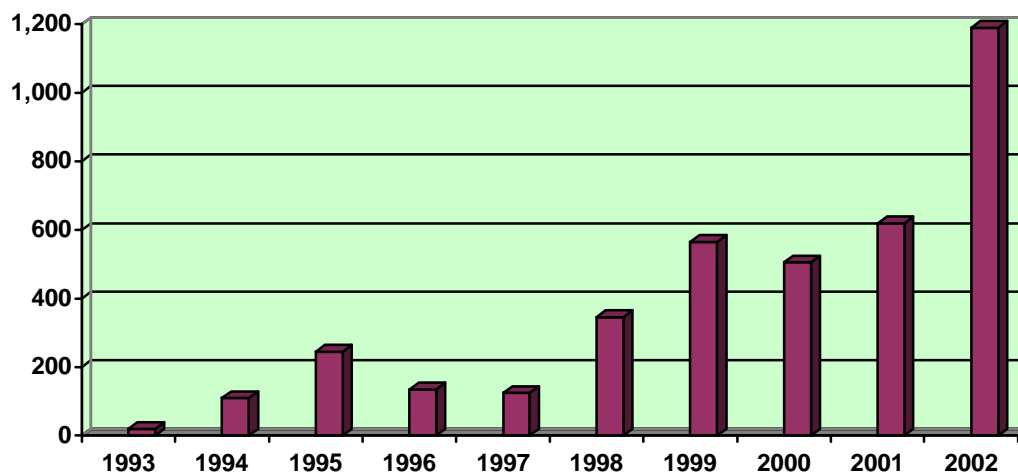
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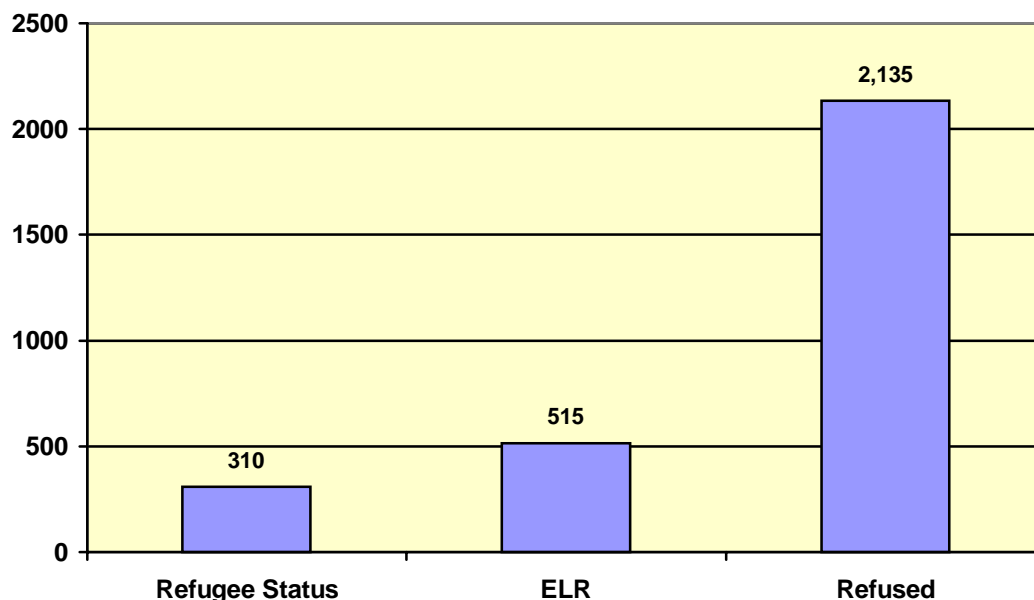
1. INTRODUCTION

1.1. Background

- 1.1.1. To inform decision-making on asylum applications by Home Office caseworkers and other officials involved in the asylum determination process, the *Country Information & Policy Unit (CIPU)* of the *Home Office Asylum and Appeals Policy Directorate (AAPD)* produce assessments on the countries which generate the largest number of asylum applications in the UK. These country assessments are publicly available documents and are published on the Home Office website (<http://www.homeoffice.gov.uk/>). By their nature each country assessment concentrates on the main issues that are most likely to arise in the asylum determination process. The information contained in these country assessments is not exhaustive, nor does it catalogue all human rights violations. They are compiled from a wide variety of sources that are listed at the end of each country assessment.
- 1.1.2. The CIPU country assessment of October 2002 gives general background material on the Eritrea and should be read in conjunction with this report.
- 1.1.3. The State of Eritrea gained independence from Ethiopia in 1993 following a protracted civil war. Initial close relations deteriorated to the point that the two countries fought a bloody border war between 1998-2000. The war has ended and the UN has overseen demarcation of the border but relations between the two states remain very poor.
- 1.1.4. Both during the war, and since, the United Kingdom has received an increasing number of asylum applications from Eritrean nationals. All such applications are considered on their individual merits. The chart below shows the number of asylum applications received in the UK from Eritreans in the last 10 years. (These figures are for principal applicants, and do not include numbers of dependants.)



1.1.5. During the last 5 years (1998 to 2002), 2950 Eritrean asylum applications in the UK were decided. 10.5% resulted in refugee status being granted in accordance with the UK's obligations under the 1951 UN Refugee Convention. 17% resulted in the grant of exceptional leave to remain in the UK, whilst in 72.5% of these cases the applicant was found not to have any need for international protection.



1.1.6. Common themes of asylum claims made in the UK have included potential statelessness, based on difficulties establishing Eritrean nationality; persecution of Jehovah's Witnesses; alleged harsh treatment of military deserters and draft evaders, including Muslim women who refuse military service; membership of opposition groups such as the various ELF factions and ethnic-based persecution of small minority groups.

1.1.7. In addition, there has been increasing numbers of cases where applicants have raised medical issues, particularly regarding HIV/AIDS, and submitted a claim under Article 3 of the Human Rights Act on the basis that treatment is not available in their home country.

1.1.8. Many of the issues raised in Eritrean cases have never been fully clarified due to the difficulty in obtaining detailed country information, including problems over nationality and claimed 'statelessness', medical care and the situation with Jehovah's Witnesses. The opening of a British Embassy in Eritrea in March 2002 presented the possibility of locally based assistance for a Home Office fact-finding mission to visit the country and seek detailed information on the above mentioned issues. The FCO indicated their full support for such a mission.

1.1.9. Against this background the United Kingdom resolved to conduct a fact-finding mission to verify the information contained in its country assessment and to collect additional information to assist in the determination of the increasing number of asylum applications from Eritrean nationals. The information collected concentrated on the typical profiles of Eritrean asylum applicants in the UK

including those outlined above and in certain other aspects of the social welfare structures within the country.

1.2. Methodology

- 1.2.1. The mission was carried out between 4th and 18th November 2002. The delegation of the mission comprised James Silk and Andrew Fleming, both of the Country Information and Policy Unit (CIPU). This report has been jointly written by the delegation.
- 1.2.2. Prior to departure, and in the course of their preparations for the mission, the delegation consulted Ghirmai Ghebremariam, the Eritrean Ambassador to the UK, Dr Martin Hill of the International Secretariat, Amnesty International, London, UK and Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK. Following the mission, the delegation also met with a representative of the Eritrean Human Rights Organisation based in London, UK.
- 1.2.3. Within Eritrea the delegation held meetings with a number of representatives of Eritrean government bodies, western embassies, UN organisations, international and local non-governmental organisations, community representatives and individuals in Eritrea. A list of those organisations consulted is at Section 12 (*though see also below*). Throughout the mission the delegation received assistance from the British Embassy in Asmara, who organised and co-ordinated a number of meetings for the delegation and facilitated the delegations travel overland to both Massawa and Barentu (**see Annex 1**). In addition a number of meetings in Eritrea were organised by the delegation itself.
- 1.2.4. In the report, care is taken to present the views of the various spokespersons in an accurate and transparent way. Unless otherwise indicated, all statements within a paragraph are to be attributed to the source mentioned at the beginning of the paragraph. In paragraphs where no source is specified it may be assumed that the source remains the same as the preceding paragraph. It is inevitable that this report will contain a number of seemingly contradictory statements. However, it should be noted that the report has been produced to reflect, as far as is possible, what the fact-finding mission team were told in the various meetings attended.
- 1.2.5. All individuals and organisations referred to in this report were advised as to the purpose of the mission and consented to information they provided to the delegation to be used in the report. It should be noted that a number of persons consulted by the delegation requested that they should not to be directly quoted in the report of the mission; however, in some cases these same persons did not object to being included in the list of persons consulted. In all cases where a source requesting anonymity provided information that has been included in this report, this has been presented in a way that fully responds to the request by the source and protects the identity of the individual(s) concerned. In such circumstances the information is recorded in this report and attributed to for example "an Embassy" or "an observer". Such references should not however be interpreted as necessarily meaning the same Embassy or observer.

- 1.2.6. Throughout the report there will also be occasions when information could be covered in more than one chapter. However, to avoid repetition, this information will usually appear in detail only once, with a cross-reference if required. The report also includes information from a number of written sources. These sources, where used, are appropriately attributed within the body of the report and listed in full in Section 13.
- 1.2.7. The delegation wishes to express its gratitude to all those agencies, organisations and individuals that have contributed to the information presented in this report.
- 1.2.8. The report was finalised on 29 April 2003. Before finalising the report, the mission's findings were shared and discussed in a meeting with the Office of the UN High Commissioner for Refugees (UNHCR) in Geneva.

2. THE POLITICAL & ADMINISTRATIVE SITUATION

2.1. Current Political Situation

- 2.1.1. As noted in the Home Office CIPU country assessment of October 2002, Eritrean politics has been in a transitional state since it gained independence from Ethiopia in 1993. The ruling People's Front for Democracy and Justice (PFDJ) were formed in 1994 from the Eritrean People's Liberation Front (EPLF). A National Assembly consisting entirely of PFDJ members was established as a transitional legislature following the results of the referendum of 1993; a Constitutional Commission was then established to draft a Constitution. Isayas Afewerki was elected President by the transitional legislature.
- 2.1.2. Although the PFDJ initially outlined an ambitious programme for a transition to a democratically elected government by 1997, elections, originally scheduled for 1997, have yet to be held. The PFDJ remain the only authorised and official political party in Eritrea. No opposition parties are officially active domestically. In 2000, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties the results of which produced modified drafts. The draft electoral law and the draft law regulating the formation and activities of political parties were the subject of ongoing public discussions under the Government's auspices during the year. National Assembly elections were scheduled for December 2001; however, the elections have yet to take place. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by demobilisation, dissidents and the private press.
- 2.1.3. As reported in the Human Rights Watch Eritrea Report 2002, elections for the new National Assembly were scheduled for 1998 but were postponed indefinitely after the outbreak of the war with Ethiopia. As a result, President Isayas governed by proclamation, unrestrained by a transitional national assembly that met infrequently. In mid-2001, the government circulated a draft Proclamation on the Formation of Political Parties and Organisations and an Eritrean Electoral Law Proclamation. No electoral politics were permitted and presidential rule was essentially unfettered pending adoption of both measures.
- 2.1.4. Reports of dissent within the ruling PFDJ began to emerge in 2001. In April 2001 the BBC reported (*BBC Online - "Eritrean Minister Speaks Out" – 17 April 2001*) that a former Eritrean Government minister Mahmud Sherifo who had been sacked two months earlier openly criticised the government in April 2001 saying that the President did not support the creation of political parties. Sherifo had been a prominent local government minister and had been involved in a committee drafting a law on political parties. He said that he had been sacked after the President stopped publication of the draft laws.
- 2.1.5. As noted in the CIPU country assessment of October 2002, in late May 2001 there were reports of an internal letter signed by 15 senior members of the party

accusing the President of working in an illegal and unconstitutional manner. In June 2001 two of the signatories of the letter, Petros Solomon and Haile Woldensae respectively ministers for fisheries and trade and industry were dismissed from office and replaced.

- 2.1.6. Eleven of the 15 signatories of that letter were arrested on 18 and 19 September 2001. According to the Amnesty International report, "*Arbitrary Detention of government critics & Journalists*" published on 18 September 2002 a year later those detained in September 2001 remained held in incommunicado detention without charge. The other 4 signatories escaped arrest - three were out of the country and one withdrew his support for the group. These 15 dissenters became known as the *G-15 group*.
- 2.1.7. An International observer in Asmara informed the delegation that in their opinion the overwhelming view of the Eritrean population was that whilst they supported having an independent nation, their support for the Government was declining. The same source also referred to the economic situation which prevented the Government from delivering for much of the population (albeit as a consequence of the war). The continued mobilisation of members of the population aged between 18 and 40, discontent with the way the country is being administered and the lack of a multi party system were also contributory factors to the PFDJ's diminishing support.
- 2.1.8. The same source described the President as a strong, active and vigorous leader with great personal support and respect, and noted that a quality his supporters refer to is his ability to rise above religious and ethnic issues. In contrast the source also noted that he is autocratic and that this has created many enemies. Because of the dangers of speaking publicly against the President, many people will express one view in public but another in private.
- 2.1.9. In relation to the level of support for President Isaayas, a western embassy in Asmara expressed the view that he still enjoyed the support of the majority of the population. It was suggested that a key reason for this was that many Eritrean people still feared Ethiopia. Even if they considered that the president was wrong in relation to some of his day to day decisions, including the major issue of national service, he is widely recognised as the only person who can guarantee continued freedom for the nation.

2.2. Political Opposition

- 2.2.1. A western embassy in Asmara commented to the delegation that that all individuals who had views differing from the Government were either in detention or outside the country. The source stated that such people included Petros Soloman and Mesfin Hargos. The source therefore concluded that the only real "*threat*" to the Government at present was presented by the military but considered there was little evidence of widespread opposition at the present time. The source noted growing discontent regarding the manner in which military service continued to be administered and the economic and other repercussions of

this. However, they considered the situation would have to become a lot worse before people would protest. Where opposition exists, the source considered it was predominately confined to urban areas. In rural communities, the source considered that the President generally enjoyed popular support.

- 2.2.2. The US Department of State country report on human rights practices - 2001, published in March 2002, states that other political groups have effectively been illegal since the Eritrean People's Liberation Front (EPLF) took power in 1991. Following the end of the conflict in 2000, the Government announced that elections would be held in December; however, elections did not take place during the year. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the private press. Two committees established by the Government in 2000 to develop guidelines and rules for new elections and the formation of political parties completed their work in April. The draft electoral law and the draft law regulating the formation and activities of political parties were the subject of ongoing public discussions under government auspices.
- 2.2.3. As noted in the CIPU country assessment of October 2002, Radio broadcasts on the clandestine 'Voice of Free Eritrea' radio station, apparently broadcasting from Sudan from late 1997, claimed to represent the Eritrean National Alliance, a group of Eritrean opposition organisations formed in Khartoum, Sudan.
- 2.2.4. Relations between Sudan and Eritrea had been tense since early 1993, when members of the Eritrean Islamic Jihad (EIJ) military wing made armed incursions into Eritrea from Sudan. Both countries subsequently accused the other of harbouring opposition groups. Clashes took place along the border between Eritrean and Sudanese troops in 1997 when tension was particularly high.
- 2.2.5. An International observer in Asmara believed that the ELF splinter group, the EIJ still had supporters in the western lowlands and considered that the group could not operate in the manner they do without such support. It was explained that this group had previously attacked Muslim citizens who support the Government though such incidents had decreased since the war with Ethiopia; mines were however still being laid in the region.
- 2.2.6. As stated in the Amnesty report of 18 September 2002, Eritrean professionals and academics met in Berlin, Germany in October 2000. They subsequently wrote to President Issayas Afewerki, a document which has since become known as the "*Berlin Manifesto*", about the "*political and economic challenges that confront us as a new nation*". The group known as the B-13, most of them from abroad, said that the government had "*lagged behind in the development of democratic institutions, including mechanisms for ensuring accountability and transparency.*" The letter complained that civil society had become alienated and that the collective leadership of the EPLF had been "*abandoned and replaced by one-man leadership*". It cited the "*absence of freedom of expression which has prevented the citizens from exercising their rightful duties of restraining the undue accumulation of power in the presidency.*" In the letter, the group also criticised the Special Court, established outside the normal judicial system, for "*...undermining*

the rule of law and creating disaffection... People have been languishing in jail for many years without being formally charged with any crime." The letter ended with a call for open debate.

- 2.2.7. According to the aforementioned report, PFDJ officials and members of the government reacted vigorously to the criticisms in the "*Berlin Manifesto*". Editors from the independent press were arrested to prevent them from publishing it. Nevertheless the criticisms persisted.

2.3. The G-15 Group

- 2.3.1. In March 2001 fifteen PFDJ party members wrote an open letter to fellow party members accusing the government of acting in an "*illegal and unconstitutional*" manner. This group of people became known as the G-15. Eritrean security authorities detained 11 members of the group in Asmara on 18 September 2001. This was in response to increasing criticisms and opposition to the President and to the G-15 letter detailing "*obstacles to reform*". Four members escaped arrest: three were out of the country and one withdrew his support for the group. Dr Martin Hill of the International Secretariat, Amnesty International, London, UK, told the delegation that he believes that this was a major step to stifle a debate that had been initiated by the newly free press. G-15 reflected a growing mood and had initiated more debate. These arrests stifled all criticism. In the present climate, if such criticism were repeated, even privately, then Hill believed people would be followed, harassed or even detained.
- 2.3.2. An International observer in Asmara explained to the delegation that in contrast to the B-13 which consisted of a group of intellectuals supportive of the national cause, the G-15 were seen as being at the very centre of Government. The Government therefore acted with more vigour and took 11 of the group into detention. The source regarded the fact that the whereabouts of the eleven was unknown as a major concern.
- 2.3.3. The previously referred to Amnesty paper published in September 2002 reports that the eleven arrested members of G-15 all had distinguished histories in Eritrean politics. All were members of the Central Committee of the PFDJ and had been senior EPLF military or political leaders during the liberation struggle. Some of them had been leading members and even co-founders of the EPLF since the 1970s. Some of them had subsequently being appointed government ministers following independence, although all had been dismissed from their posts by the time of their arrests. Three had been Foreign Ministers - Haile Woldetsanae, Mahmoud Ahmed Sheriffo (who was later Vice-President) and Petros Solomon. Three had been army generals.
- 2.3.4. Although as Central Committee members (and thus National Assembly members), they should have enjoyed parliamentary immunity from arrest, it was declared on 4 February 2002 that "*by committing such a crime, defeatism, they have removed themselves from the National Assembly*".

- 2.3.5. The Government accused those arrested of "*having committed crimes against the sovereignty, security and peace of the nation*". In February 2002 the National Assembly "*strongly condemned them for the crimes they committed against the people and their country*". It was claimed that the G-15 had committed treason during the war with Ethiopia.
- 2.3.6. Amnesty also report that to the date of their report of 18 September 2002 that none of the eleven have been brought to court or formally charged with an offence. This is in spite of the Constitution and the Penal Code requiring that detainees should be charged before a court or released within 48 hours of arrest. The maximum period for holding a suspect for investigation is 28 days. No lawyer, however, has dared to bring a "*habeas corpus action*" to challenge the detentions and to demand that the authorities produce the detainees in court. Although no death penalty has been carried out in Eritrea since independence, treason is a capital offence. Hill added in discussions with the delegation that it is widely believed that at least one of the G-15 has died in custody.
- 2.3.7. One international observer told the delegation that if there is support for any group that could be loosely called an opposition then it is for the members of the G-15. People have read about them when there was an independent press although nobody really seems sure what they stood for or whether like the ELF and Alliance of Eritrean National Forces (AENF) the only policy they were perceived to have was a wish to replace President Issayas. They are however connected to the wish for greater democracy, and that has stirred interest in itself. The source emphasised that there is no evidence of a reform movement based on the beliefs and policies of the G-15. The source is certain that no such organisation exists in Eritrea.
- 2.3.8. Yemane Gebreab, Head of the Political Division of the PFDJ (in the IRIN article – "*Interview with Yemane Gebreab, PFDJ political boss*", 27 May 2002) says that what to do with the B-13/G15 is something the PFDJ has been discussing for some time now. "*It was the subject of a very serious debate during the last session of the National Assembly and it has also been the subject of much discussion with the diplomatic community. Internally, the feeling is that these people have committed grave crimes and at the same time there is discussion on how we should handle it, and that is to do with our traditions, on how we deal with these sorts of issues and problems. It has to do with how the best interests of this country can be served. This is a very emotional, very painful thing for us. Eritrea is looking at a solution that will help us move beyond this present problem, to resolve this in a way that will heal wounds in this country, rather than creating more wounds*".

2.4. The Eritrean Liberation Front (ELF)

- 2.4.1. Amnesty report in the aforementioned paper of September 2002 that when fighting the oppressive Derge regime prior to independence in 1991, the EPLF joined forces with some of the ELF factions. At independence in 1991 when the victorious

EPLF (later the PDFJ) formed the Provisional Government of Eritrea, there was no reconciliation between the ruling EPLF and the remaining ELF rivals.

- 2.4.2. As a gesture of reconciliation, after independence, ELF members were allowed to return to Eritrea as individuals and on condition that they renounced opposition for a government of union prior to the official creation of opposition parties due for 1998 (interrupted by war with Ethiopia).
- 2.4.3. Amnesty also note in their report of September 2002, that some groups, such as the Eritrean Liberation Front-Unified Organisation (ELF-UO) agreed to the stated terms and, because of this, some of its leaders were given government and military posts. Others, such as the Eritrean Liberation Front – Revolutionary Council (ELF-RC) remained in opposition. The various ELF factions have since continued the armed struggle from bases in Sudan and continue political opposition in exile.
- 2.4.4. In March 1999, ten Eritrean opposition groups based in Khartoum launched the AENF, with the ELF-RC as the main and most powerful component. The AENF announced that it would form an Eritrean Government in exile. The AENF has been dismissed as a creation of Sudan and Ethiopia by the Eritrean government.
- 2.4.5. The ELF factions maintain that hundreds of ELF political prisoners remain in detention. This remains unconfirmed although the US Department of State included these claims in its 2001 report.
- 2.4.6. In the opinion of one international observer to whom the delegation spoke, it would probably not be possible for well-known members of the ELF factions to return anonymously. However, the source stated that ELF members have been encouraged by the government to return to Eritrea and have apparently not faced repercussions for their past activities. All of those that have returned are thought to have renounced further opposition activities in favour of unity through the EPLF/PFDJ. Although the ELF are quiet and are seen as largely irrelevant in Eritrea, the source believed that there may still be active members of the ELF factions in Eritrea, especially on the Sudanese border. The source is of the opinion that in general they do not openly conduct opposition activities.
- 2.4.7. A western embassy in Asmara told the delegation that they understood that the ELF-RC were now based in Sudan though they may be occasionally active in the north of Eritrea.
- 2.4.8. Another international observer told the mission that the ELF is seen as an organisation of very limited support. Although there are thought to be pockets of support along the Sudanese border, there is no feeling that people are waiting for the ELF to return. They are seen as an irrelevance of the past and an organisation that is too linked to Sudan and Ethiopia. They essentially represent no one and many feel that the various branches around the world exist only to make themselves money. Nothing comes to Eritrea.

- 2.4.9. The source stated that the ELF are seen as disgruntled people whose only policy was to get into power, and to that end they will side with Eritrea's most bitter enemies before Eritreans. This view was borne out with the recent Addis Ababa conference by the Alliance of Eritrean National Forces (AENF), a grouping of ten Sudan-based opposition organisations, formed in Khartoum (Sudan) in March 1999 during the border war with Ethiopia.
- 2.4.10. At this meeting in Addis Ababa (Ethiopia), the AENF declared themselves to be an opposition government in waiting and called on Ethiopia and Sudan to help in the overthrow of the current Eritrean Government. The source was of the view that Chairman of the ELF-RC, Seyoum Ogbamichael, is remembered by many as an arrogant and power hungry man in Eritrea who few if any would welcome back. He is seen as bitter for having missed his chance in the 1970's and 1980's.
- 2.4.11. The source was of the opinion that most Eritreans believe the AENF (now the Eritrean National Alliance) helped the Ethiopians during the border war, resulting in many Eritrean deaths. In Asmara it is often said that the AENF and the Kunama tried to stab the Eritrean nation in the back when facing the Ethiopians. Whether true or not, they are now universally mistrusted.
- 2.4.12. As noted in the CIPU country assessment of October 2002, during the second session of the Revolutionary Council, held between August 11th and August 18th, 2002, Seyoum Ogbamichael replaced Ahmed Nasser as chairman of the ELF-RC. Ahmed Nasser is now in charge of a newly created office called the Unity Affairs Office. Ibrahim Mohammed Ali who held the position of the chairman, before Ahmed Nasser, has now been elected to the position of Spokesperson for the ELF-RC, a position formerly held by Habte Tesfamariam.

2.5. Plans for transition to democracy

- 2.5.1. As noted in the CIPU country assessment of October 2002, the Constitution provides for democratic freedoms, but the government of President Issayas says that the provisions of the Constitution have not been implemented fully. He says that the elections have not taken place (most recently scheduled for December 2001 but not held) because of the outbreak of the border conflict with Ethiopia in 1998 and the resulting chaos caused to the Eritrean society including the problems concerned with de-militarising.
- 2.5.2. In terms of the future prospects for democracy, a western embassy in Asmara told the mission that the outlook was not positive. Whilst noting that a little had been done at the most local level, the source saw no possibility of democratic national elections in the short to medium term, whatever the EU might do to encourage these. It was explained that the president currently does not see an immediate need for democracy and the source commented that in a sense he was right.
- 2.5.3. The above source considered that the most powerful figures in the country were President Isaayas, the Minister of Information and the Head of the President's Office Yemane Gebremeskel, plus a handful of others who, between them, run the

country. It was added that what is seen as "*The Government*" is fictional and many who have the title of "Minister" have in practice neither funds nor personnel. The source went on to explain that the individuals who run the country make many of their decisions on an ad hoc basis; the decision to ask many of those involved in de-mining operations to leave the country on 31 August 2002 was given as one such example.

- 2.5.4. An International observer in Asmara told the delegation that they considered that elections would take place in the medium term but doubted that such elections would result in a multi party parliament. The source considered it difficult to see any serious opposition to the ruling PFDJ, as they would have no chance to organise. The source expressed the view that the Government opinion, in light of the current border situation, is that the time is not right for divisive political activity but, instead, believes that people should be united.
- 2.5.5. In discussion with the delegation, another western embassy in Asmara acknowledged progress was very slow and considered that before real progress could be made the new constitution would have to be finalised. The source confirmed that work on the new constitution, based upon Ethiopian law, was on going but was not aware when this would be completed. However, the source considered that there were positive signs with regard to what had been drafted, noting that the country had inherited an out of date Ethiopian constitution, penal code and general infrastructure. For this reason, the international community had initially given the Eritrean authorities the benefit of the doubt in spite of progress towards democracy being slow. It was noted that since 1998 progress had not been heading in the right direction but the difficulties of the transition from a country run by former liberation fighters to a modern government were acknowledged.
- 2.5.6. In assessing the possibility of progress in the future, the source considered that either progress would continue to be made, albeit slowly, until such time as free elections are held, or those in power would take the decision that Eritrea is not in a position to move forward at this time and more repression would result. The source noted that there were signs that the country was opening up prior to the border conflict with Ethiopia but since then the Government had closed ranks.
- 2.5.7. The source saw the arrests in September 2001 as an unwelcome development that suggested the Government was unwilling to progress towards democracy. However, the source noted that there have also been recent developments that are seen as positive. These include the government's response to the World Bank's Poverty Reduction Strategy Paper (PRSP) which was considered favourable, and may allow funds to be freed up, and a statement from the president that he would like to recommence talks with the EU to resolve problems.
- 2.5.8. Yemane Gebremeskel, Director of the Office of the President, believed that elections could happen as early as summer 2003, and was at pains to point out to the delegation that regional elections were now taking place. He stated that although these elections were unlikely to be based on differing political parties, there would be openings for independents (that is people who were not of the

PFDJ party) to stand for office. What would not be allowed were divisive politics, as Eritrea has had enough conflict for now and wanted to focus on unity. Party based elections could come later.

3. CURRENT HUMAN RIGHTS AND HUMANITARIAN SITUATION

3.1. Human rights situations of ordinary civilians

- 3.1.1. The US Department of State country report of human rights practices - 2001 published in March 2002 reports that arbitrary arrest and detention remain a problem within Eritrea. An unknown number of people that are suspected of association with the Ethiopian Mengistu regime, radical Islamic groups and terrorist groups remain in prolonged detention without charge. In addition to this a number of detentions of people, mostly with known ties to political dissidents, have been detained without charge since September 2001. In August 2000 the Government allowed the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and prisoners of war. Freedom of the Press remains limited although independent newspapers were flourishing until their closure in September 2001.
- 3.1.2. In giving their opinion on the Human Rights situation within Eritrea all sources consulted by the delegation who are referred to within this sub section made reference to the lack of democracy within the country when giving their opinion on the general human rights situation. However, given that details regarding the political situation within this report are fully covered elsewhere in this report this section focuses on their other specific observations.
- 3.1.3. One western embassy in Asmara described the general human rights situation within Eritrea as "quite bad" from the point of view that dissidents were taken into detention without trial and the general lack of democracy. It was noted that all existing parliamentarians were linked to the ruling party and suggested that in effect the Government was effectively a dictatorship. Whilst viewing this situation as "worrying", the source added that the Government did not compare with the military dictatorships that control some other countries. However, the source also noted that the Government appeared to respect and work according to the draft constitution although it was pointed out that this is neither complete nor ratified. It was also remarked that corruption is not an issue at the highest level of Government.
- 3.1.4. The above source considered that the Government could be better working and successful if it had the necessary numbers of staff with requisite skills. However, it was observed that the existing policy regarding national service limited resources in terms of manpower and education. Nevertheless, it was noted that the Government took seriously any kind of international protocol relating to human rights and rights of the individual that it was invited to sign and would not sign unless there was genuine satisfaction that the commitment they were signing up to could be met.
- 3.1.5. In response to questions by the delegation, another western embassy in Asmara spoke quite positively in relation to the general human rights situation for law-abiding citizens. It observed that "the current regime is not brutal or mad" and that

for the vast majority of citizens who do not criticise the Government it is possible to live in peace. The source expressed the opinion that Eritrean people generally have a "sheepish mentality" and where as they believed increasing numbers of people were against the Government they believed the vast majority would do nothing about it, "just sit back and await change."

- 3.1.6. It was noted that the death penalty still exists but in reality it only does so on paper. However, rather than build on the positives, the source noted that recent developments, particularly those since the border conflict, have seen the Government turn very badly. The source described the Government as "highly authoritarian" but regarded it as being reflective of Eritrean society.
- 3.1.7. The above source went on to explain that human rights are not respected in the way that they are in the west. It was noted that there are certain aspects of life where the population accepts tough measures and rough treatment and the source considered this to be ingrained within the culture. In illustrating this view the source observed that walking in the evening within Asmara one might see a group of three soldiers, one would carry a Kalashnikov, the second a big stick and the third would be female. It was stated that the soldier with the big stick would not hesitate to use it.
- 3.1.8. A third western embassy in Asmara noted that unlike most countries the police are seldom seen on the street though occasionally groups of 2-3 soldiers might be observed participating in round ups for national service or a general ID check. The source considered detention conditions in Eritrea compared favourably with those in some neighbouring countries in the region. Reference was made to the Human Rights training ICRC provides to the army.
- 3.1.9. Ali Mohamed, Management Committee Member, Eritrean Human Rights Organisation, London, expressed particular concerns regarding special courts, which he believed, did not afford defendants a fair trial. As reflected in the US Department of State Report of March 2002 the special court system was ostensibly created to reduce a growing backlog in the civilian court system. However, as the US Department of State report explains in practice the special courts, which do not permit defence counsel or 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 who have little or no legal experience. The Special courts reportedly base their decisions on "conscience," without reference to the law. There is no limitation on punishment. The special courts have jurisdiction over some criminal cases, such as capital offences, felonies, misdemeanours, 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.
- 3.1.10. Dr Martin Hill, International Secretariat, Amnesty International, London, UK believed there to be indications that certain people, who in the past were considered to be missing, may actually be languishing in Eritrean jails.

3.1.11. With regard to freedom of movement within the country an NGO employee explained to the delegation that there were regular checks on Eritrean nationals moving within the country. For example, the source stated that a public bus running between Asmara and Massawa might be stopped twice for a document check, particularly on the outskirts of one or both of the cities concerned. The purpose of such stops is, according to the source, solely to check that passengers were not evading their military service (*see also section 8: Military Service*).

3.2. Use of torture

3.2.1. The Penal Code of Eritrea, a modified version of the Ethiopian Penal Code, and the Constitution prohibit torture or cruel, inhuman or degrading treatment or punishment. However, as reported by the US Department of State many observers believe that the police at least occasionally resort to torture and physical beatings of prisoners, particularly during interrogations.

3.2.2. Concerning torture, a western embassy in Asmara said, in discussion with the mission, that they were not aware of any reports of torture being routinely used in Eritrea although it was confirmed that forced labour was used in some circumstances.

3.2.3. Commenting on the same point one western embassy in Asmara said they did not believe torture was common practice in Eritrea and remarked that if it were, the embassy would have heard reports. The source stopped short of going to the extent of saying torture did not occur at all but was clear in the view that its use was not systematic.

3.2.4. Contrary to the above view another western embassy in Asmara, whilst not aware of any reports of torture, did not consider that they would be informed of such incidents if they did occur. This source also expressed the view that whilst there was little doubt that soldiers might have treated Ethiopian POWs roughly they were sure that they would not have been inhumane.

3.2.5. One international observer in Asmara told the delegation that whilst they were personally not aware of anyone who had been subjected to torture they assumed it probable that torture was used in some circumstances, such as against the Eritrean Islamic Jihad. However, the source added that it was not possible to comment whether an occasional beating was policy or represented more an isolated incident. The source added that they would be greatly surprised if corporal punishment and other rough treatment were not used on occasion. However, the source considered that the situation did not amount to the culture of systematic torture that exists in certain other countries in the region. The source added that of the 100 odd people detained in the last third of 2001, they were not aware of reports that any had been subjected to torture.

3.2.6. In contrast to the above Hill believed torture to be quite prevalent within the Eritrean military. He explained that Amnesty International is still attempting to

research the issue but have had disturbing reports from army deserters. He described two particular forms of torture: -

Tying – The source believed that this was a penalty given for going AWOL and other misdemeanours. The person is tied up and left in the sun with hands tied behind the back of raised legs. Lack of circulation and associated reasons can lead to the need for amputation in extreme cases. This is known to have been a widespread form of torture under the Menghistu regime.

Helicopter – The person is hung upside down, with legs over a pole and then beaten on the feet. This is another form of torture practiced during the Menghistu regime.

- 3.2.7. The above source also commented that unlike the Ethiopian army, which has a very professional system, there is no system of military justice present in the Eritrean armed forces.
- 3.2.8. Hill added that there are also reports that others who have committed misdemeanours are kept in labour camps. He commented that according to reports he had heard there seems no purpose to the work that is done in these places. Prisoners are required to do such things as moving rocks from one place to another as opposed to repairing roads or producing a product.
- 3.2.9. Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK, also noted that there were incidents of torture within the country. Whilst unable to comment on the scale he noted that there were certainly several reports of people tortured in Asab. One international observer also commented that there are certainly beatings in the military and in prisons.
- 3.2.10. Mohamed also stated that beatings at the time of arrest continue to occur in Eritrea, as did a denial of food. In addition it was remarked that keeping people in holes in the ground was not uncommon. In respect of those detained for a more prolonged period this source had no information. However, the source did refer to the issue of the authorities denying holding particular individuals in detention; however, he suggested that this was a relatively new problem. It was also explained that nobody knows the location of the prisons where particular individuals are held. In conclusion it was suggested that the officials within Eritrea would not tell the truth regarding this issue.

3.3. Groups and individuals at risk of persecution

- 3.3.1. Hill stated that Amnesty International's biggest worries related to the arbitrary detention of government critics and journalists and especially the events of September 2001. He also noted that further detentions of both government critics and journalists had taken place since September 2001.

3.3.2. In discussion with the delegation, one western embassy in Asmara commented briefly on the profile of those who have been held in “incommunicado detention” since September 2001 and whose whereabouts is generally unknown.

- Eleven political opponents, most of who are members of the old establishment.
- Critics of the Government – people who have spoken out. The exact number of this group is not known, detentions have also continued since September 2001, the source estimated that as many as 100 could currently be in detention. It was also understood that some of those who have been detained have since been released.
- Journalists (the source did not specify a number).

3.3.3. The source said that whilst the whereabouts of a few individuals was known secrecy generally worked well in respect of this issue and in spite of there being lots of rumours as to the whereabouts of certain individuals nothing was verified. However, they did not believe that those in detention were being badly treated and referred to the fact that several detainees were in fact former fighters. The source also referred to a letter written by one of the detained.

3.3.4. A western embassy in Asmara offered the opinion to the delegation that the only specific group who faced problems within Eritrea at the present time were the Jehovah's Witnesses as a result of their religious objections to military service. The same source considered that those who flee the country to avoid national service might also face a problem if caught and returned. Another western embassy in Asmara believed young girls required to perform military service as part of their national service were at possible risk.

3.3.5. Mohamed informed the delegation that any critic of the Government within Eritrea risked imprisonment. He remarked that organisations such as the ELF, Eritrean Islamic Jihad and movements representing the Kunama, all have links within Ethiopia. However, according to him, anyone perceived to be associated with such groups who talks out would be visited at night and taken away to an unknown location where they would be detained.

3.4. Humanitarian issues

3.4.1. Musa A. Bungudu, Deputy Humanitarian Coordinator & Head of the Office for the Coordination of Humanitarian Affairs (OCHA), Eritrea, provided the delegation with what he described as “*very recently compiled*” statistical information relating to categories of people from within Eritrea in need of some form of assistance (**see Annex 2**). This information also outlines the general nature of assistance afforded to each group. In total, the number of people UN agencies have identified as requiring some degree of assistance is approximately 2.3 million, this figure includes 1.4 million who are drought affected and are expected to require assistance until at least the next harvest in December 2003. Other groups include existing and former IDPs (Internally Displaced Persons) and refugees, other

refugees from countries in the region, persons expelled from Ethiopia, vulnerable urban persons including persons infected with HIV/AIDS and soldiers that, at the time of the mission, OCHA had expected to be demobilised imminently. To provide assistance to all groups a total of US\$ 163 million is being sought from donors.

- 3.4.2. In relation to the IDP camps, which according to the figures provided by OCHA accommodate 47,492 people, Bungudu described the existing condition as good. He advised that IDPs within camps are presently being given 100% of their food requirements and there is access to basic water provision and educational facilities. It was explained that the challenge faced by this group, some of who have spent 2-3 years in the camps, is maintaining their "*hope and aspiration to return to their villages*", most of which have been destroyed in the war whilst the fields surrounding them are frequently mined. Extensive rebuilding, not only of homes but the whole infrastructure is therefore required in addition to which the areas need to be de-mined and agricultural support needs to be given to people once it becomes possible for them to return. In addition to IDPs living in camps some 10,668 are living outside of camps but not within their villages, some of these people are living with family members.
- 3.4.3. On 12 November 2003 the delegation visited the Adiqueshi IDP camp in Gash-Barka province. The camp is located close to the village of Delle, 28 kilometres west of Barentu in the direction of Teseney. This particular camp accommodated approximately 15,000 people at the time of the visit although at its peak it accommodated around 45,000. As confirmed by the previous source the delegation were advised that the population of Adiqueshi received their food requirements in full and had access to other basic facilities including medical.
- 3.4.4. The delegation observed that all structures within the camp were of a temporary nature. However, aside from this the delegation noted that the camp had the feel of a small and bustling settlement. A '*road*' passed through the heart of the camp and here there were a number of small-scale businesses in evidence trading in both perishable and non-perishable goods. Several of these traded in food, others sold clothing and basic household merchandise such as buckets. The delegation also noted at least one establishment trading as a pharmacy though there was no opportunity to evaluate the range or quality of its stock. It was also evident that a number of the residents had their own livestock, primarily goats, though there was little evidence of land suitable for grazing within the vicinity. Persons living within the camp appeared healthy and free to come and go without restriction.
- 3.4.5. The delegation were informed by one western embassy in Asmara that one third of the population fled their homes when Ethiopia invaded and that a proportion of these are still unable to return because of the fact that their fields are mined.
- 3.4.6. In relation to former Eritrean refugees who returned to the country and those individuals expelled by Ethiopia it was explained by Bungudu that assistance is provided geared towards assisting their re-integration into society. In respect of former refugees who number approximately 165,000 it was explained that there was a need to provide on going assistance and support. According to Government statistics provided by the Ministry of Labour and Human Welfare (MLHW) Ethiopia

has expelled over 75,000 Eritreans and Ethiopians of Eritrean descent. Of these 70,715 have been registered with the Eritrean Relief and Refugee Commission (ERREC) including 500 unaccompanied minors. The expellees had their property and possessions confiscated by the Ethiopians and arrived in Eritrea only with what they could carry.

- 3.4.7. Bungudu explained to the delegation that the current drought situation had extended beyond the traditional areas of drought and threatened the country's natural "bread basket"; as such he viewed the situation as very serious. By early 2003 he anticipated major malnutrition problems. It was added that drought of 2-3 years is not uncommon to the country but the situation this time was compounded by a lack of fresh drinking water for people and their animals.
- 3.4.8. In respect of those who may be at risk for humanitarian reasons a western embassy in Asmara identified the rural poor as being particularly vulnerable in view of the fact that they have few assets of their own. The source expressed the view that this section of the population that would become at increasing risk as a result of the drought that is expected to have increasing consequences for the country, at least up until the next harvest which is due in late 2003.
- 3.4.9. Bungudu also commented to the delegation on this issue of military service and particular challenges that would need to be addressed in managing this process (see section 8 - Military Service).

3.5. Human rights organisations and NGOs

- 3.5.1. As referred by the US Department of State, responsibility for handling human rights enquiries is held jointly by the Ministry of Foreign Affairs and the Ministry of Local Government. All NGOs must register with the ERREC. Following a Government order in 1998 most NGOs left. In 1999 they began returning when the Government encouraged their involvement in development and humanitarian aid. At the end of 2001 there were 34 international and 14 domestic NGOs operating in the country, the majority of which are involved in emergency assistance.
- 3.5.2. A Government proclamation that religious organisations, including religious-based NGOs were not permitted to engage in development activities never has been enforced in practice. In addition the four main religious groups (Orthodox, Catholic, Muslim, and Protestant) continue to coordinate the provision of relief services to deportees from Ethiopia in conjunction with ERREC. A governmental proclamation requiring that all private NGOs hire only those who have completed their national service has never been enforced in practice.

3.6. Local NGOs

- 3.6.1. As reported by Amnesty International in the report "*Arbitrary detentions of government critics and journalists, 18 September 2002*", independent national NGOs that might be critical of the government are generally not allowed. The

Eritrean Human Rights and Development Centre set up in 1992 to promote human rights was shut down in 1993. Citizens for Peace in Eritrea (CPE) was granted registration during the Ethiopian war but its work focused on Ethiopia's abuses against Eritreans. The US Department of State report that local groups were not permitted to monitor conditions in prisons during 2001.

- 3.6.2. A western embassy in Asmara advised the delegation that Citizens for Peace were formed in 1998 to deal with human rights issues. However, it was explained that the organisation had recently focused its activities on assisting IDPs and expellees.
- 3.6.3. A prominent member of the Eritrean community told the delegation that there were not many truly independent local NGOs within the country. Many organisations representing specific groups are under Government control but two NGOs that the source did regard as independent were Vision Eritrea which deals with rehabilitation and development work and HABEN that aims to respond to the issues relating to IDPs. The source understood that when HABEN was formed two years previously it had taken six months to obtain the necessary licence to operate. It was also stated that the organisation had been denied permission to carry out certain major projects including a survey to support women who had experienced sexual harassment in war affected areas. It was explained that the Government wanted the money to run such projects itself but the source did not consider that the Government would have either the knowledge or desire to undertake such work. The source believed that the other NGO, Vision Eritrea, had experienced similar problems and noted that in response to requests from NGOs the Government generally did not say no, it said wait. The source was not aware of any members of local NGOs having been arrested in relation to their activity.

3.7. International NGOs

- 3.7.1. The Amnesty report of 18 September 2002 notes that international development NGOs have also experienced government restrictions on their work and have been required to channel all their activities and funds through the government, rather than working directly with local communities. In 1994 the government enacted a law allowing religious freedom but barring religious groups from engaging in political activities. It stripped the Jehovah's Witnesses (Watchtower) Christian sect of civil and political rights because its members in Eritrea refused compulsory national service. In July 2002 the government refused Amnesty International's request to visit Eritrea to discuss its concerns and hear the views of the Government. The Government accused Amnesty International of biased reporting and having failed to support its liberation struggle.
- 3.7.2. According to the US Department of State most international human rights organisations were not permitted to operate freely within the country during 2001. An exception was the International Committee of the Red Cross (ICRC), which continued its programs during the year and provided shelter and supplemental food to approximately 100,000 persons displaced by the conflict with Ethiopia. The ICRC also visited prisons and detention centres during the 2001. The

Government allowed the ICRC to visit and register Ethiopian civilian detainees in internment camps, police stations, and prisons, and to visit Ethiopian POW's; however, the ICRC was not permitted to visit the approximately 750 Ethiopian soldiers who the Government claims are deserters from the Ethiopian army.

- 3.7.3. Friedrun Medert Le Borgne, Head of Delegation, ICRC, Eritrea told the fact-finding mission that in fact all NGOs in Eritrea work through ERREC. She confirmed good relations between the ICRC and ERREC and that the two organisations have dealings on day to day basis. It was explained that the only prisoner visits that ICRC has clearance to undertake are to POWs. Over the years it was also confirmed ICRC have at times been given access to normal prisons, but this is the exception rather than the rule. This is in accordance with the 4th Geneva Convention. One international observer told the delegation that whilst ICRC do visit prisons they do not visit all prisons and they will see what the authorities want them to see.
- 3.7.4. Le Borgne also commented that the World Food Programme (WFP) have been particularly active within the country since the failure of the rains. ICRC assistance is provided in respect of non-food programmes.
- 3.7.5. Bungudu explained that the presence of mines is one of the principle reasons why IDPs are not returning to their villages. It was acknowledged that the Government had not allowed 2-3 International NGOs engaged in de-mining activity to continue their work; he understood that this had been because they had not been satisfied with the speed or standard of the work being undertaken. The source understood that personnel from these organisations had left the country. However, Bungudu confirmed that de-mining activity programmes led by the United Nations Mine Action Coordination Centre (UNMACC) and the HALO Trust were both on going. He added that the border regions are the most heavily mined areas of the country.
- 3.7.6. Concerning the activities of international NGOs a prominent member of the Eritrean community told the delegation that in his opinion the Government had restricted the work of these in 1997 to education and health. Subsequently to this they expelled all international NGOs and closed down those operating locally, something repeated the following year. As a result of the war the source stated that these organisations had been allowed back in.

4. FREEDOM OF SPEECH AND THE PRESS

4.1. Background

- 4.1.1. As noted in the Home Office CIPU country assessment of October 2002, the Eritrean Constitution provides for freedom of speech and of the Press but in practice the Government restricts these rights. The Amnesty International report, *“Arbitrary Detention Critics of Government Critics and Journalists”* (published 18 September 2002) explains that the Press Law enacted in June 1996, (Proclamation no.90/96) allowed private newspapers to operate alongside the government-owned print media for the first time. It did not permit privately owned radio or television to compete with the government's broadcasting services. It did however guarantee freedom of the print media and prohibited censorship except under special circumstances such as threats to public order or national security.
- 4.1.2. In the above-mentioned report Amnesty refers to the Press Law enacted in June 1996 and notes the definition of its objectives and functions as set out in Article 2. This states that the press *“serves society by disseminating political, social, economic and other information”, “respects human rights and liberties and defends them”, “works for unity, peace and stability and the development of democratic practice and culture” and “works to realize national objectives, rectify the operation of government and develop public control and constructive criticism by affording opportunity for diversity of opinion in national matters and contributing to the clarification of ideas helpful to the organs of government in seeking solutions”.*
- 4.1.3. A prominent member of the Eritrean community confirmed to the delegation that the TV and radio were Government owned and controlled. It was also explained that only one newspaper is regularly published within the country: this too is state owned. Reference was made to the closing down of the private media in September 2001, at this time several publications were affected and a number of journalists were arrested, ten of who remain in jail. The delegation was advised by the source that the only private media sources focusing on Eritrean news today were certain Internet websites.
- 4.1.4. An International observer simply commented to the delegation that *“freedom”* was not the term that would be best used to describe the existing situation regarding the media within the country.
- 4.1.5. A western embassy in Asmara remarked that for some 80% of people living in Eritrea there was no access to any form of media, be it the press, radio or television.

4.2. Media control

- 4.2.1. Amnesty International state in their report of 18 September 2002, that the Press Law imposed tight restrictions on press freedoms. Newspapers must be officially

registered and owned by Eritreans only. People who are "prohibited from establishing political associations", "*deprived of their political rights*" and who "*oppose the principle of national unity or are advocates for division or disintegration*" are banned from owning newspapers. Publishing articles from foreign publications requires official permission.

4.3. Monitoring of Internet access and messaging

- 4.3.1. More than one western embassy in Asmara volunteered to the delegation that e-mails were monitored. One NGO employee stated that in their experience several e-mails had not reached their intended recipient. This source understood that this was because e-mails going out of the country are monitored and, liable to be deleted. However, another NGO employee stated that they had not encountered any such problem.
- 4.3.2. A prominent member of the Eritrean community told the delegation that Internet monitoring was not a major problem within the country, noting that Internet access was in any event very limited having been introduced only two years ago, and predominantly restricted to Asmara. However, it was pointed out that printing off and passing on articles could be dangerous. It was also explained that the Internet had not spread widely into the business sector and where there was access, primary use was for E-mail purposes.

4.4. Independent newspapers

- 4.4.1. According to the US Department of State country report on human rights practices - 2001, published in March 2002, as of September 2001 a total of eight independent newspapers were being published within Eritrea on a weekly or twice weekly basis. Some of these publications had a significant readership, the largest being "*Setit*" with a circulation of 20,000. Other titles included "*Kestedebena*" and "*Tsighena*", each with a circulation of 15,000. "*Mekalih*", reportedly the smallest publication, had a circulation of 10,000.
- 4.4.2. According to the Amnesty report of 18 September 2002, although the journalists were mainly untrained, the professionalism and standards of the newspapers was developing steadily. A new course in journalism was started at the University of Asmara, its first graduates being pressed to work in the Ministry of Information as part of their national service. The US Embassy began professional training courses for print journalists, which were attended by staff from both the privately owned and government media.
- 4.4.3. One International observer advised the delegation that they understood that the first incident of the Government demonstrating intolerance towards the printed press was in relation to a Catholic periodical that had carried an article criticising the Labour Commission's decision to release 20,000 employees considered to be "*pro-Ethiopian*" or "*collaborators*". The article, which the source believed to have been published in the mid 1990's explained that many of these people were best qualified for their posts and had no interest in politics but had instead pursued a

good education so as to secure a good job. The source commented that this was the last edition of the publication to be issued.

- 4.4.4. The source explained that two years of purely Government publications followed this incident but in 1997 privately owned journals began to appear. Between 1997 and September 2001 a number of independent papers came into circulation and flourished. The source described these as the “*tabloid press*” and “*generally of awful quality*”. Aside from gossip, when opposition figures began to appear within the PFDJ those with views dissenting from the leadership used the independent media to promote these. This also coincided with the student unrest of summer 2001. The Government reacted by closing down the entire privately owned press. The source explained that some would say that this occurred because the tabloid press was causing chaos and simply attribute the decision to the Media Commission. However, there is also a widely held view that this step represented an effective tool to clamp down on the voices of opposition.
- 4.4.5. One western embassy in Asmara considered the free press that had existed up until 2001 had been of poor quality though they were nevertheless reflective of the general country situation. According to the source, these papers had been printing “*whatever they liked*” and articles were not objective. However, it was noted that the Government controlled press did not contain accurate stories either and the source observed that at least the free press raised issues that would otherwise not have come into the public arena.
- 4.4.6. Another western embassy in Asmara recalled that the scale of the free press was never more than a small number of papers that generally consisted of a folded sheet of four pages. This source considered that it could only be described as “*a beginning*” and remarked that when publications were halted in September 2001 “*Eritrea had not lost much*”.
- 4.4.7. However, in contrast to the above a prominent member of the Eritrean community with spoke positively about the quality of some independent publications. This source recalled that the first such publications had appeared in 1995 or 1996. It was explained that these had been established by university graduates and also ex-combatants wanting to create a business. By 1997 the source said that these private publications operated with support from the Ministry of Information and received some assistance in obtaining books and equipment internationally. In 1998 the number of private newspapers increased as the business flourished. The publications began to report on the war with Ethiopia in 1998, by which time the source believed around nine titles were in circulation. It was explained that up to 90% of a single publication could be about the war. At the time the authorities welcomed this as it assisted in agitating the population. It was noted that the private press did also cover other articles, including cultural issues and sports.
- 4.4.8. The same source explained that when the war ended in 2000 the papers began to report individual’s views regarding the subject and the manner in which it had ended. These reports generated interest amongst the population because they did not necessarily reflect the views of the Government. It was explained that Government officials had previously expressed near identical views and the state-

controlled media had not reported any articles that suggested division within Government. Overall the source considered that the private media has done an excellent job. This resulted in one particular private publication, Setit, enjoying a circulation of 40,000 at its peak, exceeding the major official Government publication's circulation of 30,000. Distribution of Setit also spread beyond Asmara, with copies selling out early in the day. The source considered that this reflected the honest and trustworthy news that the population perceived the private media to be providing at the time and represented their desire for such reporting. In the summer of 2001 the private press covered the arrests of students.

- 4.4.9. The same source explained that the private press had not carried the views of any opposition political parties, noting that such parties were illegal. The articles that appeared were based upon individual opinion, including the views of prominent fighters and reformists. Another particular area to receive coverage was the issue of disabled fighters, who had been subjected to mistreatment, ignored or neglected. The source confirmed that there was no coverage of the ELF and expressed the view that to carry such stories would have been dangerous. It was added that most editors were ex-combatants and were opposed to the ELF.
- 4.4.10. Finally, the aforementioned source advised the delegation that although there was technically no independent media operating within the country there were reports from local people in border regions, particularly those from along the border with Tigray where the opposition operates, that newspapers and leaflets were sometimes distributed. In addition, the source stated that the opposition broadcast for 30 minutes per day in three languages from within Tigray province (Ethiopia), which the source understood to be popular with some within the region.

4.5. The Media and the Law

- 4.5.1. The US Department of State has reported that the Government used the libel law to intimidate journalists prior to September 2001. In 1999 a newspaper editor was arrested for refusing to divulge the address of a letter writer. He was rearrested later in 1999 and further charges were made, some of which were later dropped. Six charges remain pending but his trial has been indefinitely suspended as the editor has been inducted into the army. The editor in chief of the independent newspaper Kastedebana has been charged in seven libel cases, but the cases were suspended pending the editor's return from a sentence of hard labour imposed for leaving his post without proper leave papers. In August 2000 the Government arrested and detained for a day the editor of an independent newspaper, allegedly for possessing expired leave papers. In October 2000 officials from the Ministry of Defence detained eight journalists apparently to check their draft status. However, observers believe they were detained because their newspaper had been calling for access to National Assembly elections. Six of the eight journalists were subsequently reported to have been released, two others were inducted into the military to fulfill national service obligations.
- 4.5.2. According to the above source some journalists have alleged they were targeted unfairly for the draft. Some have complained of routine harassment by individuals

they believe work for the Government, claiming to have received threatening telephone calls and alleging that unidentified person's showed up at their offices and threatened them.

- 4.5.3. As referred to in the CIPU country assessment of October 2002 the Government closed eight privately run newspapers in September 2001 (at the same time as the G-15 arrests). At this time the authorities stated that they had been "*suspended temporarily*" and would be allowed to reopen "*once they learned to abide by Eritrean press laws*". Over the days following the G-15 arrests, the police arrested 10 leading journalists.
- 4.5.4. The Amnesty report of 18 September 2002 refers to the detention of four further journalists since September 2001. It is also reported that over 20 Eritrean journalists have fled the country so as to avoid arrest. Although most are from the private media some are reportedly from the government-owned media. It is also reported that new Eritrean refugees in the USA have formed the Eritrean Journalists in Exile Association (EJEA). This organisation claims to have 30 members worldwide and publishes on the Internet.
- 4.5.5. Regarding the closure of the independent press in 2001, a western embassy in Asmara stated that prior to their closure the papers had been carrying fabricated stories. It was also stated that there were reports of individuals bribing editors to print fabricated articles, amongst those said to be responsible were Saudi Arabian nationals who sought to promote fundamentalism. The source also noted that one western diplomat had also been alleged to have sought to bribe journalists to have a pro-democracy article published, an accusation that was never denied.
- 4.5.6. A prominent member of the Eritrean community informed the delegation that the arrests of journalists in September 2001 had been anticipated. It was commented that the timing of the arrests had been shrewd as the world's attention was focused elsewhere following the 11 September 2001 attacks in the United States.
- 4.5.7. In discussion with the delegation Ali Mohamed, Management Committee Member, Eritrean Human Rights Organisation, London, said that he considered that the Government had sought to minimize the impact of the free press, most of which was published in Tigrinya, by imposing restrictive conditions. During the war with Ethiopia he explained that the free press had leaked information outside the country; this had angered the Government and ultimately led to the free press being collectively shut down in September 2001 and a number of arrests being made. The source was also of the opinion that those who had been arrested had since been held in detention without trial. He added that some individuals who believed themselves to be at risk of arrest due to their connections with the free press had fled the country, initially to Ethiopia or Sudan.

4.6. Imprisoned journalists

- 4.6.1. At a meeting with one western embassy, reference was made to a letter smuggled out by one detained journalist in December 2001. The journalist confirmed where

he was being detained and that he was being well treated albeit that he was "*extremely bored*". One international observer also commented that the journalists taken into detention had not "*disappeared*" and had been heard of since their detention. On the other hand another western embassy in Asmara stated it had no information on the situation concerning the journalists arrested in 2001.

5. RELIGIOUS FREEDOM

5.1. Current Situation

- 5.1.1. As noted in the Home Office CIPU country assessment of October 2002, the Constitution officially provides for freedom of religion, but the Government has restricted this right in practice with regards to members of the Jehovah's Witness faith. Until mid-2002 there was no official requirement to register a religious group with the state, however the state owns all land so all religious organisations that seek facilities for worship, other than homes, must seek the approval of the government to gain such premises or land.
- 5.1.2. The US Department of State Report on Religious Freedoms - 2001 states that the government prohibits political activity by religious groups and the Government's Directorate of Religious Affairs in the Ministry of Local Government monitors religious compliance with this proscription against political activity.
- 5.1.3. The report notes that although reliable statistics are not available, approximately 50 percent of the population is estimated to be Sunni Muslim, and approximately 40 percent to be Orthodox Christian. The population also includes a small number of Eastern Rite and Roman Catholics (5 percent), Protestants (2 percent), smaller numbers of Seventh-Day Adventists, and fewer than 1,500 Jehovah's Witnesses. A small minority, perhaps 2 percent, practices traditional indigenous religions. Some Kunama, for instance, still practice the traditional worship of the Goddess Anna. Also present in very small numbers are practicing Buddhists, Hindus, and Baha'is. The population in the eastern and western lowlands predominantly is Muslim and in the highlands predominantly Christian. There are very few atheists. Religious participation is high among all groups.
- 5.1.4. As also noted in the CIPU country assessment of October 2002, within the country's geographic, ethnic, and political concentrations, the majority of members of the Tigrinya ethnic group are Orthodox Christian, with the exception of the Djiberti Tigrinya, who are Muslim. The majority of the Tigre, Saho, Nara, Afar, Rashaida, Beja, and Blen ethnic groups are Muslim. Approximately 40 percent of the Blen are Christian, the majority of whom are Catholic. The majority of members of the Kunama ethnic group are Catholic, Muslim, and practitioners of traditional indigenous religions. The central and southern highland areas, which generally are more economically developed than the lowlands, predominantly are populated by Christian Tigrinyas and also some Muslim Djiberti and Saho. The Afar and Rashaida ethnic groups, and some of the Saho and Tigre ethnic groups, live in the eastern lowlands. The Blen live on the border between the western lowlands and the central highlands and are concentrated in the Keren area, which also includes a significant minority of Tigre and Tigrinya speakers. The Beja, Kunama, Nara, and the majority of Tigre live in the western lowlands.
- 5.1.5. According to officials in the Eritrean Religious Affairs Office, the Government allows religious schools to operate independently as long as they adhere to a

standard curriculum. There are no chaplains in the military; however, military personnel are free to attend nearby houses of worship.

- 5.1.6. An international observer informed the delegation that the Sawa military training establishment is not only secular, but also that the practice in operation there is to mix religions and races of the trainees. This is so that squad members have to rely on people who are of differing religions and races but who above all are Eritreans.

5.2. The Events of August 2002

- 5.2.1. The US Department of State Report for 2001 reports that in 2001 the Government began closing “*Pente*” facilities. “*Pente*” is a collective term indicating those churches not belonging to the four principal religions in the country. The “*Pentes*” include Born Again Christians, Pentecostals, Full Gospel, and other smaller Protestant groups.
- 5.2.2. In May 2002 the Government issued a decree that all religious groups must register or cease all religious activities. All religious facilities not belonging to the Orthodox Christian, Muslim, Catholic, or Evangelical Christian faiths were closed by the end of the period covered by the US Department of State Report on Religious Freedom published in October 2002. Authorities also informed “*Pente*” groups that a standing law would be used to stop political or other gatherings of more than five persons in private homes; however, there were no reports that the standing law has yet been enforced.
- 5.2.3. One international observer told the mission that the August 2002 closures of “*fringe faith*” places of worship were met with some surprise by many although not greeted with much support.
- 5.2.4. The source added that the “*Pente*” religions were a continual matter of annoyance to those chatting in the coffee shops in Asmara. The fringe/new religions especially those from the United States were seen by many as divisive and offensive. People complained of evangelists shouting at Muslims that they were “*all going to hell*” added the source.
- 5.2.5. Another International observer stated that many of these groups were very evangelical in their approach; many Eritreans had a poor image of such groups. Furthermore, the source considered many of the more evangelical groups to be aggressive in their recruiting. This is in contrast to the ‘big four’ religions who have in recent times practiced co-operation between the faiths especially in helping disadvantaged groups and the Ethiopian deportees.
- 5.2.6. As noted by the US Department of State, this behaviour by the newer religions goes against the religious traditions of Eritrea where a person is encouraged to respect all faiths, even to the extent that some religious holidays are celebrated jointly by the main faiths.
- 5.2.7. The minority sects that were effectively closed in August were, according to a prominent member of the Eritrean community, generally suspected of being

externally funded, mainly from the USA and Western Europe, a view supported by the amount of money that they seemed to have at their disposal. Large meetings were held at top hotels including the Intercontinental, the most expensive in the country. It was noted that no local or regional group could afford to do this.

- 5.2.8. An international observer also informed the delegation that the above mentioned minority sects had been closed. Reference was made to a problem as regards to registering although the in the course of its consultations the mission did not receive clarification as to why or how this has come to pass.
- 5.2.9. The situation of the closing of religious buildings was described to the delegation by an attendee as being like an audit. Attendees were told that things would need to be assessed and checked up on (such as membership and activities). No time scale was ever given for when or if this would be concluded. Soldiers have visited these buildings, which remain open for administration purposes but may not be used for religious ceremonies. The delegation heard from this source rumours of soldiers setting up positions near, to or even within, some of these religious buildings.

5.3. The Religion of the Kunama

- 5.3.1. The Lonely Planet guidebook reports that an increasing number of the Kunama are Muslim or Christian but the great majority are animists. According to their beliefs, the higher divinity, Anna, created the sky and the earth but is largely indifferent to human fate. The spirits however must be placated before every event, even the ploughing of a field.
- 5.3.2. However the CNEWA (Catholic Near East Welfare Association) website expresses the view that the Kunama are not animists, stating that the Kunama honour the land, but do not worship trees and the earth, just respect these resources. The Kunama, even those who have not adopted Christianity, are not animists, but monotheists, because they believe in one God.
- 5.3.3. Evidence of this belief and tradition could be seen during the famine in the 1980's. Aid agencies rationed food to each ethnic group, but the Kunama passed their supply to those more in need. While others barely subsisted with crude agricultural methods. The above source concludes that the Kunama had, and still have, knowledge of plants and wildlife that sustains them, even in less prosperous times.

5.4. Jehovah's Witnesses in Eritrea

- 5.4.1. The delegation met a prominent member of the Jehovah's Witnesses in Eritrea. This source explained the history of the Jehovah's Witnesses, the Government's attitude to members of the faith and the attitude of non- Jehovah's Witnesses.
- 5.4.2. The first recorded members of the Jehovah's Witnesses' in Eritrea date back to the late 1950's or early 1960's. At present there are around 1,200 – 1,300 in Eritrea

but the number is falling as more and more leave the country through Sudan and Ethiopia.

- 5.4.3. According to this source, the procedures for becoming a recognised Jehovah's Witness are strict and difficult. Before they are baptised a person has to prove their knowledge and devotion to the faith. Much study is needed, so much so that the source stated *"if a person claiming to be a witness did not know all of the main points of the faith then that is a lie"*. They added, *"A person can be termed as a Witness, attendee or liar. An attendee is nothing, anyone can attend a witness event but that does not make the person a Witness. Only those baptised and possessing the correct knowledge should be considered as Witnesses"*, and at that point according to the source, they will be subject to persecution in Eritrea.
- 5.4.4. There are no Kingdom Halls in Eritrea, nor have there been any since independence. The government owns all land and as they do not recognise the faith it cannot get permission to set up Kingdom Halls. Worship 'underground' is illegal also. Meetings that are not sanctioned are not allowed to involve more than 5 persons. The source observed this is less than many Eritrean families. *"We all meet in secret and have a Council of Elders but our branch office is in Nairobi and has been for many years. All witnesses in Eritrea know this, it is basic knowledge. Even attendees would know this"*.
- 5.4.5. When the subject of Eritrean Jehovah's Witnesses seeking asylum was raised by the delegation, the source told the mission that in their opinion many people are using the Jehovah's Witness faith as an excuse to claim asylum in the west, especially those claiming recent conversion. The source felt that it was an insult that such people do this especially as genuine Jehovah's Witnesses study religion hard and take their faith very seriously.
- 5.4.6. The source stated *"I very much doubt that someone claiming to be a recent convert and seeking asylum in the west could be genuine. People have known for many years the situation in Eritrea. I think people claim this to avoid the draft and to help their chances to claiming asylum. We are a serious community and we are very worried that people pretend to be of our faith when they are clearly not. They should be tested on knowledge, all witnesses need to know our values and beliefs before they are baptised. No exceptions"*. The delegation was told that a genuine witness would have great religious knowledge and have the ability to quote sections of the bible. *"They have to do this in order to be accepted into the faith in the first place after all"* the source explained.
- 5.4.7. Over a number of months the Witness applicant will often without warning be asked to visit a group of noted Witnesses. Often these are Elders and generally three people will be present. Here they will be extensively tested on their knowledge and thus their acceptability to the faith. Many describe this process as being the hardest but most rewarding experience of their lives.
- 5.4.8. The US Department of State Report on Religious Freedoms published in October 2002 notes that governmental and societal attitudes toward Jehovah's Witnesses are the main exception to the widespread religious tolerance seen in Eritrea.

Members of the Jehovah's Witnesses faith generally claim societal and Governmental 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. Since the Referendum of 1993 things have deteriorated further.

- 5.4.9. In the view of a prominent Eritrean Jehovah's Witness spoken to by the delegation, the situation for Jehovah Witnesses began to deteriorate following independence. *"People questioned why we did not do more to help. Then we had problems when we refused to vote in the 1993 referendum for religious reasons"*. The source added that once national service was brought in things started to become unbearable for Jehovah's Witnesses. In the mid-1990's, forms went to employers asking how many Jehovah's Witnesses worked for them. "We were denied government jobs, passports, no government owned houses could be rented, and all manner of government services denied us. It was even impossible to get a marriage registered legally". In schools, children can get into trouble for not pledging allegiance to the Eritrean flag. The general view in Eritrea is that Jehovah's Witnesses are not playing their part in the national struggle.
- 5.4.10. The Eritrean Constitution states that, to be an Eritrean there exist 'rights and duties'. Neither is negotiable. An international observer confirmed that Eritreans are expected to vote when required as this is in the national interest. Also if called upon you are expected to take up arms to defend the nation. In the Government's view if you do not undertake your duties then why should you get the rights and privileges that the nation can provide.
- 5.4.11. The source informed the delegation that during the 1990's the Jehovah's Witnesses were considered by the government to be performing neither of these duties, even when the nation was under attack. Consequently, the government withheld state privileges such as state employment, state housing and state education from those it believed were not giving proper support to the struggle. The government would argue that religion was not the motivating point for this treatment. A prominent Eritrean Jehovah's Witness did not consider that this treatment was strictly applied across the board, but more to those that were vocal.
- 5.4.12. A number of sources with whom the delegation spoke questioned why the Jehovah's Witnesses get so much publicity internationally. There are very few of the faith in Eritrea, in fact it is estimated at only 1,200 - 1,500. Others offered the opinion that it was because the Jehovah's Witnesses are rich and powerful in the USA, they promote them powerfully and lobby the US government.
- 5.4.13. One international observer told the delegation that the true number Jehovah's Witnesses in Eritrea is very low and that many *"jump on a bandwagon"* in an attempt to avoid military service. There has never been a big Jehovah's Witnesses movement in Eritrea, and the faith was almost unheard of in Eritrea until after independence.
- 5.4.14. Chronicling the treatment of Jehovah's Witnesses in Eritrea, the US Department of State Report on Religious Freedoms states the first act by the Government against

the Jehovah's Witnesses was in 1994. At this time in accordance with a presidential decree, the Government revoked the trading licenses of some Jehovah's Witnesses and dismissed most of those of the faith that 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.

- 5.4.15. In April 1997 the Government Labour Office issued a form to all employers in Asmara and the surrounding area requesting information on any government personnel who were Jehovah's Witnesses. In addition to these measures, Jehovah's Witnesses are at times denied identification cards, passports, exit visas, trading licenses, and government housing unless they hide their religion.
- 5.4.16. In 1998 the above report notes that several Jehovah's Witnesses were arrested for failure to comply with national service laws and some were tried, although there is no information available regarding the verdicts or sentences in these cases. At the end of 2001 the four Jehovah's Witnesses reportedly remained in detention without charge for failing to participate in national service. These individuals have been detained for varying periods of time, some for more than 5 years.
- 5.4.17. According to the US Department of State officials have denied that any Jehovah's Witnesses are being held without charge whilst admitting that some (in addition to some Muslims) are in jail following conviction for evading national service. The army has resorted to various forms of extreme physical punishment to force objectors to undertake military service.
- 5.4.18. The above source is not aware of any reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. 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 Jehovah's Witnesses for harsher treatment than that received by members of other faiths for similar actions.
- 5.4.19. A prominent Eritrean Jehovah's Witness told the delegation that there is a lot of misunderstanding between the Jehovah's Witnesses and other Eritreans. *"It has been said that we are not willing to fulfil our national obligations but this is not true. Witnesses are always keen to do good things for the community. The problem is that there is no alternative service. We talk about this a lot in meetings. If the government spoke to us then we would raise this point but they do not want to even acknowledge that we exist"*.
- 5.4.20. The source added *"We would happily do another service for our community but we would never work for the defence ministry. We would be happy to undertake service in the medical field or civil service work. We would of course prefer the medical option. Although we have strong views on blood that would not stop us from helping in a blood transfusion for another. That is their choice, but we would refuse such a thing ourselves"*.

- 5.4.21. On the threat of imprisonment the source added that, although the government has said that the only alternative to the draft is three years in prison, to the best of their knowledge they do not enforce this. *“I would happily go to jail for three years if that was the end of it. Many Witnesses feel the same. But they do not do this. Army service is supposed to be for three years, so why have so many been in the military for six or more years”*.
- 5.4.22. The above source also spoke to the mission about the issue of societal discrimination; it was explained this can be from relatives, neighbours, employers or elsewhere. *“If you have a problem with a neighbour or any other person then when the police come it will come out that I am a Witness and so the authorities will take the other persons side”*.
- 5.4.23. However, the source also explained to the delegation that there was increasing sympathy for the Jehovahs Witnesses position regarding military service, adding *“Many families have lost at least one family member over the last 10-20 years. Now they see the futility of it all, and maybe feel differently about our stance. Others will always hate us because we are different”*.
- 5.4.24. One International observer commented that they thought that Jehovah’s Witnesses are mistrusted and disliked by some people because they are seen to have been apathetic to independence and unwilling to contribute to the nation building now needed.
- 5.4.25. The US Department of State reports that, while there are only at most 1,500 Jehovah's Witnesses in Eritrea, there are more than 6,000 members of Jehovah's Witnesses in Ethiopia. The Ethiopian Government has continually maintained a policy of not deporting Jehovah's Witnesses of Eritrean origin, who might face religious repression in Eritrea.

5.5. Religious co-operation

- 5.5.1. The US Department of State Report on Religious Freedoms reports that co-operation between the main faiths in Eritrea is high and reflects what is generally a cordial relationship between religious beliefs. Church leaders routinely meet and engage in continual efforts to foster understanding and co-operation between the religions. Leaders of the main four religions in Eritrea, Orthodox Christian, Catholic, Islamic and Protestant are widely perceived to enjoy excellent inter-faith relations.
- 5.5.2. Reasons for the religious co-operation are many. Suffering has brought the faiths together, and they had to unite when all was against the Eritreans. *“We draw together for safety. We have faced war, famine and poverty together”* stated a prominent member of the Eritrean Community.
- 5.5.3. The source added that, Muslims and Christians have lived together in Eritrea for around 1300 years. Legend says that Mohammed crossed the Red Sea into

Abyssinia (modern day Ethiopia and Eritrea) and showed great understanding towards the other faiths. All co-operated against the hardship.

- 5.5.4. Although there have been a few times of troubles between the faiths in the Eritrean region, generally relations have been good in Eritrea.
- 5.5.5. The US Department of State Report on Religious Freedoms reports that, in 1999 the leaders of these main four faiths created an organisation to help Eritrean expellees, Eritreans displaced by the war, and other needy persons in the country. This organisation, called “Good Deeds in Unity” works with government relief agency the Eritrean Relief and Refugee Affairs Commission on many projects.
- 5.5.6. Furthermore, according to a prominent member of the Eritrean community, when a leading member of the religious community of the four faiths is ordained to high office or dies, all of the faiths attend the ceremony. The source even referred to a recent example of this. The Eritrean leadership has been sensible in promoting the continued secular nature of Eritrean society. This helps to pull the country together.
- 5.5.7. Citizens generally are very tolerant of one another in the practice of their religion, reports the US Department of State Report on Religious Freedoms. Mosques and Christian churches of all orders coexist throughout the country, although Islam tends to predominate in the lowlands and Christianity in the highlands. In Asmara Christian and Muslim holidays are respected by all religions. Some holidays are celebrated jointly.

6. ETHNICITY

6.1. Ethnic Groups in Eritrea

- 6.1.1. As noted in the Home Office CIPU country assessment of October 2002, the Constitution prohibits discrimination on the grounds of race, ethnic origin, colour or language. The PFDJ discourages political movements based on ethnic or religious groups as it fears that they could exacerbate ethnic and religious differences. The population is divided fairly evenly between Tigrinya speaking Christians who traditionally occupy the highlands and the Muslim communities of the western lowlands, northern highlands and east coast.
- 6.1.2. An International observer in Asmara told the mission that while there are problems with ethnicity in all areas of the world, Eritrea has no real problem with the individual racial groupings, in fact in comparison to other areas of Africa it is remarkably stable. The source stated that nobody in Eritrea truly believes that a person would be persecuted for being part of any particular Eritrean ethnic group, as this would go against the beliefs of Eritrean unity espoused by the government. Ethiopians in Eritrea certainly had a hard time during the border war of 1998-2000 but this has since improved.

6.2. Eritrea Language & People

- 6.2.1. The delegation observed Asmara to be a peaceful multi-faith, multi-ethnic city that was on the whole clean, well lit and had relatively few signs of street children, begging or pan-handling. The main roads were well maintained in most places and there was evidence of well-tended trees and plants at many points in the city. There are monuments to the struggle for independence at various points in the city centre, including the “sandals roundabout”. There is also evidence of new construction on many streets in the city. Many of those interviewed by the delegation stressed that there was little crime or corruption in Asmara, despite the Government spending a large portion of its GDP on the military, the obvious poverty, and having recently been involved in a border war with Ethiopia.
- 6.2.2. According to prominent member of the Eritrean community approximately 50% of the population speak Tigrinya as their first language, 30% speak Tigre and 20% speak other languages. The source suggested that language would be a reliable means by which to test nationality explaining there was a difference in accent between the Tigrinya spoken in Eritrea and that spoken in Ethiopia. In addition, Italian words have not been introduced into the Ethiopian dialect. The source acknowledged that the biggest difficulty would be with speakers of Afar as this does not vary so distinctively between different countries.

*Further information on the languages used in Eritrea can be seen at **section 10.6: Language of Tuition and Teaching Issues.***

6.3. The Kunama

- 6.3.1. Although little is known about the Kunama outside of Eritrea, the website for the Catholic Near East Welfare Association (CNEWA) details information regarding the Kunama people and history. The CNEWA describes itself as a Papal agency for humanitarian and pastoral support. Historical information in this section is from the CNEWA website, unless otherwise stated.
- 6.3.2. Little is known of the origin of the Kunama; little is recorded about them, probably because they have no alphabet and, therefore, no recorded history. Many regard them, however, as the very first Eritreans. Today, Kunama children use the Latin alphabet, but are taught in their own language.
- 6.3.3. Originally, the Kunama were nomads; eventually they settled near the disputed border between Ethiopia and Eritrea. The Kunama are peaceful, but the ongoing wars between Ethiopia and Eritrea have been devastating, drastically reducing the tribe's population to roughly 50 or 60,000 people.
- 6.3.4. Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK, informed the delegation that the region of Gash-Barka, home of the Eritrean Kunama, was formerly known as Gash-Setit, so named after the two important rivers of the area. The name change occurred after the Eritrean provinces were changed from 9 to six provinces.
- 6.3.5. The Kunama prefer their own local medicines and remedies to more advanced technology, since they cannot afford modern drugs. Recently, though, CNEWA report that Kunama mothers have brought their children to the Sisters of the Poor in Barentu for an oral polio vaccine provided by the government.
- 6.3.6. Isolation and a tenacious adherence to tribal customs have enabled the Kunama to retain their traditions, which existed long before the introduction of Christianity and Islam into the area. Living in close harmony with nature and each other, they have survived by excluding the dominant cultures of the outside world.
- 6.3.7. The Kunama venerate their ancestors and have a special reverence for the elders of the tribe. This respect for their elders allows the tribe to make important decisions, called "democratic choices," which always involve two elders. The Kunama work together, designating certain months for special "events." September, for example, is the time for harvest; January is the month for repairing houses. Everything is done as a community, each helping the other. Even at funerals, the entire village attends: It is their custom to bid farewell as a group, though children are not allowed to participate.
- 6.3.8. The NGO "*Esel-Initiative*" (German for "Donkey Initiative") was founded in the summer of 1995 with the aim of relieving single mothers in Eritrea of the hardship of carrying water and helping them take care of themselves and their families. It states on its website that the Kunama are organised matrilineally, so that daughters inherit from their mothers instead of sons from their fathers. Women

therefore have far more freedom and decision power than women from other ethnic groups. The Encyclopaedia of the Peoples of the World says that the exogamic (marriage outside of the tribe) clan system still bears the traces of an older system of matrilineal (based on kinship of the female line) descent.

- 6.3.9. Kunama marriage customs reveal the tribe's practical yet gentle lifestyle. After much dancing and celebration, the newlyweds spend a few days together, but then the young woman returns to her mother, often for a year or more. During this time, the mother teaches her daughter the role of a wife and mother. This does not mean only learning how to cook and sew, but how to manage finances, how to organise, how to cultivate skills, how to care for a baby and more. By the time the couple are reunited, her husband and his family will have completed the new couple's home.
- 6.3.10. For over 50 years, the highlanders in Ethiopia and Eritrea have pushed the Kunama territories to smaller and smaller dimensions. In the view of an International observer with whom the delegation spoke, this at worst only makes them victims of circumstance. The population density in the Kunama lands are minute in comparison to the highland areas where most people are living, so as the non Kunama population grows, Kunama land is needed.
- 6.3.11. An International observer informed the mission that this is broadly in accordance with the 1994 Land Proclamation (Law No. 58/1994). This is the principal piece of legislation regulating land ownership, and stipulates that all land is the property of the state.

6.4. Treatment of Kunama in Eritrea

- 6.4.1. Gilkes informed the delegation that the Kunama has traditionally relied on the Ethiopian Army when larger and more powerful ethnic neighbours attacked them. For historic reasons, although the majority of the Eritrean population strongly supported Eritrean independence, the Kunama still maintained their support for the Ethiopian army, although there was also support for independence and a number of Kunama fought on the side of the Eritrean Liberation Front (ELF). But the perception has always been that the Kunama were the least enthusiastic of the Eritrean peoples with regards to Eritrean independence. *"The fact is that the Kunama people were divided on opinion and had a great respect for the Ethiopians as much as many believed in Eritrea as a separate and independent nation. In the absence of a unifying Kunama political figure all conflicting opinions were heard"* stated Gilkes.
- 6.4.2. The source added that the Eritrean People's Liberation Front (EPLF) has tried to foster a closer relationship with the Kunama both before and after independence, but the fiercely independent nature of the Kunama leads many Eritreans to believe that the Kunama are pro-Ethiopia, whether this is true or not.

- 6.4.3. An International observer confirmed to the delegation that the Kunama have been mistrusted due to alleged support for Ethiopia in the border war of 1998-2000. However most people in Eritrea tend to dismiss the stories of persecution against the Kunama as being a way that the Ethiopians and supporters of Ethiopia can attack Eritrea.
- 6.4.4. After the withdrawal of Ethiopian troops, the US Department of State reports that some Kunama were accused of collaboration or looting. In June 2000 approximately 200 Kunama were detained without charges on suspicion of collaboration. Most were released within a few months although by the end of 2001 several Kunama remained in detention. Unconfirmed reports in August 2001 suggested that four ethnic Kunama disappeared after they were picked up by Eritrean soldiers.
- 6.4.5. The US Department of State also reported allegations of government and societal discrimination against the Kunama. There are 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 was also an unconfirmed report that Eritrean refugees returning from Sudan were resettled in the Kunama crop fields after evicting the native Kunama. However, UNHCR advised the delegation that they were not aware of any incidents of land having been taken from the Kunama.
- 6.4.6. The US Department of state also coment that there is some societal discrimination against the Kunama due to the fact that they are seen, ethnically and culturally, as different from the majority of Eritreans.
- 6.4.7. Dr Martin Hill, International Secretariat, Amnesty International, London, expressed the view to the delegation that the Kunama are the only ethnic group considered as being likely to have any basis for an asylum claim from the ethnic groups in Eritrea.
- 6.4.8. However one western embassy in Asmara told the delegation that the Government does not discriminate along ethnic lines and that different groups within Eritrea co-exist peacefully.
- 6.4.9. The same source added that the Government strives to promote ethnic balance and that this is one of its strengths. However, it was explained that the authorities would be likely to react harshly if members aligned to any particular ethnic group politicise issues. The embassy did not however accept that a specific ethnic group such as the Kunama could seriously cite ethnic persecution in Eritrea.
- 6.4.10. A prominent member of the Eritrean community stated to the mission that there was no policy of discrimination towards the Kunama or any other ethnic group and that in fact, the Government tried to keep a balance in its treatment of the country's different ethnic groups. However, in trying to explain the perception of discrimination against Kunama, the source said that on an individual basis some

Eritreans tended to look down on people with darker skin and that this attitude might be described as “racist”.

6.4.11. Giles disagrees, stating to the delegation that whatever government sources may say there is a long history of conflict between the EPLF/PFDJ (People's Front for Democracy and Justice) and the Kunama. He added that at least 55 Kunama, administrators and civil servants under the previous regime of Ethiopia, were arrested in 1991 when the EPLF took over for alleged human rights abuses under the Derg, and have not been seen since. None have been released and it is unclear if any have been charged or tried publicly.

6.4.12. The Kunama have also suffered from extensive land take-overs according to Gilkes. He points to Barentu, where he says between 1991 and 1997 some 30,000 Tigreans were moved into the towns and given land/houses by the government. *“They fled on arrival of the Ethiopian troops in 2000 [and the destruction by Ethiopian troops was very precisely targeted at their houses] and I think they have largely returned despite Kunama complaints [both before and after the war] about the way the fighters were losing lands and property”.*

6.4.13. Gilkes informed the delegation that while there are a handful of armed Kunama opposition groups, probably the two best known are the Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) and the Eritrean Democratic Resistance Movement - Gash Setit (EDRM). He provided the following information.

- The Eritrean Democratic Resistance Movement - Gash Setit (EDRM), which also calls itself “Sawrawi Baito” is led by Ismail Nada and is reportedly close to the current ELF. Some expect them to merge with the ELF at some point. Nada is a former ELF fighter is said to think along similar lines to leading ELF-RC members.
- The Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) is led by Kerneolos Osman and is best known for the material it places on pro-opposition websites. The DMLEK is based in Addis Ababa.

6.5. Ethiopians in Eritrea

6.5.1. The ICRC informed the delegation that there are still an estimated 15,000 Ethiopians still living in Eritrea. Overall they now at least appear to be better respected after the fervour of the border war. Some are Ethiopians married to Eritreans with mixed parentage children. Deportations started in August 1998. It was stressed by the ICRC that all repatriations from Eritrea since August 2000 have been carried out under their auspices, as have all repatriations from Ethiopia since mid-2001. There have been no forced deportations since that time.

6.5.2. A prominent member of the Eritrean community commented that many Ethiopian nationals had either left the country voluntarily or been deported since the most recent conflict. However, substantial numbers remain including those in mixed

marriages. In total the source estimated that there were around 75,000 ethnic Eritrean nationals who had been returned by Ethiopia. There was previously a perception among some individuals that those deported from Ethiopia were responsible for the spread of HIV/AIDS. However the source considered that the general attitude towards Ethiopian nationals had calmed down significantly and noted that many of those expelled from Ethiopia would someday like to return to that country.

- 6.5.3. The above source also explained that children had been separated from one or both parents as a result of deportations. In some cases families with four children have been split into two so that two might accompany an Eritrean mother while two others would stay with their Ethiopian father. The source stressed that Eritrea only began to deport ethnic Ethiopians after the third wave of ethnic Eritreans had arrived in the country from Ethiopia and unlike Ethiopia, Eritrea only expelled whole families of Ethiopian origin, ethnically mixed families were not removed. It was added that when Eritrea expelled Ethiopians it did so at random, 70% of those from Asab were expelled but others remain in the country.
- 6.5.4. One International observer commented to the delegation that since 2000 the attitude towards Ethiopians had changed, not as a result of any Government led initiative but as a result of a shift in the attitude of the public and police towards them. The inability to earn a living had been a leading cause for those that chose to be repatriated. Without the possibility of work they have little option but to leave.
- 6.5.5. The source added that since the end of the war not only have societal attitudes changed, but with so much of the potential workforce in the military it is possibly a lot easier to gain employment now if you are registered as a resident foreigner.
- 6.5.6. A yet unresolved problem is the particular hardship arising for persons in mixed marriages (Eritrean/Ethiopian). The status of children born into these marriages is equally problematic, as while the nationality laws of both countries might indicate citizenship in principle, this is not always the case in practice. In such cases involving returnees, almost all have been awarded temporary identification cards. *See Section 7: Nationality for more details.*
- 6.5.7. It would appear that, according to custom, the husband's nationality is considered to be dominating in the family. Consequently, it would be unlikely that mixed marriages where the husband is Ethiopian would be as well received in Eritrea as cases where there is an Eritrean husband.

7. NATIONALITY: LAWS AND THEIR APPLICATION

7.1. Nationality Law

- 7.1.1. According to Gebretnsae Tewelde, Operations Chief – Department of Immigration & Nationality for Eritrea, the Eritrean Immigration and Nationality Affairs Department is responsible for all questions of immigration, citizenship, passports and visas. It is divided into six regions (zobas), five of which are geographical and the sixth being the Asmara International Airport. There are two international airports in the country, Asmara and Assab, as well as two major seaports.
- 7.1.2. The Eritrean Nationality Proclamation No.21/1992 published in April 1992 details the criteria and law as regarding Eritrean Nationality. Nationality in this document is spilt into several sections: Nationality by Birth; Naturalisation; Adoption and Marriage.
- 7.1.3. According to Tewelde, *“many people misunderstand the Nationality Proclamation, this is understandable as we are a new country and are trying to be as inclusive as possible to all our citizens born in years of foreign domination. Basically if your parents or grandparents were born in Eritrea you will certainly be entitled to Eritrean nationality but will have to prove this, as you would anywhere in the world”*.
- 7.1.4. The source further explained that *“If you are born in Eritrean territory [regardless of who it belonged to at the time] then you will also be eligible. Many people have also returned to Eritrea since independence. They are very welcome regardless of the circumstances as we try to rebuild our nation after years of domination and war”*.
- 7.1.5. According to the Nationality Proclamation, current Eritrean regard to naturalisation takes the year 1933 as the starting point. This is the year in which the Italian colonial government registered the population of the colony and declared those registered as legal residents. Therefore, these persons who have an absolute right to Eritrean citizenship are all those who were themselves or who are the descendants of persons resident in Eritrea prior to 1933.
- 7.1.6. Eritrean law specifically mentions two other time periods as well. The first period is from 1934 to 1951, the year Eritrea was incorporated into the Ethiopian Empire. The second period recognised under Eritrean law is from 1952 onwards, the year the Emperor was overthrown and the Dergue took power.
- 7.1.7. An applicant may apply for naturalisation through marriage to an Eritrean citizen provided s/he demonstrates three years of legal residence in Eritrea following the marriage and a renunciation of other nationality. Tewelde told the delegation that even if a person has Ethiopian nationality then provisions are available under Article 2 of the Nationality Proclamation. Dual nationality is allowed and exists for many since the forced deportations from Ethiopia.

- 7.1.8. In August 2002, the Home Office approached the Eritrean Embassy in London in order to clarify certain points with regards to obtaining Eritrean nationality law. The letter sent to the Home Office in response to this request is attached (**Annex 3**). These points were further clarified and discussed a meeting with the Embassy in October 2002. From this the delegation established the following.
- Any person born in Eritrea or with an Eritrean parent would be eligible for Eritrean nationality.
 - The political views of the three witnesses required to prove Eritrean heritage are not relevant to the establishing of nationality.
 - The political views of the applicant for nationality are not relevant to establishing eligibility for nationality and obtaining an Eritrean passport.
 - Voting in the 1993 Referendum is not a necessary precondition to establishing nationality.
 - Not paying a 2% tax on nationals overseas does not preclude eligibility for Eritrean nationality or obtaining an Eritrean passport.
 - Claiming refugee status overseas does not preclude eligibility for Eritrean nationality or obtaining an Eritrean passport.
 - All applications are filled in person by the applicant at the Embassy's consular section. No application forms out of the standard provided by the Embassy are accepted.
- 7.1.9. According to Tewolde, any applicant for a passport or ID Card is not asked about their views, political or otherwise. *"The only way we would know would be if they raised it, and frankly we would not care. Article 2 of the Proclamation determines this. People have a right, there is no compromise"*.
- 7.1.10. He added that an ID Card is a pre-requisite to getting a passport. When you have the ID card you can then apply for the passport using that. You would then generally be able to obtain a passport within 3-4 months.
- 7.1.11. The US Department of State country report on human rights practices - 2001, published in March 2002, reports that, the few deportees of Eritrean origin from Ethiopia who cannot demonstrate their ties to Eritrea had been issued documents that identify them as Ethiopians, which permit them to stay in the country. Government and army officials who routinely check the identification cards of citizens in order to find draft evaders and deserters reportedly consider these Ethiopian deportees to be Eritreans who are trying to avoid national service.
- 7.1.12. A prominent member of the Eritrean community with whom the delegation met considered it would be difficult to return to Eritrea once a person has become settled in a western nation. Issues such as obtaining suitable employment and

arranging appropriate education for children were reasons given for this opinion. However, the source added that notwithstanding these difficulties most Eritrean nationals in exile would like to return. The source did not accept that a bona-fide Eritrean in the UK would have any difficulty in proving their nationality. Although it was accepted that this might not always be easy from amongst the Eritrean community it would certainly be possible through contacts in Eritrea. It was also explained that it was not difficult to trace extended family members; indeed the source remarked that *“it is difficult to lose them”*.

7.2. The “Three Witnesses” method

- 7.2.1. Tewolde explained that in essence, under the *“three witnesses”* rule for establishing nationality, an applicant can call on any *“three witnesses”* to verify that the applicant is an Eritrean national. The *“three witnesses”* must be Eritreans who hold an Eritrean identification card or passport.
- 7.2.2. Tewolde informed the delegation that, though every adult is supposed to have a national ID card and anyone holding an Eritrean passport would be in possession of that card, identity records are not centralised and it is often difficult to find information about an individual. He added that while documentation can help a person to prove nationality the Eritrean government now rely on the *“three witness”* rule, *“which is the criteria we are now coming to as the standard”*.
- 7.2.3. He added that it would not be possible to check a person’s identify by use of birth certificate in many cases. *“This is rather hard to do, so the three witnesses identification method is favoured in all cases”*.
- 7.2.4. In discussion with the delegation a prominent member of the Eritrean community referred to problems with the birth registration system and stated that some people may have documentation suggesting they were much younger than they really are. However, it was explained that the church maintains a record of all children christened and whilst this is not 100% accurate it provides something to go on. The source did not know whether there were any similar records maintained by the Muslim community.
- 7.2.5. Tewolde further explained, *“We do all we can to help in this process. They can choose any three Eritreans in the world that they know personally. The person abroad will have to go to the Eritrean embassy in order to answer questions. These are standard questions about how long they have known the person, relationship etc. They sign a piece of paper that is then faxed onwards”*.
- 7.2.6. According to Tewolde, the profile of the witness does not have a bearing on this. They are not asked for political or any other views. They must be a registered Eritrean citizen and must show that they know the person well. It is a character witness procedure; they must agree to be responsible for the person’s application to be a recognised Eritrean citizen. *“This happens in many countries to a greater or lesser degree”*.

- 7.2.7. Tewelde further commented, *“If a person cannot manage to get three witnesses then I would greatly doubt their claim to be an Eritrean”*. There are over three million people in Eritrea, as well as hundreds of thousands in the diaspora (Eritreans abroad). He noted that even if they came from Ethiopia or Sudan they would have known many other Eritreans. It is a matter of history that those in Ethiopia kept close contact with family in Eritrea, even those that stayed in Ethiopia after independence. Most formed *“clubs”* to celebrate and remember their culture. Those in the Sudan lived in *“Eritrean communities and camps”*. He confirmed that, many tens of thousands of those returned from Ethiopia and Sudan had their stay regulated and have Eritrean passports, and also added that *“Not only will we allow witnesses from all over the globe but we will follow up claims. So for example if someone claims to be from a certain village we will send word to that community so that they can get the witnesses to come forward”*.
- 7.2.8. In the view of Ghirmai Ghebremariam, Ambassador, Embassy of the State of Eritrea, London, *“those that cannot provide three witnesses are probably abusing the system. The asylum claim is false”*. His view is that these witnesses should not be hard to provide as a proof of nationality. *“They will be in groups of other Eritreans, if Eritrean is what they are. So proving Eritrean nationality is easy. Much more so than for a British or American citizen”*.
- 7.2.9. He added that, if a person were to provide three witnesses then the Embassy would be able to process their claim in 3-5 days and after that time they will have an Eritrean ID card. This is the pre-requisite for an Eritrean Passport.
- 7.2.10. An ID card lasts until it is in bad state or if security measures necessitate the issuing of a new design. It is the size of a credit card, light blue and has a photo attached. The ID Card is always laminated.
- 7.2.11. The three witnesses themselves only need to be in possession of an Eritrean ID card or Passport. No other criteria are used, whether political, racial, religious or otherwise, stated the Ambassador.

7.3. The 1993 Referendum

- 7.3.1. The issue of participation in the 1993 Referendum has been stated in some asylum claims in the past as being an obstacle to gaining Eritrean Nationality, but Tewelde strongly refutes such a claim.
- 7.3.2. *“This has no bearing on eligibility”* he stated to the mission. *“It was important when we first achieved independence but now it has been a long time. It may help in some way, but it does not hinder if you have not voted in the referendum. The problem is that many people were not able to vote in the referendum for one reason or other”*.
- 7.3.3. Tewelde claims that it would not be reasonable or logical to apply such criteria after a decade of independence, *“Some had been in inaccessible areas, some had been sick, some out of the country, some were too young. Over time such a*

criteria has lessened in importance to the point now where it is of little importance. It can be used to help as proof but to say that we would not take a non-voter seriously is wrong". He also added "Also remember that when we did the initial vote it was largely thanks to the machinery of the Ethiopian government. They held the central records. We have most of the information now but since the border war, we can no longer check any discrepancies. Therefore we cannot always verify if a person voted in the referendum or not",

7.4. Mixed Marriage or Mixed-Birth categories

- 7.4.1. Tewolde informed the delegation that in most cases a mixed marriage will prove to be no problem if both partners are already in Eritrea. If they are split between Eritrea and Ethiopia then the ICRC arranges visits and temporary reunions.
- 7.4.2. If both partners are in Eritrea, then according to the source, the situation is simply that the non-Eritrean would apply for a residence permit. This is also the situation if a person is unable to prove nationality. While a person attempts to prove their credentials, a person is given a residence permit, these are renewable every six-months. With most residence permits a person is allowed to work.
- 7.4.3. In cases where a person is part of an expelled mixed marriage they will if at all possible be dealt with faster. Tewolde stated the Eritrean government is very sympathetic to such cases.
- 7.4.4. He added that in the case of a mixed birth a person would generally not have too many problems as long as they can prove that they have Eritrean roots. This would make them eligible for Eritrean nationality under the procedures of the nationality proclamation. (See also **section 6.5: Ethiopians in Eritrea**).

7.5. Passport and document checks on leaving Eritrea

- 7.5.1. According to Paulos Kahsay the Director-General at the Ministry of Transport & Communications, all passports and documents are checked upon departure from Eritrea. Exit visas are required for Eritreans. The checks are to determine whether the documents are legitimate and bona-fide. He states that this is in accordance with standard practice worldwide. There are no further checks for military reasons or any other reason. He commented to the delegation, *"We are very busy and do not even have the facilities to do such things. We have our job to do and we just check that everything is as should be"*.
- 7.5.2. Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK, does not however believe the Government line. He remarked *"I simply do not believe that no checks are made with reference to military service before an exit visa is issued, as frequently claimed. There is ample evidence that this happens and that the government attempts to prevent people from leaving if they have not done national service."*

7.6. Entry Controls and requirements for returning Eritrean nationals

- 7.6.1. Kahsay informed the delegation that any Eritrean returning to the country must have a valid Eritrean passport. *"If they have the necessary documents, then they get in"*. Foreign nationals must have a valid visa.
- 7.6.2. Tewelde also stated that It would be hard to determine whether a person was a former asylum seeker or not.

7.7. Reception of returnees

- 7.7.1. As noted in the Home Office CIPU country assessment of October 2002, Eritreans are currently returning to Eritrea from most surrounding countries but mainly from the Sudan and Ethiopia. These two groups of people have very different modern histories although both are largely being helped to repatriate by the ICRC working with the Eritrean Relief and Refugee Commission (ERREC).
- 7.7.2. Based on an information campaign and talks with elders by the UNHCR, ICRC and ERREC many have been convinced to return from Sudan. As of February 2002 over 39,000 were reported to have returned in over 50 convoy movements.
- 7.7.3. The CIPU country assessment of October 2002 also notes that, returning Eritreans can choose where to settle and are provided with a shelter structure, one blanket per person, two mosquito nets per family, a kerosene stove with kerosene and water barrel, agricultural tools, kitchen sets, soap and a carry-all bag. Families also receive a cash grant of up to US \$200 and food assistance. They are then helped to reintegrate into their societies. However, the UNHCR advised the delegation that since October 2002 voluntary repatriation from Sudan to Eritrea has been suspended, due to armed clashes in Kassala State, Sudan, an area close to the Eritrean border. As of April 2003 UNHCR confirmed they were currently discussing this issue with the governments of Sudan and Eritrea.
- 7.7.4. The US Department of State Country Report for Eritrea 2002 (covering 2001) states that about 75,000 persons have been deported to Eritrea from Ethiopia during the past three years. After initial uncertainty about their nationalities, most have now been accepted in Eritrea as citizens.
- 7.7.5. According to the United States Committee for Refugees (USCR) country report of 2002 (covering 2001), Eritrean officials complained that Ethiopian authorities *"dumped"* many of the deportees at the border without adequate food and water. Some reportedly required immediate hospitalisation because of heat and stress suffered during their expulsion.
- 7.7.6. The Eritrean government and aid workers have combined to offer considerable assistance for the expellees arriving from Ethiopia. They received Eritrean identity documents, grants equivalent to \$200 (Europa report an estimated annual income of \$100 per head in Eritrea), up to six months of food aid, blankets, and kitchen utensils.

- 7.7.7. USCR report that the deportees were "*too numerous to be absorbed into the Eritrean economy without assistance*," a joint report compiled by the UN children's fund (UNICEF) and the Eritrean government concluded in September 2002. Many had never before been in Eritrea, could not speak the main languages, were separated from family members left behind in Ethiopia, had been stripped of all assets during their expulsion, and struggled to adjust to Eritrean life, a UN report stated.
- 7.7.8. The US Department of State notes that the deportees were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with IDPs (internally displaced persons) before being settled among the general population. To facilitate the deportees' integration into society, the Government provided them with documentation that was valid for 6 months and 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 and considered them to be permanent citizens. For the small minority of deportees who could not demonstrate Eritrean ties, the Government granted them identity documents that specified that they were Ethiopian but permitted them to stay in the country. At times these deportees were subjected to harassment and detention by military authorities checking for deserters and draft dodgers. Deportees of military age who acknowledged Eritrean nationality were ordered to report for military service.
- 7.7.9. Musa A. Bungudu, Deputy Humanitarian Coordinator & Head of the Office for the Coordination of Humanitarian Affairs (OCHA), Eritrea, told the delegation that as of October 2002 16,511 persons of Eritrean origin who had been expelled by Ethiopia continued to live in temporary camps. Here he explained they receive similar provisions to the IDPs including 100% of their food requirements (see the Humanitarian and Human Rights section). The source explained that the expellees have come into the country with nothing and that the Government is working very hard in conjunction with UN agencies to assist them.
- 7.7.10. Bungudu also informed the delegation that land for expellees remaining in camps had been allocated and agencies were engaged in water programmes, establishment of health and education facilities and talks with neighbouring villagers so as to ensure the smooth integration of the expellees into society. Once this work is completed and farm plots have been set out the expellees will move into what will effectively be a new village. The expellees themselves are also actively involved in this work and according to the source demonstrate a spirit of self-reliance. It was explained that although the majority of expellees remaining in camps were farmers some are qualified in other areas including the medical and educational sectors.
- 7.7.11. Tewolde informed the mission that the majority of those expelled from Ethiopia have been accepted by the Eritrean authorities as nationals within the meaning of the 1992 Nationality Proclamation and have been issued with regular Eritrean

identity documents. This takes the form of a light blue Eritrean ID card that all recognised Eritrean citizens carry.

7.7.12. Persons who cannot demonstrate a verifiable link to Eritrea continue to be regarded as Ethiopians. The small numbers of expellees in this category are given a temporary residence permit. This is an ID card, which is yellow in colour and is the standard identification for all foreign residents in Eritrea. The cards are issued upon the payment of a statutory fee of around 300 Nakfa. From around 80,000 returnees Tewolde stated that only about a dozen have had any problems proving their nationality.

7.8. Reception for failed asylum seekers

7.8.1. The only notable incident of a significant return of immigrants from outside of Africa in recent years has been the deportation of a large number of Eritreans from Malta at the end of 2002. The Maltese Government maintains that those returned had not applied for asylum despite some claims to the contrary.

7.8.2. The Maltese newspaper *'The Times of Malta'* reported on 5 September 2002 that some of those Eritreans picked up in July from a sinking ship on-route from Libya to Italy turned to violent protest in order to be allowed to continue their journey to Europe. Many claimed that they had relatives in Europe and Canada and wished to join them rather than claim asylum in Malta.

7.8.3. In a press release issued by the Ministry for Home Affairs and the Environment (**see Annex 4**) the Maltese reported that 233 persons from Eritrea were deported, with four separate trips taking place between 30 September and the 3 October 2002. Of these, 170 (76 per cent) did not apply for refugee status under the new Law on Refugees, although they had been staying in Malta for months. Referring to these individuals the press release notes, *"The Eritrean nationals in question were repeatedly informed of their right to apply for refugee status. The immigrants refused to do so even when they were informed of the consequences should they refuse to apply."*

7.8.4. However, one international observer told the delegation that many wondered why having gone through such a hazardous route to get to Malta they did not claim asylum. The source understood that some of the Eritreans had refused to co-operate with the Maltese authorities and only wanted to get to Italy. As they had not claimed asylum they were duly returned to Eritrea.

7.8.5. Amnesty International claim in the article *"Malta: The government should suspend deportations of Eritreans, 10 October 2002"* that about half applied for asylum in Malta but had their claims rejected. Some 50 have submitted an appeal to the Maltese Constitutional Court, which has ordered the suspension of deportation orders against the claimants. Others did not apply for asylum, reportedly hoping to be able to proceed to another country. Amnesty International further claims that when faced with deportation, many wanted to apply for asylum but were ignored by the authorities.

- 7.8.6. One international observer told the delegation that within Eritrea it is widely believed that the majority of the returnees were draft dodgers. There were reported sightings of army trucks heading to Asmara airport to pick the returnees up, and it is believed that all would be checked to against their national service record. Most, in the opinion of the source, would have been redrafted or enlisted.
- 7.8.7. A western embassy in Asmara remarked to the delegation that a number of those returned by the Maltese authorities would have been sent to the military camp at Sawa. However, it was acknowledged that there was no firm evidence to support this.
- 7.8.8. Despite reports from some groups to the contrary (in particular Amnesty International), the Maltese maintain that these returned immigrants have been treated properly. In previously mentioned press statement issued by the Ministry for Home Affairs and the Environment, it states *"There is no evidence that the Eritreans deported from Malta were badly treated or tortured upon their arrival. The information that we have from well-trusted sources is that these immigrants are going through the normal procedures of every immigrant who returns to his home country"*.
- 7.8.9. Further to the aforementioned Amnesty article, a Maltese Home Affairs Ministry spokesman reiterated in the *'Times of Malta'* newspaper (edition of 12 October 2002) that reliable contacts in Eritrea had dismissed claims that the deported Eritreans were detained and tortured on arrival. The spokesman claimed that a partisan London-based movement whose main interest was to create unrest in Eritrea had made the claims reported by Amnesty.
- 7.8.10. Kahsay, who being based at Asmara International Airport claims to have witnessed the returns, stated *"Any idea that those returned were forced into trucks and then taken to Sawa is ridiculous. I know, I was there myself. Those returned were met by medical staff and some government officials. The army were there for security but they always are as airport security has increased worldwide, not just in Eritrea"*.
- 7.8.11. Kahsay states that some of the returned were weeping with joy and chanting independence songs. *"Almost all were interviewed here [at the airport] and I heard many saying that they feared the drought but had been duped into thinking that they would be better off abroad. I tell you they thought they had been into hell"*.
- 7.8.12. Some had feared being a burden to their families when food becomes scarce, although Kahsay stated that they were now happy to be back to mother Eritrea and their loved ones. *"I think some had avoided military service also. They wanted the means to help their families"*. He added, *"they were told on the day that they would be helped to get back to their families. I have no reason to believe that this did not occur"*.
- 7.8.13. Tewolde remarked *"Any look at Eritrean history will tell you that many of our people will have been asylum seekers in the past"*, He also commented to the

delegation, *“As we are a poor country this will continue. It is something that is accepted now, as it has been a part of our history since we came under the domination of Ethiopia. A person would therefore not be harshly treated for being a former asylum seeker”*.

- 7.8.14. However these views are in contrast to those expressed by Amnesty International in the aforementioned article of 10 October 2002 calling for the suspension of deportations. Amnesty claim that the Eritreans had been immediately arrested on arrival in Asmara, taken to a military camp and detained incommunicado.
- 7.8.15. Another international observer spoke of unconfirmed reports of attempted escapes followed by shooting incidents resulting in wounding and even killing of some returnees. This source also referred to reports of those persons detained being held incommunicado under very harsh conditions.
- 7.8.16. One western embassy told the delegation that they did not consider that the authorities had a problem with individuals who leave Eritrea for economic reasons, studies, love or other factors. Aside from those who leave to avoid national service the only other group the authorities would be concerned about when they return to Eritrea are those believed to have been involved in any form of opposition activity.

8. MILITARY SERVICE

8.1. Recruitment and National Service

- 8.1.1. The US Department of State country report on human rights practices - 2001, published in March 2002 states that, all citizens (men and women) between the ages of 18 and 40 are required to participate in the National Service Programme, which includes military training as well as civic action programmes. In addition some national service inductees have been released back to their civilian jobs, while nominally kept in the military, because their skills are deemed critical to the functioning of the Government or the economy. These individuals are required to forfeit to the Government earnings in excess of the national service salary and also are required to perform farm labour.
- 8.1.2. The Home Office CIPU country assessment of October 2002 reports that since the beginning of the border war in 1998, more than 6 percent of Eritrea's population has served in the armed forces. As a result both the civil service and private companies have suffered serious staff shortages. In order to meet the urgent demand for manpower, the government plans to employ soldiers in local public works programmes - such as building dams, repairing roads and public buildings - while they await demobilisation.
- 8.1.3. A prominent member of the Eritrean community explained to the delegation that until 1998 national service in Eritrea comprised 6 months tough military training at Sawa camp followed by 12 months that was often spent engaged in social or community work. Following this the service obligation was fulfilled. The source explained that the situation had since changed greatly in many ways. Anyone with prior military experience were recalled to duty while 18 year olds called upon to perform their national service were frequently retained at the conclusion of the standard 18 -month duration; some having remained in service ever since 1998.
- 8.1.4. One NGO employee advised the delegation that they understood payments to those undertaking the first 18 months of National Service received 145 Nafka (approximately £7-25) per month. It was explained that since 2001 monthly payments to those not released from military service after the officially compulsory period of 18 months received 500 Nafka (approximately £25) per month.
- 8.1.5. A western embassy in Asmara stated to the delegation that although the compulsory nature of national service had a sound legal basis, problems arose as a consequence of the open ended duration of national service and the extremely difficult conditions in which it was sometimes carried out. In addition the same source added that in the view of many Eritreans compulsory national service was not necessary and had an adverse effect on the economy.
- 8.1.6. These opinions were shared by an international observer who explained that at first the official tour of duty was 18 months, with the first six months of service being for training. Now there seems to be no real time limit, many are now

believed to have been in the army for six or even seven years with no end in sight for demobilisation.

- 8.1.7. It was observed by another western embassy in Asmara that the majority of Eritrean citizens had *"no problem"* with national service. The concern was that parents wanted young people to return after 18 months. It was explained that the current situation in which some of those on National service were retained for 4 or more years led the population to question why more young people continued to be taken.
- 8.1.8. According to an international observer it was feared during the border war that children were being used in the military. According to one international observer with whom the delegation met, this is no longer the case. Buses with those conscripted wrongly because they are underage have been seen leaving Sawa to return people home.
- 8.1.9. A prominent member of the Eritrean community stated to the delegation that where as the official proclamation stated that military service was for persons aged between 18 and 40, during the war people as young as 15 or as old as 60 were taken into service.

8.2. Recent Military Round-ups

- 8.2.1. An international observer told the mission that round-ups have been intense since the war, and since that time more and more people have tended to want to keep out of the army for various reasons. ID Checks are the most obvious sign of this situation, and these have greatly increased in 2002.
- 8.2.2. In discussions with the delegation, a prominent member of the Eritrean community referred to round ups in July and August 2002 and described the situation at this time as *"terrible"*. Even at the time of the meeting with the delegation the source spoke of fear within Asmara and noted that those taken were not returning, nor was there any information concerning their wellbeing. The source also claimed that people taken were made to engage in tasks of no use and survive in conditions lacking in facilities and without adequate food. The source stated that in October 2002 every youngster who had completed secondary education was ordered to report. In relation to the reported roundups the same source claimed that the publicised demobilisation did not go ahead but was cancelled 15 minutes before it was due to be put into effect.
- 8.2.3. One international observer told the mission that in the early days of the draft, people went along and there was little or no fuss about it. But now due to the uncertainties of the length of the *'tour of duty'*, more and more people are trying to avoid it. However, the source remarked that there had always been limited resistance to certain people being drafted, especially with the case of Muslim women.
- 8.2.4. The source explained that after final exams, students are called up and taken to the Sawa military training camp. Those that have been accepted to Asmara

University return, the rest start their military service. However, recently even graduates from Asmara University were being called up after graduation.

- 8.2.5. The same source also commented that the extended army is being used to provide an army of reconstruction, to rebuild the roads, buildings and general infrastructure of Eritrea so damaged by the independence and border wars of the past twelve years. It was observed that the financial cost of this could well be massive.
- 8.2.6. According to Dr Martin Hill, International Secretariat, Amnesty International, London, many in the regime believe military training to be character building and this is what leads to the strong belief in service for the nation/national pride. It could also be seen as a way to control the youth after the recent problems with students at Asmara University.
- 8.2.7. Another international observer who the delegation met also considered that the hard-liners probably think it is a good thing for the youth to have an extended time in the forces. Most were involved in the independence struggle and see a military life as being good for personal development.
- 8.2.8. The same source also explained that there was still considerable fear within Eritrea that one or more of their neighbours could attack the country. Since independence, Eritrea has been in some form of dispute with all of its neighbours (Ethiopia, Djibouti, Sudan and Yemen). Therefore there is still considerable support for maintaining a large army, *"although possibly not in the current manner"*.

8.3. Women in the Army

- 8.3.1. An international observer informed the delegation that in the liberation war around 30,000 of the forces were female. It was explained that because there were so many fighting females, and as so many thus achieved high rank, there were strict disciplinary procedures, in some cases it is alleged that rapists were shot. After the liberation war however most of the women demobilised and went to set up families. Since then the army has become much more male-dominated.
- 8.3.2. Key concerns of women in the forces are that they will be raped or generally sexually harassed. According to one international observer, there is the belief in Eritrea now that many are deliberately getting pregnant, as a woman with child will generally be discharged.
- 8.3.3. Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK, believes that the shame involved in rape is one explanation for the reluctance of families (particularly Muslims) to allow their daughters to go for National Service. *"There is no doubt whatever that there have been cases of rape and sexual abuse at the Sawa national service camp, and while these have certainly been talked up by the opposition, the evidence suggests the numbers are considerable"*. He added *"I think I am right in saying that the figure for HIV/AIDS in the general population is*

around 3-4%, whereas it is 22% in the armed forces. It has been suggested this is one reason why the government is reluctant to demobilise"

- 8.3.4. Hill stated to that there are clear indications that females in the military are sexually harassed. However, he explained this is more a pressure to submit to sexual acts rather than the "sex-slaves" situation seen in countries such as Angola.
- 8.3.5. Another international observer commented that unlike at the time of the liberation war (see above), they are not aware of any occasions where the Government has prosecuted members of the military or taken internal disciplinary measures against perpetrators of sexual violence within the army.

8.4. Demobilisation

- 8.4.1. IRIN reported on 2 July 2002 in an article entitled "*Demobilisation pilot phase completed*" that the pilot phase of the planned Eritrean demobilisation plan was soon to be completed. The National Demobilisation and Reintegration Process (DRP) set out an aim to demobilise 200,000 from the Eritrean armed forces, with the pilot scheme demobilising 5,000.
- 8.4.2. Under the DRP those demobilised would receive two months food ration, money, medical tests and transport home. In an attempt to ease their transition back to civilian life, there were also plans to offer advice about social and health issues such as HIV/AIDS, post-traumatic stress counselling and information about how to find work, continuation of education and learning new skills.
- 8.4.3. Musa A. Bungudu, Deputy Humanitarian Coordinator & Head of the Office for the Coordination of Humanitarian Affairs (OCHA), Eritrea advised the delegation that he believed that the authorities were moving ahead with the demobilisation of 200,000 people. He based this view on a meeting also attended by the President Issayas Afewerki that took place in October 2002. It was explained that there had previously been difficulties with obtaining resources, planning and possibly other factors but the source expected the first people, possibly 70,000, to be demobilised "*shortly*", he suggested the process could possibly commence by the end of 2002.
- 8.4.4. Although money was provided by the international community specifically for demobilisation, one International observer reported to the delegation that this process was still not properly underway and remarked that the pilot scheme produced confusing reports.
- 8.4.5. The source believed that the government was fearful that mass demobilisation could lead to civil unrest, especially as at least 90% would have no job to return to. The concern was that without any means of support, many of those demobilised could turn militant.

- 8.4.6. Yemane Gebreab speaking to IRIN (*“Interview with Yemane Gebreab, PFDJ political boss”*) 27 May 2002, rejected the idea that large-scale demobilisation would lead to problems with mass-unemployment. He says, *“This is a country that has a shortage of labour. We used to have a fairly large number of Ethiopians working in this country. Of course demobilisation is not an easy process, it’s not just jobs, it’s all the social, cultural, psychological aspects of it. But the country is eagerly waiting for the demobilisation of our young people and I think people can be absorbed. The main problem we face in terms of the demobilisation is a lot of the people who are in the army right now do not have sufficient skills for them to lead the kinds of lives they aspire to. That’s a major issue. They can easily find jobs as labourers, but would they want to do that? I think their expectations are going to be very high and so giving them the necessary training so that they can enter the market at a higher level is going to be very important. So we’re looking into a major training component of the demobilisation. Another major issue is going to be the people who joined the army from the rural areas - many of them will not want to go back and farm again. I think the demobilisation is going to be a tremendous boost to the economy. It will have a big impact on many, many families.”*
- 8.4.7. Yemane Gebremeskel, Director of the Office of the President told the delegation that demobilisation was still planned but there is a need to ensure that everything is right with planning etc. He believed that things could not be rushed.
- 8.4.8. Bungudu explained that a major demobilisation project such as this requires careful management so that those demobilised will not become a problem for the community that they are returned to. He identified young men sitting around with nothing to do as a particular problem and referred to a major programme to develop Eritrea's infrastructure. He also mentioned the risk of HIV/AIDS being spread by anyone infected.
- 8.4.9. Hill believed it to be unclear as to whether demobilisation would go far enough. Despite this pilot scheme to demobilise 5,000 many more are being called up for service. The international community requires that Eritrea removes itself from a *“war-footing”* but it is doubtful that this is occurring as required.

8.5. Draft Evaders

- 8.5.1. The US Department of State notes that during 2001 the Government deployed military police periodically in Asmara and other cities to find deserters and draft evaders. The military police detained persons who had not completed the national service requirement. However, the report notes that such incidents reduced significantly compared to 2000 and that unlike during 2000 there were no known reports that military police detained persons with physical or mental disabilities. Those who were deemed unfit for military training by a military medical board were released; the others were required to fulfil their national service obligations. In some instances, authorities reportedly arrested and detained for hours individuals who had proper documentation showing they had completed or were exempt from national service while the military police checked their stories.

- 8.5.2. One western embassy in Asmara commented to the delegation that there were regular checkpoints within the country with the sole purpose of identifying individuals who may be evading their service. In addition to this there are round ups within Asmara and elsewhere in the country. The source had heard unconfirmed reports that even women with babies had been taken in some cases.
- 8.5.3. Another western embassy considered that until approximately a year ago national service in its existing form was accepted by the vast majority of the population but factors such as the economy and the continued drought as well as the lack of demobilisation had come into play. The source stated that the issue of national service had become the most criticised issue in Eritrean politics and even though opposition amongst the population at the manner in which it is administered is almost unanimous the security service is adamant that people should continue to be called up.
- 8.5.4. The same source stated that there were particular problems with the call up Muslim women. It was explained to the delegation that once a Muslim has undertaken her service her chances of being able to marry were considered to be reduced; this was given as a reason why this section of society in particular, though by no means exclusively, try to evade service.
- 8.5.5. It was explained by the source that people try to evade service in a number of different ways. Some go in to hiding, some work as maids and never leave the home of their employer, some get married and/or pregnant, some obtain fake ID documents and others attempt to leave the country. The source was not able to comment on whether the authorities would treat differently people caught trying to evade service whilst remaining in country and those who are caught attempting to leave. Likewise, the source did not know if the treatment of those who fled after commencing their service was different. However, the source considered there to be no hard and fast rule regarding how the authorities might react and explained that individuals were dealt with on a case by case basis.
- 8.5.6. A further western embassy in Asmara explained that the practice of pulling young people off public busses was a common practice and on some routes such as Asmara to Barentu this approach was used to such an extent that few young people would even make the trip. The delegation travelled this route by private vehicle and noted that there were checkpoints outside almost every town and village between Keren and Barentu. Check points were less frequent between Keren and Asmara or on the road from Asmara to Massawa, which was also travelled by the delegation, although occasional checkpoints were observed on both these routes.
- 8.5.7. One international observer informed the delegation that, in Eritrea currently, people are hiding relatives and friends to keep them from the draft, especially in Asmara. Previously such a thing would have been unheard of, with people encouraged to inform on those disloyal to '*Free Eritrea*'. The President has stated publicly that if such a thing is happening then the military will go house to house to route out the disloyal.

8.6. Contentious Objectors and alternatives to military service

- 8.6.1. The US Department of State observe that people who object to military service on religious grounds are not excused from it and there is no provision for any form of alternative service. The maximum penalty for refusing to perform national service is three years imprisonment. Members of the Jehovah's Witnesses religious group have experienced harassment and restrictions because of their refusal to undertake military service (*see also **section 5.4: Jehovah's Witnesses in Eritrea***). Some Muslims have objected to universal military service with regard to the requirement that women perform military duty.
- 8.6.2. According to this report, the maximum penalty for refusing to do national service is three years. The government does not excuse those individuals that object to military service for reasons of religion or conscience, nor does the government allow alternative service.
- 8.6.3. An international observer however commented that with the possible exception of some Jehovah Witnesses, they were not aware of the law relating to national service being applied in practice. This source suggested that individuals avoiding service are sent to the military units and subject to punishments imposed by military officers, which are in some cases are very harsh (*see also **section 3.2: Use of torture***).

9. WOMEN

9.1. General situation for women

- 9.1.1. As reflected in the Home Office CIPU country assessment of October 2002 the Government has consistently advocated improving the status of women, many of who played a major role as independence fighters. However, much of Eritrean society remains traditional and patriarchal and most women have an inferior status to men in the home and society. In practice, men retain privileged access to education, employment and control of economic resources with more disparities in rural than urban areas.
- 9.1.2. A western embassy in Asmara told the mission that the position of women within Eritrean society compared favourably with their counterparts in other African and Arab countries living within urban circles. Here it was explained that women were well respected and had access to good opportunities in life and that if a girl or woman lived in a city they would have a good chance to shape their own life. However, it was noted that 80% of Eritrean women live in rural communities, including villages and small towns, and here, within traditional Eritrean society, equality and the opportunity to gain a full education and or work is minimal.
- 9.1.3. In explaining the existing situation for women in Eritrea a prominent member of the Eritrean community explained there is a distinction between two groups; the fighters and the others. This source also spoke of a general reluctance on the part of men to marry female fighters as they were seen to “*have had many husbands*” and perceived to be “*not traditional*” and as such, female ex-fighters became marginalised. In addition to this it was explained that several women fighters returned pregnant. The source considered that the National Union of Eritrean Women (NUEW) saw the situation of the fighters as political and did little to fight for their rights.
- 9.1.4. Regarding the remainder of the female population, particularly the rural communities, the above source explained that women’s status is viewed as being in the home undertaking domestic work and raising children while men have a dominant role. In cities the source said the situation was better and women have more power in the home.

9.2. Equality issues

- 9.2.1. The CIPU country assessment of October 2002 states that since independence, women have officially had the legal right to equal educational opportunities, equal pay for equal work and legal sanctions against domestic violence. The Constitution and the transitional Civil Code prohibit discrimination against women and the Government generally enforces these provisions.
- 9.2.2. Recalling the times of the struggle for independence a prominent member of the Eritrean community spoke of a concept of equality between the sexes. At this time

the source also noted that there was intermarriage between the Christian and Muslim population. Once independence was achieved and women were demobilised and returned to their homes the general situation for women was expected to improve but this did not happen.

- 9.2.3. A western Embassy in Asmara remarked that where as reform of the status of women within society had once featured in the Government's programme it had now been pushed to the back and it was no longer the case that enough was being done on this issue. Another western embassy in Asmara added that women had played a major role in the struggle and remained eligible for national service. However, this source also observed that the importance of women had diminished following the struggle.
- 9.2.4. According to Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK, some women's groups active within Eritrea are critical that things have gone backwards since the war. He expressed the view to the delegation that in his personal opinion things have gone back quite markedly in this area.
- 9.2.5. One international observer referred to a disparity in the Eritrean view on gender relations. On the one hand there is the image of the woman fighting alongside men against the occupation; on the other hand there is the belief of traditional Africa whereby a woman is expected to take care of children and the home, and be subservient to the opinions of her husband. It was explained that the traditional African view is most prevalent in remote and Muslim areas of the country.
- 9.2.6. Within the People's Front for Democracy and Justice (PFDJ) the above source considered women to be "*very empowered*". The source explained to the delegation that following independence the party had pushed matters of gender equality and gained praise by many NGOs for this. However, it was added that since the border war, other issues are now seen as more important and focus has shifted away from women's issues.
- 9.2.7. According to the US Department of State country report on human rights practices - 2001, published in March 2002, the PFDJ named three women to take up positions on the party's Executive Council (this body has a total of 19 members). A further 11 women were named to sit on the 75 member Central Council at the last party congress held in 1994. This was intended to encourage greater participation of women in politics. According to this source women also filled almost half the positions in the Constitutional Commission and hold senior government positions, including the posts of Minister of Justice and Minister of Labour. The Law reserves a third of regional National Assembly seats for women, and women are also able to compete for the non-reserved seats.
- 9.2.8. Barebel Hoefers, Child Protection Officer, United Nations Children's Fund (UNICEF), Eritrea referred to two women in senior Government positions. She identified these as Askalu Menkerios, the Minister of Labour and Women's Welfare and Fawzia Hashim, the Minister of Justice who the source considered the most senior woman in Government having taken up her position in 1992.

9.2.9. However, a western embassy in Asmara pointed out to the delegation that none of the senior figures in Government were women. The source considered the Minister of Labour to be the most powerful woman in Government. However, in qualifying this statement it was added that she was nowhere near as powerful as several male ministers of Government were. The source concluded that women were under represented politically. This view was echoed by a second western embassy which stated that and that there were *"not any powerful women within Government"* and commented that the head of the Eritrean Relief and Refugee Commission (ERREC) was the most vocal and outspoken woman to occupy a prominent position. A third western embassy stated that 30% of parliament is made up of women

9.3. Family Issues

9.3.1. A source from a western embassy in Asmara commented to the delegation that typically Eritrean women could have between 5 and 10 children depending upon the area of the country in which they lived. With many men away on national service, women were often left to work the fields, which with many children to care for was difficult to do effectively. The source concluded that this had exasperated problems with food shortages caused through the failure of the rains.

9.3.2. According to information provided by the Ministry of Labour and Human Welfare the legal minimum marriageable age is 18 with an exception of a situation where both partners have reached the age of 16 and a doctors declaration that the woman is pregnant or given birth is produced. In practice marriages from the age of 12 are practiced extensively in rural communities. Women of 18 - 20 who remain unmarried are often stigmatised. As a result of this many women give birth in their teens and this is seen as one of the reasons for the high maternal mortality rate in the country. Other contributory factors include a lack of proper anti-natal care and complications resulting from FGM; consequently teenage mothers are likely to be over represented in the number of women dying in childbirth. The Government acknowledge early marriage is not necessarily in the best interests of the child and have expressed its intention to change the cultural preference for early marriage in the long-term through a programme of community education.

9.3.3. A prominent member of the Eritrean community commented that women tend to earn greater regard from their children than the father figures. It was explained that grown up children would invariably pass money for the family to the mother as the likelihood was that it would then be spent on the family.

9.4. Domestic and Sexual violence

9.4.1. The US Department of State report that the Government has not taken a firm public stance against domestic violence and generally has ignored the problem; however, violence against women is reported to be pervasive. Spousal abuse, especially wife beating is reported to be common; it is reported that during 2001 an estimated 65% of women in Asmara had been victims of domestic violence during

2001 although the original source of this figure is not divulged by the report. Incidents of domestic violence are seldom discussed openly by women. If any action is taken it is likely to be within the family or by religious clergy. The Government response to domestic violence has reportedly been hindered by a lack of training, inadequate funding and societal attitudes.

- 9.4.2. According to the Transitional Penal Code of Eritrea (TPCE) the age of sexual consent in Eritrea is 18 years. The penalty for sexual intercourse with a minor is more severe if the minor is under 15 years or if the offender is in a position of trust. In practice it is however the case that although illegal, child marriage in rural areas is practiced extensively (as referred to above).
- 9.4.3. An international observer explained that not much was heard of sex-crimes in Eritrea; it was explained that people associate these with crimes of war and thus are horrified by such things. The delegation were advised that in the past if a rape occurred this might be remedied within the traditional society by the marrying off of the victim and her attacker. However, the source did not believe that this practice continued to be followed in anything more than the most isolated cases if at all.
- 9.4.4. The same source acknowledged that within the military the situation might be different. Here, the source spoke of unconfirmed reports of some female soldiers having been sexually abused by their superiors. It was added that it is widely believed that this does indeed happen but there is also the view that often this is consensual and may be a tool to achieve promotion. Both Gilkes and Dr Martin Hill of the International Secretariat, Amnesty International, London, UK made reference to having heard reports of sexual abuse within the military. As with the aforementioned source neither source had any detailed information. However, Hill commented that whilst there are indications that females in the military are sexually harassed, this is believed to be more a situation of "pressure" than the "sex-slaves" situation reported in countries such as Angola.
- 9.4.5. In the case of female NGO workers and volunteers in Eritrea an international observer stated they had never heard of a single report of even an attempted rape. There are a substantial though unknown number of female volunteers and employees of various NGOs located throughout Eritrea. This, it was observed, is not the experience in many other parts of Africa where in some situations the risks are considered so bad that female's are not placed at all.

9.5. Female Genital Mutilation

- 9.5.1. The US Department of State report that female genital mutilation (FGM) is widespread with an estimated 95% of women and girls having been subjected to the practice. Most ethnic and religious groups practice FGM. There is no law prohibiting FGM although the Government has worked officially to combat the practice of FGM. The Government and other organisations including NUEW sponsored education programmes that discourage the practice. In addition the UN Population Fund sponsors reproductive health projects which focus on the negative physical and psychological effects of FGM. Information contained on the

website of the German NGO, "*Esel-Initiative*" suggests that the Kunama is the only ethnic group in Eritrea that does not practice FGM.

- 9.5.2. According to the Eritrean Demographic Health Survey (EDHS) of 2002 an estimated 89% of girls are now subjected to some form of FGM. This represents a small reduction since 1995 when the figure was an estimated 95% of girls. As reflected in the Report on the implementation of the convention of the rights of the child document prepared by the Ministry of Labour and Human Welfare (MLHW) and published in October 2002, young girls brought up under the Eritrean People's Liberation Front (EPLF) are the exception to the custom. The report also states that in lowland regions where the population is predominately Muslim infibulation (the most severe form of FGM) is generally practiced. In the highlands it is the excision and cliterodectomy procedures that are most widely used. (Further details of the different forms of FGM practiced in Eritrea are documented in section one of the Amnesty International report - Female Genital Mutilation published in 1997).
- 9.5.3. The aforementioned Government report also states that within Eritrea the age when the procedure is usually performed varies between a few days and 12 years, the timing is primarily determined according to the child's ethnic group. The report explains that within traditional society, Eritrean women who do not undergo some form of FGM are seen as being "impure", having uncontrollable sexual impulses which drive them to sexual deviation and prostitution, and often put them in the category of being seen as unsuitable for marriage. Genital mutilation is also seen as a right of passage that can be avoided only at the cost of ostracism. For these reasons, the Government states that it recognises that simply banning the practice will not wipe it out.
- 9.5.4. The Eritrean Government considers that long-term community education is the only effective means of bringing about change. A community education programme intended to educate against FGM has been operating in Eritrea since 1994. In 1997 Eritrea hosted a regional consultation on the Elimination of FGM. In October 1999 the first strategy to eliminate FGM was developed at a workshop in Asmara; a total of 50 participants included Government ministers, traditional birth attendants, youth and women's associations, UN agencies, religious groups and bilateral donors. The strategy aims to implement communication activities that will educate and motivate key partners and target groups to take action to eliminate FGM.
- 9.5.5. Christian Balsev-Olesen, UNICEF Representative to Eritrea advised the delegation that, UNICEF view FGM as being deeply anchored within Eritrean society. Hoefers acknowledged that the EPLF had actively discouraged the practice and noted that the percentage of girls subjected to the procedure may have reduced slightly in recent years though the problem remains significant.
- 9.5.6. According to a prominent member of the Eritrean community, FGM is practiced by all classes of society at a fairly even level; irrespective of the level of education received by the parents. It was added that in many cases, pressure to carry out the procedure came from the father. However, in recent years there has been a

slight reduction in the percentage of girls subjected to some form of FGM. It was noted that former EPLF fighters do not practice FGM on their children. Where FGM is practiced the source understood that the most common method used by the highland-based Tigrinya is cliterodectomy while lowland people such as the Tigre (and others from the Muslim community) practice infibulation or excision. This understanding was not entirely consistent with that set out in the MLHW report referred to previously in this section. It was explained that the practice is undertaken prior to the christening of Christian girls – this would be within 80 days of birth. Within the Muslim community it was explained that the procedure is most commonly carried out prior to the age of 7 but may be undertaken at any age prior to marriage. The source added that they were not clear if the Kunama or Nyra ethnic groups practiced FGM on their children.

- 9.5.7. The above source advised that the Minister of Information has publicly condemned the practice of FGM on the radio and has referred to it as being “forbidden”; but noted that there is in fact no legislation that formally outlaws the practice. The source commented that as a consequence of the widespread practice of FGM, Eritrea had one of the highest rates of death in childbirth in Sub Saharan Africa amounting to a figure of 985 in 100,000. This particularly applies to Muslim women who, by nature of the procedure they have undergone, commonly require being “stitched up” following each delivery.
- 9.5.8. An international observer told the delegation that the Eritrean government work actively to discourage FGM in Eritrea. However, it was noted that the procedure is still not illegal. In the view of this source, so entrenched is FGM within society that it cannot be made illegal despite the best intentions of the government. As there is an FGM rate of approximately 90% it was remarked that making the practice illegal would mean the arresting and bringing charges against many of otherwise good citizens. This would prove to be very unpopular in the country hence the governments position to recognise that it is an ancient recognised practice but to educate against the dangers and promote the non-use of FGM. The source added that nurses working for International NGOs had reported that most young Eritrean women are still circumcised.
- 9.5.9. A prominent member of the Eritrean community said that female circumcision was practiced on approximately 85% of the female population, generally prior to their first birthday. The source considered awareness of the issues regarding the dangers of FGM was very low amongst the population. It was added that the Government have no real power to stop the practice but are not working hard to fight it. The lack of any module regarding FGM within the school curriculum was highlighted as a particular problem and it was suggested that the introduction of this might help protect the next generation.

9.6. Women's organisations

- 9.6.1. An international observer informed the delegation that the NUEW campaigns for women’s issues such as FGM and political representation as well as issues such as childcare and better parenting. A prominent member of the Eritrean community

commented that the NUEW is a Government controlled organisation. The source also referred to a poster campaign by the National Union of Eritrean Youth and Students (NUEYS) that highlighted issues relating to FGM. A prominent member of the Eritrean community advised that the NUYES are another Government controlled organisation active in fighting negative gender perceptions. Additionally NUYES activities sometimes overlap with issues pursued by NUEW, especially those that may particularly impact upon children including FGM.

10. CHILDREN

10.1. Child Protection

10.1.1. As noted in the US Department of State country report on human rights practices - 2001 published in March 2002, the Ministry of Labour and Human Welfare (MLHW) is responsible for policies concerning the rights and welfare of children. The Children's Affairs Division, a part of this ministry covers childcare, counselling and probation. Child prostitution, pornography and sexual exploitation are criminal offences under the law.

10.1.2. According to the MLHW, the Government are committed to the protection and care of Eritrea's children. Under the Transitional Civil Code of Eritrea (TCCE) article 198 defines a "minor" as someone of either sex who has not yet reached the age of 18. A child might attain majority (and cease to be a minor) before 18 if they marry or if they are emancipated upon attaining the age of 15 when the family council decides (Article 330 TCCE). The MLHW provided the delegation with the following written information relating to specific aspects of the law relating to minors:

- Laws regarding employment in Eritrea specify that it is illegal to employ a person under the age of 14 years. A contract of a person below the age of 18 is not enforceable if it is determined to be prejudicial to the interest of that person. In addition there are a number of activities in which young people are legally prohibited from taking employment. These restrictions include work relating to the transport of people and goods, work which may expose a person to dangerous substances or machines and any form of mining or underground work. Furthermore, there are restrictions on the hours of employment that are permissible; young employees may work for not more than seven hours per day and only within the hours of six in the morning and six at night.
- With regard to criminal liability the Transitional Penal Code of Eritrea (TPCE) recognises three categories of children: -
 - (a.) Children under 12 years are not considered responsible for their acts and if they commit a crime correctional measures would be expected to be undertaken by the parents, school or guardian.
 - (b.) Children between 12 and 15 are punishable under specified laws of the TPCE but may not receive the death sentence or life imprisonment as a punishment. Additionally the Penal Code prescribes that they may not be detained with adult prisoners. In practice though information provided by the MLHW confirms children have in the past had to serve their sentences alongside adult prisoners. It is acknowledged that this is unacceptable and there are plans to construct a juvenile correctional unit to address this problem.

(c.) Children aged between 15 and 18 are tried under the normal provisions of the Penal Code. However, the TPCE empowers the court in assessing the sentence, to mitigate the penalties or apply special penalties specified for young offenders. This guidance specifies that imprisonment of a minor should only be a last resort and is only appropriate where the offence committed would be punishable by ten years rigorous imprisonment or more in the case of an adult. In such circumstances sentences for children can be between 3 and 10 years of simple imprisonment.

- In the event of a divorce decisions over custody of children are, under the provisions of the TCCE, delegated to the Family Council. This body is not a court as such, but a council brought together within the child's community when there is a family dispute to settle. It would typically comprise the child's parents, two family members of each parent and one other member. In the case of a divorce the TCCE provides that maintenance of children born in marriage shall be regulated with sole regard for the interests of the child. For children up to the age of five years of age the TCCE specifies that the child should remain with the mother. The Family Council does have the power to appoint a guardian other than the child's parents in the event of a divorce.
- Details of the legal provisions specific to both orphans and education are contained later in this section. For information regarding the legal provisions governing the minimum legal age for marriage and sexual consent plus additional background information see the Woman's section of this report. Details concerning the position regarding the conscription of children in to the military are covered in the Military Service section of the report. A high percentage of Eritrean girls are also subjected to Female Genital Mutilation (FGM), additional information on this practice is also contained in the women's section.
- It is the case that within the rural areas of Eritrea, where the majority of the population lives, people have little contact with codified laws and instead, their social and economic rights and responsibilities are governed by custom.

10.1.3. Barebel Hoefers, Child Protection Officer, UNICEF, Eritrea, advised that a lot of child laws have been drafted on issues relating to child prostitution, trafficking and FGM but these had not yet taken effect under law.

10.1.4. According to a western embassy in Asmara many children work throughout the country from a young age, particularly in rural areas where part of many children's daily routine includes fetching water, fetching firewood and other activities. Meanwhile in urban areas the source commented the number of street children is rising. An international observer also commented that there has been an increase in street orphans, adding this has happened since the end of the war. The source added that the government discourages this, although not by violent means; for example some children, especially hawkers are moved on. The delegation observed the presence of small numbers of street children in the capital, Asmara.

Some children were working as street vendors selling sweets, cigarettes and other items. However, in comparison to other capitals in East Africa visited by members of the delegation such as Nairobi in Kenya, Kampala in Uganda and Kigali in Rwanda the number of such children was very small.

10.2. Childcare Provisions for Orphans

10.2.1. The number of orphans within Eritrea is identified by the MLHW as one of the main social problems in Eritrea. In 1992 - 1993 a national survey identified approximately 90,000 orphans in the country. A survey conducted in 1999 - 2000 identified 51,000 in need of urgent support. A survey is presently underway to identify the number of AIDS orphans, as of October 2002 there were a total of 552 registered with the ministry on this basis. Within Eritrea the term orphan is defined as "a child who lost either one or both parents or has been abandoned".

10.2.2. The Government policy with regards to orphans and unaccompanied children is against the proliferation of orphanages and other forms of institutionalisation. Instead, the policy is to strengthen the traditional safety nets that have been in place within communities throughout Eritrea for generations. On the basis of information provided by the Ministry of Labour and Human Welfare's Report on the implementation of the convention on the rights of the child the Government strategy for caring for orphans and unaccompanied children can be summarised as follows: -

- **Reunification of orphans** with close relatives is regarded as the best solution for guaranteeing their psychological integration and developmental needs. This is the most favoured option; between 1994 and 1997 just under 14,000 orphans were re-unified with nearly 7,000 families.
- **Foster care** with an unrelated family has been tried as a second alternative to reunification in Eritrea since 1992 in situations where a close relative cannot be found. However, for a number of factors, including the rejection of foster care by communities as an alien concept, the Government does not consider the foster care programme to have been successful have no plans to extend the programme.
- **Adoption** is possible within Eritrea and involves the legal recognition that the child is part of the adopted family. Consent of any surviving parent is required, as is the consent of the adopted child itself if aged over 10 years of age. A relatively large number of families wish to adopt but priority is given to childless families or those with one child, hence few Eritrean families qualify. In the case of infants adoption is only permitted where the child has been abandoned; the Government states there are an average of 6/7 abandoned infants per year. A total of only 50 children have been adopted in Eritrea since independence.

- **Community based children's homes (Group care)** have been considered the best alternative to reunification, foster care or adoption. It is considered that this option, in which children are established in group-homes within the community, can limit the social and psychological effects of institutional living. Residents are kept to a manageable size of 10-12 children and two housemothers. As of 2002 a total of 132 children had been placed in 12 group homes situated within larger towns; six further homes are under construction. Children aged between 1 and 12 are selected for placements in group homes, siblings are kept together and where possible placements are within the region the child originates from. Government evaluations of group-homes in 1998 and 2002 conclude that these homes provide a secure and caring environment for the children.
- **Institutional care (orphanages)** is considered as the Governments least desirable option. Due to the effective reunification programme and the reunification of many children within their extended families all but one of the Government run orphanages have been phased out. There are however ten non-governmental orphanages within Eritrea, all these are administered by religious organisations. The (MLHW) carries out supervision of all orphanages. Children may be admitted to orphanages from birth up until the age of 11; in 2002 official estimates suggested a total of 1,500 were in such institutions.

10.2.3. Review of Placements is undertaken by social workers of the Ministry of Labour and Human welfare. All children placed under the provisions of the reunification or foster care programmes are checked upon regularly. However, the authorities do acknowledge that there is a need to develop guidelines for social workers working in the field, particularly in respect of their handling of cases involving children. It is also the case that many social workers have not received formal training, however the MLHW have worked in conjunction with United Nations Children's Fund (UNICEF) to upgrade social workers skills.

10.2.4. Christian Balselv-Olesen, UNICEF Representative to Eritrea commented that there is a very well defined programme for alternative childcare arrangements within Eritrea. Hoefers confirmed this was the case, so much so that the UN agency considers the Eritrea model suitable to export to other countries.

10.2.5. Hoefers confirmed that the authorities favoured arrangement is reunification of orphans within their extended family. She considered that in practice, the second option favoured by the authorities is the placement of children into group homes. The third option is the use of orphanages; she advised that Eritrea has one state run orphanage and 10 further orphanages managed by churches. UNICEF stated that there are approximately 1,500 children in these facilities, 300 of who are in the state orphanage. With regard to adoption of children, either to foreign families or within the country, Hoefers confirmed that this could sometimes be arranged but commented that it was a difficult process.

10.2.6. An international observer confirmed that there are several large orphanages within Eritrea adding that Asmara has one of the biggest. It was confirmed that either the

state or Christian NGOs runs orphanages in the country and that orphanages have satisfactory facilities such as adequate bedding, food and clothing provisions etc. It was explained that acceptability for entry to an orphanage is universal; there are no unacceptable rules that apply. The source expressed the view that the expatriate community generally agreed that Eritrea does all that it can for orphans, it was added that the Eritrean public supports this in this policy.

- 10.2.7. The same source also confirmed that the government's priority is to place orphans with surviving family if at all possible, if that is not possible then the authorities will attempt to place in a group home (essentially an extended foster family). The last resort is for a child to be put in an orphanage. Noting reports that a number of orphans travel unaccompanied to western European nations the source expressed the view that it is not feasible for an orphan to get to Europe on their own. To do so would require both financial and practical assistance, it was considered unlikely such assistance would be extended to a bona fide orphan.

10.3. Education

- 10.3.1. The US Department of State report education up until grade 7 is compulsory and free though education beyond this is not compulsory or free. There is a shortage of schools and teachers at all levels and in rural areas young girls usually leave school early to work at home. The fact-finding delegation received some information that contradicted the position in respect of fees. However, there was much evidence to support the situation regarding both the shortage of teachers and the particular issues relating to the education of girls.

- 10.3.2. A western embassy in Asmara observed that there is a huge demand for education in Eritrea and it is taken very seriously. However, it was noted by the source that many students are unable to pursue education because their English is not good enough; there is a significant need for more English teachers.

10.4. Educational structures

- 10.4.1. The MLHW Report on the implementation of the convention of rights to the child explains that the education system comprises the following stages: -

Pre School, which is for ages 5-6.

Primary, (Grades 1 - 5) which is compulsory and intended for ages 7 - 11

Middle, (Grades 6 - 7) which is compulsory and intended for ages 12 - 13

Secondary, (Grades 8 - 11) which is intended for ages 14 - 17

- 10.4.2. The MLHW recognises that past lack of access to the education system means that many levels within the educational system have overage pupils. This does not however apply to pre school education, which is not paid for by the state.

- 10.4.3. Within the educational system there is some provision of specialist educational facilities for children within Eritrea. Recognising that it lacked experience in the identification and provision of care for children with special needs the Government established a small special section in the Department of Pedagogy in 1994 to deal specifically with the special needs education. The categories of children recognised as having special needs include those with learning and behavioural difficulties, disabled, children suffering from trauma, orphans, refugees and gifted children. So far as possible the Government policy is to include children with special needs in the mainstream educational system. However, such an approach requires that all teachers have specialist training and whilst seen as a major priority it is not yet the case that training has been delivered. The MLHW note that this approach does not however rule out special schools or centres. In 1995 the MoE established the first school to cater for *"children with moderate to severe intellectual disabilities."*
- 10.4.4. With regard to educational facilities for children with physical disabilities there are long established boarding schools for 130 blind and 80 deaf children and a day school in Asmara for deaf children. In addition, MLHW report that an unknown number of both deaf and blind children have been integrated into elementary schools throughout the country. A small number of deaf children have also been integrated into secondary schools in Asmara and Keren. There is also an establishment in Mai Habar providing vocational training for physically disabled youths and adults in metal work and carpentry.
- 10.4.5. An international observer, a NGO employee and a prominent member of the Eritrean community each confirmed to the delegation their understanding of the structure of the education system within Eritrea. In all cases this was consistent with the information provided by the MLHW. The latter of these three sources also explained that national exams take place after each cycle; however those following secondary schooling are most crucial as they determine entry into university.
- 10.4.6. One non governmental organisation from outside Asmara explained that exams take place at the end of each academic year and progression to the next level can only take place when the student passes their existing years exam. If a student fails they must repeat the whole year. There does not seem to be any restriction on the number of times a student may repeat a year although officially, children may only attend primary school up until the age of 18; there is no official upper age limit for Junior or Secondary education. In practice the source confirmed that many older children attend school and that in some cases secondary school pupils may be in their twenties. Regarding the high number of older students in schools based outside Asmara, the source explained that the official reason for this was because there had been no provision for these children to attend school prior to independence.
- 10.4.7. The above source further explained that education is administered under the auspices of Eritrea's six regions or zones. There may therefore be some differences in certain practices between each of the regions although these are likely to be fairly minimal. For example, schools within regions that have areas of lowland within their territory have slightly shorter academic years than schools in

highland regions. The formal academic year might run from mid September until June in the highlands but in the lowlands it starts in October and finish in May. In order to compensate for this, the schools operating a shorter academic year open on Saturday's.

10.4.8. The same source acknowledged that although education is widely referred to as being free but advised that in practice a nominal fee is in fact payable by the students family. Even for secondary education the amount of the fee was modest though the additional costs for books may be higher and of course progression to secondary education is only possible for students who are successful in their year 7 exams. Whilst the exact amount may vary according to the school and also the administrative region in which a particular school is located it was suggested that a typical annual payment might be as follows: -

Primary level: -	10 Nakfa (approximately 50 pence)
Junior level: -	15-20 Nakfa (approximately 75 pence - £1.00)
Secondary level: -	30 Nakfa (approximately £1-50)

10.4.9. Commenting on the issue of the capacity of individual schools the same source confirmed to the delegation that where there was a need schools would operate a shift system. In these circumstances some children would attend school in the morning and the others in the afternoon. The way in which the attendance of students and deployment of their teachers is arranged will vary according to individual school administrators.

10.4.10. A prominent member of the Eritrean community advised that the Government does not encourage private education though noted that there are some Catholic run schools that charge very modest donation fees. The majority of these are primary and junior; the source said that there were only one or two such schools for secondary education. In addition to these the source referred to two private schools, one Italian principally for the international community and the other Arab for affluent members of the Muslim community. These establishments follow the Italian and Egyptian curriculum's respectively.

10.4.11. A prominent member of the Eritrean community advised the delegation of their understanding that Catholic Schools charge a minimal fee, this can cost as little as 50 Nakfa for a year (roughly £2.50). Should a family not have the means to pay then there are schemes to assist such as the "Italian Distance Adoptions" scheme. This is one form of overseas sponsorship scheme whereby a person or family will pay for a child's schooling for a period of time.

10.5. Enrolment rate, gender balance and literacy

10.5.1. According to the MLHW a total of 61% of children aged 7 - 11 are out of school. An estimated 75% of the population of the country are illiterate. Part of the government's education policy is to improve these figures. However, a prominent

member of the Eritrean community believed that the literacy rate was somewhat higher. This source stated that Eritrea's literacy rate stands at approximately 35% though noted that others quote figures of between 30% and 50%. This source added that adult literacy programmes funded by UNESCO and UNICEF both operate in the rural communities and Asmara.

- 10.5.2. One international observer advised that enrolment has risen greatly since independence and continues to rise. This has been and remains a priority of the government.
- 10.5.3. A prominent member of the Eritrean community advised that at grade 1 of primary education there is a fairly even gender balance among those who enrol but by the end of primary school boys outnumber girls. This is particularly so in the Muslim dominated lowlands where girls often complete just two to three years. In secondary education the ratio is two thirds male. Furthermore, it was explained that overall there were higher school enrolment rates amongst the predominantly Christian highland communities and there was a perception among some Muslims that the education provided is a Christian one. The schools in the lowlands are not full and qualified teachers in these are lacking as many do not want to teach in the local language. Arabic rather than the mother tongue is often preferred as the language of education at primary level by the population in the lowlands.
- 10.5.4. On the issue of gender balance a NGO employee stated that schools from communities where the population were traditionally nomadic might comprise of almost exclusively boys, even in first grade. Generally, in the lowlands and some of the towns in the highlands boys outnumber girls from grade one; however the source believed the ratio to be more or less even in Asmara. It was confirmed that schools both recognised and took seriously the under enrolment of girls in the educational system even though attendance is officially compulsory. One method adopted to address this has been a system where by girls attending school (and women attending adult classes) may receive small gifts such as bags or buckets. However, the source understood that this practice had been confined to poor regions and was subsequently discontinued due to the cost. Another NGO employee also confirmed that enrolment was greater for boys at all levels of the education system though the situation was worse on rural areas.
- 10.5.5. With specific regard to the situation concerning the disproportionately low enrolment rate for girls the MLHW comment that there are strongly entrenched cultural factors that are responsible for the low importance that many communities attach to girls' education. A specific Government campaign to encourage girls education has been running since 1996/7 yet the gender gap is still widening. The Ministry of Education (MoE) has established various strategies to encourage more girls to attend school. Community solutions to tackle this issue include increasing the number of female teachers, reducing the distance to primary school and having more single sex schools.

10.6. Language of tuition and teaching issues

- 10.6.1. An international observer explained to the delegation that the Government is moving towards the provision of more and more basic education that is conducted in the ethnic language of the pupil (specifically grades 1-5). However this practice has met with problems, as some of the ethnic languages do not have a defined written component and most are not considered to be helpful either with regard to access to literature or future job prospects. This situation particularly applies to lowland regions where some families prefer their children to be educated in Arabic.
- 10.6.2. The above source added that the government is very keen on the promotion of English as a language. The source stated that in middle school the government's desire is that classes be conducted in English and that at present some English classes currently take place at this level. From Secondary school onwards English is the official medium of education. It was noted that in practice many children have an insufficient command of English and the source expressed concern that this system was not working in practice and was detrimental to some students.
- 10.6.3. The aforementioned source expressed the view that there are simply not enough teachers with sufficient knowledge and training to fully implement the Governments plans for education. Some teachers have been recruited from abroad (32 Cubans for example) but still the problem remains. As a consequence of this Arabic and Tigrinya remain the most widely spoken and used languages in the country. English is nevertheless becoming increasingly well known in Asmara. There are increasing numbers of English speakers in Eritrea especially in the capital and many signs are in English.
- 10.6.4. Regarding the use of Amharic, the same source explained that prior to independence this had been used by the Derge regime as the language of education. This "*language of domination*", although still widely known and understood in Eritrea, is generally avoided. While a person would not be shunned as an Amharic speaker, it is known that deportees from Ethiopia were badly thought of if they had not mastered another language for communication as soon as possible. Tigrinya, Arabic and English were popular choices as these are the most widely spoken. It would be considered taboo for a person to try to converse in Amharic unless there was no alternative.
- 10.6.5. A prominent member of the Eritrean community also made reference to the use of English in education for junior students and informed the delegation that the authorities saw English as the future for education and business. The difficulty faced is how to improve the ratio of English speakers, as knowledge is still relatively poor in comparison to most other countries in East Africa, particularly outside the main towns. Regarding the use of Italian the source advised that this was primarily spoken by the older population and served little use within the employment sector.
- 10.6.6. An NGO employee told the delegation that English is now taught in schools from grade 2, and all lessons are in English from grade 6 even though some students have difficulty understanding it. It was explained that the only safeguard to ensure

classes are understood is the examinations at the end of the school year, these must be passed if a student is to progress. However the source noted that there are also problems with some teachers having an insufficient standard of English to properly follow the curriculum. It was also observed by two other NGO employee's that in some cases teachers above grade 5 (i.e. at middle school level) did not always conduct classes in English as required under the provisions of the National Curriculum.

- 10.6.7. The source further explained that teaching had previously been a profession that attracted a reasonable salary by Eritrean standards, a sum of 1,200 Nakfa (approximately £60-00) per month. However, the present situation is that many teachers, in fact probably the majority, are currently on their National Service and that where they teach as part of this they initially receive 145 Nakfa (approximately £7-25) per month which in the opinion of the source is insufficient to live on. It was explained that since 2001 there had been some improvement in the situation in so far as teachers not released from military service after the officially compulsory period of 18 months received 500 Nakfa (approximately £25) per month. The source was not aware of any significant problems with regards to teachers not being paid on time. However, it was explained in order to collect their pay the teacher might have to travel to the capital of the administrative region in which they were working; this could account for a substantial proportion of their salary, particularly if on a military service salary. It is however possible, though bureaucratic, for schools to arrange to collect all salaries for their staff.
- 10.6.8. One NGO employee told the delegation that anyone who failed the military training element of their National Service, even if this was due to a minor disability that had failed to secure an exemption would receive only 50% of the usual salary. This source, as well as another NGO employee commented on the high proportion of teachers on military service. It was explained that at the beginning of term the staffing at some schools had been severely short of teachers on account of the numbers who had been called for military service during the holiday.
- 10.6.9. Concerning the training of teachers one NGO employee advised that there were officially formal educational requirements for teachers according to the level they teach at but that these are not always met in practice. It was also explained that morale among existing teachers is also a serious problem. The Government had previously offered an incentive scheme that could earn a good teacher a posting in Asmara as favoured by the majority. However, this has been discontinued because of the detrimental effect upon the rural communities and a successful teacher is now likely to receive a rural placement. Given that teachers can be sent wherever their employer desires the source observed that this system has had a detrimental effect. The source expressed the opinion that aside from the financial issues for those on military service posted to locations in which their families cannot easily provide additional financial support, there is little incentive for a teacher to perform well and receive a rural posting and the same salary.
- 10.6.10. Two NGO employees described discipline within schools as being reasonably good and explained that a formal disciplinary system provided for disruptive students to be given a series of four levels of warnings of increasing severity. If

these were insufficient deterrent, dismissal was the ultimate sanction. Regarding the use of corporal punishment in school, both sources advised that whilst this was officially not permitted it was used in practice. It was further explained that the use of such punishment varies from school to school although its use could not be described as systematic. Where corporal punishment is used the delegation were advised by both sources that the implement with which it was administered was "a stick". Whilst such punishments were described as severe neither source were aware of any cases where serious or fatal injury had been inflicted upon a student as has occasionally been reported in some other countries in East Africa.

10.7. Pre school education

- 10.7.1. The proportion of children in pre school education stood at just over 5% of the enrolment rate possible from within that age group in the 2000/2001 academic year. According to MLHW enrolment rates have increased slowly since 1992. There were 90 pre-schools in the whole of Eritrea as of 2001. The majority of these were located in Asmara with a few in other urban areas and 21 in rural locations; four pre-school facilities are Government owned. The Government states that it recognises the importance of pre-school education in laying the foundations for the child's overall educational experience.
- 10.7.2. The MoE is only involved in early childhood education to the extent of providing policy guidance, teacher education and monitoring. However, the Government of Eritrea has recently initiated an Early Childhood Care and Development programme under the auspices of the Ministry of Local Government. The goal of this initiative is *"to achieve significant expansion of integrated, low-cost and community based early childhood development programmes of high quality in order to achieve more than 80% of children covered by 2015 through formal and no formal means."*
- 10.7.3. During the visit Father Thomas Osman, the Catholic Bishop of Barentu in Gash-Barka province explained to the delegation that pre-school education plays a vital role within the community. The parents pay for pre-education with fees typically costing a nominal sum in the region of 25 Nakfa (approximately £1-25) per year. Children attending are aged between 4 and 7 years of age. It was explained that although many pre-school establishments within the country are privately run the Government sets a standard curriculum. Throughout the country, particularly outside Asmara, demand for places outweighs spaces available. It was explained that the Government actively encourages the construction of new pre-school establishments.
- 10.7.4. The Governor of Barentu emphasised that MoE and central Government policy had raised the importance of pre-school education for children. Within the province of Gash-Barka for example, the Governor indicated that there were plans to build 60 pre-school facilities. The timetable for this and whether funding for the new establishments are to be provided by the state, private concerns or a combination the source did not disclose. However, the source advised that the

Government had donated the land for a pre-school facility built by the Catholic Church in the town of Barentu (see below).

- 10.7.5. On 12 November 2003 the delegation visited the *Amanida* pre-school (referred to by the hosts as a kindergarten) in Barentu. The Catholic Church funded the construction of this particular facility, the church also run the establishment. The delegation was advised that this establishment provided a good example of such outside the capital, Asmara. A total of 215 children attend in two shifts and there is a staff of 3 teachers as well as a guard and a cleaner. There are typically 50 children to a class. The delegation observed the children were energetic and enthusiastic and healthy in their appearance. It was evident that they partook in a wide range of indoor and outdoor activities as might be expected of pre-school children in any part of the world.
- 10.7.6. Father Osman explained that children of all religious faiths attend *Amanida*. He considered that the children played an important role in bringing all religious faiths and backgrounds together and understood that other such establishments, where operated by the religious community, were equally accepting of all faiths. It was acknowledged that economic factors preclude some families in the area from sending all children of the appropriate age for pre-school education. In recognising the generally poor background of the children who attend *Amanida* it was further explained that all receive supplementary feeding, however it was pointed out that this is not unique to this *Amanida*.
- 10.7.7. A western embassy in Asmara also commented on the important impact of pre-school education, not only in terms of the development of the child but also the opportunity it provides for the parents, particularly mothers, to either work or devote time to other children in the family. Given that many husbands/fathers are away on National Service this opportunity takes on even greater importance.

10.8. Further education

- 10.8.1. A prominent member of the Eritrean community explained that the university/further education system involved one of the following three options: -

Vocational course -1 year

Diploma course at university - 2 years

Degree course at university - 4 years

- 10.8.2. Eritrea has only one university, this being the University of Asmara. However, the source explained there were other possibilities for further education including technical institutes for teaching, technical training, agriculture and nursing and midwifery. The further education establishments providing training in specific areas fall under the jurisdiction of different government ministries.

10.8.3. The above source added that competition for university places is very fierce. Referring to the previous academic year the delegation were advised that of 12,000 who progressed through the secondary school system only 10% will gain a university place. Of these the source stated that 2-3% were female and based on previous statistics the source stated that 10 % of females who enrol for further education would fail to complete their first year at university.

10.9. Abuse and trafficking of children

10.9.1. A parent or guardian may not treat their child with negligence, give too large a task for the child to complete, beat the child in a way which may affect their mental or physical development, abandon the child in dangerous places or conditions or deny the child necessities. The court is sanctioned to impose a punishment against the parent or guardian in respect of any breaches of the above, the TPCE also provides for the rights of the parent or guardian to be limited.

10.9.2. According to the MLHW Report on the implementation of the convention of rights to the child sexual abuse within the family is said to be unknown. In practice though, it is acknowledged that there has been no research undertaken to find the extent of the problem. However, the report accepts that "it is difficult to conclude that it does not occur at all". The TPCE prescribes for more severe penalties for sexual offences committed by family members and others in a position of trust against a minor. Although the law strongly condemns sexual exploitation of children the MLHW states that it is rare that children or their guardians exercise the right to take perpetrators to court. However, various customary laws also recognise incest and prescribe punishments such as the loss of land (livelihood) and public office for offenders.

10.9.3. The above mentioned report also refers to the rape of large numbers of young girls by Ethiopian soldiers during the border war. Rape is not dealt with openly in Eritrean society and the families of rape victims often keep such incidents a secret as a consequence of the shame brought on the family of a rape victim. In most Eritrean families' virginity is a pre-requisite for marriage and consequently marriage for a girl who has been raped can become unattainable.

10.9.4. The Government officially state that it is not aware of any documented or anecdotal evidence to suggest that children are being taken out of the country illegally for the purposes of adoption or other forms of illicit transfer. No official study has been conducted into this issue, however the MLHW Report on the implementation of the convention of rights to the child concludes on this issue "*it would be extremely unlikely that this constitutes a significant problem in Eritrea*".

11. MEDICAL SITUATION

11.1. General health situation

- 11.1.1. In attempting to obtain the most up to date position regarding the medical situation in Eritrea the delegation approached the Ministry of Health (MoH). The MoH requested that the delegation put its request for information in writing and thus a number of questions composed by the delegation were conveyed to the MoH with the assistance of the British Embassy in Asmara. Unfortunately, at the time of publication no response to this request had been received. The delegation hope a statement from the MoH will be forthcoming at a future date and in the event of receiving a response, an annex to this report will be produced to compliment the information obtained form other sources.
- 11.1.2. Father Thomas Osman, the Catholic Bishop of Barentu in Gash-Barka province explained to the delegation that the most prevalent medical conditions in Eritrea likely to require hospitalisation include malaria and tuberculosis. Within children it was explained that there are the additional risks relating to diarrhoea and acute respiratory infections. It was added that a condition that poses a serious threat to children is malnutrition. According to an international observer the most common medical complaints were identified as malnutrition, malaria and trauma.
- 11.1.3. The Report on the implementation and convention of the rights of the child published by the Ministry of Labour and Human Welfare (MLHW) in October 2002 refers to the Eritrean Demographic Health Survey (EDHS) of 2002. According to this source infant mortality in Eritrea is 48 per 1,000 live births; under-five mortality is 93 per 1,000 live births. The same report also refers to 1999 data from the State of Eritrea Management Information System for Health (SEMISH). This lists the four leading causes of child deaths within Eritrea as being diarrhoea (27%), acute respiratory infections (20%), malnutrition (10%) and malaria (9%).
- 11.1.4. Regarding the age group of five and above, MoH released information reveals HIV/AIDS is another leading cause of death while hypertension and liver disease is also reported to be increasing.
- 11.1.5. A western embassy in Asmara advised the delegation that one of the major problems within Eritrea related to malnourished children. The delegation was informed in excess of 20% of children from many parts of the country were affected. Government figures contained in the transitional economic growth and poverty reduction report 2001 - 2002 in fact state that around 38% of children under five have had their growth stunted, 44% are underweight and almost 50% suffer from anaemia.

11.2. Immunisation programmes

- 11.2.1. As reported by the MLHW no cases of polio or diphtheria has been reported in Eritrea since 1997. In addition, all other diseases for which immunisations are

available are reported to have declined. On going programmes include objectives to eliminate neonatal tetanus by 2004 and eradicate poliomyelitis by 2005.

11.3. Water and sanitation

11.3.1. Eritrea suffers from severe and recurring droughts that result in serious water shortages for the population, their livestock and crops. According to the MLHW these problems were further aggravated by the destruction of water supply installations during the 1998 - 2000 war. The lack of clean water affects the quality of hygiene and sanitation within the country.

11.3.2. According to the transitional economic growth and poverty reduction report of 2001-2002 only 10% of rural and 63% of urban populations had access to clean water. Most recent figures relating to access to sanitation are provided in the 1995 EDHS, at this time 18% of the national population had access to adequate sanitation facilities. It is reported by the MLHW that there has been an improvement in the situation since this time.

11.4. Healthcare facilities

11.4.1. According to information provided by the MLHW, the MoH has made significant progress towards rehabilitating and expanding health services. By 1999 official figures stated that about 70% of citizens lived within ten kilometres of a health care facility compared to 10% at the time of independence. There have also been notable increases in the number of hospitals (23 as of 2000); health centres (52) and health stations (170) as well as the number of health care workers. However, as of 2000 the ratio of people to a doctor was 1:13,000 and for a nurse it was 1:2,800. It is acknowledged by the MLHW that many health centres lack trained personnel, electricity, water and furniture supplies. These deficiencies hinder the adequate provision of health care. The MoH has previously referred in correspondence to the British Embassy in Asmara that "*good health care services based on the concept of primary health care*" are available within Eritrea (**see Annex 5**).

11.4.2. Father Osman advised the delegation that within Gash-Barka province the Catholic Church run one health centre and two health stations. As with all community based facilities run by the Catholic Church in Eritrea it was stressed that these facilities are open to the entire population irrespective of religious affiliation. It was further explained that in common with other privately operated health facilities MoH standards had to be met.

11.4.3. It was explained that a health centre is very much like a mini hospital. Using the Catholic Health Centre located in the village of Mogolu as an example it was explained that the facility had a total of 16 staff including a permanent doctor, nurse, midwife and laboratory technician. The facility had a capacity to admit 30 patient's overnight and the source explained one might typically expect beds to be occupied by patients with malaria or tuberculosis. Surgery would not be performed at a health centre; instead the patient would be referred to a hospital.

- 11.4.4. A western embassy in Asmara considered that there was reasonable provision of general medical services within the country. Hospitals in Asmara were described as “*comparatively well equipped*” with doctors and nurses and it was noted that the Government was building new hospitals in other areas of the country. However, support from other countries, including big medical teams from China, Cuba and Russia, were required to boost the number of trained medical personnel. The above source also believed that any medical drugs an individual might require could be obtained from overseas but the cost would be high.
- 11.4.5. A different western embassy in Asmara explained to the delegation that limited medical facilities exist within the country and there is no form of social security services. Treatment has to be paid for. However, fees are kept very low and the community is supportive towards those individuals who are genuinely unable to pay. The source added that they did not believe that many Eritreans did not have a family member abroad (or know somebody that did) and that consequently, there was definitely scope to import medication such as drugs unavailable within the country.
- 11.4.6. One International observer described the current situation regarding the provision of medical services within the country as “*poor, but not disastrous*”. The source explained that primary health care is available through a network of clinics located in rural areas and observed that these facilities were better than those in several other developing countries. It was added that this network of clinics had been built up since independence before which there were no such facilities and that most rural communities were now served; however the source stressed that this was not to say that every village has a clinic of its own. It was added that facilities had been developed in the countryside before the towns. It was further explained that the clinics are clean and staffed by well-trained paramedics and also nurses but there is a shortage of trained doctors. The delegation was advised that thirty-five Cuban doctors were assisting in the countryside and there are plans to increase this number.
- 11.4.7. The same source also explained that the cost of services and medication was cheap by western standards and reasonable in comparison to many other countries in the region. However, services are not generally free although provision exists for the very poor to apply for assistance. The source however considered that the very poor might still find it difficult to obtain treatment. The source also commented that that anyone who could afford to cover the cost of an air ticket to Europe could equally afford to pay for treatment within Eritrea.

11.5. Availability of specialist facilities

- 11.5.1. An international observer explained to the delegation that Asmara has a number of specialist facilities including a dedicated paediatric hospital and an eye clinic though a new general hospital for the capital, whilst progressing, is yet to be completed; an old military hospital continues to be used at present. According to the source some facilities are lacking within the country; for example laser

treatment is not available for treating kidney stones. However, it was explained that in many cases it is not a lack of knowledge or inability to undertake procedures but a risk of postoperative infection that is a particular problem. It was explained that people with standing in Eritrean society or with adequate funds might well get referrals to Saudi Arabia for treatment. One western embassy in Asmara also commented that although there is a lack of some forms of specialist treatment, some such treatment is available; for example, cardiac care and treatment.

11.6. HIV/AIDS

- 11.6.1. According to the CIPU country assessment of October 2002 the HIV/AIDS epidemic is considered to be in its early stages in Eritrea. Compared to other African countries, Eritrea has a relatively low HIV prevalence rate of less than 3 percent among adults. Information provided by the World Health Organisation indicated in 1999 that 2.87% of the adult population live with HIV infection. By 2001, more than 13,000 people had been registered as infected. However, statistical information compiled by the National Aids Control Programme (NACP) estimates that between 60,000 and 70,000 in total have been infected with HIV.
- 11.6.2. MoH data shows that in 1996 HIV/AIDS was ranked as the tenth leading cause of death in the over 5 age group within the country. In 1999, HIV/AIDS was ranked as the leading cause of death within the same age group though in 2000, the most recent year for which this information is available; it was the second highest cause. According to NACP statistics based upon cases reported in 1999 more than 98% of reported cases were from urban areas, mainly the larger cities of Asmara, Massawa and Assab. The peak age for infection was, according to this information, 20-24 in females and 25-29 in males.
- 11.6.3. As explained in the Integrated Regional Information Networks (IRIN) article "*Eritrea tackles AIDS*" dated 10 July 2002, cultural taboos often prevent open discussion about HIV/AIDS and its dangers. In traditional society, people don't talk about sexuality or HIV/AIDS, and the government view this as a barrier to HIV/AIDS education. In 2001, the Eritrean Minister for Health, Saleh Meki presided over the establishment of the HIV/AIDS, Malaria, Sexually Transmitted Infections (STIs) and Tuberculosis Control Project (HAMSET). HAMSET was set up to co-ordinate and improve the treatment and management of these four communicable, and often inter-linked, diseases.
- 11.6.4. Financed by the government and the World Bank, the HAMSET project has already overseen the building of a new national blood bank in Asmara. All blood donations in Eritrea are screened for HIV and other infections. The HIV Voluntary Counselling and Testing Centre opened in Asmara in June 2002. It is Eritrea's first "*free-standing*" HIV testing facility. Offering rapid, on-the-spot HIV tests, as well as pre and post-test counselling, it represents part of a nationwide campaign by the government to improve AIDS awareness as well as care and treatment for people living with HIV/AIDS.

11.6.5. The aforementioned IRIN report also refers to a nation wide support group, "*Bidho*" (meaning, "*challenge*") that was established in 2002. It is run out of a small office in Asmara, and currently conducts workshops and courses to educate people about HIV/AIDS. It also plans to set up an advice hotline and to act as an advocate for people living with the virus and is lobbying to improve health care and treatment. They have been working with the government in respect of the NACP. The MoH has worked together with UNAIDS to improve medical treatment for infected persons. During 2002 it is reported that a pilot programme commenced in anti-natal clinics to provide anti-retroviral drugs to prevent mother-to-child transmission of the HIV infection. Anti-retroviral drugs, which can prolong the lives of sufferers, are otherwise still unavailable through the state (see below).

11.6.6. Musa A. Bungudu, Deputy Humanitarian Coordinator & Head of the Office for the Coordination of Humanitarian Affairs (OCHA), Eritrea considered the programme in place to tackle HIV/AIDS to be very strong. He confirmed to the delegation that the Government has established a national committee dedicated to dealing with the issue and setting policy, they work in conjunction with a thematic group principally comprised of UN Agencies. Both these bodies work together to plan and deliver technical programmes – these cover the following components: -

Education – this involves both preventative elements and education designed to reduce the stigma currently attached to the virus.

Testing – persuasion of people to submit to voluntary testing

Care – this also incorporates counselling. Bungudu advised care provision is limited, as, like elsewhere outside western nations, the cost of drugs is prohibitive.

Orphans – provision of care for "AIDS orphans"

11.6.7. An International observer in Asmara explained that whilst incidents of HIV infection were increasing the growth rate of new infections in other parts of Africa, including neighbouring Ethiopia, was much greater. It was explained that an awareness campaign promoting safe sex had been operating for the past 4 – 5 years; this comprised adverts and articles covered in both the broadcast and printed media and through poster campaigns. The source considered that the majority of people know how AIDS is spread and that unlike certain other regions of Africa, there is no "black magic culture" regarding contamination or cure.

11.6.8. The same source explained that the HIV virus had a lot of stigmatism associated with it. Those infected and their families will seek to hide the fact that AIDS is the cause of illness or death although suspicion is always there. The delegation was also advised that there were particular concerns about incidents of HIV within the army and that there were commercial sex workers in and around Asmara who are another group to generate concern. The source did not think that anti-retroviral drugs were available through the standard health care system and if they were available at all their cost would be prohibitively expensive.

- 11.6.9. A letter from the MoH (**see Annex 5**) confirms these drugs are not provided by the state for treatment of infected persons and reveals that there are no plans to introduce these drugs in the near future. A western embassy in Asmara confirmed that individuals imported anti-retroviral drugs but there were potential problems with the quality of these in so far as there is always a risk they could be out of date. However, the source commented that such drugs were cheap (in relative terms).
- 11.6.10. Father Osman provided the delegation with some insight to how the Kunama perceive and react to HIV/AIDS though this view cannot be taken as consistent with the perception and reaction of rural Eritreans from other ethnic groups. The delegation was advised that the Kunama, especially those living in remote communities, know very little about HIV/AIDS. This of course does not mean that it has not affected the area and the people, it has. At times though the condition is mistaken for other widespread conditions such as tuberculosis. Where it is known to be HIV/AIDS it is referred to by people as “the worst disease”. There are many myths regarding the infection and traditional methods exist within Kunama society that may be used to cure people infected. A popular one practiced in remote communities involves a goat, plants and traditional medicines. The goat will be force-fed all of the assembled ingredients and then after a certain time the goat will be killed. The goat is then chopped up and made into a broth or soup, the following day this is fed to the “patient”. This is alleged to help him to get rid of “the bad”. The source however emphasised that people within communities where such treatments are used have no idea what the person treated is in fact infected with.

11.7. The Disabled

- 11.7.1. As referred to by the US Department of State the Eritrean Constitution and TCCE prohibit discrimination against persons with disabilities and reports that the Government enforces these provisions. The long war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government spends a large share of its resources to support and train these former fighters, who are regarded as heroes, and does not discriminate against them in the provision of training, education, or employment. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for persons with disabilities.
- 11.7.2. A comprehensive study by the MLHW in 2002 revealed a total of 80,000 people with some form of disability within four of the countries six regions (the Northern and Southern Red Sea regions are not included in this figure). The MLHW is responsible for the provision of care for the disabled. The preferred approach is the Community Based Rehabilitation (CBR) programme. CBR, which is implemented through the combined efforts of disabled people, their families and communities has, according to the MLHW, proved to be the most effective method of addressing the subtle attitudes of disability such as stigma and rejection etc. So

far as children with disabilities are concerned those who have sight or hearing affected or who are mentally handicapped are most commonly stigmatised. The Government acknowledges there is a difference in attitudes towards war and non-war disabled.

- 11.7.3. An International observer in Asmara considered that there was a good system in place to provide treatment and assistance of those disabled in the war. He commented that in many cases war victims had sustained spinal injuries and were wheelchair bound. This group received considerable support and assistance from the government. However, in the case of people born with disabilities the source noted that the level of support was *"far less impressive."*

11.8. Medical facilities for the physically disabled

- 11.8.1. Information provided by the MLHW provides details of specialist facilities available to disabled persons within Eritrea. These include four orthopaedic workshops in three different locations where patients can be fitted with prosthesis. There are reportedly plans to open further workshops in other parts of the country. There is also a specialist clinic run by an NGO that specifically treats children under the age of 15 who are affected with a range of physical disabilities; 75% of patients are polio cases and 20% of patients have clubfeet. However others have conditions including muscle disorders, cerebral palsy and congenital deformities. Treatment is also provided for burn victims and physical trauma cases. The clinic is based in Asmara but has a network of dormitories for out-of-town patients. The clinic sees approximately 3,000 cases in a year. The Hansenians Eritrean Welfare Organisation provides care for lepers.

11.9. Psychiatric Treatment

- 11.9.1. There is a single hospital for psychiatric care - the "St Mary's Neuropsychiatric Hospital" located in Asmara with a capacity of 240 beds. According to the MLHW staff here include one trained psychiatrist and seven psychiatric nurses. There is no specialist child psychiatrist in the country or dedicated facilities for children with psychiatric problems, where hospital admission is necessary children would be placed in a ward alongside adult patients. The paediatric unit of the Mekane Hiwot Hospital, also located in Asmara may also track a small number of children with psychiatric conditions. However, as a result of poor community awareness children or adolescents with psychological problems are, as a result of poor community awareness, often believed to be either *"bad kids"* or have their condition associated with *"demons or other traditional beliefs."*

12. INDIVIDUALS AND ORGANISATIONS CONSULTED

Balslev-Olesen, Christian	UNICEF Representative to Eritrea, UNICEF, Asmara
Brandt, Yoka	Ambassador, Royal Netherlands Embassy, Asmara
Bungudu, Musa A.	Dep. Humanitarian Coordinator & Head of OCHA, Eritrea
Fassbender, Friedrich	First Secretary, Deputy Head of Mission, Embassy for the Federal Republic of Germany, Asmara
Ghebremariam, Ghirmai	Ambassador, Embassy of the State of Eritrea, London,
Ghebreslassie, Kesete Haile	Counsellor & Attorney at Law, Asmara
Gebremeskel, Yemane	Director of the Office of the President
Gilkes, Dr Patrick	A consultant on the Horn of Africa
Hill, Dr Martin	International Secretariat, Amnesty International, London
Hoefers, Baerbel	Child Protection Officer, UNICEF, Eritrea
Kahsay, Paulos	Director-General, Ministry of Transport & Communications
Kolb, Hubert	Ambassador, Embassy for the Federal Republic of Germany, Asmara
Le Borgne, Friedrun Medert	Head of Delegation, International Committee of the Red Cross, Eritrea
Mohamed, Ali	Management Committee member, Eritrean Human Rights Organisation, London
Murray, Mr M.T.	Ambassador, The British Embassy, Asmara
Mustafa Nurhusein.	Governor of Zoba, Gash – Barka
Negusse, Dr Araya	Director, The British Council, Eritrea
Osman, Father Thomas	Catholic Bishop of Barentu, Catholic Eparchy of Barentu
Silkin, Trish	A consultant on the Horn of Africa
Tewolde, Gebretnsae	Operations Chief, Department of Immigration & Nationality for Eritrea
Thodesen, Terje	Programme Director – VSO Eritrea
van Nes, Mr C.	Second Secretary for Cultural Affairs and Management, Royal Netherlands Embassy, Asmara

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United States Committee for Refugees (USCR)

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14. ACRONYMS USED IN THE REPORT

- CBR** - Community Based Rehabilitation
- CIPU** - Country Information & Policy Unit
- CPE** - Citizens for Peace in Eritrea
- EDHS** - Eritrean Demographic Health Survey
- EPLF** - Eritrean People's Liberation Front
- ERREC** - Eritrean Relief and Refugee Commission
- FGM** - Female Genital Mutilation
- ICRC** - International Committee of the Red Cross
- IRIN** - Integrated Regional Information Networks
- IDP(s)** - Internally Displaced Person(s)
- HAMSET** - HIV/AIDS, Malaria, Sexually Transmitted Infections and Tuberculosis Control Project
- MLHW** - Ministry of Labour and Human Welfare
- MoE** - Ministry of Education
- MoH** - Ministry of Health
- NACP** - National Aids Control Programme
- NGO(s)** - Non-governmental organisation(s)
- NUEW** - National Union of Eritrean Women
- NUYES** - National Union of Eritrean Youth and Students
- OCHA** - Office for the Coordination of Humanitarian Aid
- PFDJ** - People's Front for Democracy and Justice
- SEMISH** - State of Eritrea Management Information System for Health
- TCCE** - Transitional Civil Code of Eritrea

TPCE - Transitional Penal Code of Eritrea

USCR - United States Committee for Refugees

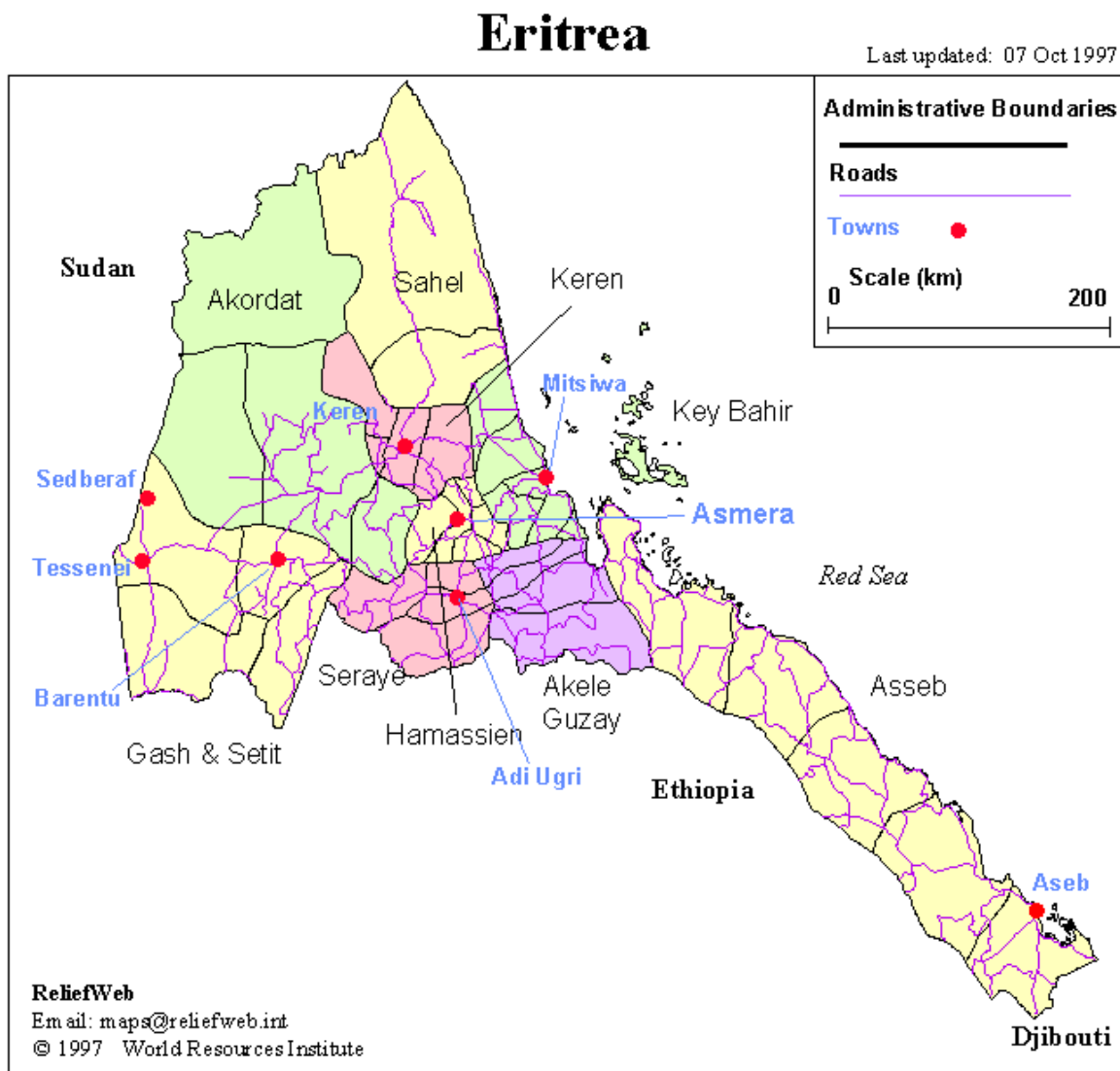
UNICEF - United Nations Children's Fund

UNMACC - United Nations Mine Action Coordination Centre

WFP - World Food Programme

15. ANNEXES

15.1. ANNEX 1: Map of Eritrea



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. These maps may be freely distributed. If more current information is available, please update the maps and return them to ReliefWeb for posting.

15.2. ANNEX 2: Population of Concern 2002 - 2003

Statistical information provided by the Office for the Coordination of Humanitarian Aid.

Population of Concern 2002 - 2003

- Total population in 2002: 3.29 million

Target population	Number	Assistance received
Drought Affected	1,400,000	Sub-sets of this group are targeted to receive food and/or non-food at least until the next seasonal harvest in December 2003
IDPs in Camps	47,492	Food, non-food aid, emergency rehabilitation and reintegration assistance.
IDPs outside Camps	10,688	Food, non-food aid, emergency rehabilitation and reintegration assistance.
Returnees (former refugees)	165,000	Return, reintegration, food, rehabilitation assistance, and protection monitoring.
Returnees (former IDPs)	185,569	Return, reintegration, food, rehabilitation assistance, and protection monitoring.
Refugees in Eritrea	3,058	Protection, food and non-food aid and repatriation assistance, if and when appropriate.
Expellees in Camps	16,811	Efforts are made to bring them to more permanent sites. They receive full assistance in and outside camps.
Urban Vulnerable & Victims of HIV/AIDS	283,000	Non-food aid.
Soldiers for Demobilization	200,000	Reintegration and food aid.
Approx 2.3 million		

15.3. ANNEX 3: Letter from the Embassy of the State of Eritrea, London.



Embassy of the State of Eritrea
LONDON

REF-EMB-L271/02

29/08/02

Mr James Silk
CIPU – Appolo House
Croydon

Fax No. 020 8760 8666

Dear Mr Silk,

Referring to your fax of Tuesday, 27 August 2002, as per your request the Embassy will try to answer to your questions accordingly.

1. A person who was born in Eritrea with an Eritrean father *WOULD BE ELIGIBLE* for Eritrean nationality.
2. The political views of the 3 witnesses are *NOT RELEVANT* to establishing the nationality of the applicant.
3. The political views of the applicant for nationality are *NOT RELEVANT* to establishing eligibility for nationality and obtaining an Eritrea passport.
4. The voting in the 1993 Referendum is *NOT A NECESSARY PRECONDITION* to establishing nationality.
5. Paying a 2% tax on nationals overseas is *NOT A PRECONDITION* for eligibility for Eritrean nationality and obtaining a passport.
6. Claiming refugee status overseas *DOES NOT PRECLUDE ELIGIBILITY* for Eritrean nationality or obtaining an Eritrean passport.
7. All application forms are filled in person by the applicant at the Embassy's consular section. No application forms out of the standard provided by the Embassy are accepted.

If you need more information don't hesitate to contact the Embassy.

Embassy of the State of Eritrea in London



96 White Lion Street, London N1 9PE. Tel: 020-7713 0096 Fax 020-7713 0161

15.4. ANNEX 4: Maltese press release

Statement issued by the Ministry of Home Affairs and the Environment.

PRESS RELEASE

Statement issued by the Ministry for Home Affairs and the Environment

With reference to certain newspaper reports that appeared in the local press, based on information disseminated by the so-called 'Eritrean Liberation Front', regarding the deportation of illegal immigrants to Eritrea from Malta, the Ministry for Home Affairs and the Environment wishes to expose the facts on this issue in order to avoid any misunderstandings or incorrect interpretations of the actions taken by the Maltese Government to deal with the emergency caused by the illegal entry of foreign citizens in Malta.

233 persons from Eritrea were deported from Malta with four separate trips taking place between the 30th of September and the 3rd of October 2002. (Document A) Of these 223 persons, 76 per cent, i.e. 170, **did not apply** for a refugee status under the new Law on Refugees, although they had been staying in Malta for months. This new law, which was modelled on the provisions of the United Nations Refugee Convention of 1951, introduced for the first time, the right to every person who proves that he is a refugee, to stay in Malta and to work therein. Also for the first time, a right to appeal was granted to those who are not awarded refugee status by the Refugee Commissioner.

The Eritrean nationals in question were repeatedly informed of their right to apply for refugee status. (Document B). The immigrants refused to do so even when they were informed of the consequences should they refuse to apply.

It is not fair to treat those who do not apply for refugee status in the same way as those who apply. If it were so, all our structures relating to refugee status would become useless and our country would be obliged to accept whoever comes to Malta by whatever means. Indeed this is not possible more so in view of the fact that during the relatively short period of six months more than 900 illegal immigrants have landed in Malta.

Therefore those illegal immigrants who did not apply for a refugee status, despite being informed by the consequences and despite being granted more than enough time to change their minds, cannot remain in Malta and will be repatriated.

It is not possible that whenever a person decides not to apply for a refugee status, all the local structures are put on hold to wait indefinitely for him until he changes his mind. We must not forget that for every 100 immigrants, the Maltese Government is forking out Lm250 (625 Euros) daily on food expenses only.

One cannot argue that the 170 immigrants who did not apply for refugee status people did so because they did not have faith in the process, because it is a well known fact that in the last two months, 60 people were given protection when they were granted humanitarian status.

Regarding those 53 persons from the 223 who were deported who did apply for refugee status, their application was refused because they did not match the criteria to be accepted as refugees according to the Refugee Law that reflects the 1951 United

Nations Convention on Refugees. (Document C contains an extract from the Maltese Law on Refugees and a Q&A about the Refugee Convention).

The details of the reasons why these applications were refused cannot be published owing to ethical reasons and in order to protect the confidentiality of the applicants themselves; however the applicants who had their application refused, were given a memorandum with all the details pertaining to his case. This provided the applicant with the possibility to provide other facts he may deem relevant to his case before the Appeals Tribunal, and which may have been omitted, in the original application.

It is also worth mentioning that every application is treated on its own merits; the refugee commissioner does not use "group determination" to decide on applications. Each and every applicant is interviewed for at least two hours by the refugee commissioner and is informed of every detail about the decision taken in his case. There were cases where the whole process for a single person took some twenty hours and this is mentioned to illustrate the meticulous manner with which matters are conducted.

It is also worthwhile mentioning, in view of the several reports in the local press, that earlier this year, the UNHCR decided to revoke the refugee status for hundreds of thousands of Eritrean refugees who have been fleeing their country since the 1960s. Around 100,000 Eritreans have returned to their country, either alone or by means of a voluntary repatriation operation.

This is being done because "the root of the refugee problem in Eritrea no longer exists." The country is no longer in a state of war, and peace has returned to the country following an accord signed between Ethiopia and Eritrea in June 2000, which accord is monitored by the United Nations. (Document E). In a report published in July 2002, the UNHCR has said that there are no indications that Eritrean refugees returning to their home country are being badly treated. However the UNCHR stated also that every case should be treated on its own merits, and that is exactly what the Maltese authorities are doing.

Malta provides shelter to recognised refugees only. It grants them the right to stay here along with their dependants, the right to travel documents, the right to free health care and education, and also a right to a work permit. There is no country in the world that provides shelter to all immigrants for the simple reason that they entered the country. Malta is no exception.

There is no evidence either, that the Eritreans deported from Malta were badly treated or tortured upon their arrival. The information that we have from well-trusted sources is that these immigrants are going through the normal procedures of every immigrant who returns to his home country.

15.5. ANNEX 5: Letter from the Eritrean Ministry of Health

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دولة ارتريا
وزارة الصحة

The State of Eritrea
MINISTRY OF HEALTH

Date: _____

Ref. No. _____

British Embassy
Asmara

Att. Honorable M T Murray
H M Ambassador

Subject: Medical Treatment for HIV/AIDS in Eritrea

We would like to inform your Excellency that we are in receipt of your letter dated 1 July 2002 on the above subject.

In Eritrea, as has been mentioned in the attached e-mail message, there is a good health care services based on the concept of Primary Health Care. However, in Eritrea, treatment for HIV/AIDS cases with Anti-retroviral drugs (ARV) is not available. In addition to this, there is no plan to introduce these drugs in the near future.

Honorable Ambassador, this is the information that we can provide at this moment. If there is any question you would like to ask, please do not hesitate to do so.

Sincerely yours,

Dr. Andeberhan Tesfazion

Manager, NACP/MOH

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117549

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