



Home Office

Country Policy and Information Note

Eritrea: National service and illegal exit

Version 6.0

September 2021

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 7 September 2021

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by the state because the person evaded or deserted from national service and/or left Eritrea illegally.

1.2 Points to note

1.2.1 'National service' refers to compulsory military training followed by either military service and/or a civilian posting.

1.2.2 'Military training' refers to the initial compulsory period of training of 3 to 6 months that all Eritreans are required to undertake as part of national service.

1.2.3 'Military service' relates to a posting to the military upon completion of compulsory military training.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 In the country guidance case of [MST and Others \(national service – risk categories\) Eritrea CG \[2016\] UKUT 443 \(IAC\)](#), heard on 20 June 2016 and promulgated on 7 October 2016, the Upper Tribunal (UT) held: ‘Where... there is a real risk of persecution in the context of performance of military/national service, it is highly likely that it will be persecution for a Convention reason based on imputed political opinion.’ (paragraph 431(10))
- 2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a. Country guidance caselaw

- 2.4.1 In [MST and Others](#), the UT gave guidance on those persons leaving Eritrea illegally and avoiding national service. The UT reconfirmed parts of the country guidance given in [MA \(Draft evaders; illegal departures; risk\) Eritrea CG \[2007\] UKAIT 00059 \(26 June 2007\)](#) and [MO \(illegal exit - risk on return\) Eritrea CG \[2011\] UKUT 190 \(IAC\) \(27 May 2011\)](#) and replaced that with further guidance (see paragraph 431(1)) of [MST and Others](#).

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b. National service

- 2.4.2 Open-ended national service, involving both military and civilian placements, remains a feature of Eritrean society. The signing of a peace agreement

between Eritrea and Ethiopia in July 2018 led to expectations that national service would be reformed but no changes have materialised to date (see [Recent history](#) and [Reported reforms to national service](#)).

- 2.4.3 Eritrea is a closed society with restrictions on entry and exit, all domestic media under state control, foreign media restricted, limited internet access and irregular interaction with the international community, including a refusal to cooperate with the UN's Special Rapporteur for Eritrea or to allow human rights groups to enter the country. All of these factors contribute to limitations regarding the availability and reliability of information about Eritrea's national service programme (see [Limitations of information sources](#)).
- 2.4.4 National service is compulsory and both sexes are required to enrol at age 18. Following a 6-month period of military training, conscripts are assigned to either a military or a civilian role. Type of assignment depends upon a number of factors, including performance at school (see [Framework of national service](#)).
- 2.4.5 The school system is designed to channel conscripts into national service but less than one third of pupils remain in school until year 12 (when most pupils are age 17 or 18). Those who drop out of school before year 12 are recruited through other means, including a summons from the local administration, roundups (giffas) or as a consequence of arrest. A significant proportion of school dropouts avoid enrolment either through exemption, bribing the local administration, private connections, evasion or leaving the country (see [Routes taken into national service](#)).
- 2.4.6 Accurate data on the total level of enrolment in national service is not available but there are estimated to be between 300,000 and 400,000 conscripts. The relative size of the military and civilian components of national service is disputed, estimates suggest that a bit less than half of all conscripts serve in the military (see [Level of participation in national service](#)).
- 2.4.7 The conditions experienced by those who are conscripted into the military tend to be harsher than the conditions experienced by conscripts into the civilian arm of national service (see [Treatment during national service](#)).
- 2.4.8 The law lists a limited number of exemptions from service but in practice, additional exemption categories exist, although they are inconsistently applied (see [Exemptions from national service](#) and [Level of participation in national service](#)).
- 2.4.9 Laws exist which set out the conditions and length of service and also discharge from service but in practice the duration of service is not limited to the 18 months set out in law. The arbitrary and inconsistent application of the rules means that conscripts' experience of national service – and length of service – varies greatly and in extreme cases, a conscript may serve up to 30 years. However, Eritrea has a population of 6.1 million and an estimated 300,000 to 400,000 conscripts, which indicates that the majority of Eritreans have either avoided or are not engaged in active national service (see [Level of participation in national service](#) and [Duration of national service](#)).
- 2.4.10 Conscripts who are released from national service often find it difficult to obtain formal discharge papers and therefore have no official documentation to demonstrate that they have met their national service obligation. Similarly,

people who have obtained de facto exemptions – rather than exemptions under the law – also have difficulty obtaining the required papers. Official documentation is required in order to gain formal employment, to apply for ID documents, to receive educational qualifications and also to avoid the risk of being mistaken for an evader or deserter. Official documentation to show an individual is either exempted from, or has been released from, national service is also needed in order to obtain a visa to legally exit the country (see [Discharge from national service](#), [Legal exit from Eritrea](#) and [Treatment of deserters and evaders](#)).

- 2.4.11 The law lists punishments for evading or deserting from service but these offences are not treated in the formal justice system and punishments are imposed by military commanders instead. Punishments are meted out arbitrarily and inconsistently. In some cases no action is taken, while other offenders may be returned to their original posting or reassigned from a civilian position to a military position. In other cases, offenders are imprisoned where they may be subjected to interrogation or torture (see [Treatment of deserters and evaders](#)).
- 2.4.12 Commanders and employers wield the power to make decisions about a conscript's treatment and punishment during service and also decisions about when a conscript is to be released from service. With no oversight, the system is arbitrary and prone to abuse, for example, through the payment of bribes or through pressure exerted by influential families. In some cases, Commanders and employers may use their position of power to harass conscripts, with female recruits being particularly vulnerable to abuse, including sexual abuse. As a consequence, some teenage girls and young women choose to marry and have children in order to avoid conscription (see [Duration of national service](#) and [Women](#)).
- 2.4.13 In [MST and Others](#), the UT held that 'The Eritrean system of military / national service remains indefinite' and that national service starts at 18 years old, or younger in some cases (paragraph 304), with the upper limit for men being 54 years old, and for women 47 (paragraph 431(3)).
- 2.4.14 The UT also held that children aged 5 years or above are not likely to be issued an exit visa because the government believes it has lost too many young people, although this is with the exception of some adolescents who have applied for family reunification with relatives outside of Eritrea (paragraphs 322 and 431(3 and 4)).
- 2.4.15 Therefore, in general, children aged 5 and over may be considered by the government to be approaching national service age and by leaving the country perceived as seeking to evade it.
- 2.4.16 While accepting that the length of national service is 'indefinite' (paragraph 431(2)), the UT held that release from national service is likely to be commonplace (paragraph 306) and many Eritreans are effectively 'reservists', not in active national service. However, although such reservists are unlikely to face recall it also remains unlikely that they have received or are able to receive official confirmation to demonstrate that their national service is formally complete (paragraphs 306 and 431(8)).

- 2.4.17 In practice, while many people may not be in active national service, officially they remain subject to national service and are likely to be considered as such by the authorities on return.
- 2.4.18 The UT went on to hold that: ‘...if a person of or approaching draft age will be perceived on return as a draft evader or deserter, he or she will face a real risk of persecution, serious harm or ill-treatment contrary to Article 3 or 4 of the ECHR.’ (paragraph 431(7))
- 2.4.19 The Tribunal also held that:
- i) ‘A person who is likely to be perceived as a deserter/evader will not be able to avoid exposure to such real risk merely by showing they have paid (or are willing to pay) the diaspora tax and/have signed (or are willing to sign) the letter of regret.
 - ii) ‘Even if such a person may avoid punishment in the form of detention and ill-treatment it is likely that he or she will be assigned to perform (further) national service, which, is likely to amount to treatment contrary to Articles 3 and 4 of the ECHR unless he or she falls within one or more of the three limited exceptions set out immediately below in (iii).
 - iii) ‘It remains the case (as in MO) that there are persons likely not to face a real risk of persecution or serious harm notwithstanding that they left illegally and will be perceived on return as draft evaders and deserters, namely:
 - ‘(1) persons whom the regime’s military and political leadership perceives as having given them valuable service (either in Eritrea or abroad);
 - ‘(2) persons who are trusted family members of, or are themselves part of, the regime’s military or political leadership. A further possible exception, requiring a more case specific analysis is
 - ‘(3) persons (and their children born afterwards) who fled (what later became the territory of) Eritrea during the War of Independence [i.e. persons or their descendants who left the territory of Eritrea before 1991].’ (para 431(7))
- 2.4.20 The UT ultimately found that, aside from the exceptions above: ‘... it remains the case, as in MO, that “(iv) The general position adopted in MA, that a person of or approaching draft age ... and not medically unfit who is accepted as having left Eritrea illegally is reasonably likely to be regarded with serious hostility on return, is reconfirmed...”’ (paragraph 431(8))
- 2.4.21 The UT considered cases where an applicant’s asylum claim has not been found credible. In these cases: ‘[if the applicant] is able to satisfy a decision-maker (i) that he or she left illegally, and (ii) that he or she is of or approaching draft age is likely to be perceived on return as a draft evader or deserter from national service and as a result face a real risk of persecution or serious harm.’ (paragraph 431(9))
- 2.4.22 The Tribunal also considered the situation of persons who were able to obtain an exit visa and leave lawfully: ‘While likely to be a rare case, it is possible that a person who has exited lawfully may on forcible return face having to resume or commence national service. In such a case there is a

real risk of persecution or serious harm by virtue of such service constituting forced labour contrary to Article 4(2) and Article 3 of the ECHR.’ (paragraph 431(9))

- 2.4.23 In general, a person who is of, or is approaching, national service age and who has left Eritrea illegally and is not i) perceived to have given valuable service to the government; ii) a member of a family that belongs to the military / political leadership; and/or iii) a person who fled Eritrea during the war of independence (or the person’s child), is likely to be perceived as having evaded or deserted from national service. Such persons are likely to be subject to treatment that by its nature and repetition is likely to amount to persecution or serious harm.
- 2.4.24 While there have been significant developments in Eritrea’s relationship with Ethiopia which might impact on the need for national service since [MST and Others](#) was promulgated, the available country evidence does not indicate that there has been a significant change in the Eritrean government’s approach to, or treatment of, persons in national service. Given the absence of very strong grounds supported by cogent evidence to depart from existing country guidance, the findings of [MST and Others](#) continue to apply.
- 2.4.25 Each case must be considered on its facts with the onus on the person to show that they evaded national service and left the country illegally and would be at risk of being punished and/or compelled to undertake national service on return.

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c. People’s Militia

- 2.4.26 The UT in [MST and Others](#) found that since 2012 national / military service has been ‘expanded to include a people’s militia programme, which although not part of national service, constitutes military service’ (paragraph 431(2)) with upper age limits ‘likely to be 60 for women and 70 for men’ (paragraph 431(3)).
- 2.4.27 However, unlike for national service, the UT found that: ‘A person liable to perform service in the people’s militia and who is assessed to have left Eritrea illegally, it [sic] not likely on return to face a real risk of persecution or serious harm.’ (paragraph 431(8))
- 2.4.28 The available country evidence does not indicate that there has been a significant change in the Eritrean government’s approach to, or treatment of, persons in the People’s Militia since [MST and Others](#) was promulgated. Given the absence of very strong grounds supported by cogent evidence to depart from existing country guidance, the findings of [MST and Others](#) continue to apply (see [People’s Militia \(People’s Army\)](#)).
- 2.4.29 Being a member of the People’s Militia does not, in itself, establish a risk of persecution or serious harm. Each case must be considered on its individual merits, with the onus on the claimant to demonstrate that they face a risk of persecution.

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d. Refused asylum seekers

- 2.4.30 In [MST and Others](#), the UT held that: ‘It remains the case (as in MO) that failed asylum seekers as such are not at risk of persecution or serious harm on return’ (paragraph 431(6)).
- 2.4.31 Information about persons returned to Eritrea is scarce and their treatment upon arrival in Eritrea is largely unknown and undocumented. Anecdotal accounts report that deportees are detained and screened, with the final outcome depending upon the person’s profile, specifically, their age and conscription status (see [Deportees or refused asylum seekers](#)).
- 2.4.32 The available country evidence does not indicate that there has been a significant change in the Eritrean government’s approach to, or treatment of, refused asylum seekers since [MST and Others](#) was promulgated. Given the absence of very strong grounds supported by cogent evidence to depart from existing country guidance, [MST and Others](#) continues to apply.
- 2.4.33 Being a refused asylum seeker does not, in itself, establish a risk of persecution or serious harm. Each case must be considered on its individual merits, with the onus on the claimant to demonstrate that they face a risk of persecution.

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e. Family members

- 2.4.34 In some cases family members of deserters or evaders are sought out by the authorities and questioned or fined or detained but the practice is in decline and there is no evidence that family members are systematically targeted (see [Treatment of family members of deserters and evaders](#)).
- 2.4.35 [MST and Others](#) provided no specific country guidance on the risk to family members of deserters or evaders. However, the Tribunal observed: ‘We would accept... that punishment of family members or associates may not be as common as it was.’ (paragraph 281)
- 2.4.36 Being the family member of a deserter or evader does not, in itself, establish a risk of persecution or serious harm. Each case must be considered on its individual merits, with the onus on the claimant to demonstrate that they face a risk of persecution.

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f. Illegal exit

- 2.4.37 In [MST and Others](#), the UT found that categories of people who can lawfully exit were likely to be:
- i) ‘Men aged over 54
 - ii) ‘Women aged over 47
 - iii) ‘Children aged under five (with some scope for adolescents in family reunification cases)
 - iv) ‘People exempt from national service on medical grounds
 - v) ‘People travelling abroad for medical treatment

- vi) 'People travelling abroad for studies or for a conference
- vii) 'Business and sportsmen
- viii)'Former freedom fighters (Tegadelti) and their family members
- ix) 'Authority representatives in leading positions and their family members.'
(paragraph 431(4))

2.4.38 The UT further held: 'It continues to be the case (as in [MO](#)) that most Eritreans who have left Eritrea since 1991 have done so illegally. However, since there are viable, albeit still limited, categories of lawful exit especially for those of draft age for national service, the position remains as it was in MO, namely that a person whose asylum claim has not been found credible cannot be assumed to have left illegally.' (paragraph 431(5))

2.4.39 The Tribunal added that:

'The position also remains nonetheless (as in [MO](#)) that if such a person is found to have left Eritrea on or after August / September 2008, it may be that inferences can be drawn from their health, history or level of education or their skills profile as to whether legal exit on their part was feasible, provided that such inferences can be drawn in the light of adverse credibility findings. For these purposes a lengthy period performing national service is likely to enhance a person's skill profile' (paragraph 431(5)) [and therefore improve the prospect of them being able to obtain an exit visa].

2.4.40 On illegal exit per se, the UT held that: '... the totality of the evidence continues to support the view that the fact of illegal exit is not of itself enough to place an individual at risk.' (paragraph 345). Rather 2 further elements are required to place a person at risk, namely:

- that the person will be perceived on return as a national service evader or deserter; and
- that they will be subject to forcible return (paragraph 347).

2.4.41 Even if these additional elements are met, the UT identified certain exceptions:

(1) 'persons whom the regime's military and political leadership perceives as having given them valuable service (either in Eritrea or abroad);

(2) 'persons who are trusted family members of, or are themselves part of, the regime's military or political leadership. A further possible exception, requiring a more case specific analysis is

(3) 'persons (and their children born afterwards) who fled (what later became the territory of) Eritrea during the War of Independence.' (paragraph 347)

2.4.42 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

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3. Limitations of information sources

3.1 General

3.1.1 Relevant and reliable information on the current situation in Eritrea is limited by 3 main factors. Firstly, the reluctance of the Eritrean government to engage with the international community. Secondly, restrictions on access to the country. Thirdly, government control over internal information sources.

3.1.2 While attempts have been made to source information as widely as possible (see [Bibliography](#) and [Sources consulted but not cited](#)) three main documents form a significant proportion of this CPIN:

- Danish Immigration Service (DIS), '[Eritrea: National service, exit and entry](#)', January 2020 (covering the period July 2018 to January 2020)
- European Asylum Support Office (EASO), '[Eritrea: National service, exit and return](#)', September 2019 (covering the period August 2016 to August 2019)
- United Nations Human Rights Council (UNHRC), '[Situation of human rights in Eritrea... A/HRC/47/21](#)', May 2021 (covering the period 5 May 2020 to 28 April 2021)

3.1.3 All 3 of these reports draw upon existing country of origin information (COI) and combine it with new information, collected from interviews. Interviewees were chosen from a range of backgrounds including: refugees, academics, diplomats, government officials and representatives of human rights and international organisations. The majority of interviews took place outside of Eritrea. In the cases of DIS and EASO, access to interviewees within Eritrea was allowed by the Eritrean authorities. The UN Special Rapporteur was denied access and, therefore, all interviews conducted as part of his report took place remotely, outside of Eritrea.

3.1.4 The 2019 EASO report acknowledged:

'Access to information about Eritrea, particularly on human rights issues, is difficult. The Eritrean Ministry of Information controls all media in Eritrea. Academic researchers, journalists, and representatives of human rights organisations are generally unable to conduct research in the country, or can do so only to a very limited degree. The Eritrean authorities publish little detailed information about the national service. There is a similar lack of transparency regarding the implementation of legislation on national service and illegal exit; and the authorities do not publish any guidelines or implementing provisions.'¹

3.1.5 The 2020 DIS report stated:

'The production of this report has been guided by EASO's quality standards for COI. These standards are focused on relevance (that the sources have

¹ EASO, '[Eritrea: National service, exit and return](#)' (page 12), Sept 2019

updated and relevant knowledge about the topics in ToR [terms of reference]) and on reliability (that the sources are trustworthy). It is particularly challenging to find reliable and valid information about Eritrea, in particular about national service and human rights, partly because of the dearth of civil society and independent media inside the country. It is thus difficult to obtain detailed data from Eritrea, which fulfils EASO's standards.²

- 3.1.6 The UN Special Rapporteur for Eritrea – Mohamed Abdelsalam Babiker – given a mandate to report on the human rights situation in the country, stated in his May 2021 report: 'The Special Rapporteur considers that a visit to Eritrea would be the preferred method for carrying out a meticulous assessment of and gathering first-hand information on the situation of human rights in the country. However, given the lack of cooperation of the Government with the Special Rapporteur, who was denied access to the country, he collated the necessary information through alternative means.'³
- 3.1.7 In the absence of a field visit: 'The [UN] report is based on information gathered by the Special Rapporteur by monitoring the human rights situation remotely and on information provided by other sources, including civil society organizations, United Nations agencies, funds and programmes, and the donor community.'⁴
- 3.1.8 The majority of sources for all 3 reports asked to remain anonymous. In its description of sources used, EASO stated: 'Due to the very small number of potential sources, it has not been possible to describe them in more detail than presented below, as this could reveal their identity.'⁵ Given that the majority of interviewees – specifically academic experts, civil society activists, international organisations and diplomatic sources – are not named, and given the small pool of sources available, it is possible that there is some overlap in the content of the 3 reports. It may be the case therefore, that comments made by an interviewee in one report – which appear to substantiate comments made in one of the other reports – might be the opinion of a single person.
- 3.1.9 An August 2020 article posted on the Eritrean Government's Ministry of Information website, claimed that the national service programme is misrepresented in UN reports:

'A cursory look at the NGOS and individuals that are referenced in the Special Rapporteurs reports and which received funding from western agencies will suffice. Labeling [sic] them "human rights defenders" will not hide their true agendas.

'Unfortunately, the Special Rapporteurs have not been able to maintain their independence from the pipers, and their reports remain a compilation of unsubstantiated allegations made by the pipers and their anonymous informants.

² DIS, '[Eritrea: National service, exit and entry](#)' (page 7), Jan 2020

³ UNHRC, '[Situation of human rights in Eritrea... A/HRC/47/21](#)' (page 3), 12 May 2021

⁴ UNHRC, '[Situation of human rights in Eritrea... A/HRC/47/21](#)' (page 3), 12 May 2021

⁵ EASO, '[Eritrea: National service, exit and return](#)' (page 65), Sept 2019

'Eritreans have witnessed these conferences, wherein groups and individuals opposed to the Eritrean government are given platform to disseminate unsubstantiated allegations.'⁶

3.1.10 The World Press Freedom Index 2021, compiled by Reporters Without Borders, ranked Eritrea last in a list of 180 countries and stated: 'The peace accord signed with neighbouring Ethiopia in 2018 has unfortunately not led to any relaxation in a dictatorship that leaves no room for freely reported news and information.'⁷

3.1.11 A 2019 BBC profile on Eritrean media reported:

'Eritrea is the only African country to have no privately-owned media...

'The government has held a monopoly over broadcasting since independence. The few privately-owned newspapers were closed in 2001 as part of a crackdown on the opposition...

'There were around 71,000 internet users (1.3 per cent of the population) by 2019 (InternetWorldStats.com) - the lowest penetration rate in Africa.

Most Eritreans on Facebook and Twitter are based outside the country. Similarly, online forums are based abroad, mainly in Europe, Australia and the US.'⁸

3.1.12 Freedom House noted in its annual report, covering the events of 2020: 'Freedoms of expression and private discussion are severely inhibited by fear of government informants and the likelihood of arrest and arbitrary detention for any airing of dissent. The authorities regularly block access to social media platforms and shutter internet cafes.'⁹

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3.2 Limitations by type of source

3.2.1 The 2020 DIS report is based upon interviews conducted both inside and outside of Eritrea (interviews inside Eritrea took place during a fact-finding mission between 26 September and 3 October 2019). The DIS report draws upon 5 categories of sources: 'The Eritrean government, foreigners in Eritrea, human rights experts outside Eritrea and Eritrean migrants, academic experts, and media reports' but notes that '[all the categories] are useful and have obvious insights from their different perspectives, but they are all associated with different types of disadvantages.'¹⁰

3.2.2 DIS summarised the disadvantages of the sources used for its report:

'The Eritrean government has published very little official data, including basic demographic and economic data. Eritrean government representatives refrain from sharing information about national service, and Eritrean law and regulations are not consistently available online. Government representatives will most often decline to comment on allegations of human

⁶ Ministry of Information Eritrea, '[Eritrea's National Service: A National rite of Passage](#)', 22 Aug 2020

⁷ Reporters Without Borders, '[2021 World Press Freedom Index](#)', no date

⁸ BBC, '[Eritrea profile – media](#)', 24 July 2019

⁹ Freedom House, '[Freedom in the World: Eritrea](#)', 3 March 2021

¹⁰ DIS, '[Eritrea: National service, exit and entry](#)' (page 8), Jan 2020

rights violations or to engage in discussions with foreign diplomats, international journalists or foreign representatives of civil society.

‘Foreigners in Eritrea have a position inside the country from which they can observe signs of changes in the current situation; however, they have difficulties in obtaining access to dialogue with Eritrean authorities. Furthermore, their movement in the country is limited. With no active opposition, a limited civil society and no free media, obtaining information from independent sources is difficult inside the country. Foreigners do not have access to military camps or to the training centre in Sawa and are therefore without access to direct visual observation of these facilities. With limited possibility to direct observations, these sources may have to rely on second hand observations which potentially increase the risk of round-tripping of information – when multiple sources say the same thing which apparently confirms a situation, while they are in reality referring to the same source of information. Furthermore, foreigners in Eritrea may be cautious during interviews with reference to the need to protect their own safety or that of their organisation.

‘Human rights advocates and their organisations outside of Eritrea gather knowledge and insights from interviews and focus group discussions with people who have recently left Eritrea and who are willing to share their experiences. People who fled Eritrea often have their focus on the negative experiences they had, before they left the country, which may shape their narratives. Another of their sources of information may be diaspora members who have left the country a long time ago which may mean that they do not have updated first-hand information.

‘Academic experts often encounter difficulties in obtaining permission to conduct research in Eritrea. It is only a limited number of researchers who are granted visa from the authorities which means that there are few researchers who publish qualitative or quantitative studies on Eritrea and thus few to compare with. Access to information and to conduct research on the ground can be a challenge in Eritrea. The advantage of including academic findings is that this type of research must, in order to pass peer reviews and be published in peer reviewed journals, provide a transparent and detailed account of their methodology, including their empirical basis. This enables the reader to get a clear picture of the quality of the study. However, the production time is long and academic publications rarely discuss recent events.

‘Media reports may be of high journalistic standards and have a short production process which enables immediate publication and thus allows for news to be shared while they are still new. National media are under strict government control and international media have very limited access to the country and to independent sources. Furthermore, media reports do not necessarily contain the amount of details which meet COI-requirements for standard of proof or academic standards for triangulation of sources.’¹¹

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¹¹ DIS, [‘Eritrea: National service, exit and entry’](#) (pages 8 to 9), Jan 2020

4. Political context

4.1 Establishment of national service

4.1.1 The National Service Proclamation No 82/1995 was issued by the Eritrean government on 23 October 1995 and sets out the conditions of national service¹².

4.1.2 An August 2020 article posted on the Eritrean Government's Ministry of Information website described the national service programme as: '...an intangible cultural asset that should be respected by all. Nobody can define for Eritrea which cultural rites are of importance to Eritrean society, or how they should be practiced. In Eritrea, it is a birth right, a rite of passage, a cultural heritage that needs nurturing and development, not denigration and mal-information [sic]. For the few that decide to dodge service, there are thousands more participating with pride and valor.'¹³

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4.2 Recent history

4.2.1 In an April 2021 report commissioned by Equal Rights Beyond Borders, authors Mekonnen and Palacios Arapiles, drawing upon multiple sources, stated:

'Eritrea emerged as a de facto independent State in May 1991, when the liberation forces of the then Eritrean People's Liberation Front (EPLF), now People's Front for Democracy and Justice (PFDJ), took control of the entire country by defeating the then occupying forces of Ethiopia. Two years after this, in 1993, the country was officially recognised by the UN as a sovereign State – what is known as de jure independence of Eritrea. Since 1991, under the dominant leadership of the PFDJ (the only political party in the country), Eritrea has been ruled under the leadership of President Isaias Afwerki.'¹⁴

4.2.2 And:

'...over the past twenty years, the Eritrean Government's perennial excuse for maintaining higher levels of militarisation was its unresolved stalemate with neighbouring Ethiopia... The stalemate was officially resolved in July 2018 with the advent of a new prime minister in Ethiopia (Abiy Ahmed) earning the 2019 Nobel Peace Prize... As of early November 2020, the Federal Government of Ethiopia and the Regional State of Tigray have been engaged in a large-scale armed conflict in which involvement of Eritrean troops has been widely reported... Because of this new development, the Eritrean Government has already started new and intensified giffas (namely, rounding-up of people for military conscription).'¹⁵

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¹² Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

¹³ Ministry of Information Eritrea, '[Eritrea's National Service: A National rite of Passage](#)', 22 Aug 2020

¹⁴ Mekonnen,D and Palacios Arapiles, S, '[Access to Documents by Eritrean...](#)' (page 7), April 2021

¹⁵ Mekonnen,D and Palacios Arapiles, S, '[Access to Documents...](#)' (pages 14 to 15), April 2021

4.3 Reported reforms to national service

4.3.1 The European Asylum Support Office (EASO) reported in September 2019:

'[Eritrean] government officials have reiterated on several occasions the position that there will be reforms in national service also regarding its duration, but more time was needed to implement changes...

'As of July 2019, all interviewed interlocutors in Eritrea stated that there was no indication of any reforms or changes in national service by then; published reports agree with that. This observation has been confirmed by the Eritrean government.'¹⁶

4.3.2 In January 2020, the Danish Immigration Service (DIS) reported:

'According to a number of sources, the new peace agreement between the two countries [Eritrea and Ethiopia] let [sic] many to believe that the Eritrean government would revise the duration of national service and revoke article 21(1) in the Proclamation on National Service, and thereby end the indefinite national service.

'Almost all the interlocutors confirmed that there have been no changes in the duration of national service since the signing of the peace agreement with Ethiopia.'¹⁷

4.3.1 In its January 2021 report, covering the events of 2020, Human Rights Watch (HRW) commented: 'The government took no steps to reform the country's national service system. It continued to conscript Eritreans, most men and unmarried women, indefinitely into military or civil service for low pay and with no say in their profession or work location.'¹⁸

4.3.1 A July 2021 report from the UK Government's Foreign, Commonwealth & Development Office (FCDO), covering the events of 2020, stated:

'Eritrea continued to operate a system of universal and compulsory national service, spanning both military and civilian roles, beginning in the last year of schooling, and with few being exempt. For many, service continued to be open-ended; and many Eritreans continued to decide to avoid it by leaving the country to avoid national service. The justification for such service remained the frozen conflict with Ethiopia, despite the July 2018 peace agreement. During 2020 there was little sign of reform.'¹⁹

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5. Framework of national service

5.1 General

5.1.1 In 2019, EASO reported:

'...national service can roughly be divided into a military and a civilian component. All conscripts first undergo a military training and are then assigned either to the military component under the Ministry of Defence, or to a civilian task, administered by one of the other ministries. Part of the

¹⁶ EASO, '[Eritrea: National service, exit and return](#)' (page 23), Sept 2019

¹⁷ DIS, '[Eritrea: National service, exit and entry](#)' (pages 17 to 18), Jan 2020

¹⁸ HRW, '[World Report 2021](#)', 13 Jan 2021.

¹⁹ FCDO, '[Human rights and democracy. The 2020 FCDO report](#)' (page 45), July 2021

conscripts are assigned to one of the approximately 30 companies owned by the People's Front for Democracy and Justice (PFDJ) or the army, which are active in fields such as agriculture, construction, transport, tourism, or trade.^{'20}

5.1.2 EASO identified 5 factors which may influence whether a conscript is assigned to a military or a civilian function:

- 'Conscripts who are recruited after the 12th schooling year are more likely to enter civilian service than school drop-outs who are recruited by the local administration or through a round-up...
- 'Among those recruited after the 12th schooling year, the marks in the Eritrean Secondary Education Certificate Examinations (ESECE) play a decisive role for their assignment...
- 'Women are more likely to be assigned to civilian jobs than men...
- 'The rural population is more likely to be conscripted into military, which is possibly linked to their inferior access to education than the urban population.
- 'Children of freedom fighters and persons with contacts to influential people are more likely to be assigned to the civilian component.'²¹

5.1.1 The UNHRC May 2021 report stated: 'Although some conscripts perform purely military roles in the army, most draftees are assigned to work in civilian administration, infrastructure projects, education and construction and perform other duties, without any free choice about the area of their employment.'²²

5.1.2 The US Department of State (USSD) noted in its July 2021 Trafficking in Persons Report:

'National Service takes a wide variety of forms, and active military duty constitutes a small and diminishing percentage; office work in government agencies and enterprises (functions ranging from lawyers, diplomats, and mid-level managers to skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals and support workers; elementary and secondary school teachers; and construction or other unskilled physical labor. Reports also allege that officials force National Service workers to labor in mining enterprises partially owned by the government; specific instances alleged to date have involved white collar occupations in mine management, technical analysis, and/or government oversight responsibilities. Conditions are often harsh for those in military service or physical labor, although some National Service members experience normal, civilian workplace conditions, albeit with low pay and, in many cases, negligible to complete lack of freedom to pursue alternative employment opportunities.'²³

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²⁰ EASO, '[Eritrea: National service, exit and return](#)' (page 24), Sept 2019

²¹ EASO, '[Eritrea: National service, exit and return](#)' (page 25), Sept 2019

²² UNHRC, '[Situation of human rights in Eritrea... A/HRC/47/21](#)' (page 9), 12 May 2021

²³ USSD, '[2021 Trafficking in persons report: Eritrea](#)', 1 July 2021

5.2 Military service

- 5.2.1 The table below has been compiled by CPIT using data provided by Global Firepower (GFP), a website which tracks defence-related information from 140 military nations. Where official data is not available, GFP uses estimates. The table provides an indication of the approximate size of Eritrea's active and reserve military, relative to population size²⁴.

Year: 2021	Number	Ranking (out of 140)
Total population	6,147,398	101
Population reaching military age annually	72,035	105
Active military manpower	200,000	26
Reserve military manpower	500,000	12

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5.3 Civilian service

- 5.3.1 In 2019, EASO reported: 'National service members on civilian duty remain members of the armed forces. They can be called back into the army at any time. Therefore, they have to participate at military training "refreshers" from time to time.'²⁵

- 5.3.2 The DIS January 2020 report stated:

'According to two sources, there were indications of change in focus in the sense that the government would increasingly focus on vocational training as a part of national service. According to an international organisation, the Eritrean government seems to be interested in enhancing vocational training of conscripts of national service to enlarge the pool of skilled labour in the country. The emphasis on vocational training was shared by a diplomatic source that was under the clear impression that in recent years more students have been sent to vocational training and higher education while the number of students sent to military service and unskilled labour had declined. This source underlined that nothing is voluntary, but that the students with higher grades had some level of choice as to what they want to do. According to this source, the Eritrean government increasingly seeks to direct more youth into the path of what is referred to as a diploma programme. After completion of this vocational training programme the young person is given a vocational certificate which is intended to improve their employability.'²⁶

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²⁴ GFP, '[2021 Eritrea military strength](#)', no date

²⁵ EASO, '[Eritrea: National service, exit and return](#)' (page 26), Sept 2019

²⁶ DIS, '[Eritrea: National service, exit and entry](#)' (page 23), Jan 2020

5.4 People's Militia (People's Army)

5.4.1 In 2019, EASO reported:

'As provided by Article 23 of the National Service Proclamation, discharged soldiers are liable to serve in the National Reserve Army up to the age of 50 years. In 2012, the Eritrean government established the People's Army (Tigrinya: Hizbawi Serawit), in which all persons formally released from national service have to serve for a couple of days or weeks per year. Its activities encompass military trainings and work assignments in irregular intervals. The People's Army is not part of the formal national service structure.'²⁷

5.4.2 According to a western diplomat interviewed for the DIS 2020 report:

'...service in the People's Army is part time (six to eight hours a month), and that it often consists of guarding governments [sic] sites in the local community. People cannot refuse to participate, but a person may be able to negotiate some flexibility. Participation in the People's army is not based on a prefixed schedule, and the person can be called in on short notice without regard for other job obligations a person might have. According to the same source, consequences of not showing up for People's Army is difficult to predict, but it might be a few days in prison or being called in for "tough questioning".'²⁸

5.4.3 And: 'Three sources stated that there were persons who, following release from national service, were enrolled into People's Army, and that men up to 70 years of age had been asked to serve. Two sources advised of the risk of enrolment in People's Army upon return to Eritrea.'²⁹

5.4.4 The USSD noted in its 2021 Trafficking in Persons Report: 'In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects on a part-time basis.'³⁰

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6. Eligibility for national service

6.1.1 Article 6 of the 1995 Proclamation on National Service stated: 'Under this Proclamation any Eritrean citizen from 18 to 50 years of age has the obligation of carrying out national service.'³¹

6.1.2 Article 8 of the Proclamation stated: 'Under this proclamation 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.'³²

²⁷ EASO, '[Eritrea: National service, exit and return](#)' (page 26), Sept 2019

²⁸ DIS, '[Eritrea: National service, exit and entry](#)' (page 31), Jan 2020

²⁹ DIS, '[Eritrea: National service, exit and entry](#)' (page 31), Jan 2020

³⁰ USSD, '[2021 Trafficking in persons report: Eritrea](#)', 1 July 2021

³¹ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

³² Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

6.1.3 In the country guidance case of [MST and Others \(2016\)](#), the Upper Tribunal found that national service starts at 18 years old, or younger in some cases (para 304), with the upper limit for men being 54 years old, and for women 47 (paragraph 431(3)).

6.1.4 Also see [Recruitment into national service](#)

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7. Exemptions from national service

7.1 Law

7.1.1 Article 12 of the Proclamation identified citizens who are exempt from Active National Service: '(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.'³³

7.1.2 Article 15 of the Proclamation states: 'The Board gives decisions on exemption from National Service to citizens who suffer from disability such as invalidity, blindness, psychological derangement... [citizens who are declared exempt under this article] will receive from the Ministry of Defence a certificate of exemption.'³⁴

7.1.3 Article 13 of the Proclamation relates to citizens who are unable to undergo military training: 'Those citizens who have been declared unfit for military [service]...will undertake 18 months of National Service in any public and Government organ according to their capacity and profession.'³⁵

7.1.4 Under Article 14 of the Proclamation, temporary exemptions from Active National Service are available on the grounds of poor health or in the case of certain types of study, such as university or professional school. However: 'The student will be awarded with a Certificate, Diploma or Degree only upon completion of Active National Service.'³⁶

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7.2 Practice

7.2.1 In a 2019 report, EASO identified a number of 'de facto' exemptions but noted that the exemptions are applied inconsistently:

'Most commonly, women who are pregnant or have a child are exempt. Even an official statement by the Eritrean Ministry of Foreign affairs lists motherhood as a ground for exemption. In many cases, however, mothers are exempted only from military service, not from civilian service.

'Married women who are not mothers or pregnant are also often exempted from national service.'³⁷

7.2.2 EASO identified 3 other de facto exemptions, also applied inconsistently:

³³ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

³⁴ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

³⁵ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

³⁶ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

³⁷ EASO, '[Eritrea: National service, exit and return](#)' (pages 31 to 32), Sept 2019

- ‘Muslim women from rural areas such as Gash-Barka or Southern Red Sea,
- ‘members of nomadic tribes and the Rashaida ethnic group,
- ‘religious staff such as priests, imams, students in religious seminars or nuns (very inconsistently).’³⁸

7.2.3 According to sources in the 2020 DIS report, there are 6 categories identified as exempt in practice:

- ‘mentally ill persons
- ‘disabled persons (e.g. the blind, the deaf)
- ‘persons with medical conditions
- ‘pregnant women
- ‘mothers of young children
- ‘persons who are sole providers for their families.’³⁹

7.2.4 DIS sources advised that medical exemptions are decided by a medical board and described the threshold as: ‘...rather high [so] exemption on the basis of illness could therefore be rather difficult to obtain.’⁴⁰

7.2.5 And:

‘Several sources emphasised that it is critical to remember that the context, in which exemptions may be asked for and obtained, is not a country under the rule of law. This means two things. Firstly, that it is difficult to obtain reliable information about how exemptions are administered and that exemptions are arbitrarily distributed. Secondly, a diplomatic source explained that the absence of a functional court system makes it difficult to obtain the certificate of exemption officially. As an effect of the lack of rule of law, exemptions may be easier to obtain for individuals with well-connected families.

‘One diplomatic source advised that exemptions are more difficult to obtain for conscripts of military service.’⁴¹

7.2.6 According to EASO’s 2019 report: ‘Persons de facto exempted from national service usually do not get exemption letters. Since such documents are required for any formal employment, their activities are limited to the informal economy. Furthermore, there is a risk that they are caught in giffas [round-ups].’⁴²

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8. Conscientious Objectors

8.1.1 In May 2021 the US Department of State (USSD) Report on International Religious Freedom (covering the events of 2020) stated: ‘The law does not provide for conscientious objector status for religious reasons, nor are there

³⁸ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 32), Sept 2019

³⁹ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 29), Jan 2020

⁴⁰ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 29), Jan 2020

⁴¹ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 29), Jan 2020

⁴² EASO, ‘[Eritrea: National service, exit and return](#)’ (page 32), Sept 2019

alternative activities for persons willing to perform national service but unwilling to engage in military or militia activities.⁴³

- 8.1.2 A 2019 report by the World Headquarters of Jehovah's Witnesses noted:
'Eritrea has currently no regulations or provisions in its national military service requirement for conscientious objection. To avoid arrest by the ever-present military police, who patrol the streets, most male Witnesses between the ages of 18 and 40 live in hiding. The police arrest those whom they find and take them to a military camp. Once the men express their conscientious objection, police detain and usually torture them. Some of military age have fled the country to avoid persecution; others have been caught while attempting to flee.'⁴⁴
- 8.1.3 The USSD report also noted: 'In December [2020], the government released 28 members of the Jehovah's Witnesses who had served prison sentences of between five and 26 years, in some cases for refusing compulsory military service... Authorities reportedly continued to detain 24 Jehovah's Witnesses, more than half of whom had been in prison for more than 20 years, for refusing to participate in military service and renounce their faith.'⁴⁵
- 8.1.4 In a March 2021 briefing, Christian Solidarity Worldwide (CSW) stated:
'Members of the Jehovah's Witness movement have suffered severe mistreatment on account of doctrinal exigencies that meant they did not vote during the 1993 independence referendum, and requested to participate only in non-military aspects of national service. The community was stripped of citizenship rights; those who had declined active military service remain detained indefinitely, and any caught meeting clandestinely face detention and harassment, including children and the elderly.'⁴⁶

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9. Recruitment into national service

9.1 Registration

- 9.1.1 Article 11 of the 1995 Proclamation on National Service states: '...any youth who has completed the age 17 years is called upon to appear before the Registration Center of his area and register himself in advance to ensure his readiness...The Head of the Registration Center after recording the identity of the person, he issues him with the National Service Registration Card.'⁴⁷

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9.2 Routes taken into national service

- 9.2.1 The figure below is taken from EASO's 2019 report and provides an overview of the different routes through which conscripts are recruited into national service:

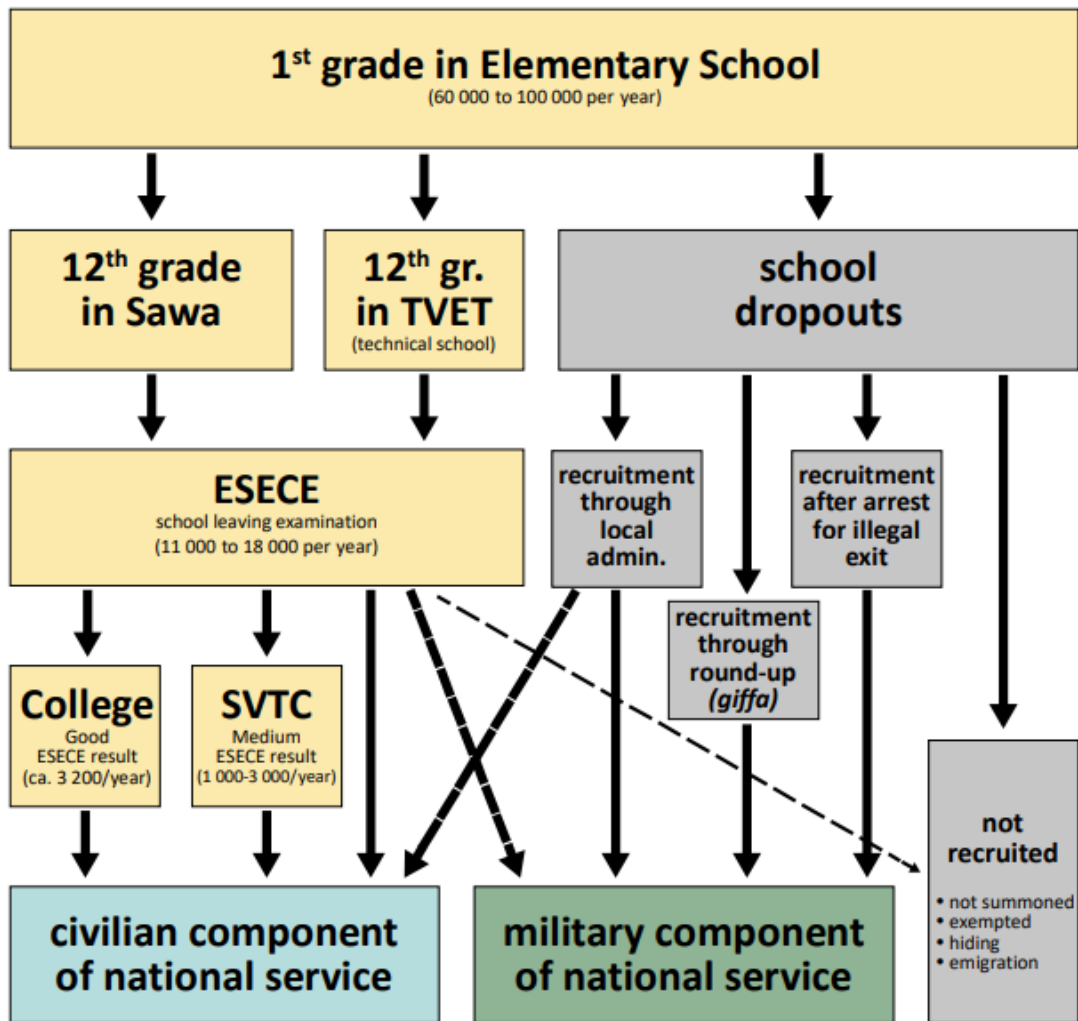
⁴³ USSD, '[2020 Report on international religious freedom](#)' (section 2), 12 May 2021

⁴⁴ World Headquarters of Jehovah's Witnesses, '[Eritrea: Persecution...](#)' (page 5), August 2019

⁴⁵ USSD, '[2020 Report on international religious freedom](#)' (section 2), 12 May 2021

⁴⁶ CSW, '[General briefing: Eritrea](#)', 1 Mar 2021

⁴⁷ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995



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9.3 Route 1: completion of education

9.3.1 EASO reported in 2019:

‘Eritrea’s schooling system is designed to channel as many students as possible to the 12th grade, immediately after which recruitment into national service takes place; in some cases by way of additional education in colleges or vocational schools...

‘Most of those Eritrean students who stay in school up to the end of the grade school curriculum enrol at Warsay-Yikealo School at Sawa military training camp for their 12th grade. The year at Sawa usually encompasses physical fitness training, four months of military and political training and six to eight months of academic education, which ends in March of each year with the Eritrean Secondary Education Certificate Examinations (ESECE), colloquially known as matrik.⁴⁹

9.3.2 And:

⁴⁸ EASO, [‘Eritrea: National service, exit and return’](#) (page 31), Sept 2019

⁴⁹ EASO, [‘Eritrea: National service, exit and return’](#) (page 26), Sept 2019

'The batch with the highest marks [in the ESECE exam] enters one of Eritrea's nine higher learning institutes (colleges). A condition for graduation at these colleges is the participation of nine months of "community service" in civilian jobs. After graduation, the graduates are assigned jobs in the civilian component of national service...

'The batch with medium marks enters Sawa Center for Technical and Vocational Education... The participants are assigned jobs in the civilian or military components of national service afterwards.

'The batch with the lowest marks is either sent to newly established vocational schools or directly into national service... Those sent directly into national service are assigned to the civilian or military component or to construction/agricultural work in the party-owned companies.'⁵⁰

9.3.1 An August 2020 article posted on the Eritrean Government's Ministry of Information website reported: 'Thousands of Eritrean youth, who make up the 33rd round of National Service (NS), completed the last year of high school and military training, and added to the large pool of their compatriots who graduated before them... The two [annual graduation] events, graduation from the technical school and completion of the specific round of national service, are important national celebrations.'⁵¹

9.3.2 In a September 2020 article, HRW reported:

'Each year, Eritrea's government forces thousands of secondary school students, some still children, to attend their final school year in the infamous Sawa military camp, where students study but also undergo compulsory military training.

'This year's [2020] departures take place amid a lockdown. To curb the pandemic, the government imposed strict movement restrictions and closed schools. Yet it still decided to send the students off to Sawa and risk exposing them to the virus.

'That is likely because the final secondary school year in Sawa serves as the government's main conveyor belt through which it conscripts its citizens into indefinite government service.'⁵²

9.3.3 The UNHRC May 2021 report stated:

'The national service requirements oblige all secondary school students in the country to complete their final year at the Warsay Yikealo secondary school, located in Sawa military camp, and to undertake mandatory military training, affecting the students' rights to education, academic freedom and non-discrimination in the field of education. Some of these students are still under the age of 18 when they begin their final year. Students spending their final academic year at Sawa military camp are under military command and must conduct arduous military duties, even on school days, which often cut into their study and rest time. It is reported that approximately 60 to 65 per cent of students at Sawa military camp do not obtain the results needed for further study and are either drafted directly into military service or sent on

⁵⁰ EASO, '[Eritrea: National service, exit and return](#)' (pages 27 to 28), Sept 2019

⁵¹ Ministry of Information Eritrea, '[Eritrea's National Service: A National rite of Passage](#)', 22 Aug 2020

⁵² HRW, '[Eritrea Busses Thousands of Students to Military Camp](#)', 11 Sept 2020

vocational training programmes. It is also reported that military officials at Sawa military camp subject students to ill-treatment and harsh punishment, including corporal punishment, and that students undertake forced labour.⁵³

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9.4 Route 2: school dropouts

9.4.1 The majority of Eritrean children drop out of school before year 12. The most recent data from the World Bank, relating to 2018, showed that the gross enrolment ratio for both sexes at the upper secondary level was 30.5% (29.6% for females and 31.3% for males)⁵⁴.

9.4.2 EASO reported in 2019, based upon multiple sources:

‘This group [school dropouts] is recruited by the local administration, rounded up by the army or exempted from national service... a part of the youth also manages to avoid conscription or flees abroad before being conscripted...

‘The local administration (mimihdar kebab) in Tigrinya) is responsible for the conscription of school drop-outs. There is no consistent practice for this kind of recruitment for all Eritrea. Generally, the local administrations keep track of the school drop-outs and their age, and these are often reported by the schools. The army instructs the local administrations periodically to summon dropouts at a certain place and time, from where they are brought to military training; or at least to hand over a list of eligible youth... The summons are communicated by the local administrations by various means, such as notice boards, letters, house visits or radio announcements... Persons conscripted by the local authorities are mostly, but not exclusively, assigned to the military component of national service. Their training usually does not take place in Sawa, but in smaller training camps. The sources name camps in Gergera, Hashenkit, Gahtelay, Kiloma, May Seraw, May Dima, Himberti, Nakfa, Wia, Afabet... According to one source, 5 000 to 8 000 persons are conscripted annually this way.⁵⁵

9.4.3 And:

‘Quite a big number of school drop-outs are not conscripted into national service for various reasons. A part of them is formally or de facto exempted from national service... Others avoid being put on the local administration’s list by bribing or through personal connections, or are simply overlooked. Some young Eritreans hide in the houses of relatives or in remote places outside of their villages, in order not to be summoned or rounded up. Furthermore, in some lowland areas summons and giffas are a very rare occurrence. The local administrations summon some of the youth who are not in national service into the People’s Army instead.⁵⁶

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⁵³ UNHRC, ‘[Situation of human rights in Eritrea... A/HRC/47/21](#)’ (pages 9 to 10), 12 May 2021

⁵⁴ World Bank, ‘[Education statistics – all indicators](#)’, 20 Dec 2020

⁵⁵ EASO, ‘[Eritrea: National service, exit and return](#)’ (pages 28 to 29), Sept 2019

⁵⁶ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 30), Sept 2019

9.5 Giffas

9.5.1 According to EASO's 2019 report:

'Another way of conscription are the so-called giffas: Round-ups by the security forces, during which an area or village is blocked and all persons present checked. Mostly, these checks aim at rounding up persons roughly in national service age, i.e. persons who have evaded draft, deserted, or who have not been drafted... Diplomatic and international sources in Asmara have not observed military giffas since the peace declaration in mid-2018. Several sources indicate however that especially outside of Asmara there has been no significant policy change in this regard and that giffas continue to take place... Those rounded up in giffas are usually first put in a prison for some days or weeks and then sent to military training in one of the camps.'⁵⁷

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9.6 Underage recruitment

9.6.1 EASO reported in 2019, based upon a range of sources: '...students who have finished 11th grade are called to Sawa, regardless of their age. Participants of the 12th grade at Warsay-Yikealo School, which includes military training, may therefore be 17 years or younger.'⁵⁸

9.6.2 And: 'During giffas, minors are reportedly sometimes recruited into military service... Minors apprehended while trying to cross the border illegally are also sometimes conscripted.'⁵⁹

9.6.3 The DIS January 2020 report stated: 'The academic experts, Martin Plaut and Habte Hagos, mentioned that, according to their information, there has recently been an increase in the number of underage conscripts.'⁶⁰

9.6.4 In March 2021, Human Rights Concern – Eritrea (HRCE), a UK-based human rights organisation reported:

'Rodanim Yemane, a high school student, was rounded up from outside his home in Asmara on 15th December 2020, a month after his 16th birthday. He was taken to Barentu and then to Kormenae military training camp, where he was given two months training along with other conscripts. During this period, he was in contact with his family until the end of February 2021, when the family then lost contact with him and were unsure of his location...

'The family realised he had definitely been sent to fight in Tigray when he was named (by his full name) on DW International Radio, and DW International online TV, on 23 March 2021, after he had been captured by the Tigray People's Liberation Front (TPLF) regional forces.'⁶¹

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⁵⁷ EASO, '[Eritrea: National service, exit and return](#)' (page 30), Sept 2019

⁵⁸ EASO, '[Eritrea: National service, exit and return](#)' (page 32), Sept 2019

⁵⁹ EASO, '[Eritrea: National service, exit and return](#)' (page 33), Sept 2019

⁶⁰ DIS, '[Eritrea: National service, exit and entry](#)' (page 22), Jan 2020

⁶¹ HRCE, '[Eritrean Underage Boys "Press-Ganged" into Military and Sent to Tigray...](#)', 30 Mar 2021

10. Level of participation in national service

10.1.1 Accurate data on the level of participation in national service is not available as the government does not publish this data. In 2019, EASO reported:

‘The Eritrean government gives few indications on how many of its citizens are currently enrolled in national service... Estimates by experts are mostly based on demographic and education statistics as well as assumptions about the number of persons in national service-age who have left the country. Most sources estimate the number of national service conscripts at 300 000 to 400 000.

‘The respective numbers of members of the military and civilian components of national service are disputed. Two sources state that a bit less than half of them serve in the military (army, navy or air force), bringing their number to about 150 000. The World Bank’s armed forces personnel database put the number at 202 000 in 2017. In September 2018, Presidential Adviser Yemane Gebreab claimed that less than a fifth of those in national service were in the military, while 80 % had a civilian role...

‘...The government’s narrative, however, tends to focus on those recruited through the schooling system. Many other sources contradict these claims and state that a substantial part of the conscripts are still recruited into the military.’⁶²

10.1.2 The table below has been compiled by CPIT to provide an indication of the destinations of pupils in a single year age cohort. The headings are based upon the flowchart of routes taken into national service, published by EASO in 2019 (see [Routes taken into national service](#)).

Pool of people in single year age cohort	Estimate 1: 87,618 ⁶³ Estimate 2: 72,035 ⁶⁴ Mean: 79,827
Recruitment through education system (pupils who sat the ESECE)	Estimate: 16,064 ⁶⁵
Recruitment through local administration	Estimate: 5,000 to 8,000 ⁶⁶ Mean: 6,500
Recruitment through round-up (giffa)	unknown
Recruitment following arrest for illegal exit	unknown
Not recruited (exempt, avoidance, emigration)	unknown

10.1.3 Based on the limited information available, the table shows that approximately 22,564 (16,064 + 6500) conscripts per year can be accounted for (28% of the age cohort). The remaining 72% of the age cohort cannot be

⁶² EASO, ‘[Eritrea: National service, exit and return](#)’ (pages 24 to 25), Sept 2019

⁶³ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 26), Sept 2019

⁶⁴ GFP, ‘[Population reaching military age annually 2021](#)’, no date

⁶⁵ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 26), Sept 2019

⁶⁶ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 29), Sept 2019

accounted for and it is unknown what additional proportion are conscripted into national service via alternative routes (such as giffas or arrest) and what proportion avoid conscription.

10.1.4 While it is acknowledged that the figures provided above are estimates, the available evidence indicates that:

- Of the approximately 80,000 people in a single year age cohort, less than a third can be tracked through to conscription into national service.
- Eritrea has a population of 6.1 million⁶⁷ and an estimated 54% of the population are aged between 15 and 54⁶⁸, meaning that about half of the population (around 3 million people) are eligible for national service. There are an estimated 300,000 to 400,000 conscripts, which indicates that the majority of Eritreans do not appear to be in active national service.

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11. Duration of national service

11.1.1 The DIS January 2020 report, based upon interviews with Western diplomats, civil society representatives, international organisations (including human rights organisations), academics and a journalist, stated:

‘[The Proclamation on National Service] article 8 establishes the duration of national service to 18 months, which includes six months of military training and 12 months of civil [national] service. However, as a result of the 1998-2000 border war between Ethiopia and Eritrea, and of the following unresolved border conflict known as the “no war, no peace” situation, the Eritrean government has enacted article 21(1) in the proclamation on national service. This article stipulates that during a mobilisation or a war period anyone in active service is under the obligation of remaining even beyond the prescribed period...

‘...Several sources referred to national service being without a set time for discharge, while other sources referred to cases they had heard of with persons spending between 12 and 30 years in national service. Human Rights Watch advised that to their knowledge, there has been no significant numbers of discharges from national service and that discharge remains arbitrary and very limited. Academic researcher, Tanja R. Müller, noted that some people are released after 18 months while other [sic] are released after 2-3 years and others never.

‘Two sources mentioned that they had no knowledge of possible changes in the length of national service, whereas consultant Ruby Sandhu argued that there had been reforms in the length of national service as well as discussions at government level about the possibility of reducing the term to 18 months. However, she stated that there had not been a formal public announcement by representatives of the Eritrean government about any reductions.’⁶⁹

⁶⁷ GFP, ‘[Total population by country 2021](#)’, no date

⁶⁸ CIA, ‘[The world factbook: Eritrea](#)’, 10 August 2021

⁶⁹ DIS, ‘[Eritrea: National service, exit and entry](#)’ (pages 17 to 18), Jan 2020

11.1.2 And:

‘Although there are little to no indications of change in the duration of national service, a number of sources advised that there have been ongoing discussions about the length of national service within the government. One source stated that it was reported on EriTV at the 25th anniversary of the Sawa training centre in August 2019 that the government is currently reviewing how they can reduce the duration of national service to 18 months. Three sources indicated that the president in 2018 had told new conscripts in Sawa that the length of national service would return to the statutory 18 months. However, this did not appear to have been repeated or followed up on, and the government’s intentions remain unclear.’⁷⁰

11.1.3 The UN Human Rights Council (UNHRC) published a report in May 2021, based upon meetings with a range of actors, including diplomats, academics, human rights activists, civil society groups and Eritrean refugees. The report covered the period 5 May 2020 to 28 April 2021 and stated:

‘The Special Rapporteur has found no indication of any improvement in conditions compared to previous years, or evidence of a reduction in the duration of national/military service. He received information about grave human rights violations in the military/national service regime in Eritrea, including its prolonged and indefinite duration, abusive conditions and the use of conscripts in forced labour. Despite the decree that officially limits conscription to 18 months, the Government has made no meaningful changes to its mandatory national service that conscripts young Eritreans for an unlimited period, routinely beyond the 18-month legal limit.’⁷¹

11.1.4 In a 2019 report, based on multiple sources, EASO identified 5 factors which seem to influence the duration of national service:

- ‘Women are usually released earlier than men. Often release happens after the birth of the first child, in some cases also after marriage. According to some sources, this applies only to the military component, while mothers in the civilian component stay in duty. An informal age limit of 27 years seems to be applied often, but there are also women above 40 still serving.
- ‘The place of duty is important, as in some places, too many conscripts are assigned, while in others the skills and workforce of the conscripts are really needed. According to one source, teachers are told that they would be released after four years. There are, however, no indications that this is in fact applied.
- ‘In the military component, serious illnesses or injuries seem to be the only way to get a formal discharge.
- ‘In order to be released, the superior/commander has to agree and sign the release application. Hence the superior and an individual’s relation to

⁷⁰ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 18), Jan 2020

⁷¹ UNHRC, ‘[Situation of human rights in Eritrea... A/HRC/47/21](#)’ (page 9), 12 May 2021

the superior have an influence on discharge. There are cases of bribery and abuse of power positions.

- ‘Personal contacts with other influential persons also seem to play a factor.’⁷²

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12. Treatment during national service

12.1 Conditions

12.1.1 EASO’s 2019 report compared the treatment of conscripts in the civilian and military arms of the national service programme. EASO identified 3 complaints brought by conscripts of the civilian service:

- ‘They are not free to choose their place of assignment/job, which can be opposed to their education, skills, and personal interest.
- ‘Salaries are too low for making a living, especially in Asmara.
- ‘They are not allowed to travel abroad.’⁷³

12.1.2 EASO also noted:

‘The working and living conditions of civilian national service members are largely the same as for persons outside of the national service...Some national service members are able to privately work in another job, due to low workloads in their assigned jobs.

‘Disciplinary measures are not as harsh as in military service; the sources did not report incidents of torture. Re-assignment to the military component, or arrest, or both, are potential punishments, though. One possible exception are the PFDJ [People’s Front for Democracy and Justice] -owned companies, part of which have own prisons with unknown conditions.’⁷⁴

12.1.3 And: ‘The situation of conscripts in the military component of national service is much harder than in the civilian component. To some extent, this is due to the circumstance that military commanders have almost unlimited power over their subordinates. There are no known regulations or guidelines that define the powers of the commanders, the treatment of subordinates or measures against the abuse of power.’⁷⁵

12.1.4 EASO identified 6 issues related to the treatment of military service conscripts:

- ‘Punishment for lack of discipline – including inability to learn skills correctly – is often harsh and arbitrary, being imposed by military commanders. Conscripts are reported to be beaten or tied up for hours or days.
- ‘Most military units have [their] own prisons, in which conditions are reportedly precarious. Some prisons are located underground or in

⁷² EASO, [‘Eritrea: National service, exit and return’](#) (page 34), Sept 2019

⁷³ EASO, [‘Eritrea: National service, exit and return’](#) (page 37), Sept 2019

⁷⁴ EASO, [‘Eritrea: National service, exit and return’](#) (page 37), Sept 2019

⁷⁵ EASO, [‘Eritrea: National service, exit and return’](#) (page 37), Sept 2019

shipping containers. They are often overcrowded, with tenuous hygienic, medical and nutrition conditions.

- ‘Work assignments are hard; 72-hour work weeks are reported. Also military exercises are reported to be overly demanding.
- ‘Leaves are unregulated: they are prolonged, shortened or denied at the will of commanders.
- ‘Many female conscripts are subjected to sexual abuse...
- ‘The duration is not limited, and conscripts do not know their release date. Duty times of 10 or 20 years are common.’⁷⁶

12.1.5 The DIS January 2020 report stated:

‘A western diplomat noted that accessing information on conditions in the military was particularly difficult. One source referred to national service being perceived as forced labour, whilst another source considered it “slavery” and spoke of living conditions totally degrading to the dignity of the person. A diplomatic source believed that the conditions of conscripts under military service were horrible and referred to allegations of sexual violence committed with impunity. The academic experts, Martin Plaut and Habte Hagos, mentioned that, according to their information, there has recently been an increase in the number of underage conscripts.’⁷⁷

12.1.6 One source interviewed by DIS, an academic researcher:

‘...emphasised the importance of taking into consideration the national context when analysing the living conditions during national service. According to this source, conscripts of national service live under conditions which mirror the normal living conditions of the general population in Eritrea. In the interview [the researcher] furthermore underlined that the food that conscripts of national service receive is not necessarily worse than the food intake of the general population. She added, however, that life is harder for those assigned to urban areas than for those who served in rural Eritrea because of the high costs of living in the cities.’⁷⁸

12.1.7 The USSD noted in its 2021 Trafficking in Persons Report: ‘Conditions are often harsh for those in military service or physical labor, although some National Service members experience normal, civilian workplace conditions, albeit with low pay and, in many cases, negligible to complete lack of freedom to pursue alternative employment opportunities.’⁷⁹

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12.2 Pay

12.2.1 The DIS January 2020 report stated: ‘Two sources said that the current salary is 3,000 nakfa [per month, equivalent to £144⁸⁰]... According to some

⁷⁶ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 38), Sept 2019

⁷⁷ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 22), Jan 2020

⁷⁸ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 23), Jan 2020

⁷⁹ USSD, ‘[2021 Trafficking in persons report: Eritrea](#)’, 1 July 2021

⁸⁰ XE, ‘[xe currency converter](#)’, date of conversion 15 July 2021

sources, wages were, however, still very low and extra jobs were still necessary to uphold a tolerable living.⁸¹

12.2.2 The UNHRC May 2021 report stated: ‘According to information received, the salaries are extremely low and do not allow conscripts to support a family.’⁸²

12.2.3 The USSD reported in 2021:

‘...pay scales have been revised for a number of job functions in recent years, particularly for those with higher education or skilled training credentials. Reports suggest that approximately 50 percent of National Service workers are eligible to receive such pay raises—which range from 800 to 5,000 nafka [sic] (\$53-\$330) per month. National Service workers without educational or vocational qualifications continue to be paid extremely low wages, and the government often substitutes food or non-food rations for wages.’⁸³

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12.3 Women

12.3.1 An earlier UNHRC report, from May 2019, stated:

‘The national/military service has a particularly negative impact on the lives of women and girls. The Special Rapporteur has received testimonies of former female conscripts who were abused by their superior officers – including by being subjected to physical and verbal abuse and being forced to work as domestic servants – and who recounted that sexual harassment and sexual abuse of female conscripts were common, in particular at Sawa military training camp. The Special Rapporteur has also received reports that some parents have chosen to stop sending their daughters to school to avoid their mandatory conscription. Some teenage girls and young women have chosen to marry and have children to avoid conscription into the national/military service.’⁸⁴

12.3.2 In September 2019, EASO reported:

‘Women in military [national service] are often, but not exclusively, assigned to positions such as cooks, cleaners, launders, personal assistants of commanders, or office workers... In such positions as well as in military units, they are vulnerable to sexual misconduct by their superiors. No known rules or guidelines are in place that forbid such conduct of commanders against conscripts, which effectively gives them impunity...

‘Once assigned, in order to maintain a good relationship to their superior or to avoid punishments, sexual services are demanded by commanders, sometimes under the threat of harsh punishments or other disadvantages... Some sources mention that sexual exploitation also happens during the 12th grade at the Warsay-Yikealo School in Sawa...

⁸¹ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 24), Jan 2020

⁸² UNHRC, ‘[Situation of human rights in Eritrea... A/HRC/47/21](#)’ (page 9), 12 May 2021

⁸³ USSD, ‘[2021 Trafficking in persons report: Eritrea](#)’, 1 July 2021

⁸⁴ UNHRC, ‘[Situation of human rights in Eritrea... A/HRC/41/53](#)’ (page 8), 12 May 2019

'While almost no sources except for the government deny that sexual violence exists, it is again impossible to quantify how systematically it happens.'⁸⁵

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13. Discharge from national service

13.1.1 In 2019, EASO noted: '...there are two crucially different forms of discharge: Demobilisation (Tigrinya: mitiyas) means the transfer from the military to the civilian component of national service with a continued obligation to serve in the army reserve, usually in the form of periodical military training "refreshers". Release (Tigrinya: mifinaw) means a full release from national service duty. Since 2012, released persons usually enter the People's Army.'⁸⁶

13.1.2 Also:

'For an individual demobilisation or release, the superior has to sign a form and send it to the Ministry of Defence. The Ministry of Defence issues a demobilisation card (Tigrinya: metayesi...) in case of a demobilisation from military service with or without transfer to civilian service; and a release letter (Tigrinya: mefanewi) for those fully released. Eritrean citizens need a release letter or a formal exemption from national service in order to be employed. Reportedly, in some cases, the release letter is issued with a significant delay or not at all.'⁸⁷

13.1.3 The USSD trafficking report 2021 noted: 'Eritreans may be released from National Service after an indefinite number of years by petitioning the government based on criteria that shift periodically and are not fully transparent; policies and practices for obtaining release from National Service are inconsistent across organizations and job fields, but officials generally release expectant mothers and individuals who can show they have become the sole or primary source of familial support.'⁸⁸

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14. Treatment of deserters and evaders

14.1 Law

14.1.1 Four penalties are set out in Article 37 of the National Service Proclamation, as summarised below.

- Article 37(1): anyone who violates the Proclamation is liable to 2 years imprisonment or a fine, or both.
- Article 37(2): anyone who attempts to avoid Active National Service by deceit, self-inflicted injury or other means, is liable to imprisonment of 2 years or a fine, followed by national service. If the self-inflicted injury makes him/her unfit for national service, the prison term is 3 years.

⁸⁵ EASO, '[Eritrea: National service, exit and return](#)' (pages 38 to 39), Sept 2019

⁸⁶ EASO, '[Eritrea: National service, exit and return](#)' (pages 34 to 35), Sept 2019

⁸⁷ EASO, '[Eritrea: National service, exit and return](#)' (page 35), Sept 2019

⁸⁸ USSD, '[2021 Trafficking in persons report: Eritrea](#)', 1 July 2021

- Article 37(3): any person who leaves the country to avoid national service and does not return to perform his/her service before age 40, will be liable to imprisonment of 5 years (up to the age of 50). The person's right to work, obtain a visa and hold land tenure or a licence will be suspended.
- Article 37(4): any person who attempts to avoid or delay national service through any means, for example, by avoiding registration or providing false information, is liable to 2 years imprisonment or a fine, or both.⁸⁹

14.1.2 Article 37 also allows for harsher punishments to be issued under the 1991 Eritrean Penal Code. According to EASO's 2019 report, 'Article 297(2) of the Penal Code of 1991 outlines a five-year term of imprisonment for draft evasion during wartime. Article 300 stipulates that desertion is punishable by a term of imprisonment of up to five years. During wartime, the term of imprisonment varies between five years and life imprisonment; in serious cases, the death penalty is imposed.'⁹⁰

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14.2 Practice

14.2.1 In September 2019, EASO reported:

'Infringements related to national service such as desertion or draft evasion as well as illegal exit and a range of other offenses are not treated in the formal justice system. Punishments are imposed by military commanders instead. Such procedures are to a large degree arbitrary and inconsistent. Eritreans are therefore often unaware what the policies of their authorities are, what the potential consequences of an action is and why they are treated in a certain way.'⁹¹

14.2.2 EASO identified 5 measures which are in place in order to apprehend deserters and evaders, as summarised below:

- Military commanders send soldiers to the deserter's home
- House-to-house visits by officials who have lists of evaders and deserters
- Giffas [round-ups]
- Arrests when trying to leave the country
- Arrest of family members⁹².

14.2.3 And:

'Deserters from the military component of national service who are apprehended by soldiers from their own unit are brought to the commander, who decides on further measures. Deserters from the military or civilian component and draft evaders apprehended during house-to-house searches, giffas or while attempting to leave the country illegally are sent to prison. In prison, they are interrogated and sometimes tortured as a measure

⁸⁹ Government of Eritrea, '[Proclamation on National Service No. 82/1995 of 1995](#)', 23 October 1995

⁹⁰ EASO, '[Eritrea: National service, exit and return](#)' (page 40), Sept 2019

⁹¹ EASO, '[Eritrea: National service, exit and return](#)' (page 24), Sept 2019

⁹² EASO, '[Eritrea: National service, exit and return](#)' (page 40), Sept 2019

of interrogation or as a punishment. The contacted sources mentioned prison terms between one and twelve months as typical, with longer terms of up to three years for repeated offenders and document forgers.

'From prison, deserters are sent back to their units, while draft evaders usually first undergo military training. Once deserters are back to their military unit, commanders decide arbitrarily on the follow-up. This may be additional prison time in the unit's prison, potentially including torture, or reintegration into the unit. In some units, committees are in place to decide on the punishment. Reports on the treatment of deserters from civilian national service are scarce. Some sources also indicate that after their time in prison, they are usually transferred to a military unit. Some are also returned to their previous working place.'⁹³

14.2.4 According to a source interviewed for the 2020 DIS report, evasion can be categorised into 3 types, with different consequences:

- 'Young people who fail to show up for Sawa and who, as a consequence, are not enlisted. They will not be able to acquire official ID documents (e.g. a driving license) or benefit from social services (such as the occasional distribution of food by the authorities). The consequence of their lack of access to documents is that they must live under the radar and outside of the system.'
- 'People who are enrolled in Sawa and complete national service, but who then fail to show up once they get assigned a job, or who later abandon their work assignment. They may face consequences, but the severity depends on their individual ability to avoid negative attention from the authorities.'
- 'People who attend Sawa, who are assigned a job in the civilian sector, e.g. as a teacher or in a ministry, and who manage this assignment by appearance only (by showing up twice a day and sign in, sign out and then hold an alternative job next to their official assignment).'

14.2.5 The sources interviewed for the DIS report raised a range of consequences for desertion and evasion, which varied in type and severity, including:

- '...the evader or deserter is either shot, put in prison or just nothing at all.'
- '...detention without trial [at] the discretion of the relevant commander.'
- '...some [evaders] had spent up to three nights at a police station before the police sent them back to their duty stations or simply released them, others had been imprisoned for three to six months, whilst others were not imprisoned at all.'

14.2.6 The UNHRC May 2021 report stated: 'Draft evaders and deserters who are caught face heavy punishment, including long periods of detention, torture and other forms of inhuman or degrading treatment.'⁹⁶

⁹³ EASO, '[Eritrea: National service, exit and return](#)' (page 41), Sept 2019

⁹⁴ DIS, '[Eritrea: National service, exit and entry](#)' (page 26), Jan 2020

⁹⁵ DIS, '[Eritrea: National service, exit and entry](#)' (pages 26 and 27), Jan 2020

⁹⁶ UNHRC, '[Situation of human rights in Eritrea... A/HRC/47/21](#)' (page 9), 12 May 2021

15. Treatment of family members of deserters and evaders

- 15.1.1 In 2019, EASO reported: ‘Family members of deserters or draft evaders are sometimes imprisoned for a couple of weeks or months in order to put pressure on the searched persons to report back to the unit. This applies as long as the searched person is believed to be still inside Eritrea. Once the person has left the country, the relatives are usually released.’⁹⁷
- 15.1.2 According to the DIS 2020 report: ‘Two sources had not heard of consequences for family members of draft evaders or deserters [while a third source] emphasised that family members had previously faced consequences, but this practice had more or less been abandoned now.’⁹⁸
- 15.1.3 Other sources interviewed for the DIS report raised a range of consequences for the family members of deserters and evaders, including:
- ‘...family members would certainly be questioned, possibly aggressively, if someone fled, and that family members were potentially punishable if authorities thought that they were in any way involved. According to the source, “jail is always an option”.’⁹⁹
- ‘...family members of draft evaders or deserters who fled the country are held accountable to pay a fine.’¹⁰⁰
- ‘...the practice of requesting family members to take the place of the deserter or the evader used to be widespread and is considered to still apply.’¹⁰¹
- 15.1.4 Also: ‘A group of interlocutors emphasised that there is no visible pattern in retaliations and referred to the lack of rule of law in Eritrea, and therefore found it hard to affirm whether there will be retaliations against the family of a person who has deserted. These interlocutors had heard of consequences, including jail, whereas other family members had been left alone.’¹⁰²

16. Legal exit from Eritrea

16.1 Law

- 16.1.1 Article 11 of Eritrean Proclamation 24/1992 (which covers conditions for entry into – and exit from – Eritrea), states:
- ‘No one can leave Eritrea without being in possession of a:
- a. valid Travel Document
 - b. valid exit visa
 - c. valid international health certificate.’¹⁰³

⁹⁷ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 41), Sept 2019

⁹⁸ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 27), Jan 2020

⁹⁹ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 27), Jan 2020

¹⁰⁰ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 28), Jan 2020

¹⁰¹ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 28), Jan 2020

¹⁰² DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 28), Jan 2020

¹⁰³ Eritrean Government, ‘[Proclamation No. 24/1992...](#)’ (Article 11), 1 April 1992

16.1.2 And: ‘No person can get out of Eritrea through [entry/exit] spots other than the ones authorized by the Secretary under revisions issued from time to time.’¹⁰⁴

16.1.3 Article 17 of the 1995 Proclamation on National Service states:

‘Any Eritrean citizen under the obligation of National Service in compliance of this Proclamation may be allowed to travel abroad:

- 1) ‘Upon giving evidence that he is exempted from National Service or that he has completed his service by producing a Certificate of Service or
- 2) ‘By producing a registration card and entering into a bond of 60,000 Birr [£962¹⁰⁵, the Ethiopian Birr was replaced by the Eritrean Nakfa in 1997¹⁰⁶] as security that he will return to resume his duty when called upon to do so.’¹⁰⁷

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16.2 Practice

16.2.1 The 2020 DIS report noted:

‘Sources [interviewed for the report] had limited knowledge about exit procedures, and the gathered information was inconsistent. Categories of persons most often mentioned as eligible for an exit visa were the following:

- ‘Young children – (under five years of age, or under 11 or 12 years of age)
- ‘Persons who can document that they have performed national service and have officially been released from service duties
- ‘Elderly persons
- ‘Persons who need specialised medical care.’¹⁰⁸

16.2.2 EASO’s 2019 report identified several other groups who may be eligible for an exit visa but noted that the process is inconsistent:

- ‘Persons travelling abroad for studies, for a conference, and in some cases, as businessmen or sportsmen.
- ‘Former freedom fighters (Tigrinya: tegadelti) and their family members.
- ‘Authority representatives in leading positions and their family members.
- ‘De facto: persons who bribe the officials in charge of issuing exit visas, or with personal connections to them.’¹⁰⁹

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¹⁰⁴ Eritrean Government, ‘[Proclamation No. 24/1992...](#)’ (Article 10), 1 April 1992

¹⁰⁵ XE, ‘[xe currency converter](#)’, 16 August 2021

¹⁰⁶ IRBC, ‘[Eritrea: Issuance of Eritrean currency called NAKFA in August 1997...](#)’, 1 June 1998

¹⁰⁷ Government of Eritrea, ‘[Proclamation on National Service No. 82/1995 of 1995](#)’, 23 October 1995

¹⁰⁸ DIS, ‘[Eritrea: National service, exit and entry](#)’ (page 32), Jan 2020

¹⁰⁹ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 44), Sept 2019

17. Illegal exit from Eritrea

17.1 Law

17.1.1 Article 29 of Eritrean Proclamation 24/1992 states that any person who violates the Proclamation by attempting to enter or leave Eritrea illegally, or through helping another person to enter or leave Eritrea: ‘...shall be sentenced up to five years imprisonment or up to a fine of 10,000 Bir [sic, £160¹¹⁰] or to both imprisonment and fine.’¹¹¹

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17.2 Practice

17.2.1 In 2019, EASO reported:

‘De facto, the treatment of persons apprehended when crossing the border is arbitrary and depends on numerous factors, such as:

- ‘the unit or the responsible commander making the arrest;
- ‘the place of the arrest;
- ‘the national service status (deserter, draft evader, exempted/completed, too young);
- ‘for deserters: the unit they belong to;
- ‘the time of the year (i.e. harsher treatment when national holidays are approaching).

‘The arrested person is usually held for some time in a cell at the border area and afterwards brought to prisons such as Barentu, Hashferay (for Gash-Barka), Adi Abeito, or Edaga... There, military and security officers investigate whether the person is a civilian or not. Torture such as beating or tying detainees up in painful positions is common during this investigation. The follow-up depends on their national service status.’¹¹²

17.2.2 And:

‘The shoot-to-kill order on persons attempting to leave the country illegally, which had been introduced in 2004, has been applied inconsistently and rather rarely for a couple of years. Sporadic incidents of shootings on persons at the border continue to be reported, even after the peace declaration with Ethiopia. In these latest cases, it was not clear whether the persons concerned had just accidentally walked into a military area, or if the border guards had shot at them for attempting to cross.’¹¹³

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¹¹⁰ XE, ‘[xe currency converter](#)’, 16 August 2021

¹¹¹ Eritrean Government, ‘[Proclamation No. 24/1992...](#)’ (Article 29(2)), 1 April 1992

¹¹² EASO, ‘[Eritrea: National service, exit and return](#)’ (page 53), Sept 2019

¹¹³ EASO, ‘[Eritrea: National service, exit and return](#)’ (page 54), Sept 2019

18. Treatment of returnees to Eritrea

18.1 Diaspora tax and 'letter of regret'

18.1.1 In 2019, EASO reported:

'All Eritreans residing abroad – regardless whether they have left the country legally or illegally – are obliged to pay 2 % of their income (salary or welfare payments) as Rehabilitation and Reconstruction Tax (RRT), colloquially known as 2 % tax or diaspora tax...

'Eritreans wishing to return who have not completed national service moreover have to sign Form 4/4.2, which is colloquially known as "form of repentance" or "letter of regret" and bears the title **Immigration and Citizenship Services Request Form**. In that form, they admit to having committed a criminal offence and accept the penalty for it... This applies to all Eritreans who have left the country illegally without completing national service; only persons who are exempted from national service or who have fulfilled their service duty are not asked to sign.

'De facto, a further condition applies: Persons wishing to return should have a minimum of loyalty towards the Eritrean government, i.e. not be politically active for the opposition abroad.'¹¹⁴

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18.2 Deportees or refused asylum seekers

18.2.1 In 2019, EASO reported:

'Information about the treatment of the deported persons is scarce. Forced returnees usually have no opportunity to pay the 2% tax and sign Form 4/4.2 and to thereby ensure a more lenient treatment. [The State Secretariat for Migration of Switzerland] SEM observed that the fate of most deported persons upon arrival in Eritrea is unknown and undocumented. Information is available only regarding persons repatriated across the land borders from Sudan, and it is anecdotal. The available accounts describe that after arrival in Eritrea, most returnees were put in an underground prison near Tesseney, where the authorities screened and profiled them. Torture is reported from this prison. According to the accounts of deportees from Sudan who have left Eritrea again and sources who have been in touch with them, the follow-up depended on the profile:

- 'Persons who had not been conscripted yet were sent to military training e.g. in Afabet and later deployed to military units.
- 'Persons who had already been in military were sent to other prisons such as Hashferay or Adi Abeito.
- 'Younger children were released to their families.
- 'Elderly were sent to the military or enlisted in the People's Army.'¹¹⁵

18.2.2 According to various sources interviewed for the DIS 2020 report:

¹¹⁴ EASO, '[Eritrea: National service, exit and return](#)' (pages 55 to 56), Sept 2019

¹¹⁵ EASO, '[Eritrea: National service, exit and return](#)' (pages 63 to 64), Sept 2019

‘...the government had accepted Eritreans deported by African states... some of the deportees had ended up in prison and some were sent directly to perform military or civilian national service.

‘Two sources noted that rejected asylum seekers would be subject to rough treatment upon return...

‘One source opined that the Eritrean authorities would probably not care much about the fact that some returning Eritreans were rejected asylum seekers. Instead the authorities were more likely to pay attention to whether these returnees had left the country illegally or not, and would treat them accordingly. This source advised that the deportees were most likely to be detained...

‘One source mentioned a case from Sudan in 2018, where the Sudanese authorities had returned Eritreans to Eritrea. The Sudanese government basically deported these Eritreans, who had entered Sudan illegally and had gone to Khartoum instead of going to the refugee camps. According to this source, the returnees were detained when they arrived in Eritrea.’¹¹⁶

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18.3 Voluntary returnees

18.3.1 In the 2020 DIS report:

‘Several of the interviewed sources suggested that returnees are at risk of being enrolled into national service. Some of these sources spoke of a clear risk, while others simply considered that such a risk could not be ruled out.

‘Academic researcher, Tanja R. Müller, mentioned that she was not aware of anybody who had been forced into national service upon voluntary return, but pointed to the law, stating that those who have not fulfilled national service can be assigned to go back to national service. A western diplomat stated that the past would be forgotten when a person paid the diaspora tax, but also mentioned that it was unlikely that a returnee would be considered a diaspora member for more than three years. An international development organisation considered, based on anecdotal evidence that a returnee having signed the regret letter and paid the diaspora tax might be allowed to live in the country without further harassment.’¹¹⁷

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¹¹⁶ DIS, [‘Eritrea: National service, exit and entry’](#) (page 39), Jan 2020

¹¹⁷ DIS, [‘Eritrea: National service, exit and entry’](#) (page 30 to 31), Jan 2020

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Limitations of available evidence on the country situation in Eritrea
- Context of national service programme
 - Establishment and purpose
 - Relevance and impact of recent events
- National service – structure
 - Types of service
 - Levels of participation
- National service - law
 - Eligibility
 - Exemptions
 - Duration
 - Penalties for evasion and desertion
- National service – practice
 - Types of recruitment
 - Conditions including postings, pay and treatment
 - Length of service
 - Discharge
 - Penalties for evasion and desertion
- Illegal exit
 - Law
 - Practice
 - Association with national service
- Returnees
 - Diaspora tax
 - Treatment

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Version control

Clearance

Below is information on when this note was cleared:

- Version 6.0
- valid from 8 September 2021

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

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