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Corporate report

Eritrea - Country of Concern

Published 12 March 2015

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For much of 2014, Eritrea continued to fall short of domestic implementation of its international human rights commitments. It did not cooperate fully with international human rights bodies and made no progress in implementing its 1997 constitution, which provides for democratic government and fundamental rights and freedoms. However, in the latter part of the year the Eritrean government took some positive steps in its engagement with the international community on human rights. It participated in the Universal Periodic Review (UPR) process of the UN Human Rights Council (HRC) and ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). There remained serious shortcomings in the rule of law, reports of arbitrary and inhumane detention, and limits on media freedom and freedom of speech.

In 2014, the UK worked with our partners in the EU and other international fora to urge Eritrea to improve its performance on human rights. We used all opportunities to urge the Eritrean government to work constructively with the international community, including the UN system, and

to implement rapidly the recommendations of the UPR, which took place in February. We made some progress through this engagement. The UK was a member of the working group on the UPR process, which made 200 recommendations to the Eritrean government. These included: urging Eritrea to ratify a number of international human rights conventions; calling for full implementation of its constitution; amending or abolishing its national service system; and cooperating with international human rights bodies. In June, Eritrea presented its response, in which it accepted 92 recommendations. The Foreign Minister of Eritrea informed international representatives in Asmara in September that the Eritrean government had established a cross-departmental mechanism to implement fully the recommendations it had accepted, and to consider the possibility of implementing others.

Domestically, Eritrea made no progress in implementing the constitution ratified by its National Assembly in 1997. Instead, the President announced at National Day celebrations on 24 May that Eritrea would begin the process of drafting a new constitution. Without the implementation of the constitution Eritrea remains a one-party state. There is no private or independent media; there are constraints on free practice of religion; and the rule of law remains arbitrary, with the judiciary weak and liable to be circumvented through informal and extrajudicial forms of justice. There remain numerous reports of individuals who have been detained extrajudicially for long periods for political reasons.

In 2015, the UK will continue to pursue our existing human rights objectives in Eritrea given the ongoing and significant shortcomings in domestic observance of international human rights commitments. We will support the new African Union (AU)-EU Khartoum Process, in which Eritrea is a participant, to tackle forced migration and human trafficking. Through the process, we will support development programmes in Eritrea and continue to stress the link between improving human rights and the achievement of Eritrea's development goals. We will continue to urge Eritrea to cooperate with multilateral bodies to tackle the scourge of human trafficking, and offer practical support for Eritrea's anti-human trafficking and victim protection efforts. We will continue to support the work of the Commission of Inquiry (COI) into human rights in Eritrea, which the HRC voted to establish in June. In September, three members to the COI were appointed: Mike Smith (Australia), Sheila Keetharuth (Mauritius), and Victor Dankwa (Ghana). In early 2015, we will support the COI's information-gathering visit to the UK, during which it will meet with representatives of Eritrean diaspora groups.

Elections

Eritrea is a one-party state. The constitution, ratified in 1997, provides for an elected National Assembly. Although the constitution has not formally been applied in practice, 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 government of Eritrea controls all domestic media outlets and requires all publications to be approved. The latest Reporters Without Borders World Press Freedom Index ranked Eritrea last out of 180 countries for the seventh successive year. It reported that at least 28 journalists are behind bars. Eleven journalists are reported to have been detained since 2001, seven of whom are reported to have died. Provisions in Eritrean law and the unimplemented constitution enshrining the right to peaceful assembly and association are not respected in practice. Permits are required for public gatherings of more than seven people. Although officially there are no local, private or independent media, there are no constraints on public access to international radio or satellite television, although the latter requires subscription. These enjoy widespread market penetration. Access to the internet is constrained more by infrastructure and capacity rather than censorship. However, all internet service providers are required to use government-controlled internet infrastructure.

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.

Human Rights Defenders

No active human rights non-governmental organisations (NGOs) or groups operate in Eritrea. The government does not permit human rights groups to visit the country. Civil society is tightly controlled, with no effective and fully independent civil society groups. We are not aware of any reports of arrests of human rights defenders; however, Eritrea's refusal to allow human rights groups to operate, or to publish details of any arrests, makes this impossible to corroborate.

Access to Justice and the Rule of Law

The judicial system in Eritrea is opaque and often harsh. It suffers from weak capacity and from being circumvented through informal and extrajudicial forms of justice applied by state agents. 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. Reports of arbitrary, indefinite and incommunicado imprisonment without trial remain common. The number of those in detention on political or religious grounds is unknown. The government does not allow access to most of its prisons and there are no accurate figures on the number of prisoners. Eritrea continues to hold a number of Djiboutian prisoners of war, captured during the 2008 border conflict, without access from the International Committee of the Red Cross.

The UK continued in 2014 to urge the Eritrean government to release all prisoners held for their political or religious beliefs. As in previous years, the then EU High Representative 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, the thirteenth anniversary of the detention without trial of a group of 11 Eritrean members of parliament (the G-11) and 10 journalists who had called for democratic reform.

Death Penalty

There were no reports of the death penalty being used in 2014. With EU partners, the UK continued to lobby Eritrea on the death penalty as part of the Article 8 Dialogue on human rights, which took place in Asmara in January. On 18 December, Eritrea voted in favour of the biennial UN General Assembly resolution calling for a moratorium on use of the death penalty – the first time it had done so.

Torture and Cruel, Inhuman or Degrading Treatment

The UK and our EU partners welcomed Eritrea's ratification of the CAT in September. Despite this, Eritrea continued to deny access to political and religious prisoners by family members and 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 and Other Cruel, Inhuman and Degrading Treatment or Punishment has been asking to visit Eritrea since 2005. Since 2009, the government has not responded either to any written requests for information nor to the outstanding visit requests.

Conflict and Protection of Civilians

As of December, there were 2,902 refugees and asylum seekers in Eritrea, of which 2,764 were Somalis, with additional numbers from Ethiopia, Sudan and South Sudan. Most refugees have been in Eritrea for nearly two decades but are not yet sufficiently recognised by domestic legislation. The Eritrean government works closely with the UN High Commissioner for Refugees to ensure adequate provision of education and healthcare, and to find a durable solution for the refugees. The Eritrean government does not operate a system of forced repatriations, but works with UN Refugee Agency (UNHCR) to return those who express a desire to return 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. In practice, only four traditional religious organisations (Orthodox Christian, Sunni Muslim, Catholic, and the Lutheran Evangelical Church of Eritrea) have official approval to operate. There are reports that a number of practitioners of other religions have been detained, including 56 Jehovah's Witnesses detained for their refusal, on grounds of conscience, to perform national service. The UK has called for the release of elderly and sick religious detainees.

Women's Rights

Women in Eritrea are well-protected by law but still face challenges due to cultural attitudes and lack of economic opportunities. The UK is disappointed that Eritrea has not endorsed the Declaration of Commitment to End Sexual Violence in Conflict. Female genital mutilation is illegal and the incidence of it has been significantly reduced with the active support of a government campaign, but it continues to be practised among some groups and in some areas. The Eritrean government has implemented programmes to support the mainly female heads of households in

rural communities, improving livelihoods and access to water and sanitation. The UK supports multilateral initiatives, including the work of UN Children's Fund (UNICEF) on maternal health.

Minority Rights

The Eritrean government recognises nine official ethnic groups in Eritrea. Of these, the Tigrinya is politically and culturally dominant. Representatives of other groups have complained 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 by law, but implementation is hampered by cultural attitudes and resource constraints. Child labour below the age of 14 is illegal but occurs in rural areas. The Eritrean government has continued to build new schools and to expand education to rural and nomadic communities, working in partnership with UNICEF, including by supporting programmes to integrate the children of semi-nomadic and nomadic families into mainstream education. But provision of schools and teachers falls short of requirements at all levels.

LGB&T Rights

Same-sex activity is a crime in Eritrea and there is no antidiscrimination legislation to protect LGB&T individuals. The Eritrean government has told us that they do not intend to change this situation.

Other Issues

Military service

Proclamation 82 of 1995 provides for all eligible Eritrean citizens to perform eighteen months of national service, which in recent practice has been either military or civilian in nature. Following the outbreak of war with Ethiopia in 1998, the government extended the period of national service to an undetermined length for each individual, with demobilisation dependent on individual circumstance. Some individuals have continued to perform national service for several years. However, the Eritrean government reports that it has informed members of the most recent intake that their period of service will not extend beyond eighteen months. Civilian national service has often included work for government and state-owned companies on low salaries, exposing the government to the allegation of using forced labour. The government has also reported informally that current and future intakes of national service members will be required only to perform military and not civilian service. Obligatory national service continues to be a major driver for emigration and illegal migration.

Migration and human trafficking

Irregular migration from Eritrea grew in 2014. According to estimates from UNHCR, more than 4,000 Eritreans left the country every month in much of 2014. The accurate migration figure may be much higher, as many migrants do not register. Illegal migrants risk perilous journeys and abuse at the hands of ruthless human trafficking gangs. The UK is a core member of the EU-Horn of Africa Migration Route Initiative ("Khartoum Process") through which we will work with EU partners to develop, implement and fund concrete projects in the areas of migration, border management, and law enforcement to help reduce the risks of human trafficking. Bilaterally and with the EU, we continued to press the Eritrean government to address the underlying causes of the exodus, including the prolonged national service obligation and the lack of economic opportunity, especially for young people.

Development programmes

Throughout 2014, we continued to support the four-year cooperation agreement between the Eritrean government and the UN, which covers 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. International representatives who have made field visits to development projects agree they are run well and accountably, and are having 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.

This publication is part of the 2014 Human Rights and Democracy Report

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