

DRAFTING NOTE

EDUCATION ACT 2026

1. Status and purpose of this note

This drafting note is explanatory and is not part of the proposed Assembly Act. 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

Earlier education instruments require verification and do not provide a complete modern rights-based framework for universal, diverse and technologically capable education.

3. What the draft retains

The draft retains national standards, public education, teacher qualification, curriculum, examinations and lawful regulation of non-State institutions.

4. What the draft updates and modernizes

It guarantees equal access, child protection, disability accommodation, language and cultural respect, institutional and academic freedom appropriate to level, transparent assessment, digital learning, data safeguards, teacher professionalism and reviewable administration.

5. Constitutional, code and treaty fit

The draft is framed under the Constitution of Eritrea 1997 and must be read with the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code of Eritrea 2015 where those Codes govern. It is also coordinated with the other institutional, financial, commercial, land, labour, administrative and sectoral drafts in this collection. References to international or regional standards guide compatibility and implementation; they do not bypass the Treaty-Making Act or convert an unincorporated instrument into domestic law.

6. Scope and organization

The principal divisions address preliminary provisions; right to education and system structure; equality, inclusion and learner protection; curriculum, language and assessment; public schools and local governance; admission, discipline and learner records; teachers and education professionals; non-state education; technical, vocational and adult education; higher education; and the concluding enforcement, transitional 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

ACT NO. ____/2026

EDUCATION ACT 2026

(ACT)

AN ACT TO PROVIDE FOR AN INCLUSIVE, DEMOCRATIC AND MODERN EDUCATION SYSTEM, ESTABLISH RIGHTS AND DUTIES IN EARLY CHILDHOOD, BASIC, SECONDARY, TECHNICAL, VOCATIONAL, ADULT AND HIGHER EDUCATION, REGULATE PUBLIC AND NON-STATE INSTITUTIONS, PROTECT LEARNERS AND ACADEMIC FREEDOM, PROVIDE FOR TEACHERS, FINANCE, DIGITAL EDUCATION AND RELATED MATTERS.

PREAMBLE

WHEREAS Articles 14, 21 and 22 of the Constitution of Eritrea require equality, social justice, educational opportunity, human development and protection of the family and children;

WHEREAS education should cultivate knowledge, independent thought, moral responsibility, scientific inquiry, constitutional citizenship, employable skill, creativity and respect for Eritrea's diverse languages and cultures;

WHEREAS schools and universities must never again be used to compel political loyalty, funnel children into indefinite national service, suppress inquiry or punish families for belief, origin, poverty or dissent;

WHEREAS Eritrea requires free and compulsory basic education, professional teachers, strong technical and higher education, lawful private and community participation and credible quality assurance;

WHEREAS technology and artificial intelligence can expand access and improve teaching when governed by human responsibility, privacy, transparency and educational judgment;

WHEREAS Legal Notices 1/1991 and 2/1991 concerning non-governmental schools and relations among schools and parents should be replaced by a comprehensive constitutional framework;

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

CHAPTER I
PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the Education Act 2026.

Article 2 — Objects

1. secure equitable access to quality education throughout life;

2. provide free and compulsory basic education and progressive access at other levels;
3. develop independent thought, scientific literacy, democratic citizenship and practical skill;
4. protect learners, families, teachers, academic freedom and institutional autonomy;
5. recognize public, community, cooperative, religious and private educational initiative;
6. establish transparent standards, finance, accreditation and accountability;
7. connect education to employment, innovation and national development; and
8. enable inclusive digital education and responsible use of artificial intelligence.

Article 3 — Application

1. This Act applies to every public and non-state educational institution and educational authority in Eritrea.
2. It binds government, local authorities, public enterprises, security institutions and private persons.
3. Professional, labour, child-protection, disability, data-protection, public-finance and immigration laws apply additionally within their scope.

Article 4 — Definitions

1. “basic education” means the compulsory cycle prescribed under Article 20;
2. “education institution” includes a school, training center, college, university and distance-learning provider;
3. “learner” means a person enrolled or entitled to enroll in education;
4. “non-state institution” means a community, cooperative, religious, charitable or private education institution;
5. “parent” includes a guardian or person lawfully responsible for a child;
6. “public institution” means an institution established or substantially controlled by a public body;
7. “teacher” includes a person professionally responsible for instruction, assessment or learner development; and
8. “tertiary education” includes technical, vocational, college and university education after secondary level.

Article 5 — Constitutional interpretation

1. The Constitution prevails, and every power shall respect equality, dignity, expression, religion, privacy, family, due process and judicial review.
2. A restriction in education shall be lawful, necessary, proportionate and consistent with the best interests and evolving capacities of the child.
3. This Act shall, so far as its text permits, be interpreted consistently with constitutionally valid educational and human-rights obligations binding Eritrea.

Article 6 — Educational principles

1. learner dignity, welfare and voice;
2. equal opportunity and reasonable accommodation;

3. academic freedom, evidence and open inquiry;
4. public responsibility with plural educational provision;
5. professional teaching and institutional integrity;
6. linguistic and cultural inclusion;
7. local participation and national portability;
8. transparency, accountability and effective review; and
9. technology serving, rather than replacing, human education.

Article 7 — Prohibition of political indoctrination

1. No public institution shall compel support for a political party, government, leader or ideology as a condition of education, assessment, employment or benefit.
2. Civic and historical education may examine political ideas, institutions and controversies through evidence, plural perspectives and age-appropriate discussion.
3. Peaceful criticism, nonparticipation in partisan activity and family political opinion shall not attract educational penalty.

Article 8 — Education and national service

1. A learner shall not be denied ordinary education, certification or admission for refusing service beyond a lawful statutory duty.
2. A school or university shall not be administered as a military camp or use armed discipline except under a lawfully declared temporary emergency strictly necessary for safety.
3. Military or civic education shall not displace the general curriculum or convert education into indefinite compulsory labor.

CHAPTER II RIGHT TO EDUCATION AND SYSTEM STRUCTURE

Article 9 — Right to education

1. Every person has a right to education and equal access to public educational opportunity according to this Act.
2. Government shall ensure an immediate essential minimum and progressively improve availability, accessibility, acceptability and adaptability within available resources.
3. Resource limits require transparent prioritization and do not justify discrimination or arbitrary exclusion.

Article 10 — Responsibilities of the State

1. The State shall finance and maintain a sufficient public system, set lawful standards, support teachers, protect learners and monitor equity and quality.
2. It shall permit non-state educational initiative subject to proportionate standards.
3. It shall publish plans, budgets, data and measurable progress.

Article 11 — Responsibilities of parents and learners

1. Parents shall take reasonable steps to secure compulsory education and support attendance, welfare and learning.
2. Learners shall participate, respect others and comply with lawful proportionate rules.
3. Poverty, disability, displacement, work necessity or institutional failure shall be addressed with support rather than automatic punishment.

Article 12 — Levels of education

1. The system consists of early-childhood development, basic education, secondary education, technical and vocational education, higher education, adult education and continuing learning.
2. Qualifications shall articulate across levels through a national framework.
3. Age, prior interruption or nontraditional learning shall not create unnecessary dead ends.

Article 13 — National education plan

1. Government shall publish a costed five-year plan for access, infrastructure, teachers, curriculum, inclusion, technology, technical education, higher education and finance.
2. The plan shall identify regional disparities, targets, responsible bodies and annual milestones.
3. The National Assembly shall review progress publicly.

Article 14 — School mapping and access

1. Education authorities shall map population, travel, disability, language, pastoral mobility, safety, infrastructure and projected demand.
2. Provision may include permanent schools, mobile schools, boarding, transport, community facilities and distance learning according to need.
3. Consolidation shall not save administrative cost by making access unreasonable for rural or pastoral children.

Article 15 — Academic year and calendar

1. The responsible authority shall publish the academic calendar in advance with minimum instructional time and examination periods.
2. Regional calendars may accommodate climate, harvest, pastoral movement, religious observance and emergencies without lowering outcomes.
3. Lost learning time shall be recovered through proportionate measures rather than learner punishment.

CHAPTER III

EQUALITY, INCLUSION AND LEARNER PROTECTION

Article 16 — Nondiscrimination

1. Admission, teaching, assessment, discipline, certification and benefit shall not discriminate on prohibited constitutional grounds.
2. A neutral rule producing unjustified exclusion shall be modified where reasonable.
3. Lawful targeted measures may correct disadvantage and expand substantive equality.

Article 17 — Girls and women

1. Authorities shall remove barriers arising from safety, sanitation, pregnancy, caregiving, harmful practice, stereotype and economic exclusion.
2. Pregnancy, parenthood or marriage shall not automatically terminate education.
3. Programs shall support re-entry, science, technology, leadership and technical participation.

Article 18 — Learners with disabilities

1. A learner with disability has a right to inclusive education with reasonable accommodation and necessary support.
2. Placement in specialized provision shall be individualized, participatory, reviewable and not based solely on diagnosis.
3. Buildings, materials, communication, examinations and digital systems shall progressively be accessible.

Article 19 — Rural, pastoral and mobile learners

1. Provision shall respect mobility, seasonal livelihood, language and family unity through flexible and high-quality models.
2. A pastoral child shall not be forced to abandon community identity or settle permanently to receive education.
3. Mobile records, portable funding and interoperable credentials shall preserve continuity.

Article 20 — Compulsory basic education

1. Basic education is compulsory from the age and for the duration prescribed by an Assembly Act or regulations within express statutory limits.
2. The cycle shall be long enough to achieve literacy, numeracy, science, civic, digital and practical foundations and ordinarily include primary and lower-secondary education.
3. Changes to compulsory duration shall be based on capacity, child welfare, consultation and published transition.

Article 21 — Free public basic education

1. No tuition shall be charged for public basic education.
2. Government shall progressively provide essential textbooks, accessible materials and support for learners unable to afford necessary participation costs.
3. An unofficial fee, compulsory political contribution or forced purchase from a connected supplier is prohibited.

Article 22 — Attendance and support

1. A school shall monitor attendance and contact the learner and parent early when absence becomes concerning.
2. Authorities shall investigate transport, health, disability, work, poverty, violence, migration and institutional causes and offer support.
3. Court or administrative compulsion against a parent is a last resort after accessible education and reasonable assistance exist.

Article 23 — Best interests and learner voice

1. The best interests of the child are a primary consideration in every individual educational decision.
2. A learner capable of forming views shall be heard according to age and maturity.
3. A reasoned decision shall explain how welfare, views, family and educational need were considered.

Article 24 — Child safeguarding

1. Every institution shall maintain safeguarding, reporting, recruitment, supervision and response procedures.
2. Sexual abuse, exploitation, grooming, trafficking, hazardous labor, degrading treatment and concealment are prohibited and shall be referred lawfully.
3. A complainant and witness shall receive protection, support and fair process.

Article 25 — Corporal and degrading punishment

1. Corporal punishment, torture, cruel treatment, public humiliation, collective punishment and deprivation of food, water, sleep or essential care are prohibited.
2. Discipline shall be educational, proportionate, documented and respectful of dignity.
3. A staff member reporting prohibited punishment in good faith is protected from retaliation.

Article 26 — School health, nutrition and sanitation

1. Schools shall provide safe water, sex-appropriate sanitation, menstrual hygiene, first aid, infection prevention and emergency procedures.
2. Health screening or vaccination shall follow public-health law, privacy and informed procedures.

3. School meals may be provided through nutrition, safety, procurement and nondiscrimination standards.

CHAPTER IV CURRICULUM, LANGUAGE AND ASSESSMENT

Article 27 — National curriculum framework

1. An independent curriculum body shall develop a framework stating learning areas, competencies, values, stages and minimum time.
2. The framework shall be evidence-based, publicly consulted, periodically reviewed and adaptable locally.
3. It shall distinguish mandatory educational outcomes from optional materials and teaching approaches.

Article 28 — Curriculum content

1. Basic education shall include languages, mathematics, science, social studies, constitutional civics, digital literacy, arts, physical education, health, environment and practical learning.
2. Content shall promote critical reasoning, evidence, creativity, cooperation, moral reflection and peaceful disagreement.
3. It shall represent Eritrea's peoples and histories fairly and avoid racial, ethnic, religious or gender inferiority.

Article 29 — Civic and human-rights education

1. Learners shall study the Constitution, democratic institutions, rights, duties, rule of law, regional cooperation and methods of peaceful political participation.
2. Teaching shall permit examination of governmental success, failure and competing political ideas.
3. Partisan recruitment and compulsory praise are prohibited.

Article 30 — Language of education

1. Language policy shall support comprehension, educational quality, Eritrean languages, mobility and access to wider knowledge.
2. Early education should use a language the child understands, with planned acquisition of additional national and international languages.
3. A community and parents shall receive meaningful participation before a material language change.

Article 31 — Religious and ethical education

1. Public schools may provide objective education about religions, beliefs, ethics and philosophy without devotional compulsion.

2. Voluntary denominational instruction may be arranged consistently with equality, parental rights, learner maturity and nonparticipation.
3. A learner shall not be penalized for lawful belief, nonbelief or refusal of worship.

Article 32 — Teaching and learning materials

1. Materials shall meet accuracy, pedagogy, accessibility, age, language and nondiscrimination standards.
2. Approval shall not be used to suppress lawful scholarly disagreement or political criticism.
3. Publicly funded materials should use affordable licensing and digital formats where appropriate.

Article 33 — Assessment principles

1. Assessment shall be valid, reliable, fair, accessible and aligned with taught learning.
2. A single high-stakes examination should not determine a learner's future where multiple evidence is feasible.
3. Accommodations shall preserve the competency assessed.

Article 34 — National examinations

1. An independent Examinations Council shall administer prescribed national examinations securely and impartially.
2. Procedures shall address registration, identity, accommodations, marking, moderation, results, review and malpractice.
3. Political, military or financial status shall not influence results.

Article 35 — Review of results

1. A candidate may obtain reasons, verification, recount or remark under accessible time limits.
2. A fee shall be waived where inability to pay would prevent review.
3. Correction shall update all official and interoperable records promptly.

Article 36 — Qualifications framework

1. A National Qualifications Framework shall describe levels, learning outcomes, credit, quality assurance and pathways.
2. It shall recognize academic, technical, vocational, professional, adult and prior learning without false equivalence.
3. Foreign qualifications shall receive timely, reasoned and appealable assessment.

CHAPTER V

PUBLIC SCHOOLS AND LOCAL GOVERNANCE

Article 37 — Establishment of public schools

1. A public school shall be established, merged, relocated or closed by a reasoned decision under the education plan and budget.
2. Affected parents, learners, staff, communities and local government shall be consulted.
3. Closure shall provide a safe, accessible and educationally adequate alternative.

Article 38 — School governing board

1. Each public school shall have a governing board representing parents, teachers, community, local authority and, at appropriate levels, learners.
2. The board shall oversee strategy, budget, safeguarding, performance and community accountability without directing individual teaching judgments improperly.
3. Membership, conflicts, meetings and decisions shall be transparent.

Article 39 — School principal

1. A principal shall be appointed through open merit competition and lead teaching, staff, safety, finance and lawful administration.
2. The principal is accountable to the governing board and education authority within defined powers.
3. Political party service or security affiliation is not a qualification.

Article 40 — Parent and learner associations

1. Parents and learners may form representative associations and participate in school improvement.
2. Membership shall be voluntary, democratic and financially transparent.
3. An association shall not levy a compulsory fee, exclude a learner or dictate partisan activity.

Article 41 — School development plan

1. Each public school shall maintain a three-year plan based on learner outcomes, inclusion, staffing, facilities, safety, technology and community need.
2. The plan shall state measurable priorities, budget and annual review.
3. Results shall be published without exposing personal learner data.

Article 42 — Public school finances

1. A school shall receive predictable funding according to enrollment, need, remoteness, disability and lawful policy.
2. Funds shall be budgeted, procured, accounted for and audited under public-finance law.

3. Voluntary donations shall not buy admission, grades, employment or preferential treatment.

Article 43 — School property

1. Public school property shall be inventoried, maintained and used principally for education and compatible community purposes.
2. Disposal, lease and shared use shall be transparent and authorized under public-property law.
3. A school site shall not be transferred privately through an unpublished executive decision.

Article 44 — Community use of facilities

1. School facilities may support adult learning, meetings, culture, sport and emergency response outside instructional time.
2. Use rules shall be viewpoint-neutral, affordable and protective of learners and property.
3. Religious and civic groups shall receive equal treatment subject to lawful capacity and safety.

CHAPTER VI ADMISSION, DISCIPLINE AND LEARNER RECORDS

Article 45 — Admission

1. A public basic school shall admit eligible learners in its service area without selective examination or prohibited discrimination.
2. Where capacity is insufficient, published fair criteria and an expansion plan shall apply.
3. Lack of a birth certificate shall not permanently exclude a child where age and identity can reasonably be established.

Article 46 — Transfer and mobility

1. Learners may transfer through simple, timely procedures, and schools shall transmit records securely.
2. Pastoral, displaced, returning diaspora and migrant learners shall receive placement based on learning rather than rigid age alone.
3. Missing records shall trigger fair provisional placement and assessment.

Article 47 — Code of conduct

1. Each institution shall adopt a clear, age-appropriate code after participation by learners, parents and staff.
2. The code shall state rights, duties, prohibited conduct, responses, complaint and appeal.
3. It shall apply equally and be publicly accessible.

Article 48 — Disciplinary process

1. A learner shall receive notice, opportunity to respond, support and a reasoned decision proportionate to conduct.
2. Age, disability, intent, harm, context, prior support and restorative options shall be considered.
3. Discipline shall not reduce examination results unrelated to the misconduct.

Article 49 — Suspension and expulsion

1. Suspension shall be brief, educationally supported and used only for serious or repeated conduct or immediate safety.
2. Expulsion from compulsory education is a last resort and requires independent approval, hearing and an alternative placement.
3. Emergency removal shall receive prompt review.

Article 50 — Bullying, harassment and violence

1. Institutions shall prevent and respond to bullying, sexual harassment, discrimination, cyberabuse, gang activity and violence.
2. Responses shall protect the target, investigate fairly, address causes and avoid retaliation.
3. Criminal referral does not remove the institution's safeguarding duties.

Article 51 — Learner records

1. A learner record shall be accurate, relevant, secure, portable and retained according to a published schedule.
2. The learner and parent, subject to age and privacy, may inspect and correct it.
3. Political belief, unverified accusation and unrelated family information shall not be placed in an educational record.

Article 52 — Confidentiality and disclosure

1. Records may be disclosed only with consent or lawful necessity for education, protection, health, audit or justice.
2. A receiving person shall use them only for the authorized purpose.
3. Aggregate reporting shall minimize re-identification risk.

CHAPTER VII TEACHERS AND EDUCATION PROFESSIONALS

Article 53 — Teaching profession

1. Teaching is a professional public trust requiring competence, ethics, academic judgment and care for learners.

2. Teachers have rights to expression, association, fair work, development and protection from political coercion.
3. Professional autonomy operates within curriculum, safeguarding and accountable standards.

Article 54 — Teacher registration

1. A person responsible for prescribed teaching functions shall be registered according to transparent qualifications and suitability.
2. Provisional, emergency and community pathways may address shortages with training and supervision.
3. Registration shall not require party membership, military history or ideological endorsement.

Article 55 — Teacher Education and Standards Council

1. An independent Council shall set professional standards, approve teacher education, maintain the register and conduct fair discipline.
2. Its membership shall include elected teachers, teacher educators, employers, parents and public-interest members.
3. The Council shall publish decisions, data and annual accounts.

Article 56 — Recruitment and deployment

1. Public teachers shall be recruited on merit through open procedures and deployed according to learner need.
2. Remote service shall be supported by housing, allowance, professional development and reasonable rotation rather than arbitrary command.
3. A transfer shall be reasoned and shall not punish lawful speech or association.

Article 57 — Employment conditions

1. Teachers shall receive written contracts, lawful salary, reasonable workload, leave, safe conditions and social insurance under labour and public-service law.
2. No teacher shall be retained in unpaid or pocket-money national service after the statutory limit.
3. A government unable to pay an accrued lawful obligation shall record and honor the debt under public-finance law.

Article 58 — Professional development

1. Teachers shall receive induction, mentoring and continuing development linked to evidence and learner need.
2. Remote and digital development shall supplement practical coaching and professional communities.
3. Completion records shall be portable and not controlled by one commercial supplier.

Article 59 — Professional conduct

1. A teacher shall protect learner welfare, assess honestly, maintain appropriate boundaries, respect equality and preserve confidentiality.
2. Sexual exploitation, sale of grades, humiliating treatment, corruption and partisan coercion are serious misconduct.
3. A teacher retains due process and presumption of innocence in disciplinary proceedings.

Article 60 — Discipline of teachers

1. A complaint shall receive prompt screening, notice, independent investigation, response and reasoned decision.
2. Interim restriction may protect learners where evidence shows a serious current risk and shall be reviewed promptly.
3. Sanctions shall be proportionate and appealable and shall distinguish incompetence requiring support from deliberate misconduct.

Article 61 — School support professionals

1. Counselors, librarians, therapists, laboratory staff, technicians and other professionals shall meet appropriate standards.
2. Schools may share scarce services regionally or digitally while protecting quality and privacy.
3. Reserved professional functions remain governed by applicable professional law.

CHAPTER VIII NON-STATE EDUCATION

Article 62 — Freedom to establish institutions

1. A person, community, cooperative, charity or religious body may establish an education institution subject to this Act.
2. Authorization shall protect educational quality, safety, financial integrity and truthful representation and shall not impose political conformity.
3. A non-state institution may adopt a distinctive educational or religious character consistent with constitutional rights.

Article 63 — Authorization

1. An applicant shall disclose ownership, governance, premises, curriculum, staff, safeguarding, finance, fees and continuity arrangements.
2. The authority shall decide within a published period and provide reasons and appeal rights.
3. Small community and innovative institutions shall receive proportionate procedures.

Article 64 — Standards and autonomy

1. A non-state school shall meet minimum curriculum outcomes, teacher, safety, safeguarding, assessment and information standards.
2. It may use additional curriculum, pedagogy, calendar and governance consistent with law.
3. Government shall not appoint its leaders or control doctrine merely because the institution is authorized.

Article 65 — Admissions and fees

1. Admissions and fees shall be published, contractual and free from prohibited discrimination.
2. A selective institution shall disclose fair criteria and accommodations.
3. A learner shall not be held physically, have identity documents withheld or be humiliated for fee debt.

Article 66 — Financial protection and closure

1. A prescribed institution shall demonstrate financial viability, keep audited accounts and protect advance fees.
2. A planned closure requires notice, teach-out, record transfer and refund arrangements.
3. Regulatory closure shall prioritize safe learner placement and preserve claims against responsible owners.

Article 67 — Public support

1. Public funding or services may support non-state education through transparent, neutral and measurable criteria.
2. Funding shall require public-purpose obligations, accounts and nondiscrimination appropriate to the benefit.
3. Support shall not purchase partisan allegiance or surrender religious autonomy beyond lawful conditions.

Article 68 — Home and alternative education

1. A parent may provide home or alternative compulsory education under simple registration and evidence of suitable learning, welfare and progress.
2. Oversight shall protect the child without imposing one teaching method or unnecessary home intrusion.
3. A learner shall have access to examinations, services and transition into schools.

CHAPTER IX

TECHNICAL, VOCATIONAL AND ADULT EDUCATION

Article 69 — Technical and vocational system

1. Technical and vocational education shall provide credible routes to employment, enterprise, further study and professional skill.
2. Programs shall be developed with employers, workers, professionals and communities and aligned to the qualifications framework.
3. Technical education shall not be treated as punishment for academic performance or social status.

Article 70 — TVET institutions

1. Public, cooperative and private providers may offer accredited programs with competent instructors, safe facilities, equipment and industry relevance.
2. Funding shall consider high equipment cost, regional need and inclusion.
3. Provider performance shall be measured by learning, completion, employment, enterprise and employer evidence without manipulating outcomes.

Article 71 — Apprenticeships

1. An apprenticeship shall combine structured work and learning under a written agreement.
2. The apprentice shall receive supervision, safety, lawful remuneration or allowance, social protection and recognized assessment.
3. An employer shall not use apprenticeship to conceal ordinary low-paid employment.

Article 72 — Recognition of prior learning

1. A person may obtain assessment and credit for skill acquired through work, national service, informal practice, migration or independent study.
2. Assessment shall be competency-based, accessible and protected against fraudulent certification.
3. Prior learning recognition shall support demobilized national-service members and returning diaspora without granting unearned credentials.

Article 73 — Adult literacy and continuing education

1. Government and local institutions shall provide adult literacy, numeracy, digital, civic, financial and vocational learning according to need.
2. Programs shall be flexible for work, caregiving, disability, rural and pastoral life.
3. Participation is voluntary and shall not be conditioned on political activity.

Article 74 — Career guidance and employment services

1. Learners shall receive impartial information on education, occupations, entrepreneurship, labour rights and realistic opportunities.
2. A provider shall disclose commercial recruitment interests.
3. Digital guidance shall be supplemented by qualified human advice for consequential choices.

CHAPTER X HIGHER EDUCATION

Article 75 — Purposes of higher education

1. Higher education shall advance knowledge, critical inquiry, professional competence, research, culture, innovation and public service.
2. Universities shall be places of lawful debate and not instruments of executive or party control.
3. Public investment shall address Eritrea's needs while respecting scholarly independence.

Article 76 — Institutional autonomy

1. An accredited higher-education institution has autonomy over academic programs, teaching, research, admission, assessment and internal governance within law.
2. Public finance, labour, equality, quality and criminal laws remain applicable.
3. A ministry shall not direct a grade, appointment, research conclusion or invited viewpoint.

Article 77 — Academic freedom

1. Academic staff and students may research, teach, learn, publish and debate without political retaliation, subject to lawful professional and rights-based limits.
2. Controversial, mistaken or critical scholarship is not misconduct merely because government or the public dislikes it.
3. Institutions shall protect speakers and peaceful protest while maintaining safety and ordinary academic work.

Article 78 — Establishment and recognition

1. A university or degree-awarding institution shall be established or authorized under a charter or accreditation procedure defined by Act.
2. Use of university, college, degree and protected academic titles requires lawful recognition.
3. Authorization shall not depend on political sponsorship.

Article 79 — Governing bodies

1. A public university shall have a governing council with academic, student, staff, alumni, professional and public-interest representation.
2. The council shall appoint executive leadership through open merit process and oversee strategy and finance without deciding individual academic results.
3. Government representatives shall not constitute a controlling majority.

Article 80 — Senate and academic governance

1. An academic senate shall govern curriculum, standards, assessment, research ethics and award of qualifications.
2. Its membership shall principally reflect qualified academic staff with appropriate student and professional participation.
3. Academic decisions shall be reasoned, recorded and protected from financial or political corruption.

Article 81 — Admission and student support

1. Admission shall use published fair criteria relevant to the program and provide reasonable accommodation.
2. Public policy may use transparent measures to correct regional, gender, disability and economic exclusion.
3. Students shall receive orientation, advising, health, counseling and career support within institutional capacity.

Article 82 — Student rights and discipline

1. Students have rights to association, expression, peaceful assembly, fair assessment, privacy and due process.
2. Discipline shall use independent procedures and shall not punish lawful criticism.
3. Suspension or expulsion requires notice, hearing, reasons and appeal, except temporary emergency safety action with prompt review.

Article 83 — Research ethics and integrity

1. Research involving people, animals, genetic resources, dangerous materials or environmental release requires proportionate independent ethics review.
2. Fabrication, falsification, plagiarism, coercion and concealed conflict are research misconduct.
3. Academic correction, replication and honest error shall be distinguished from misconduct.

Article 84 — Research ownership and open access

1. Intellectual property shall be allocated through law and fair institutional policies respecting creators, funders and public interest.

2. Publicly funded research should be openly accessible subject to privacy, security, community knowledge and commercialization safeguards.
3. A technology-transfer agreement shall disclose institutional and researcher interests.

CHAPTER XI QUALITY ASSURANCE AND ACCREDITATION

Article 85 — Education Quality and Accreditation Commission

1. An independent Commission is established to assure quality in schools, TVET and higher education according to functions assigned by this Act.
2. It shall not operate an institution or prescribe political doctrine.
3. Commissioners shall be selected through a transparent merit process with professional, learner and public-interest competence.

Article 86 — Quality standards

1. Standards shall address governance, curriculum, staff, learning, assessment, inclusion, resources, integrity and outcomes appropriate to level and mission.
2. They shall be evidence-based, publicly consulted and avoid imposing one institutional model.
3. Compliance burden shall be proportionate to risk and provider size.

Article 87 — Accreditation

1. A prescribed institution or program shall receive initial and periodic accreditation before awarding a protected qualification.
2. Review shall include self-study, independent peers, learner evidence, site or digital verification and a published decision.
3. Conditions, probation, suspension and withdrawal shall be proportionate and appealable.

Article 88 — Institutional review

1. Public schools and providers shall undergo periodic improvement-focused review using data, observation, stakeholder voice and context.
2. Reports shall identify strengths, failures and required action without public ranking based on crude examination scores alone.
3. Serious safeguarding or fraud findings shall be referred promptly.

Article 89 — False institutions and credentials

1. Offering an unrecognized degree, selling a credential, operating a diploma mill or materially misrepresenting accreditation is prohibited.
2. The Commission shall maintain a public register and warning system.
3. Affected learners may seek refund, transfer assistance and compensation under law.

Article 90 — Foreign and cross-border education

1. A foreign, online or branch provider serving Eritrean learners shall satisfy proportionate registration, quality, consumer, data and teach-out requirements.
2. Reliable foreign accreditation may be recognized without duplicating review.
3. No provider shall falsely imply Eritrean recognition.

CHAPTER XII FINANCE, SCHOLARSHIPS AND ACCOUNTABILITY

Article 91 — Public education finance

1. Education appropriations shall be adequate, equitable, transparent and directed first to essential minimum and serious disparities.
2. Funding formulas shall consider enrollment, poverty, disability, remoteness, language, infrastructure and level.
3. Budget execution and school-level allocations shall be public.

Article 92 — Tuition beyond basic education

1. Public secondary, technical and higher education may charge tuition only under an Assembly Act or lawful framework preserving affordability and equal opportunity.
2. Fees shall be published and accompanied by grants, loans or waivers according to need.
3. An institution may not create an unpublished compulsory charge.

Article 93 — Scholarships and student aid

1. Public scholarships, grants and loans shall use published criteria based on merit, need, national priorities or lawful corrective measures.
2. Selection, amount, obligations and results shall be publicly reported without exposing sensitive data.
3. Party loyalty, security recommendation or family connection is prohibited.

Article 94 — Education loans

1. A public loan scheme shall disclose interest, repayment, income contingency, grace, hardship, death and disability terms.
2. Collection shall not reduce a debtor below a reasonable livelihood or prohibit lawful travel.
3. Loan assets, subsidies and losses shall be audited.

Article 95 — Procurement and construction

1. Education procurement and construction shall comply with procurement, building, environment and public-finance law.

2. Standard designs shall adapt to climate, disability, pedagogy, local materials, maintenance and community use.
3. Political announcement shall not substitute for appraisal, budget and safe completion.

Article 96 — Audit and financial integrity

1. Every public institution and publicly funded non-state institution shall keep reliable accounts and internal controls.
2. The Auditor General and lawful independent auditors shall have access appropriate to public funds.
3. Fraud, ghost workers, examination sales and diversion of learner resources shall be investigated and remedied.

CHAPTER XIII

DIGITAL EDUCATION, DATA AND ARTIFICIAL INTELLIGENCE

Article 97 — Digital education strategy

1. Government shall publish a strategy for connectivity, devices, platforms, content, teacher capacity, cybersecurity, accessibility and maintenance.
2. Technology choices shall use lifecycle cost, interoperability, open standards and evidence of learning benefit.
3. Digital provision shall reduce rather than deepen geographic, gender, disability and income exclusion.

Article 98 — Learner access and alternatives

1. A required digital activity shall provide devices, connectivity or an effective non-digital alternative for learners unable to obtain them.
2. Public learning resources should be downloadable, low-bandwidth and reusable where rights permit.
3. A commercial subscription shall not become an undisclosed condition of public education.

Article 99 — Education data governance

1. Learner and staff data shall be collected for clear lawful educational purposes and be accurate, minimal, secure and retained no longer than necessary.
2. A person may access and correct data and receive notice of a material breach.
3. Education data shall not be used for political profiling, unrelated surveillance, commercial advertising or immigration enforcement without specific legal authority.

Article 100 — Learning platforms

1. A platform contract shall preserve public control of records, data portability, accessibility, security, audit and continuity.

2. A supplier shall not sell learner data, manipulate learning for advertising or prevent lawful migration to another system.
3. Material algorithms and content recommendation shall be subject to institutional oversight.

Article 101 — Artificial intelligence in teaching

1. Artificial intelligence may assist tutoring, translation, accessibility, lesson preparation, feedback and administration under teacher responsibility.
2. Learners shall be taught appropriate use, source evaluation, uncertainty, bias, privacy and academic integrity.
3. AI shall supplement rather than eliminate meaningful teacher contact and human development.

Article 102 — Automated educational decisions

1. No automated system may finally decide admission, grade, discipline, special-needs placement, scholarship, teacher employment or institutional accreditation.
2. A materially assisted decision shall disclose that use and provide understandable reasons and human review.
3. Systems shall be validated, secure, tested for linguistic and group error and monitored in real conditions.

Article 103 — Remote examinations and monitoring

1. Remote assessment shall use proportionate identity and integrity methods and provide accessible alternatives.
2. Continuous biometric surveillance, emotion inference and intrusive home monitoring are prohibited unless an Assembly Act expressly authorizes a narrowly necessary method.
3. A learner shall be able to contest an automated suspicion of misconduct.

CHAPTER XIV EMERGENCY EDUCATION AND CONTINUITY

Article 104 — Emergency plans

1. Education authorities and institutions shall maintain plans for epidemic, drought, flood, conflict, displacement, power failure and cyber incident.
2. Plans shall protect learning, nutrition, safeguarding, records, staff and vulnerable learners.
3. Emergency measures shall be time-limited, evidence-based and reviewed.

Article 105 — Temporary closure

1. Closure requires a serious safety or public-health basis, defined area and duration and a continuity plan.
2. The decision shall be published with reasons and reviewed at short intervals.
3. Political protest or criticism alone is not a ground to close an institution.

Article 106 — Displaced and returning learners

1. A displaced, refugee, returnee or conflict-affected learner shall receive prompt provisional enrollment without impossible documentation.
2. Prior learning, language, trauma, disability and family circumstances shall inform placement and support.
3. Credentials may be reconstructed through reliable alternative evidence.

Article 107 — Protection of education

1. Parties and public forces shall respect the civilian character of schools and universities under law.
2. Use for military operation, detention or weapons storage is prohibited except for a strictly necessary temporary emergency use authorized by law and separated from learners.
3. Damage, occupation and lost learning shall be documented and remedied.

CHAPTER XV COMPLAINTS, APPEALS AND ENFORCEMENT

Article 108 — Institutional complaints

1. Every institution shall maintain accessible, confidential and time-bound complaints for learners, parents and staff.
2. Complaint shall not cause retaliation, grade penalty or denial of service.
3. Serious safeguarding, corruption and criminal matters shall be referred without abandoning institutional support.

Article 109 — Education Ombud

1. An independent Education Ombud is established to investigate maladministration, exclusion, systemic unfairness and rights complaints.
2. The Ombud may obtain records, recommend remedy, publish systemic reports and refer unlawful conduct.
3. It shall not replace courts, professional discipline or academic appeal but may address gaps and delay.

Article 110 — Education Tribunal

1. An independent Education Tribunal is established to hear appeals concerning admission, exclusion, authorization, accreditation, registration and other prescribed decisions.
2. Members shall be appointed through a transparent merit process and include legal, educational, disability, child-welfare and institutional competence with protected tenure.
3. The Tribunal shall be separate from ministries, providers and quality bodies.

Article 111 — Standing and powers

1. A learner, parent, teacher, institution, community, local government or genuine public-interest organization has standing according to the matter.
2. The Tribunal may confirm, vary, suspend or set aside a decision, remit it with directions and grant interim protection.
3. Procedure shall be accessible, child-sensitive, timely and proportionate, and decisions shall be reasoned and public with privacy safeguards.

Article 112 — Court review

1. A party may appeal to the competent court on law as prescribed by court legislation.
2. Constitutional and supervisory judicial review remains available and shall not be excluded by regulation or institutional rule.
3. A court may grant enrollment, accommodation, correction, reinstatement, declaration and lawful compensation within its jurisdiction.

Article 113 — Criminal referral

1. Evidence reasonably indicating knowing operation of a fraudulent degree institution, falsification of a national certificate, sexual exploitation of a learner, obstruction of a lawful safeguarding investigation or breach of a judicial order shall be referred for investigation where the conduct may constitute an offence under the Penal Code or another Assembly Act.
2. Criminal liability arises only under a law that defines and classifies the offence; this Act does not by itself create an unclassified offence or penalty.
3. A minor administrative breach without material risk should ordinarily be corrected administratively, and criminal referral does not displace safeguarding, disciplinary, civil or protective remedies under this Act.

CHAPTER XVI REGULATIONS, TRANSITION AND COMMENCEMENT

Article 114 — Regulation-making authority

1. The President may, on recommendation of the responsible independent body and Minister, make regulations necessary for matters expressly delegated by this Act.
2. Draft regulations shall identify authority, evidence and impact and allow at least sixty days for public comment except for a temporary emergency measure.
3. Regulations may prescribe cycles, standards, procedures, qualifications, records, fees within lawful limits, examinations and transition consistent with this Act.

Article 115 — Limits on delegated power

1. A regulation may not create a tax, compulsory acquisition, imprisonment, unlegislated offence or penalty, final automated decision, exclusion of courts or compulsory partisan instruction.
2. It may not authorize corporal punishment, indefinite national service through education, political admission criteria or State takeover of a non-state institution without due process.
3. An incorporated technical standard shall be identifiable and reasonably accessible.

Article 116 — Legacy-law audit

1. Within twelve months the Ministry and Legislative Revision Unit shall compare authentic texts of Legal Notices 1/1991 and 2/1991 and related education instruments against this Act.
2. Useful technical provisions may continue temporarily if published, consistent with this Act and lawfully remade within eighteen months.
3. Obsolete, duplicative and unconstitutional provisions shall be identified in a verified repeal and savings schedule for the National Assembly.

Article 117 — Existing institutions and qualifications

1. A lawful institution, registration, accreditation, employment and qualification existing at commencement continues temporarily subject to alignment with this Act.
2. Continuity shall protect learners and records and does not validate fraud, abuse or unconstitutional control.
3. A transition decision shall provide reasonable time, support, reasons and appeal.

Article 118 — Implementation plan

1. Within six months Government shall publish a three-year implementation plan for finance, institutions, teachers, curriculum, inclusion, TVET, higher education, digital systems and local capacity.
2. The plan shall identify appropriations, milestones, sequencing and responsible bodies.
3. Limited capacity shall not justify political coercion, discrimination, corporal punishment, unsafe schools or denial of review.

Article 119 — Commencement

1. Articles 1 to 26, 45 to 61, 75 to 84, 97 to 113 and 116 to 119 commence thirty days after publication in the Gazette.
2. Remaining Articles commence on dates appointed by published regulation within eighteen months, and any Article not appointed by then commences automatically.
3. A commencement regulation may arrange transition but may not postpone compulsory-education protection, safeguarding, nondiscrimination, academic freedom, complaints or court review.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA