

DRAFTING NOTE

GENERAL ADMINISTRATIVE PROCEDURE 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

The supplied corpus contains sector-specific decision procedures but no uniform statute governing how public authorities make rights-affecting decisions. That gap permits delay, secrecy and inconsistent remedies.

3. What the draft retains

The draft retains lawful sector mandates and specialized procedures where they provide equal or greater protection.

4. What the draft updates and modernizes

It supplies common notice, disclosure, hearing, reasons, timeliness, impartiality, legitimate-expectation, correction, electronic service, review and emergency rules, while preserving judicial review and preventing agencies from enlarging their substantive powers.

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 and constitutional provisions; public service, information and access; authority, organization and impartial decision-making; applications, inquiries and administrative records; notice, participation, hearings and decisions; inspections, compliance and administrative enforcement; rules, policies and instruments of general application; digital administration and automated systems; complaints,

reconsideration and internal review; judicial review and remedies; special contexts and protected public functions; implementation, 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. ____ OF 2026

GENERAL ADMINISTRATIVE PROCEDURE ACT 2026

(ASSEMBLY ACT)

AN ACT TO GIVE EFFECT TO THE CONSTITUTIONAL RIGHT TO PROMPT, RESPECTFUL AND EQUITABLE ADMINISTRATIVE REDRESS; ESTABLISH COMMON STANDARDS FOR LAWFUL, REASONABLE, PROPORTIONATE AND PROCEDURALLY FAIR ADMINISTRATIVE ACTION; REGULATE PUBLIC APPLICATIONS, HEARINGS, REASONS, RULEMAKING, DIGITAL ADMINISTRATION, INTERNAL REVIEW AND JUDICIAL REVIEW; AND PROVIDE FOR RELATED MATTERS.

PREAMBLE

WHEREAS Article 11 of the Constitution of Eritrea requires efficient, effective and accountable administrative institutions dedicated to serving the people and free from corruption, discrimination and delay;

WHEREAS Article 24 of the Constitution guarantees every person a respectful hearing, quick and equitable answers and due administrative redress, and Articles 14, 19, 21, 23 and 28 require equality, information, economic freedom, property protection and effective judicial remedies;

WHEREAS a democratic administration must replace unexplained discretion, inaccessible offices, repetitive demands, secret instructions and unreasonable delay with published authority, fair procedure, reasoned decisions, accessible services and independent review;

WHEREAS the Civil Procedure Code of Eritrea 2015 governs proceedings before courts, while this Act principally governs the making, administration and reviewability of decisions by public bodies before and outside court proceedings;

NOW, THEREFORE, the National Assembly of Eritrea, acting under Articles 11, 24, 28 and 32 of the Constitution, enacts as follows:

CHAPTER I

PRELIMINARY AND CONSTITUTIONAL PROVISIONS

Article 1 — Short title and application

1. This Act may be cited as the “General Administrative Procedure Act 2026” and applies throughout Eritrea.
2. It binds every public body and every person exercising a statutory, delegated or contracted public administrative function.
3. It applies to administrative action, failure to act, public rulemaking and administrative review except to the extent expressly and constitutionally modified by another Assembly Act.

4. A sector Act may provide a stronger safeguard or more accessible remedy but may not exclude the minimum constitutional protections secured by this Act.

Article 2 — Objects

1. to give practical effect to Articles 11 and 24 of the Constitution and the rule of law;
2. to make public services lawful, prompt, understandable, accessible, impartial and accountable;
3. to provide fair participation, evidence, reasons, records, review and effective remedies; and
4. to support capable digital administration without sacrificing human judgment, equality, privacy or non-digital access.

Article 3 — Meaning of administrative action

1. “administrative action” means a decision, act, refusal, omission, recommendation having direct legal effect, licence, allocation, sanction, service determination or other exercise of public administrative power.
2. It includes action by a private or public enterprise when legislation, delegation, contract or practical control entrusts it with a public function affecting a person's rights, interests or legitimate access to a public service.
3. It includes a material failure to decide or perform a legally required administrative duty within a reasonable or prescribed time.
4. It does not include the enactment of an Assembly Act, judicial adjudication or a purely private decision not exercising public power.

Article 4 — Definitions

1. “affected person” means a person whose right, interest, liberty, property, livelihood, status, benefit, obligation or legitimate procedural expectation may be materially affected by administrative action;
2. “decision-maker” means an authorized individual, board, panel, officer or public body responsible for administrative action;
3. “public body” includes an organ of State, ministry, agency, local government, statutory body, public enterprise and other entity exercising a public administrative function; and
4. “rule” means a regulation, legal notice, directive or other instrument intended to prescribe a binding requirement of general application under delegated legislative authority.

Article 5 — Further definitions

1. “guidance” means a published nonbinding statement explaining policy, procedure, interpretation or expected practice;
2. “high-impact automated system” means a computational system materially influencing an administrative decision concerning liberty, status, livelihood, essential service, licence, benefit, employment, enforcement or another significant interest;
3. “internal review” means reconsideration within a public body or by a statutorily connected reviewing authority; and

4. “materially adverse action” means administrative action reasonably capable of denying, restricting, withdrawing, burdening or seriously delaying a right, interest, service or lawful expectation.

Article 6 — Constitutional supremacy

1. Every administrative power shall be interpreted and exercised consistently with the Constitution, democracy, justice, equality, dignity and the rule of law.
2. An official instruction, policy, practice, emergency, technological system or institutional convenience does not authorize action contrary to the Constitution or an Assembly Act.
3. A public body shall identify the legal authority for material action and shall not infer coercive power from a general administrative mandate.
4. An unlawful administrative action is subject to correction, review and effective remedy according to the Constitution and law.

Article 7 — General standard of administrative justice

1. Administrative action shall be lawful, authorized, relevant, evidence-based, reasonable, proportionate, timely and procedurally fair.
2. It shall pursue a proper public purpose by means rationally connected to that purpose and no more restrictive than reasonably necessary.
3. Like cases shall be treated alike unless a relevant lawful distinction is stated and justified.
4. Discretion shall remain genuine, bounded and reviewable and shall not be replaced by command, favoritism, retaliation, mechanical policy or undisclosed criteria.

Article 8 — Relationship with sector laws

1. A specific Assembly Act governs the substantive eligibility, technical standard, power, licence, benefit, tax, sanction or remedy within its subject.
2. This Act supplies common administrative procedure where the specific Act is silent or provides less protection than the constitutional minimum.
3. A special procedure displaces this Act only to the extent of clear inconsistency and shall be interpreted narrowly to preserve fairness and review.
4. A memorandum, contract, manual or subordinate instrument may coordinate administration but may not displace this Act or create power absent from an Assembly Act.

Article 9 — Relationship with Codes and court legislation

1. The Civil Code governs civil rights, obligations, liability and compensation except where an Assembly Act provides otherwise.
2. The Penal Code and Criminal Procedure Code govern offences, criminal investigation, arrest, charge, trial, sentence and criminal safeguards.
3. The Civil Procedure Code of Eritrea 2015, Courts Act and court rules govern the institution, conduct and enforcement of proceedings before a court.
4. This Act does not create an exceptional court or permit an administrative body to determine criminal guilt, imprisonment or final confiscation.

Article 10 — International and regional standards

1. This Act shall be interpreted consistently with constitutionally valid regional and international obligations binding Eritrea.
2. Relevant standards on fair hearing, equality, effective remedy, disability access, children, refugees, labour and public participation may inform administration within lawful domestic authority.
3. A treaty does not create an offence, tax, appropriation or coercive administrative power unless given domestic effect through a constitutionally valid Assembly Act.
4. International administrative cooperation shall comply with the Treaty-Making Act, data-protection law and judicial safeguards.

CHAPTER II PUBLIC SERVICE, INFORMATION AND ACCESS

Article 11 — Administration as service

1. A public body exists to perform lawful public functions for the people and shall organize its work around reliable service rather than institutional convenience.
2. An official shall treat every person respectfully and shall not demand political loyalty, personal connection, unofficial payment or unnecessary attendance.
3. A public body shall reduce delay, repeated referral, uncertainty and avoidable travel through clear responsibility and coordinated service.
4. Leadership shall monitor actual access and outcomes, not merely formal compliance or favorable statistics.

Article 12 — Public service charter

1. Every public body shall publish a service charter identifying each service, legal authority, eligibility, required evidence, lawful fee, responsible office and ordinary completion time.
2. The charter shall state available languages, accessibility arrangements, complaint channels, internal review and judicial remedy.
3. A material change shall be dated, archived and publicized before it is applied unless urgent law requires otherwise.
4. Failure to publish does not remove a statutory duty or justify imposing an undisclosed requirement.

Article 13 — Accessible information

1. Administrative information shall be accurate, understandable, searchable and available without requiring a person to know the internal structure of government.
2. Every public body shall maintain a current website and practical non-digital alternatives at service locations and through telephone or community channels.
3. Forms, guidance, decisions of general importance and review procedures shall be available without charge, subject only to lawful copying cost.

4. Access to information shall otherwise be governed by the Constitution and the Media Freedom and Access to Information Act.

Article 14 — Single point of contact

1. A person shall be able to submit an application, question or complaint through a clearly identified receiving office or secure electronic channel.
2. The receiving body shall make a tracked referral when another public body is competent and shall not merely send the person away without useful direction.
3. A joint service may share authorized information with consent or other lawful basis so that the person need not provide the same record repeatedly.
4. Referral does not transfer legal responsibility or extend a deadline without notice and reasons.

Article 15 — Forms and evidentiary demands

1. A form shall request only information reasonably necessary for the statutory decision and shall identify the purpose of material information.
2. A public body shall accept equivalent reliable evidence where a prescribed document is unavailable for reasons not fairly attributable to the applicant.
3. An official shall not demand a letter, signature, stamp, authentication or personal appearance lacking legal or demonstrated evidentiary necessity.
4. Forms shall be periodically tested with users and simplified without removing safeguards or statutory requirements.

Article 16 — Assistance and representation

1. A public body shall provide reasonable assistance to a person unable to understand, complete or communicate an administrative request.
2. A person may be assisted or represented by an advocate, family member, union representative, community adviser or other suitable person unless law narrowly requires personal participation.
3. Assistance shall not depend on literacy, disability, poverty, political opinion, ethnicity, gender, religion or personal relationship.
4. An official may verify authority and protect confidentiality without imposing disproportionate formality.

Article 17 — Language and interpretation

1. A public body shall communicate in a language understood by the affected person where reasonably practicable and shall provide interpretation where fairness materially requires it.
2. Essential national services shall provide multilingual information reflecting the communities served.
3. A person shall not suffer adverse action because of a good-faith translation or language error without opportunity to correct it.

4. The record shall identify the language used and any interpreter or material translated document.

Article 18 — Disability and accessibility

1. Administrative services, notices, hearings, websites and documents shall provide reasonable accommodation and accessible formats.
2. A public body shall identify and remove physical, sensory, cognitive, communication and technological barriers within available means and planned implementation.
3. Accommodation shall be determined with the person and shall not impose a fee or reduce substantive entitlement.
4. Urgent temporary assistance does not excuse a public body from making durable accessibility improvements.

Article 19 — Queues, appointments and priority

1. Queue and appointment systems shall use published, neutral and auditable criteria and provide reasonable information on expected time.
2. Priority may be given for urgency, disability, pregnancy, age, child welfare, distance, safety or another relevant lawful need.
3. An official shall record and explain a material departure from ordinary order and shall not sell or reserve access privately.
4. Digital appointments shall not exclude walk-in, telephone or assisted access where digital use is not reasonably available.

Article 20 — Fees and payments

1. No administrative fee, charge, deposit or payment may be required without authority in an Assembly Act or valid subordinate instrument.
2. Every amount, exemption, waiver, refund and payment method shall be published and an official receipt provided.
3. Payment shall use traceable official channels, and an official shall not receive cash or value personally except through an authorized receipting system.
4. Inability to pay shall be considered under any lawful waiver, legal aid or essential-service safeguard.

Article 21 — Service standards and delay

1. A public body shall prescribe and publish realistic service standards consistent with statutory deadlines and constitutional promptness.
2. Where no time is prescribed, action shall be completed within a reasonable time considering urgency, complexity, resources, dependency and harm from delay.
3. A person shall receive timely notice of material delay, the reason, remaining steps, responsible officer, expected date and available escalation.
4. Resource scarcity may explain but does not automatically justify discrimination, indefinite delay or failure to plan essential functions.

Article 22 — Acknowledgment and tracking

1. A submission shall receive a dated acknowledgment and tracking reference promptly in paper or electronic form.
2. The record shall identify receipt, assigned office, material requests, decisions, service and closure.
3. A public body shall provide lawful status information without requiring repetitive personal attendance.
4. Loss or misrouting of a submission shall be corrected without placing the resulting delay or cost unfairly on the person.

CHAPTER III

AUTHORITY, ORGANIZATION AND IMPARTIAL DECISION-MAKING

Article 23 — Source and limits of power

1. A decision-maker shall identify the constitutional, statutory or valid delegated authority for administrative action.
2. Power shall be exercised only by the authorized person, for the authorized purpose, within territorial, subject-matter, financial and temporal limits.
3. The existence of a public need does not supply power withheld by law.
4. Action taken without authority shall be withdrawn or submitted promptly for judicial determination where third-party rights or public continuity require orderly relief.

Article 24 — Delegation

1. Administrative power may be delegated only where an Assembly Act permits expressly or by necessary implication.
2. A delegation shall be written, dated and published, and shall identify the delegate, function, limits, conditions, duration and review.
3. A delegate shall exercise independent lawful judgment and may not subdelegate unless authorized.
4. Delegation does not remove the delegating body's supervision, accountability, record and correction duties.

Article 25 — Acting appointments

1. An acting appointment shall have lawful authority, objective need, stated duration and a recorded transfer of responsibility.
2. Acting status shall not be prolonged to avoid merit appointment, approval, tenure protection or accountability.
3. The public shall be able to verify the acting officer's authority for material decisions.
4. A decision does not become lawful merely because a later officeholder agrees with it.

Article 26 — Mandatory relevant considerations

1. A decision-maker shall identify the statutory purpose, governing criteria, reliable material and rights or interests materially affected.
2. Relevant evidence, equality, proportionality, alternatives, established policy and a specific lawful representation shall be considered according to weight.
3. Irrelevant political, personal, ethnic, religious, familial, retaliatory or financial considerations shall not influence the decision.
4. A material consideration deliberately or negligently ignored shall be addressed through correction, review or remedy.

Article 27 — Policy and discretion

1. A public body may adopt a lawful published policy to guide consistency and efficient use of discretion.
2. Policy shall not replace the Assembly Act, add an unauthorized condition or predetermine an individual case.
3. A decision-maker shall consider a reasoned request for exception where the law permits and individual facts materially differ.
4. Departure from policy shall be reasoned and shall not become favoritism or secret precedent.

Article 28 — Impartiality

1. A decision-maker shall be impartial and shall not participate where actual bias or a reasonable appearance of material bias exists.
2. Bias may arise from financial interest, family or business relationship, prior advocacy, hostility, political direction or another disqualifying connection.
3. Knowledge gained through proper official work or a preliminary procedural role does not alone establish bias, but function shall be separated where fairness requires.
4. The decision-maker shall disclose a material concern and allow an affected person to seek recusal before final decision where practicable.

Article 29 — Conflict of interest and recusal

1. An official shall disclose an actual, potential or reasonably perceived conflict promptly to the responsible authority.
2. The authority shall determine recusal, reassignment, supervision, divestment or another proportionate measure and preserve a record.
3. An urgent step may be taken to prevent immediate harm only where no impartial substitute is available and shall receive prompt independent review.
4. Conflict requirements under the Anti-Corruption and Public Integrity Act and sector law continue to apply.

Article 30 — Separation of functions

1. Investigation, prosecution, technical assessment, initial decision and internal review shall be separated to the extent necessary for impartiality and reliable judgment.
2. One officer shall not secretly direct, decide and review the same contested matter where another arrangement is reasonably available.
3. A multidisciplinary panel may combine expertise if members disclose roles, evidence and conflicts and deliberate independently.
4. Institutional knowledge may be shared without ex parte instruction on the outcome.

Article 31 — Improper direction

1. An official shall refuse a direction that is unlawful, outside authority, corrupt, discriminatory or intended to predetermine a decision improperly.
2. A material direction concerning an individual matter shall be recorded with source, authority, content and response unless lawful privilege narrowly applies.
3. Protected reporting may be made under the Anti-Corruption and Public Integrity Act without retaliation.
4. A minister or senior official may set lawful general policy but shall not command an outcome reserved by law to an independent decision-maker.

Article 32 — Institutional responsibility

1. The head of a public body is responsible for lawful systems, staffing, delegation, records, training, monitoring and correction.
2. Responsibility shall be assigned clearly so that no material function falls between offices or is controlled by an unidentified person.
3. A contractor or technology provider does not displace the public body's legal responsibility.
4. Systemic delay, discrimination or error shall trigger root-cause correction rather than isolated blame alone.

Article 33 — Inter-agency coordination

1. Public bodies may coordinate related functions through a written arrangement identifying authority, responsibilities, information, cost, timelines and accountability.
2. Coordination shall reduce duplication and conflicting demands without creating a secret decision-maker or transferring power unlawfully.
3. An affected person shall be told which body is responsible for the final decision and review.
4. A jurisdictional dispute shall be resolved promptly by reasoned senior consultation or a competent court without abandoning urgent service or protection.

CHAPTER IV

APPLICATIONS, INQUIRIES AND ADMINISTRATIVE RECORDS

Article 34 — Commencement by application

1. A person may commence an administrative matter by the prescribed form or by another clear communication containing substantially necessary information.
2. A public body shall not reject a matter solely for harmless form, spelling, language or channel error.
3. The date of initial receipt governs timeliness where the person corrects a remediable defect within a reasonable period.
4. A statutory oath, fee or original document remains required only according to its lawful terms.

Article 35 — Completeness review

1. The receiving office shall review apparent completeness promptly and identify missing material specifically.
2. A completeness notice shall distinguish mandatory legal requirements from optional or supporting material.
3. Repeated requests for information available to the body or not reasonably relevant are prohibited.
4. Acceptance as complete does not predetermine the merits, and later necessary inquiry shall be explained.

Article 36 — Opportunity to cure

1. Before rejecting an application for a remediable defect, the public body shall give clear notice and reasonable opportunity to cure.
2. Assistance shall be proportionate where the defect arises from literacy, disability, language, displacement, missing historic records or official error.
3. A defect may be treated as incurable only where law makes it fundamental or correction would defeat a fixed competitive or rights-protecting deadline.
4. A rejection shall state why cure was unavailable or inadequate and identify review.

Article 37 — Evidence and proof

1. The decision-maker shall identify the applicable standard and burden of proof or persuasion under sector law.
2. Evidence may include reliable documents, testimony, inspection, expert analysis, electronic records and lawful official data.
3. Weight shall reflect relevance, authenticity, reliability, completeness, method, opportunity to test and circumstances of creation.
4. Rumor, secret allegation or automated score shall not alone establish a materially adverse fact.

Article 38 — Official notice and government records

1. A public body may rely on an authentic public record or fact not reasonably disputed after identifying it to the affected person where material.
2. A person shall have a reasonable opportunity to correct identity, ownership, status or other material data.
3. One public body may obtain a record from another only under lawful authority, purpose, security and data-minimization controls.
4. The Government shall not shift the consequence of its inaccurate or lost record to a person without fair inquiry and mitigation.

Article 39 — Experts and technical assessment

1. An expert shall possess relevant competence, disclose method, material limitations and conflict, and remain professionally independent.
2. The affected person shall receive the material substance of an adverse expert assessment and reasonable opportunity to respond.
3. A decision-maker shall evaluate rather than merely adopt expert opinion and shall explain resolution of a material disagreement.
4. Trade secrecy or security may justify narrow protection but not reliance on an untestable conclusion where serious rights are affected.

Article 40 — Site visits and non-coercive inquiry

1. A consensual site visit or inquiry shall identify the official, legal purpose, requested access and intended record.
2. Consent shall be voluntary unless an Assembly Act provides inspection authority and applicable safeguards.
3. An official shall avoid unnecessary disruption, protect safety and confidentiality and provide a record of material observations.
4. A refusal of voluntary access shall not be treated as wrongdoing without an independent lawful basis.

Article 41 — Administrative record

1. Every material administrative matter shall have a reliable record sufficient to show receipt, authority, evidence, participation, deliberative steps, decision, reasons and service.
2. The record shall preserve author, date, version, access and later correction without silent alteration.
3. Internal deliberation may receive lawful protection, but final criteria, material evidence and reasons shall not be concealed merely by labeling them deliberative.
4. The public body bears responsibility for preserving the record under lawful retention schedules.

Article 42 — Access to the case record

1. An affected person shall receive reasonable access to material on which a materially adverse decision may be based before or promptly after urgent action.
2. Access may be limited narrowly for another person's privacy, privilege, concrete security risk, confidential source or active lawful investigation.
3. Redaction, summary, confidentiality undertaking or controlled inspection shall be preferred to complete withholding where adequate.
4. A restriction shall be reasoned and reviewable and shall not make a fair answer practically impossible.

Article 43 — Confidential information

1. A person submitting confidential material shall identify the legal interest and proposed limited treatment rather than mark an entire file automatically.
2. The public body shall determine protection under access-to-information, data-protection, commercial and sector law.
3. Confidentiality shall not conceal corruption, illegality, public expenditure, environmental or safety harm or evidence necessary to a fair proceeding.
4. Unauthorized disclosure shall be prevented and remedied without converting secrecy into immunity from review.

Article 44 — Correction of records

1. A person may request correction or annotation of inaccurate, incomplete, outdated or misleading personal or case information.
2. The public body shall decide promptly, preserve necessary history and notify recipients of a material correction where practicable.
3. A disputed evaluative opinion need not be erased if lawfully held, but the person's response and the dispute shall be linked visibly.
4. Correction rights under the Data Protection and Privacy Act continue to apply.

CHAPTER V

NOTICE, PARTICIPATION, HEARINGS AND DECISIONS

Article 45 — Prior notice

1. Before materially adverse action, an affected person shall receive timely notice of proposed action, legal authority, material grounds and available response procedure.
2. Notice shall be sufficiently specific and understandable to permit meaningful participation.
3. It shall identify material deadlines, possible consequences, assistance, representation and relevant contact information.
4. Notice may be adapted or delayed only under an express lawful urgent procedure and shall be given as soon as the reason ends.

Article 46 — Opportunity to respond

1. An affected person shall receive a reasonable opportunity to present facts, law, explanation, alternatives and mitigation before materially adverse action.
2. The method and time shall reflect complexity, urgency, person's capacity, evidence volume and seriousness of consequence.
3. A written, oral, remote or combined process may be used if it is genuinely fair and accessible.
4. Silence after proper notice may permit decision on the available record but is not admission of wrongdoing.

Article 47 — Oral hearing

1. An oral hearing shall be provided where credibility is central, serious disputed facts cannot fairly be resolved in writing, or law otherwise requires it.
2. The hearing shall identify issues, permit relevant presentation and questioning, maintain order and create a reliable record.
3. Technical informality is preferred where it improves access without impairing fairness or reliability.
4. A hearing officer shall explain procedure and shall not become advocate for a party.

Article 48 — Representation at hearing

1. A person may be assisted at an administrative hearing by an advocate or other suitable representative.
2. Legal representation may be required or limited only under published criteria considering complexity, seriousness, capacity and equality between participants.
3. A union, professional, community or family representative may participate where appropriate and authorized.
4. A public body shall not use superior legal resources to make a simple administrative process inaccessible.

Article 49 — Witnesses and questioning

1. A witness shall give relevant information truthfully and shall be treated respectfully and protected from intimidation.
2. Questioning by an affected person or representative shall be allowed where necessary to test material adverse evidence.
3. A child, vulnerable person, confidential source or person at risk may receive protective procedure consistent with a fair opportunity to answer substance.
4. Compulsory attendance, oath or production requires express statutory authority and review safeguards.

Article 50 — Collective and public participation

1. Where administrative action materially affects a community, class or substantial public interest, the public body shall use proportionate public notice and participation.
2. Participation may include representative consultation, local meeting, accessible written or digital submission, survey, hearing or advisory process.
3. The process shall reach affected rural, pastoral, linguistic, low-income, displaced and digitally excluded persons rather than rely on publication alone.
4. Participation informs but does not replace the lawful decision-maker, who shall explain material issues raised.

Article 51 — Settlement and agreed resolution

1. A public body may resolve an administrative matter through lawful agreement, correction, undertaking, mediation or facilitated settlement.
2. An agreement shall remain within statutory authority and shall not trade away a non-waivable right, public duty or third-party interest secretly.
3. Material terms, implementation and review shall be recorded and disclosed to the extent required by public law.
4. Failure of settlement does not prejudice the person's right to impartial decision.

Article 52 — Urgent interim action

1. A public body may take interim action before ordinary prior procedure only where an Assembly Act authorizes it and delay creates a concrete serious risk.
2. The action shall be necessary, proportionate, time-limited and no broader than required to preserve safety, evidence, assets or essential service.
3. The affected person shall receive immediate or prompt notice, grounds, record access and opportunity for independent reconsideration.
4. Interim action shall lapse or receive full decision promptly and remains subject to urgent judicial review.

Article 53 — Decision on the record

1. The final decision shall be made by the authorized impartial decision-maker on the disclosed administrative record.
2. Material ex parte information received after participation shall be disclosed and answered unless a narrow lawful exception applies.
3. The decision shall resolve material issues and shall not rely on an undisclosed criterion, secret instruction or fabricated consensus.
4. A vote or collective decision shall record members, quorum, recusals, result and any reasoned dissent where law permits.

Article 54 — Written decision

1. A materially adverse or contested administrative decision shall be in writing or reliably recorded in an accessible durable form.
2. It shall identify the decision-maker, date, legal authority, outcome, effective date, conditions and compliance steps.
3. It shall state internal review, statutory appeal and judicial review routes, filing periods and where assistance may be obtained.
4. An oral urgent decision shall be confirmed in writing promptly.

Article 55 — Reasons

1. A materially adverse, contested or public-interest decision shall give clear reasons without requiring a separate request.
2. Reasons shall identify material facts, evidence, law, policy, reasoning, exercise of discretion and response to principal submissions.
3. Reasons need not reproduce every item but must permit the affected person and reviewing body to understand why the result followed.
4. A later rationalization not genuinely forming part of the decision shall not cure inadequate or unlawful reasons.

Article 56 — Service and effective date

1. A decision shall be served through a reliable method reasonably likely to reach the affected person and shall preserve proof of service.
2. Electronic service may be used with consent, established use or statutory authority and reasonable accommodation.
3. A materially adverse decision shall not take effect before service and a reasonable compliance or review period unless urgent law requires otherwise.
4. Defective service shall be remedied and shall not cause forfeiture of review before the person reasonably knew the decision.

Article 57 — Correction and reconsideration

1. A public body may correct a clerical, calculation, translation or accidental omission after notice where no material prejudice results.
2. A substantive change requires lawful reconsideration, participation and new reasons.
3. An unlawful favorable decision shall not be withdrawn retroactively without considering authority, reliance, third parties, public interest and fair remedy.
4. Correction shall preserve the original record, date and explanation and shall not conceal error.

CHAPTER VI

INSPECTIONS, COMPLIANCE AND ADMINISTRATIVE ENFORCEMENT

Article 58 — Statutory basis for inspection

1. Inspection, entry, demand, testing, sampling, seizure or another coercive administrative measure requires express authority in an Assembly Act.
2. The power shall be exercised only for the statutory purpose, by an identified authorized officer and within geographic, subject and temporal limits.
3. General regulatory responsibility does not imply unrestricted entry, search or access to private communications or data.
4. Where a search warrant is constitutionally required, an administrative label does not avoid it.

Article 59 — Inspection notice and credentials

1. An inspector shall present official credentials and written authority and explain purpose, scope, records, expected duration and relevant rights.
2. Advance notice shall be given unless law permits unannounced inspection for a demonstrated enforcement or safety reason.
3. The regulated person may have a representative present where this does not obstruct urgent lawful work.
4. Impersonation, unofficial payment and inspection outside authority shall be reported and investigated.

Article 60 — Conduct of inspection

1. An inspection shall be reasonable, proportionate, professionally competent and conducted at a suitable time and place.
2. The inspector shall minimize disruption, protect safety, confidential information, privilege and unrelated personal data.
3. Material observations, samples, copies, questions and any refusal shall be recorded accurately.
4. A person may state objections and shall not be punished merely for a lawful challenge to authority.

Article 61 — Samples, tests and expert methods

1. A sample shall be identified, sealed where appropriate, documented and preserved through reliable custody.
2. A test method shall be validated, suitable and disclosed sufficiently for meaningful challenge.
3. A counter-sample or independent test shall be allowed where practicable and material to serious consequence.
4. Uncertainty, detection limits and conflicting results shall be considered rather than concealed.

Article 62 — Inspection report

1. The inspector shall provide a report stating authority, date, place, participants, scope, findings, evidence, immediate measures and proposed next steps.
2. The regulated person may submit a correction, explanation or additional evidence within a reasonable period.
3. The final report shall distinguish observed fact, expert opinion, allegation and legal conclusion.
4. Confidential publication may be limited lawfully, but systemic safety or integrity findings shall be reported appropriately.

Article 63 — Compliance notice

1. A compliance notice may issue only where a sector Act authorizes the duty and remedy.
2. It shall identify the breach, evidence, legal provision, required corrective action, deadline, consequence and review.
3. The measure shall be proportionate to seriousness, duration, culpability, cooperation, harm, capacity and prior lawful notice.
4. A public body shall consider correction and prevention before punitive escalation where immediate serious harm does not require stronger action.

Article 64 — Stop, suspension and closure orders

1. A stop, suspension or closure order requires express law and a concrete finding of serious noncompliance, danger or another statutory ground.
2. The order shall state scope, duration, conditions for lifting and consequences for workers, residents, customers and essential service.
3. Urgent without-notice action requires prompt inter partes review by an independent decision-maker and access to court.
4. The public body shall not use closure to obtain unrelated concessions or punish criticism.

Article 65 — Administrative monetary penalties

1. An administrative monetary penalty may be imposed only where an Assembly Act defines the contravention, liable person, maximum, criteria and review.
2. The person shall receive notice, disclosure, opportunity to answer, impartial decision and reasons.
3. Penalty shall be proportionate and shall consider gain, harm, intent, repetition, cooperation, correction, capacity and deterrence without becoming confiscatory.
4. An administrative penalty is not imprisonment and shall not duplicate criminal punishment unfairly for the same conduct.

Article 66 — Licence action

1. Refusal, condition, suspension, revocation or non-renewal of a licence shall follow the enabling Act and this Act's fair procedure.
2. The decision shall consider seriousness, competence, correction, continuity, reliance, third parties and less restrictive measures.
3. A licence shall not be withheld for political, personal or unrelated revenue purposes.
4. Urgent licence action remains temporary until a prompt final procedure and judicial review.

Article 67 — Administrative seizure and custody

1. Property may be detained or seized administratively only under express law and where reasonably necessary for evidence, safety or prevention of continuing unlawful use.
2. An inventory, receipt, custody record, preservation standard and prompt review shall be provided.
3. Perishable or costly property shall be managed under judicial or statutory safeguards, and lawful owner and third-party interests shall be protected.
4. Seizure does not transfer ownership, establish guilt or authorize official use.

Article 68 — Enforcement undertakings

1. A public body may accept a written enforceable undertaking where a sector Act permits and it reasonably secures correction, restoration, monitoring and prevention.
2. The undertaking shall state admitted or disputed facts, duties, deadlines, verification, consequence and review.
3. It shall be published to the extent necessary for accountability without exposing protected information.
4. An undertaking shall not purchase concealment of serious crime, waive victim rights or immunize future conduct.

Article 69 — Coordination of proceedings

1. Administrative, disciplinary, civil, regulatory and criminal proceedings concerning related conduct shall be coordinated to prevent contradiction, duplication, evidence loss and unfairness.
2. Each proceeding shall retain its own authority, standard, burden, safeguards and decision-maker.
3. An administrative body shall not compel self-incrimination or use civil process to evade criminal safeguards.
4. A stay, sequencing or information barrier may be used where necessary, with reasons and review.

CHAPTER VII

RULES, POLICIES AND INSTRUMENTS OF GENERAL APPLICATION

Article 70 — Authority to make rules

1. A public body may make a binding rule only under an express delegation in an Assembly Act.
2. The rule shall remain within subject, purpose, geographic, financial, temporal and procedural limits of the delegation.
3. A rule shall not create an offence, imprisonment, tax, appropriation, confiscation, secret power or fundamental political qualification absent clear Assembly authority.
4. The preamble or authority statement shall identify the exact provision authorizing the rule.

Article 71 — Rulemaking plan

1. A public body shall publish an annual indicative plan of material rules it expects to propose, review or repeal.
2. The plan shall identify authority, problem, objective, responsible office, expected consultation and timetable.
3. Failure to list an unforeseen necessary rule does not prevent proposal but shall be explained.
4. Planning shall coordinate overlapping public bodies and avoid contradictory or duplicative requirements.

Article 72 — Notice of proposed rule

1. A material proposed rule shall be published with draft text, authority, purpose, explanation, affected interests, expected cost and means of comment.
2. Ordinarily at least sixty days shall be allowed for public comment, and at least thirty days for a routine technical rule.
3. A shorter period requires published concrete reasons and proportionate alternative participation.
4. Notice shall reach substantially affected communities and sectors through appropriate digital and non-digital means.

Article 73 — Regulatory impact assessment

1. A materially consequential rule shall be supported by a proportionate assessment of problem, legal authority, evidence, options, cost, benefit, distribution, rights, competition and implementation capacity.
2. The assessment shall consider small business, informal activity, rural and pastoral communities, gender, disability, children, environment, technology and local-government capacity where relevant.
3. Nonregulatory, phased, experimental and less restrictive alternatives shall be considered honestly.

4. The assessment informs but does not replace constitutional judgment or public participation.

Article 74 — Public comment

1. Any person may submit relevant comment without proving special standing or paying a fee.
2. Comments may be written, oral, electronic, recorded or submitted through representative consultation in an accessible language or form.
3. The public body shall maintain a docket of proposals, material evidence, comments, meetings and revisions subject to lawful protection.
4. A private meeting with a materially interested person shall be recorded so that access and influence are transparent.

Article 75 — Hearing and targeted consultation

1. A public hearing shall be held where a proposed rule has wide rights, livelihood, environmental, land, fiscal or institutional effect and a hearing would materially improve participation.
2. Targeted consultation shall include persons most affected, including those lacking organized representation or digital access.
3. Consultation shall not give a regulated industry, donor, contractor, party or capital-city institution exclusive control.
4. A hearing record and summary of material views shall be published.

Article 76 — Final rule and response to comments

1. A final rule shall publish its text, authority, commencement, implementation duties and concise statement of basis and purpose.
2. The statement shall address material comments, evidence, alternatives, rights concerns, costs and significant changes from the proposal.
3. A change not reasonably foreshadowed and imposing materially different obligations shall receive renewed consultation unless urgent law narrowly justifies otherwise.
4. The rulemaking record shall permit meaningful legislative and judicial review.

Article 77 — Publication and commencement of rule

1. A binding rule shall be published in the Official Gazette and an authenticated freely accessible electronic register before it is enforced.
2. A rule shall ordinarily commence at least thirty days after publication to permit understanding and compliance.
3. Immediate or earlier commencement requires express lawful necessity and published reasons and shall not impose retroactive liability.
4. No unpublished circular, database setting, manual or oral instruction may bind the public.

Article 78 — Emergency interim rule

1. An interim rule without ordinary prior consultation may issue only where express authority and an imminent concrete risk make delay contrary to public interest.
2. It shall state the emergency, evidence, authority, necessity, rights impact, duration and safeguards.
3. It expires within one hundred twenty days unless replaced through ordinary rulemaking or a shorter enabling period applies.
4. Comment, legislative oversight and judicial review remain available during the interim period.

Article 79 — Guidance and interpretive statements

1. A public body may publish guidance explaining law, procedure, evidence, priorities and examples.
2. Guidance shall state that it is nonbinding and shall not add an eligibility condition, sanction or coercive power.
3. An official may consider guidance but shall remain open to lawful individual facts and argument.
4. Material guidance relied on in decisions shall be dated, searchable, archived and subject to correction.

Article 80 — Directives internal to government

1. An internal directive may organize staff, workflow, supervision and consistent administration within lawful authority.
2. A directive materially affecting the public shall be published and treated according to its practical legal effect rather than its label.
3. An internal instrument shall not secretly amend a rule, predetermine independent decisions or authorize unlawful surveillance or expenditure.
4. An official shall not rely on a confidential directive to deny a right or service without disclosing the applicable lawful basis.

Article 81 — Periodic review and repeal

1. Every material rule shall have a scheduled review considering legality, necessity, outcomes, cost, equality, technological change and less restrictive alternatives.
2. A rule no longer authorized, necessary, effective or proportionate shall be amended or repealed through lawful procedure.
3. A time-limited pilot or exceptional restriction shall expire unless evidence and renewed authority justify continuation.
4. The public body shall maintain a current register distinguishing rules in force, amended, repealed, expired and proposed.

CHAPTER VIII

DIGITAL ADMINISTRATION AND AUTOMATED SYSTEMS

Article 82 — Technology-neutral administration

1. An administrative act, signature, notice, record, application or hearing shall not be denied legal effect solely because it is electronic where law and reliability requirements are met.
2. Technology shall simplify access, reduce delay and improve records without changing substantive authority or legal burden silently.
3. A public body remains responsible for legality, fairness, security, continuity and human service when technology is designed or supplied by another person.
4. Digitalization shall comply with the Digitalization of Executive Services Regulations, this Act and applicable data, payment and cybersecurity law.

Article 83 — Choice of channel

1. A person may use an available electronic service and shall not be compelled to do so where reliable access, skills, disability accommodation or identity means are lacking.
2. Equivalent assisted, telephone, postal or in-person channels shall remain available for essential or rights-affecting services.
3. Channel choice shall not cause discriminatory fee, delay, evidentiary burden or lower service quality without objective lawful justification.
4. A public body shall monitor digital exclusion and improve access with communities and users.

Article 84 — Digital identity and authentication

1. Authentication shall be proportionate to transaction risk and shall not collect or expose more personal data than necessary.
2. A person lacking a digital credential shall have a practical alternative for proving identity or authority.
3. Authentication failure shall trigger secure assistance and review rather than automatic permanent denial.
4. Identity systems shall maintain correction, fraud response, access logs and independent security audit.

Article 85 — Electronic filing and time

1. An electronic submission is filed when received by the designated system, and an automatic acknowledgment shall record date and time.
2. A published outage or system error shall extend a deadline reasonably and shall not prejudice a timely attempted filing.
3. File-format, size and signature requirements shall be practical, published and accompanied by assistance or alternatives.
4. The public body shall preserve the submitted content and later versions with reliable integrity.

Article 86 — Automated assistance

1. Automation may support routing, completeness checks, translation, scheduling, calculation and low-risk recommendations under documented controls.
2. A system shall not invent legal requirements, conceal its source criteria or alter a submission without visible confirmation.
3. An affected person shall be able to reach a competent human official when automation cannot resolve a material problem.
4. Efficiency gains shall be measured against accuracy, access, correction, privacy and actual service outcomes.

Article 87 — High-impact automated decisions

1. A high-impact automated system shall not make the final materially adverse decision without meaningful authorized human review.
2. The reviewer shall understand the system's role, examine relevant evidence, identify error or bias and possess authority to depart from the output.
3. The affected person shall receive notice of material automated use and an intelligible explanation of principal factors and human responsibility.
4. The person may contest accuracy, relevance, discrimination and outcome and obtain timely human reconsideration.

Article 88 — Algorithmic impact assessment

1. Before deploying a high-impact automated system, the public body shall assess authority, necessity, data quality, bias, rights, security, explainability, alternatives and human oversight.
2. The assessment shall test relevant Eritrean languages, communities, regions, disabilities, gender and conditions of incomplete historic data.
3. A public summary, system purpose, responsible body and review date shall be published subject to narrow security protection.
4. Material change, new purpose or evidence of harm requires renewed assessment and possible suspension.

Article 89 — Automated-system register

1. Every public body shall maintain a public register of high-impact automated systems it uses or procures.
2. The register shall identify function, legal authority, provider, data categories, decision role, safeguards, audit, complaints and status.
3. A narrowly protected security annex may withhold exploitable technical detail but not the existence, purpose, legal basis or oversight of the system.
4. An unregistered high-impact system shall not be used to impose materially adverse action.

Article 90 — Data quality and provenance

1. Administrative data shall be relevant, sufficiently accurate, current, traceable and obtained lawfully for the intended decision.
2. A model or dataset shall document origin, limitations, transformations, validation and known representational gaps.
3. A public body shall not infer adverse status or risk solely from family, ethnicity, religion, political opinion, diaspora residence, location or another protected or unreliable proxy.
4. Material data error shall trigger correction, affected-case review and notification where harm may have occurred.

Article 91 — Vendor and procurement safeguards

1. A technology contract shall preserve public ownership or lawful access to administrative records, audit trails, documentation, continuity and correction capability.
2. Proprietary secrecy shall not prevent judicial review, independent audit, explanation of adverse action or investigation of discrimination and error.
3. The provider shall disclose conflicts, material subcontractors, data location, security incidents and model changes according to risk.
4. A public body shall plan exit, interoperability and continuity and shall not become unable to perform its legal duty without one vendor.

Article 92 — Cybersecurity and continuity

1. A digital administrative service shall use proportionate security, access controls, encryption, backups, incident response and independent testing.
2. A material breach or outage shall be contained, recorded, reported and remedied under applicable law.
3. Continuity plans shall protect essential services and provide non-digital fallback without secret transfer of authority.
4. Security shall protect concrete risks and shall not be used to conceal unlawful design, expenditure, surveillance or error.

Article 93 — Digital transparency and audit

1. A digital system shall preserve who accessed, changed, approved, overrode and communicated a material administrative record and when.
2. An override shall state authority and reason and shall be reviewed for patterns of favoritism, error or automation bias.
3. The Auditor General, competent regulator and reviewing court shall receive lawful technical access necessary to perform their functions.
4. Aggregate performance, error, delay, exclusion and review outcomes shall be published without exposing protected personal information.

CHAPTER IX

COMPLAINTS, RECONSIDERATION AND INTERNAL REVIEW

Article 94 — Administrative complaint

1. A person may complain about service, delay, disrespect, inaccessibility, lost records, unofficial payment, discrimination, conflict or procedural failure.
2. A complaint shall be free, accessible and accepted through multiple channels without requiring legal terminology.
3. The public body shall acknowledge, protect against retaliation, investigate proportionately and give a reasoned response and corrective action.
4. A service complaint does not replace or suspend a statutory appeal or judicial filing period unless law expressly provides.

Article 95 — Informal resolution

1. A public body shall correct a clear service or procedural error promptly where correction is lawful and does not prejudice another person.
2. Informal resolution may include explanation, apology, restored queue position, record correction, fee refund, renewed consideration or practical assistance.
3. The person shall be told whether the resolution affects substantive rights and remaining review routes.
4. Informality shall not conceal systemic failure, corruption or a serious rights violation from required reporting and remedy.

Article 96 — Request for reconsideration

1. An affected person may request reconsideration within thirty days after service, or later on good cause, unless a specific Act provides an adequate different procedure.
2. The request shall identify the decision and may state error, new material, changed circumstance, unfairness or proposed correction without technical pleading.
3. Reconsideration shall ordinarily be decided by an authorized officer not materially involved in the initial decision.
4. The public body may correct, vary, withdraw, affirm or remit the decision with reasons and notice of further review.

Article 97 — Internal review where provided by law

1. A statutory internal review or appeal shall follow its enabling Act and the minimum fairness requirements of this Chapter.
2. The reviewing authority shall be sufficiently independent of the initial decision and free from improper direction.
3. Review shall address grounds, record, submissions, applicable standard, powers, timing and reasons.
4. A memorandum or internal policy shall not make an optional informal process an absolute barrier to court.

Article 98 — Notice and record on review

1. The applicant shall receive acknowledgment, procedure, filing period, expected decision date and information on interim relief.
2. The public body shall transmit a complete indexed administrative record and identify protected material and any omission.
3. The parties may make proportionate submissions and respond to new material considered by the reviewer.
4. The reviewer may request clarification but shall not repair the original case through undisclosed evidence.

Article 99 — Scope and powers of internal reviewer

1. The reviewer shall apply the standard prescribed by sector law and may examine authority, fact, law, procedure, reasonableness, proportionality and remedy where permitted.
2. The reviewer may affirm, vary, set aside, substitute, remit, stay or direct lawful corrective procedure within statutory authority.
3. A decision more adverse to the applicant requires notice and opportunity to answer.
4. The review outcome shall be reasoned, served and accompanied by judicial-review information.

Article 100 — Interim relief

1. A request for reconsideration or internal review does not automatically suspend action unless law provides otherwise.
2. The decision-maker or reviewer may grant a stay or protective condition considering legality, urgency, irreparable harm, public interest, third parties and prospects.
3. Refusal of interim relief shall be prompt, reasoned and subject to urgent judicial review where serious harm is alleged.
4. Interim relief shall preserve rather than decide the ultimate dispute and may require proportionate safeguards.

Article 101 — Exhaustion and exceptions

1. A person should ordinarily use an adequate statutory internal remedy before judicial review where it is available, timely, impartial and capable of effective relief.
2. Exhaustion is not required where the remedy is futile, unlawfully unavailable, biased, dangerously delayed, incapable of preventing serious harm or inadequate for a constitutional question.
3. A court may excuse exhaustion in the interests of justice and may direct expedited internal consideration with protective terms.
4. A public body invoking exhaustion shall identify the remedy, authority, procedure, time and available relief.

Article 102 — Systemic complaint review

1. Repeated complaints indicating delay, discrimination, corruption, technological error or inaccessible service shall trigger systemic review by leadership and competent oversight bodies.
2. The review shall analyze cause, affected groups, legal compliance, data, staffing, design, remedies and implementation dates.
3. A public summary and corrective plan shall be published subject to lawful protection.
4. Individual remedies shall not be denied merely because systemic reform is underway.

Article 103 — No retaliation

1. No person shall suffer adverse service, employment, licence, benefit, investigation or other treatment for making a lawful complaint, request or review application.
2. Retaliation shall be corrected promptly and may be referred under the Anti-Corruption and Public Integrity Act, Labour Code, Civil Service Administration Act or other law.
3. A public body may address knowingly fabricated misconduct according to law but shall distinguish it from error, disagreement and good-faith challenge.
4. The complainant and assisting persons may seek interim protection and effective remedy.

CHAPTER X

JUDICIAL REVIEW AND REMEDIES

Article 104 — Right to judicial review

1. A person adversely affected or aggrieved by final administrative action, failure to act or urgent coercive action may seek judicial review before the competent court.
2. Review is available to enforce Articles 24 and 28 of the Constitution and legality independently of whether a sector Act repeats the right.
3. A public body, association or public-interest claimant may seek review where law authorizes or a serious systemic illegality cannot reasonably be challenged otherwise.
4. The State and public body may be named according to the Civil Procedure Code and shall not claim general sovereign immunity from constitutional review.

Article 105 — Court and procedure

1. Judicial review shall be instituted in the court having administrative or constitutional jurisdiction under the Courts Act.
2. The Civil Procedure Code of Eritrea 2015 and applicable court rules govern filing, service, evidence, hearing, costs, appeal and enforcement.
3. A sector Act may provide a specialized statutory appeal, but constitutional supervisory review remains available unless the Constitution clearly permits otherwise.
4. The court shall use accessible and expedited procedure where liberty, livelihood, essential service, election, removal, property, evidence or imminent harm is at stake.

Article 106 — Reviewable action and finality

1. A final decision and a failure to decide within a prescribed or reasonable time are reviewable.
2. A preliminary or procedural step is ordinarily reviewed with the final action unless it independently causes serious irreparable harm, exceeds authority or defeats fairness.
3. Urgent interim, inspection, seizure, suspension and closure action is reviewable promptly according to consequence.
4. A label of policy, advice, recommendation, national interest, guidance or internal matter does not prevent review of practical legal effect.

Article 107 — Time for application

1. An application should be filed without unreasonable delay and ordinarily within one hundred eighty days after service or reasonable knowledge of final action or internal-review outcome.
2. The court may extend or shorten procedural time where required by statute or the interests of justice, considering knowledge, explanation, prejudice, merits, public interest and continuing illegality.
3. Defective service, concealed reasons, disability, detention, displacement, language, poverty or official misdirection may justify extension.
4. A continuing unlawful failure or condition shall not gain immunity solely from passage of time, though reliance and orderly remedy shall be considered.

Article 108 — Grounds of review

1. Administrative action may be reviewed for lack or excess of authority, improper purpose, unlawful delegation, bad faith, corruption, bias or predetermination.
2. It may be reviewed for material procedural unfairness, failure to hear, inadequate notice or reasons, undisclosed evidence, relevant omission or irrelevant consideration.
3. It may be reviewed for irrationality, unreasonableness, disproportionality, arbitrariness, discrimination, inconsistency, factual error, unlawful policy rigidity or frustrated legitimate procedural expectation.
4. It may be reviewed for unconstitutional rights limitation, unreasonable delay, failure to act, unauthorized automation or another error of law.

Article 109 — Legitimate expectation

1. A clear lawful representation, settled published practice or required procedure may create a legitimate expectation of fair consideration or procedure.
2. An expectation cannot compel action contrary to the Constitution or an Assembly Act or create an appropriation or power absent from law.
3. The court shall consider clarity, authority, reliance, consistency, public interest, affected third parties and fairness.
4. Where substantive fulfillment is unlawful or unjust, notice, hearing, transitional protection or another equitable remedy may be appropriate.

Article 110 — Administrative record in court

1. The respondent public body shall provide the complete indexed record reasonably necessary to review the challenged action within the period fixed by court rule or order.
2. The record includes material before the decision-maker, submissions, evidence, policy, directions, automated output, deliberative decision documents, reasons and service.
3. A claim of privilege, privacy or security shall identify the withheld material and legal basis and permit judicial determination through protective procedure.
4. Deliberate omission, destruction or fabrication may support adverse inference, preservation order, costs, referral or other lawful remedy.

Article 111 — Standard and intensity of review

1. The court shall decide constitutional and legal authority independently and shall not defer to an executive interpretation that determines the limits of its own power conclusively.
2. The court shall respect lawful administrative expertise and policy choice while examining rationality, evidence, fairness, proportionality and statutory limits according to context.
3. The intensity of review shall reflect the nature of power, rights, severity, expertise, democratic accountability, reasons, procedure and available safeguards.
4. Respect for administration is not abdication, and review shall not become unauthorized judicial administration.

Article 112 — Prejudicial error

1. A court shall grant relief for a material error affecting legality, fairness, reliability, rights or outcome.
2. A harmless technical defect may be disregarded only where the public body establishes that no substantial prejudice or rule-of-law harm occurred.
3. Denial of meaningful hearing, bias, corruption, lack of authority, concealed evidence or serious rights limitation shall not be presumed harmless.
4. The remedy for defect shall be proportionate and effective rather than automatically maximal or merely symbolic.

Article 113 — Interim judicial relief

1. The court may stay action, preserve status or evidence, restrain enforcement, require temporary service or impose another necessary condition pending review.
2. It shall consider apparent legality, urgency, irreparable harm, public interest, third parties, balance of hardship and prospects without finally deciding prematurely.
3. An urgent without-notice order requires strict necessity, candor, narrow scope and prompt inter partes hearing.
4. A public body shall not accelerate action to defeat a known practical opportunity for court review.

Article 114 — Final judicial remedies

1. The court may declare rights, set aside action, prohibit unlawful action, compel a duty, correct a record, remit for reconsideration or grant another necessary order.
2. It may suspend invalidity or preserve limited temporary effect where immediate nullity would cause disproportionate public or third-party harm, subject to conditions and deadline.
3. Substitution of the court's decision is exceptional and may be used where the lawful outcome is clear, remittal would cause injustice or the body is disabled by bias, bad faith or repeated defiance.
4. Compensation may be awarded under Article 28 of the Constitution, the Civil Code and applicable law where damage and justice require it.

Article 115 — Structural and systemic relief

1. Where unlawful administration is systemic, the court may require a lawful remedial plan, deadlines, reporting, independent verification and affected-person participation.
2. The order shall preserve institutional responsibility and shall not place ordinary administration under indefinite judicial management.
3. Failure to comply may support further direction, contempt, personal accountability, costs or referral according to law.
4. Publication shall enable accountability while protecting personal and security-sensitive information narrowly.

Article 116 — Costs and access to justice

1. Costs shall follow the Civil Procedure Code and court rules with attention to good faith, public interest, inequality of resources and conduct.
2. A person shall not be deterred from a reasonable constitutional challenge by punitive costs merely because the claim fails.
3. Bad faith, fabrication, obstruction, destruction of record or unreasonable refusal to correct may justify personal or enhanced costs under law.
4. Legal aid, representative actions and accessible filing shall be supported according to applicable law.

CHAPTER XI SPECIAL CONTEXTS AND PROTECTED PUBLIC FUNCTIONS

Article 117 — President and Cabinet

1. A constitutional political function of the President or collective Cabinet policy is not converted into ordinary administrative action merely because it affects public policy.
2. Implementation of such policy through licences, services, employment, contracts, benefits, enforcement or individual determinations remains administrative action.
3. The existence and limits of constitutional authority, rights compliance and required procedure remain judicially reviewable.

4. No executive designation may remove an administrative function from this Act contrary to its practical legal nature.

Article 118 — National Assembly and judiciary

1. Legislative debate, voting, committee procedure and privileges are governed by the Constitution and National Assembly legislation, not this Act.
2. Judicial adjudication and case management are governed by the Constitution, Codes, Courts Act and court rules, not this Act.
3. Administrative employment, procurement, premises, information and services of legislative and judicial institutions remain subject to legality and fair administration consistent with institutional independence.
4. This Act shall not authorize executive control over the National Assembly or judiciary.

Article 119 — Prosecution and law enforcement

1. Criminal investigation, prosecution and adjudication are governed by the Penal and Criminal Procedure Codes, Courts Act, Police Service Act and Advocate General legislation.
2. Administrative licensing, employment, property, records and service decisions by those institutions remain subject to this Act unless a specific safeguard governs.
3. A prosecution decision remains subject to constitutional legality, independence and review according to applicable law without disclosure that would defeat fair trial or safety.
4. An administrative process shall not be used for punitive detention, interrogation or evasion of criminal procedure.

Article 120 — Defence and active operations

1. Operational command in active hostilities and immediate military deployment is governed by the Constitution and Defence Forces Act and shall not be managed through ordinary administrative procedure.
2. Recruitment, discharge, discipline, benefits, procurement, land, civilian harm administration and other non-operational decisions remain subject to applicable military procedure and constitutional fairness.
3. Security necessity may adapt timing and disclosure only to the concrete extent required and with prompt review.
4. Military status does not exclude court review of authority, detention, fundamental rights or action outside lawful command.

Article 121 — Intelligence and classified matters

1. The National Intelligence Services Act governs intelligence authorization, operations, oversight and protected information.
2. Classification may protect concrete operational harm but not conceal the existence of authority, unlawful action, corruption or the substance necessary for effective independent review.

3. Fair procedure may use cleared counsel, protected summaries, closed judicial inspection and other measures no broader than necessary.
4. A secret rule or undisclosed watchlist shall not determine an adverse public service or status without express law and contestable safeguards.

Article 122 — State of emergency

1. A state of emergency does not suspend this Act except to the extent a constitutionally valid emergency measure expressly, necessarily and temporarily adapts procedure.
2. Emergency administrative action shall identify authority, necessity, geographic and temporal scope, rights affected, safeguards and review.
3. Record, reasons, audit, anti-corruption, non-discrimination and judicial review shall continue to the greatest extent compatible with the Constitution.
4. An emergency procedure expires with its lawful basis and shall not become ordinary administration without legislation.

Article 123 — Tax, customs and public finance

1. Tax, customs, budget, procurement and public-finance Acts govern specialized assessment, collection, challenge, confidentiality and fiscal remedies.
2. This Act applies to authority, service, notice, record, reason, impartiality, delay and review where the specialized Act does not provide an adequate specific rule.
3. Revenue urgency does not authorize unofficial payment, selective enforcement, retroactive liability or seizure without law.
4. A specialized tribunal or appeal does not exclude constitutional judicial review.

Article 124 — Immigration, nationality and travel

1. Nationality, passport, visa, entry, residence, removal and asylum decisions shall follow their enabling Acts and this Act's minimum fairness.
2. Urgency, foreign affairs or border management does not by itself exclude notice, reasons, family and child consideration, non-discrimination or effective remedy.
3. Confidential security information shall be handled through fair protective procedure and shall not become unanswerable secret allegation.
4. Removal, travel prohibition and passport denial materially affecting rights shall have prompt independent and judicial review.

Article 125 — Children and vulnerable persons

1. In administrative action concerning a child, the child's best interests shall be a primary consideration and the child shall be heard according to age and maturity.
2. A guardian, representative, interpreter or independent supporter shall be provided where necessary.
3. Trauma, disability, age, detention, displacement, poverty and family dependency shall inform procedure, evidence, timing and remedy.

4. A vulnerable person shall not lose a right because the ordinary procedure was practically inaccessible.

Article 126 — Mass and programmatic decisions

1. Where a programme affects many persons, the public body may use standardized lawful procedure while preserving identification of material individual differences.
2. Eligibility rules, data, sampling, queue, audit and exception procedures shall be published and tested for unequal impact.
3. Representative participation and group notice may supplement but not erase individual remedy where serious personal consequence exists.
4. A systemic error shall trigger correction of similarly affected cases rather than relief only for persons able to litigate.

Article 127 — Public enterprises and private delegates

1. A public enterprise or private person exercising statutory public power is subject to this Act for that function regardless of corporate form.
2. Its contract, licence or delegation shall identify public duties, service standards, data, audit, complaint, continuity and review.
3. Commercial confidentiality and profit do not justify discrimination, secret criteria or denial of public-law remedy.
4. The responsible public body remains accountable for lawful delegation, supervision and continuity.

Article 128 — Traditional and community administration

1. A village, pastoral, customary or community institution exercising recognized public administrative function shall respect equality, participation, reasons and review.
2. Procedure may reflect legitimate local language, custom, consensus and accessibility where consistent with the Constitution and Assembly Acts.
3. Custom shall not justify discrimination, collective punishment, forced settlement, arbitrary land deprivation or exclusion from court.
4. Higher levels of government shall support capacity without displacing lawful community authority unnecessarily.

CHAPTER XII IMPLEMENTATION, TRANSITIONAL AND FINAL PROVISIONS

Article 129 — Administrative justice responsibilities

1. The Civil Service Administration Commission shall coordinate administrative-justice capacity, service standards, training and implementation support without controlling individual decisions.
2. The Advocate General shall advise public bodies on legality, rulemaking, review and corrective legislation while preserving independent adjudicative functions.

3. Each public body shall designate a senior administrative-justice officer and operational service leads.
4. Institutional arrangements shall use existing lawful bodies and shall not create overlapping adjudicative jurisdiction by administrative direction.

Article 130 — Implementation inventory

1. Within six months after commencement, every public body shall inventory its functions, powers, forms, fees, deadlines, rules, digital systems, review routes and material backlogs.
2. It shall identify missing authority, conflict, secrecy, duplication, discrimination, inaccessible service and obsolete procedure.
3. A prioritized compliance plan with responsible officers, resources and dates shall be published within nine months.
4. Immediate constitutional violations shall be corrected without waiting for completion of the inventory.

Article 131 — Review of existing rules and manuals

1. Every public body shall authenticate and review existing regulations, legal notices, directives, manuals, circulars, forms and automated rules within eighteen months.
2. An instrument lacking authority, publication, necessity or constitutional compliance shall be withdrawn, amended or submitted for lawful enactment.
3. A material public requirement shall be published during review with a visible statement of status and authority.
4. Authentic historical instruments shall be preserved and shall not be silently rewritten.

Article 132 — Existing decisions and pending matters

1. A lawful final decision made before commencement remains effective subject to existing appeal, review and constitutional remedy.
2. A pending matter shall use this Act's procedure from commencement where practicable and fair, without invalidating a completed lawful step.
3. A person shall receive the benefit of a stronger procedural safeguard where it can be applied without unfair retroactive effect.
4. Commencement does not revive an expired claim automatically or extinguish a continuing constitutional violation.

Article 133 — Backlog reduction

1. A public body with material backlog shall publish its size, age, cause, priority criteria, clearance plan and monthly progress without exposing personal information.
2. Priority shall reflect urgency, harm, vulnerability, first receipt and public interest rather than political or personal connection.
3. Temporary reassignment, simplified lawful process, technology and inter-agency support may be used with quality and fairness controls.

4. Backlog reduction shall not use mass rejection, fabricated completion, lost rights or pressure to withdraw.

Article 134 — Training and professional development

1. Every decision-maker, reviewer, inspector, rulemaker and service officer shall receive role-appropriate training in authority, fairness, reasons, records, equality, technology and remedies.
2. Training shall use practical Eritrean service problems and shall be accessible nationally through digital and in-person methods.
3. Supervisors shall review decision quality and systemic error without directing unlawful outcomes.
4. Completion of training does not cure lack of legal authority or excuse misconduct.

Article 135 — Monitoring and reporting

1. Every public body shall report annually on service time, backlog, complaints, reversals, court outcomes, accessibility, digital exclusion and corrective action.
2. Data shall be disaggregated appropriately to reveal unequal access while protecting personal information.
3. The Civil Service Administration Commission shall publish a comparative national report and recommendations.
4. Statistics shall distinguish pending, granted, refused, withdrawn, corrected, reviewed and judicially set-aside matters accurately.

Article 136 — Independent evaluation

1. At least every five years, an independent evaluation shall examine this Act's legality, access, administrative burden, service outcomes, institutional capacity and remedies.
2. The evaluation shall consult public bodies, courts, advocates, communities, businesses, unions and affected persons throughout Eritrea.
3. Its report and Government response shall be published and submitted to the National Assembly.
4. Recommendations shall identify provisions, procedures or institutions requiring retention, amendment, consolidation or repeal.

Article 137 — Regulations

1. The President may issue regulations for administrative implementation expressly delegated by this Act after consultation with the Civil Service Administration Commission and Advocate General.
2. Regulations may prescribe service charters, notices, forms, records, rulemaking dockets, digital registers, accessibility, reporting and transitional coordination.
3. They shall not create an offence, tax, appropriation, detention, search, confiscation, final administrative penalty or exclusion of judicial review absent an Assembly Act.

4. Draft material regulations shall identify authority, rights and fiscal effects and ordinarily allow at least sixty days for public comment.

Article 138 — Institutional procedural instruments

1. A public body may issue published procedures and forms for functions lawfully assigned to it.
2. A binding external requirement shall identify statutory authority and comply with Chapter VII.
3. A procedure shall not add an eligibility condition, fee, coercive power, evidence burden or exclusion from review.
4. Every current instrument shall be accessible through the official digital register and practical non-digital means.

Article 139 — Phased commencement

1. The provisions on legality, respectful hearing, notice, reasons, records, complaints, urgent action and judicial review commence thirty days after publication.
2. Public service charters, tracking, published procedures and administrative-justice officers shall be operational within twelve months.
3. High-impact automated-system assessments and registers shall be completed within eighteen months, and a noncompliant system shall not impose materially adverse action thereafter.
4. A commencement regulation may sequence technical implementation but may not postpone constitutional redress or authorize continuation of unlawful power.

Made at Asmara, this ____ day of _____ 2026.

THE NATIONAL ASSEMBLY OF ERITREA