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UPR -- 18th Session -- Eritrea
Human Rights Concern Eritrea—Stakeholder Submission

Universal Periodic Review

Human Rights Concern Eritrea: Stakeholder Submission:

ERITREA

Introduction: Human Rights Concern Eritrea

1. Human Rights Concern Eritrea (HRCE) is an independent human rights organization based in the UK. The organization is dedicated to the promotion and protection of the human rights of Eritreans, at home and all over the world, through advocacy, education, research and documentation.

Constitutional and Legislative Framework

Accession to International Treaties

2. In its response to 2010 UPR recommendations, Eritrea accepted the need for it to accede to the Convention Against Torture, Cruel, Degrading and Inhuman Treatment (CAT), but this has yet to take place. Eritrea did not agree to the recommendation that it should ratify the International Convention for the Protection of all Persons from Enforced Disappearance (CED), stating that “the Transitional Civil Procedure Code of Eritrea of 1991 provides for *Habeus Corpus*”, but agreed to study the Convention. As the Special Rapporteur on the Situation of Human Rights in Eritrea makes clear¹, it is now a priority for the state to accede to and implement legally these two treaties. Eritrea is a member of the African Union and signatory to the African Charter, but has ignored Resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples’ Rights.

Recommendations

3. That the State Party ratify these two international treaties (CAT and CED) without further delay.
4. In addition, the state party should comply with the requirements of the African Charter and the African Commission for Human and Peoples’ Rights (ACHPR)

Political Freedom

5. In its responses to UPR Recommendations in 2010, Eritrea asserted that it was “implementing its constitution, including the holding of democratic elections” but declared that “elections will be held once the threat to national security and the country’s sovereignty is irrevocably removed”. This clearly stops the implementation of constitutional guarantees until all possible external threats are removed, giving no time frame or guarantee, allowing the constitution and its extensive protection of rights to be ignored for the foreseeable future. A national election has been permanently “postponed”, the National Assembly has been closed down, and the hope of an independent judiciary left unfulfilled. Several of the institutions provided for under the constitution have yet to be set up. No political, civic, human rights organisations or independent non-governmental associations are permitted, except those affiliated to the authorities. Public gatherings of more than seven people are prohibited. There is no right to peaceful protest.

Recommendation

6. That the State Party should implement fully the 1997 constitution, allow independent political parties and civic organisations to function freely, hold free and fair elections, and establish an independent judiciary.

¹ Report of Special Rapporteur on the Situation of Human Rights in Eritrea to the Human Rights Council 28th May 2013:A/HRC/23/53

Freedom of Expression

7. In its responses in 2010, Eritrea stated that it “respects the right to freedom of expression and opinion”, and asserted that “No one in Eritrea is detained for expressing his/her views”. “Press freedom” was, it admitted, “another matter”. This total absence of freedom of expression has been stressed by the African Commission as well as the Special Rapporteur on Eritrea. The number of journalists, teachers, and ordinary citizens expressing views critical of the government who have been interrogated and detained without charge simply for their perceived political opposition may be as high as 10,000². The constitution may guarantee human rights, but those rights are continuously violated by representatives of the state. In the World Press Freedom Index for 2013 created by Reporters Without Borders, Eritrea came 179th, (last place in the index for the sixth successive year)³. There is no freedom of press. All the private media have been closed since September 2001; to date, at least 30 journalists have been detained incommunicado; and 7 journalists are known to have died in prison due to the harsh prison conditions.

Recommendation

8. **That the State Party implement the 1997 Constitution and affirm the right to freedom of expression of opinions and political views, through all forms of communication, and establish the right to form and join political parties.**

Approved Religious Denominations

9. In its response to recommendations in the 2010 UPR, Eritrea asserted that its constitution and laws “expressly provide that citizens have the freedom to practise any religion and to manifest such practice.” However, since 2002, the state of Eritrea has only recognized two religions, Christianity and Islam, and, within those, only three Christian denominations, the Orthodox Church of Eritrea, the Roman Catholic Church, and the Evangelical Church of Eritrea, and only the Sunni division of Islam. All other denominations of Christianity, as well as the Shiite and Ahmediya versions of Islam, are illegal, as are Hinduism, Buddhism, and the Bahai religion. This cannot be recognized as full religious freedom.

Recommendation

10. **That the State Party officially amend its laws and constitution to guarantee that people of all faiths may practice their religion freely and without fear.**

Religious Freedom

11. In its responses to UPR Recommendations in 2010, Eritrea asserted that “the protection and guarantee of freedom of religion” is “provided by Eritrean laws” and that “every Eritrean has the right to religious belief.” It also asserted that “Eritrea does not detain people for their religious belief.” However, it is clear from the Report of the Special Rapporteur⁴, that “followers of unrecognized religious denominations such as Jehovah’s Witnesses and Evangelical and Pentecostal churches, among others, face persecution and are regularly arrested, detained and tortured, and submitted to severe pressure to renounce their faith. Worshipping at home or possession of religious material, including bibles, can be a reason for arrest.” In August 2012, there were 56 Jehovah’s Witnesses in prison, and it was reported that a minimum of 2,500 people were currently in jail because of their religious faith, without charge or trial. Even from within the legal Christian denominations, there are numerous religious leaders in prison for their faith, including the rightful Patriarch of the Eritrean Orthodox Church, Patriarch Antonios, who was removed from his position in 2006 and placed under house arrest for asking the government to stop interfering in religious affairs.

Recommendation

² Report of Special Rapporteur on the Situation of Human Rights in Eritrea to the Human Rights Council 28th May 2013: A/HRC/23/53

³ (<http://en.rsf.org/press-freedom-index-2013,1054.html>)

⁴ Report of Special Rapporteur on the Situation of Human Rights in Eritrea to the Human Rights Council 28th May 2013: A/HRC/23/53

12. That the State Party put an end to the detention of people based on their religious beliefs and issue immediate and clear public orders to security forces to cease arbitrary arrest and detention of people on the basis of their religion or belief.

Compulsory and Indefinite Military Service

13. Out of an estimated population of 5 million, over 380,000 are in active military service. Despite the official length of service being 18 months, most have served 17 years or more⁵. Pacifists and those rejecting military service such as Jehovah's Witnesses are denied education and are stripped of their citizenship rights. Eritrea declared that failure to perform national military service renders offenders liable to strict punishment and rejected recommendations made at the UPR in 2010. To recognize the full human rights of all citizens, it is vital that the right to conscientious objection to military service be recognised and that Eritrea reinstates the option of civilian national service. Female conscripts are sexually, emotionally and physically abused and are often made servants and sex-slaves of military commanders and guards in prisons. Refusal results in heavy military duties, torture and severe punishment. Many end up with unwanted pregnancies, and many more with HIV/AIDS and other STDs. At present, the length of military service can be extended without limit. The relatives of deserters from military service are fined up to \$3000 – or imprisoned indefinitely where they are subjected to hard labour.

Recommendation

14. That the State Party end the practice of indefinitely extending military service, initiate demobilization for those who have completed 18 months of service, and offer the option of civilian national service. In addition, the state party should end policies that target or punish family members of those who evade national service or seek to flee Eritrea;

Rule of Law: Implementation of Legislation

Disappearance and Detention without Trial

15. In 2010 Eritrea declared that its Civil Procedures Code, providing *Habeus Corpus* provisions, gives protection against disappearances, and that it was studying the International Convention on Protection from Enforced Disappearance (CED). However, multiple disappearances continue of journalists, politicians and soldiers, such as that of Seyoum Tsehaye⁶, who has not been seen since his arrest, although he is believed still to be held at the high security prison of Era' Ero. The Eritrean government refuses to say where such "disappeared" prisoners are; Seyoum's wife was herself imprisoned for asking where her husband was. Tens of thousands of citizens have disappeared; it is impossible to discover the precise number because the government refuses independent access to detention facilities.

Recommendation

16. That the State Party release all prisoners detained without charge or trial, allow independent monitors access to all detention facilities, and set up effective mechanisms to establish the whereabouts of those who have reportedly disappeared.

Torture

17. Eritrea asserted in 2010 that "no person is tortured... by police or military" in Eritrea, and that "the government spares no effort in prosecuting anyone found guilty" of such crimes. Yet physical and psychological torture is known to be used regularly in Eritrean prisons, military barracks and training camps such as Sawa⁷. Torture is systematic and prisoners are routinely beaten. Prisoners are handcuffed 23 hours out of 24, and are given electric shocks and genital torture⁸. Rape,

⁵ Human Rights Concern Eritrea : Seminar 31 May 2013:<http://hrc-eritrea.org/939>

⁶ <http://hrc-eritrea.org/eritrea-voices-of-victims-call-for-greater-pressure-from-international-and-regional-mechanisms>

⁷ Report of Special Rapporteur on the Situation of Human Rights in Eritrea to the Human Rights Council 28th May 2013:A/HRC/23/53

⁸ Human Rights Concern Eritrea : Seminar 31 May 2013:<http://hrc-eritrea.org/939>

sexual slavery and hard labour are common place. Deprivation of sleep, food, water, clothing, and medication are the norm. Inhuman and degrading conditions are standard. Prisons and detention centres, estimated to number over 300, are often underground, with no light, and always overcrowded. Metal shipping containers are used to detain people without ventilation in extremes of hot and cold temperature. No communication with families, legal representatives are allowed, and visitation rights do not exist. All these conditions contribute to a regime of psychological torture.

Recommendation

- 18. That the State Party should issue clear orders to the security forces to cease all forms of torture and inhuman treatment and establish adequate mechanisms to ensure the prompt and effective investigation of all allegations of torture and ill-treatment and to bring the perpetrators to justice.**

Extra-Judicial Killings and Deaths at Borders

- 19.** An unknown number of people have been shot near the Eritrean borders with Djibouti, Yemen, Ethiopia and Sudan, allegedly for attempting to cross illegally. Former military personnel have confirmed that security forces at the borders have standing orders to implement a shoot-to-kill policy, without mercy or consideration of age, sex or circumstances. There have been many reports by ex-prison officials of extra-judicial executions; the number of deaths is unverifiable, but it is clear that this practice continues unabated.

Recommendation

- 20. That the State Party revoke the shoot-to-kill policy at borders and the practice of extra-judicial execution, and institute humane policies for the control of its borders and the treatment of detainees, civilians and those seeking refuge.**

Recruitment of Child Soldiers and Use of Child Labour

- 21.** Eritrea signed and ratified the Convention on the Rights of the Child and acceded to the Optional Protocol on the involvement of children in armed conflict in 1994. In 2010, Eritrea denied the forced recruitment of children under the age of 18 into the armed forces or that child labour was practised in the country. But Eritrea admitted that there is a temporary detention centre for children in the central region, and accepted the need to ratify the ILO Convention 182 on Child Labour. To attend 12th grade schooling, students are forced to go to military training camps in which they undergo 6 months of military training; there are substantial numbers of students under 18 years of age in these camps performing military training. According to reliable witnesses, underage children who fail to attend school are detained and sent to military camps such as Wia. These recruits include some children who are as young as 11 years old. These underage recruits include refugee children who are repatriated by the Sudanese armed forces to Eritrea.
- 22.** Child labour starts with the compulsory summer vacation camps for all students at junior and secondary schools; most students are under the age of 18 and for 45 days they are compelled to undertake manual labour. Forced underage recruitment and the detention and ill-treatment of boys and girls under the age of 18 during military service were reported by the Committee for the Rights of the Child⁹. The growing militarisation of education in Eritrea is a disturbing feature of Eritrean society. The only university in the country (Asmara University) has been closed since 2006, and education beyond the age of 15-18 appears to have been delegated to the military. Surveillance of school premises by military personnel is widely practised. It is essential that education be separated from military intervention and control if a healthy and peaceful civic society is to be established.

Recommendation

- 23. That the State Party stop the recruitment of child soldiers into its armed forces and ensure that no students and children under the age of 18 are forced to undertake labour for state or private enterprises.**

⁹ CRC/C/ERI/CO/3, paras.70-71.

Forced Labour

24. Not only does the government of Eritrea use forced labour without wages to complete its construction projects, but international mining companies are complicit in this use of “slave labour”. The Sawa Construction Company and the Segen Constructon Company, Nevsun mining company are three of the many companies owned and operated by the Eritrean military. Under the indefinite national service scheme, conscripts and other forced labourers are used to work without wages under military discipline on international investment projects such as Bisha mining project and the Dahlak Tourist Resort and Hotel; at the latter project, at least 300 labourers have been forced to work 12-hour shifts without pay. International mining companies are becoming involved in the use of illegal forcibly-conscripted unpaid labour¹⁰. In all government employment, in agricultural, industrial, and educational projects, unpaid forced labour is routinely used.

Recommendation

25. **That the State Party immediately cease from using national service conscripts and other recruits for enforced labour, and that all contracts for mining and construction projects require that International Labour Organization principles, standards and requirements be implemented in all such employment.**

Appalling Living Conditions

26. A food distribution coupon-system controls every gram of food consumed by every member of every household. For example, in the towns, each registered member in a household is allowed a 100-gram piece of bread per day. Every registered Eritrean is allowed to buy 750 grams of sugar and 5 kilos of grain for a month. The people in the villages are left to fend for themselves.

So, poverty is rampant and many families eat only once a day. Humiliated mothers are forced to beg in the streets and cafes. Begging, is now common and the only means of income for many. Even begging is not allowed, if caught, beggars are detained indefinitely. Attempting to source food elsewhere is illegal, consequently avoiding starvation has been criminalized. Even the army is malnourished.

Recommendation

27. **That the state party allows private businesses to freely run, citizens to buy their food from free markets without fear, to end the use of coupon-system for controlling movements and punishing citizens; and to end the practice of indefinitely extending the national military service. There is a high need for a social service system to help those who are vulnerable and disabled.**

Access for UN Special Rapporteurs

28. In its responses in 2010, Eritrea said that it would consider inviting UN Human Rights Special Rapporteurs to visit the country. However, as the UN Special Rapporteur on the Situation of Human Rights in Eritrea notes in her Report of 28 May 2013¹¹, Eritrea has not issued a standing invitation and has not agreed to any pending requests for visits made by five special procedures mandate holders of the Human Rights Council.

Recommendation

29. **That the State party reply immediately to requests by the Special Rapporteurs, responding positively with invitations to visit Eritrea, and that it collaborate with these Special Rapporteurs in implementing their mandates.**

¹⁰ <http://hrc-eritrea.org/hear-no-evil-forced-labor-and-corporate-responsibility-in-eritrea%E2%80%99s-mining-sector/#more-581>

¹¹ Report of Special Rapporteur on the Situation of Human Rights in Eritrea to the Human Rights Council 28th May 2013:A/HRC/23/53