

Eritrea

The Transitional Penal Code of Eritrea

Eritrea is currently using the 1957 Criminal Code of its former colonizer, Ethiopia with some fundamental amendments made by Proclamation No.1/91 and other successive Proclamations and Legal Notices on a transitional basis. The country is now in the process of adopting its own Penal Code.

Art. 565. — *Enslavement.*

(1) Whosoever:

(a) enslaves another, sells, alienates, pledges or buys him, or trades or traffics in or exploits him; or

(b) keeps or maintains another in a condition of slavery, even in a disguised form, is punishable with rigorous imprisonment from five to twenty years, and a fine not exceeding twenty thousand dollars.

(2) Those who knowingly carry out, transport or conduct, whether by land, by sea or by air, persons thus enslaved, in order to deliver them at their place of destination, or who aid and abet such traffic, whether within the territory of the Empire or abroad, are liable to the same punishments.

Art. 566. — *Default of Supervision or Control.*

The Governor-General of a province, the Governor of a district, the local head or a town or village or the chief of a tribe in whose jurisdiction such traffic or exploitation has been carried on, is punishable, where he has been negligent, with fine which, according to the circumstances, may be increased up to the special maximum specified above.

Art. 567. — *Slave Trading: Bands or Associations.*

Where the injury to liberty, whether by intimidation, trickery, coercion, abduction, illegal restraint, enslavement, traffic or exploitation in one of the above forms, is the work of an association or band formed to engage in, or engaging in, the slave trade, no matter in what form, such band or association shall be punishable with a fine not exceeding fifty thousand dollars and its dissolution shall be ordered.

This penalty is without prejudice, to the punishment applicable to the offender or offenders on the count of their personal criminal guilt.

Art. 605. — *Traffic in Women, Infants, and Young Persons.*

Whosoever, for gain, or to gratify the passions of another:

(a) traffics in women or infants and young persons, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or

(b) keeps such a person in a disorderly house or to let her out to prostitution, is punishable with rigorous imprisonment not exceeding five years and a fine not exceeding ten thousand dollars,

subject to the application of more severe provisions, especially where there is concurrent illegal restraint.

Art. 606. — *Aggravation to the Offence.*

In cases of professional procuring or traffic in persons, rigorous imprisonment shall be from three to ten years, and the fine shall not exceed twenty thousand dollars:

- (a) where the victim is under fifteen years of age; or
- (b) where the victim is the wife or a descendant of the offender, his adopted child or the child of his spouse, his brother or his sister, or his ward, of where the victim has been entrusted, on any grounds whatsoever, to his custody or care; or
- (c) where the offender has taken unfair advantage of the physical or Mental distress of his victim, or of his position as protector, employer, teacher, landlord or creditor, or of any other like situation; or
- (d) where the offender has made use of trickery, fraud, violence, intimidation or coercion, or where he has misused his authority over the victim; or
- (e) where the victim is intended for a professional procurer, or has been taken abroad or where the victim's whereabouts or place of abode call not be established; or
- (f) where the victim has been driven to suicide by shame, distress or despair.

Art. 607. — *Organization of Traffic in Persons.*

Whosoever makes arrangements or provisions of any kind for the traffic in women or infants and young persons, is punishable with simple imprisonment or, according to the circumstances of the case, especially where a professional procurer is involved or where the arrangements are fully made and intended to apply to many victims, with rigorous imprisonment not exceeding three years, and a fine which shall be for not less than five hundred dollars in grave cases.

**Proclamation No. 118/2001
The Labour Proclamation of Eritrea**

Title 1
Preliminary

Article 3. Interpretation

(17). "Forced Labour," means any service which a person performed involuntarily due to the coercion of another person and includes the following:

- a. any work performed by a young person contrary to the provisions of this proclamation; and
- b. any work performed involuntarily merely because of someone's influence as a result of his holding a public office or traditional status of chieftaincy. Compulsory national service, normal civic obligations, forced labour as a provided for in the Penal Code, communal services and services rendered during emergency may not, however, be regarded as a forced labour.

Employment Relations
Chapter 1. Contract of Employment

Article 9. General

(6) An employer who engages in forced labour shall be punishable under the Penal Code.