

DRAFTING NOTE

CONSULTATION DRAFT — NOT ENACTED LAW

Prepared 17 July 2026

This document is prepared for constitutional education, institution-building and public consultation. It has not been enacted as law.

ARRANGEMENT OF PROVISIONS

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EXPLANATORY MEMORANDUM

1. Refined drafting mandate

The drafting task was treated as follows: prepare a complete, rights-enabling and transition-conscious Political Parties Act for Eritrea; use the 2001 draft as a historical starting point rather than a controlling model; draw concrete lessons from Eritrea's plural political experience in the 1940s and 1950s; align the design with the 1997 Constitution and authoritative African and international standards; and create enforceable safeguards against renewed one-party domination, political violence, sectarian coercion, foreign control, corrupt finance and State-party fusion.

2. Constitutional foundation

The draft implements the Constitution's commitments to unity in diversity, democratic dialogue, participation, equality, accountability, transparency, free expression, peaceful assembly, political organisation, voting, candidacy and an independent Electoral Commission. It treats political pluralism as a means of realising these provisions, while preserving national unity through peaceful rules rather than ideological conformity.

3. Use of the 2001 draft

The 2001 draft supplied a valuable first architecture: legal personality, political and media rights, public venues, protection from administrative dissolution, registration through the Electoral Commission, annual audit and judicial appeal. This draft retains and expands those ideas.

It deliberately does not retain provisions requiring founders to disclose religion or ethnicity, quotas among named identities, eighty-five percent domestic residence, vague fulfilment of "national obligations," a 3,000-signature authorisation threshold, broad bans on identity-related organisation, or dissolution for failing to nominate candidates. Those devices would expose citizens to danger, invite discriminatory administration and burden pluralism. The replacement system uses low objective thresholds, confidential verification, lawful identity advocacy, cure periods and court-supervised dissolution only as a last resort.

4. Historical lessons from the mid-century experience

The Eritrean materials show that political freedom can convert disagreement into organisation, newspapers, campaigning, electoral choice, legislative oversight, coalition and reconciliation. They also show how politics can be corrupted by religious pressure, communal exclusion, assassination, armed intimidation, foreign patronage, manipulation of party splits and the gradual weakening of autonomous institutions.

The draft responds through protection of open political advocacy, non-discrimination, cross-community accessibility, an enforceable peace code, party autonomy, transparent foreign-contact rules, strict limits on foreign finance, equal media treatment, independent remedies and a transitional inter-party forum. It rejects the idea that national unity requires political uniformity.

5. International and African standards

The design reflects the rights to association, expression, peaceful assembly, equality and participation affirmed in the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. It also draws guidance from the African Charter on Democracy, Elections and Governance; the African Commission's Guidelines on Freedom of Association and Assembly in Africa; the United Nations Human Rights Committee's guidance on political participation and expression; CEDAW; the Convention on

the Rights of Persons with Disabilities; and the 2020 OSCE/ODIHR-Venice Commission Guidelines on Political Party Regulation.

These sources support a presumption in favour of formation, simple notification procedures, narrow and reviewable restrictions, proportional sanctions, judicial control of dissolution, transparent political finance, internal member remedies, inclusion and protection of opposition.

6. Comparative institutional choices

Comparative African legislation informed the use of an independent registrar, public registers, required party constitutions, internal dispute systems, funding disclosure, public funding and specialised judicial review. Particular reference was made to Kenya's Political Parties Act, Namibia's Electoral Act, Sierra Leone's political-party regulatory experience and South Africa's political-funding framework. No foreign model was copied wholesale; each mechanism was adapted to Eritrea's constitutional text, small population, large diaspora and democratic-transition risks.

7. Transition design

The central transition problem is not merely registering new parties. It is creating equality where one organisation may possess decades of accumulated access to public property, media, security structures, enterprises and personnel while opposition organisations have operated under prohibition or exile. Chapter 10 therefore requires neutral registration, release from penalties for peaceful politics, State-party separation, asset tracing with due process, security-sector neutrality, demobilisation of armed structures, equal first-election grants and protection against collective punishment.

8. Principal sources

Constitution of Eritrea (1997), especially Articles 6, 7, 14, 19, 20, 30, 31 and 58.

Draft Proclamation on the Formation of Political Parties and Organizations (2001), supplied by the user.

Simon M. Weldehaimanot, *The Lost Democracy* (working paper, March 2026), supplied by the user.

Alemseged Tesfai, *Quest for Freedom and Justice: A History of the Eritrean Struggle*, supplied by the user, especially the chapters on Eritrean political parties, the Independence Bloc, the Peace Congress and the Representative Assembly.

African Charter on Human and Peoples' Rights, Articles 10, 11 and 13: <https://achpr.au.int/en/charter/african-charter-human-and-peoples-rights>

African Commission on Human and Peoples' Rights, Guidelines on Freedom of Association and Assembly in Africa (2017): <https://achpr.au.int/en/soft-law/guidelines-freedom-association-and-assembly-africa>

International Covenant on Civil and Political Rights, Articles 19, 21, 22, 25 and 26: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

African Charter on Democracy, Elections and Governance (2007): <https://au.int/en/treaties/african-charter-democracy-elections-and-governance>

OSCE/ODIHR and Venice Commission, Guidelines on Political Party Regulation, 2nd ed. (2020): <https://www.osce.org/odihr/538473>

Kenya, Political Parties Act (2011, as revised): <https://new.kenyalaw.org/akn/ke/act/2011/11/eng@2022-12-31>

South Africa, Political Party Funding Act 6 of 2018: <https://www.gov.za/documents/acts/political-party-funding-act-6-2018-english-setswana-23-jan-2019>

Namibia, Electoral Act 5 of 2014.

9. Consultation questions

Public consultation should focus especially on whether the one-hundred-member registration threshold is appropriately low; how to accommodate diaspora members without enabling foreign control; the gender-inclusion timetable; the public-funding formula; disclosure thresholds; the institutional relationship between the Commission, Registrar and courts; the treatment of party-related enterprises; and the timetable for separating inherited party and State assets.

DRAFT ACT

ACT NO. ____/2026

POLITICAL PARTIES ACT, 2026

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, REGISTRATION, DEMOCRATIC GOVERNANCE, FINANCING AND ACCOUNTABILITY OF POLITICAL PARTIES AND FOR A PEACEFUL TRANSITION TO OPEN MULTIPARTY DEMOCRACY

PREAMBLE

WHEREAS the sovereignty of Eritrea belongs to its people, public authority must rest on their free will, and constitutional government requires regular, genuine and competitive elections;

WHEREAS Articles 6, 7, 14, 19, 20, 30 and 31 of the Constitution affirm unity in diversity, democratic dialogue, broad and active participation, accountability, transparency, equality, freedom of expression, assembly and political organisation, and the rights to vote and seek elective office;

WHEREAS Article 58 of the Constitution establishes an independent Electoral Commission to ensure free and fair elections and to administer civic education concerning elections and other democratic procedures;

WHEREAS political parties are voluntary associations through which citizens develop public programmes, recruit leaders, contest elections, organise peaceful opposition, hold government accountable and help translate social disagreement into constitutional decision-making;

WHEREAS Eritrea's political experience in the 1940s and 1950s demonstrates both the promise of open organisation, a plural press, electoral competition, coalition-building and reconciliation, and the danger of sectarian coercion, violence, foreign manipulation, exclusion and the fusion of political power with public authority;

WHEREAS the prolonged absence of lawful political competition after independence requires an enabling legal framework, equal treatment of new and existing parties, separation of party and State, protection of peaceful dissent, transparent finance, internal democracy and carefully supervised transitional measures;

WHEREAS the right to political association is protected by the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, and is further illuminated by African and international standards concerning democracy, participation, equality, peaceful assembly and political-party regulation;

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

CHAPTER 1 PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the Political Parties Act, 2026.

Article 2 — Commencement

This Act enters into force on the date of its publication in the Gazette of Eritrean Laws.

Article 3 — Objects

1. The objects of this Act are to-
 - a. enable citizens to form, join, support, leave and participate in political parties freely;
 - b. establish simple, objective and expeditious procedures for recognition and registration;
 - c. protect political pluralism, peaceful opposition and fair electoral competition;
 - d. secure minimum standards of internal democracy, inclusion, accountability and due process while respecting party autonomy;
2. The objects of this Act are also to-
 - a. prevent political violence, coercion, corruption, foreign control and misuse of public resources;
 - b. regulate private and public political finance transparently and proportionately;
 - c. separate every political party from the State, the armed forces, security services, public administration and publicly owned resources;
 - d. provide effective, independent and timely remedies; and
 - e. facilitate a peaceful transition from a one-party or no-party order to constitutional multiparty democracy.

Article 4 — Application

1. This Act applies to every association that seeks registration as a political party, every registered political party, every coalition of political parties and every entity controlled by or acting in coordination with a political party.
2. It applies equally to a party supporting the Government, a party opposing the Government, a party formed inside Eritrea and a party whose members previously organised abroad.
3. It does not prevent citizens from forming an unregistered political association, civic movement or campaign organisation, provided that an unregistered body may not claim the statutory privileges reserved to a registered political party or nominate candidates in the name of a registered party.

Article 5 — Definitions

1. In this Act, unless the context otherwise requires-
 - a. Commission means the Electoral Commission established under Article 58 of the Constitution;
 - b. Court means the Electoral and Political Parties Division of the High Court designated under Article 143, and includes the Supreme Court when exercising appellate jurisdiction or its exclusive constitutional jurisdiction;
 - c. donation means money, property, a service, credit, a loan on non-commercial terms, a discount, sponsorship or any other benefit given to a party without full commercial consideration;
 - d. election period has the meaning assigned by the electoral law;
 - e. foreign source means a foreign State, foreign public body, international organisation, non-citizen, foreign political party or legal person incorporated or effectively controlled outside Eritrea, but does not include an Eritrean citizen residing abroad;
 - f. founding member means a citizen who signs the notice establishing a proposed political party;
 - g. governing organ means the national executive committee or other body with final administrative authority under a party constitution;
2. In this Act, unless the context otherwise requires-
 - a. member means a citizen voluntarily enrolled in a party in accordance with its constitution;
 - b. party means a political party fully registered under this Act;
 - c. party-related entity means a foundation, trust, company, association, media body, youth or women's wing, or other body controlled by, substantially financed by, or acting under the direction of a party;
 - d. political party means a voluntary association of citizens one of whose principal purposes is to express political will by seeking peacefully to influence public policy, contest elections or participate in governing the country;
 - e. public body includes an organ of State, ministry, court administration, regional or local administration, public enterprise and any body substantially owned or financed by the State;
 - f. public resource includes public money, premises, vehicles, personnel, communications, data, media time, equipment and services; and
 - g. Registrar means the Registrar of Political Parties appointed under Article 27.

Article 6 — Constitutional and rights-consistent interpretation

1. This Act shall be interpreted to give the fullest lawful effect to freedom of association, expression, peaceful assembly, equality, political participation and competitive elections.
2. A limitation on a party or a person's political rights is lawful only if it is prescribed in clear terms, pursues a legitimate constitutional purpose, is necessary in a democratic society and is the least restrictive reasonably available means.
3. Ambiguity shall be resolved in favour of political freedom and pluralism.

Article 7 — Presumption of lawfulness

1. The formation, objectives and activities of a political party are presumed lawful.
2. Peaceful advocacy for a change of government, law, public policy, constitutional provision or distribution of public power is not evidence of disloyalty, sedition or illegality.
3. A party may criticise the Constitution or propose its amendment in accordance with constitutional procedures.

Article 8 — Equal application and non-discrimination

1. Every public authority shall administer this Act impartially and without favour or prejudice based on political opinion, incumbency, ideology, region, ethnicity, language, religion, gender, disability, age, social origin or economic status.
2. No party has a superior legal status because it governed before the commencement of this Act, participated in an armed struggle, possesses greater resources or claims a historic mandate.

Article 9 — Party autonomy and minimum regulation

1. A party is independent of the State and determines its programme, internal structure and political strategy subject to the Constitution and this Act.
2. Public authorities shall not direct a party's policies, choose its leaders, infiltrate its lawful meetings or interfere in its internal affairs except as expressly authorised by law and subject to judicial review.

CHAPTER 2

POLITICAL RIGHTS, RESPONSIBILITIES AND PROTECTIONS

Article 10 — Right to form a political party

Every citizen who is eighteen years of age or older and has not been deprived of political rights by a final court judgment may establish or participate in establishing a political party.

Article 11 — Right to join, support or leave

1. Every citizen may freely join, support, decline to support or leave a party.
2. A person shall not be compelled, threatened, disadvantaged or denied a public benefit, employment, education, licence, land, travel document or service because of party membership or non-membership.
3. Resignation is effective upon written or verifiable electronic notice to the party and may not be made subject to a fee or approval.

Article 12 — Freedom from false or involuntary enrolment

1. A party shall not enroll a person without informed consent.
2. A person may inspect the Commission's confidential record to determine whether the person is recorded as a party member and may require prompt correction.
3. Fraudulent enrolment is an offence under Article 160.

Article 13 — Legal personality and capacity

Upon provisional registration, a proposed party is a body corporate capable of contracting, employing staff, owning or leasing property, opening bank accounts, suing and being sued, and doing all lawful things necessary to organise for full registration.

Article 14 — Freedom of programme and identity

1. A party may be inspired by any democratic political, social, economic, cultural, regional, linguistic, religious or philosophical tradition.
2. A party shall not be denied recognition merely because it advocates the interests of a particular community, region or disadvantaged group, provided that its membership is open to citizens who accept its lawful programme and it does not advocate discrimination, domination or violence.
3. The State shall not prescribe an official ideology for political parties.

Article 15 — Freedom of expression and publication

1. A party may publish, broadcast, campaign, advertise, conduct research and communicate through any lawful medium.
2. Political speech, including criticism of public officials and institutions, receives the highest protection consistent with the Constitution.

3. A party may own or operate media subject to media, competition and political-finance laws applied equally to all parties.

Article 16 — Peaceful meetings, demonstrations and campaigns

1. A party may hold meetings, rallies, marches, demonstrations, congresses, training events and campaign activities peacefully.
2. Any notice requirement shall facilitate, not convert into prior authorisation, the exercise of peaceful assembly.
3. Restrictions shall be based on specific, demonstrable safety needs and shall not discriminate between parties.

Article 17 — Access to public venues

1. Public halls, meeting grounds and other facilities made available for civic use shall be allocated to parties on published, equal and reasonable terms.
2. A party may not establish an office in an operational military, police, intelligence, court or polling facility.
3. Universities and institutions of higher education may host voluntary political debate and student political associations on viewpoint-neutral terms. Partisan recruitment of children during compulsory school instruction is prohibited.

Article 18 — Privacy and protection of premises and communications

1. Party offices, records, membership data, communications and digital systems are protected by the constitutional right to privacy.
2. Search, seizure or interception requires a warrant issued on probable cause by a competent court, describing with particularity the place, data or items concerned.
3. No party or member shall be surveilled solely because of lawful political activity.

Article 19 — Equal protection and security

1. Police and security bodies shall protect parties, candidates, members, meetings and offices impartially.
2. A threat or attack motivated by political opinion shall be investigated promptly and independently.
3. Security protection shall not be used to monitor, intimidate or control a party.

Article 20 — Access to information

A party has the same right as any citizen to obtain public information and may not be denied information because it opposes the Government.

Article 21 — Access to media and public debate

1. Publicly funded media shall provide balanced, accurate and equitable coverage of parties, with special safeguards during election periods.
2. Editorial criticism is permitted, but news coverage shall not be converted into government or governing-party propaganda.
3. The Commission shall monitor compliance and may order timely corrective access.

Article 22 — Right to lawful international contact

1. A party may communicate and cooperate with foreign political parties, democratic institutions and international organisations for dialogue, training and exchange.
2. Such contact does not by itself constitute foreign control.
3. Financial assistance remains subject to Chapter 6.

Article 23 — General responsibilities of parties

1. A party shall-
 - a. respect the Constitution and pursue political power only through peaceful and lawful means;
 - b. accept genuine electoral outcomes subject to lawful challenge;
 - c. respect the rights and dignity of opponents;
2. A party shall also-
 - a. maintain transparent and accountable governance and finance;
 - b. reject coercion, bribery, intimidation and collective punishment;
 - c. promote informed participation and a democratic political culture; and
 - d. comply with the Code of Democratic Political Conduct in Schedule 2.

Article 24 — Prohibition of armed or coercive structures

1. A party shall not establish, command, finance or maintain an armed wing, militia, paramilitary body, secret detention facility or coercive enforcement unit.
2. Ordinary unarmed stewards used to maintain order at a meeting are permitted if clearly identified, trained in de-escalation and subject to police law.

Article 25 — Protection against attribution of individual misconduct

Unlawful conduct by a member or supporter is not attributable to a party unless a governing organ authorised, directed or knowingly adopted the conduct, or senior leadership knowingly failed to take reasonable steps to prevent or repudiate a serious continuing violation.

CHAPTER 3

RECOGNITION, REGISTRATION AND PUBLIC RECORD

Article 26 — Registration principles

1. Registration is a notification-based process administered according to objective criteria.
2. It shall be simple, affordable, accessible in Eritrea's principal working languages and capable of secure electronic submission.
3. The Commission shall provide assistance and may not reject an application for a correctable technical defect without first allowing correction.

Article 27 — Registrar of political parties

1. The Commission shall appoint, through open competition, a professionally qualified and politically impartial Registrar for a single term of seven years.
2. The Registrar shall be functionally independent and shall not seek or receive instructions from the President, a minister, party or other person concerning an individual matter.
3. The Registrar may be removed by the Commission only for incapacity, serious misconduct or material breach of independence, after notice, a public statement of reasons and an opportunity to be heard.

Article 28 — Functions of the Registrar

1. The Registrar shall-
 - a. receive and determine registration notices;
 - b. maintain public and confidential registers;
 - c. protect names and symbols;
 - d. receive constitutional, leadership and financial filings;
2. The Registrar shall also-
 - a. monitor compliance without assessing political ideology;
 - b. facilitate internal-democracy and finance compliance;
 - c. publish decisions, statistics and guidance; and
 - d. perform other functions assigned by this Act.

Article 29 — Public register

1. The Registrar shall maintain a freely accessible register containing each party's name, symbol, registered office, constitution, programme, national officers, audited statements, public-funding record and current legal status.
2. Membership and supporter lists, identity numbers, residential addresses, signatures and small-donor information are confidential and shall not appear in the public register.

Article 30 — Initiating committee

1. Ten or more eligible citizens may form an initiating committee and notify the Registrar of their intention to establish a party.

2. The notice shall contain the proposed name, interim officers, contact address, draft constitution and a declaration of commitment to peaceful constitutional activity.

Article 31 — Provisional registration

1. The Registrar shall issue provisional registration within seven working days after receiving a complete notice.
2. If the notice is incomplete, the Registrar shall identify every defect in writing within five working days and allow at least twenty working days for correction.
3. Failure to act within the period in subsection (1) constitutes provisional registration by operation of law.

Article 32 — Effect and duration of provisional registration

1. Provisional registration permits a proposed party to organise, recruit members, open offices, raise funds within the limits of this Act and prepare an application for full registration.
2. It does not by itself confer a right to nominate candidates or receive ordinary public funding.
3. It remains valid for twelve months and may be extended once for six months for good cause.

Article 33 — Name, abbreviation and symbol

1. A proposed name, abbreviation or symbol shall be refused only if it-
 - a. is materially indistinguishable from one already registered;
 - b. falsely suggests that the party is an organ of State;
 - c. reproduces a protected national emblem without authority;
 - d. is inherently deceptive; or
 - e. expressly constitutes incitement to violence or prohibited discrimination.
2. The Registrar shall consult the applicant and permit modification before refusal.

Article 34 — Protected political history and language

A party shall not be denied a historic name, cultural reference or word in an Eritrean language merely because it is associated with a region, faith, community or past political movement, subject to Article 33 and the rights of other claimants.

Article 35 — Application for full registration

1. An application for full registration shall include-
 - a. the party constitution and programme;
 - b. the names and prescribed declarations of its officers;
 - c. a verified statement of at least one hundred consenting members eligible to vote;
2. An application for full registration shall also include-

- a. evidence that membership is not confined by law or rule to a single protected identity;
- b. the address of a registered office in Eritrea;
- c. an opening statement of assets, liabilities and donations; and
- d. the declarations required by Schedule 3.

Article 36 — Geographic and diaspora participation

1. The one hundred members under Article 35 shall ordinarily include at least twenty members resident in each of three regions.
2. The Registrar may waive or adapt subsection (1) where displacement, absence of reliable records, remoteness, disability or another substantial transitional obstacle would make strict compliance unreasonable.
3. Up to one-half of the required members may be Eritrean citizens residing abroad.
4. No applicant shall be required to disclose a member's religion or ethnicity.

Article 37 — Verification of support

1. The Registrar shall verify declarations confidentially against the voter register or other reliable citizenship record.
2. A sample-based verification may be used unless credible evidence requires full verification.
3. A person shall not be contacted in a manner that exposes the person's political affiliation to an employer, security body or unauthorised third party.

Article 38 — Decision period

1. The Registrar shall decide a complete application within thirty working days.
2. One written request for necessary additional information may suspend the period for not more than fifteen working days.
3. Failure to decide within the lawful period constitutes full registration, unless a court extends time on proof of exceptional necessity.

Article 39 — Grounds for refusal

1. Full registration may be refused only where clear evidence establishes that-
 - a. the application contains a material and deliberate fraud;
 - b. the applicant does not satisfy an objective requirement in Articles 33 to 36 after a fair opportunity to cure;
2. Full registration may also be refused only where clear evidence establishes that-
 - a. the party constitution establishes an armed wing or requires unlawful violence; or
 - b. the party's express institutional purpose is to commit genocide, crimes against humanity, slavery or violent overthrow of constitutional government.

Article 40 — Matters that are not grounds for refusal

1. Registration shall not be refused because a party-
 - a. opposes the incumbent Government or governing party;
 - b. proposes peaceful constitutional amendment;
 - c. is unpopular, radical, conservative, secular, faith-inspired, regionalist or critical of national institutions;
2. Registration shall not be refused because a party-
 - a. has leaders who previously lived in exile or belonged to an opposition movement;
 - b. lacks wealth, media ownership or prior representation; or
 - c. refuses to disclose the religion or ethnicity of its members.

Article 41 — Written reasons and publication

A refusal or conditional decision shall state the material facts, evidence, legal basis, corrective options and right of appeal. It shall be published after removing confidential personal data.

Article 42 — Appeal from registration decision

1. An applicant may appeal to the Court within twenty-one days.
2. The Court shall determine the appeal within thirty days and may receive evidence, substitute its decision or return the matter with binding directions.
3. The burden rests on the Registrar to justify a restriction of political association.

Article 43 — Certificate and legal consequences

Upon full registration, the Registrar shall issue a certificate and the party may nominate candidates subject to electoral law, receive public funding when eligible, and exercise every right conferred by this Act.

Article 44 — Changes requiring notice

A party shall notify the Registrar within thirty days of a change to its name, symbol, constitution, registered office, national officers, authorised financial officers or bank accounts.

Article 45 — Branches and local organisation

A party may establish branches anywhere in Eritrea and among citizens abroad. No separate governmental permission is required, but a branch shall comply with the party constitution and financial reporting system.

Article 46 — Inspection of register and certified copies

Any person may inspect the public register and obtain a certified copy at no more than the reasonable cost of reproduction. Electronic inspection shall be free.

Article 47 — Protection and correction of registration data

1. Personal data collected under this Part shall be used only for lawful registration and electoral purposes.
2. A person or party may seek correction and receive a reasoned decision within ten working days.

Article 48 — No compulsory periodic re-registration

A fully registered party remains registered unless it voluntarily dissolves, merges or is deregistered by final court order. Failure to contest an election does not alone terminate registration.

CHAPTER 4

MEMBERSHIP, INTERNAL DEMOCRACY AND CANDIDATE SELECTION

Article 49 — Required party Constitution

Every party shall adopt and publish a constitution addressing the matters in Schedule 1.

Article 50 — Sovereignty of members

Ultimate authority within a party rests with its members acting through the institutions and procedures in its constitution.

Article 51 — Membership eligibility and openness

1. Membership shall be open to citizens eighteen years of age or older who accept the party's lawful programme and rules.
2. A party may establish reasonable standards of conduct but shall not exclude a citizen solely because of race, ethnicity, language, gender, religion, disability, region or social origin.
3. A party advocating the interests of a community may require commitment to that programme but not ancestry or religious adherence as a condition of membership.

Article 52 — Persons required to maintain political neutrality

1. While holding office, the following persons shall not hold party membership or office-
 - a. judges and judicial officers;
 - b. members of the armed forces, police and intelligence services;
 - c. the Electoral Commissioner, Registrar and Commission staff; and
 - d. any other narrowly defined office whose constitutional impartiality requires political neutrality.
2. Membership is suspended, not terminated, during such service unless the person chooses to resign.
3. Ordinary civil servants may be members but shall not campaign during official duty, use public resources or exercise public authority for partisan purposes.

Article 53 — Rights of members

1. A member has the right to-
 - a. receive the party constitution and material rules;
 - b. participate and vote without unreasonable discrimination;
 - c. seek party office and nomination subject to published criteria;
 - d. receive reasonable notice of meetings and elections;
2. A member also has the right to-
 - a. inspect non-confidential party records;
 - b. express dissent and propose reform;
 - c. receive due process before discipline; and

- d. use internal remedies and thereafter seek judicial relief.

Article 54 — Duties of members

A member shall comply with lawful party rules, refrain from violence and intimidation, protect confidential personal data, disclose relevant conflicts and account for party money entrusted to the member.

Article 55 — No forced labour, contribution or oath

1. A party shall not compel unpaid labour, military service, a donation or a purchase as a condition for receiving public services or remaining safe from retaliation.
2. A party oath may affirm lawful democratic responsibilities but shall not demand personal allegiance, renunciation of constitutional rights or obedience above the Constitution.

Article 56 — National congress

1. A party shall hold a national congress at least once every four years.
2. Delegates shall be selected through published and democratic procedures.
3. The congress shall elect national leadership, receive audited accounts, review policy and permit member proposals.

Article 57 — Election of party officers

1. Governing officers shall be elected at regular intervals by secret ballot where a position is contested.
2. Nomination rules shall provide a genuine opportunity for competition.
3. The same person may not serve as national chairperson or party leader for more than two consecutive full terms, but may stand again after one full term out of that office.

Article 58 — Inclusive leadership

1. No more than two-thirds of the members of a national governing organ shall be of the same gender.
2. Parties shall take reasonable measures to include youth, persons with disabilities, geographically dispersed communities and historically excluded groups.
3. Inclusion shall not require the State or party to maintain registers of religion or ethnicity.

Article 59 — Meetings and voting

Party rules shall specify quorum, notice, agenda, voting, minutes, remote participation and safeguards against manipulation. Material decisions shall not be taken through undisclosed or retrospective procedures.

Article 60 — Access for members with disabilities

Party meetings, communications, voting and candidate-selection processes shall provide reasonable accommodation and accessible formats.

Article 61 — Internal elections body

A party shall designate an impartial internal elections body, independent from candidates for the offices being contested, to administer leadership and nomination elections.

Article 62 — Candidate-selection rules

1. Each party shall publish candidate-selection rules at least six months before a general election or, for the first election, within the period set by the Commission.
2. Rules shall state eligibility, nomination method, timetable, voting body, campaign standards, counting, publication and appeals.
3. A governing organ shall not replace a democratically selected candidate except for death, withdrawal, legal disqualification or a reason determined through fair internal process.

Article 63 — Direct and delegate selection

A party may use a direct primary, properly constituted delegate convention or another democratic method. The method shall be applied consistently and allow meaningful member participation.

Article 64 — Gender equality in nominations

1. A party contesting ten or more National Assembly seats shall ensure that no more than two-thirds of its nominees are of the same gender.
2. During the first general election after commencement, substantial compliance means at least thirty percent women nominees, accompanied by a published plan to meet subsection (1) by the next general election.
3. Public funding incentives under Schedule 4 are additional to this duty.

Article 65 — Nomination deposits and fees

A party nomination fee shall be reasonable, published and waivable for demonstrated inability to pay. It shall not exclude women, youth, persons with disabilities or low-income candidates.

Article 66 — Internal complaints and appeals

1. A party shall maintain an independent internal body to decide membership, leadership and nomination disputes promptly and fairly.

2. A complainant is entitled to notice, relevant evidence, an impartial hearing and written reasons.
3. An urgent nomination dispute shall be decided within seven days.

Article 67 — Discipline and expulsion

1. A member may be disciplined only for a rule that was published and lawful when the conduct occurred.
2. Expulsion requires notice of specific allegations, adequate time to respond, an impartial hearing, reasons and an internal appeal.
3. Mere criticism of party leadership, reporting corruption or voting according to conscience is not serious misconduct.

Article 68 — Whistleblower protection

A member, employee or auditor who in good faith reports violence, corruption, financial misconduct, discrimination or another serious violation shall be protected from retaliation and may report directly to the Commission, Auditor General, Advocate General or Court.

Article 69 — Representatives and conscience

1. An elected representative remains a representative of the Eritrean people as a whole and is governed by the Constitution, public interest and conscience.
2. A party may advocate discipline and take proportionate internal measures, but shall not use violence, unlawful financial penalties or threats to public benefits to compel a vote.
3. Departure from a party position does not by itself vacate a National Assembly seat unless the Constitution expressly so provides.

Article 70 — Records of internal governance

A party shall retain congress records, leadership-election results, nomination results, minutes and disciplinary decisions for at least ten years, subject to personal-data protection.

Article 71 — Annual democratic-compliance statement

The secretary-general shall file an annual statement confirming meetings held, leadership status, inclusion data, unresolved disputes and measures taken to comply with this Part.

Article 72 — Judicial protection of membership rights

After exhausting an effective internal remedy, or immediately where delay would cause irreparable electoral harm, a member may apply to the Court for declaratory, corrective or injunctive relief.

CHAPTER 5

PARTIES IN ELECTIONS AND PUBLIC LIFE

Article 73 — Equal electoral opportunity

The Commission and every public body shall provide parties a fair opportunity to register candidates, campaign, observe voting, obtain electoral information, challenge irregularities and participate in lawful recounts.

Article 74 — Independent candidates

Nothing in this Act shall be interpreted to require party membership as a condition for candidacy. Electoral law shall protect fair competition by independent candidates.

Article 75 — Campaign Code

Every party, candidate and authorised campaign official is bound by Schedule 2 during an election period.

Article 76 — Peaceful acceptance and lawful challenge

A party shall neither claim victory before credible results nor demand uncritical acceptance of a disputed outcome. It may use lawful complaints, observation evidence, recounts and courts, and shall comply with final judgments.

Article 77 — Public broadcasting during elections

1. The Commission shall allocate free public broadcasting time using a transparent formula that provides every contesting party a meaningful minimum and additional equitable time based on the scale of participation.
2. Government news and official announcements shall not be counted as governing-party campaign time and shall not contain partisan advocacy.

Article 78 — Private media

Private media may exercise editorial freedom but paid political advertising shall be offered on transparent and non-discriminatory terms, and sponsorship shall be disclosed.

Article 79 — Debates

Publicly sponsored debates shall use objective, published and inclusive participation criteria. Where practical, a series of debates shall accommodate parties that cannot all appear in one event.

Article 80 — State neutrality

No public officer shall use official authority, confidential data, public employees or public resources to favour or disadvantage a party.

Article 81 — Separation of official and partisan communication

1. An official communication shall be informational and shall not solicit votes, donations or party membership.
2. A minister or other political office-holder campaigning as a party representative shall clearly separate that activity from public duties and reimburse public costs.

Article 82 — Public employment and political opinion

Recruitment, promotion, discipline and separation in public employment shall be based on law and merit, not party membership, non-membership or political opinion.

Article 83 — Political activity in workplaces and institutions

1. Voluntary political discussion and organisation outside official duty are protected.
2. An employer, educational institution, union, professional body or public agency shall not compel support for a party.
3. Reasonable viewpoint-neutral rules may protect working time, safety and delivery of services.

Article 84 — Opposition rights

1. Opposition is a legitimate constitutional function.
2. Parties not in government are entitled to information, security, public media access, legislative participation and freedom to present an alternative government.
3. No authority shall describe lawful opposition as treason, foreign service or hostility to the nation merely because it challenges the Government.

Article 85 — Governing-party responsibilities

A governing party shall maintain a complete institutional and financial separation from the State and shall not claim ownership of government, the armed forces, public employees, national symbols or public achievements.

Article 86 — Inter-party democratic forum

1. The Commission shall convene a voluntary Inter-Party Democratic Forum for consultation on election administration, political peace, civic education, inclusion and implementation of this Act.

2. The Forum is advisory and shall not replace the Commission's independence, the Assembly's legislative authority or the Court's jurisdiction.

Article 87 — Civic education

The Commission may support nonpartisan civic education by parties, universities and civil society, but public funds shall not finance disguised campaign propaganda.

CHAPTER 6

POLITICAL FINANCE, PUBLIC FUNDING AND ACCOUNTABILITY

Article 88 — Principles of political finance

Political finance shall promote pluralism, prevent corruption and capture, permit citizens abroad to participate, protect small-donor privacy, disclose significant influence and enable effective independent oversight.

Article 89 — Permitted sources

1. A party may receive-
 - a. membership dues;
 - b. donations from Eritrean citizens, including citizens residing abroad;
 - c. donations from Eritrean legal persons permitted by Article 91;
 - d. lawful fundraising proceeds;
2. A party may also receive-
 - a. bequests from citizens;
 - b. income from property, publications and training not operated primarily as a commercial business;
 - c. public funding under this Part; and
 - d. commercial-rate loans permitted by Article 96.

Article 90 — Prohibited sources

1. A party shall not accept a donation from-
 - a. a foreign source;
 - b. a foreign government, intelligence or military body;
 - c. a public body or public enterprise;
2. A party shall not accept a donation from-
 - a. an anonymous source above the de minimis threshold;
 - b. a person acting for an undisclosed principal;
 - c. a criminal enterprise or proceeds reasonably suspected to be criminal; or
 - d. a person seeking a specific governmental decision in exchange for the donation.

Article 91 — Donations by legal persons

1. A legal person incorporated in Eritrea may donate only if-
 - a. its beneficial owners are disclosed;
 - b. a majority of its beneficial ownership and effective control is held by Eritrean citizens;
 - c. the donation is approved by its governing body and recorded in its accounts; and
 - d. it is not a current public contractor in a category prohibited by regulation.
2. A charitable, religious or humanitarian organisation shall not donate to a party or incur coordinated partisan expenditure. This does not restrict its nonpartisan civic advocacy or

the right of its leaders and members to donate in their personal capacity from their own lawful resources.

Article 92 — Citizens residing abroad

1. An Eritrean citizen abroad may donate from the citizen's own lawful resources through a traceable financial channel.
2. The party shall verify citizenship and retain the donor's country of residence.
3. A foreign intermediary may not conceal the true donor.

Article 93 — Donation and concentration limits

1. The Commission shall, after public consultation, prescribe annually indexed donation limits that are low enough to prevent capture and high enough to permit viable organisation. The limits shall be submitted to the National Assembly for approval by resolution and published at least six months before they apply, except during the first implementation year.
2. No single donor and related persons may provide more than five percent of a party's lawful annual receipts. Compliance shall be measured against the lower of the party's preceding-year receipts and the current regulatory ceiling; the Commission shall prescribe a fair fixed ceiling for a new party without preceding-year accounts.
3. No regulation may discriminate among parties or be altered during an election period except to reduce an unforeseen risk with Assembly approval.

Article 94 — Small and anonymous donations

1. A small anonymous cash donation may be accepted only below a published de minimis amount and shall be receipted by event and date.
2. Aggregate anonymous donations shall not exceed two percent of annual party receipts.
3. A party shall not divide a donation to avoid identification or disclosure.

Article 95 — In-kind donations and valuation

Goods and services supplied below market value are donations equal to the difference between fair value and consideration paid. Volunteer personal services provided without reimbursement are not donations, but donated professional or commercial resources shall be valued.

Article 96 — Loans and credit

1. A loan shall be in writing, identify the lender and beneficial owner, state commercial terms and be reported as a donation to the extent it is forgiven or below market value.
2. A party shall not receive credit from a foreign source or public body.

Article 97 — Digital assets and electronic transfers

A donation made through a digital platform or asset shall be traceable to an eligible donor, valued at receipt and recorded. Anonymous privacy-enhancing transfers that prevent lawful verification shall not be accepted.

Article 98 — Fundraising events

A party shall record gross proceeds, material expenses, sponsors and each contribution above the disclosure threshold. Admission charges of ordinary value may be aggregated as small donations.

Article 99 — Prohibition of vote buying and patronage

A party, candidate or agent shall not offer money, employment, food, public service, debt relief or another material benefit to induce a vote, abstention, membership or political silence, except modest campaign materials or hospitality defined by election regulation.

Article 100 — Public resources

1. A party shall not use a public resource unless it is made available to all eligible parties on equal published terms.
2. A public employee may not be required to perform party work.
3. A party shall reimburse the Treasury promptly for an incidental unauthorised use and report it; reimbursement does not excuse deliberate misuse.

Article 101 — Party bank accounts

1. Party money shall be held in accounts with licensed financial institutions in the party's registered name.
2. National, branch and campaign accounts shall be disclosed to the Registrar and consolidated for reporting.
3. Cash transactions above the prescribed threshold are prohibited.

Article 102 — Financial officers and controls

A party shall appoint a qualified treasurer and maintain dual authorisation, procurement controls, asset registers, conflict rules and branch-reporting systems proportionate to its size.

Article 103 — Accounting standards and records

Complete books shall be maintained under standards prescribed after consultation with the Auditor General and retained for at least ten years.

Article 104 — Quarterly disclosure

Within thirty days after each quarter, a party shall disclose receipts and expenditures, debts, significant donors, public money and material in-kind support in a searchable format.

Article 105 — Annual financial statements

Within ninety days after the financial year, a party shall submit consolidated financial statements showing income, expenditure, assets, liabilities, related entities and compliance with donation limits.

Article 106 — Independent audit

1. A party receiving public funds or annual income above the prescribed threshold shall obtain an independent audit by a licensed auditor who is not a party officer or candidate.
2. A smaller party shall file a simplified verified statement and is subject to risk-based audit.

Article 107 — Election-period reports

Parties shall submit pre-election, rapid disclosure and post-election reports at times coordinated with the election law. Significant donations received during an election period shall be disclosed within seven days.

Article 108 — Public disclosure threshold and donor privacy

1. The identity of a donor whose annual total exceeds the prescribed significant-donation threshold shall be public.
2. Below that threshold, identity remains confidential to the Commission unless disclosure is ordered for an investigation.
3. Address, identity number and banking details shall never be publicly displayed.

Article 109 — Related entities and coordinated spending

1. The accounts of a party-related entity shall be consolidated to the extent of party control or coordinated political expenditure.
2. A third party spending in coordination with a party is subject to the party's applicable limits and reporting.
3. Independent issue advocacy shall not be deemed coordinated without evidence of material planning, direction or exchange of non-public information.

Article 110 — Political parties and democracy Fund

1. There is established a Political Parties and Democracy Fund administered independently by the Commission.

2. The Fund consists of Assembly appropriations, lawful domestic contributions to the Fund and recovered amounts.
3. No donor to the Fund may direct money to a particular party.

Article 111 — Sufficiency and annual appropriation

The National Assembly shall appropriate a reasonable amount sufficient to support genuine pluralism, compliance, civic education and fair competition without making parties dependent on the State.

Article 112 — Eligibility for ordinary public funding

1. A party is eligible if it-
 - a. is fully registered;
 - b. complies materially with reporting and internal-democracy duties;
2. In addition to satisfying paragraph 1, a party shall-
 - a. obtained at least one percent of valid national votes at the preceding general election, won one Assembly seat, or meets the new-party criteria in Article 114; and
 - b. has not been finally found to have seriously misused public money.

Article 113 — Distribution formula

1. The annual Fund shall be distributed in accordance with Schedule 4, combining-
 - a. an equal pluralism component;
 - b. a component proportionate to valid votes;
2. The annual Fund shall also be distributed in accordance with Schedule 4, combining-
 - a. an inclusion component linked to women and persons with disabilities; and
 - b. a civic-education and geographic-outreach component subject to verified expenditure.

Article 114 — New-party and first-election support

1. A newly registered party that has not contested a general election may receive a modest one-time organisational grant if it demonstrates active membership, financial controls and an intention to nominate candidates in a meaningful number of districts.
2. Before the first general election under this Act, qualifying parties shall receive equal basic grants under Schedule 4, without preference for any pre-existing party.

Article 115 — Permitted use of public money

Public funding may be used for policy development, civic education, ordinary administration, inclusion, accessible communication, member training, candidate selection and lawful campaigning subject to Schedule 4.

Article 116 — Prohibited use of public money

Public money shall not be used for personal enrichment, gifts to voters, fines, private litigation unrelated to party functions, weapons, commercial investment, or expenditure concealed through a related entity.

Article 117 — Separate accounting for public funds

Public funding shall be held in a designated account and reported by programme. Unspent restricted money shall be carried forward only with approval or returned.

Article 118 — Audit powers

1. The Commission may conduct proportionate risk-based audits and may request relevant records with reasonable notice.
2. Intrusive inspection requires specific grounds and, where private communications or premises are involved, a court warrant.
3. The Auditor General may audit the Fund and public money received by parties but shall not examine political strategy.

Article 119 — Financial compliance directions

For a correctable failure, the Registrar shall issue a written direction specifying the defect and allowing reasonable time to comply before imposing a sanction.

Article 120 — Recovery of unlawful funds

An ineligible or prohibited donation shall be returned within thirty days or surrendered to the Fund if return is impossible. A party that acted diligently and reported promptly is not liable to a punitive sanction solely for receipt.

CHAPTER 7

COALITIONS, MERGERS, SPLITS AND DISSOLUTION BY MEMBERS

Article 121 — Coalitions

Two or more parties may form a coalition under a written agreement stating its purposes, governance, candidate arrangements, finance, dispute process, duration and method of withdrawal.

Article 122 — Registration and publication of coalition agreements

A coalition agreement affecting an election or government formation shall be filed with the Registrar and published, excluding only protected personal data, before the deadline prescribed by electoral law.

Article 123 — Autonomy within a coalition

Unless parties merge, each coalition member retains legal identity, assets, liabilities, membership and reporting duties.

Article 124 — Coalition finance

Coalition receipts and coordinated expenditures shall be reported transparently and may not be used to circumvent donation, spending or disclosure limits.

Article 125 — Coalition disputes

Parties shall first use the coalition agreement's procedure. An urgent dispute affecting an election or government formation may be brought directly to the Court.

Article 126 — Merger

Parties may merge only after approval under each party constitution by a democratic body authorised to decide the matter, with notice to members and creditors.

Article 127 — Effect of merger

Upon registration of a merger, the successor assumes disclosed assets, liabilities, employees and legal proceedings. Members shall receive notice and may decline membership without penalty.

Article 128 — Split or reorganisation

A split shall be governed by the party constitution and any agreement. The Registrar may register new parties without deciding disputed property, which belongs to the civil jurisdiction of the Court.

Article 129 — Protection against leadership appropriation

A small group of officers shall not transfer a party's name, assets or registration contrary to a valid decision of its members or authorised congress.

Article 130 — Voluntary dissolution

A party may dissolve by the supermajority and procedures in its constitution after providing for creditors, employees, records and lawful disposition of assets.

Article 131 — Assets on voluntary dissolution

After liabilities, assets purchased with public funds return to the Fund. Other assets shall be distributed according to the party constitution, but not personally to officers or members except repayment of documented lawful debts.

Article 132 — Preservation of records

Registration, financial, election and governance records of a dissolved or merged party shall be deposited with the Registrar or National Archives subject to privacy protections.

CHAPTER 8

OVERSIGHT, COMPLIANCE, DISPUTES AND REMEDIES

Article 133 — Regulatory independence and restraint

The Commission and Registrar shall act independently, impartially, transparently and with institutional restraint. They shall not regulate the wisdom, popularity or patriotism of a party's programme.

Article 134 — Compliance monitoring

Monitoring shall be risk-based, proportionate and ordinarily based on public filings, complaints and objective indicators rather than continuous surveillance.

Article 135 — Complaints

1. Any person may submit a documented complaint.
2. The Registrar shall reject a manifestly abusive complaint and protect a party from repetitive harassment.
3. A party shall receive the material allegation and a fair opportunity to respond, subject to witness protection.

Article 136 — Investigative powers

The Registrar may require relevant documents, interview willing witnesses and seek a court order for compulsory evidence. Privileged legal communications and journalistic sources remain protected by law.

Article 137 — Notice and opportunity to cure

Except for imminent violence, destruction of evidence or deliberate major financial concealment, the Registrar shall first issue a warning and allow a reasonable cure period.

Article 138 — Administrative measures

1. For a proven violation, the Registrar may issue-
 - a. advice or a compliance direction;
 - b. an order to correct or publish information;
2. For a proven violation, the Registrar may also issue-
 - a. a proportionate administrative penalty within statutory limits;
 - b. recovery or temporary withholding of misused public funds; or
 - c. referral to another lawful authority.

Article 139 — Proportionality of sanctions

A sanction shall consider seriousness, intent, harm, duration, cooperation, recurrence, ability to comply and effect on members, voters and pluralism. Administrative error shall not be punished as deliberate fraud.

Article 140 — Responsibility of individuals

Where a violation is attributable to an officer or agent rather than the party institution, the remedy shall primarily address that person. Innocent members, voters and candidates shall not be collectively punished.

Article 141 — Publication of decisions

Final regulatory decisions shall be reasoned and public, with confidential data redacted. The Registrar shall publish annual statistics showing equal treatment across parties.

Article 142 — Administrative review

A party may request internal reconsideration within fourteen days. Reconsideration shall be decided by a Commission member or officer who did not make the original decision.

Article 143 — Electoral and political parties division

1. The Chief Justice shall designate a professionally supported Electoral and Political Parties Division of the High Court to hear disputes under this Act, without prejudice to the Supreme Court's sole constitutional jurisdiction.
2. Assignment of judges shall protect independence and avoid partisan case selection.
3. Proceedings shall be accessible, prompt and ordinarily public.

Article 144 — Appeals and urgent relief

1. A party or affected person may appeal a final regulatory decision to the Court within twenty-one days.
2. The Court may suspend, vary or set aside the decision, receive evidence, order registration, require correction or grant any just remedy.
3. An urgent election matter shall receive an expedited timetable consistent with a fair hearing.

Article 145 — Suspensive effect

An appeal suspends a sanction unless the Court finds, on specific evidence, that narrowly tailored immediate action is necessary to prevent imminent violence, loss of public money or destruction of evidence.

Article 146 — Appeal to the Supreme Court

A final High Court judgment may be appealed to the Supreme Court as of right on a constitutional question and as provided by law on another substantial question.

Article 147 — Burden and standard

The authority seeking to restrict, suspend, deregister or dissolve a party bears the burden. Dissolution requires clear and convincing evidence.

Article 148 — Remedies for unlawful State interference

The Court may order cessation, restoration of access, return of property, correction of a public statement, compensation, disciplinary referral or another effective remedy for unlawful interference.

Article 149 — Costs and access to Justice

Costs shall not be used to deter good-faith constitutional litigation. The Court may waive fees and provide protective orders where necessary.

Article 150 — Limitation periods

A complaint shall ordinarily be brought within one year after discovery, but continuing violations, concealed finance and serious violence may be addressed within longer periods prescribed by law.

Article 151 — Alternative dispute resolution

The Commission may offer voluntary mediation for inter-party and internal disputes, but mediation shall not delay urgent court access or conceal serious illegality.

CHAPTER 9

PROHIBITION, SUSPENSION, DEREGISTRATION AND OFFENCES

Article 152 — Exceptional nature of prohibition

Suspension, deregistration and involuntary dissolution are measures of last resort. Less restrictive remedies shall be considered and found inadequate in written reasons.

Article 153 — Grounds for judicial suspension

The Court may suspend a specific activity, not the entire party, where clear evidence shows that the activity creates an imminent and serious threat of violence or irreparable constitutional harm and no narrower measure is effective.

Article 154 — Interim orders

1. An interim restriction may be issued only by the Court, for a maximum of fourteen days before an adversarial hearing.
2. An ex parte order requires demonstrated urgency and full disclosure by the applicant.
3. An order shall preserve lawful political, legal and humanitarian functions as far as possible.

Article 155 — Grounds for involuntary dissolution

1. A party may be dissolved only where clear and convincing evidence establishes that the party institution, through its governing organ-
 - a. intentionally organises or directs sustained armed violence to seize or retain public power;
 - b. maintains an armed wing after a final demobilisation order;
2. A party may also be dissolved only where clear and convincing evidence establishes that the party institution, through its governing organ-
 - a. has as its institutional purpose and substantial activity genocide, crimes against humanity or slavery; or
 - b. repeatedly commits another comparably grave attack on democratic constitutional order after narrower final sanctions proved ineffective.

Article 156 — Protected advocacy

No party shall be suspended or dissolved for peaceful advocacy, sharp criticism, civil disobedience that is nonviolent, a controversial historical interpretation, support for constitutional change or the isolated unlawful conduct of a member.

Article 157 — Procedure for dissolution

1. Only the Commission, acting by a reasoned supermajority after an independent investigation, may apply to the High Court for dissolution.

2. The party shall receive full notice, evidence, counsel, adequate preparation time, a public hearing and a reasoned judgment.
3. Dissolution does not take effect until appeal rights are exhausted or waived.

Article 158 — Consequences of dissolution

1. The Court shall protect lawful creditors, employees, innocent members, archives and public money.
2. It may bar responsible leaders from party office for a proportionate period, but shall not impose collective civil disability on ordinary members.
3. Assets derived from crime or public misuse are recovered by law; lawfully acquired private assets are dealt with under the party constitution and court supervision.

Article 159 — Individual criminal responsibility

Dissolution does not determine individual criminal guilt. A person may be punished only through ordinary criminal proceedings with full due process, and acquittal or lack of evidence shall be respected.

Article 160 — Offences relating to political freedom and registration

1. A person commits an offence who intentionally-
 - a. coerces party membership, resignation, support or non-support;
 - b. fraudulently enrolls another person;
 - c. falsifies material registration support;
2. A person also commits an offence who intentionally-
 - a. unlawfully discloses protected membership data;
 - b. obstructs a lawful party meeting through violence; or
 - c. impersonates the Registrar or a party officer to manipulate registration.

Article 161 — Political-finance offences

1. A person commits an offence who knowingly-
 - a. conceals a prohibited donation or donor;
 - b. uses a nominee or related entity to evade a limit;
 - c. materially falsifies an account or audit;
2. A person also commits an offence who knowingly-
 - a. steals or knowingly misapplies public party funding;
 - b. trades a donation for an official act; or
 - c. destroys required records during an investigation.

Article 162 — Violence and armed structures

Organising, financing or commanding an armed party structure is an offence without prejudice to liability for resulting crimes.

Article 163 — Misuse of public authority

A public officer commits an offence who intentionally uses official power or a substantial public resource to compel political support or materially advantage or disadvantage a party.

Article 164 — Penalties

1. Subject to a lower penalty for a comparable offence under the Penal Code-
 - a. an offence under Article 160 is punishable by a fine prescribed by law, imprisonment not exceeding three years, or both;
 - b. an offence under Article 161 is punishable by a fine not exceeding three times the amount concealed, stolen or unlawfully provided, imprisonment not exceeding seven years, or both;
 - c. an offence under Article 162 is punishable by imprisonment not exceeding ten years, without prejudice to a higher penalty for resulting violence or another serious crime; and
 - d. an offence under Article 163 is punishable by a fine, imprisonment not exceeding five years, disqualification from public office for a period fixed by the Court, or any combination of those penalties.
2. A purely administrative omission that is promptly corrected shall not result in imprisonment.
3. A court may order restitution, disqualification from financial office, community service, a fine or imprisonment for serious intentional violence, corruption or fraud.

Article 165 — Liability of legal persons

A party or legal person may be liable for an offence authorised by its governing organ or senior manager, subject to Article 25. Due diligence, prevention and prompt self-reporting are relevant defences or mitigation.

Article 166 — No political offences by implication

No offence shall be created or expanded by vague concepts such as anti-national attitude, improper political agitation, insufficient loyalty, divisive opinion or damage to the reputation of government.

CHAPTER 10

TRANSITION TO OPEN MULTIPARTY DEMOCRACY

Article 167 — Purpose and governing principle

This Part shall dismantle one-party privilege without replacing it with collective punishment, political revenge or a new monopoly.

Article 168 — Equal status of existing and new organisations

1. Every pre-existing political organisation, including an organisation that previously governed, operated in exile or was prohibited, shall register under the same law.
2. No organisation is automatically registered or excluded because of its history.

Article 169 — Transitional notification period

1. For twelve months after commencement, an organisation may obtain provisional registration within five working days by filing the core documents in Article 30.
2. The Commission shall assist organisations whose records were destroyed, confiscated or kept abroad.

Article 170 — Protection of return and peaceful organisation

Citizens returning to Eritrea for lawful party activity shall enjoy equal protection, freedom of movement and access to registration. Prior peaceful opposition or exile shall not constitute a security ground for arrest, surveillance or denial of documents.

Article 171 — Review of penalties for peaceful political activity

1. The Advocate General shall establish an expedited process to identify convictions, administrative penalties and continuing disabilities based solely on peaceful political association, expression, assembly or journalism.
2. The competent court shall vacate such penalties and restore rights, without affecting responsibility for independently proven violence or ordinary crime.

Article 172 — Political prisoners and disappeared persons

Nothing in this Act limits the constitutional duty to bring every detained person before a court, disclose places of detention, investigate disappearance and provide effective remedy. Peaceful party activity shall not justify detention.

Article 173 — Separation of party and State

1. Within ninety days, every public body shall-
 - a. remove party offices and command structures from public administration and security institutions;

- b. end compulsory party dues and payroll deductions;
 - c. cease partisan conditions for employment, licences and services;
- 2. Within ninety days, every public body shall also-
 - a. identify public resources used by a party; and
 - b. adopt a published political-neutrality plan.

Article 174 — Inventory of assets and enterprises

1. The Auditor General, with the Commission and an independent valuation panel, shall inventory assets, enterprises, accounts and liabilities whose ownership is disputed between the State and any party.
2. The inventory shall identify source of acquisition, beneficial control, public subsidy and present use.
3. Transfers designed to defeat the inventory are voidable by the Court.

Article 175 — Treatment of disputed assets

1. An asset shown to be public property shall return to the relevant public body.
2. An asset lawfully acquired by a party from voluntary private sources remains party property.
3. A genuinely disputed asset shall be held under neutral management pending agreement or court judgment.
4. The process shall be transparent and shall not confiscate property merely because it belongs to a former governing or opposition party.

Article 176 — Public premises and services

A party occupying public premises shall enter a market-value lease available on comparable terms to other parties or vacate within a reasonable period fixed by the Commission and, if disputed, the Court.

Article 177 — Public and party personnel

1. Public employees assigned to a party shall return to public duty or choose party employment under ordinary labour law.
2. No person shall suffer retaliation for declining party employment.
3. Party employees shall not be paid through an undisclosed public payroll.

Article 178 — Security-sector neutrality

1. Party structures within the armed forces, police, intelligence and prison services shall be dissolved.
2. Security personnel shall receive constitutional-neutrality training and shall not attend partisan events in uniform except for impartial protection.
3. Commanders shall not direct how personnel or their families vote.

Article 179 — Demobilisation of armed political structures

1. Every organisation seeking registration shall disclose and terminate command over any armed structure.
2. Weapons, personnel and facilities shall be processed under a lawful, independently monitored disarmament, demobilisation and reintegration framework.
3. Ordinary members who comply are not disqualified from peaceful politics; individual responsibility for serious crime remains.

Article 180 — Equal public-media opening

Within sixty days, public media shall adopt an independently monitored plan providing opposition voices, civic education, issue debate and correction rights. Archives shall not be edited to erase political history.

Article 181 — First-election basic grants

Before the first general election, the Fund shall provide equal basic organisational and campaign grants to qualifying parties under Schedule 4. Historic access to State resources shall be considered when designing corrective equality measures.

Article 182 — Transitional disclosure by pre-existing organisations

1. A pre-existing organisation shall file-
 - a. a five-year statement of known assets and liabilities, or the longest available period;
 - b. beneficial ownership of controlled enterprises;
 - c. public resources received;
 - d. foreign support; and
 - e. measures separating party and State functions.
2. Good-faith inability to reconstruct destroyed records shall be explained, not presumed fraudulent.

Article 183 — Historical names and symbols

Competing claims to a historic name or symbol shall be decided on continuity, member consent, risk of voter confusion and fair political access, not governmental preference. The Court may require qualifying language or shared historical description.

Article 184 — Transitional inter-party council

1. For the first two general-election cycles, the Inter-Party Democratic Forum shall include one voting representative from every fully registered party and independent non-voting civil-society observers.

2. It shall monitor equal access, political peace, implementation benchmarks and complaints of retaliation, and shall publish quarterly reports.

Article 185 — Protection against political vetting

No transitional screening process may impose collective guilt based on former party, liberation-front, government, regional, religious or opposition affiliation. Responsibility is individual and determined by evidence and due process.

Article 186 — Transitional deadlines and election integrity

The Commission shall not schedule the first general election until it certifies, with reasons, that parties had a reasonable period to register and organise, public media and venues are accessible, security bodies are neutral, and effective remedies are operational.

Article 187 — Independent transitional review

Eighteen months after the first general election, an independent panel appointed through public consultation shall review this Act's operation, including registration burdens, inclusion, finance, State-party separation and enforcement equality, and report to the National Assembly.

Article 188 — No use of transition to postpone elections indefinitely

Transitional safeguards shall be implemented diligently and shall not be invoked as a pretext for indefinite rule without elections. Any postponement must comply strictly with the Constitution and be reviewable by the Supreme Court.

CHAPTER 11 MISCELLANEOUS AND FINAL PROVISIONS

Article 189 — Regulations

1. The Commission may issue regulations necessary to implement this Act after at least thirty days of public consultation.
2. Regulations shall not create new ideological tests, dissolution grounds, offences or material restrictions on political rights.
3. Draft and final regulations, submissions and reasons shall be published.

Article 190 — Forms and digital service

Forms shall be concise and available in paper and secure electronic form. Lack of internet access shall not disadvantage an applicant.

Article 191 — Fees

Registration and filing fees shall not exceed reasonable administrative cost and shall be waivable for inability to pay. No fee may make political participation dependent on wealth.

Article 192 — Service and time

Notices may be served personally, by registered mail or secure electronic means. A period excludes the day of service and, if ending on a non-working day, extends to the next working day.

Article 193 — Annual report

The Commission shall report annually to the National Assembly and public on registration, finance, inclusion, complaints, enforcement, processing times, litigation, public funding and transition benchmarks, disaggregated without exposing protected personal data.

Article 194 — Cooperation among institutions

The Commission, Auditor General, Advocate General, Civil Service Administration, Judicial Service Commission, National Bank, public media regulator and law-enforcement bodies shall cooperate within their mandates while preserving institutional independence and confidential data.

Article 195 — Protection of good-faith official action

No official is personally liable for an act performed lawfully and in good faith. This does not protect corruption, bad faith, partisan discrimination, gross negligence or violation of constitutional rights.

Article 196 — Severability

If a provision is held invalid, the remaining provisions continue to operate to the fullest extent consistent with the Constitution.

Article 197 — Relationship with election and other laws

This Act shall be read with election, media, assembly, public-finance, anti-corruption, data-protection and criminal laws. A conflict shall be resolved in favour of the Constitution and the greater protection of political rights unless a specific lawful election-integrity rule is necessary and proportionate.

Article 198 — Repeal and savings

1. Any prior proclamation, directive or administrative practice purporting to prohibit political pluralism or regulate political parties inconsistently with this Act is repealed or ceases to have effect.
2. A lawful obligation, employment right or private debt is not extinguished solely by repeal.

Article 199 — Authoritative texts

The Act shall be published in Tigrinya and Arabic with equal authority, together with an official English translation for public access. Any textual divergence shall be resolved consistently with the Constitution and the rights-protective purpose of Article 6.

Article 200 — Periodic legislative review

The National Assembly shall review this Act after the first two general-election cycles and thereafter at least every ten years through an open process involving parties, independent candidates, civil society, the Commission and the public.

SCHEDULE 1
– MINIMUM CONTENT OF A PARTY CONSTITUTION

1. Name, abbreviation, symbol, registered office and objectives.
2. Eligibility, admission, resignation and accurate maintenance of membership.
3. Rights and duties of members, including dissent and access to information.
4. National, regional, local and diaspora organs and their powers.
5. National congress frequency, delegate selection, notice, quorum and voting.
6. Democratic election, terms, succession, suspension and removal of officers.
7. Gender equality, youth participation, disability inclusion and reasonable accommodation.
8. Policy-making and member-initiative procedures.
9. Transparent candidate nomination and urgent appeals.
10. Internal elections and dispute-resolution bodies independent of contestants.
11. Fair discipline, expulsion, appeal and whistleblower protection.
12. Finance, procurement, banking, audit, asset custody and branch reporting.
13. Rules for coalition, merger, split, amendment and voluntary dissolution.
14. Protection of records, personal data and party archives.

SCHEDULE 2 – CODE OF DEMOCRATIC POLITICAL CONDUCT

Every party, candidate, officer, member and authorised agent shall-

1. pursue public power only by peaceful constitutional means;
2. respect opponents as legitimate participants and reject dehumanising language;
3. refrain from violence, threats, weapons, forced attendance and destruction of property;
4. refrain from incitement to imminent violence or discrimination;
5. avoid knowingly false statements about voting procedures and promptly correct material error;
6. respect freedom of the press and never attack a journalist for professional work;
7. protect women, minorities, persons with disabilities and other participants from targeted intimidation;
8. cooperate with lawful security arrangements without permitting surveillance of political beliefs;
9. refrain from vote buying, misuse of public resources and undisclosed sponsorship;
10. respect campaign schedules, polling places, counting and observers;
11. use complaints and courts rather than retaliation;
12. accept final lawful results while retaining the right to advocate electoral reform;
13. distinguish party advocacy from government communication; and
14. support dialogue, de-escalation and reconciliation after intense political conflict.

SCHEDULE 3 – REGISTRATION INFORMATION AND PRIVACY

A. Public information

1. Party name, abbreviation and symbol.
2. Constitution, programme and Code undertaking.
3. Registered office and official public contacts.
4. Names and positions of national officers.
5. Registration status, decisions and court judgments.
6. Audited reports and public-funding information.

B. Confidential information

1. Identity numbers, signatures and residential addresses.
2. Member and supporter lists.
3. Small-donor identities and banking details.
4. Security-sensitive information accepted under protective order.

C. Prohibited collection

The Commission shall not require a person's religion, ethnicity, clan, political history unrelated to eligibility, or another sensitive characteristic not strictly necessary to administer a specific lawful inclusion measure.

SCHEDULE 4
– PUBLIC FUNDING FORMULA AND CONTROLS

A. Ordinary annual distribution

Subject to Article 112, the distributable Fund shall be allocated as follows-

1. Twenty-five percent equal pluralism component: divided equally among eligible parties.
2. Fifty percent electoral-support component: divided in proportion to valid votes received at the most recent general election.
3. Fifteen percent inclusion component: allocated under published criteria based on women elected and nominated, meaningful inclusion of persons with disabilities and compliance with Article 64.
4. Ten percent civic and geographic component: reimbursed against verified nonpartisan civic education, accessible communication and outreach to remote or underserved communities.

B. First-election distribution

Before the first general election, seventy percent of the available transition allocation shall be divided equally among fully registered qualifying parties and thirty percent shall reimburse verified inclusion, accessibility and geographic outreach. No allocation shall be based on representation obtained before constitutional competition.

C. Conditions

1. A party shall use a designated account and approved budget.
2. Not more than thirty-five percent may be used for ordinary administrative overhead, excluding required audit and accessibility costs.
3. At least ten percent shall support policy development and civic education.
4. A party shall return money obtained by material fraud or used for a prohibited purpose.
5. Temporary withholding shall target the disputed amount and shall not disable lawful opposition activity.

SCHEDULE 5
– FINANCIAL DISCLOSURE STANDARD

Each report shall identify-

1. opening and closing balances;
2. receipts by permitted category;
3. significant donors and aggregate small donations;
4. in-kind benefits and valuation method;
5. loans, terms, guarantors and balances;
6. expenditure by programme, branch and election activity;
7. assets, liabilities and related-party transactions;
8. controlled and coordinated entities;
9. public funding received, spent, committed and returned;
10. procurement above the prescribed threshold;
11. auditor findings and corrective action; and
12. certification by the party leader and treasurer.

SCHEDULE 6
– STATE-PARTY SEPARATION PROTOCOL

1. Publish an inventory of party offices within public institutions.
2. End party command structures in the military, police, intelligence and civil service.
3. Stop compulsory dues, payroll deductions and political screening.
4. Identify public land, buildings, vehicles, media, companies, accounts and personnel used by a party.
5. Preserve records and prohibit concealment or transfer during review.
6. Use independent valuation and beneficial-ownership tracing.
7. Return public property, preserve proven private property and place disputed assets under neutral management.
8. Publish reasons and provide court review.
9. Protect employees, creditors and good-faith third parties.
10. Report quarterly until separation is certified complete.

SCHEDULE 7
– TRANSITIONAL DEMOBILISATION AND POLITICAL SAFETY

1. Register armed personnel, weapons, facilities and chains of command confidentially with the lawful disarmament authority.
2. Separate political leadership from armed command immediately.
3. Secure weapons under impartial supervision.
4. Screen individual responsibility for serious crimes through due process, not collective accusation.
5. Provide lawful reintegration, employment and psychosocial support.
6. Protect former combatants who choose peaceful politics.
7. Prohibit private detention, coercive taxation and territorial control by a party.
8. Permit independent national and international monitoring where authorised by law.

SCHEDULE 8
– INITIAL IMPLEMENTATION CALENDAR

Within thirty days after commencement-

1. appoint the Registrar through an interim transparent process if the permanent process cannot yet be completed;
2. publish provisional forms and secure filing channels;
3. begin political-prisoner and peaceful-conviction review; and
4. issue neutrality instructions to public and security bodies.

Within sixty days-

1. establish the public register and Inter-Party Democratic Forum;
2. adopt the public-media opening plan; and
3. begin registration of existing and new organisations.

Within ninety days-

1. complete initial State-party inventories;
2. end compulsory party deductions and structures in public bodies; and
3. publish draft finance and registration regulations.

Within one hundred and eighty days-

1. operationalise the Fund, financial-disclosure portal and specialised Court procedures;
2. publish the first State-party separation report; and
3. certify whether core conditions for genuine political competition exist.

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

THE NATIONAL ASSEMBLY OF ERITREA