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Maat for Peace's Report on the UPR of Eritrea

First: Political and Civil Rights:

Instances of civil and political human rights violations indicate a rise in human rights abuses, particularly in cases of torture, arbitrary arrests, inhumane detention conditions, enforced disappearances, restrictions on freedom of expression, association, peaceful assembly, and limitations on freedom of movement. The following points illustrate these violations:

A. Right to Political Participation:

Eritrea has obligations under international human rights agreements to ensure the right to political participation. However, in practice, this has not been achieved. Although the Constitution recognizes Eritrea as a multi-party state, the People's Front for Democracy and Justice (PFDJ) is the only political party. The law passed in January 2001 to acknowledge pluralism and multi-partisanship has not been ratified or enforced. In 2003, the government stated that establishing Eritrean political parties was not appropriate at the time, forcing opposition parties to operate from abroad. Women and different ethnic groups, despite nominal representation in the People's Front for Democracy and Justice, lack the practical ability to organize or advocate for their interests within the political system.¹

B. Right to Peaceful Assembly and Union Formation:

Eritrea's obligations, be they international, regional, or national, recognize the right to peaceful assembly and the formation of unions. However, the situation reveals Eritrea's reluctance to support and encourage civil society and its efforts to limit the role of international non-governmental organizations' role in relief and rehabilitation activities. Government Resolution 145/2005 restricts NGOs from working independently with local communities, requiring them to undergo an arbitrary and burdensome annual registration process. There are no independent NGOs based in Eritrea. The authorities do not acknowledge the freedom of assembly, and permits are necessary for public gatherings of more than seven people.

¹ The rights of peaceful assembly, The right of peaceful assembly is not respected in Eritrea. Law enforcement officials routinely use excessive force to disperse protests., Access date 2 October 2023, <https://tinyurl.com/2nf4htye>

As for the right to form unions, despite the Eritrean government's ratification of the International Labor Organization's eight basic conventions, there are no independent trade unions in Eritrea. The National Confederation of Eritrean Workers, affiliated with the PFDJ, is the only union group present.²

C. Right to Freedom and Personal Security:

Eritrean policies and practices undermine the right to liberty and security of individuals. The reality in Eritrea is exemplified by the continued detention of S.A., an Eritrean-American child, for over 10 years. S.A. has been held incommunicado since the age of 15. In December 2022, an 80-year-old man with diabetes was arrested for failing to present his youngest child, as his five eldest sons had already been enlisted. Between October 11 and 15, 2022, the Eritrean government arrested three Catholic priests without explanation. They were targeted due to a message advocating for democratic reform in the country.³ On September 4, 2022, security forces arrested young men attending mass at the Roman Catholic Church in Akror, located in the southern region. In September 2022, a 78-year-old man was detained for three days in a village school as authorities were searching for one of his children.⁴

D. Right to Asylum:

Eritrea's refugee protection system is inadequate, lacking a strong institutional structure to implement the right to asylum. The country is not a party to the 1951 United Nations Refugee Convention and has not ratified the 1969 African Refugee Convention. Eritrean legislation does not provide a distinct definition of refugee status apart from the 1951 Convention and its 1967 Protocol relating to the Status of Refugees. The law does not include provisions for granting asylum or refugee status. The government does not recognize Ethiopians, Sudanese, or South Sudanese as refugees, categorizing them as economic migrants instead. Cooperation with the United Nations High Commissioner for Refugees is minimal, with only one international employee present in the country.⁵

The suffering and violations faced by refugees are increasing, with over 580,000 Eritrean refugees and asylum seekers residing abroad as of the end of 2021. Eritrea does not guarantee the right to voluntary return for refugees and other undocumented migrants. Instead, those who leave the country illegally must sign a so-called regret form and pay a 2% tax to obtain a passport or access other services while abroad. Furthermore, the issue extends to the kidnapping and forced repatriation of refugees.

In the context of the conflict in Tigray, Eritrean security forces have escalated their violations against Eritrean refugees. They have actively participated alongside the warring parties in Ethiopia, leading to the destruction of two Eritrean refugee camps in Tigray. Consequently, nearly 20,000 Eritrean refugees were displaced, with some forcibly recruited into the Eritrean army in 2022.⁶

² OHCHR, Enhanced Interactive Dialogue on Human Rights in Eritrea, 6 March 2023, <https://tinyurl.com/ysakry8y>

³ ACIA Africa, Human Rights Entities Decry "arbitrary detention" of Catholic Bishop, Priests in Eritrea, 21 October 2022, <https://tinyurl.com/57t5um6u>

⁴ UN, Eritrea: human rights situation remains dire amid complete impunity, 6 March 2023, <https://tinyurl.com/32z874yz>

⁵ OHCHR, Enhanced Interactive Dialogue on Human Rights in Eritrea, 6 March 2023, <https://tinyurl.com/ysakry8y>

⁶ AP, UN investigator says Eritreans experienced torture and sexual violence during national service, 8 August 2023, <https://tinyurl.com/mr4db55y>

E. Right to Freedom of Expression:

The situation in Eritrea reflects a growing number of human rights violations, particularly concerning the right to freedom of opinion and expression. The government imposes strict restrictions on individuals' ability to publicly or privately criticize the government, often resorting to intimidation through national security forces. The law prohibits private broadcasting and foreign ownership of media, while also requiring government approval for the publication of documents and content by members of the press and other media outlets, including online platforms.⁷

Article 14 of the Anti-Terrorism Law further curtails the individual's right to express private thoughts if they are deemed to have malicious political intentions or to harm morals. Additionally, no elections have been held in Eritrea since its independence in 1993, and the government has failed to implement the 1997 Constitution, which is designed to safeguard civil rights and establish limits on executive authority.

Eritrea stands as the only African country without its media, and as of April 25, 2023, journalists were required to obtain government permission to take photos. **Access to information and the Internet** is also severely restricted, with declining digital capabilities that impede citizens' right to access online information. Only 248,000 users, accounting for a mere 6.8% of the population, have internet access in Eritrea.

Moreover, journalists and politicians continue to face ongoing violations, including violence, arbitrary arrests, and prolonged detentions. Sixteen journalists, including the Swedish-Eritrean journalist Dawit Isaak, have been held in detention for over 20 years since 2001, making them **the world's longest-detained journalists**. The whereabouts of S.A., an American citizen of Eritrean descent and the daughter of a former information minister, who was arrested at the age of 15, remain unknown.⁸

F. Freedom of Movement:

Contrary to its international human rights obligations, Eritrean law fails to provide or guarantee freedom of movement, both within and outside the country. The government consistently requires citizens to inform local authorities when changing their place of residence and provide justification for travel at checkpoints. Non-citizens legally residing in the country also face travel restrictions.

Furthermore, all diplomats, international humanitarian workers, UN staff, and other foreigners must seek government permission at least 10 days in advance to travel outside Asmara. Obtaining passports for citizens and dual nationals is hindered by complicated procedures and requirements. Citizens are frequently denied passports and exit visas for reasons such as unfulfilled military, national, or militia duties, unpaid income taxes, or arbitrary and undisclosed grounds.

Although Eritrea guarantees the right to return, it imposes certain requirements on its citizens residing abroad. They are required to provide proof of payment of a 2 percent tax on income earned

⁷ Human rights Eritrea, Democracy and Media Freedom in Eritrea, Access date 2 October 2023, <https://tinyurl.com/2s3n93sw>

⁸ ibid

abroad to the Ministry of Foreign Affairs to be eligible for specific government services and documents. Additionally, individuals who left the country illegally are also required to pay a 2 percent tax and sign a regret form.⁹

Second: Economic, Social, and Cultural Rights

a. Right to Education:

The state of education in Eritrea faces similar challenges. While Article 21 of the constitution guarantees the right to education, the country has encountered obstacles in achieving this goal. Despite the development plans outlined in the second plan for the period of 2018 to 2022, the enrollment rates for primary schools stand at approximately 39% to 57%, while secondary school enrollment is around 21%. Moreover, Eritrea struggles with low literacy rates, with only 67.8% possessing basic reading and writing skills and an overall illiteracy rate of 30%, including 10% among women.

Eritrea's violations extend further, such as the compulsory training and recruitment of high school students at the isolated Sawa camp, as well as the inadequate educational infrastructure. The student-to-teacher ratio remains disproportionate, with ratios of 77:1 for primary schools and 99:1 for secondary schools. Furthermore, Eritrea lacks sufficient educational facilities for the deaf and blind, with only two schools catering to these needs in Mekelle, Ansba, and one more for the blind.¹⁰ Alarming statistics reveal that approximately 300,000 children (152,000 of whom are girls) and adolescents between the ages of 6 and 17 are out of school, and as of 2022-2023, around 17% of primary school-age students remain unable to access education.¹¹

b. Right to Health:

The right to health, when viewed from a comprehensive perspective, remains largely constrained by Eritrea's economic limitations. With 66% of the population living below the poverty line, Eritrea ranks among the world's poorest nations, and its economic indicators do not present an optimistic outlook for eradicating poverty soon. These conditions have substantial implications for Eritrea's healthcare system and its basic facilities.

The healthcare sector in Eritrea faces numerous challenges. There are approximately 6 doctors and 75 midwives for every 100,000 people, and healthcare services are predominantly concentrated in urban areas, disregarding the healthcare needs of around 80% of the rural population. Malaria poses a significant challenge, particularly in impoverished areas where over 70% of the population resides. Compounding the issue are factors such as remoteness, inadequate healthcare facilities, and their associated high costs.¹²

Those familiar with Eritrea's circumstances will observe the declining capacity for immunization and healthcare coverage. Twenty-four out of sixty-two districts in Eritrea have

⁹ UNHC, From Eritrea to the Executive seat, Genet Hagos never stops dreaming, Access date September 2023, <https://2h.ae/FwwL>

¹⁰ RW, Humanitarian Action for Children 2023 – Eritrea, 13 Jan 2023, <https://tinyurl.com/3yr7j7k8>

¹¹ UNICEF, UNICEF Eritrea Humanitarian Situation Report No. 20, 1 January - 31 December 2022, February 2023, <https://tinyurl.com/2p8ntanr>

¹² The borgen project, 5 things everyone should know about healthcare in Eritrea, 23, may 2021, <https://bit.ly/34d2ity>

achieved immunization coverage of less than 80%, leaving around 31,000 children under the age of one without immunization. Consequently, the mortality rate among children under the age of five persists, with up to 50% of neonatal deaths occurring within the first 24 hours of life and 75% transpiring during the initial week, primarily due to preventable and treatable causes, as well as the weak healthcare infrastructure. It is worth noting that only 9 out of 22 hospitals possess neonatal intensive care units.¹³

c. Right to Work:

The Eritrean government upholds the right to work for every citizen under fair and just conditions and permits the registration of trade unions. Eritrea is a signatory to eight conventions, including the most recent one, Convention No. 182 of 1999, which addresses child labor, ratified in June 2019. In addition, Eritrea introduced a new wage system in 2017, resulting in a significant increase in civil service salaries.¹⁴

However, **violations of workers' rights persist in the Eritrean reality.** The country remains among the ten poorest nations globally, with an unemployment rate of 7.9% among the total workforce in 2020. Approximately 75.2% of employed individuals are classified as poor workers. Moreover, the national minimum wage for employees of state-owned enterprises and government employees falls below the poverty line, while the private sector lacks a nationally mandated minimum wage. Occupational safety and health standards are not publicly available, and workers' rights to refuse work situations that endanger their well-being are not adequately protected. Nearly 80% of the population works in the informal sector, engaging in subsistence agriculture, livestock rearing, and small-scale retail trade. Unfortunately, labor laws do not apply to the informal sector.¹⁵

Second: Rights of Marginalized Groups:

a. Women's Rights:

Eritrea continues to witness violations of Eritrean women's rights across political, civil, economic, social, and cultural spheres, both in formal and informal settings. These violations contravene Eritrea's obligations under various articles. Domestic violence is not criminalized by law, nor is sexual harassment specifically addressed. Access to adequate healthcare during pregnancy is lacking in rural areas, and there is a shortage of skilled healthcare professionals during childbirth. Due to barriers in education and transportation, only 34 percent of births received complete care monitoring between 2010 and 2019. The maternal mortality rate is estimated at 480 deaths per 100,000 live births.¹⁶

Although the second Eritrean government report highlights the establishment of a steering committee within the Ministry of Health, Labor, and Social Welfare to combat harmful practices like female genital mutilation and underage marriage, Eritrea still faces high rates of teenage pregnancy, with 76 out of 1,000 girls and women between the ages of 15 and 19 having given birth. Additionally, only 45 percent of girls are enrolled in secondary education, compared to 50 percent of boys.¹⁷

¹³ UNICEF, Eritrea: Key demographic indicators, Access date 2 October 2023, <https://tinyurl.com/59c2fzjf>

¹⁴ THE African Bank, Eritrea Economic Outlook, Access date 2 October 2023, <https://tinyurl.com/2uet4adt>

¹⁵ The world Bank, The World Bank in Eritrea, Access date 2 October 2023, <https://tinyurl.com/359jhh9k>

¹⁶ UNICEF, Eritrea: Key demographic indicators, Access date 2 October 2023, <https://tinyurl.com/59c2fzjf>

¹⁷ UNICEF, Eritrea: Key demographic indicators, Access date 2 October 2023, <https://tinyurl.com/59c2fzjf>

b. Rights of People with Disabilities:

According to statistics from 2020, persons with disabilities make up around 5 percent of the total population, with approximately 150,000 citizens affected. Among them, around 96,748 reside in rural areas, and there are approximately 10,104 children with disabilities in the age group of 10 to 19.¹⁸ The Eritrean government has developed a constitutional framework that explicitly considers the rights of persons with disabilities in Articles 14, 41, and 51. These provisions oblige the government to ensure care within the limits of its resources. However, despite these efforts, persons with disabilities still face challenges in fully exercising their rights and accessing necessary services.¹⁹

In terms of education, the reality for children with disabilities remains inadequate compared to their non-disabled counterparts.²⁰ There are only three boarding primary schools, two for the deaf operated by religious organizations, and one for the blind administered by the government in Asmara and Keren. These schools accommodate a limited number of students, with only around 183 students according to 2013 statistics. Moreover, these schools are concentrated in urban areas, making it difficult for people with disabilities in rural areas to access education.²¹

Recommendations:

After closely monitoring and analyzing the human rights situation in Eritrea, the Maat Foundation for Peace, Development, and Human Rights puts forth the following recommendations:

1. The Eritrean government should reaffirm its commitment to human rights obligations by strengthening the institutional structure for human rights, modernizing the legal and legislative system, and ensuring their equal application. It should also review and revise any laws that contradict international agreements, particularly those concerning the rights of freedom of opinion and expression;
2. The Eritrean government should fulfill its human rights obligations towards refugees by ratifying international and African conventions that protect refugee rights. It should develop a comprehensive reform plan to safeguard the rights of refugees, including the recognition of Sudanese and Ethiopian refugees. Moreover, it should cease its violations against Eritrean refugees in Tigray and grant Eritrean refugees abroad the right of voluntary return;
3. The Universal Periodic Review Mechanism should take note of the limited scope for political and civil rights in Eritrea. It is crucial to provide technical and practical support to address the challenges faced in these areas, including expanding political participation, safeguarding the right to peaceful assembly, and supporting trade unions. Efforts should also be made to put an end to summary executions and arbitrary arrests;
4. The Eritrean government should undertake necessary reforms to the conscription system. This includes amending the system to eliminate military servitude, improving working conditions,

¹⁸ Relief web, Eritrea humanitarian situation report 2018, <https://bit.ly/3tr9SGe>

¹⁹ Center for human rights: Eritrea country report (2015), access date. 7 September 2021, <https://bit.ly/3DV2oA9>

²⁰ GEM Report, Eritrea, 3 August 2021, <https://bit.ly/3zVjJGR>

²¹ GPE, Eritrea includes children with disabilities in school, access date. 7 September 2021, <https://bit.ly/2WYqXIE>

establishing a clear duration for conscription, and prohibiting the recruitment of children. Arbitrary arrests related to evading conscription should be discontinued;

5. There is an urgent need to reform the social protection system, especially concerning marginalized groups such as children, women, and individuals with disabilities. Access to services should be improved, particularly in rural and remote areas;
6. Maat recommends that the Eritrean government expedite the transition towards inclusive governance and prioritize national reconciliation and accountability. This can be achieved through fair democratic elections, the establishment of political parties, and the strengthening of the rule of law.