

UPR Pre-session

Eritrea

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INFORMATION FORUM
FOR ERITREA

Summary

- 1. Political and Civil Rights**
- 2. Supremacy of Law**
- 3. Noted recommendations**
- 4. Question 1 and recommendations**
- 5. Question 2 and recommendations**

1. Political and Civil Rights

“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”

Recommended by Belgium (122.160), accepted by the State of Eritrea (SoE)

“take policy and other measures which ensure the enjoyment of freedom of expression, opinion and assembly”

Recommended by Botswana (122.162) and accepted by the SoE

“ensure a conducive climate to the work of human rights defenders, civil society activists and journalists”

Recommended by Tunisia (122.168) and accepted by the SoE

1. Political and Civil Rights

EVOLUTION IN THE COUNTRY SINCE THE LAST REVIEW:

- Continuing of arbitrary arrests and enforced disappearances;
- No release of political prisoners; or any other prisoners, including minors;
- No judicial redress or equitable remedies; no access to justice, not access to defense lawyers
- Space for Civil society organisations
- One million cash deposit remains for a registration of a local NGO;
- Criteria of registration of NGO at the discretion of the Ministry of Labour and Human Welfare (no legal ground indicated on Proclamation n°145/2005); and
- No organizations which operate publically and officially except GONGO's (NUEW, NUEYS, etc.). Arbi Harnet only organization independent from the ruling party which operates in a hostile climate.

2. Supremacy of Law

“apply all the provisions of the Constitution relevant to human rights and the rule of law”

Recommended by Tunisia (122.31) and accepted by the SoE

“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”

Recommended by Ghana (122.41) and accepted by the SoE

2. Supremacy of Law

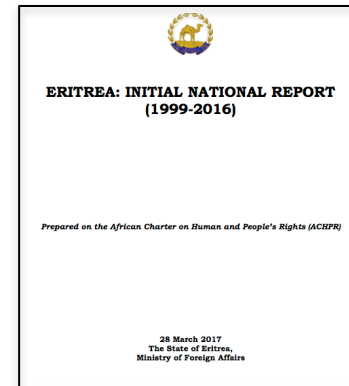
EVOLUTION IN THE COUNTRY SINCE THE LAST REVIEW:

- On Freedom House, in 2018, Eritrea scores 0/12 on Electoral Process, 0/16 on Political Pluralism and Participation, 1/12 on Functioning of Government ;
- Arbitrary arrest and enforced disappearance of Mr. Berhane Kidane
 - A persisting pattern of inconsistency between practice and reporting (p. 3 Eritrea: Initial national report): *“The all-round progress achieved has made deep implications in the enjoyment of human rights. Equal rights and opportunity is promoted and **guaranteed by national law.** (...) Moreover, the responsible participation of the people is also strengthened. Hence, **Eritrea is governed by the rule of law with all rights guaranteed.**”*

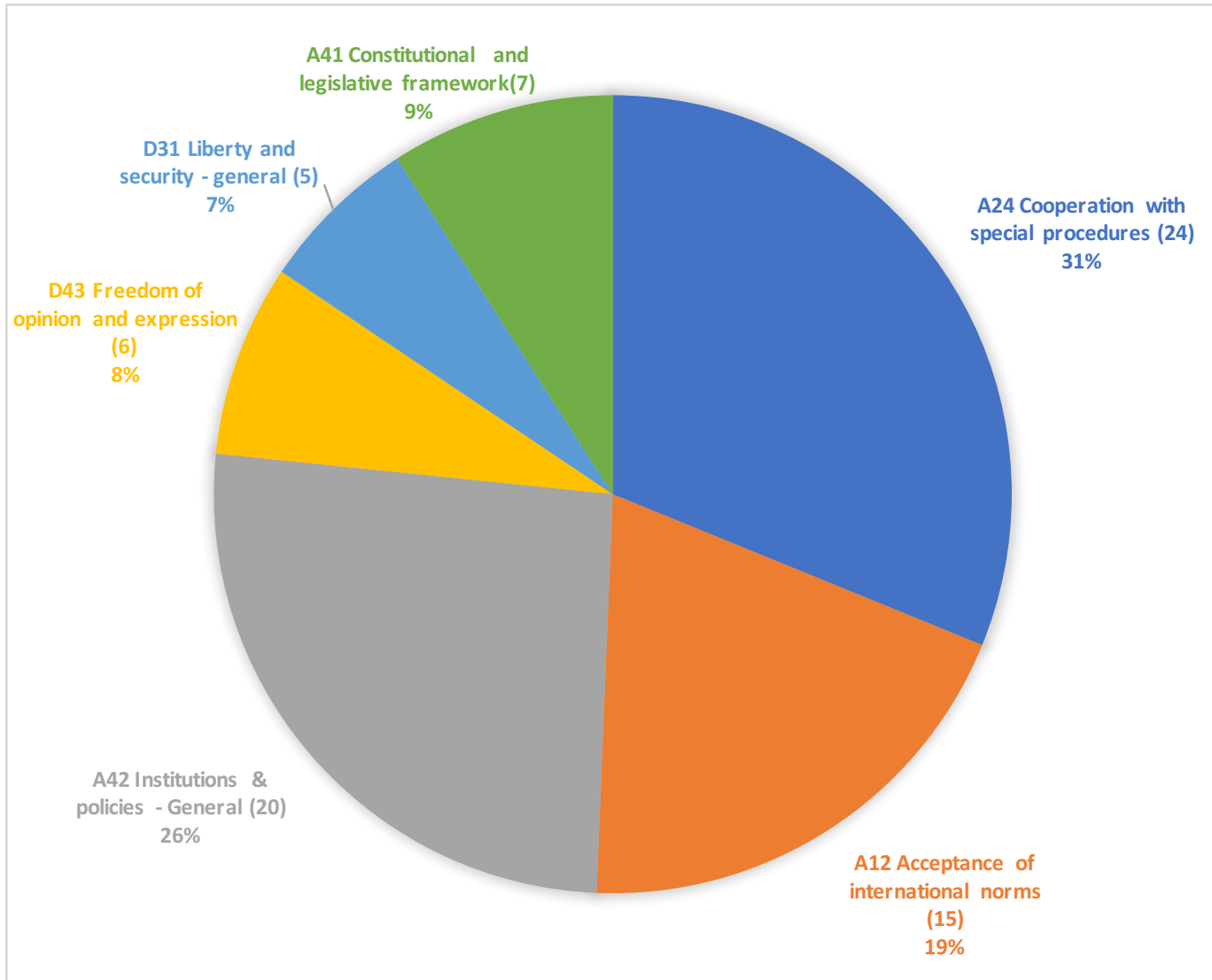
OCTOBER 2017 & SEPTEMBER 2018



MARCH 2017



3. Noted recommendations

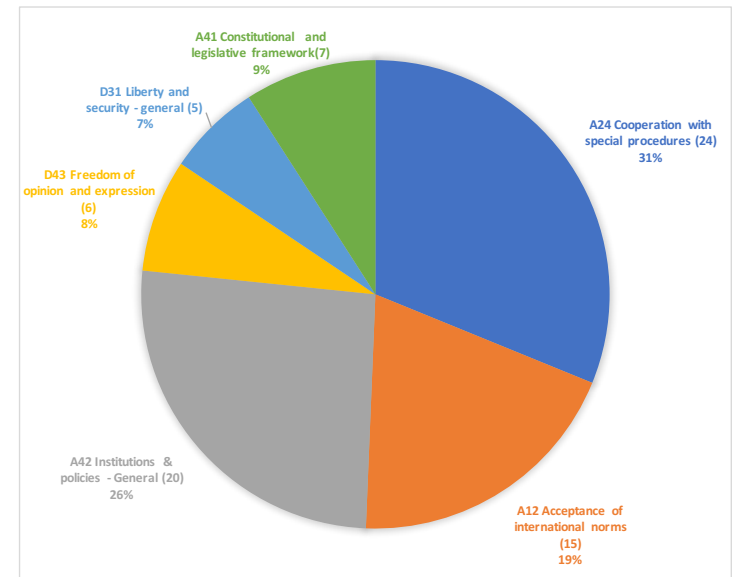


4. Question one

In the course of the past months, Eritrea has :

- entered the Human Rights Council;
- made peace with its neighboring countries;
- seen its sanctions lifted.

How will the Government of Eritrea reflect these drastic changes on the noted recommendations (hereafter)?



4. Recommendations to question one

- (1) End the national service and all HR violations (A42);
- (2) Release all political prisoners, civil society, activists, journalists, etc. (D31/D43) ;
- (3) Meet the minimum State obligations by (A41) :
 - (1) Implementing of 1997 Constitution;
 - (2) Providing an independent judiciary;
 - (3) Providing clearly new legislation for freedom of expression, assembly, movement, religion and belief ;
- (4) Enhance cooperation with special procedures mandate holders (A24).

5. Question two

Since the Peace declaration with Ethiopia, Eritrean Government institutions rushed to create instruments offering opportunities to Ethiopian investors on various fields, including commercial and acquisition of real estate properties.

How does the government of Eritrea explain those remarkable developments within nearly six months, while the constitutional and legislative framework which are vital for its civilians **remain unaddressed**?

5. Recommendations to question two

- (1) Publicly and officially **recognize the logic return to normalcy** (exit « *no-war, no-peace* » status);
- (2) Reopen **safe public spaces** where civilians, former conscripts can express needs, political opinions without fear of reprisals;
- (3) Allow civilians to **autonomously** take part in the design of their future through national programs that adopt a «***needs-based approach***»;
- (4) lean on the existing resources (local communities, diaspora, international organizations, member states);
- (5) **harmonize national laws accordingly**; review all legislations, including criminal codes and criminal procedures; **review the constitution in a transparent manner and with the participation of members of the Eritrean law society** (in exile); reinstate the Bar Association; Legal Aid Law.

« The only thing that will redeem mankind is cooperation. »

Bertrand Russel

Thank you !