

**Executive Summary**

**This submission was prepared in June 2013 on the basis of the latest information available at that date. It focusses on issues with regard to military service in Eritrea – the continued failure to make legislative provisions for conscientious objection to military service, juvenile recruitment**

**CONSCIENTIOUS OBJECTION TO MILITARY SERVICE**

1. In the first cycle of the UPR, Eritrea received a number of recommendations concerning its military service arrangements.
2. Canada recommended that Eritrea “respect the provisions of the Proclamation on National National Service, and immediately end the practice of indefinitely extending national service.”<sup>1</sup> The United Kingdom<sup>2</sup>
3. The United States<sup>3</sup> and the United Kingdom referred to abuses within the National Service programme, the latter focussing particularly on the use of military conscripts as forced labour for private enterprises.
4. Slovenia<sup>4</sup> and Austria<sup>5</sup> referred particularly to the sexual harassment of women conscripts.
5. Slovenia, explicitly, and Argentina by implication referred to the lack of provision for conscientious objection to military service.
6. Germany (56), Argentina (57), the United Kingdom (61), the USA(62), Poland (63) and Ghana (64) all made recommendations that Eritrea should take action to end the practice of juvenile conscription.
7. Although the recommendation numbers cited do not completely tally with those given in the report itself, Eritrea explicitly rejects all the recommendations relating to military service, except perhaps those relating to sexual exploitation and violence against women in the armed forces.<sup>6</sup> On that issue, the statement that “Severe punishment has been and will be meted out to those convicted of violating the dignity and liberty of (...) female members of the armed forces”<sup>7</sup> addresses only part of the recommendations, as it says nothing about preventing the abuses through an awareness-raising campaign.
8. A different batch of recommendations (by Australia (89), the Netherlands (90), Austria (91), Ireland (92), Chile (93), Brazil (97) and Norway (98)) concerned the freedom of religion or belief and arbitrary detentions on grounds of religious adherence. Eritrea did not indicate whether it

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<sup>1</sup> Para 79.58

<sup>2</sup> Para 79.60

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<sup>4</sup> Para 79.55

<sup>5</sup> Para 79.54

<sup>6</sup> A/HRC/13/2, Add. 1, paras 26, 27.

<sup>7</sup> Ibid, para 24

accepted or rejected these recommendations, but instead challenged the accuracy of the information on which they were based:chseeming instead. “Eritrea does not detain people for their religious belief.”, but continues “There are those who have been detained for committing crimes, including treason and threatening national security. Their cases have been, and continue to be, under review.”<sup>8</sup>

9. Regarding all of the recommendations quoted above, and quite apart from the question of acceptance or rejection, there is no evidence of any action taken by Eritrea since the last Review which would meet the concerns expressed in these recommendations.

10. The Eritrean government continues to deny the factual bases of almost all allegations made.<sup>9</sup> However in the absence of any independent journalism or civil society organisations and with no access to the country for international organisations or United Nations procedures, including the Special Rapporteur on Eritrea herself there is no way of verifying the government's denials. Meanwhile, the little information which does emerge from the country, mainly through the testimony of refugees<sup>10</sup> and therefore inevitably slightly out of date, serves only to reinforce the earlier reports.

## BACKGROUND

11. After independence in 1993, the Eritrean People's Liberation Front, which had led the thirty-year-long war of independence from Ethiopia transformed itself into the “Popular Front for Democracy and Justice”, and has imposed military rule ever since. Between 1998 and 2000, a war with Ethiopia over a disputed stretch of border cost massive casualties. Since then, there has been no full-scale military conflict, yet the level of militarisation in the country has if anything increased.

12. Initially, the size of the former liberation forces was such that Eritrea did not need fresh military recruitment. The first national service introduced was an 18-month development service under the Ministry of Regional Administration. Under the 1995 Proclamation on National Service this was replaced by an obligation for all citizens (male and female), to perform six months of military training followed by twelve months of military service, which might be armed or unarmed. The development service was retained only for those found to be unfit to perform military service.

13. Article 21.1 of the Proclamation reads “During a mobilisation or war period anyone in Active National Service is under the obligation of remaining even beyond the prescribed period unless the concerned Authority allows him to leave officially.”<sup>11</sup> This provision invoked not during the 1998-2000 border war with Ethiopia, but subsequently, in the “Warsai-Dikalo Development Campaign” of 2002. Military training has been shortened to four months and the unarmed development service (which in fact predated compulsory military service) has disappeared. Military training has been shortened to four months and the unarmed development service (which in fact predated compulsory military service) has disappeared.

14. The UN-brokered peace accord of December 2000 included a demobilisation plan. As of

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<sup>8</sup> Para 32.

<sup>9</sup> See, for example the statement made by the Eritrean Ambassador in the interactive dialogue with the Special Rapporteur on Eritrea at the 23<sup>rd</sup> Session of the Human Rights Council.

<sup>10</sup> See for example Amnesty International, “Eritrea: 20 years of independence but still no freedom”.

<sup>11</sup> Proclamation on National Service No.82/1995, Article 21, 23<sup>rd</sup> October 1995 (translation as given on UNHCR Refworld database)

December 2006 some 104,400 soldiers had been demobilised; fresh tensions with Ethiopia however led to the suspension of the programme. A conservative estimate puts the current active strength of the armed forces at 201,750, overwhelmingly conscripts, plus some 120,000 reserves.<sup>12</sup> Given the ongoing state of general mobilisation, it is not clear how many of the reserves are in fact mobilised at any one time. The population reaching the “militarily significant” age of 16 in 2010 was estimated as 134,550.<sup>13</sup> Some observers suggest that the Eritrean armed forces in fact contain about a third of the able-bodied work-force. In no other State is this proportion approached - partly of course because very few impose conscription on women.

15. 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.”<sup>14</sup>

16. 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.<sup>15</sup> Rape is now reportedly widespread, leading to frequent pregnancies, which result in release from the military but subsequent social stigmatisation.<sup>16</sup>

## CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

17. Eritrea does not recognise the right of conscientious objection to military service. In the twenty years of Eritrean independence, every person known to have declared a conscientious objection when faced with military recruitment has been imprisoned, and there has not been a single reported instance of the release of a conscientious objector from imprisonment.

18. The first conscientious objectors known to have declared themselves to the military authorities were twelve Jehovah’s Witnesses, who were incarcerated at Sawa on 24<sup>th</sup> 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;<sup>17</sup> nineteen years later, the three who held out are as far as is known still held under the same conditions.

19. Subsequently, in view of the harsh treatment to be expected, most conscientious objectors in Eritrea have attempted to evade military service, often by fleeing the country, rather than reporting to the military authorities and declaring their refusal to serve. This even applies to Jehovah’s

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<sup>12</sup> The Military Balance 2013 (International Institute of Strategic Studies, London), p508.

<sup>13</sup> CIA World Factbook, op cit

<sup>14</sup> 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 (2<sup>nd</sup> edition, 1998), Rädde Barnen (Swedish Save the Children), Stockholm, p.83.

<sup>15</sup> Amnesty International, “Eritrea: You have no right to ask” 2004

<sup>16</sup> 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.

<sup>17</sup> 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, 1<sup>st</sup> August 2003.

Witnesses, who normally give great importance to publicly testifying to their beliefs. A number of Jehovah's Witnesses have nevertheless declared themselves as conscientious objectors in full knowledge of the likely consequences. It is believed that in addition to the original three, nine remain imprisoned at Sawa, one since 2001, one since 2003, one since 2004, three since 2005, one since 2006, and two since 2007. Three who declared their objection later, two in 2008 and one in 2009, were imprisoned in Meitir.

## JUVENILE RECRUITMENT

20. Eritrea acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) on 16<sup>th</sup> February 2005. It has however yet to produce its initial report.

21. Refugees have reported that military training occupies two to three hours twice a week in the secondary school curriculum<sup>18</sup> and it is known that the final year of secondary education must be served in a military training centre, so that as reported by Child Soldiers International some "are therefore in effect conscripted below the age of 18 years".<sup>19</sup>

22. As well as the official call-up system, facilitated by the formalised militarisation of the education system; much conscription takes the form of forced recruitment in 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. Such a model is prone to result in at least the inadvertent conscription of persons aged under the legal recruitment age of 18.

23. Some of the evidence however implies that age limits may be wilfully ignored. For example 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.<sup>20</sup>

24. A later account<sup>21</sup> gives a picture of widespread conscription at an extremely young age. A conscript who completed training in July 2007 reports that in his battalion of 500 there were 17 **children** aged below 15 – he names three eleven-year-olds, two twelve-year-olds and four fourteen-year-olds. Of the others who were "under age" ie. 15, 16 or 17 years old, the number was so large that he was unable to give an estimate. Naturally some of the younger recruits were physically unable to bear weapons and instead became enslaved as personal servants for individual officers.

25. It will be noted that any military recruitment of persons aged under 15 is a violation of the Convention on the Rights of the Child itself. The conscription, or the deployment in hostilities, of persons aged under 18 is a violation of the OPAC. It will also be noted that a person who was aged 11 in July 2007 would at the time of writing (June 2013) not have reached his or her eighteenth birthday. If these allegations were accurate, and if the persons concerned have not been demobilised, this means that Eritrea would still have under-age conscripts even if, contrary to all reports, absolutely no juvenile recruitment had subsequently taken place.

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<sup>18</sup> See, for instance, Yosef-Tudla, R. "I am against war on principle" in Women Conscientious Objectors, an anthology (War Resisters' International, London, 2010), p 78.

<sup>19</sup> Child Soldiers International, Louder than words, London, September 2012, p.147.

<sup>20</sup> 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.

<sup>21</sup> <http://www.ehrea.org/cs.htm>

## REPRISALS AGAINST REFUGEES AND THEIR FAMILIES

26. 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.

27. 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.

28. The families of persons who do not report for military service have been subject to arbitrary detention without trial, being released only when they produce the missing conscript, or pay a fine of 50,000 Nakfa (approximately ten times the per capita GDP).<sup>22</sup>

29. Of particular concern to refugees from Eritrea is the tax of 2% levied strictly for military purposes on the incomes of Eritreans living abroad. In part this is funded by a 2% tax. 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.

30. Reliable recent details of Eritrea's military expenditure are impossible to obtain. The Stockholm International Peace Research Institute last produced an estimate in 2003 when it was 20.9% of GDP, down from 34.4% in 1999, by far the highest figure they listed. The CIA estimate that in 2006 military expenditure was 6.3% of GDP, the tenth highest proportion in the world.<sup>23</sup>

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<sup>22</sup> Amnesty International 2013 *op cit* p32.

<sup>23</sup> CIA World Factbook (<https://www.cia.gov/library/publications/the-world-factbook/geos/er.html>), accessed June 2013. (The ranking must however be taken with a degree of caution as it is based on figures for different years for different countries.)