

DRAFTING NOTE

DIGITALIZATION OF EXECUTIVE SERVICES REGULATIONS, 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed executive regulations. It identifies the legislative need, the relationship with earlier Eritrean law, the principal matters retained, the modernization choices made and the place of the draft within the emerging constitutional statute book. The instrument remains a consultation draft and should be finalized only after legal, institutional, fiscal and public review.

2. Legislative need and prior law

The supplied corpus contains no general instrument requiring ministries to publish service information or deliver existing executive services electronically. Paper queues, fragmented offices and inaccessible procedures impose large costs on citizens and the economy.

3. What the draft retains

The draft retains every underlying statutory service, non-electronic access, agency responsibility, records duties and ordinary remedies.

4. What the draft updates and modernizes

It requires service inventories, public websites, forms and fees, interoperable and secure systems, testing before launch, privacy and accessibility, human review of automated processes, technology-neutral procurement, continuity planning and a 1 January 2027 launch while expressly refusing to create taxes, offences or new coercive powers.

5. Constitutional, code and treaty fit

The Regulations rely on the President's express constitutional and statutory authority to organize and direct the executive. They do not appropriate money, impose a tax, create an offence, establish a court, expropriate property, alter a right fixed by an Assembly Act or transfer a protected statutory function. Applicable constitutional rights, the 2015 Codes, Assembly Acts, administrative fairness, privacy and judicial review remain controlling.

6. Scope and organization

The principal divisions address preliminary provisions; governance and modernization planning; public information and electronic services; access, records, privacy and security; technology, procurement and accountability; implementation and public launch; general and final provisions.

7. Transition, implementation and consultation

The draft preserves lawful accrued rights, completed transactions, pending proceedings and institutional continuity where appropriate, while preventing temporary savings from preserving unconstitutional coercion or indefinite executive discretion. Before enactment or issuance, authentic predecessor instruments and amendments should be verified, cross-references and fiscal capacity confirmed, implementing regulations and digital systems prepared, and affected institutions, professions, communities and the public given a practical opportunity to comment.

CONSULTATION DRAFT — NOT ENACTED LAW

EXECUTIVE REGULATION NO. ____/2026

DIGITALIZATION OF EXECUTIVE SERVICES REGULATIONS, 2026

(PRESIDENTIAL REGULATION)

AN EXECUTIVE REGULATION TO MODERNIZE MINISTRIES AND EXECUTIVE AGENCIES, REQUIRE PUBLIC INFORMATION AND ACCESSIBLE ELECTRONIC DELIVERY OF EXISTING SERVICES, AND PROVIDE FOR TESTING AND PUBLIC LAUNCH BY 1 JANUARY 2027

PREAMBLE

WHEREAS under Article 32(1) of the Constitution of Eritrea, the National Assembly is the supreme legislative body, and no person or organisation may make a decision having the force of law except as authorized by the Constitution or an Assembly Act;

WHEREAS Articles 39, 42, 46 and 47 of the Constitution authorize the President to direct and coordinate executive government and ensure efficient management and execution of the laws, while Articles 9, 11, 19 and 24 require the State to promote technology, efficient public service, access to information and equitable administrative answers and redress;

WHEREAS public services remain dependent on backward, fragmented and poorly explained paper procedures, causing citizens to wait for days in queues, move repeatedly between offices, lose productive time and seek assistance without knowing which institution or official is responsible;

WHEREAS ministries and executive agencies often fail to publish current information about their functions, requirements, forms, fees, processing periods, responsible offices and remedies, producing delay, uncertainty, unequal treatment and opportunities for abuse;

WHEREAS transparent information, modern records and secure electronic delivery can enable people, as far as reasonably practicable, to obtain public information and complete government transactions without leaving home;

WHEREAS practical testing has shown that even a capable student with a decent laptop, internet access and suitable artificial-intelligence-service subscriptions can digitalize substantial parts of the entire operation of a government, demonstrating that limited resources are no excuse for administrative backwardness and that technology can enable a small number of trained persons to improve services formerly requiring far greater labour;

WHEREAS executive modernization must be undertaken without encroaching upon the legislative authority of the National Assembly, altering rights or duties established by an Assembly Act, or weakening privacy, equality, administrative redress and access to non-electronic services;

NOW, THEREFORE, the President of Eritrea, acting under Articles 39, 42, 46 and 47 of the Constitution and applicable Assembly Acts governing the public service and executive institutions, makes the following Executive Regulations.

CHAPTER I PRELIMINARY PROVISIONS

Regulation 1 — Short title

These Regulations may be cited as the Digitalization of Executive Services Regulations, 2026.

Regulation 2 — Authority and character

1. These Regulations govern the internal administration of ministries and Executive Agencies and the manner in which they perform functions already conferred by the Constitution or an Assembly Act.
2. These Regulations do not confer legislative power upon the President, a Minister or an Executive Agency beyond authority granted by the Constitution or an Assembly Act.
3. A requirement under these Regulations shall be implemented only to the extent that it is consistent with superior law and the lawful budget.

Regulation 3 — Purposes

The purposes of these Regulations are to:

1. reduce delay, queues, unnecessary travel, repeated appearances and avoidable administrative cost;
2. make accurate public information readily available;
3. enable existing public services to be requested, processed, tracked and delivered electronically as far as reasonably practicable;
4. improve the accuracy, security and accessibility of government records;
5. coordinate technology and prevent incompatible, duplicative and wasteful systems;
6. protect privacy, equality, administrative redress and access for persons unable to use electronic services; and
7. require testing, refinement and accountable public launch of electronic services by 1 January 2027.

Regulation 4 — Application

1. These Regulations apply to every ministry, department and other institution forming part of the executive government and subject to direction or coordination by the President.
2. These Regulations do not direct the National Assembly, a court, the Electoral Commission, the Auditor General, the National Bank, an independent constitutional institution or another body protected from executive direction by an Assembly Act.
3. An institution excluded under paragraph 2 may voluntarily adopt compatible standards without surrendering its constitutional or statutory independence.

Regulation 5 — Definitions

In these Regulations, unless the context otherwise requires:

1. “Agency Head” means the Minister, commissioner, director, chief executive or other person lawfully responsible for an Executive Agency;
2. “digital service” means a public service or administrative transaction made available through an electronic system;
3. “electronic record” means information created, received, maintained or transmitted by electronic means;
4. “Executive Agency” means an institution to which these Regulations apply under Regulation 4;
5. “essential service” means a public service whose interruption or denial may materially affect life, health, liberty, livelihood, legal status or access to another right;
6. “interoperability” means the capacity of authorized systems to exchange and use information securely and accurately; and
7. “responsible office” means the office designated under Regulation 7.

Regulation 6 — Governing principles

Implementation shall be guided by:

1. legality and respect for the legislative authority of the National Assembly;
2. service to the public, simplicity, transparency and reasonable speed;
3. equal access and continued assistance for persons unable to use digital services;
4. privacy, security, accuracy and accountability;
5. technology neutrality and avoidance of unjustified dependence on a single supplier;
6. interoperability and responsible use of public resources; and
7. continuous testing and improvement based on evidence and public experience.

CHAPTER II

GOVERNANCE AND MODERNIZATION PLANNING

Regulation 7 — Responsible office and officer

1. Within fourteen days after commencement, every Executive Agency shall designate a responsible office and a senior officer accountable for implementation.
2. The designation shall be published on the Agency’s website and communicated to the Office of the President and the Civil Service Administration.

Regulation 8 — Service and technology inventory

1. Within thirty days after commencement, every Executive Agency shall complete a verified inventory of:
 - a. each public service, licence, permit, registration, certificate, payment, complaint and other transaction it administers;
 - b. the constitutional or statutory authority for each transaction;

- c. the forms, documents, fees, appearances, approvals and processing periods presently required;
 - d. the responsible offices and officials;
 - e. existing paper and electronic records;
 - f. technology, connectivity, staffing and training available; and
 - g. delay, duplication, repeated submission, unnecessary travel and other identifiable obstacles.
2. An Agency shall not treat an administrative practice as a legal requirement unless it can identify the constitutional or statutory authority supporting it.

Regulation 9 — Modernization plan

1. Within forty-five days after commencement, every Executive Agency shall approve and publish a modernization plan for compliance by 1 January 2027.
2. The plan shall identify services to be digitized, responsible persons, technical needs, testing periods, risks, budget requirements, public-access arrangements and measurable completion dates.
3. Priority shall be given to high-volume services, services producing long queues or repeated visits, essential services and services affecting trade, employment, travel, property, health and education.

Regulation 10 — Simplification before digitization

1. Before converting a procedure into electronic form, an Executive Agency shall review whether every step, form, document, approval and physical appearance is necessary and authorized by law.
2. An Agency shall eliminate an unnecessary administrative step within its lawful authority and shall propose an amendment to the National Assembly where the step is required by an Assembly Act but appears obsolete or disproportionate.
3. A defective procedure shall not be preserved merely by placing it online.

Regulation 11 — Interagency coordination

1. The Office of the President, in consultation with the Cabinet, Civil Service Administration and relevant technical institutions, shall coordinate implementation and issue non-legislative technical standards consistent with these Regulations.
2. Executive Agencies shall cooperate to prevent duplicate collection of the same information, subject to legality, necessity, privacy and security.
3. Coordination does not authorize one Agency to exercise a power legally assigned to another.

CHAPTER III PUBLIC INFORMATION AND ELECTRONIC SERVICES

Regulation 12 — Official website for every Agency

1. Not later than sixty days after commencement, every Executive Agency shall maintain an accessible, secure and regularly updated official website.
2. The website shall identify the Agency's legal mandate, organisational structure, principal offices, contact information, responsible officials and available public services.
3. Information shall be presented in clear language and in appropriate Eritrean languages as capacity permits.

Regulation 13 — Mandatory publication of service information

For every public service, an Executive Agency shall publish:

1. the legal authority and purpose of the service;
2. eligibility requirements;
3. every form and supporting document lawfully required;
4. the amount and legal basis of every fee;
5. the office responsible and available methods of submission;
6. the ordinary processing period;
7. the method for tracking progress;
8. the grounds on which an application may be refused; and
9. the available complaint, review and appeal procedures.

Regulation 14 — Electronic submission and tracking

1. An Executive Agency shall, as far as reasonably practicable and legally permitted, enable a person to submit an application and supporting material electronically without attending an office.
2. The system shall provide an acknowledgment, date of receipt, tracking reference and accessible means of checking status.
3. An Agency shall not require repeated submission of information already lawfully held and reasonably available to it, unless verification or an updated record is necessary.

Regulation 15 — Electronic communications and decisions

1. An Executive Agency may communicate notices, requests and decisions electronically where the recipient has consented or an Assembly Act authorizes that method.
2. An adverse decision shall identify the responsible Agency, state intelligible reasons, cite the governing authority and explain available review or appeal.
3. Electronic delivery shall not replace a method of notice or service expressly required by an Assembly Act unless that Act permits replacement.

Regulation 16 — Appointments, queues and service standards

1. An Agency providing in-person services shall introduce appointments, queue management and published service standards where reasonably practicable.

2. A person shall not be required to wait in person merely to receive information, obtain a form, confirm an application's status or perform a transaction reasonably capable of remote completion.
3. An Agency shall monitor waiting periods and take corrective action where they become excessive.

Regulation 17 — Electronic payment

1. An Executive Agency collecting a fee already authorized by law shall provide secure electronic payment where reasonably practicable.
2. Every payment shall generate a receipt and auditable record.
3. Nothing in this Regulation authorizes a new fee, tax, surcharge or penalty.

CHAPTER IV ACCESS, RECORDS, PRIVACY AND SECURITY

Regulation 18 — Continued non-electronic access

1. Digital services shall supplement and improve public access and shall not, without authority in an Assembly Act, make electronic dealing compulsory.
2. Every Agency shall maintain reasonable in-person, paper, telephone or assisted-digital access for persons lacking connectivity, equipment, literacy, language ability, disability access or other practical means of using a digital service.
3. No person shall be denied an essential service solely because that person cannot use an electronic system.

Regulation 19 — Accessibility and reasonable accommodation

1. Digital services shall be designed for mobile devices, low-bandwidth connections and commonly available technology as far as reasonably practicable.
2. An Agency shall provide reasonable accommodation for persons with disabilities and practical assistance for persons requiring help.
3. An Agency shall test services with users from different regions and circumstances before public launch.

Regulation 20 — Electronic records

1. Every Executive Agency shall establish reliable procedures for creating, classifying, locating, retaining, backing up and lawfully disposing of electronic records.
2. A record system shall preserve accuracy, origin, date, authorized changes and an auditable history sufficient for administrative and judicial review.
3. A paper original shall be preserved where required by law or reasonably necessary to protect evidentiary, historical or administrative integrity.

Regulation 21 — Privacy and lawful data use

1. An Executive Agency shall collect, use, retain and disclose personal information only for a lawful and stated public purpose and only to the extent reasonably necessary for that purpose.
2. Access shall be limited to authorized persons whose duties require it.
3. A person shall, subject to lawful exceptions, be able to inspect personal administrative information concerning that person and request correction of a material error.
4. Government-held personal information shall not be used for political, commercial or unrelated surveillance purposes.

Regulation 22 — Cybersecurity and continuity

1. Every Agency shall apply safeguards proportionate to the sensitivity and importance of its systems and information.
2. Safeguards shall include access control, secure authentication, backups, recovery procedures, incident recording, staff training and regular testing.
3. A serious breach, loss or prolonged interruption shall be reported promptly to the Agency Head, the coordinating office and every oversight body entitled by law to receive it.
4. An Agency shall maintain a workable non-electronic continuity procedure for essential services during system failure.

Regulation 23 — Automated assistance and human responsibility

1. Technology may assist an official to organize information, verify completeness, calculate an amount fixed by law or perform another administrative task.
2. An automated system shall not exercise discretionary statutory power or make an unreviewable adverse decision affecting liberty, property, livelihood, employment, benefits or legal status.
3. A responsible official shall remain accountable for each decision, and meaningful human review shall be available.

CHAPTER V TECHNOLOGY, PROCUREMENT AND ACCOUNTABILITY

Regulation 24 — Common standards and interoperability

1. Technical standards shall promote secure interoperability, accessibility, reliable identity verification, common data formats, portability, preservation and efficient use of public infrastructure.
2. Standards shall be publicly available unless limited disclosure is reasonably necessary for cybersecurity.
3. A technical standard shall not create a substantive legal right, duty, offence, fee or condition of eligibility.

Regulation 25 — Technology acquisition

1. Technology shall be acquired through lawful, competitive, transparent and auditable procedures.
2. Before acquisition, an Agency shall assess necessity, total cost, compatibility, security, maintenance, data portability, training, supplier dependence and availability of suitable common systems.
3. A contract shall protect government control of public records and provide reasonable access to data when the contract ends.
4. No expenditure is authorized except through an appropriation or other lawful budget authority.

Regulation 26 — Staff capacity and public guidance

1. Executive Agencies and the Civil Service Administration shall provide practical training to officials responsible for digital services, records, privacy, cybersecurity and public assistance.
2. Agencies shall publish clear guidance and demonstrations enabling the public to use new services.
3. Public servants shall not direct a person to a digital service that the official knows is unavailable or incapable of completing the transaction.

Regulation 27 — Performance information

Each Agency shall measure and publish, at reasonable intervals:

1. the services made available electronically;
2. the number and proportion of electronic and in-person transactions;
3. ordinary processing and waiting periods;
4. system availability and material interruptions;
5. complaints, corrections and unresolved backlogs; and
6. expenditure and identifiable savings.

Regulation 28 — Complaints, correction and administrative redress

1. Every digital service shall provide an accessible method for reporting an error, requesting assistance and making a complaint.
2. An Agency shall investigate a material error promptly and provide a reasoned response.
3. Use of an electronic system does not restrict administrative or judicial redress available under the Constitution or an Assembly Act.

Regulation 29 — Audit and reporting

1. Every Agency Head shall submit implementation reports to the Office of the President and Civil Service Administration at the end of each implementation phase and annually thereafter.

2. Financial, security, records and performance information shall be made available to the Auditor General and other lawful oversight bodies within their respective authority.
3. The Office of the President shall submit a consolidated annual report to the National Assembly concerning executive implementation, expenditure, performance and proposed legislation.

CHAPTER VI IMPLEMENTATION AND PUBLIC LAUNCH

Regulation 30 — Implementation phases

1. Every Executive Agency shall complete the designation required by Regulation 7 within fourteen days after commencement.
2. Every Executive Agency shall complete its service and technology inventory within thirty days and approve its modernization plan within forty-five days after commencement.
3. Every Executive Agency shall publish the information required by Regulations 12 and 13 not later than sixty days after commencement.
4. By 1 October 2026, each Agency shall place its priority digital services into controlled internal or limited public testing.
5. During October and November 2026, each Agency shall test usability, accuracy, security, accessibility, processing capacity and non-electronic continuity, obtain user feedback, correct defects and repeat testing as necessary.
6. By 1 December 2026, each Agency Head shall certify which services are ready for public launch, identify unresolved risks and approve a corrective plan for every service not ready.
7. By 15 December 2026, each Agency shall publish public guidance, available service channels, assistance arrangements and the date and manner of launch.

Regulation 31 — Launch on 1 January 2027

1. On 1 January 2027, every Executive Agency shall publicly launch the digital services identified as ready under Regulation 30.
2. From that date, a person shall, as far as reasonably practicable and legally permitted, be able to obtain public information, submit an application, provide supporting material, pay an authorized fee, track progress, receive communications and seek administrative assistance without unnecessary physical attendance.
3. Failure to launch a service shall be reported publicly with specific reasons, interim access arrangements and a dated corrective schedule.

Regulation 32 — Continuous improvement

1. Public launch does not complete implementation.
2. Every Agency shall monitor use, failures, complaints, exclusion, delay and security, and shall test and refine each service at reasonable intervals.

3. An Agency shall suspend or modify a digital process where continued use creates a material risk to legality, privacy, security, equality or access, while maintaining an alternative service channel.

CHAPTER VII GENERAL AND FINAL PROVISIONS

Regulation 33 — Protection of legislative authority

1. These Regulations direct executive administration only and shall not be interpreted as encroaching upon the legislative authority of the National Assembly.
2. Nothing in these Regulations authorizes the President, a Minister or an Executive Agency to:
 - a. amend, suspend, repeal or disapply an Assembly Act;
 - b. create a tax, fee, offence, penalty, licence, compulsory identification requirement or substantive condition of eligibility;
 - c. alter a legal requirement concerning writing, signature, witnessing, notarization, authentication, an original document, service, evidence or appeal;
 - d. authorize interception, surveillance or access to private communications;
 - e. make electronic dealing compulsory where an Assembly Act does not authorize it; or
 - f. exercise a power assigned by the Constitution or an Assembly Act to another institution.
3. Where effective digitalization requires a change in law, the responsible Minister shall submit a legislative proposal through the President to the National Assembly.

Regulation 34 — Consistency with superior law

1. These Regulations shall be interpreted consistently with the Constitution, Assembly Acts and applicable international obligations.
2. A technical limitation, administrative convenience or computer-system design does not justify an action prohibited by law.
3. Where an Agency identifies an inconsistency, it shall preserve the superior law, provide a lawful interim service and report the matter to the President, the Advocate General and the National Assembly as appropriate.

Regulation 35 — No exclusion of responsibility

1. An Executive Agency remains responsible for a public function performed through technology or a private contractor.
2. A system error, contractor act or automated process does not excuse an unlawful administrative action or remove a person's right to correction and redress.

Regulation 36 — Severability

If a court holds a provision of these Regulations invalid, the remaining provisions shall continue to operate to the extent that they can function lawfully and independently.

Regulation 37 — Commencement

1. These Regulations enter into force on the date of publication in the Gazette of Eritrean Laws.

2. The public-launch date is 1 January 2027.

Made at Asmara, this ____ day of _____ 2026.

PRESIDENT OF THE STATE OF ERITREA

Head of State, Head of Government and Commander-in-Chief