



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

NGO in Special Consultative Status with the Economic and Social Council of the UN

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Executive summary:

This submission focusses on the treatment of conscientious objectors and others who seek to avoid military service in Eritrea. Among the human rights concerns it identifies are:

non-recognition of the right of conscientious objection to military service, in violation of the right to freedom of thought, conscience and belief

arbitrary detention of those who seek to exercise this right by refusing to perform military service, for indefinitely prolonged periods, and in conditions which amount to torture or inhuman and degrading treatment

persecution of religious minorities, especially those associated with conscientious objection

disproportionate and often summary punishment of persons who have attempted to evade military service, often including torture and in some cases extrajudicial killings

reprisals against the families of those who have not reported for military service or have not paid the military tax levied on Eritrean citizens abroad.

forced recruitment, and recruitment of both male and female children

violation of the right to education through the closure of the country's one university in order to permit the indefinite extension of the period of compulsory military service, and the refusal of permission to leave the country in order to study elsewhere.

widespread rape and other gender-based violence within the army.

Background: Military Service in Eritrea

1. Eritrea has called up both men and women for military service in regular recruitment rounds since May 1994. Under the "Proclamation on National Service No. 82 /1995" all between the ages of 18 and 40 are liable to national service comprising six months military training followed by twelve months of "active" military service or development service under the control of the army, and to subsequent reserve duties up to the age of 50. However in situations of mobilisation or war, not only are reserves subject to recall, but "active" national service can be extended indefinitely. Since the 1998 - 2000 war with Ethiopia, Eritrea has in practice remained in an almost permanent state of mobilisation. Military training has been shortened to four months and the unarmed development service (which in fact predated compulsory military service) has disappeared.

2. The UN-brokered peace accord of December 2000 included a demobilisation plan; this programme has however been repeatedly reversed in response to fresh tensions with Ethiopia, and the best estimate remains that the army has a strength of between 300,000 and 350,000. (The other branches of the armed forces are very small.) Given that the total population (male and female) aged between 16 and 49 is estimated at some 1,700,000, (with the number reaching conscription age annually rather less than 125,000), this implies that approximately 20% of the population liable to military service is currently enrolled in the army. Some observers suggest that the Eritrean armed forces in fact contain about a third of the able-bodied workforce. In no other State are these proportions approached - partly of course because very few impose conscription on women.

3. Female conscription has its roots in the role women played in the Eritrean People's Liberation Front during the thirty-year-long war which led to independence from Ethiopia. Estimated at some 35% of the EPLF's strength, "(u)nlike their counterparts in the (Ethiopian) army, women in the (EPLF) usually assumed combat duties. In fact some are said to be among the best fighters. Not an insignificant number of them were posted in commanding positions within the force."¹

4. This emancipating image of female military service was initially carried forward into the Eritrean army. However the status of women in the army has suffered a sharp reversal; by 2004 it was reported that the perception that female conscripts faced sexual slavery led to violent confrontations with recruiters in some Muslim communities; since when conscription has been enforced less thoroughly on Muslim women.² Rape is now reportedly widespread, leading to frequent pregnancies, which result in release from the military but subsequent social stigmatisation.³ "In light of the pervasive gender-based violence within the military and its serious consequences," UNHCR concludes, "women draft evaders/deserters may be at risk of persecution as a particular social group."⁴

Recruitment

5. There are two principal means of recruitment; on the one hand a formalised call-up system, facilitated by the formalised militarisation of the education system; on the other hand forced recruitment by raids ("*giffa*" in the Tigrinya language), in areas where those who have not responded to the call-up, or who have deserted, may be hiding. These raids seize all who appear to be of military age and cannot produce documentation to show that they are not liable for military service. Those resisting are reportedly shot, - the government itself has officially admitted some fatal woundings during such operations.⁵

¹ Case study on Ethiopia prepared for The UN Study on the Impact of Armed Conflict on Children (the Machel Study) A/51/306 (1996), quoted in Brett, R. & McCallin, M., Children: the invisible soldiers (2nd edition, 1998), Rädda Barnen (Swedish Save the Children), Stockholm, p.83.

² Amnesty International, "Eritrea: You have no right to ask" 2004

³ See Bailliet, C.M., "Examining Sexual Violence in the Military Within the Context of Eritrean Asylum Claims Presented in Norway", International Journal of Refugee Law, 2007, pp.472 - 510.

⁴ UN High Commissioner for Refugees, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea, April 2009, p.19.

⁵ See Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, Addendum, E/CN.4/2006/52/Add.1, 27 March 2006, paras. 82-85.

6. New education regulations in 2003 required secondary school students to attend a three-month summer course at Sawa, the national military training camp in the arid north-west lowlands of the country. In the same year, the Government added a 12th grade to the secondary school education, and required that all students spend this year at Sawa High School, adjacent to the training camp. During that year, they receive military training and are reportedly considered to be members of the armed forces.⁶

7. Those who do not spend the year at Sawa do not get the results of their school leaving examinations and are thus ineligible to sit university entrance examinations. In practice, however, military service intervenes. By 2005, it was reported that the University of Asmara, the country's one university, contained only students in their third and subsequent year of studies who had enrolled before the new regulations came into force; in September 2006 it closed altogether .

8. Both recruitment models are prone to involve the conscription of persons aged under the legal recruitment age of 18. According to the United States State Department "Students at Sawa are typically 18 or older, although a fair percentage are as young as 16."⁷ One documented case of forced recruitment concerned a former child soldier interviewed in Germany in 2003 who had been seized by the military at the age of 13.⁸ The precise extent of such juvenile recruitment is hard to assess, as it is known that many cases inevitably go unreported.

Conscientious Objection

9. Eritrea does not recognise the right of conscientious objection to military service. Conscientious objectors who persist in their refusal to serve are held in military detention without prospect of release. The first conscientious objectors known to have declared themselves to the military authorities were twelve Jehovah's Witnesses, who were incarcerated at Sawa on 24th September 1994, in shipping containers which exacerbated the extreme desert temperatures. Nine of the twelve relented under these conditions and agreed to perform military service;⁹ the three who held out are as far as is known still held under the same conditions.

10. The Jehovah's Witnesses have supplied War Resisters' International with the names of eleven further conscientious objectors who declared themselves at dates between 2001 and 2007 and are currently incarcerated at Sawa.

11. Even among Jehovah's Witnesses, who give great importance to publicly testifying to their beliefs, most men of military service age were, by 2003, "in hiding in their homes (a self imposed house arrest) to avoid being arrested by the ever-present military police (MPs) who patrol the streets".¹⁰

⁶ Human Rights Watch, Eritrea: Human Rights Overview, January 2004.

⁷ US Department of State, Country Reports on Human Rights Practices, 2008: Eritrea, 25th Feb. 2009.

⁸ Ludwig, M., Former Child Soldiers as Refugees in Germany. (Originally published in German by terre des hommes Deutschland, 2003. (English translation published by Quaker UN Office, Geneva.

⁹ Connection e. V. (Germany), War Resisters' International, and the Eritrean Anti-Militarism Initiative, Eritrea: Conscientious Objection and Desertion (2005), Section 1.2.

¹⁰ Evidence submitted by the General Counsel of the Jehovah's Witnesses to the OHCHR for its report on "best practices" in the field of conscientious objection to military service, 1st August 2003.

12. An increasing number of conscientious objectors and others avoiding military service seek to escape the country altogether. In 2007, the latest year for which estimates are available, some 36,000 Eritreans filed asylum claims.¹¹ This represents over six per thousand of the total national population, a ratio not reached anywhere else. Avoidance of or desertion from military service is the motive of the largest number of refugees and asylum seekers from Eritrea; specifically it is the one country at present from which a large number people have become refugees because of their conscientious objections to compulsory military service.

13. Eritrean troops are believed to be under orders to shoot to kill anyone attempting to cross the border illegally. In one case reported in February 2009, four teenagers who had eventually given themselves up to soldiers after hiding near the border were summarily shot dead. There is no way of knowing how many such incidents occur; this particular case would have gone unreported but for the chance that a fifth member of the group was merely wounded and subsequently managed to escape.¹²

Penalties for avoidance of military service

14. Avoidance or attempted avoidance of military service by any means is punishable by a fine and two years imprisonment. It is revealing that Eritrea has found it necessary to stipulate that imprisonment will be extended to three years in the case of those who deliberately render themselves permanently incapable of performing military service.

15. Eritreans who leave the country to avoid military service and return at above the age of 40 are liable to imprisonment for five years, or until the age of 50, whichever is longer. Those who are still within the recruitment age on return are not only liable for military service on return, but are also subject to military punishment. Under the current semi-permanent state of mobilisation, the stipulated penalties are significantly increased. If the returnee is classified as a deserter, having been enlisted before escape, the minimum five-year sentence is increased to life imprisonment; if the desertion was from active service, the death penalty may apply. Moreover, military justice is in fact imposed summarily. There are many reports of torture and extrajudicial executions.

16. Even persons who have documentary evidence that they have completed their active military service find themselves at risk of punishment as evaders of reserve responsibilities if they leave the country while still of military age. Exit visas, including for purposes of study abroad, are routinely denied to men aged below 54 years and women below 47 years, also, since 2006, to children aged 11 and above, on the grounds that they are approaching military service age. In individual cases this reasoning has been extended to children as young as 5.

17. In the light of all the evidence, UNHCR concludes that “most Eritreans fleeing their country should be considered as refugees (...) particularly on the grounds of “political opinion” (both real and imputed) and “religion”.” The primary category which it considers to be “particularly at risk in view of the military, political and human rights situation in the country” is that of “draft evaders/deserters”, and,

¹¹ UNHCR, Global Trends 2007, June 2008, p15.

¹² War Resisters' International, CO-Update No. 45, February-March 2009.

specifically, within this category, “(c)onscientious objectors, particularly Jehovah’s Witnesses, may (...) be at risk of persecution, on the ground of their religion, imputed political opinion or membership of a particular social group.”¹³ Among the many jurisdictions which have granted asylum to Eritreans specifically on the basis of the disproportionate punishments for draft evasion and desertion are the USA, New Zealand, Switzerland and the UK.¹⁴

Persecution of religious communities and families

18. It is seemingly the extent to which conscientious objectors are perceived as having political opinions hostile the government which has led to the wider persecution of Jehovah’s Witnesses in particular, and may by extension have been the driving force behind a more general pattern of interference with religious practice.

19. A presidential decree of 1994, still in force, expelled Jehovah’s Witnesses “from government employment and accommodation, denied them access to government services including schools and hospitals, and refused them the official identity cards, (...) and passports.”¹⁵ (The Jehovah’s Witnesses themselves add that they are refused business licences, driving licences and official marriage registration.) It is believed that as at the end of 2008 some 25 Jehovah’s Witnesses were held in detention without charges, often having been arrested in the course of their religious observances or pastoral duties..

20. There have been persistent reports of incidents where Bibles have been confiscated from conscripts of officially recognised as well as unrecognised denominations. Finally, in 2008, the automatic exemption from military service which had been afforded to clergy of the four officially registered religious denominations was abolished.¹⁶

21. Since 2005, the families of secondary school students who do not report for military service have been subject to arbitrary detention without trial, being released only when they produce the missing conscript, pay a fine of 50,000 Nakfa (approximately ten times the per capita GDP), or undertake a period of military service in substitution.¹⁷

Taxation for military purposes

22. Eritrea’s military budget is estimated at over 6% of GDP, the ninth highest proportion in the world.¹⁸ In part this is funded by a 2% tax, levied strictly for military purposes on the incomes of Eritreans living abroad. Non-payment of the tax may lead to severe penalties on return to Eritrea, and pressure may be exerted on relatives remaining within the country, for example non-payment by a relative already abroad may be cited as the ground for refusing to grant an exit visa.¹⁹

¹³ UNHCR, April 2009, op cit, p.10.

¹⁴ Ibid, Footnote 78 on p.15.

¹⁵ Amnesty International, “Eritrea: You have no right to ask” 2004

¹⁶ US Department of State, International Religious Freedom Report 2008: Eritrea

¹⁷ See Amnesty International, “Eritrea: over 500 parents of conscripts arrested” , 26th December 2006.

¹⁸ CIA World Factbook 2009.

¹⁹ US Department of State, Country Reports on Human Rights Practices, 2008: Eritrea , 25th Feb. 2009.