



Home Office

# **Country Information and Guidance**

## **Eritrea: National (incl. Military) Service**

March 2015

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Eritrea. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

Date Updated: 11 March 2015

## 1.1 Basis of Claim

- 1.1.1 Fear of harm or mistreatment by the state because:
- (a) of the treatment and/or conditions likely to be faced by person during compulsory military service duties; and/or
  - (b) the requirement to undertake national service duties amounts to a form of slave labour, particularly given the indefinite/open-ended nature of it; and/or
  - (c) of the penalties likely to be faced by the person's refusal to undertake, or their desertion from, national/military service duties.
- 1.1.2 Decision makers must note that a person may also raise issues related to punishment or penalties imposed for leaving Eritrea illegally. Therefore, this country information and guidance should be read alongside the one on [Eritrea: Illegal Exit](#).

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## 1.2 Summary of Issues

- 1.2.1 Is the person's account a credible one?
- 1.2.2 Does the requirement to undertake national/military service put the person at risk of serious harm or mistreatment?
- 1.2.3 Is the person at risk of harm or mistreatment for refusing to undertake or evading national/military service?
- 1.2.4 Are those at risk able to seek effective protection?
- 1.2.5 Are those at risk able to internally relocate within Eritrea?

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## 1.3 Consideration of Issues

### Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's claim relating to their refusal to undertake national service duties or evading military service and of their experiences as such is reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

For further information on these and assessing credibility more generally, see section 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## Does the requirement to undertake national/military service put the person at risk of serious harm or mistreatment?

### General Points

- 1.3.2 National service – which includes an element of six months’ military training and could then extend to service in a military post – is compulsory for Eritreans aged between 18 and 50. There are very limited exemptions (see [Exemptions from National Service](#) in the information section).
- 1.3.3 Despite this, it is legitimate for countries to require their citizens to perform compulsory military service. Similarly, both draft evasion and desertion are usually criminal offences and are punishable by law – points provided for in the [UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status](#) (paras 167-174) and confirmed by the House of Lords in the case of [Sepet & Another v. SSHD \[2003\] UKHL 15](#).
- 1.3.4 Therefore, a requirement to undergo compulsory national/military service – or punishment for failing to complete this duty – does not, in itself, constitute persecution. It will only do so where:
- (a) military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct;
  - (b) the conditions of military service would be so harsh as to amount to inhuman and degrading treatment; or
  - (c) where the punishment for draft evasion or desertion is disproportionately harsh or severe.

For further information on this, see the [Asylum Instruction on Military Service and Conscientious Objection](#).

### Acts Contrary to Basic Rules of Human Conduct

- 1.3.5 “Acts ... which are contrary to the basic rules of human conduct” means being required to act in a way that would bring that person within the scope of Article 1F of the Refugee Convention and/or Article 12 of Council Directive 2004/83/EC (‘the Qualification Directive’).
- 1.3.6 Although Eritrea remains in a state of combat-readiness and relations with neighbouring countries remains tense (see [No War, No Peace](#) in the information section), it is not reasonably likely that a person would be required to engage in actual military conflict, or be involved in acts which are contrary to the basic rules of human conduct.
- 1.3.7 Similarly, whilst there is some evidence to suggest that the Eritrean government is using or has used recruits (or ex-recruits) to carry out some round-ups (see [Round-Ups \(Giffas\)](#) in the information section) or other internal security roles, there is no evidence to suggest that this involves being required to act in a which is contrary to the basic rules of human conduct.
- 1.3.8 There is no evidence that military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct.

For further information on Article 1F of the Refugee Convention and/or Article 12 of the Qualification Directive, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#).

### Conditions of Military Service: Military Training

- 1.3.9 There are reports that conditions at Sawa Military Training Centre are harsh with severe punishments meted out for attempted escape, insubordination, disobedience or dissent. Reports also suggest that people are arbitrarily detained and some are

subjected to torture, inhuman or degrading treatment and corporal punishment. There are also reports of students falling ill and dying or committing suicide due to the conditions. However, there are also reports that students are not overworked or beaten.

- 1.3.10 In addition, sources do not agree on the scale and extent of the alleged treatment, and there has been no independent verification of the conditions during training given the lack of access by western governments, international media and international NGOs to both Eritrea generally and Sawa in particular. The Danish Fact-Finding Mission Report to Eritrea also reported the views of interlocutors in Asmara who made contrasting conclusions (see [Conditions](#) in the information section).
- 1.3.11 Although a person may be able to demonstrate that they would be at real risk of mistreatment or inhuman and degrading treatment as a result of the conditions of military service, it cannot be said that every single person undertaking some form of military training as part of their national service requirement would face such risk. The application of any such harm or mistreatment appears to be arbitrary.
- 1.3.12 Decision makers must make an assessment based on the individual facts of a person's specific case.
- 1.3.13 Those who are particularly likely to be at risk of mistreatment include:
  - (a) Conscientious objectors who are unable to perform the military service element on account of their religious beliefs and would face a disproportionate penalty as a result (see **Punishment for Draft Evasion or Desertion: Conscientious Objection** below).
  - (b) Those who have been politically active in their opposition to the Eritrean government and would be readily identifiable as such.
- 1.3.14 Those who **may not** be at real risk include:
  - (a) those who have performed some element of the military service requirement without incident and could reasonably be expected to complete it.
  - (b) those who have completed (been demobilized from) national service.
  - (c) those who are disabled or medically unfit.
  - (d) those who are educated and/or more likely to be assigned to a government or other civic post upon completion of the initial six months' military training.
  - (e) women, in particular those who:
    - i. are over 27,
    - ii. are married;
    - iii. have children.

Combinations of these factors are likely to further decrease the risk.

- 1.3.15 Unless a person can show that they are at risk of being disproportionately punished/penalised as a result of their political or religious beliefs, a person who demonstrates they are at real risk of mistreatment would qualify for Humanitarian Protection rather than asylum.

### **Conditions of Military Service: National Service and 'Slave Labour'**

- 1.3.16 In terms of whether the open-ended and potentially indefinite nature of national/military service amounts to mistreatment because it constitutes a form of slave labour, the most up-to-date information available from inside Eritrea suggests, in general, military/national service lasts for around four years. Some persons may serve longer than this; others may serve around 18 months. How long a person may serve appears to be arbitrary but involves doing six months' basic military training and the remaining

time spent either continuing with military service or in a government or civic post (see [Duration of National Service in Practice](#) in the information section).

- 1.3.17 The Eritrean government have stated that, from November 2014, national service resorted back to an 18 month limit, consisting entirely of military service (i.e. no civic/government posting). This includes those who would have been required to commence service before this date but did not due to them leaving Eritrea (see [Moves to Time-Limit National Service](#) in the information section).
- 1.3.18 Military service may in future be limited to 18 months but it has generally been for up to 4 years, and on occasion may have been extended indefinitely. However, a person is unlikely to be able to demonstrate that they are at real risk of being subject to extended or indefinite military service such as to amount to inhuman and degrading treatment or punishment or slave labour, unless there are particular factors that put them at such risk. Consideration needs to be given to the individual circumstances of the person when considering whether they have demonstrated such risk.
- 1.3.19 Where the person is at risk, unless they can show that this is as a result of their political or religious beliefs, they would qualify for Humanitarian Protection rather than asylum.

### **Punishment for Draft Evasion or Desertion: General**

- 1.3.20 Decision makers must note that a person in the UK is highly likely to also raise issues related to the punishment or penalties imposed for leaving Eritrea illegally. Therefore, this section must be read alongside the country information and guidance on [Eritrea: Illegal Exit](#).
- 1.3.21 The [Asylum Instruction on Military Service and Conscientious Objection](#) explains that in order for a punishment to be considered disproportionately harsh or severe, it would need to be of a particularly serious nature. Long prison sentences will not normally be enough to engage the protection of the Convention.
- 1.3.22 The most up-to-date information available from inside Eritrea suggests that those who refuse to undertake or abscond from military/national service are not viewed as traitors or political opponents. It is unlikely that a person would be detained/imprisoned on return as a result.
- 1.3.23 Even those who have repeatedly deserted or evaded – or have deserted or evaded a critical post – are unlikely to be detained/imprisoned or, if they are, not for any significant length of time. In recent years, the attitude of the Eritrean Government also appears to be more relaxed and pragmatic. The likely outcome for evasion or desertion is the requirement to return to military/national service (see [Desertion and Evasion in Practice](#) in the information section).
- 1.3.24 In light of this, a person is unlikely to be at real risk of harm or mistreatment on return because they are a deserter/draft evader.
- 1.3.25 However, those who have been politically active in their opposition to the Eritrean government and would be readily identifiable as such are likely to be at risk on return.

### **Punishment for Draft Evasion or Desertion: Conscientious Objection**

- 1.3.26 There is no alternative to military service. However, the [Asylum Instruction on Military Service and Conscientious Objection](#), based on the House of Lords ruling in [Sepet & Another](#), sets out that there is no internationally recognised right to conscientious objection, such that failure to recognise this (by exempting a conscientious objector from punishment for draft evasion) would itself amount to persecution.
- 1.3.27 Similarly, it is not sufficient for a person to show they would be penalised/punished for failing to comply with the law and that they happen to have particular religious, moral or other convictions.

- 1.3.28 Therefore, decision makers must determine whether a person would be reasonably likely to face a disproportionate penalty/punishment for draft evasion/desertion as a direct result of their deeply held convictions.
- 1.3.29 This is likely to be particularly true for Jehovah's Witnesses as well as evangelical and Pentecostal Christians (see [Conscientious Objection](#) in the information section). Whilst the law provides that people will be detained for up to two years for desertion or evasion (see [Law on Desertion and Evasion](#) in the information section), there is some evidence that suggests Jehovah's Witnesses in particular have been detained/imprisoned for far longer than that (see [Desertion and Evasion in Practice](#) in the information section).
- 1.3.30 In addition, the rationale of the decision in [HJ \(Iran\) v Secretary of State for the Home Department \(Rev 1\) \[2010\] UKSC 31](#) (7 July 2010) applies and the person cannot be expected to modify their beliefs in order to avoid punishment or persecution.

For further information, see also the country information and guidance on [Eritrea: Religious Groups](#).

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#### Are those at risk able to seek effective protection?

- 1.3.31 As the person's fear is of ill treatment/persecution at the hands of the state, they would be unable to avail themselves to the authorities for protection.

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#### Are those at risk able to internally relocate within Eritrea?

- 1.3.32 As the person's fear is of ill treatment/persecution at the hands of the state, it is neither reasonable nor realistic to expect them to relocate to escape that risk.

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## 1.4 Policy Summary

- **National service – which includes an element of six months' military training and could then extend to service in a military post – is compulsory for Eritreans aged between 18 and 50. There are very limited exemptions and no exemption on the grounds of conscientious objection.**
- **A requirement to undertake national/military service does not, in itself, constitute persecution or inhuman or degrading treatment. It will only do so where:**
  - a. military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct,**
  - b. the conditions of military service would be so harsh as to amount to inhuman or degrading treatment or persecution; or**
  - c. where the punishment for draft evasion or desertion is disproportionately harsh or severe.**
- **Despite the highly militarised nature of Eritrean society and tense relations with several of its neighbours, a person is unlikely to be involved in armed conflict or acts contrary to the basic rules of human conduct.**
- **Conditions of military service are reportedly harsh. However, many Eritreans complete military service without suffering mistreatment. As a result, those required to perform military service are unlikely to be at real risk of inhuman and degrading treatment but may be at such risk depending on their individual facts and specific circumstances.**



- **The arbitrary nature of the application of any such harm or mistreatment means that any grant of leave would be of Humanitarian Protection rather than asylum unless a person can demonstrate they would be singled out as a direct result of their political or religious beliefs or other Convention reason.**
- **National service is generally between 18 months and 4 years. It is not reasonably likely that a person would be at risk of inhuman and degrading treatment on account of being effectively required to perform slave labour. However, consideration must be given to their individual facts and specific circumstances when assessing the likelihood and impact of such a risk.**
- **Evaders and deserters are unlikely to be considered traitors. Some who evade or desert are potentially liable to detention. However, it is not reasonably likely this is widespread or prolonged or to reach the Article 3 threshold. The likely “punishment” for evasion/desertion is assignment to a job in the national service programme and/or completion of military service or training.**
- **There may be exceptions – such as those who have been involved in high-profile opposition to the Government. Decision makers should consider each case on its facts and the individual circumstances and profile of the person.**
- **The lack of a civilian alternative (or the compulsory requirement to perform military training) and the disproportionate penalties for those who refuse to undertake military service means that conscientious objectors – in particular Jehovah’s Witnesses and Pentecostals – are likely to be at risk.**
- **Effective state protection is not available and internal relocation is not a realistic or reasonable option for those who are at risk.**
- **Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.**

For further information on making asylum decisions, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Humanitarian Protection](#) and the [Asylum Instruction on Discretionary Leave](#).

For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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# Section 2: Information

Date updated: 26 January 2015

## 2.1 National Service Law

- 2.1.1 The National Service Proclamation No 82/1995 (hereafter referred to as ‘the Proclamation’) issued by the Eritrean government on 23 October 1995 sets out the national service requirements in full.
- 2.1.2 Article 2 of the Proclamation states that: “National Service” will mean the general service that a citizen will give in active national service and in reserve military service, under the present proclamation ... “Active National Service” will mean the training and service that a citizen [referred to as a “Trainee”] fit for national service under Article 8 of this proclamation will undergo for 18 months.<sup>1</sup>
- 2.1.3 Article 6 of the Proclamation states that: ‘...any Eritrean citizen from 18 to 50 years of age has the obligation of carrying out national service.’<sup>2</sup>
- 2.1.4 Article 8 of the Proclamation states that: ‘...all Eritrean citizens from the age of 18 to 40 years have the compulsory duty of performing Active National Service. Active National Service consists of six months of training in the National Service Training Center and 12 months of active military service and development tasks in military forces for a total of 18 months.’ The use of the term ‘active national service’ in the National Service Proclamation refers to military training and national service duties but does not include reserve military service.<sup>3</sup>
- 2.1.5 Article 9 of the Proclamation states that ‘...any Eritrean citizen from the age of 18 to 40 years called upon to undertake active national service has the compulsory duty of undertaking military training for six months in the National Service Military Training Center’.<sup>4</sup>
- 2.1.6 Article 16 of the Proclamation states that the Ministry of Defence decides what type of national service individuals have to complete.<sup>5</sup>
- 2.1.7 Article 18 of the Proclamation states that the Ministry of Defence has the responsibility to resolve problems individuals may have with the length and nature of national service they have to undergo.<sup>6</sup>
- 2.1.8 Article 21(1) of the Proclamation stated that ‘during a mobilization or war period anyone in Active National Service is under the obligation of remaining even beyond the prescribed period unless the concerned Authority allows him to leave officially.’<sup>7</sup>
- 2.1.9 Article 22 of the Proclamation provides details of the rights and privileges of the individuals in national service. These include food, lodging, transport, uniform, medical services, and payment. Individuals who have completed active national service have the right to return to their previous employment - whether this is in the public sector or private sector.<sup>8</sup>

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<sup>1</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, [http://www.unhcr.org/refworld/country\\_LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html](http://www.unhcr.org/refworld/country_LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html), accessed on 19 November 2014.

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*

<sup>8</sup> *ibid.*

## 2.2 Exemptions from National Service

### General

2.2.1 Article 12 of the Proclamation covers the categories of people who are exempt from 'Active National Service'. These are:

“(1) The citizens who have performed National Service before the promulgation of this proclamation;

(2) All Fighters and Armed peasants who have proved to have spent all their time in the liberation struggle”.<sup>9</sup>

2.2.2 The British Embassy in Asmara, in a letter dated 11 October 2010, obtained the following information from Eritrean sources about exemptions:

‘Normally, married women or women with young children are exempt from military service as are those registered disabled. The elderly have usually completed their national service, but if conflict ensues they could be expected to take up arms. Military commanders are able to authorise medical exemptions, with a report from a military medical officer. There are no exemptions for those from a poor background or those who have family members dependent on them through age or illness.’<sup>10</sup>

### Medical

2.2.3 Article 13 of the Proclamation covers individuals who are unfit for military service and states that:

‘(1) Those citizens who have been declared unfit for military [service] by the Board composed of the Ministry of Regional Administration of other Government Organs under the directives given by the Ministry of Defence will undertake 18 months of National Service in any public and Government organ according to their capacity and profession.

‘(2) After completing 18 months of service they will have the compulsory duty of serving according to their capacity until the expiry of 50 years of age under mobilization or emergency situation directives given by the Government.’<sup>11</sup>

2.2.4 Article 13 (i) adds that anyone declared unfit for military training may be obliged to undertake 18 months of active national service in ‘any public and Government organ according to their capacity and profession.’<sup>12</sup>

2.2.5 Article 15 of the Proclamation deals with medical exemptions and states that individuals who are disabled, blind or suffer from psychological derangement, can be given official exemption from all types of national service - not just military service.<sup>13</sup>

2.2.6 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

‘People who are disabled or medically unfit for military/national service, and pregnant women can and have been exempted from military/national service. To be exempted, these individuals have to be medically certified by a doctor at a military base as disabled/medically unfit...doctors produce the medical reports needed and then make a

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<sup>9</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014

<sup>10</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 11 October 2010, [Annex D](#)

<sup>11</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014

<sup>12</sup> *ibid.*

<sup>13</sup> *ibid.*

recommendation as to whether a particular individual should be exempted from military/national service. The military authorities make the decision regarding exemption and issue the relevant exemption documents.<sup>14</sup>

- 2.2.7 The Human Rights Watch 'Service for Life - State Repression and Indefinite Conscription in Eritrea' report, published in April 2009, stated: "Psychological derangement" (article 14, 5.1[of the National Service Proclamation]) is also a ground for exemption from military service, and this appears to be a popular way to try and evade service.<sup>15</sup>

## Women

- 2.2.8 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources: '...pregnant women can and have been exempted from military/national service ... Married women and women with children are exempt from military/national service. Single women who become formally engaged are also exempt.'<sup>16</sup>

- 2.2.9 The British Embassy in Asmara, in a letter dated 3 October 2011, provided the following information, obtained from Eritrean sources:

'Women are able to marry whilst on a national service work programme, but not during military service, which normally is the first six months of the national service programme.

'Following her marriage, a woman may apply for demobilisation, a decision on whether to grant lies with the relevant dept/ministry. It is not standard practice for a woman to be demobilised on marriage, some are expected to continue their national service for various reasons ... Women are not automatically exempt on marriage. They have to formally apply for demobilisation, if on national service, or exemption if national service has not yet started. Women who are discharged from national service duties are ... issued with a certificate releasing them from duty, followed by a demobilisation card.'<sup>17</sup>

- 2.2.10 The Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated:

'Women with children are reportedly exempt from military service, but are required to undertake various duties in the civil sector within the framework of national service. However, this policy is unwritten, and, as with all aspects of written and unwritten national service policy, appears to be arbitrarily implemented (based on the testimonies of former conscripts and other refugees).'<sup>18</sup>

- 2.2.11 A presentation by Dr David Bozzini, given to the Swiss Federal Office for Migration on 16 February 2012, entitled 'National Service and State Structures in Eritrea', noted that:

'Women who left school and avoided the National Service are often in [a] clandestine situation. There are two main strategies for these objectors: Either they stay at home and work as housekeepers in their own families, or they search employment in commerce (shops, bars, cafes) ... After the age of 27 years, women in clandestine

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<sup>14</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 1 April 2010, [Annex C](#)

<sup>15</sup> Human Rights Watch, <http://www.hrw.org/>, 'Service for Life - State Repression and Indefinite Conscription in Eritrea', 16 April 2009, <http://www.hrw.org/node/82284>. Date accessed: 19 November 2014

<sup>16</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 1 April 2010, [Annex C](#)

<sup>17</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 3 October 2011, [Annex E](#)

<sup>18</sup> Amnesty International, <http://www.amnesty.org/>, 'Eritrea - 20 years of independence, but still no freedom', 9 May 2013, <http://www.amnesty.org/fr/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/af640012013en.pdf>. Date accessed: 20 November 2014

situations can regularize their status, i.e. they're demobilized without ever having joined the National Service. This possibility was introduced around 2005. Women are able to travel more freely than men in Eritrea. They can often set up small businesses or even be active in the black market trade of items coming from Sudan to the western lowlands. However, it happens sometimes that they're recruited after a round-up ... Another way to avoid conscription is marriage or pregnancy. Many marriages are arranged for this goal. Especially in Sawa, women often get pregnant in order to be demobilized. In both cases, such demobilizations, are fragile: Women aren't promptly issued a demobilization paper, which makes them vulnerable during police controls. Mothers usually aren't re-mobilized, but given the general arbitrariness in Eritrea, such cases can't be categorically excluded. Some women with children were in the National Service. But there's certainly no systematic practice to remobilize mothers.<sup>19</sup>

## Religious Grounds

2.2.12 A letter from the British Embassy in Asmara, dated 1 April 2010, containing information obtained from Eritrean sources, stated that:

'Full-time religious clerics/nuns can be required to do military/national service although in previous years they have been exempt. It is believed that some churches or mosques are limited to having a minimum of serving religious members who are exempt from military/national service.'<sup>20</sup>

2.2.13 The United States Commission on International Religious Freedom 'Annual Report 2014: Eritrea', published on 30 April 2014, stated:

'In a reversal of policy, in 2010 the Eritrean government began requiring all religious workers and leaders, including those from registered religious communities, to participate in national military service. Many religious leaders from the Catholic and Orthodox communities have protested this new decision, stating that military service violates their religious tenets.'<sup>21</sup>

## Time-Limited Exemptions

2.2.14 Article 14 of the Proclamation covers exemptions that are only valid for a limited period, and mainly affects students.<sup>22</sup>

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<sup>19</sup> 'National Service and State Structures in Eritrea' (agreed minutes of presentation, pages 8-9), 16 February 2012, <http://www.bfm.admin.ch/content/dam/data/migration/laenderinformationen/herkunftslanderinformationen/afrika/eri/ERI-agreed-minutes-bozzini-e.pdf>. Date accessed: 20 November 2014

<sup>20</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 1 April 2010, Annex C.

<sup>21</sup> United States Commission on International Religious Freedom, <http://www.uscirf.gov/>, 'Annual Report 2014: Eritrea', 30 April 2014, <http://www.uscirf.gov/reports-briefs/annual-report/2014-annual-report>. Date accessed: 26 November 2014.

<sup>22</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014.

## 2.3 Conscientious Objection

- 2.3.1 The Proclamation contains no explicit provision for conscientious objection.<sup>23</sup>
- 2.3.2 The Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated that: 'There is no exemption from military service for conscientious objectors. The government of Eritrea has not designed any service alternative to military service.'<sup>24</sup>
- 2.3.3 The United States State Department 'International Religious Freedom Report for 2013', published on 28 July 2014, stated: 'The law does not provide for conscientious objector status, nor are there alternative activities for persons willing to perform national service but unwilling to engage in military or militia activities.'<sup>25</sup>
- 2.3.4 According to its 2014 'Freedom in the World' report on Eritrea, Freedom House also reported that 'conscientious-objector status is not recognized.'<sup>26</sup>

### Effect

- 2.3.5 In its 2014 report on Eritrea, the US Commission on International Religious Freedom made the following key findings:
- 'Systematic, ongoing, and egregious religious freedom violations continue in Eritrea under the regime of President Isaias Afwerki. Violations include torture or other ill-treatment of religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities, and interference in the internal affairs of registered religious groups. The religious freedom situation is particularly grave for Evangelical and Pentecostal Christians and Jehovah's Witnesses.'<sup>27</sup>
- 2.3.6 According to a January 2015 article by JW.org, there are at least 14 Jehovah's Witnesses imprisoned in Eritrea on the grounds of conscientious objection. Three have allegedly been held since September 1994, with the most recent being in March 2009.<sup>28</sup>
- 2.3.7 According to the Belgian website, Agir Pour La Paix, in a document entitled 'Prisoners for Peace' there are at least 16 Jehovah's Witnesses imprisoned in Eritrea on the grounds of conscientious objection. The most recent arrest coming in May 2013.<sup>29</sup>
- 2.3.8 Corroborating information could not be found to determine the number of Pentecostals detained specifically on the grounds of conscientious objection.

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<sup>23</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date accessed: 19 November 2014.

<sup>24</sup> Amnesty International, <http://www.amnesty.org/>, 'Eritrea - 20 years of independence, but still no freedom', 9 May 2013, <http://www.amnesty.org/fr/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/afr640012013en.pdf>. Date accessed: 26 November 2014.

<sup>25</sup> United States State Department, <http://www.state.gov/>, 'International Religious Freedom Report for 2013 - Eritrea', 28 July 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>. Date Accessed: 26 November 2014

<sup>26</sup> Freedom House, <https://freedomhouse.org/>, 'Freedom in the World – Eritrea – 2014' (section G), <https://freedomhouse.org/report/freedom-world/2014/eritrea-0#.VMBfcEesV8E>. Date accessed: 21 January 2015.

<sup>27</sup> US Commission on International Religious Freedom, <http://www.uscirf.gov/>, '2014 Report: Eritrea' [date], <http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>. Date accessed: 21 January 2015.

<sup>28</sup> Jehovah's Witnesses, <http://www.jw.org/en/>, 'Imprisoned for their faith – Eritrea', January 2015, <http://www.jw.org/download/?docid=802014565&output=html&fileformat=PDF&alllangs=0&track=1&langwritten=E&txtCMLang=E&isBible=0>. Date accessed: 21 January 2015.

<sup>29</sup> Agir Pour La Paix, <http://agirpoumlapaix.be/>, 'Imprisoned for their faith – Eritrea', 30 April 2014, [http://agirpoumlapaix.be/wp-content/uploads/Prisoners-for-peace\\_ENG.pdf](http://agirpoumlapaix.be/wp-content/uploads/Prisoners-for-peace_ENG.pdf). Date accessed: 26 January 2015.

## 2.4 Justification for National Service: No War, No Peace

- 2.4.1 BBC News, on its 'Eritrea Profile: Overview', dated 20 September 2014, report that 'Eritrea emerged from its long war of independence in 1993 only to plunge once again into military conflict, first with Yemen and then, more devastatingly, with its old adversary, Ethiopia. Today, a fragile peace prevails and Eritrea faces the gigantic tasks of rebuilding its infrastructure and of developing its economy after more than 30 years of fighting.'<sup>30</sup>
- See also the 'Timeline' tab for a history of border disputes<sup>31</sup>.
- 2.4.2 The United States' State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated:
- 'Under the Proclamation of National Service (No. 82/1995), persons aged 18 to 50 years must perform national service. For persons aged 18 to 40 years, this consists of six months of military training and 12 months of service in a government-run work unit, including the Eritrean Defense Forces, for a total of 18 months; persons over 40 are considered to be on reserve status if they have performed active duty service. The emergency situation declared in 1998 as a result of a border war with Ethiopia remained in effect during the year'.<sup>32</sup>
- 2.4.3 International Crisis Group, in a briefing paper entitled 'Eritrea: Ending the Exodus?', stated that 'The consequent state of "no-war, no-peace" continues to be used to justify mobilisation and authoritarianism'.<sup>33</sup>
- 2.4.4 Professor Gaim Kibreab, in a paper prepared for the October 2014 EASO Practical Cooperation Meeting on Eritrea, explained that 'In May 2002, the government introduced the WYDC [Warsai-Yikealo Development Campaign], which required those who were in the ENS [Eritrean National Service] to carry on serving indefinitely. The main reason the ENS has ostensibly become open-ended is because of the state of "no war no peace" permeating the relationship between Eritrea and Ethiopia'.<sup>34</sup>

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## 2.5 Duration of National Service in Practice

- 2.5.1 The United States' State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated:
- 'Despite the 18-month limit on active duty national service under the 1995 proclamation, many persons are not demobilized from government work units as scheduled after their

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<sup>30</sup> BBC News, [www.bbc.co.uk](http://www.bbc.co.uk), Eritrea Profile: Overview, <http://www.bbc.co.uk/news/world-africa-13349078>, 20 September 2014. Date Accessed: 6 January 2015.

<sup>31</sup> BBC News, [www.bbc.co.uk](http://www.bbc.co.uk), Eritrea Profile: Timeline, <http://www.bbc.co.uk/news/world-africa-13349395>, 20 September 2014. Date Accessed: 6 January 2015

<sup>32</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

<sup>33</sup> International Crisis Group, <http://www.crisisgroup.org/>, 'Eritrea: Ending the Exodus?', 8 August 2014, [http://www.crisisgroup.org/~media/files/africa/horn-of-africa/ethiopia-eritrea/b100-eritrea-ending-the-exodus.pdf](http://www.crisisgroup.org/~/media/files/africa/horn-of-africa/ethiopia-eritrea/b100-eritrea-ending-the-exodus.pdf). Date accessed: 5 January 2015.

<sup>34</sup> Kibreab, Gaim. 'The Open-Ended Eritrean National Service: The Driver of Forced Migration - Paper for the European Asylum Support Office Practical Cooperation Meeting on Eritrea' (page 8), 15 October 2014, [http://www.ecoi.net/file\\_upload/90\\_1416473628\\_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf](http://www.ecoi.net/file_upload/90_1416473628_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf). Date accessed: 19 January 2015.

mandatory periods of service ended, and some are forced to serve indefinitely in the military under threats of detention, torture, or punishment of their families'.<sup>35</sup>

2.5.2 In an Africa Today article by Tekle M. Woldemikael in winter 2013, entitled 'Introduction to Special Issue: Postliberation Eritrea', the author explains that:

'National service began in 1995, drafting teenagers over the age of sixteen and adults under the age of forty. It initially entailed six months of training and one year of service; however, it soon developed into two years or more in military service. Since the border war with Ethiopia, it has turned into unending military service.'<sup>36</sup>

2.5.3 The Human Rights Watch 'World Report 2014: Eritrea' (covering events in 2013), stated that:

'Eritrea conscripts all men and unmarried women into "national service." Although Eritrean law limits national service to 18 months, most conscripts serve for much of their working lives.'<sup>37</sup>

2.5.4 According to its 2014 'Freedom in the World' report on Eritrea, Freedom House also reported that 'In reality, a conscription system ties most able-bodied men and women to obligatory military service and can also entail compulsory labor for enterprises controlled by the political elite. The official 18-month service period is frequently open-ended in practice....'<sup>38</sup>

2.5.5 The sources consulted by Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, made the following observations as to the length of national service in practice:

'International Organisation (A) said 'Normally you will have to work for the National Service when you become 18 years of age. The age of enrolment into the National Service is not clearly defined and some are working for the National Service for up to ten years and more before being "demobilized"'<sup>39</sup>

International Organisation (B) said 'There is lack of clarity on timeframes of different components of National Service or whether rules and procedures are applied in a uniform manner to all recruits.'<sup>40</sup> They also added that '... the main problem with the National Service is that in some cases it may be 'open-ended', i.e. people can never be certain that they will be released after the obligatory 18 months service.'<sup>41</sup>

A Western embassy (B) explained that 'there are no written laws regulating this. National Service is a very 'foggy' issue, and when one will be released from National Service, i.e. demobilized, depends very much on one's specific skills and the individual

<sup>35</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

<sup>36</sup> Africa Today, Vol. 60, No. 2, Special Issue: Postliberation Eritrea (Winter 2013), pp. v–xix, taken from Indiana University Press, <http://www.chapman.edu/our-faculty/files/publications/africatoday.pdf>. Date accessed: 5 January 2015.

<sup>37</sup> Human Rights Watch, <http://www.hrw.org/>, 'World Report 2014: Eritrea', 21 January 2014, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf) (page 113). Date accessed: 6 January 2015.

<sup>38</sup> Freedom House, <https://freedomhouse.org/>, 'Freedom in the World – Eritrea – 2014' (section G), <https://freedomhouse.org/report/freedom-world/2014/eritrea-0#.VMBfcEesV8E>. Date accessed: 21 January 2015.

<sup>39</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 25). Date accessed: 6 January 2015.

<sup>40</sup> *ibid* (page 28). Date accessed 6 January 2015.

<sup>41</sup> *Ibid*.



employer. However, there are indications that young people are now released from National Service after a shorter period of service than was previously the case.<sup>42</sup>

A Western embassy (C) stated that ‘it seems to be arbitrary when people are released or demobilized from National Service, whether from a military or civilian role, after serving the obligatory 18 months. In practice people would apply to their employer or military commander for demobilization. If he or she approves the recommendation to demobilize a person, the recommendation would be sent to the central authorities for final approval. But the guidance on what reasons would justify a recommendation for demobilisation are internal only and in reality a large part of the decision to demobilize people is left to the individual employer or military commander. It was added that National Service is not really indefinite, but when it ends is arbitrary.’<sup>43</sup>

The same source had also ‘...heard of people in their forties who were still in National Service, but in general three to four years of National Service seemed to be norm today.’<sup>44</sup>

A Western embassy (D) stated that ‘The National Service is unpredictable and in principle indefinite.’ but that ‘Today it is easier to be released from the service and to young people today National Service seems to be limited to a couple of years.’<sup>45</sup>

## Moves to Time-Limit National Service

2.5.6 The Danish Immigration Service’s Fact-Finding Mission (FFM) Report, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published in November 2014 and updated in December 2014, stated:

‘The Eritrean Ministry of Foreign Affairs admitted that “Eritrea has some human rights issues and that one of the real issues is the open-ended National Service”. The ministry added that the National Service is being discussed in the government but no specific information about whether or when it would undergo change was provided. Finally the ministry stated that “the Eritrean government and the EU and the embassies of the European countries are in an ongoing and constructive dialogue”’<sup>46</sup>

2.5.7 On 24 November 2014, Asmarino Independent reported that ‘an Eritrean website, reputed for pushing propaganda for the Eritrean regime has today announced that the Eritrean national service will be reinstated to its legally sanctioned 18 months limit.’<sup>47</sup>

2.5.8 During a meeting with the UK delegation from the Foreign and Commonwealth Office and the Home Office during its visit to Asmara, 9–11 December 2014, the Eritrean President’s Adviser Yemane Gebreab, confirmed that ‘from November 2014 national service is reverting to a duration of 18 months. This will now be all based in the military (although there are some civilian type jobs within the military). This has started with the 27<sup>th</sup> round and people have been informed. We have had meetings with students and families at Sawa. We do not want to publicise this by a presidential announcement –

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<sup>42</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 44). Date accessed 6 January 2015.

<sup>43</sup> *ibid* (page 48).

<sup>44</sup> *ibid*.

<sup>45</sup> *ibid* (page 52).

<sup>46</sup> *ibid* (page 21).

<sup>47</sup> Asmarino independent, [asmarino.com](http://asmarino.com), ‘An Eritrean official ‘promises’ policy changes on the indefinite national service’, 24 November 2014, <http://asmarino.com/news/4078-an-eritrean-official-promises-policy-changes-on-the-indefinite-national-service#2>. Date accessed: 10 December 2014.

this is not how we wish to do things.’. He also added that ‘Everyone still in education will benefit from this along with anyone who has not yet reported for national service.’<sup>48</sup>

- 2.5.9 During a separate meeting with the UK delegation from the Foreign and Commonwealth Office and the Home Office during its visit to Asmara, 9–11 December 2014, the Eritrean Foreign Minister Osman Saleh, confirmed that ‘We have 18 months’ military service now. Meetings have been held in the governorates to inform the whole population throughout the country.’<sup>49</sup>

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## 2.6 Roles/Tasks/Assignments

### From School to Sawa

- 2.6.1 The United States’ State Department ‘Trafficking in Persons Report 2014’, published on 20 June 2014, stated that:

‘All 12th-grade students, including some younger than 18, are required to complete their final year of education at the Sawa military and educational camp; those who refuse to attend cannot receive high school graduation certificates, go on to higher education, or be offered some types of jobs. The first six months consist of military training prior to military service.’<sup>50</sup>

- 2.6.2 An Africa Today article by Tekle M. Woldemikael in Winter 2013, entitled ‘Introduction to Special Issue: Postliberation Eritrea’ explains that:

‘Even boys and girls are mandated to enter military-training camps for at least one year when they reach the age of sixteen. If they have finished tenth grade, they are required to finish their eleventh grade in a military camp called Sawa, where they receive military training in addition to their formal, nonmilitary education.’<sup>51</sup>

- 2.6.3 The United States’ State Department ‘Trafficking in Persons Report 2014’, published on 20 June 2014, stated that:

‘Though the government made an effort to ensure that no persons under 18 engaged in military training at Sawa, it was difficult to determine whether all those performing the military training component had reached 18 years of age.’<sup>52</sup>

- 2.6.4 Professor Gaim Kibreab, in a paper prepared for the October 2014 EASO Practical Cooperation Meeting on Eritrea, explained that:

‘Currently, the main mechanism of conscription is through the Warsai School at Sawa in which all secondary school students at the end of 11<sup>th</sup> grade are automatically transferred to Sawa to complete 12<sup>th</sup> grade under military discipline in combination with military training.’<sup>53</sup>

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<sup>48</sup> Meeting with Eritrean President’s Adviser Yemane Gebreab, Joint Home Office-Foreign and Commonwealth Office visit to Asmara, 9–11 December 2014.

<sup>49</sup> Meeting with Eritrean Foreign Minister Osman Saleh, Joint Home Office-Foreign and Commonwealth Office visit to Asmara, 9–11 December 2014.

<sup>50</sup> United States State Department, <http://www.state.gov/>, ‘Trafficking in Persons Report 2014’, 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014

<sup>51</sup> Africa Today, Vol. 60, No. 2, Special Issue: Postliberation Eritrea (Winter 2013), pp. v–xix, taken from Indiana University Press, <http://www.chapman.edu/our-faculty/files/publications/africatoday.pdf>. Date accessed: 5 January 2015.

<sup>52</sup> United States State Department, <http://www.state.gov/>, ‘Trafficking in Persons Report 2014’, 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014

<sup>53</sup> Kibreab, Gaim. ‘The Open-Ended Eritrean National Service: The Driver of Forced Migration - Paper for the European Asylum Support Office Practical Cooperation Meeting on Eritrea’ (page 5), 15 October 2014, [http://www.ecoi.net/file\\_upload/90\\_1416473628\\_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf](http://www.ecoi.net/file_upload/90_1416473628_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf). Date accessed: 19 January 2015.

## After Sawa

2.6.5 A Canadian Immigration and Refugee Board Research Directorate response to an information request, dated 4 September 2012, stated that:

'After the mandatory six-month military training period, conscripts are assigned to a year of military or civil work as part of their national service ... Civil service may include labour for the state or for private firms owned and operated by military or political officials (Human Rights Watch 16 Apr. 2009, 25; AI 2 Nov. 2011; US June 2012). It may also include community work (Human Rights Watch 16 Apr. 2009, 47), work in the fields of health and education (ibid.; Bozzini 2011, 96), or office work (ibid.). Sources indicate that conscripts must work in any position or location assigned by the government (US June 2012; Bozzini 16 Feb. 2012, 4) ....'<sup>54</sup>

2.6.6 The Amnesty International report, 'Eritrea - 20 years of Independence but still no freedom', published on 9 May 2013, stated:

'According to the testimonies of former conscripts, within the national service framework conscripts are assigned to a wide variety of roles, without any choice as to the nature of the work they are assigned to. Some conscripts are reportedly assigned as labour in state and private projects and enterprises, such as construction projects and road building; testimonies of former conscripts suggest that large numbers are assigned to work as agricultural labourers on large-scale farms; some reportedly work for companies owned and operated by the military or ruling party elites. Other conscripts are reportedly assigned to work in the civil service, in government departments or various roles in the military administrative infrastructure. A significant portion of conscripts are assigned to remain as soldiers after the initial six months' military service.'<sup>55</sup>

2.6.7 International Crisis Group, in a briefing paper entitled 'Eritrea: Ending the Exodus?', stated that 'From 2002, national service was tied to the "Wefri Warsai Yika'alo", a development campaign. Many national servicemen and women were deployed in parastatal companies controlled by senior army and party officers. To ensure compliance, travel within the country and beyond was restricted and severely regulated.'<sup>56</sup>

2.6.8 The United States' State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated that:

'Those performing national service in the Eritrean military carry out standard patrols and border-monitoring, in addition to public works projects such as agricultural terracing, road maintenance, and laying power lines.'<sup>57</sup>

2.6.9 The same report also stated that:

'Persons performing national service are prohibited from resigning from their jobs or taking new employment, generally receive no promotions or salary increases, and often cannot leave the country legally because they are denied passports or exit visas.'<sup>58</sup>

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<sup>54</sup> Immigration and Refugee Board of Canada, <http://www.irb-cisr.gc.ca/eng/Pages/index.aspx>, 'Response to Information Requests: Eritrea ERI104179.E', 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014

<sup>55</sup> Amnesty International, <http://www.amnesty.org/>, 'Eritrea - 20 years of Independence but still no freedom', 9 May 2013, <http://www.amnesty.org/fr/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/af640012013en.pdf> (pages 25-26). Date accessed: 19 November 2014

<sup>56</sup> International Crisis Group, <http://www.crisisgroup.org/>, 'Eritrea: Ending the Exodus?', 8 August 2014, [http://www.crisisgroup.org/~media/files/africa/horn-of-africa/ethiopia-eritrea/b100-eritrea-ending-the-exodus.pdf](http://www.crisisgroup.org/~/media/files/africa/horn-of-africa/ethiopia-eritrea/b100-eritrea-ending-the-exodus.pdf). Date accessed: 5 January 2015

<sup>57</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014

2.6.10 The Human Rights Watch 'World Report 2014: Eritrea' (covering events in 2013), stated that:

'Conscripts are routinely used as forced labor on essentially civilian jobs. In 2013, Human Rights Watch reported that conscripts were used by a state-owned construction company, Segen Construction Co., engaged by Canadian mining firm Nevsun Resources, to build infrastructure at its Bisha gold mine. ... They were not allowed to leave the work site.'<sup>59</sup>

2.6.11 A Canadian Immigration and Refugee Board Research Directorate response to an information request, dated 4 September 2012, stated that:

'Additionally, conscripts assigned civil work are reportedly considered soldiers and can be mobilized to serve in the army at any time (Bozzini 2011, 96).'<sup>60</sup>

2.6.12 The sources consulted by Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, recorded the following observations on the recruitment into national service:

'Western Embassy (A) stated that "All young men and women are sent to the Sawa training center at completion of 11<sup>th</sup> grade in school. Based on the exam results, it is decided who qualifies and is allowed into the various institutions of higher education, or Military service. Others may be found more suitable for physical work, such as construction and farming, and attributed accordingly."<sup>61</sup>

'Western Embassy (B) stated that "The Mission was able to establish, from generally available information, that all students go to Sawa to complete the last grade of secondary school. The students who successfully pass the matriculation exam in Sawa continue their education in various higher education institutions. Those who do not qualify for further education enter the National Service, unless they are exempted for other reasons, and they begin with approximately six months of military training. After the military training, some are selected for continuation of military-related duties in various parts of Eritrea and others continue to perform National Service as civilians"<sup>62</sup>

'A regional NGO in Asmara stated "Initially, everyone who is recruited to the National Service will be after attending Sawa camp." It was emphasized that "Sawa is not a military camp, but is basically the final two years of high school for students from all over the country with about 22 thousand students. The students receive academic classes, some physical training and they learn to march in formation, but they receive no training in using arms as such. Those who graduate with merits from the Sawa camp may take up university studies and they are exempted from National Service. Those who do less well in school continue with National Service and they will do their services at various government institutions, hotels, factories, garages, and as teachers in schools etc. or in the military."<sup>63</sup>

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<sup>58</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014

<sup>59</sup> Human Rights Watch, <http://www.hrw.org/>, 'World Report 2014: Eritrea', 21 January 2014, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf) (page 113). Date accessed: 6 January 2015.

<sup>60</sup> Immigration and Refugee Board of Canada, <http://www.irb-cisr.gc.ca/eng/Pages/index.aspx>, 'Response to Information Requests: Eritrea ERI104179.E', 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date accessed: 19 November 2014.

<sup>61</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 24). Date accessed: 6 January 2015.

<sup>62</sup> *ibid* (page 28).

<sup>63</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published

2.6.13 'A Western embassy (C) stated that all Eritreans at the age of 17 years go to Sawa for the 11<sup>th</sup> and final year of schooling. For six months they receive some physical and military training as an integral part of the final year in school.' The same source went on to explain that 'when the exam results are ready after 11<sup>th</sup> grade in Sawa it is decided which students have qualified for tertiary education. These students do not perform additional military training apart from the six months of physical and military training that is an integral part of the 11<sup>th</sup> year in school in Sawa. Instead, on completion of their higher or further education, they perform national service in a civilian capacity in a profession linked to their qualification – for example an engineer might work in the Department of Public Works, an accountant in a state-owned bank or financial institution.'<sup>64</sup>

## Civilian Militia Program

2.6.14 The United States' State Department, both in its Eritrean 'Trafficking in Persons Report 2014' published on 20 June 2014<sup>65</sup>, and the 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014<sup>66</sup> reported that:

'In 2012 the government instituted a compulsory citizen militia, requiring persons not already in the military or being trained at Sawa military and educational camp, including many who had been demobilized or exempted from military service in the past, to carry firearms and attend military training.'

2.6.15 The United States' State Department 'Country Reports on Human Rights Practices for 2013,' published on 27 February 2014, also stated that:

'The civilian militia program requires that some units carry out public works projects such as dam building, planting trees, and other activities deemed necessary by the government.'<sup>67</sup>

2.6.16 The United States State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated that:

'During the reporting period, the Ministry of Education continued Mahtot, a national service program in which secondary-school children are assigned to work in public works projects including anti-litter campaigns and building school furniture. Eritrean children work in various economic sectors, including domestic service, street vending, small-scale manufacturing, garages, bicycle repair shops, tea and coffee shops, metal workshops, and agriculture; some of these children may be subjected to forced labor, including forced begging.'<sup>68</sup>

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November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 37). Date accessed: 6 January 2015.

<sup>64</sup> *ibid* (page 48).

<sup>65</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014' (pages 168–169), 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

<sup>66</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices 2013' (section 7b), 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220111>. Date accessed: 19 November 2014.

<sup>67</sup> *ibid*.

<sup>68</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014

## 2.7 Conditions

### Treatment During Military Training

2.7.1 The Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated:

'Within the national service system, any form of criticism or insubordination is not tolerated. Conscripts in any role in the national service framework can be arrested and detained arbitrarily – with no charge, trial, judicial oversight or opportunity to challenge their detention – for minor infractions including questioning an order of a senior officer or post holder, being late for work, criticising levels of pay, questioning a commanding officer or allegedly not working to the best of their ability.'<sup>69</sup>

2.7.2 The Human Rights Watch 'World Report 2014: Eritrea' (covering events in 2013), stated that:

'Children as young as 15 are inducted and sent for military training, according to recent interviews by refugee agencies. They and other recruits are regularly subject to violence and ill-treatment for raising questions or for other perceived infractions. Beatings, torture, and prolonged incarcerations are common. Women are subject to sexual violence from military commanders, including rape.'<sup>70</sup>

2.7.3 The United States State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, reported:

'The media reported that male and female recruits at the Sawa military training camp were beaten, and female recruits reported being sexually abused and raped; however, the number of claims of abuse reportedly declined in the last year as parents put pressure on school administrators to correct abusive practices.'<sup>71</sup>

2.7.4 However, the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, stated:

'A regional NGO based in Asmara suggested that 'The information in human right reports about ill-treatment in the National Service is more often than not exaggerated. People in National Service are not overworked or working under slave-like conditions, they are not beaten, subjected to torture or suffer from malnutrition.'<sup>72</sup>

2.7.5 Sources from the same report also made the following observations:

A well-known Eritrean intellectual also interviewed by the Danish delegation believed that '...reporting by international NGOs on National Service has been exaggerated.'<sup>73</sup>

'A Western embassy (A) suggested that "the public available human rights reporting regarding Eritrea is rather old. The more recent reports seem to recycle outdated information." and that "The mainstream human rights reports are describing a situation in Eritrea facing National Service evaders and deserters that is no longer representing the real situation. The situation has changed to the better. Evaders and deserters are

<sup>69</sup> Amnesty International, <http://www.amnesty.org/>, 'Eritrea - 20 years of Independence but still no freedom' (page 27), 9 May 2013, <http://www.amnesty.org/fr/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/afr640012013en.pdf>. Date accessed: 26 November 2014.

<sup>70</sup> Human Rights Watch, <http://www.hrw.org/>, 'World Report 2014: Eritrea', 21 January 2014, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf) (page 113). Date accessed: 6 January 2015.

<sup>71</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

<sup>72</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 37). Date accessed: 6 January 2015.

<sup>73</sup> *ibid* (page 40).

not imprisoned for a protracted period of time and they are not exposed to physical harm.”<sup>74</sup>

‘A Western embassy (B) suggested that “the human rights situation in Eritrea is not as bad as it has been described. It was added that reports from Human Rights Watch and Amnesty International are mostly based on sources outside of Eritrea, especially parts of the Diaspora including asylum seekers and refugees.”<sup>75</sup>

## Detention Conditions

2.7.6 The United States’ State Department ‘Country Reports on Human Rights Practices for 2013,’ published on 27 February 2014, also stated that:

‘Security forces tortured and beat army deserters, national service and militia evaders, persons attempting to flee the country without travel documents, and members of certain religious groups. Released and escaped detainees from previous years who detailed their experiences on diaspora websites and elsewhere described prison conditions that included exposure to extreme heat during confinement in crowded and unventilated metal shipping containers, or in crowded basements without ventilation or sanitation.’<sup>76</sup>

2.7.7 The same report reported that ‘Former detainees and other sources reported detention center conditions for persons temporarily held for evading national service and militia duties were harsh, equivalent to conditions for national security detainees. Authorities placed political prisoners in solitary confinement more often than other detainees.’<sup>77</sup>

2.7.8 But, sources from the Danish Immigration Service’s Fact-Finding Mission (FFM) Report, also made the following observations:

‘A Western embassy (B) stated that “It is a fact that Eritrea has no capacity to take care of 10,000 prisoners irrespective of whether they are imprisoned for political or criminal reasons, not to mention draft evaders and deserters.” and that whilst they “would not exclude that a National Service evader or deserter would be detained, but this would be for symbolic reasons rather than for legal reasons. The authorities would prefer to state an example rather than detain evaders and deserters systematically.”<sup>78</sup>

‘International Organisation (A) said “It is very difficult to conclude anything about detention conditions in Eritrea. Currently, it is not possible to judge whether the prisons are bad or not as conditions are undocumented. No international observers have been granted access to prisons since 2009.”<sup>79</sup>

‘Western embassy (E) also stated that “The judicial system is not well functioning and people are imprisoned and released without any announcements making it difficult to monitor the human rights situation in the country.”<sup>80</sup>

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<sup>74</sup> *ibid* (page 41).

<sup>75</sup> *ibid* (page 44).

<sup>76</sup> United States State Department, <http://www.state.gov/>, ‘Country Reports on Human Rights Practices 2013’ (section 1c), 27 February 2014, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220111>. Date accessed: 19 January 2015.

<sup>77</sup> *ibid*.

<sup>78</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (pages 44–45). Date accessed: 6 January 2015.

<sup>79</sup> *ibid* (page 25).

<sup>80</sup> *ibid* (page 56).

'A Western embassy based in Khartoum stated that "There is a significant number of political prisoners in Eritrea but it is difficult to ascertain how many they are or under what conditions they are kept."<sup>81</sup>

## Treatment During Remaining National Service Postings

2.7.9 Following from the quote at [section 2.7.1](#), the Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated:

'One young man told Amnesty International that he had been arrested for expressing his opinion during a meeting in 2010. He had been assigned as a teacher as his national service post. He and other teachers were called to a meeting and encouraged to give feedback on the educational system. The man reported that he and a number of other participants suggested that standards would improve if the teachers' salary was increased, and were immediately arrested. He stated that he spend four months in detention without charge in a detention centre in Keren.'<sup>82</sup>

2.7.10 The United States State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, reported:

'Working conditions are often harsh and sometimes involve physical abuse. In the past, there were reports that some Eritrean conscripts were forced to build private homes for army officers, perform agricultural labor on farms owned by the ruling party, or work in privately-owned mines, functions that fall outside the scope of the proclamation.'<sup>83</sup>

2.7.11 In a January 2013 paper entitled 'Hear No Evil – Forced Labor and Corporate Responsibility in Eritrea's Mining Sector':

'Human Rights Watch interviewed some Eritreans who worked at Nevsun's Bisha project in various capacities—including two who said they were conscripts forced by Segen to carry out construction work at the mine site during its initial development. There is also clear evidence that many of Segen's workers at Bisha during that period faced terrible conditions, from inadequate food supplies to unsafe housing. The workers we interviewed said that national service conscripts and other Eritrean workers lived in fear and were ordered not to complain about their plight. One former conscript told Human Rights Watch that he was captured and imprisoned after leaving the mine site without permission in order to attend a relative's funeral.'<sup>84</sup>

2.7.12 According to a November 2014 press release, the Canadian Centre for International Justice reported that:

'three Eritrean men filed a civil lawsuit today in a Vancouver court against Nevsun Resources Limited over the use of slave labour at Nevsun's Bisha Mine in Eritrea. The men allege that Nevsun's local contractor, Segen Construction Company, which is owned by the Eritrean government's ruling party, forced them to work on projects at the mine under abhorrent conditions and that Nevsun expressly or implicitly approved the use of slave labour, a practice alleged to be so widespread and inhumane that it constitutes crimes against humanity.'<sup>85</sup>

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<sup>81</sup> *ibid* (page 59).

<sup>82</sup> Amnesty International, <http://www.amnesty.org/>, 'Eritrea - 20 years of Independence but still no freedom' (page 27), 9 May 2013, <http://www.amnesty.org/fr/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/afr640012013en.pdf>. Date accessed: 26 November 2014.

<sup>83</sup> United States State Department, <http://www.state.gov/>, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date accessed: 19 November 2014.

<sup>84</sup> Human Rights Watch, <http://www.hrw.org/>, 'Hear No Evil – Forced Labor and Corporate Responsibility in Eritrea's Mining Sector', January 2013, <http://www.hrw.org/sites/default/files/reports/eritrea01134Upload.pdf>. Date accessed: 26 January 2015.

<sup>85</sup> Canadian Centre for International Justice, <http://www.ccij.ca/index-e.php>, 'Eritreans file lawsuit against Canadian mining company for slave labour and crimes against humanity', 20 November 2014, [http://www.ccij.ca/media/news-releases/index.php?DOC\\_INST=6](http://www.ccij.ca/media/news-releases/index.php?DOC_INST=6). Date accessed: 6 January 2015.



## Pay/Salary

2.7.13 The United States State Department 'Country Reports on Human Rights Practices for 2013,' published on 27 February 2014, stated that:

'The national minimum wage for employees of PFDJ-owned enterprises and government employees was 360 nakfa (\$24) per month. There was no national minimum wage for private sector workers. The government paid national service recruits according to a fixed scale, and the most common salary was 500 nakfa (\$33) per month.'<sup>86</sup>

2.7.14 The Human Rights Watch 'World Report 2014: Eritrea' (covering events in 2013), stated that 'Former conscripts [at Segen Construction Co., see [section 2.5.10](#)] described working long hours for minimal food rations, primitive lodging, and wages too low to sustain themselves, much less their families.'<sup>87</sup>

2.7.15 In describing the reasons people emigrate from Eritrea, a UN Agency consulted as part of the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, stated:

'Basically, the vast majority of the people who leave Eritrea do so for two reasons. The first reason is that the poor economic situation in Eritrea has led many to look to Europe for a better life. The second reason is the National Service program in Eritrea. The uncertainty concerning the duration of the service together with the low salary make many young people look for alternatives to spending several years working for a meager pay. Hardly anyone leaves Eritrea for political reasons.'<sup>88</sup>

## Redress

2.7.16 A Canadian Immigration and Refugee Board Research Directorate response to an information request, dated 4 September 2012, stated that: 'Bozzini also indicates that conscripts do not have recourse to any outside authority if they are mistreated during their service (16 Feb. 2012, 5)'.<sup>89</sup>

2.7.17 Human Rights Watch's World Report 2014 also concluded that, 'no mechanisms for redress [against alleged mistreatment] exist'.<sup>90</sup>

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## 2.8 Law on Desertion and Evasion

2.8.1 Article 17 sets out the regulations that relate to exit from the country when either being eligible for the draft or performing national service. According to this Article, an Eritrean citizen eligible for national service may travel abroad 'upon giving evidence that he is exempted from National Service or that he has completed his service by producing a

<sup>86</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Eritrea section, 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, Date accessed: 19 November 2014.

<sup>87</sup> Human Rights Watch, <http://www.hrw.org/>, 'World Report 2014: Eritrea', 21 January 2014, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf) (page 113). Date accessed: 6 January 2015.

<sup>88</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 33). Date accessed: 6 January 2015.

<sup>89</sup> Immigration and Refugee Board of Canada, <http://www.irb-cisr.gc.ca/eng/Pages/index.aspx>, Response to Information Requests: Eritrea ERI104179.E, 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014.

<sup>90</sup> Human Rights Watch, <http://www.hrw.org/>, 'World Report 2014: Eritrea', 21 January 2014, [http://www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf) (page 113). Date accessed: 6 January 2015.

Certificate of Service' or, alternatively, by 'producing a registration card and entering into a bond of 60,000 Birr as security that he will return to resume his duty when called upon to do so.'<sup>91</sup>

2.8.2 Article 37 (Penalties) of the National Service Proclamation 82/1995 lists a range of sanctions which exist for evading national service, and is sub-divided into four sections.

Art 37(1) states that any violation of the Proclamation is punishable by two years imprisonment or a fine, or both.

Art 37(2) states that avoidance of national service by deceit or self-inflicted injury is punishable by up to two years imprisonment or a fine, followed by national service. If the self-inflicted injury precludes national service, the prison term is three years.

Art 37(3) states that individuals who travel abroad to avoid national service and return before they are 40 years of age must undertake national service. The penalty for individuals who return after the age of 40, but are under 50, is imprisonment for five years; and they also lose the right to employment, to own a business licence, to be issued with an exit visa, and to own land.

Art 37(4) states that the punishment for deliberately delaying being registered for national service or avoiding national service by deceit or the use of obstructive methods is two years imprisonment or a fine, or both.<sup>92</sup>

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## 2.9 Desertion and Evasion in Practice

### Round-Ups (Giffas)

2.9.1 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

'Officially, the Eritrean Ministry of Defence runs the military/national service programme. However, in practice other ministries are involved in the assignment of people to national service positions in ministerial dependencies. It is impossible to confirm who decides when and where military service round-ups occur. However, it is assumed that the Eritrean Ministry of Defence decides this, possibly on instructions from the president ... It is important to note that there are no set government policies or standard procedures regarding how round-ups are organised. Military service round-ups take place usually around 4 to 5 times a year but can occur more frequently or less frequently, and usually coincide with public holidays when large numbers of people are out and about. They can occur in various parts of Eritrea and are not confined to one particular part of it. Once rounded up, people are sent from Asmara to the Adi Abeto camp for processing and onward assignment ... There are no standard rules with regard to leave. Individuals have no entitlement to leave, and cannot request it, but can be given it arbitrarily by local commanding officers. If a military commander authorises leave for an individual, documents are issued specifying where that person may travel to and for how long (usually one month maximum). We do not know whether leave papers are issued in a printed standard format or are handwritten.'<sup>93</sup>

2.9.2 In describing round-ups, sources consulted during the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration,

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<sup>91</sup> Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>, Date accessed: 19 November 2014.

<sup>92</sup> *ibid.*

<sup>93</sup> Letter from the British Embassy in Asmara to the Home Office Country of Origin Information Service, 1 April 2010, [Annex C](#)

National Service and the Possibility of Return', published in November 2014 and updated in December 2014, made the following observations:

'International Organisation (B) stated that "In recent months, there was no visible evidence during day time of round-ups of suspected National Service evaders or deserters in Asmara. Due to travel restrictions on international organisations in the country, the International Organisation in Eritrea was unable to comment on round-ups outside of Asmara. There was also no verifiable information available on whether round-ups take place in the evenings or during the night."<sup>94</sup>

'A Regional NGO based in Asmara stated that "one does not see soldiers undertaking round-ups of people into National Service any longer."<sup>95</sup>

'Western embassy (A) stated that it had heard of such round-ups in villages out in the country.'<sup>96</sup>

'Western embassy (E) stated that "the government needs the cheap national service work force, and rather than imprison evaders and deserters, the government choose to occasionally round them up and put them back to work."<sup>97</sup>

## Penalties

2.9.3 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated that:

'Failure to participate in the [civilian] militia and its uncompensated public works efforts could result in detention or the government's withholding of a person's national identification card.'<sup>98</sup>

2.9.4 A Canadian Immigration and Refugee Board Research Directorate response to an information request, dated 4 September 2012, stated that:

According to Human Rights Watch, civil workers who leave their position without permission are considered deserters under military law (Human Rights Watch 16 Apr. 2009, 44).<sup>99</sup>

2.9.5 Sources referred to in the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, when discussing penalties for evasion and desertion made the following observations:

'International Organisation (B) stated that "Lack of cooperation with the National Service will now and then be punished" and that "non-compliance with the recruitment process is considered a sign of disobedience. The punishment could be more serious depending

<sup>94</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 28). Date accessed: 6 January 2015.

<sup>95</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 37). Date accessed: 6 January 2015.

<sup>96</sup> *ibid* (page 41).

<sup>97</sup> *ibid* (page 56).

<sup>98</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Eritrea section, 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, Date accessed: 19 November 2014.

<sup>99</sup> Immigration and Refugee Board of Canada, <http://www.irb-cisr.gc.ca/eng/Pages/index.aspx>, Response to Information Requests: Eritrea ERI104179.E, 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014.

on the specific circumstances, e.g. if a person has deserted from more important work in National Service”<sup>100</sup>

The same source added that “If a National Service evader or a deserter who has left Eritrea illegally returned to Eritrea, he or she would be detained for a short period of time, i.e. a couple of days or one week, and then re-enrolled in National Service. As an additional punishment, they could be sent off to duties at military posts near the Ethiopian border.”<sup>101</sup>

‘A UN Agency suggested that “National Service evaders and deserters are maybe penalized if apprehended but it was doubted that they are actually imprisoned. It was added that the government does not consider emigrants as traitors.”<sup>102</sup>

‘A Regional NGO based in Asmara cautioned that “The penalty for desertion and evasion from National Service is not well documented, and there is no clear code of procedure or jurisprudence. The penalty may vary depending on who you are and where you are serving your National Service, i.e. desertion from critical sectors such as the fire brigade would probably be considered a more serious offence than deserting from work in a government run garage or the Ministry of Agriculture.”

The same source added that “No-one will be killed or punished physically by beatings, rape or other forms of human rights violations. In recent years the most likely penalty for desertion from National Service would be detention for three to four months particularly for women.”<sup>103</sup>

‘A well-known Eritrean intellectual noted that “There are examples of deserters who have been arrested and imprisoned in Eritrea, but in general everyone knows what to do and not to do when it comes to National Service. The source added that he knows of a student who deserted the National Service and was arrested. The student was transferred to the Sawa camp to complete his National Service. After that he returned to his studies. Many government officials, teachers, nurses etc. are returning to their jobs after having served at the National Service.”<sup>104</sup>

‘Western embassy (A) stated that “Evaders and deserters are not imprisoned for a protracted period of time and they are not exposed to physical harm”. The same source added that “Ordinary people who evade the National Service or desert from the service are not being prosecuted and imprisoned and they are not at risk of disappearances. That kind of treatment is reserved for people who have had some kind of oppositional activities i.e. political prisoners. It was emphasized that the government does not consider National Service evaders or deserters as political opponents”<sup>105</sup>

‘Western embassy (B) would not exclude that a National Service evader or deserter would be detained, but this would be for symbolic reasons rather than for legal reasons. The authorities would prefer to state an example rather than detain evaders and deserters systematically. It was added that the authorities are turning a blind eye to many of those who for various reasons evade or desert National Service because they are needed during harvest time or for other reasons. Detention of individual National

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<sup>100</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 30). Date accessed: 6 January 2015.

<sup>101</sup> *ibid* (page 31).

<sup>102</sup> *ibid* (page 33).

<sup>103</sup> *ibid* (page 38).

<sup>104</sup> *ibid* (page 40).

<sup>105</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 41). Date accessed: 6 January 2015.

Service evaders and deserters is purely to show the people who is in charge in Eritrea, i.e. the ruling party. Detained evaders and deserters are normally released after a few days, and as an additional punishment they are sent off to duties at military posts near the Ethiopian border. It was added that many evaders and deserters would most likely have preferred to stay in detention rather than be deployed to the border areas. It was added that even if the government wanted to arrest and prosecute evaders and deserter, it does not have the capacity to do so.”<sup>106</sup>

The same source also added that “The government’s interest is not to imprison evaders or deserters but to have them work for the country.”<sup>107</sup>

‘Western embassy (D) stated that “there is no information about severe penalties for trying to evade National Service.”<sup>108</sup>

‘Western embassy (E) stated ‘Just a week [prior to the interview] a number of people in Asmara receive a notice to appear for some military training. The majority did not show up as requested by the authorities and the ones who did show up were told to go home because they were too few to go ahead with the training.’<sup>109</sup>

2.9.6 An article on the Horn Affairs website, dated 26 October 2014, based on interviews with activists inside Eritrea the preceding day noted that:

‘in recent weeks, many high-school graduates called for national service are no longer obe[y]ing the notices posted on the walls of the city ordering them to report to the barracks. Furthermore numerous members of the so-called “People’s Army“, civilians over 50 years who have been given a Kalashnikov and a basic military training by the government, no longer go out at night, as they are ordered by the government.’<sup>110</sup>

The same article suggested that ‘Civil disobedience is gaining ground and the arrival of *Demhit* around Asmara is raising concern: the city is preparing for a massive “*giffa*”, these raids that have been terrorizing ordinary citizens for years.’<sup>111</sup>

2.9.7 No evidence could be found to suggest that a massive *giffa* (round-up – see [Round-Ups \(Giffas\)](#)) took place.

## Punishment of Family Members

2.9.8 The United States State Department ‘Country Reports on Human Rights Practices for 2013’, published on 27 February 2014, stated that:

‘There were occasional reports, particularly from rural areas, that security forces detained and arrested the parents or spouses of individuals who evaded national service or fled the country.’<sup>112</sup>

2.9.9 However, regarding reprisals against family members, the sources consulted as part of the Danish Immigration Service’s FFM Report, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’ made the following observations:

‘A regional NGO based in Asmara noted that “There have been reports by international NGOs on relatives of National Service deserters or evaders having been forced to

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<sup>106</sup> *ibid* (page 45).

<sup>107</sup> *ibid*.

<sup>108</sup> *ibid* (page 52).

<sup>109</sup> *ibid* (page 56).

<sup>110</sup> Horn Affairs, <http://hornaffairs.com/en/>, ‘Eritrea: Conversation with the resistance mov’t inside Asmara’, 26 October 2014, <http://hornaffairs.com/en/2014/10/26/eritrea-interview-resistance-activists/>. Date accessed: 19 January 2015.

<sup>111</sup> *ibid*.

<sup>112</sup> United States State Department, <http://www.state.gov/>, ‘Country Reports on Human Rights Practices for 2013’, Eritrea section, 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 26 November 2014

undertake National Service on behalf of deserters or evaders. However, such incidents are not documented and it is definitely not a government stand or policy to retaliate against parents or other family members of National Service evaders or deserters. If such treatment occurred relatives would tell about it.”<sup>113</sup>

2.9.10 ‘A Western embassy (B) stated that “the authorities could apply pressure on the family of a deserter in order to persuade him or her to return to his work. This pressure applied could be too close the family’s shop or rejection of some license e.g. to keep a shop.”<sup>114</sup>

‘A Western embassy (C) had never heard of any sort of retributions or reprisals by the Eritrean authorities against family members of National Service evaders or deserters.’<sup>115</sup>

‘Western embassy (D) stated that “For at least one year there have been no reports about relatives of National Service evaders or deserters being exposed to reprisals by the authorities. Before that there were reports that relatives of evaders and deserters were imprisoned or enrolled in National Service instead of the evader or deserter. This change could be attributed to either a policy change or because of the government’s declining capacity to enforce the service. It would be technically difficult and politically unsustainable for the government to carry out reprisals in massive numbers against relatives of National Service evaders or deserters.”<sup>116</sup>

## Treatment on Return to Eritrea

2.9.11 See the country information and guidance report on [Eritrea: Illegal Exit](#).

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<sup>113</sup> Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 38). Date accessed: 6 January 2015.

<sup>114</sup> *ibid* (page 45).

<sup>115</sup> *ibid* (page 49).

<sup>116</sup> *ibid* (page 52).

# Annex A: Map

United Nations Map of Eritrea, showing the main towns and cities<sup>117</sup>.



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<sup>117</sup> United Nations, [www.un.org](http://www.un.org), Map of Eritrea showing main towns and cities, <http://web.archive.org/web/20030319134912/http://www.un.org/Depts/Cartographic/map/profile/eritrea.pdf>, November 2000. Date accessed: 22 August 2014.

## Annex B: Caselaw

MO (illegal exit - risk on return) Eritrea CG [2011] UKUT 190 (IAC) (27 May 2011) found that:

'Whilst it also remains the position that failed asylum seekers as such are not generally at real risk of persecution or serious harm on return, on present evidence the great majority of such persons are likely to be perceived as having left illegally and this fact, save for very limited exceptions, will mean that on return they face a real risk of persecution or serious harm'.

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# Annex C: Letter dated 1 April 2010 from British Embassy in Asmara



Foreign &  
Commonwealth  
Office

British Embassy  
Asmara  
66-68 Mariam Ghimbi  
Street  
Asmara  
Eritrea

1 April 2010

## ERITREA COUNTRY INFORMATION

This note has been produced by officials at the British Embassy in Asmara in response to a series of questions about national service and exit from Eritrea sent by the Country of Origin Information Service of the United Kingdom Border Agency (UKBA). Any further enquiries regarding its contents should be directed to UKBA. The information in this note has been obtained from local sources in Eritrea and is publicly disclosable. The note does not reflect the opinion of officials of the embassy, nor any policy of the Foreign and Commonwealth Office.

## CAVEAT

Embassy officials wish to make it clear that it is virtually impossible to be categorically certain about military/national service practice and exit procedures in Eritrea. The official rules/regulations are mostly obscure, liable to subjective interpretation, and can be changed without notice, consultation or public information campaigns. The information contained in this note, provided by local sources and contacts in Eritrea, is what embassy officials believe to be true.

## National Service/Military Service

Does the Eritrean Ministry of Defence run the military/national service programme? If so, can one assume that officials in that department decide when and where military service round-ups occur, rather than the president or a senior government official from another department?

Officially, the Eritrean Ministry of Defence runs the military/national service programme. However, in practice other ministries are involved in the assignment of people to national service positions in ministerial dependencies. It is impossible to confirm who decides when and where military service round-ups occur. However, it is assumed that the Eritrean Ministry of Defence decides this, possibly on instructions from the president.

How often do military service round-ups (Giffas) occur? Do they start on an exact date every year?

It is important to note that there are no set government policies or standard procedures regarding how round-ups are organised. Military service round-ups take place usually around 4 to 5 times a year but can occur more frequently or less frequently, and usually coincide with public holidays when large numbers of people are out and about. They can occur in various parts of Eritrea and are not confined to one particular part of it. Once rounded up, people are sent from Asmara to the Adi Abeto camp for processing and onward assignment.

In general, are all documents relating to military or national service printed in one language only, e.g. Tigrinya? If not, in what other languages are these documents printed in? Can these documents be obtained by bribing the relevant officials or can forgeries easily be obtained?

Documents are mostly printed in Tigrinya and Arabic. There have been reports of fake documentation but the general view is that it is difficult to forge these documents.

Are call-up papers issued to individuals who have to undergo military or national service? Do they always name individuals specifically? If call-up papers are not issued, how are individuals informed that they have to undergo military or national service?

When students finish school in the Sawa military/school camp, they are automatically assigned to either military service, another type of national service or further education, and are given the relevant documents to that effect at that time. Other Eritreans are forcefully brought into military/national service as a result of round-ups or house searches. Military service or national service call-up documents are not issued to these individuals and they are not informed in advance that they have to undergo military/national service.

Are siblings or other family members called up to serve in the armed forces if their brothers or sisters have deserted or evaded military service?

We have no information to suggest or indicate that this occurs.

Is it possible for wealthy individuals to bribe military officials to avoid undergoing military or national service? If so, have there been actual cases of this happening? Can individuals close to the political ruling class avoid military or national service? If so, have there been actual cases of this happening?

Wealthy conscripts and individuals who are close to the political ruling class may be able to influence the decision as to where they will be located (e.g. Asmara, living at home but working for military/ministry) but cannot avoid military/national service altogether. Individuals who can

afford it, and do not want their children to undergo military/national service, may try to send their children overseas to study. But it is notable that even respected and senior government officials send their children to military/national service assignments. It is thought that the children of dead fighters, especially children responsible for the support of the remaining parent, may be excused from military/national service, and in some cases may receive some sort of preferential treatment.

Are there any categories of people exempt from military or national service, such as disabled people, pregnant women, or full-time religious clerics? Are such individuals given military/national service exemption documents? If so, who has the authority to issue them?

People who are disabled or medically unfit for military/national service, and pregnant women can and have been exempted from military/national service. To be exempted, these individuals have to be medically certified by a doctor at a military base as disabled/medically unfit. Full-time religious clerics/nuns can be required to do military/national service although in previous years they have been exempt. It is believed that some churches or mosques are limited to having a minimum of serving religious members who are exempt from military/national service.

Regarding military service exemption on medical grounds, are doctors allowed to issue exemption documents following a medical examination, or are they only allowed to make a recommendation to the military authorities, who then make a decision?

Doctors produce the medical reports needed and then make a recommendation as to whether a particular individual should be exempted from military/national service. The military authorities make the decision regarding exemption and issue the relevant exemption documents.

Whilst in military service, can individuals apply for leave? If so, are there standard written rules that must be followed or is this a matter for local commanders who judge each case on its merits? Are leave papers issued if leave is granted and are these documents issued in a standard format? Can local military commanders be bribed to grant leave?

There are no standard rules with regard to leave. Individuals have no entitlement to leave, and cannot request it, but can be given it arbitrarily by local commanding officers. If a military commander authorises leave for an individual, documents are issued specifying where that person may travel to and for how long (usually one month maximum). We do not know whether leave papers are issued in a printed standard format or are handwritten. We can only assume that they would have to name the individual concerned, and be signed by a military commander at the relevant base, to have any validity. It is rumoured that military commanders accept bribes to grant leave by the more wealthy conscripts but this cannot be substantiated.

Do individuals have any say in what type of national service they may be required to do or where in the country they may be required to go? Can individuals change from undergoing one form of national service to another? For example, can a person working for a nationalised company ask to be transferred to a government department?

In principle, individuals have no choice about their military/national service assignment though some may be able to influence where (e.g Asmara). Individuals are generally arbitrarily transferred by their commanders or supervising officers. There are no standard rules with regard to such transfers.

Are individuals who have completed military/national service given an official document as proof that they have completed military/national service, such as a "Completion of National/Military Service" certificate? If so, who has the authority to issue them?

There is no such thing as a “Completion of National/Military Service Certificate”. In the absence of such documents, a person’s age gives an indication regarding whether they should be in military/national service - under 57 for men, or under 47 for women who are unmarried.

Are women treated differently when it comes to military/national service? Are they assigned different types of work to men? If they are married, or have children, are they treated any differently from single women or women without children? If they are Muslim, are they treated with more consideration than Christians, or are they exempt from some types of national service?

Generally speaking, single women are not treated very differently to men (though we have heard that their rations, for example, may be less meagre). Married women and women with children are exempt from military/national service. Single women who become formally engaged are also exempt. Muslims and Christians are treated the same (they are given no special allowances for prayers, etc) although it is believed that Muslim women in rural areas are rarely called up. This may be due to early marriages and the fact that those communities are made up of mostly poor, subsistence-farming families.

## Obtaining a Passport and Exit from Eritrea

What are the procedures for obtaining an Eritrean passport? What government office or agency issues passports? What documents are needed to be submitted before a passport can be issued? Is there just one passport-issuing office or several in various locations around Eritrea? Is it always necessary for an individual to have completed his national service or military service obligations first before being issued with a passport? Are they always issued in a standard format, if so, in what language? Can officials be bribed to issue passports?

Individuals working in a government ministry or agency must obtain ministerial permission before applying for a passport. Other individuals must obtain authorisation from a local government administrator and present a birth certificate, any military/national service medical exemption documents, and an ID card. The administrator will then instruct the Department of Immigration (which has offices in regional capitals) to issue a passport. All of the Department of Immigration’s regional offices can issue passports. There is a fee for this service. For some time now, it has been very difficult to obtain first-issue passports. In practice, those individuals who are exempt from military/national service, such as people who are ill or old, as well as government officials who need to travel abroad on official business, will find it easier to obtain passports. Even in these cases, however, there is no guarantee that a passport application will be accepted. Passports, which are due to go biometric at some point, are printed in English, Tigrinya and Arabic. There were rumours in 2009 that staff in the Immigration Department and Asmara Airport were running a passport/papers/exit visa stamp scam to facilitate illegal exit from the country. The general belief is that bribery occurs but is not a widespread practice.

Can local authorities issue passports?

See above answer on passport issuing.

Are exit visas stamped in passports, or are they stickers that are stuck on a page of a passport, or are they issued as a separate paper document? Are they always issued in a standard format, if so, in what language?

Exit visas used to be issued in sticker form but following a 2009 alleged visa scam are now stamps. They are produced in a standard format, in English only.

Are exit visas issued free of charge? If payment is required, are

government officials or other categories of people exempt from payment?

Exit visas are not issued free of charge. The cost is currently around £8 (GBP) for a single exit visa. If government officials are travelling on official business we assume, but cannot confirm, that they do not pay fees.

Where can Eritreans obtain exit visas? Is there only one government office that issues them? If so, do Eritreans always have to apply in person at this office? Can exit visas be obtained illegally by bribery or can they be forged?

Exit visas are issued by the Department of Immigration which has regional offices. All these regional offices have the authority to issue exit visas. Applicants must apply in person only. Without expert knowledge, we can only assume that the stamp/signature can be forged, and that the demand for false exit visas will increase.

Can certain categories of people obtain exit visas more easily than others, such as government ministers, prominent businessmen, people who need medical treatment abroad, or religious clerics?

In practice, the majority of Eritreans wishing to travel abroad are not issued with exit visas and therefore cannot leave the country legally. Government officials and ministers can certainly obtain exit visas provided they have been given authorisation to travel abroad on official business. People who need medical treatment abroad can also obtain exit visas. Businessmen will almost always have to satisfy the age limit. In other words, they would have to be over the age of 57 before they would be allowed to apply for an exit visa. Women are not given preferential treatment or dispensation. For example, we know of many Eritrean women who have undergone military service, or are married and have children, but have still been refused exit visas for bona fide journeys abroad. Religious ministers or clerics can obtain exit visas if they need to travel abroad to attend meetings or events in connection with their religious faith, but they would have to belong to one of the officially recognised religions, such as the Roman Catholic Church.

Do people who need medical treatment abroad need to obtain a letter or medical certificate from a doctor to prove that they have the disease or condition they claim to have, as well as a military/national service medical exemption document before they are issued with exit visas? Do they also need other documents to obtain exit visas, such as letters from foreign hospitals or foreign doctors confirming that the medical treatment needed is available in a specific hospital in a specific country?

People wishing to travel overseas for medical treatment are required to have a medical certificate provided by a government medical panel. The medical panel is made up of doctors who have the authority to carry out a medical examination on the person concerned. Medical certificates are only issued after a medical examination has been carried out. Depending on the age of the person concerned and severity of the condition, the normal requirement for military/national service exemption papers may be waived. We do not believe that letters from foreign doctors are also required as it is local medical opinion that carries weight in these matters.

Are multi-exit visas ever issued (valid for more than one journey)?

Multi-exit visas are not issued. Exit visas are valid for one month and for one journey only.

Have there been cases of Eritrean military officials/immigration officials/border guards accepting bribes or otherwise assisting in illegal exits?

We do not have substantive evidence to prove this but it is widely believed that officials, border officers and military/police at checkpoints, have and do accept bribes, and help facilitate the escape of very large numbers of young Eritreans to other countries (Sudan mostly).

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# Annex D: Letter dated 11 October 2010 from British Embassy in Asmara



British Embassy  
Asmara

British Embassy  
66 – 68 Mariam  
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Zip Code 174  
P.O.Box 5584  
Asmara  
Eritrea

11 October 2010

## INFORMATION ABOUT PASSPORT CONTROLS, MILITARY TRAINING IN SAWA, NATIONAL SERVICE ROUND-UPS AND EXEMPTIONS, AND TREATMENT OF HOMOSEXUALS

This note has been produced by officials at the British Embassy in Asmara in response to a series of questions about passport controls, military training in Sawa, national service round-ups and exemptions, and treatment of homosexuals, sent by the Country of Origin Information Service of the United Kingdom Border Agency (UKBA). Any further enquiries regarding its contents should be directed to UKBA. The information in this note has been obtained from local sources in Eritrea and is publicly disclosable. The note does not reflect the opinion of officials of the embassy, nor any policy of the Foreign and Commonwealth Office.

### CAVEAT

Embassy officials wish to make it clear that it is not possible to be categorically certain about how the rules and regulations relating to passport controls, military training in Sawa, and national service round-ups and exemptions are implemented in practice. Likewise, it is not possible to be categorically certain about how homosexuals are viewed and treated in Eritrea. The information contained in this note, provided by local sources and contacts in Eritrea, is what embassy officials believe to be true.

We have answered the most recent questions as fully as we are able, please find our responses below:

Treatment of Ethiopians and treatment of returned failed asylum seekers and other Eritreans at airport immigration control points

Q. Would Ethiopians find it more difficult to enter and exit Eritrea through Eritrean airports than other nationalities?

A. Ethiopians cannot enter or exit Eritrea through Eritrean airports. Ethiopian refugees are kept separately from others and normally do not have access to UNHCR. If they chose to leave, they would normally exit Eritrea through the Sudanese border after a laissez-passer is granted from an immigration office. The Red Cross are involved in the repatriation of Ethiopian refugees.

Q. Would the Eritrean immigration authorities view Ethiopians with suspicion?

A. Yes, as mentioned above, Ethiopians are separated from other nationalities and are usually held in detention or in designated areas.

Q. Would it make any difference if they had been born in Eritrea and had lived in the country for many years?

A. They would not be treated differently if they had been born in Eritrea and had been issued with an Eritrean ID card giving them the right to live and work in Eritrea.

Q. Would Ethiopians need any other documents, apart from passports?

A. As there is no Ethiopian government representation in Eritrea, they would need to obtain a laissez-passer from the Eritreans to enable them to travel back to Ethiopia.

Q. How would the Eritrean immigration authorities view returned failed Eritrean asylum seekers, independent journalists, and leaders or active members of opposition political parties? [These would be individuals with valid passports or travel documents]. Is it likely that they would have to undergo lengthy questioning about their political activities and loyalties, whether they had paid the required income tax or completed their national service duties, and then let through immigration control? Or is it more likely that they would be questioned, arrested and detained for an indefinite period?

A. This is a grey area as there is little experience of failed asylum seekers returning to Eritrea. However, the Eritrean authorities tell us that if they return and have not committed a criminal offence, no action would be taken. But we have to put this into context. It is an offence to leave the country illegally, so returnees would be liable to detention and questioning. Some have been released without further action but those who have not undertaken military service could be sent to a military training camp.

## National service round-ups and exemptions and military training in Sawa

Q. What is the precise role of the Kebelles (local authorities) in national service round-ups?

A. Occasionally, the local authorities issue letters to those who have not entered into the military urging them to do so. Round-ups are normally carried out by the military.

Q. How do they assist the military authorities? Do they routinely issue national service call-up papers to people in their jurisdiction, under instructions from the Ministry of Defence? Or do they just inform the military authorities of the home addresses of people required to undergo national service, thus making it easier for house-to-house round-ups to be made?



A. The most common form of assistance is through informing the military of any individuals who have not undertaken military training. They usually get this information through 'informants'. The KEBELLES distribute call-up papers to those found in breach of the rules on military training.

Q. Does military training at Sawa always last six months, or can it vary according to how well resourced the camp is at any given time, or at times of war?

A. Another grey area. Military service normally lasts 18 months - 6 months military training at Sawa before being deployed in other areas. During times of conflict or heightened security threat, this period can be extended. We have no information on the resources available in camps.

Q. Do military commanders at Sawa have any freedom to vary the length of the training period?

A. We have no information concerning the freedom military commanders have to vary the length of the training period.

Q. Are there any other military training camps currently used?

A. Yes.

Q. If so, what are their names and where are they located?

A. The camps we are aware of are at Weah and Meater in the Northern Red Sea Region, Kiloma and Alla in the Southern Red Sea Region.

Q. Can people be required to undergo military training at Sawa or forced into military service more than once, perhaps as a form of punishment for some misdemeanour?

A. Anyone who deserts the military and are then captured will be punished and then required to undertake a full period of military training.

Q. Certain categories of people can be given official exemption from national service duties such as the disabled, elderly people or pregnant women. More generally, can military commanders or supervising officials exercise discretion in exempting individuals from national service duties, including military training and military service?

For example, can an individual from a poor family who is the only working person in that family be exempted, or can an individual who has to look after relatives who are severely ill, disabled, or elderly, be exempted, although this is not strictly permitted by the rules?

A. Normally, married women or women with young children are exempt from military service as are those registered disabled. The elderly have usually completed their national service, but if conflict ensues they could be expected to take up arms. Military commanders are able to authorise medical exemptions, with a report from a military medical officer. There are no exemptions for those from a poor background or those who have family members dependent on them through age or illness.

## Societal and official government attitudes to homosexuals

Q. Homosexual acts are illegal in Eritrea and the punishment is imprisonment. Have there been any known prosecutions and convictions in Eritrean courts during the last ten years?

A. We cannot find any details on prosecutions or detentions without trial specifically involving homosexual acts.

Q. If not, can one conclude that the authorities tolerate practising homosexuals to a certain extent?

A. Homosexuality is not tolerated to any extent.

Q. What are societal attitudes to known homosexuals?

A. The attitudes are negative. No one will admit to being homosexual or admit to knowing anyone rumoured to be homosexual.

Q. Are they likely to encounter hostility, lose their jobs, experience family ostracisation, or be discharged from the army (if they are soldiers)?

A. Soldiers would be arrested. It is difficult in the climate of secrecy in Eritrea to know if anyone has lost their job but it can be expected they would. No evidence is available on how families would react.

Q. Can homosexuals avoid prosecution or societal hostility if they conduct themselves discreetly and do not draw attention to themselves?

A. Yes.

I hope the above information is useful.

Regards,

HM Ambassador

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# Annex E: Letter dated 3 October 2011 from British Embassy in Asmara



British Embassy  
Asmara

British Embassy  
66 – 68 Mariam  
Ghimbi Street  
Zip Code 174  
P.O.Box 5584  
Asmara  
Eritrea

03 October 2011

Country of Origin Information Service  
United Kingdom Border Agency  
St Anne House  
Wellesley Road  
Croydon  
Surrey

Dear colleague

Eritrean COI questions for the post in Asmara - September 2011

This letter is a response to questions sent by the Country of Origin Information Service of the United Kingdom Border Agency (UKBA). Any further enquiries regarding its contents should be directed to UKBA. The information in this letter has been obtained from local sources in Eritrea and is publicly disclosable. This letter does not reflect the opinion of officials of the British Embassy in Asmara, nor any policy of the Foreign and Commonwealth Office. Whilst we make every effort to ensure the replies are accurate, the answers given are based on common practice, which the government of Eritrea does not always follow.

Below are responses to the Eritrean COI questions for September 2011.

National service and marriage

- Would the Eritrean authorities allow a woman to get married whilst on a national service work programme or in military service? If so, would that woman become exempt from national service duties as soon as she married, and could produce a marriage certificate as proof?

Women are able to marry whilst on a national service work programme, but not during military service, which normally is the first six months of the national service programme.

Following her marriage, a woman may apply for demobilisation, a decision on whether to grant lies with the relevant dept/ministry. It is not standard practice for a woman to be

demobilised on marriage, some are expected to continue their national service for various reasons.

- Are there any formal procedures to be followed by the woman concerned after the marriage ceremony to allow her to be exempt, or is a woman automatically exempt as soon as she is married?

Women are not automatically exempt on marriage. They have to formally apply for demobilisation, if on national service, or exemption if national service has not yet started.

- Are national service exemption documents issued to such women?

Yes, firstly they will be issued with a certificate releasing them from duty, followed by a demobilisation card.

#### Exit visas

- We understand that the Eritrean government requires some foreign nationals (eg long-term residents) to obtain exit visas before leaving the country. Are the exit visas stamped in the passports of foreign nationals of the same type and format as the exit visas stamped in Eritrean passports? If not, in what way do they differ? Would such individuals have to go to a local immigration office to obtain an exit visa, just as Eritreans are required to do?

Exit permits for foreign nationals are the same type and format as those for Eritrean nationals. All exit permits are issued by the local immigration office.

Yours sincerely

HM Ambassador

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# Change Record

Version	Date	Change References
1.0	March 2015	First version in updated country information and guidance format

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