

Universal Periodic Review

Eritrea

EXECUTIVE SUMMARY

[Information Forum for Eritrea](#) (IFE) is a Geneva-based NGO which advocates for the human rights of Eritreans inside and outside the Eritrea and aims at promoting an objective understanding of the human rights situation in Eritrea. In parallel, IFE holds a project named “*Humans of Eritrea*” with a goal to show another perspective on Eritrean refugees living in Switzerland. For the past nearly 18 years, Eritreans have been deprived of their right to express themselves freely, with various repercussions on their abilities to integrate in Switzerland. This platform aims at serving both:



- (1) Eritreans in encouraging them to move beyond their personal trauma by telling their stories (their experience while in Eritrea, and their journey to Europe or the one here in their host country); and
- (2) the Swiss population in providing them with an accurate narrative different from the one in the mainstream media which tends to omit the human dimension of each individual journey to their new host country.

IFE was created in November 2016 and thus the first time that the organization engages in the process of Universal Periodic Review. Eritrea has entered in its last year of the second cycle of the UPR and a Country Report, informed by a series of wide national consultations, is due in November by the end of the year. However, since January 2018, IFE has been actively advocating for more transparency, communication and engagement between Eritrean civil society and the Eritrean government through its Permanent Mission to the UN in Geneva.

In line the framework of the UPR, IFE has demanded, in January this year, that national consultations be held between the Eritrean government and the diaspora given that a large number of advocates currently live in exile. The past 10 years have been marked with a deficit of dialogue between the Government and its citizens. IFE highlighted that such consultations would not only be constructive but also necessary. Many requests have been made to restore dialogue and IFE hopes that the Eritrean Mission to the UN. in Geneva will respond favorably to this request.

RIGHT TO FREEDOMS OF EXPRESSION, OPINION, ASSOCIATION
RIGHT TO TAKE PART IN THE CONDUCT OF PUBLIC AFFAIRS
RIGHT FOR INDEPENDENT CIVIL SOCIETY TO OPERATE FREELY

Recommendations accepted by Eritrea:

- *“fully respect the freedoms of expression, opinion, association and peaceful assembly in accordance with Eritrea’s obligation under the International Covenant on Civil and Political Rights”¹*
- *“take policy and other measures which ensure the enjoyment of freedom of expression, opinion and assembly”².*
- *“ensure a conducive climate to the work of human rights defenders, civil society activists and journalists”³*

Developments since the acceptance of the UPR recommendations:

While some timid progress has taken place, since the last session, Eritrea has unfortunately not complied with its international obligations vis-a-vis the Covenant on Civil and Political Rights. The situation of human rights in the country hasn’t improved with human rights defenders, civil society activists and journalists still facing hostilities from the authorities.

There has been no policy or other measures to ensure the freedoms of expression, opinion and assembly as recommended by Tunisia.

1. As an example, in October 2017, the Government of Eritrea denied a permit for peaceful demonstrators protesting against the closure of the Al Diaa Islamic School⁴ in Asmara. In violation of the right to freedom of assembly, military police intervened by arresting and imprisoning young and older protesters alike. A month later, Haji Mussa, a [“respected Eritrean Muslim elder died in detention”⁵](#) after resisting the closure of the school and upholding his religious beliefs. In addition to being denied his freedom of expression, opinion and assembly, Haji Mussa and other protesters were also deprived the right to liberty and security and the right to a fair trial for their unlawful arrest.
2. Another example which proves the unfavorable existing climate is the dearth of mechanisms available not only for human rights defenders but also for ordinary citizens.

¹ Recommendation made by Belgium [122.160](#)

² Recommendation made by Botswana [122.162](#)

³ Recommendation made by Tunisia [122.168](#)

⁴ [Reuters: Eritrea arrests hundreds of perceived opponents : UN](#)

⁵ [CSW: Respected Eritrean Muslim Elder dies in detention](#)

As a proof, in 2015 and 2016, the government of Eritrea demolished at least 2,398 houses⁶. The victims of these demolitions have still not been able to challenge the demolition of their houses because of lack of appropriate mechanism for such remedies. As a signatory to the International Covenant on Civil and Political Rights, Eritrea shall ensure that individuals have access to effective recourse and remedies when violations occurred independently of the fact that the violator is a state actor. The right to adequate housing has been violated for nearly 14,388⁷ individuals. The current judiciary fails to recognize their rights before a court of law and the absence of independent NGOs and/or credible civil society organizations also compounds the amount of ordinary civilians who are vulnerable and in search of compensation.

RECOMMENDATIONS

- ❖ Speed up the process in creating a robust legal framework for civilians (1) to express their grievances, (2) to freely disseminate ideas and opinions, (3) to take part in the public affairs of the country, and (4) to form and join political parties;
- ❖ Take concrete measures for the representation of interest groups in the administration;
- ❖ Undertake without delay the establishment of independent institution which monitors human rights violations;
- ❖ Lift the 2005 law which imposes one million US dollar fees for local NGOs and two million US dollar fees for international NGOs⁸.
- ❖ Establish and/or reinstate the legislative and regulatory framework regarding the right of peaceful assembly and of association;

IMPLEMENTATION OF THE ERITREAN CONSTITUTION

RIGHT TO A FAIR TRIAL

RESPECT FOR THE RULE OF LAW

Recommendations accepted by Eritrea:

- *“apply all the provisions of the Constitution relevant to human rights and the rule of law”⁹;*

⁶ Report of the Special Rapporteur on the situation of HR in Eritrea, Sheila B. Keetharuth, June 2018 “Access to affordable and adequate housing”, paragraph 84

⁷ Report of the Special Rapporteur on the situation of HR in Eritrea, Sheila B. Keetharuth, June 2018 “Access to affordable and adequate housing”, paragraph 89

⁸ Report of the COI on Eritrea (June 2015) page 150, paragraph 583

⁹ Recommendation made by Tunisia [122.31](#)

- *“take urgent steps to promulgate and implement its national Constitution guaranteeing universally accepted recognized fundamental human rights for all citizens and the rest of its population”¹⁰*

Developments since the acceptance of the recommendations:

Constitution

Since the last session, Eritrea has not made any constructive, tangible and transparent steps towards implementing the 1997 Constitution or drafting a new Constitution as announced by the President of Eritrea in 2014¹¹.

Judiciary

The decisions of the judiciary continue to be largely influenced by the Office of the President which appoints, reassigns and dismisses judges. Despite the efforts made by the UN and the large funds provided by European Member States to improve the administration of justice, the lack of its independence puts civilians at the mercy of a system where mechanisms for accountability of government and public officials do not exist.

A clear road map for the Government to reform the justice and the entire penal chain is of a paramount importance at this junction.

National Assembly

The last time the National Assembly was seated was in 2002. Laws are adopted by government decrees or “proclamations”. The absence of consultation with the people’s interests through unilateral, and often draconian, decisions taken by the Office of the President, have numerous harmful repercussions at micro and macro levels.

1. On November 3, 2015, the Eritrean government announced that a new currency would be issued and that a six-week deadline would be given to Eritreans to change from the old Nakfa into the new one. The reasons given to justify this reform were (1) to fight black market, (2) to fight inflation, (3) to increase currency circulation and (4) to fight contraband and corruption¹².

Two years later, the government unilaterally adopted another policy which led to the sudden closure of hundreds of businesses across the capital city¹³. These business closures came about as a result of the near-impossible monthly 5000 Nakfa deposits mandated by authorities that business owners could not realistically supply. Licenses were subsequently withdrawn by authorities. Large hotels and restaurants were

¹⁰ Recommendation made by Ghana [122.41](#)

¹¹ [Interview of President Isayas Afeworki](#)

¹² [Awate : Eritrea’s new capital and social control through currency change](#)

¹³ [MartinPlaut : Eritrea : government closes many businesses for ‘failing to follow financial regulations’](#)

affected and IFE conducted interviews¹⁴ with several high-skilled young individuals who lost their jobs as a result of this inadequate policy.

The conceptualization and implementation of national policies requires precise data collection, meticulous planning, consultation with both experts and interest groups at different stages and a proposal for appropriate solutions when undesirable effects emerge. However, none of these crucial and fundamental steps on policy-making are taken seriously by the Office of the President when it releases presidential decrees and/or regular proclamations, that are not always published in the national gazette

RECOMMENDATIONS

- ❖ Establish a system of data collection which would allow adequate policy making;
- ❖ Integrate experts and interest groups in the process of policy making to progressively palliate the absence of legislative power of the past 18 years;
- ❖ Conduct an awareness-raising campaign to increase civilians' participation in public affairs;
- ❖ Ensure the separation of powers between the legislature, the executive and the judiciary;
- ❖ Speed up progress made by the Commission which was established to consider drafting a new constitution and or review the 1997 Constitution; or
- ❖ Take all the necessary steps towards implementing the ratified 1997 Constitution and ensure the supremacy of law in the country without delay;
- ❖ Adopt all the recommendations made by the UN to strengthen the administration of justice administration and guarantee the transparency of court processes;
- ❖ Ensure that individuals have the possibility of appealing settlements that are not based on law, and close the Special Court¹⁵;
- ❖ Restore an independent legislative body which accurately reflects all the types of diversity in the country including but not limited to diversity of gender, ethnicity, sexual orientation, physical ability, socio-economic bracket, etc.

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¹⁴ The interviewed individuals had just left the country and were in a Kenyan refugees camp in Kenya.

¹⁵ Report of the COI on Eritrea (June 2015) page 452, paragraph 1527