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This work is destined for general information, in service of professional interests of all practitioners within asylum procedure in Romania. This work does NOT analyze the merits of granting a form of international protection.



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Note

This report has been translated and compiled in accordance with „Common EU Guidelines for processing Country of Origin Information (2008) and „EASO Country of Origin Information Report Methodology (2012). As a result, this report is based on some very carefully selected sources of public information. All sources used are references sources compiled from specialty reports and profile information and also press articles.

All information presented has been carefully verified, with the exception of some general aspects which represent common knowledge. The offered information has been studied, evaluated and carefully analyzed, with some time constraints. Thus, this document does not claim to be an exhaustive one. As such, we do not claim that it could be used in order to decide only on its basis the humanitarian issue in the country of origin.

The main way of presenting information within this report is citation, used to convey exactly what a source said, using the source's own words. Whenever there are used other techniques, like summarizing or synthesizing, this will be marked in a visible way (the most common way is through brackets []).

If a certain event, person or organization is not included in this report, this does not mean that the event did not take place or that the person and the organization itself do not exist. This document does not offer conclusions regarding the merits of granting any form of protection. It only partially contributes to forming the opinion of the decisive factor, who should take the decision by respecting the other procedural aspects and by taking into consideration the specific circumstances of each case.

The information and opinions expressed do not reflect the official position of the General Inspectorate for Immigration or of his partner in implementing the project AMIF/19.02.01.02 - Management of COI Usage and Research Processes.

This general report presents information publicly available as of May 10th, 2021.

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1. Overview

Eritrea's government remains one of the world's most repressive, subjecting its population to widespread forced labor and conscription, imposing restrictions on freedom of expression, opinion, and faith, and restricting independent scrutiny by international monitors. Eritrea remains a one-man dictatorship under President Isaias Afewerki, with no legislature, no independent civil society organizations or media outlets, and no independent judiciary. Elections have never been held in the country since it gained independence in 1993, and the government has never implemented the 1997 constitution guaranteeing civil rights and limiting executive power.¹

[According to the Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker, he saw], since October 2020, no concrete evidence of progress or actual improvement in the human rights situation in the country. Eritrea has not yet put in place an institutional and legal framework to uphold minimum human rights standards in a democratic society. The country lacks rule of law, a constitution and an independent judiciary to enforce the protection of and respect for human rights. Eritrea continues to have no national assembly to adopt laws, including those regulating fundamental rights and the right of the Eritrean people to participate freely in the public life of their country. Turning to the issue of political prisoners and prisoners of conscience, there has been no progress. The situation of detainees and political prisoners is particularly concerning. It is also not acceptable for Eritrea to arbitrarily detain political opponents in secret prisons without charge or trial in violation of human rights standards.²

Eritrea's government continues to severely restrict its population's fundamental rights. It refuses to reform its uniquely abusive indefinite national service system. In addition to the dire rights situation inside the country, there is mounting evidence of grave violations of international humanitarian and human rights law by Eritrea's armed forces since they joined the conflict in neighboring Ethiopia's Tigray region.³

¹ Human Rights Watch, World report 2021 – Eritrea, 13 January 2021, <https://www.ecoi.net/en/document/2043503.html>, accessed on 7 May 2021

² UN Human Rights Council, Statement of the Special Rapporteur on the situation of human rights situation in Eritrea, Mr Mohamed Abdelsalam Babiker, 46th Session of the Human Rights Council: update on Eritrea, 24 February 2021, <https://www.ecoi.net/en/document/2047201.html>, accessed on 9 May 2021

³ Human Rights Watch, African Union shouldn't endorse Eritrea for UN Rights Body, 26 February 2021, <https://www.ecoi.net/en/document/2046278.html>, accessed on 9 May 2021

Eritrea [is] led by the authoritarian regime of President Isaias Afewerki and described as one of the world's most repressive nations by Human Rights Watch. As well as a lack of political and social rights, citizens are forcibly conscripted into the military and suffer abuse and violence. Any Eritrean who flees the country without completing military service and returns home has to sign a form that reads 'I regret having committed an offence by not completing the national service and am ready to accept appropriate punishment in due course'. Even after Eritrea's 2018 peace agreement with Ethiopia, UN Special Rapporteur for Human Rights on Eritrea, Daniela Kravetz, told the UN Human Rights Council that 'there is no concrete evidence of progress in the human rights situation in the country'. A recent enquiry by the UN found that 'returnees are systematically ill-treated to the point of torture during the interrogation phase' by local authorities. They are 'inevitably considered as having left the country unlawfully, and are consequently regarded as serious offenders'.⁴

Eritrea is a highly centralized, authoritarian regime under the control of President Isaias Afewerki. A constitution, although drafted in 1997, was never implemented. The People's Front for Democracy and Justice, headed by the president, is the sole political party. There have been no national-level elections since an independence referendum in 1993. Significant human rights issues included: unlawful and arbitrary killings, forced disappearance; torture; and arbitrary detention, all committed by the government; harsh and life-threatening prison and detention center conditions; political prisoners; serious problems with judicial independence; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression and the press, including censorship and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; widespread restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; trafficking in persons; criminalization of consensual same-sex sexual conduct; and the worst forms of child labor.⁵

⁴ Euronews, Eritrean migrants in Libya claim EU-backed voluntary returns programme isn't so voluntary, 21 June 2020, <https://www.euronews.com/2020/06/20/eritrean-migrants-in-libya-claim-eu-backed-voluntary-returns-programme-isn-t-so-voluntary>, accessed on 9 May 2021

⁵ USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

2. Security situation

2.1. Relations with Ethiopia

The Joint Declaration of Peace and Friendship between Eritrea and Ethiopia on 9 July 2018 gave an end to a border war between the 2 countries that lasted 20 years, and the chain of events that followed aimed to normalise their relations. Tensions in the Ethiopian Tigray regional state, bordering Eritrea, as well as unresolved animosity between Tigray and Eritrean leaders have been an ongoing problem and have led to an unsolved conflict.⁶

The dispute over the small border town of Badme, which both Eritrea and Ethiopia claimed as their own, is often cited as the reason for the outbreak of the 1998-2000 border conflict. However the root causes go deeper. They include historical rivalry, political and economic differences and hegemonic competition between the ruling elites of both countries. These were the Eritrean leadership, and the ruling party in Ethiopia's Tigray State – the Tigray People's Liberation Front – Ethiopia's dominant political party until Abiy came to power.⁷

On 17 September 2018 Ethiopian Prime Minister Abiy Ahmed and Eritrean President Isaias Afwerki signed in Jeddah, Saudi Arabia, a peace agreement. The two countries have ceased hostilities and restored trade and diplomatic ties, and have planned joined projects. After a bitter war that lasted 20 years, and during which as many as 100,000 were killed, the agreement has enabled air services to resume, phone lines to reopen, military hostilities to cease and families to reunite. Article one of the seven-point Jeddah Agreement reads: "The state of war between the two countries has ended, and a new era of peace, friendship and comprehensive cooperation has started." Other articles focus on, among other things, strengthening relations in security, defense, trade and investment, and the cultural and social fields; establishing joint economic zones; and combating both terrorism and "trafficking in people, arms and drugs, in accordance with international covenants and conventions." With the peace pact, landlocked Ethiopia can now use, tax-free, the Red Sea ports in Assab, in the south of Eritrea, and in Massawa in the north. Ethiopia

⁶ European Asylum Support Office, COI Query: Latest developments on political situation and national service between 1 January 2020 and 31 January 2021, 19 April 2021, https://www.ecoi.net/en/file/local/2049681/2021_04_Q3_EASO_COI_Query_Response_Eritrea_National_Service.pdf, accessed on 9 May 2021

⁷ Institute for Security Studies, The Eritrea – Ethiopia peace deal is yet to show dividends, 11 September 2020, <https://issafrica.org/iss-today/the-eritrea-ethiopia-peace-deal-is-yet-to-show-dividends>, accessed on 9 May 2021

currently spends over \$1.5 billion annually for the use of Djibouti ports. Eritrean industries, on the other hand, will gain access to Ethiopia's 100 million consumers (the second-largest in Africa).⁸



Title: Eritrea and Ethiopia's borders

Source: Institute for Security Studies, The Eritrea – Ethiopia peace deal is yet to show dividends, 11 September 2020, accessed on 9 May 2021

[According to the United Nations Special Rapporteur on the situation of human rights in Eritrea], while the leaders of Eritrea and Ethiopia have held various rounds of bilateral talks both in Addis Ababa and in Asmara, progress towards full normalization of relations has been slow. At the time of writing, Eritrea and Ethiopia have yet to adopt a bilateral framework to institutionalize their July 2018 peace agreement. Since April 2019, all the border crossings have remained closed on the Eritrean side, pending the negotiation of a trade agreement

⁸ United Nations, After making peace, Ethiopia and Eritrea now focus on development, March 2019, <https://www.un.org/africarenewal/magazine/december-2018-march-2019/after-making-peace-ethiopia-and-eritrea-now-focus-development>, accessed on 10 May 2021

between both countries. Flights still connect the two countries, and people continue to find ways to cross the land borders informally. However, the closure of the borders has reduced the influx of goods from Ethiopia into Eritrea. Growing tensions between the regional authorities of the Ethiopian Tigray region, bordering Eritrea, and the authorities in Asmara have highlighted the practical complexities of operationalizing the peace agreement on the ground, and have put into question the feasibility of moving forward with the resolution of the countries' long-standing border dispute. In January 2020, there were reports of a reinforcement of border security along the Eritrean border with the Tigray region.⁹

Eritrea became a separate territorial entity only in 1993 when it gained de jure independence from Ethiopia by recognition of the UN. However, independence did not mean that the border was no longer contested, and independence was followed by a war from 1998 to 2000 with Ethiopia over the exact territorial boundary between Eritrea and the Tigray region in Ethiopia, in particular the village of Badme; a village which the TPLF had been unwilling to let go. This was then followed for the next 18 years with a situation of 'no war, no peace'. During that period, all attempts from Western and non-Western actors of mediating between the two countries failed, and the socio-economic development of Eritrea suffered.

On 9 July 2018, Eritrea's first, and so far only, president, Isaias Afewerki, and Ethiopia's newly appointed Prime Minister, Abiy Ahmed, signed a peace agreement in Asmara. Prime Minister Abiy Ahmed had declared that Ethiopia now willingly and unconditionally recognised the decision made by the Eritrea-Ethiopia Boundary Commission (EEBC) of 2002 which demarcated the border between the two countries. This signature officially put an end to the dispute between the two neighbouring countries over the border demarcation; a dispute which resulted in a brutal war from 1998 to 2000 followed by two decades of so-called 'no war, no peace' deadlock. Over the years of internal and inter-state crisis, Eritrea has become one of the world's largest producers of refugees, if the number of refugees is compared to the estimated size of the population.¹⁰

⁹ United Nations General Assembly, Human Rights Council, Human rights situation in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea, 3 July 2020, <https://undocs.org/a/hrc/44/23>, accessed on 10 May 2021

¹⁰ Danish Immigration Service, Eritrea – National service, exit and entry, January 2020, https://www.ecoi.net/en/file/local/2024189/Eritrea_rapport_27012020.pdf, accessed on 10 May 2021

2.2. Involvement in the conflict in the Tigray region

The country experienced significant adverse changes in its human rights situation after, according to credible reports, it intervened in the conflict in Tigray, Ethiopia, that began in November. There are credible reports of Eritrean soldiers engaging in unlawful and arbitrary killings in Tigray. There are also reports of Eritrean soldiers engaging in forced disappearance and forced repatriation of Eritrean refugees from Tigray.¹¹

Other sources suggested that the Eritrean government is reluctant to demobilise conscripts from national service because of external security concerns. These concerns are related to the Tigray region in Ethiopia and the Muslim Brotherhood in Sudan. According to five Western diplomats, it is a concern for the Eritrean leadership how the ruling party in the Tigray regional state, TPLF will react to the new situation following the peace agreement. TPLF is perceived as a state within the state and will not necessarily follow the federal government of Ethiopia. The party has been in power for the past 25-30 years in Ethiopia and might not accept the loss of power after the change of leadership in Ethiopia. The Tigrayans are a minority within the federal state of Ethiopia. However, they hold 25 percent of the seats in the federal parliament. In this context, although Eritrea and Ethiopia has signed a peace agreement, the leadership of Eritrea is cautious about the ongoing changes in Ethiopia and to what extent Ethiopia would roll back the rapprochement.¹²

2.3. Other security issues

The tensions between Djibouti and Eritrea over a 2008 border dispute remain unresolved. Eritrea has yet to release information about Djiboutian prisoners of war who have been unaccounted for since the June 2008 clashes between the two countries. In his update of August 2019, the Secretary-General [of the United Nations] reported that the positions of Djibouti and Eritrea on these issues remained divergent.¹³

¹¹ USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

¹² Danish Immigration Service, Eritrea – National service, exit and entry, January 2020, https://www.ecoi.net/en/file/local/2024189/Eritrea_rapport_27012020.pdf, accessed on 10 May 2021

¹³ United Nations General Assembly, Human Rights Council, Human rights situation in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea, 3 July 2020, <https://undocs.org/a/hrc/44/23>, accessed on 10 May 2021

3. Human rights situation

Since September 2001, Eritrea has degenerated to a full-blown dictatorial order of the incumbent President of the state, who has never been elected in a free and fair election since the country's emergence as a *de facto* independent state in May 1991. In the process, the country became one of the most repressive political systems in the world. By way of sustaining its iron grip to power, the government of Afwerki introduced the National Military Service Programme. Most Eritrean citizens who seek consular services from Eritrean diplomatic missions are required to sign a so-called "regret form". This practice is applicable to all who left the country after the 1998-2000 border conflict with Ethiopia, most of whom are former conscripts of the National Military Service Programme. The Eritrean Government considers all of these people 'absconders', or people 'who left the country illegally'. As a result, before getting any consular services, they are required to formally admit guilt. The regret form is a document that Eritrean individuals are asked to sign (under ostensible pressure) in which they make self-incriminating statements that can be used against them in future criminal proceedings, including also extrajudicial proceedings in Eritrea.¹⁴

Punishment for violations such as desertion or draft evasion as well as illegal exit is not handled by the Eritrean judiciary, but is instead determined by military commanders. Such punishments would be executed without any formal procedures, which make them to a large degree arbitrary and inconsistent. In this regard, Eritreans are often unaware of the content and extent of existing legislation, and what the potential consequences would be of transgressing the law as well as other rules and regulations. The Eritrean leadership bans private and foreign ownership of media and requires submission of publications, including books, to the government for approval prior to dissemination. Additionally, international human rights and civil society organisations are generally not able to operate in the country, and there are no local human rights NGOs operating in the country.¹⁵

¹⁴ Equal Rights Beyond Borders and International Refugee Assistance Project, Access to documents by Eritrean refugees in the context of family reunification, April 2021, https://www.ecoi.net/en/file/local/2049549/2021_05_ERBB_IRAP_Documents_Eritrea.pdf, accessed on 10 May 2021

¹⁵ Danish Immigration Service, Eritrea – National service, exit and entry, January 2020, https://www.ecoi.net/en/file/local/2024189/Eritrea_rapport_27012020.pdf, accessed on 10 May 2021

3.1. Mandatory civil and military conscription

Despite the expectations of reform in the national service system, which were raised after the peace declaration with Ethiopia on 9 July 2018, Eritrean Government didn't take any steps to limit the infinite duration of the national military service, which was established in 1998 due to the country's border war with Ethiopia. There were also no indications of improvement in military service conditions regarding salaries and new remuneration scheme.

In some cases, conscripts [to the national service] were forced to serve indefinitely under threats of detention, torture or punishment to their families. The United States Department of State noted that, in some cases, the mandatory national service amounted to a form of forced labour. Some of the tasks performed by conscripts include standard patrols, border monitoring and labour, such as agricultural terracing, planting, road maintenance, hotel work, teaching, construction and laying power lines. Even people who were demobilised, such as the elderly, and persons otherwise exempted from military service, were required by Eritrean authorities to attend civilian militia training and carry firearms, while failure to participate could result in detention.¹⁶

Conscripts to the mandatory national service programme continued to be forced to serve for indefinite periods extending far beyond the legal limit of 18 months. There was no provision for conscientious objection and thousands remained in open-ended conscription, many of them having already served for decades. Conscripts earned approximately US \$53 a month which was not enough to cover basic needs. The government used them to work on infrastructure projects such as irrigation, roads and agriculture. Working conditions could be degrading and inhumane, and in some cases amounted to torture.¹⁷

The government took no steps to reform the country's national service system. It continued to conscript Eritreans, most men and unmarried women, indefinitely into military or civil service for low pay and with no say in their profession or work location. Conscripts are often subjected to

¹⁶ European Asylum Support Office, COI Query: Latest developments on political situation and national service between 1 January 2020 and 31 January 2021, 19 April 2021, https://www.ecoi.net/en/file/local/2049681/2021_04_Q3_EASO_COI_Query_Response_Eritrea_National_Service.pdf, accessed on 9 May 2021

¹⁷ Amnesty International, Report on the human rights situation covering 2020 – Eritrea, 7 April 2021, <https://www.ecoi.net/en/document/2048593.html>, accessed on 7 May 2021

inhuman and degrading punishment, including torture, without recourse. Conscientious objection is not recognized; it is punished. Discharge from national service is arbitrary and procedures opaque.

For secondary students, some under 18, conscription begins at Sawa. Students are under military command, are subjected to harsh military punishments and discipline, and female students have reported sexual harassment and exploitation. Dormitories are crowded and health facilities very limited.

The government continued to conscript youth, some perceived as seeking to evade conscription during mass round-ups. No conscripts, including students, were released from Sawa during 2020, despite the risk of exposure to Covid-19. And, despite calls for reforms, including the separation of schooling from compulsory military training, in September the government again bused students to Sawa, forcibly channeling thousands of young people into national service.

The government assigns conscripts to military duties but many are assigned to civil service jobs or work on agricultural or construction projects. In February, the Supreme Court of Canada held that the Canadian mining company, Nevsun, accused of using conscript forced labor at its Bisha mine could be sued in Canada for human rights abuses in Eritrea. In October, the parties announced they had agreed to a settlement in the case but the terms remained confidential.

The government continued to rely on poorly trained national service teachers, which affects quality of primary and secondary education, and teacher retention. Conscripted teachers have no say about where they will be assigned, the subjects they will teach, or the length of their assignment.

In September [2020], the government ignored its own restrictions on movement [imposed in order to respond to the Covid-19 pandemic], its ban on public transport, and its school closures, by channeling thousands of school students to the infamous Sawa military camp where all secondary school students must complete their schooling and simultaneously undergo military training.¹⁸

The national minimum wage for employees of People's Front-owned enterprises and government employees was below the international poverty line. There was no national minimum wage for

¹⁸ Human Rights Watch, World report 2021 – Eritrea, 13 January 2021, <https://www.ecoi.net/en/document/2043503.html>, accessed on 7 May 2021

private sector workers. The law provides for a standard workweek of 48 hours and no more than two hours per day of overtime, but it includes exceptions for when someone is missing or when there is “urgent work.” The law entitles workers, except for those employed in national service, to overtime pay, but this was not always enforced. The legal rest period is one day per week, although most employees received one and one-half days. The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes.¹⁹

Eritrean law does not allow for conscientious objection nor alternative service. Moreover, deserting or evading the National Military Service Programme, and exiting the country, have been rendered criminal offences. These offences are not only punished disproportionately, but they are also treated extrajudicially. Conscripts are deprived of adequate food, access to water, access to hygiene facilities and adequate accommodation. They further live under threat of violence, inhuman conditions, and are often subjected to unnecessary and extremely tough trainings and work conditions disproportionate to their physical and psychological capabilities, which in some instances have resulted in death of conscripts.²⁰

3.2. Freedom of expression

There continued to be no independent press since the authorities banned all non-state media in 2001. In 2020, the Committee to Protect Journalists found Eritrea was the most censored country in the world and had more journalists in prison than any other country.²¹

The government severely restricted the ability of individuals to criticize the government in public or private through intimidation by national security forces. The law bans private broadcast media and foreign ownership of media. The government controlled all domestic media, including one newspaper published in four languages, three radio stations, and two television stations. The law

¹⁹ USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

²⁰ Equal Rights Beyond Borders and International Refugee Assistance Project, Access to documents by Eritrean refugees in the context of family reunification, April 2021, https://www.ecoi.net/en/file/local/2049549/2021_05_ERBB_IRAP_Documents_Eritrea.pdf, accessed on 10 May 2021

²¹ Amnesty International, Report on the human rights situation covering 2020 – Eritrea, 7 April 2021, <https://www.ecoi.net/en/document/2048593.html>, accessed on 7 May 2021

criminalizes libel as a misdemeanor and prescribes a punishment of between one and six months' imprisonment and a fine. The law also criminalizes "malicious injury to honor or reputation," which covers true statements communicated solely to damage a person's reputation, and prescribes a punishment of less than one month in prison and a fine. It is unclear if these provisions were enforced. The government monitored some internet communications, including email, without appropriate legal authority. Government informants were reported to frequent internet cafes, prior to their closure as an anti-COVID-19 measure. Some citizens expressed fear of arrest if caught viewing opposition sites. Nonetheless, the sites were generally available.²²

3.3. Right to fair trial and the state of the justice system

Hundreds of politicians, religious leaders, journalists or government critics – some held for more than a decade without charge or trial – remained in arbitrary detention and continued to be denied access to their families and lawyers.²³

In August 2019 Human Rights Watch published a report documenting that security forces tortured, including by beating, prisoners, army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups. Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country, and for unspecified national security threats. The law provides for an independent judiciary, but executive control of the judiciary continued, and the judiciary was neither independent nor impartial. There are special courts charged with handling corruption cases, but there was no clarity on their structure or implementation. The Office of the President served as a clearinghouse for citizens' petitions to some courts. It also acted as an arbitrator or a facilitator

²² USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

²³ Amnesty International, Report on the human rights situation covering 2020 – Eritrea, 7 April 2021, <https://www.ecoi.net/en/document/2048593.html>, accessed on 7 May 2021

in civil matters for some courts. The judiciary suffered from lack of trained personnel, inadequate funding, and poor infrastructure.²⁴

Authorities hold detainees in inhumane conditions. Facilities are overcrowded and unsanitary, made worse by Covid-19 restrictions that denied many detainees vital food parcels and sanitary products their families would have provided. For months, the government ignored calls by international rights actors to release those unlawfully detained to decongest detention facilities in response to Covid-19.²⁵

The Special Rapporteur remains concerned about the use of the practices of indefinite and arbitrary detention and enforced disappearance to suppress dissent, punish perceived opponents and restrict civil liberties. These practices significantly undermine progress in the rule of law. Scores of individuals continue to disappear in the Eritrean prison system. Basic due process rights are not guaranteed for all persons in custody, as many are not allowed access to legal counsel, judicial review, family visits or medical attention. As described in the present report, during the reporting period, the Special Rapporteur received numerous reports of arbitrary arrests that targeted, among others, practitioners of various religious congregations, persons suspected of opposing the Government, and members of marginalized ethnic communities.²⁶

3.4. Women rights

The law prohibits FGM/C for both women and girls. Government efforts to reduce FGM/C included public awareness campaigns at the local level targeting religious and community leaders. Government reports stated certain regions and subzones were considered 100 percent free of FGM/C practices. Local UN representatives confirmed that the government took FGM/C seriously

²⁴ USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

²⁵ Human Rights Watch, World report 2021 – Eritrea, 13 January 2021, <https://www.ecoi.net/en/document/2043503.html>, accessed on 7 May 2021

²⁶ United Nations General Assembly, Human Rights Council, Human rights situation in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea, 3 July 2020, <https://undocs.org/a/hrc/44/23>, accessed on 10 May 2021

as a problem and acted credibly to combat the practice. The UN Population Fund worked with the government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, on a variety of education programs to discourage the practice.²⁷

Since May 2019, the Eritrean authorities have carried out a crackdown on non-recognized Christian congregations. The arrests of members of various congregations have disproportionately affected women and children. For example, in May, approximately 140 Christians were reportedly arrested during a private prayer gathering in Asmara, including some 100 women and 30 children. While some of those arrested have since been released, many remain in prison.

The open-ended national/military service programme remains an important impediment to gender equality and has a severe impact on the ability of women and girls to participate in and determine their own life plan. It is a root cause for the low school enrolment of girls, girls dropping out of school, early/child marriage, family separation and the migration out of the country of school-aged girls. In the national/military service, women and girls are exposed to sexual and gender-based violence by military officers and other conscripts, who often perpetrate these acts with impunity. The Special Rapporteur reiterates her recommendations regarding reforming the national/military service. The Special Rapporteur remains concerned by the high number of Eritrean women and girls who are exposed to trafficking in persons and sexual exploitation, in particular by Eritrean-led networks operating in the country and abroad. While the Government has strengthened its efforts to combat human trafficking through police training and regional cooperation, such efforts have yet to translate into an increase in domestic prosecutions. The Special Rapporteur encourages the Government to enact adequate legislation and a comprehensive policy to curb trafficking in persons, in particular of women and girls, promote domestic accountability and protect the rights of victims

Women are not permitted to independently organize to advocate their interests. The National Union of Eritrean Women is the only sanctioned women's organization, and only women aligned with the ruling People's Front for Democracy and Justice are appointed to government positions. In addition, there is no publicly available data on the full scope of women's access to land, their

²⁷ USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

participation in the private sector and their access to financial credit and loans to enable these rights to be monitored and enforced adequately.²⁸

Arbitrary detention, torture, extrajudicial killings, disproportionate punishment for absenteeism, sexual and gender-based violence, restricted freedom of movement and prohibition of religious observance characterise the National Military Service Programme.²⁹

3.5. LGBTQIA+ rights

Eritrea has long criminalized consensual homosexual conduct; the 2015 penal code mandates imprisonment for five to seven years.³⁰

The law criminalizes consensual same-sex activity or ‘any other indecent act’, which is punishable by five to seven years’ incarceration. The government actively enforced this law. Antidiscrimination laws relating to lesbian, gay, bisexual, transgender and intersex persons do not exist. There were no known LGBTI organizations in the country.³¹

3.6. Freedom of religion and minority rights

Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country, and for unspecified national security threats. Authorities also continued to arrest members of unregistered Christian groups. In April authorities reportedly

²⁸ United Nations General Assembly, Human Rights Council, Human rights situation in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea, 3 July 2020, <https://undocs.org/a/hrc/44/23>, accessed on 10 May 2021

²⁹ Equal Rights Beyond Borders and International Refugee Assistance Project, Access to documents by Eritrean refugees in the context of family reunification, April 2021, https://www.ecoi.net/en/file/local/2049549/2021_05_ERBB_IRAP_Documents_Eritrea.pdf, accessed on 10 May 2021

³⁰ Human Rights Watch, World report 2021 – Eritrea, 13 January 2021, <https://www.ecoi.net/en/document/2043503.html>, accessed on 7 May 2021

³¹ USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

arrested 15 Christians for attending services, and in June they arrested 30 Christians at a wedding. Many of these individuals, particularly women and children, were reportedly released soon thereafter, but it was unknown how many, if any, remained in detention. There were unverified reports that security forces arrested at least 20 Muslim men in Mendefera and neighboring localities for unknown reasons in November 2019. Those arrested reportedly included local businessmen, religious teachers, and community leaders, many of whom remain unaccounted for.³²

The government recognized only 4 religious denominations: Sunni Islam, Eritrean Orthodox, Roman Catholicism and Evangelical (Lutheran) churches. Eritreans affiliated with “unrecognized” faiths have faced imprisonment and have often been forced to renounce their religion, including by being tortured. In September and October, two nongovernmental organizations reported the release of as many as 69 “non-recognized” Christians, some detained for over a decade—possibly due to fears of Covid-19 infection—on condition they signed property deeds to hold them liable for future behavior. But the government still arrested people because of religious practices, including during wedding celebrations .³³

The government recognizes four officially registered religious groups: the Eritrean Orthodox Church, Sunni Islam, the Roman Catholic Church, and the Evangelical Lutheran Church of Eritrea. Unregistered groups lack the privileges of registered groups, and their members can be subjected to arrest and mistreatment and released on the condition that they formally renounce their faith, although some unregistered groups are allowed to operate, and the government tolerates their worship activities. International nongovernmental organizations (NGOs) and media continued to report members of all religious groups were, to varying degrees, subjected to government abuses and restrictions. Members of unrecognized religious groups reported instances of imprisonment and deaths in custody due to mistreatment and harsh prison conditions and detention without explanation of individuals observing the recognized faiths. Authorities reportedly continued to detain 52 Jehovah’s Witnesses for conscientious objection and for refusing to participate in military service or renounce their faith. An unknown number of Muslim protesters remained in detention following protests in Asmara in October 2017 and March 2018, although many

³² USDOS – US Department of State, 2020 Country report on human rights practices: Eritrea, 30 March 2021, <https://www.ecoi.net/en/document/2048098.html>, accessed on 9 May 2021

³³ Human Rights Watch, World report 2021 – Eritrea, 13 January 2021, <https://www.ecoi.net/en/document/2043503.html>, accessed on 7 May 2021

reportedly were released. The government continued to deny citizenship to Jehovah's Witnesses after stripping them of citizenship in 1994 for refusing to participate in the referendum that created the independent state of Eritrea.

There are no reliable figures on religious affiliation. Some government, religious, and international sources estimate the population to be 49 percent Christian and 49 percent Sunni Muslim. The Pew Foundation in 2016 estimated the population to be 63 percent Christian and 37 percent Muslim. The Christian population is predominantly Eritrean Orthodox. Catholics, Protestants, and other Christian denominations, including Greek Orthodox, Jehovah's Witnesses, and Pentecostals, constitute less than 5 percent of the Christian population. Some estimates suggest 2 percent of the population is traditionally animist. The Baha'i community reports approximately 200 members. Only one Jew remains in the country. A majority of the population in the southern and central regions is Christian. A majority of the Tigrinya, the largest ethnic group, is Christian. The Tigre and the Rashaida, the largest minority ethnic groups, are predominantly Muslim and reside mainly in the northern regions of the country.

Jehovah's Witnesses were largely unable to obtain official identification documents, which left many of them unable to study in government institutions and barred them from most forms of employment, government benefits, and travel. Religious observers continued to report the government denied many exit visa applications for individuals seeking to travel to international religious conferences. According to a report by the European Asylum Support Office, the issuance of exit visas was inconsistent and did not adhere to any consistent policy; members of nonrecognized religious communities could be denied exit visas solely on the basis of their religious affiliation. The government continued to allow only the practice of Sunni Islam and ban all other practice of Islam. Official attitudes differed toward members of unregistered religious groups worshipping in homes or rented facilities. Some local authorities reportedly tolerated the presence and activities of unregistered groups, while others attempted to prevent them from meeting. Local authorities sometimes denied government ration coupons to Jehovah's Witnesses and members of Pentecostal groups.³⁴

³⁴ USDOS – US Department of State, 2019 Report on international religious freedom: Eritrea, June 2020, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/eritrea/>, accessed on 10 May 2021

4. Eritrean refugees in Tigray

As many as 20,000 refugees are missing after two camps in Ethiopia's war-torn Tigray region were destroyed, the United Nations said. The refugees, most of whom are from neighbouring Eritrea, fled from the Hitsats and Shemelba shelters that were destroyed in fighting that erupted in Tigray in November. Many refugees were 'caught in crossfire, abducted and forced to return to Eritrea under duress by Eritrean forces', Filippo Grandi, the UN's High Commissioner for Refugees, said, citing testimony presented to him at a visit to the Mai-Aini camp while on a four-day trip for meetings with officials in Ethiopia.³⁵

[According to the Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker], there were 96,000 Eritrean refugees in Tigray before the crisis [that erupted on 4 November 2020], living largely in four refugee camps, including Hitsats, Mai-Aini, Adi Harush and Shemelba. [The Rapporteur] received first-hand accounts of allegations of grave human rights and humanitarian law violations, including extra judicial killings, targeted abductions and forced return of Eritrean refugees and asylum seekers to Eritrea, allegedly by Eritrean forces. Two refugee camps, Hitsats and Shemelba, which hosted over 25,000 Eritrean refugees in the Tigray regions, were allegedly destroyed in attacks carried out by Eritrean and Ethiopian troops between November 2020 and January 2021, despite their protected humanitarian status under the 1951 Convention on the Protection of Refugees. [He also manifested his concern] about allegations of possible implication of Eritrean troops in cases of serious human rights violations, including acts of abductions, forceful or involuntary return of Eritrean refugees and asylum seekers, and their imprisonment in different prisons in Eritrea.³⁶

[According to UN High Commissioner for Refugees Filippo Grandi], the Eritrean refugees [...] in the Shemelba and Hitsats refugee camps in Tigray have been without any aid for many weeks. Furthermore, [the Commissioner mentioned that he continues to receive] reports and first-hand

³⁵ Al Jazeera, Ethiopia: UN says 20,000 refugees missing in Tigray, 2 February 2021, <https://www.aljazeera.com/news/2021/2/2/ethiopia-un-says-20000-refugees-missing-in-tigray>, accessed on 9 February 2021

³⁶ UN Human Rights Council, Statement of the Special Rapporteur on the situation of human rights situation in Eritrea, Mr Mohamed Abdelsalam Babiker, 46th Session of the Human Rights Council: update on Eritrea, 24 February 2021, <https://www.ecoi.net/en/document/2047201.html>, accessed on 9 May 2021

accounts of ongoing insecurity and allegations of grave and distressing human rights abuses, including killings, targeted abductions and forced return of refugees to Eritrea. Reports of additional military incursions [in the first week of January 2021] are consistent with open source satellite imagery showing new fires burning and other fresh signs of destruction at the two camps. These are concrete indications of major violations of international law.³⁷

The conflict [in Tigray] started on 4 November [2020], when Prime Minister [of Ethiopia] Abiy Ahmed ordered a military offensive against regional forces in Tigray. He said he did so in response to an attack on a military base housing government troops in Tigray. The escalation came after months of feuding between Abiy's government and leaders of Tigray's dominant political party, the TPLF. For almost three decades, the party was at the centre of power, before it was sidelined after Abiy took office in 2018 in the wake of anti-government protests. Nearly 100,000 Eritrean refugees have been living in camps in Tigray. They fled political persecution and compulsory military service, long before the current conflict.³⁸

³⁷ UNHCR – UN Refugee Agency, Statement attributable to the UN High Commissioner for Refugees Filippo Grandi on the situation of Eritrean refugees in Ethiopia's Tigray region, 14 January 2021, <https://www.unhcr.org/news/press/2021/1/600052064/statement-attributable-un-high-commissioner-refugees-filippo-grandi-situation.html>, accessed on 9 May 2021

³⁸ BBC, Ethiopia's Tigray crisis: UN 'alarmed' by treatment of Eritrean refugees, 11 December 2020, <https://www.bbc.com/news/world-africa-55277843>, accessed on 9 May 2021

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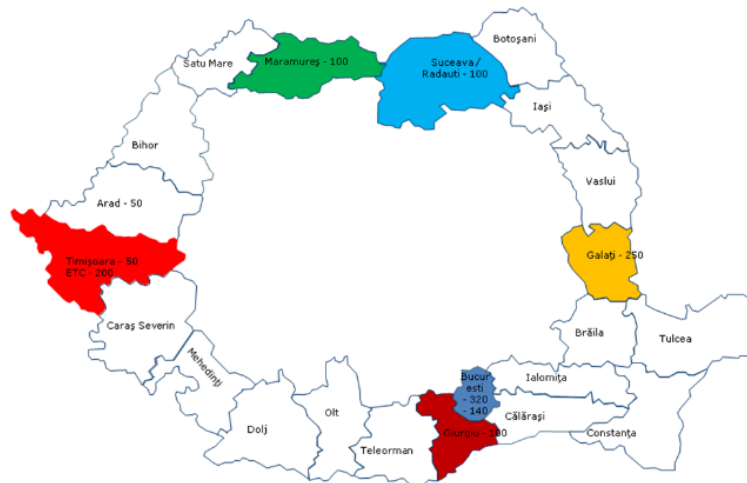
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