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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Eritrea

The Eritrean government made no visible progress on key human rights concerns in 2013 and continued to violate its international obligations and domestic law, including in the areas of arbitrary and inhumane detention, indefinite national service, and lack of religious freedom, freedom of the media and freedom of speech. The government continued to cite “no war, no peace” with Ethiopia as justification for its failure to implement the 1997 constitution, which provides for democratic government and fundamental rights and freedoms.

The UK raised human rights concerns with Eritrea at every opportunity, bilaterally and as part of the EU. The Eritrean government repeatedly underlined its firm commitment to promoting and protecting human rights, and readiness to discuss human rights with the international community. We welcomed this willingness to engage, but stressed that we were looking for concrete and rapid progress on Eritrea’s human rights obligations. In a meeting in May between the Eritrean Ambassador and Minister for Africa, Mark Simmonds, we once again highlighted the deterrent effect that Eritrea’s appalling human rights record has on foreign investment, and hence on the achievement of Eritrea’s own development objectives. In July, Mr Simmonds met Eritrean Foreign Minister, Osman Saleh, and urged the government to improve human rights and cooperate with the UN.

Throughout 2013, Eritrea rejected the legitimacy of the UN Special Rapporteur on the situation of human rights in Eritrea, Sheila Keetharuth, and refused her access to the country, although she was able to meet the Eritrean Ambassador to the UK in London in January. We have continued to urge the Eritrean government to cooperate with the Special Rapporteur, including by allowing her to visit. Foreign & Commonwealth Office (FCO) officials held further direct discussions with Ms Keetharuth in May, to exchange views on the fulfilment of her mandate and offer support.

In June, Ms Keetharuth presented her first report to the UN Human Rights Council (UNHRC), following the creation of her mandate under Resolution 20/20 in July 2012. She concluded that Eritrea continued to commit grave human rights violations against its people, including forced conscription for indefinite periods of national service, arbitrary detention in inhumane and degrading conditions, and severe restrictions on freedom of expression and opinion. The UK supported the renewal of the Special Rapporteur’s mandate, and delivered a strong statement expressing concern about the human rights situation in Eritrea, calling on Eritrea to cooperate with the UN human rights system. We also requested access for the international community to the group of 11 Eritrean members of parliament (the G-11) and ten journalists held in detention since 2001. The UNHRC subsequently adopted by consensus a resolution renewing the Special Rapporteur’s mandate.

Eritrea's human rights record is due to be examined under the Universal Periodic Review (UPR) process in February 2014. We have welcomed Eritrea's participation in this process, while noting that Eritrea accepted a substantial number of recommendations made by the 2009 UPR but has not implemented them. Our Ambassador in Asmara has urged the government of Eritrea to use the UPR to announce concrete human rights reforms. The UK and EU partners have offered support for the implementation of UPR commitments.

The UK's priorities in Eritrea are to support improvements to freedom of expression, freedom of religion, and application of the rule of law, with the ultimate objective being the implementation by the government of a national human rights strategy. During 2014, we will continue to raise human rights issues with the Eritrean government at every opportunity, bilaterally and through the EU. We will urge the government to work constructively with the international community and the whole UN system, and to translate this into tangible progress. In particular, we will encourage full cooperation with the 2014 UPR and rapid implementation of its recommendations.

We will continue to press for an end to obligatory and indefinite national service and to compulsory and onerous civilian militia duties (such as guarding, patrolling and dam-building), all of which could amount to forced labour. We will continue to support UN and EU development programmes in Eritrea, to identify and support other joint project opportunities, and to encourage Eritrea to agree further joint programmes with the international community, including in human rights areas. We will urge Eritrea to cooperate with the UN to tackle the scourge of human trafficking, as well as to take up our offer of practical support for Eritrea's anti-human trafficking and victim protection efforts. We will continue to stress the link between improving human rights and the achievement of Eritrea's development goals.

Elections

Eritrea is a one-party state. The Eritrean constitution, ratified in 1997, provides for an elected National Assembly. The constitution has not formally been applied in practice, although it is used as the basis for legislation. There have been no national elections since independence in 1993. Regional elections, which should have taken place in 2009, have yet to be held.

Freedom of expression and assembly

The Eritrean State controls all media outlets, and publication of all documents requires government approval. Only officially approved views are heard, and there are no independent journalists. Speaking out against the government of Eritrea can lead to detention. The Reporters Without Borders 2013 World Press Freedom Index ranks Eritrea last out of 179 countries for the sixth successive year. It reports at least 30 journalists behind bars and 11 held since 2001, seven of whom have died. Provisions in Eritrean law and the unimplemented constitution enshrining the right to peaceful assembly and association are not respected in practice. Assembly during religious festivals and national celebrations is tightly policed. Permits are required for public gatherings of more than seven people, and non-compliance is not tolerated.

Eritreans continue to face restrictions both on movement inside the country and on holding a passport and foreign travel. Foreigners, including diplomats, require travel permits to leave Asmara, though these were easier to obtain in 2013 than in previous years.

Human rights defenders

No active human rights NGOs or groups operate in Eritrea. The government of Eritrea does not permit human rights groups to visit the country. Civil society is tightly controlled, with no effective fully independent civil society groups.

Access to justice and the rule of law

Arbitrary, indefinite and incommunicado imprisonment without trial remains common. The number of those in detention on political or religious grounds could be in the tens of thousands. The judicial system in Eritrea is opaque, often arbitrary and harsh. The independence of the judiciary is limited. When trials do occur they are conducted in secret, often in special courts where judges also serve as prosecutors and the accused have no access to defence counsel. For the most part those detained are not brought to trial. The government does not allow access to most of its prisons and there are no accurate figures on the number of prisoners. The Eritrean government has ignored frequent calls for political and religious prisoners to be brought to justice or released, and refuses to give details on their whereabouts and fate, citing national security. Eritrea continues to hold a number of Djiboutian prisoners of war, captured during the 2008 border conflict, without access by the International Committee of the Red Cross.

The UK continued in 2013 to urge the Eritrean government to release all prisoners held for their political or religious beliefs. As in previous years, the EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Baroness Ashton, published a declaration on political prisoners in Eritrea on behalf of the EU on 18 September, this being the twelfth anniversary of the detention without trial of a group of the G-11 and ten journalists who had called for democratic reform. This statement also referred to the new arrests and detentions without trial that followed the military uprising in Eritrea on 21 January.

Death penalty

There were no reports of the death penalty being used in 2013. The Eritrean government has confirmed to us that it maintains a de facto moratorium on executions. The UK and EU partners continued to urge Eritrea to abolish the death penalty or at least to formalise the moratorium.

Torture

Eritrea continued to deny access to political and religious prisoners by family members or human rights organisations, and the UN Special Rapporteur on the situation of human rights in Eritrea was not able to visit the country. The UN Special Rapporteur on Torture has been asking to visit Eritrea since 2005. Since 2009, the government has not responded to any written requests for information or to the outstanding visit requests. The international community has therefore continued to rely on reports from those escaping detention, or from prison guards who have left the country, for evidence of torture and inhumane treatment.

The UN Special Rapporteur on the situation of human rights in Eritrea reported in 2013 that Eritrean prison conditions are life-threatening, harsh, degrading and unhygienic. Prisoners are subjected to physical and psychological torture, and cruel, inhuman and degrading treatment. Deaths from torture, overcrowding, disease, inadequate food and other harsh conditions are frequent.

Conflict and protection of civilians

As of 30 November, there were 3,277 refugees and asylum seekers in Eritrea, mainly Somalis, with some Ethiopians, Sudanese and South Sudanese. Refugee matters in Eritrea are not yet sufficiently regulated by domestic legislation and most refugees have been in Eritrea for nearly two decades without a durable solution. Nevertheless, the Eritrean government cooperates with the UN High Commissioner for Refugees to ensure adequate provision of education and healthcare. The Eritrean government does not operate a system of forced repatriations, but works with UN Refugee Agency to return those who express a desire to go home to their country of origin, and cooperates on arrangements for the departure of those offered settlement in third countries.

Freedom of religion or belief

The Eritrean constitution enshrines the right to practise any religion, yet in practice only members of the four traditional religions (Orthodox Christian, Sunni Muslim, Catholic, and the Lutheran Evangelical Church of Eritrea) are allowed to worship in Eritrea. It is reported that there are a large number of detainees from non-state sanctioned religions, including 56 Jehovah's Witnesses. We, along with EU partners in Asmara, have raised reports of large-scale arrests in 2013 of members of non-state sanctioned Christian denominations. Our Ambassador has in particular called for the release of elderly and sick religious detainees, as a first step towards ending all arbitrary detention.

Women's rights

The position of women in Eritrea is comparatively well-protected by law but, in practice, it is a matter for concern. Implementation of women's rights is hampered by cultural attitudes and lack of capacity. Female genital mutilation is illegal but widespread, as is domestic violence. Allegations of rape and sexual harassment of women during national service are common. Women are driven to marry and give birth at a young age to escape compulsory military service, so damaging their future economic prospects. The Eritrean government has implemented programmes to support the mainly female heads of households in rural communities, improving their access to water and sanitation and livelihoods. In 2013, the Department for International Development (DFID) continued to fund programmes run by the UN Children's Fund (UNICEF), providing water and sanitation and a supplementary feeding programme for women in rural communities. Also in 2013, our Ambassador in Asmara urged the Eritrean government to sign up to the Foreign Secretary's Preventing Sexual Violence Initiative.

Minority rights

Of the nine official ethnic groups in Eritrea, the Tigrigna dominates politically and culturally. The other groups complain of discrimination and violation of their rights. Relations between the government and the Kunama and Afar in particular remain tense.

Children's rights

Children's rights are comparatively well-protected in law, but implementation is hampered by cultural attitudes and lack of capacity. Child labour below the age of 14 is illegal but commonplace. We are concerned about reports – denied by the government – of children made to work unpaid on government farms and projects, and of underage children on national service. There is a shortage of schools and teachers at all levels. The Eritrean government has continued to build new schools and expand education to rural and nomadic communities, working in partnership with UNICEF.

LGBT rights

Same-sex activity is a crime in Eritrea and there is no anti-discrimination legislation to protect lesbian, gay, bisexual and transgender individuals. The Eritrean government has told us that they do not intend to change this situation.

Other issues

Military service

Obligatory and indefinite national service continues to be a major driver for illegal migration. Proclamation 82/1995 limits national service to 18 months, yet some conscripts have served for nearly two decades. In 2011, the government ordered that the maximum 18-month term of national service be adhered to, and that conscripts be allowed to complete their period of service in their own districts, allowing access to families. We are not yet able to assess whether this is happening in practice. Conscripts are often required to perform non-military activities such as harvesting and construction work for the government and state-owned companies, which may amount to forced labour. There are reports that military officials have used conscripts to perform personal tasks. An additional feature of 2013 has been an increase in the burden on citizens of compulsory armed civilian militia duties.

Migration and human trafficking

The prolonged national service obligation, coupled with poor economic conditions, continue to fuel illegal migration, especially of the young. According to estimates from UNHCR, more than 4,000 Eritreans refugees, including unaccompanied minors, flee the country every month in search of a better life. The true migration figure is likely to be much higher, as many migrants do not register. Illegal migrants risk perilous journeys and abuse at the hands of ruthless human trafficking gangs. Kidnapping, torture and the trafficking of body parts are among the allegations of abuse that have been made. In October, over 300 Eritrean migrants drowned when their boat capsized off the coast of Lampedusa. There have been allegations that some Eritrean officials, including those in the military, are themselves involved in human trafficking. There is no proof of systematic government involvement. The government of Eritrea denies allegations that it operates a "shoot to kill" policy along its border against Eritreans seeking to leave the country illegally.

Bilaterally and with the EU, we have continued to press the Eritrean government to address the underlying reasons for the exodus, especially interminable national service and the dire economic situation; to cooperate fully with the UN on countering human trafficking; and to bring to justice any Eritreans involved in this crime. We have also repeated our offer of practical support to Eritrea's own anti-trafficking and victim protection efforts. The EU held a dedicated session on migration and human trafficking with the Eritrean government in March. In November, FCO officials met Eritrean diaspora representatives in London to discuss action against trafficking.

Development programmes

In January, the Eritrean government and the UN signed a new four-year cooperation agreement covering a number of key development areas. The EU was also able to restart its European Development Fund programme in Eritrea. Implementation of both programmes is going well, though with some capacity problems. The government, in conjunction with the UN and EU respectively, organised field visits for diplomats to various development projects in May and November. Visitors agreed that these are well-run and having a real impact. The UN assesses that Eritrea is one of the few countries in Africa making steady progress towards achieving the health-related Millennium Development Goals on the reduction of child and maternal mortality, and

combating HIV/AIDS. It is also making progress on environmental sustainability. However, much remains to be done, especially on the eradication of extreme poverty and hunger, and attainment of universal primary education. The poor state of the economy, coupled with self-reliance policies, is hampering progress. DFID is to support UNICEF programmes in the areas of water, sanitation and nutrition with a grant for 2013-14 of £10 million. The British Embassy in Asmara supported small projects in the areas of dairy farming and education and training during 2013.

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