

CONSULTATION DRAFT — NOT ENACTED LAW

Draft status. This institution-building draft requires constitutional, legislative, employee, professional and public consultation. Before enactment it must be harmonised with labour, pension, public-finance, national-service, local-government, data-protection, access-to-information, anti-corruption, whistleblower, occupational-safety and administrative-justice legislation.

Drafting note (not part of the Act)

Article 57 of the Constitution establishes a Civil Service Administration responsible for recruitment, selection and separation of civil servants and for determining their employment terms, rights, duties and code of conduct. Article 42(13) refers to consultation with the Public Service Administration when the President establishes or dissolves ministries and departments. This draft treats both expressions as referring to the same constitutional institution and requires consultation on the organisational, staffing and fiscal consequences of structural change.

The draft rejects the premise that citizenship or national service permits the State to own a person's labour. Ordinary civil employment arises only from informed consent and a written appointment, carries fair pay and enforceable rights, and may be ended by resignation with reasonable notice. Conscription, detention, withheld identity or travel documents, threats to family members, unpaid assignment and indefinite service may not be used to staff ordinary civilian posts.

The Administration centrally protects merit, standards, pay integrity and appeals while delegating routine human-resource action to capable ministries under audit. Political leaders may set lawful policy, but may not choose permanent civil servants, manipulate examinations, create ghost posts, order partisan service or punish professional advice.

Institutional failure to prevent	Core safeguard
Indefinite or coerced labour	Voluntary written employment; right to resign; separation of civil employment from national service; conversion-or-release transition.
Patronage, nepotism and party hiring	Open advertisement, objective criteria, independent panels, recorded scoring, conflict disclosure and appeal.
Ghost workers and corrupt payroll	Authorised establishment, unique personnel record, payroll reconciliation, audit and public workforce statistics.
Rude, slow or arbitrary service	Binding citizen service charters, respectful treatment, response deadlines, reasons, complaints and remedies.
Political purges and fear	Neutrality, secure service, due process, protected professional advice and whistleblower safeguards.

Institutional failure to prevent	Core safeguard
Inefficiency without consequence	Job standards, probation, fair performance management, training, improvement plans and proportionate separation.
Central bureaucracy replacing management	Delegated ministry authority under common standards, risk-based audit and revocation for abuse.

DRAFT ACT

ACT NO. ____/2026

CIVIL SERVICE ADMINISTRATION ACT, 2026

**AN ACT TO ESTABLISH THE CIVIL SERVICE ADMINISTRATION AND
PROVIDE FOR A PROFESSIONAL, IMPARTIAL, MERIT-BASED AND
SERVICE-ORIENTED CIVIL SERVICE**

PREAMBLE

WHEREAS public administration exists to serve the people, implement lawful policy and protect the dignity and equal citizenship of every person;

WHEREAS Article 57 of the Constitution establishes a Civil Service Administration and assigns it responsibility for recruitment, selection, separation, employment conditions, rights, duties and conduct of civil servants;

WHEREAS Articles 14, 16, 19 and 24 protect equality, dignity, freedom to pursue a lawful profession and respectful, quick and equitable administrative treatment;

WHEREAS efficient government requires competent people, clear authority, fair pay, modern systems, professional leadership, measurable results and accountability for public resources;

WHEREAS Eritrea must replace indefinite coerced service, patronage, fear and administrative arbitrariness with voluntary employment, open merit, political neutrality and a culture of service;

NOW, THEREFORE, the National Assembly of Eritrea enacts as follows:

CHAPTER 1

PRELIMINARY PROVISIONS

Article 1 — Short title

1. This Act may be cited as the Civil Service Administration Act, 2026.

Article 2 — Commencement

1. This Act enters into force on publication in the Official Gazette.
2. The provisions prohibiting forced or indefinite civilian labour and protecting resignation apply immediately.

Article 3 — Constitutional authority

1. This Act gives effect to Article 57 of the Constitution and shall be interpreted consistently with the Constitution as a whole.
2. For constitutional and statutory purposes, a reference to the Public Service Administration includes the Civil Service Administration established by this Act.

Article 4 — Objects

1. Establish an independent, competent and accountable Administration for a professional civil service.
2. Make fair and open competition, merit, integrity and equal opportunity the basis of employment.
3. Protect voluntary employment, fair conditions, dignity, political neutrality and due process.
4. Secure efficient, economical, effective, responsive and corruption-resistant public service.
5. Provide citizens with polite, prompt, impartial and accessible administration.

Article 5 — Interpretation

1. "Administration" means the Civil Service Administration established by Article 8.
2. "Board" means the governing Board established by Article 18.
3. "civil servant" means a person voluntarily appointed to a continuing or fixed-term civil office under this Act.
4. "Commissioner-General" means the head appointed under Article 23.
5. "delegated authority" means a ministry or office authorised to exercise a function subject to Administration standards and review.
6. "national service" means service governed by separate legislation and does not by itself constitute civil employment.
7. "political appointee" means a temporary policy or personal office-holder excluded from permanent civil-service tenure.

8. "public body" includes a ministry, department, agency, local administration and public enterprise brought within this Act.

Article 6 — Scope

1. This Act applies to the national civil service and to public bodies prescribed by law.
2. It does not govern elected office, judges, prosecutors, defence or police operational ranks, or constitutionally independent office-holders except for common administrative standards expressly accepted or prescribed.
3. Teachers, health professionals, diplomats and other specialised services may have additional laws consistent with the minimum rights and merit guarantees in this Act.

Article 7 — Supremacy of minimum safeguards

1. No contract, directive, security classification, national-service order or administrative practice may reduce the minimum freedom, merit, pay, dignity and due-process safeguards in this Act.
2. A more favourable lawful employment term remains valid.

CHAPTER 2

ESTABLISHMENT, INDEPENDENCE AND MANDATE

Article 8 — Establishment

1. There is established a body corporate known as the Civil Service Administration.
2. The Administration has perpetual succession, a seal and capacity to contract, hold property, employ staff and institute or defend proceedings.

Article 9 — Status

1. The Administration is an independent constitutional institution and not a ministry, political office, employer of all civil servants or instrument of a governing party.
2. Civil servants are employed by the State through their lawful public bodies under standards controlled by the Administration.

Article 10 — Independence

1. The Administration, Board, Commissioner-General, panels and appeal bodies shall act impartially and without improper direction.
2. No person may direct the result of an individual recruitment, examination, classification, promotion, discipline, grievance or appeal.

Article 11 — Prohibition of interference

1. Offering benefit, threat, pressure, false information or political instruction to influence a protected personnel decision is prohibited.
2. Material attempted interference shall be recorded and reported to the Board, Auditor-General and competent authority.

Article 12 — Duty of public bodies

1. Every public body shall comply with lawful Administration standards, provide accurate information and protect its independence.
2. Refusal or delay shall be reasoned and is subject to enforcement and judicial review.

Article 13 — Accountability without patronage

1. The Administration is accountable to the Constitution, National Assembly, courts and public for legality, performance, finance and explanation of policy.
2. Accountability does not authorise a political body to demand appointment, promotion, punishment or protection of a named person.

Article 14 — Core functions

1. Determine uniform recruitment, selection, appointment, promotion, transfer, separation and service standards.
2. Determine and recommend terms and conditions, rights, duties, classifications, remuneration principles and codes of conduct.
3. Monitor organisation, staffing, productivity, payroll integrity, workforce capability and citizen service.
4. Hear or provide independent appeals and investigate personnel practices.
5. Advise on creation, merger and dissolution of ministries and departments under Article 42(13) of the Constitution.

Article 15 — Consultation on government structure

1. Before establishing, merging or dissolving a ministry or department, the President shall consult the Administration on mandate clarity, staffing, duplication, transition, cost, records and employee rights.
2. The Administration's advice shall be published before decision except for narrowly protected security information.

Article 16 — Administrative autonomy

1. The Administration controls its internal budget execution, staff, systems, procurement and records subject to public law and audit.
2. Its budget shall appear as a distinct vote submitted through the public budget process.

Article 17 — Head office and regional access

1. The head office is in Asmara and regional offices shall be established according to need.
2. Services shall be accessible digitally and nondigitally, in relevant languages and to persons with disabilities.

CHAPTER 3

GOVERNING BOARD AND SENIOR LEADERSHIP

Article 18 — Governing Board

1. The Administration is governed by a Board of seven commissioners, including the Commissioner-General as chair.
2. Members act for the public interest and do not represent an appointing authority, party, profession, region or union.

Article 19 — Collective expertise

1. The Board shall collectively possess expertise in public administration, human resources, labour law, finance, digital government, organisational design, ethics, service delivery and equality.

Article 20 — Qualifications

1. A commissioner must be an Eritrean citizen of integrity, independence and substantial relevant competence.
2. The Commissioner-General requires at least fifteen years of relevant experience, including senior leadership; another commissioner requires at least ten years.

Article 21 — Disqualification

1. A serving minister, legislator, party officer, candidate, security commander, contractor to the Administration or senior officer of a regulated public body may not serve.
2. Corruption, dishonesty, abuse, serious rights violation, concealed conflict or deliberate selection falsehood is disqualifying unless lawfully set aside.

Article 22 — Independent Selection Panel

1. Vacancies shall be filled from public merit shortlists prepared by the Independent Civil Service Selection Panel in Schedule 2.
2. The Panel shall advertise, verify, receive public comment, interview and publish reasoned ranked shortlists.

Article 23 — Appointment of Commissioner-General

1. The President shall nominate one shortlisted person and, with National Assembly approval, appoint the Commissioner-General.
2. The responsible Assembly committee shall conduct a public hearing and publish a reasoned report.

Article 24 — Appointment of commissioners

1. The President shall appoint the other commissioners from separate final shortlists prepared under Schedule 2.
2. Appointments shall reflect professional, gender, regional, linguistic and disability inclusion without representative mandates.

Article 25 — Terms

1. The Commissioner-General serves one nonrenewable term of seven years.
2. Other commissioners serve staggered nonrenewable terms of six years.
3. Terms shall not be shortened by a change of government or disagreement with a lawful decision.

Article 26 — Oath and disclosures

1. A commissioner shall take the oath in Schedule 1 and publish required interest and asset disclosures before acting.

Article 27 — Removal

1. A commissioner may be removed only for incapacity, serious misconduct, gross incompetence, corruption, grave breach of law or loss of qualification.
2. An independent tribunal shall provide notice, evidence, hearing, counsel and reasons; the President may remove only after its finding, and removal of the Commissioner-General also requires National Assembly approval.

Article 28 — Suspension

1. Suspension pending removal requires a reasoned tribunal recommendation, full remuneration and review every sixty days.

Article 29 — Meetings and decisions

1. The Board meets at least quarterly; four members constitute quorum and decisions require a majority of all serving members.
2. Minutes, attendance, votes and recusals shall be published subject to lawful personnel privacy.

Article 30 — Conflicts and recusal

1. A member shall disclose and recuse from a matter involving a personal, family, financial, political or professional interest.
2. The register of interests and recusals shall be public.

Article 31 — Secretary and chief executive

1. The Board shall appoint a Secretary through open competition for one five-year term renewable once.

2. The Secretary is chief executive, accounting officer and custodian of records, but has no vote in protected merit decisions unless also a commissioner.

Article 32 — Delegation

1. The Board may delegate in writing subject to conditions, audit and revocation.
2. It shall not delegate regulations, national standards, senior appointments, final appeals or annual reports.

CHAPTER 4

CIVIL SERVICE VALUES AND CITIZEN SERVICE

Article 33 — Constitutional service values

1. The civil service shall uphold the Constitution, legality, dignity, equality, integrity, professionalism, impartiality, accountability, transparency and stewardship.

Article 34 — Efficiency and effectiveness

1. Resources shall be used economically and services organised around measurable public need.
2. Unnecessary process, duplicated approval, idle posts and avoidable delay shall be identified and removed lawfully.

Article 35 — Impartial and equitable service

1. Services shall be provided fairly, consistently and without political, ethnic, regional, linguistic, religious, gender, disability or economic bias.

Article 36 — Respectful administration

1. Every person is entitled to courteous treatment, clear information, a meaningful opportunity to be heard, and a quick and equitable answer consistent with Article 24 of the Constitution.
2. Insult, humiliation, intimidation, deliberate obstruction and demands for unofficial payment are misconduct.

Article 37 — Citizen Service Charter

1. Every public body shall publish a charter based on Schedule 6 stating services, requirements, lawful fees, responsible office, timelines, complaint route and remedies.

Article 38 — Reasons and notice

1. A materially adverse administrative decision shall state intelligible reasons, legal authority, evidence relied on and review rights unless a lawful exception applies.

Article 39 — Access and inclusion

1. Public bodies shall provide reasonable accommodation, accessible premises and communications, language assistance and alternatives for persons without digital access.

Article 40 — Participation and feedback

1. Public bodies shall use complaints, surveys and consultation to improve services and shall publish response and satisfaction data.

Article 41 — One-stop and digital service

1. The Administration shall promote interoperable, privacy-protective and user-centred services that minimise repeated documents and visits.
2. Automation shall not conceal reasons, deny human review or reproduce discrimination.

Article 42 — Service recovery

1. Where a service standard is missed, the body shall explain, correct, expedite and provide the remedy prescribed by law.

CHAPTER 5

VOLUNTARY EMPLOYMENT AND FREEDOM FROM COERCED LABOUR

Article 43 — Voluntary civil employment

1. Civil employment arises only from informed and freely given consent, a lawful funded position and a written appointment accepted by the employee.
2. Citizenship, national service, graduation, scholarship, family status or residence does not create civil employment or State ownership of labour.

Article 44 — Absolute prohibitions

1. No person may be compelled to fill an ordinary civil post through detention, threat, violence, withheld identity or travel documents, denial of basic rights, threat to family, punitive debt, collective punishment or indefinite assignment.
2. No public body may receive or use labour it knows or should know is coerced.

Article 45 — National service separation

1. National service shall be governed by separate law, defined duration, lawful purpose and constitutional safeguards.
2. A national-service member shall not be used to fill a recurrent civilian vacancy or replace a paid civil servant except a brief genuine emergency expressly authorised by law.

Article 46 — Voluntary transition from national service

1. A person in national service may compete for civil employment on equal terms and must give free written consent before appointment.
2. Refusal to accept civil employment shall not extend service, trigger punishment or prejudice rights.

Article 47 — Right to resign

1. A civil servant may resign by reasonable written notice and is entitled to prompt clearance, final pay, pension processing, service record and return of personal documents.
2. A resignation does not require discretionary permission; a body may seek only a narrowly tailored court remedy for proved unlawful loss, not forced continuation.

Article 48 — Notice periods

1. Ordinary notice shall not exceed thirty days and senior or scarce-skill notice shall not exceed ninety days unless a freely negotiated more favourable arrangement applies.
2. Notice may be waived by agreement or for serious employer breach, danger or rights violation.

Article 49 — No exit penalties

1. The State shall not imprison, blacklist, deny travel, withhold credentials, seize property, punish relatives or impose a disproportionate financial penalty because a person resigns or declines employment.

Article 50 — Training agreements

1. A voluntary training agreement may require proportionate repayment of documented special cost declining over a reasonable period.
2. It shall not recover ordinary salary, create debt bondage or prevent resignation; hardship and public-interest waiver shall be available.

Article 51 — Emergency civic duty

1. A temporary civic duty may be imposed only by clear law for a genuine emergency, for the shortest necessary period, with safety, nondiscrimination, fair compensation and independent review.
2. It shall not become a recurring staffing method.

Article 52 — Complaint and rescue

1. Any person may confidentially report coerced labour to the Administration, court, Advocate General, labour inspector or human-rights body.
2. The Administration may order immediate cessation, payment preservation, document return, protection and referral for investigation.

Article 53 — Remedies

1. A person subjected to prohibited labour is entitled to release, unpaid remuneration, benefits, compensation, correction of record and protection against retaliation.
2. Good-faith acceptance of wages does not waive the prohibition.

CHAPTER 6

WORKFORCE PLANNING AND CONTROL OF PUBLIC OFFICES

Article 54 — Authorised establishment

1. No civil office may be created, filled or paid unless authorised in the approved organisational establishment and budget.

Article 55 — Creation and abolition of offices

1. The Administration shall prescribe evidence on mandate, workload, competence, cost, duplication, location and technology before approving an office.
2. Abolition shall not target a person or evade due process.

Article 56 — Workforce plans

1. Each public body shall maintain a costed three-year workforce plan covering positions, skills, succession, diversity, automation and regional needs.

Article 57 — Job analysis and description

1. Every post shall have a current description of purpose, duties, authority, qualifications, competencies, accountability and conditions.

Article 58 — Classification

1. Jobs shall be classified by objective factors including responsibility, complexity, skill, impact, working conditions and supervision.
2. Equal work of equal value shall receive equal classification without discrimination.

Article 59 — Staffing ceilings

1. The Administration and public-finance authority shall set transparent staffing and wage ceilings based on service need and fiscal sustainability.
2. A ceiling shall not justify coerced or unpaid labour.

Article 60 — Political and personal staff

1. A limited schedule of political or personal posts may be created by law; appointments are temporary, published and end with the appointing office-holder.
2. Political service does not confer permanent status or preference in open competition.

Article 61 — Consultants and contractors

1. A consultant shall not perform an indefinite core civil function to evade merit, pay, pension or headcount rules.

2. Selection, deliverables, beneficial ownership, fees and conflicts shall be transparent and audited.

Article 62 — Temporary and casual employment

1. Temporary hiring requires genuine short-term need, written terms, fair pay and time limits.
2. Repeated renewal to deny permanent rights is prohibited.

Article 63 — Payroll establishment control

1. No person shall enter payroll without matched appointment, funded post, verified identity, bank or lawful payment account and duty station.
2. The Administration shall reconcile establishment, attendance and payroll regularly.

Article 64 — Ghost workers and duplicate pay

1. Fictitious, deceased, absent, duplicated or unauthorised payroll entries shall be suspended, investigated and recovered with due process.

Article 65 — Organisational review

1. Every public body shall undergo periodic functional and staffing review, with results and implementation plan published.

CHAPTER 7

RECRUITMENT, SELECTION AND APPOINTMENT

Article 66 — Open competition and merit

1. Appointment shall be based on fair and open competition and merit, subject to lawful equal-opportunity measures.
2. A noncompetitive appointment is permitted only in a defined emergency or scarce temporary case and shall be published, time-limited and reviewed.

Article 67 — Workforce diversity

1. Recruitment shall provide adequate and equal opportunity to women, all regions and communities, persons with disabilities and disadvantaged groups.
2. Measures shall preserve competence and shall not create ethnic, regional or partisan quotas for individual offices.

Article 68 — Vacancy advertisement

1. A vacancy shall be advertised through accessible national digital and nondigital channels for a reasonable period.
2. The notice shall state duties, essential and desirable criteria, pay range, location, term, process, accommodations and closing date.

Article 69 — Application freedom

1. No employer, official, commander, party, family or community authority may prevent or compel an application.
2. Application shall be affordable and no unofficial fee may be charged.

Article 70 — Selection criteria

1. Criteria shall be job-related, published before assessment and applied consistently.
2. A criterion designed for a named candidate or unrelated to performance is prohibited.

Article 71 — Assessment methods

1. Selection may use structured screening, examinations, work samples, interviews, references and integrity checks validated for the post.
2. Secret political, security or loyalty screening is prohibited.

Article 72 — Selection panels

1. Panels shall be diverse, competent, trained and free of conflict; membership and declarations shall be recorded.

2. A politician may not sit on a panel for a permanent civil post.

Article 73 — Scoring and records

1. Scores, reasons, moderation and final recommendation shall be recorded in an auditable file.
2. Candidates may receive their own result and meaningful feedback subject to privacy.

Article 74 — Anti-nepotism

1. A person shall not participate in or influence recruitment involving a close relative, partner, financial associate or patronage relationship.
2. Relationship alone does not disqualify a candidate if an independent process establishes merit and no direct reporting conflict remains.

Article 75 — Examinations

1. Competitive examinations shall be secure, accessible, relevant, independently moderated and protected against sale, leakage, substitution and manipulation.

Article 76 — Background and integrity checks

1. Checks require consent, relevance, accuracy, opportunity to respond and data protection.
2. Unproved allegation, peaceful political opinion, family association or past conscription shall not disqualify.

Article 77 — Veterans and national-service experience

1. Lawful experience may be credited as experience but shall not confer automatic appointment, permanent preference or immunity from competition.

Article 78 — Appointment decision

1. The highest-ranked suitable candidate shall ordinarily be appointed; departure requires exceptional written reasons and independent approval.
2. The appointment, salary, grade, duty station, reporting line, probation and conditions shall be written.

Article 79 — Reserve lists

1. A time-limited ranked reserve list may be used for substantially identical vacancies under published rules.

Article 80 — Recruitment complaints

1. A candidate may seek prompt independent review for illegality, conflict, discrimination, manipulation or material procedural error.

2. A remedy may include correction, reassessment, cancellation, recompetition or compensation, but appointment of another candidate shall be disturbed only where justice requires.

CHAPTER 8

PROBATION, PERFORMANCE, PROMOTION AND MOBILITY

Article 81 — Induction

1. Every appointee shall receive induction on the Constitution, ethics, duties, citizen service, information security, rights and complaint systems.

Article 82 — Probation

1. Probation ordinarily lasts six months and shall not exceed twelve months.
2. Standards, support, feedback and evidence shall be provided; nonconfirmation requires reasons, hearing and appeal.

Article 83 — Performance agreements

1. Each civil servant shall have proportionate, job-related and measurable expectations linked to lawful service outcomes and conduct.

Article 84 — Fair performance review

1. Review shall consider results, quality, efficiency, teamwork, citizen treatment, integrity, constraints and learning.
2. Political loyalty, improper orders, conviction of wrongdoing without proof or protected activity shall not lower a rating.

Article 85 — Improvement plans

1. Before separation for ordinary poor performance, the employee shall receive clear deficiencies, reasonable support, training, time and review.

Article 86 — Recognition

1. Recognition shall reward exceptional lawful service, innovation, savings, integrity and public impact under transparent criteria.
2. A bonus shall not reward denial of rights, revenue extraction or manipulated targets.

Article 87 — Promotion

1. Promotion shall be competitive and based on merit, readiness, performance, integrity and potential.
2. Seniority may be relevant but is not decisive.

Article 88 — Acting appointments

1. Acting service shall be time-limited, based on qualification, fairly compensated and not used to avoid competition.

Article 89 — Transfer

1. A transfer requires service need, suitable work, reasonable notice and consideration of employee circumstances.
2. Punitive, discriminatory, politically motivated or geographically coercive transfer is prohibited.

Article 90 — Secondment

1. Secondment requires written agreement among bodies and informed employee consent, except a brief lawful emergency assignment.

Article 91 — Remote and flexible work

1. Public bodies may use secure flexible arrangements where compatible with service, fairness, supervision and information protection.

Article 92 — Career development

1. The Administration shall establish competency frameworks, mentoring, scholarships and leadership pipelines allocated transparently.

Article 93 — Succession planning

1. Critical roles shall have lawful succession plans that build capability without preselecting appointees.

CHAPTER 9

TERMS, RIGHTS AND CONDITIONS OF EMPLOYMENT

Article 94 — Written terms

1. Every civil servant is entitled to a written statement of appointment, grade, pay, hours, leave, pension, location, duties, probation and review rights.

Article 95 — Fair and timely remuneration

1. Work shall receive lawful, adequate and timely pay; unpaid ordinary civil service is prohibited.
2. Salary shall be paid directly and transparently with an itemised statement.

Article 96 — Pay principles

1. Pay shall reflect equal value, responsibility, skill, labour conditions, recruitment needs, fiscal sustainability and internal equity.
2. Secret personal allowances and politically granted salary are prohibited.

Article 97 — Hours and rest

1. Normal hours, rest periods, maximum hours and attendance rules shall be prescribed and humane.
2. Presence shall not be substituted for productive work or used for arbitrary control.

Article 98 — Overtime

1. Authorised overtime shall be exceptional, recorded and compensated by pay or time off.
2. Chronic unpaid overtime is prohibited.

Article 99 — Leave

1. Civil servants are entitled to annual, sick, parental, family-responsibility and other prescribed leave without discrimination.

Article 100 — Occupational safety and health

1. The employer shall identify hazards, provide safe systems, protective equipment, medical support and a right to report imminent danger.

Article 101 — Pension and social protection

1. A fair, portable and independently administered pension system shall protect accrued rights.
2. Separation or political change shall not arbitrarily confiscate benefits.

Article 102 — Freedom of association

1. Civil servants may form and join lawful professional associations or unions and participate in collective representation subject to narrowly tailored restrictions for senior confidential or essential functions.

Article 103 — Collective bargaining

1. Pay and conditions may be negotiated under law consistent with fiscal transparency, continuity of essential services and equal treatment.

Article 104 — Industrial action

1. Any restriction on strike or industrial action shall be prescribed by law, necessary and proportionate, with independent dispute resolution for essential services.

Article 105 — Privacy and personal records

1. Personnel data shall be accurate, secure, relevant and accessible to the employee, with correction and review rights.

Article 106 — Personal documents

1. An employer shall not retain an employee's passport, identity card, education certificate or personal property except a copy or brief lawful verification.

Article 107 — Accommodation and hardship

1. Remote, dangerous or high-cost assignments may receive transparent, equal and reviewable allowances and support.

Article 108 — Grievances

1. Every employee may raise a grievance without retaliation and receive prompt, impartial, reasoned resolution.

Article 109 — Protection for lawful refusal

1. A civil servant shall refuse a manifestly unlawful order and may seek written confirmation and protected advice.
2. Good-faith refusal or disclosure shall not be punished.

CHAPTER 10

DUTIES, ETHICS AND POLITICAL NEUTRALITY

Article 110 — Duty to Constitution and law

1. A civil servant shall faithfully implement lawful policy and serve the public under the Constitution, irrespective of personal or partisan preference.

Article 111 — Professional competence

1. A civil servant shall maintain required knowledge, diligence, accuracy, timeliness and stewardship.

Article 112 — Political neutrality

1. A civil servant shall not use office, information, funds, uniform, authority or working time to advance or obstruct a party, candidate or cause.
2. Private belief and voting are protected.

Article 113 — Candid professional advice

1. Officials shall provide honest, evidence-based and lawful advice and accurately record material risk.
2. A minister may choose lawful policy but may not order falsification or suppress a mandatory record.

Article 114 — Conflicts of interest

1. Actual, potential and apparent conflicts shall be disclosed and managed by recusal, divestment, reassignment or other proportionate measure.

Article 115 — Gifts and benefits

1. Soliciting or accepting a benefit connected to official action is prohibited.
2. Nominal protocol items shall be declared and handled under public rules.

Article 116 — Asset declarations

1. Senior and high-risk officials shall file periodic asset, income, liability and interest declarations with an independent integrity authority.

Article 117 — Outside employment

1. Outside work requires disclosure and shall not conflict, misuse information, impair duty or trade on office.

Article 118 — Procurement integrity

1. A civil servant shall not influence procurement for personal or associated benefit and shall disclose beneficial interests.

Article 119 — Use of public property

1. Public money, vehicles, housing, equipment, staff and information shall be used only for authorised public purpose.

Article 120 — Confidentiality and access to information

1. Protected information shall be safeguarded, but secrecy shall not conceal corruption, rights abuse, waste or information legally due to the public.

Article 121 — Records duty

1. Material decisions, approvals, advice, expenditure and service actions shall be accurately created, retained and protected from alteration or destruction.

Article 122 — Anti-corruption duty

1. A civil servant shall report suspected corruption, payroll fraud, coercion, nepotism, procurement manipulation and serious abuse through protected channels.

Article 123 — Whistleblower protection

1. Good-faith reporting is protected against dismissal, transfer, harassment, criminal misuse, blacklisting and family retaliation.

Article 124 — Post-employment restrictions

1. A proportionate cooling-off period may restrict lobbying, conflicted contracts and use of confidential information by designated senior officials.

CHAPTER 11

DISCIPLINE, SEPARATION AND APPEALS

Article 125 — Disciplinary principles

1. Discipline shall be lawful, timely, impartial, proportionate and corrective where possible.
2. No person shall be punished twice for the same misconduct or through secret accusation.

Article 126 — Defined misconduct

1. Misconduct includes corruption, coercion, discrimination, serious insubordination to lawful authority, abuse, dishonesty, harassment, unauthorised absence, gross negligence, record manipulation and serious breach of code.

Article 127 — Investigation

1. An allegation shall be screened and investigated by an impartial person with relevant competence.
2. The employee is entitled to notice, material evidence, representation, response and protection against unreasonable delay.

Article 128 — Interim suspension

1. Paid suspension may be used only where necessary to protect persons, evidence or operations and shall be reviewed regularly.
2. Unpaid suspension requires final lawful sanction or exceptional statutory authority.

Article 129 — Hearing and decision

1. A serious sanction requires a fair hearing before an impartial decision-maker and a reasoned written decision.

Article 130 — Sanctions

1. Sanctions may include advice, warning, restitution, training, reassignment, demotion or dismissal according to culpability, harm, consistency and mitigation.

Article 131 — Poor performance separation

1. Separation for incapacity or poor performance requires evidence, support, accommodation where reasonable, improvement opportunity and appeal, except where improvement is plainly impossible.

Article 132 — Medical incapacity

1. Medical information shall be confidential and decisions shall consider accommodation, rehabilitation, alternative work and fair benefits.

Article 133 — Redundancy

1. Redundancy must arise from genuine organisational need, consultation and objective selection, with notice, benefits, redeployment consideration and appeal.
2. It shall not disguise political purge or retaliation.

Article 134 — Resignation

1. Resignation shall be processed under Chapter 5 and shall not be converted into desertion, criminality or misconduct merely because the employer objects.

Article 135 — Retirement

1. Retirement age and options shall be prescribed transparently and applied equally, with no forced early retirement for political or discriminatory reason.

Article 136 — Dismissal

1. Dismissal is a last resort for serious or repeated misconduct, incapacity or lawful redundancy after due process.
2. Summary dismissal is confined to exceptional proved misconduct and remains appealable.

Article 137 — Separation certificate and final dues

1. Within thirty days, the employer shall provide service certification, final pay, pension documentation and return of personal property.

Article 138 — Civil Service Appeals Tribunal

1. There is established an independent Tribunal to hear appeals on recruitment, classification, discipline, dismissal, forced labour, discrimination and material grievance.
2. Its composition and procedure are prescribed in Schedule 7.

Article 139 — Tribunal remedies

1. The Tribunal may confirm, set aside, remit, reinstate, reclassify, correct records, order payment or compensation, and issue protective directions.

Article 140 — Judicial review

1. A final decision of the Administration or Tribunal is subject to judicial review for constitutionality, legality and fairness.

CHAPTER 12

INTEGRITY, EFFICIENCY, DIGITAL ADMINISTRATION AND OVERSIGHT

Article 141 — Human-resource information system

1. The Administration shall maintain a secure interoperable system for authorised posts, recruitment, appointments, attendance, pay, performance, leave, discipline, training and separation.

Article 142 — Unique personnel record

1. Each employee shall have one verified record and identifier; biometric use requires necessity, proportionality and data-protection safeguards.

Article 143 — Payroll audit

1. The Administration, Treasury and Auditor-General shall reconcile establishment and payroll at least quarterly and conduct annual risk-based verification.

Article 144 — Workforce statistics

1. Aggregate staffing, vacancies, pay, diversity, turnover, recruitment time, discipline, grievances, training and service performance shall be published with definitions.

Article 145 — Productivity review

1. Bodies shall measure useful output, quality, timeliness, cost and public impact rather than attendance or numerical targets alone.

Article 146 — Process simplification

1. The Administration may require removal of duplicative forms, approvals and certificates where law and risk do not justify them.

Article 147 — Digital rights

1. An automated personnel or service decision shall be explainable, tested for bias and subject to meaningful human review.

Article 148 — Cybersecurity

1. Personnel and service systems shall use access control, encryption, backup, logging, incident response and independent testing.

Article 149 — Inspection

1. The Administration may inspect personnel, payroll, recruitment, service and ethics systems and require a corrective plan.

2. Inspection shall respect privilege, security and personal privacy.

Article 150 — Compliance directions

1. A reasoned direction may suspend an unlawful recruitment, payroll entry, dismissal, coerced assignment or personnel practice.
2. Urgent directions expire unless confirmed through ordinary procedure.

Article 151 — Delegation to public bodies

1. A capable body may receive delegated recruitment and personnel powers under published conditions.
2. Delegation shall be reduced or revoked for abuse, poor control or repeated noncompliance.

Article 152 — Internal human-resource units

1. Ministry units shall support managers and employees but remain professionally accountable to Administration standards.

Article 153 — Audit and risk

1. The Administration shall maintain independent internal audit, integrity, procurement and enterprise-risk functions.

Article 154 — Auditor-General

1. The Auditor-General shall audit the Administration and may conduct payroll and value-for-money audits across the service.

Article 155 — National Assembly reporting

1. The Commissioner-General shall report annually and appear on policy, systems, finance and aggregate performance, but shall protect individual proceedings.

Article 156 — Public complaints

1. Any person may complain about recruitment corruption, coerced work, rude service, delay, discrimination, payroll abuse or noncompliance and receive a reference and reasoned response.

CHAPTER 13

FINANCE, TRAINING AND INSTITUTIONAL COOPERATION

Article 157 — Civil-service remuneration framework

1. The Administration shall propose a transparent, fiscally costed classification and remuneration framework after consultation with finance authorities and employee representatives.

Article 158 — Wage-bill transparency

1. The budget shall disclose authorised posts, filled posts, aggregate compensation, allowances, arrears and contingent employment liabilities.

Article 159 — No off-payroll remuneration

1. Salary, allowance, housing, vehicle and benefit shall be authorised, recorded and reported; secret or cash patronage is prohibited.

Article 160 — Training institute

1. A Civil Service Learning Institute shall provide induction, leadership, technical, ethical, digital and citizen-service learning.

Article 161 — Training access

1. Training and scholarships shall be allocated under published job-related criteria, any service or repayment agreement shall satisfy the safeguards for training agreements in this Act, and results shall be evaluated.

Article 162 — Leadership service

1. Senior executives shall be selected through enhanced open competition, fixed performance agreements and periodic independent assessment.

Article 163 — Permanent secretaries

1. A permanent secretary is a politically neutral accounting and administrative head selected on merit for a fixed renewable term prescribed by law.
2. A minister sets lawful policy but shall not direct partisan personnel action or unlawful expenditure.

Article 164 — Professional cadres

1. The Administration may establish common professional cadres and mobility standards for finance, procurement, law, digital, statistics, engineering, health and other functions.

Article 165 — Local administration

1. Local bodies may recruit under uniform national minimum standards and locally responsive workforce plans, subject to review.

Article 166 — Independent institutions

1. Constitutional institutions may administer their own staff where independence requires, while observing equivalent merit, rights, ethics and transparency standards.

Article 167 — Public enterprises

1. Prescribed enterprises shall use open merit, fit-and-proper governance, pay disclosure and anti-nepotism standards adapted to commercial function.

Article 168 — Technical assistance

1. External assistance shall be transparent, capacity-building and free from donor control over appointments or personnel decisions.

Article 169 — Research and innovation

1. The Administration may test time-limited reforms with safeguards, independent evaluation and publication of results.

CHAPTER 14

TRANSITION FROM COERCION, PATRONAGE AND ADMINISTRATIVE WEAKNESS

Article 170 — Continuity

1. Existing lawful offices and employment continue provisionally, but continuity does not validate coerced labour, unlawful appointment, unpaid service, discrimination or payroll fraud.

Article 171 — Immediate anti-coercion order

1. Within seven days, every public body shall cease new coerced civilian assignments, document retention and punishment for resignation.
2. The Administration shall provide confidential reporting and urgent protection.

Article 172 — Workforce and service census

1. Within six months, an independently verified census shall identify every post, worker, status, pay source, duty station, vacancy, consultant and national-service assignment.

Article 173 — National-service worker inventory

1. Within ninety days, each public body shall identify every person performing civilian work through national service, the duration, consent, pay and post occupied.
2. Concealment or false classification is serious misconduct.

Article 174 — Conversion or release

1. Within twelve months, a person performing recurrent civilian work through national service shall either receive a voluntary lawful civil contract through a fair transitional merit process or be released from that work.
2. Refusal of a contract carries no penalty and does not extend service.

Article 175 — Compensation review

1. An independent process shall assess unpaid or underpaid coerced civilian labour and provide back pay, pension credit, restitution or compensation according to law and available evidence.

Article 176 — No mass purge

1. Existing staff shall not be dismissed solely for former institutional membership, conscription, ethnicity, region, family or political belief.
2. Individual integrity and competence review shall follow Schedule 8 with notice, evidence, hearing and appeal.

Article 177 — Irregular appointments

1. An appointment obtained by fraud, patronage or material illegality shall be reviewed individually.
2. Where the employee acted in good faith, remedies shall consider fair competition, service need, reliance, competence and public interest.

Article 178 — Payroll cleansing

1. Ghost, duplicate and unauthorised entries shall be frozen after verification; genuine workers shall not lose pay because records are defective without an urgent hearing and interim protection.

Article 179 — Pay and arrears

1. Government shall publish and implement a funded plan for salary arrears, minimum lawful pay, pension liabilities and elimination of hidden in-kind coercion.

Article 180 — Political appointee register

1. Within sixty days, every political and personal appointment shall be identified, legally classified and published; no person gains permanent status without competition.

Article 181 — Records preservation

1. Personnel, payroll, national-service, discipline, recruitment and pension records shall be preserved against destruction, alteration or removal.

Article 182 — Capacity and rapid induction

1. Priority training shall cover constitutional rights, voluntary employment, merit, citizen service, payroll control, records, digital security and anti-corruption.

Article 183 — Three-year transition roadmap

1. Within one hundred and twenty days after the first Board is constituted, the Administration shall publish a costed roadmap using Schedule 9 and report quarterly.

CHAPTER 15

ENFORCEMENT AND FINAL PROVISIONS

Article 184 — Administrative remedies

1. The Administration may issue compliance notice, correction, suspension, repayment, recompetition, reinstatement referral, delegation restriction and public report after fair procedure.

Article 185 — Offences

1. Bribery, recruitment sale, exam theft, ghost-payroll creation, coerced labour, retaliation, record destruction, impersonation and deliberate obstruction are offences under applicable law.
2. Penalties shall be harmonised before enactment and proportionate to culpability and harm.

Article 186 — Institutional liability

1. A person harmed by unlawful personnel or service action may pursue compensation, reinstatement, correction, declaration or injunction under law.

Article 187 — Personal protection

1. An officer is not personally liable for an honest, reasonable and lawful act.
2. Protection does not extend to corruption, coercion, malice, knowing illegality, grave negligence or rights abuse.

Article 188 — Regulations

1. The Board may make regulations after public consultation on matters necessary to implement this Act.
2. Regulations shall be gazetted, reasoned and reviewable.

Article 189 — Emergency directions

1. A temporary direction may address immediate threat to life, payroll, records, service continuity or freedom from coerced labour.
2. It shall be necessary, proportionate, reviewed within fourteen days and expire within ninety days.

Article 190 — Inconsistency

1. An inconsistent directive, contract, security order, national-service practice or personnel custom has no effect to the extent of inconsistency with this Act and the Constitution.

Article 191 — Independent review

1. The National Assembly shall commission an independent public review three years after full commencement and every seven years thereafter.

2. The review shall assess independence, merit, freedom of employment, efficiency, pay, integrity, citizen service, transition and public confidence.

Article 192 — Harmonisation before enactment

1. Before enactment, the National Assembly shall harmonise labour rights, national-service duration and exemptions, pension, pay, collective representation, local service, police and defence civilian staff, administrative justice, data protection, offences and court jurisdiction with final sector laws.

SCHEDULE 1

OATH OF COMMISSIONER-GENERAL AND COMMISSIONERS

I, _____, solemnly swear or affirm that I will uphold and defend the Constitution of Eritrea; protect voluntary employment, merit, equality and the dignity of public service; act independently and without fear, favour, prejudice or improper direction; refuse patronage and coercion; disclose conflicts; safeguard public resources; and faithfully serve the people under the Constitution and law.

SCHEDULE 2

INDEPENDENT CIVIL SERVICE SELECTION PANEL

The Panel consists of a retired judge or senior independent lawyer nominated by the Chief Justice, who chairs; nominees of the Auditor-General and Public Service professional bodies; a university expert in public administration or labour; a representative of lawful employee organisations; an independent civil-society member selected openly; and a nominee of women's and disability professional organisations.

Members shall be free from recent party office, candidacy, regulated-body leadership, applicant relationship and financial conflict. Membership, disclosures, scoring and recusals shall be published.

Vacancies shall be advertised for at least thirty days. The Panel shall verify, receive comment, interview publicly and submit three ranked reasoned candidates. The President may once return a list only for a stated material eligibility or procedural defect.

SCHEDULE 3

CIVIL SERVICE VALUES

Constitutionality and legality; human dignity and equality; voluntary employment and freedom from coercion; political neutrality and impartiality; professionalism, competence and integrity; efficient, economic and effective use of resources; responsive, polite and accessible service; accountability, transparency and accurate records; fair competition, merit and equal opportunity; innovation, learning and stewardship for future generations.

SCHEDULE 4

MINIMUM FAIR RECRUITMENT PROCEDURE

Confirm an authorised funded post and current job description; publish criteria, pay range and process; provide accessible application and accommodation; screen consistently; use trained conflict-free panel and validated assessment; preserve questions and scoring; verify only relevant information; record recommendation and reasons; notify candidates; provide feedback and review; publish appointment and aggregate process data.

SCHEDULE 5

CORE CODE OF CONDUCT

Serve the public respectfully, promptly, fairly and without discrimination; obey the Constitution and lawful instructions and refuse manifest illegality; give candid professional advice; protect public resources and records; disclose conflicts and reject gifts and patronage; remain politically neutral in office; safeguard protected information without concealing wrongdoing; report corruption, coercion and serious risk; maintain competence; cooperate with lawful audit and remedy error.

SCHEDULE 6

MINIMUM CITIZEN SERVICE CHARTER

Identify every service, responsible office, eligibility, documents, lawful fee and normal completion time; provide receipt and tracking number; state reasons for refusal or delay; publish accessible complaint and appeal routes; prohibit unofficial payment and discriminatory priority; provide language, disability and nondigital access; report volumes, timeliness, complaints and corrective action.

SCHEDULE 7

CIVIL SERVICE APPEALS TRIBUNAL

The Tribunal consists of a senior independent labour or administrative lawyer, a public-administration expert and an employee-relations member, selected through open competition for staggered terms.

Procedure shall be simple, affordable and timely, with disclosure, representation, hearing, reasons, interim relief and publication of redacted precedent. Members shall be independent from the original decision and removable only for cause after fair hearing.

SCHEDULE 8

TRANSITIONAL INTEGRITY AND COMPETENCE REVIEW

Review is individual and based on reliable evidence of corruption, coercion, serious abuse, deliberate patronage, record falsification, grave incompetence or rights violation; institutional membership, conscription, ethnicity, region, family or belief alone is irrelevant.

The employee receives notice, meaningful evidence, time, representation, hearing, reasoned outcome and independent appeal. Outcomes may include confirmation, training, supervision, reassignment, discipline or separation; criminal evidence is referred and the presumption of innocence preserved.

SCHEDULE 9

THREE-YEAR TRANSITIONAL MILESTONES

Deadline from first Board	Minimum deliverable
7 days	Government-wide cessation notice for new coerced civilian assignments, document retention and retaliation for resignation.
60 days	Political-appointee register, interim ethics and recruitment controls, confidential coercion complaint channel.
90 days	National-service civilian-worker inventory and urgent protection plan.
120 days	Costed three-year roadmap, workforce, payroll, pay, digital, training and regional-access plans.
6 months	Verified workforce and service census; establishment-payroll reconciliation; citizen service charters.
9 months	Classification and remuneration framework; merit recruitment portal; Appeals Tribunal operational.
12 months	Conversion-or-release completed for recurrent civilian national-service work; first annual report.
18 months	Integrity and competence review substantially completed; payroll cleansing and pension audit.
24 months	Core digital HR system, leadership service and professional cadres operational.
30 months	Independent efficiency, rights, pay integrity, cybersecurity and public-service assessment.
36 months	Public transition report, unresolved liabilities and next five-year strategy.

Adopted by the National Assembly of Eritrea at Asmara this ____ day of _____, 2026.

NATIONAL ASSEMBLY OF ERITREA

DRAFTING REFERENCES — NOT PART OF THE ACT

- [1] Constitution of Eritrea (1997), especially Articles 14, 16, 19, 24, 42 and 57. User-supplied constitutional text
- [2] Constitution of South Africa, sections 195-197. [Official source](#)
- [3] Constitution of Kenya, Articles 232-236. [Official source](#)
- [4] ILO Forced Labour Convention, 1930 (No. 29). [Official source](#)
- [5] United Nations Convention against Corruption, Articles 7-8. [Official source](#)
- [6] United Kingdom Constitutional Reform and Governance Act 2010, civil service merit and fair and open competition. [Official source](#)