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Submission to the 46th session of the Human Rights Council's Universal Periodic Review Working Group
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State of Eritrea

A Vital Voice for Those Suffering in Silence
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United Nations Human Rights Council

Universal Periodic Review of the State of Eritrea

I. Background.

1. **Jubilee Campaign** is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom and human rights in the State of Eritrea as a contribution to the Universal Periodic Review.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

2. Eritrea has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography.

Recommendation(s).

We urge the State of Eritrea to:

3. Ratify the Optional Protocol of the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities.

III. Violations of human rights obligations, considering applicable international human rights legislation.

A. Freedom of thought, conscience, and religion.

4. The 1997 Constitution of Eritrea in Article 19 outlines various civil rights of citizens, among which are the right to freedom of thought, conscience and belief, and the right to practice and manifest one's faith.¹
5. The 2015 Penal Code of Eritrea in Article 196 stipulates a term of imprisonment between six months and one year, or alternatively a fine of between ERN 20,100 and 50,000 for any individual convicted of "disturbance of religious or ethnic feelings" committed via "intentionally and publicly disparag[ing] a ceremony or rite of any lawful religious group, or profan[ing] a place, image or object used for such religious

¹ International Labour Organization, [The Constitution of Eritrea](#), 23 May 1997.

ceremonies or ceremonies relating to any ethnic group”.²

6. Eritrea’s Proclamation No. 73 to legally standardize and articulate religious institutions and activities bestows upon the government the entire authority to confirm or reject faith denominations and their activities. Notwithstanding the requisite that the government “should not interfere with religious activities and religion”, the proclamation outlines state control over: the approval of foreign religious employees, the monitoring of financial donations and transactions; approval of faith groups’ social services to the community; and conferment of legal recognition for faith communities; annual review of religious institutions’ property and bank accounts.³
7. The Eritrean government only formally recognizes five religions: Sunni Islam, Eritrean Orthodox Christianity, Roman Catholicism, Evangelical Lutheranism; however, the legal status of these religious groups does not protect its practitioners from unjust violations upon their right to religious freedom.⁴ Via a presidential decree in 1994, Isaias Afwerki rescinded the legal status of Jehovah’s Witnesses.⁵
8. Eritrean authorities have maintained a concerning and confusing pattern by which they both arrest groups of Christian believers and also release groups of Christian prisoners. In a nation where the government maintains a strict hold on religion, arbitrary arrest is not an unprecedented trend; however, it has only exacerbated within the past few years, especially since June 2019, when the government closed all Catholic-run health clinics.⁶ Throughout the COVID-19 pandemic, we have seen numerous instances in which dozens of Eritrean Christian prisoners have been released from prison, sometimes to mitigate the spread of COVID-19 in overcrowded detention centers;⁷ experts have suggested that recent releases of Christian prisoners of conscience are part of a plan by the government to distract the world from Eritrea’s involvement in the Tigray humanitarian crisis.

In March 2021, Eritrea released 21 Christian prisoners of conscience – all of them young mothers – renewing the total to 171 Eritrean Christians that had been released from their unjust detention within seven months.⁸ Then, just over a month later in April 2021, another 35 Christians were arrested in a single day – 23 were holding a prayer gathering in Asmara, while the other 12 were holding a prayer meeting in Assab.⁹ In one week in March 2023, Eritrean authorities detained en masse 30 Christians who were attending a worship gathering in the town of Keren, and fourteen other Christian prisoners were released from Mai Serwa prison and another detention center in Assab.¹⁰ The following month, in April 2023, Eritrean authorities arrested 103 Christians for recording gospel music with the intention to upload it onto YouTube, bringing the estimated number of detained Christians to 400.¹¹

² International Labour Organization, *Penal Code of the State Eritrea, 2015*, ERI-2015-L-101051, 15 May 2015.

³ [Eritrea] *Eritrea: Proclamation No. 73/1995 of 1995, Proclamation to legally standardize and articulate religious institutions and activities*, 15 July 1995.

⁴ Human Rights Watch, *Eritrea: Events of 2022*, *World Report 2023*.

⁵ Jehovah’s Witnesses, “*Imprisoned for Their Faith - Eritrea*”.

⁶ Francesco Merlo, “*Eritrea: 150 Christians arrested on account of their faith*”, *Vatican News*, 29 August 2019.

⁷ Julia Bicknell, “*Eritrea Frees Evangelical Prisoners Due to COVID-19*”, *Christianity Today*, 28 September 2020.

⁸ International Christian Concern, “*21 Christians Released From Prison in Eritrea*”, 4 March 2021.

⁹ Keep the Faith, “*Freedom hopes dashed in Eritrea as more Christians arrested*”, 21 April 2021.

¹⁰ Release International, “*Eritrea - More Arrests, Some Christians Freed*”, 22 March 2023.

¹¹ Human Rights Without Frontiers, “*ERITREA: 103 Christians arrested for trying to record Christian music on YouTube*”, 23 April 2023.

9. In July 2023, following a call to action issued by The Voice of the Martyrs for Christians around the world to pray for the release of church leaders of the unregistered Full Gospel Church, Haile Nayzgi and Kiflu Gebremeskel - both of whom had been imprisoned since 2004 - it was reported that 13 Christians had been released from prison, though with the exception of both Nayzgi and Gebremeskel.¹²
10. In February 2023, Pastor Tesfay Seyoum of Meserete Kristos Church suffered an acute brain hemorrhage and was transferred from Mai Serwa Prison - where he had been detained for a decade - to hospital for emergency treatment but two months later passed away from conditions relating to his injury. Local authorities in April rejected Pastor Seyoum's family's request for a proper Christian burial in his hometown on the grounds that the pastor's Pentecostal faith contradicted the community and government's identity.¹³
11. In October 2022, authorities detained Catholic Bishop Fikremariam Hagos Tsalim of Eritrea's Segheneity Eparchy along with two priests - Father Mihretab Stefanos of St. Michael's parish and Abbot Abraham of the Order of Friars Minor Capuchin - at Asmara International Airport upon their return from Europe. The three men, who were transferred to Adi Abeto Prison, were targeted for their condemnation of domestic human rights violations in their homilies. Bishop Tsalim and Abbot Mihretab were later released in December.
12. In 2006, the Eritrean government forcibly deposed Abune Antonios from his position as Patriarch of the Eritrean Orthodox Tewahedo Church, and by late May 2007, he would be arbitrarily detained. Patriarch Antonios was targeted by authorities for his previous criticisms of the government's excessive intrusion in church affairs.¹⁴ Other groups have explained that they believe Patriarch Antonios' deposition and arrest in 2006-2007 was part of a larger plan for the Eritrean government to gain more control over the Eritrean Orthodox Church – exactly what Patriarch Antonios so justly and vehemently opposed.¹⁵ In April 2019, Patriarch Antonios secretly filmed a video in which he rejected the appointment of non-ordained layman Yoftahe Dimetros as leader of the Eritrean Orthodox Church. In response to this video, five pro-Eritrean-government bishops signed a statement accusing Patriarch Antonios of heresy and expelling him from the Church. While the statement iterated that Patriarch Antonios will continue to be provided food and shelter by the Church, "his name should never be mentioned and remembered and those that do will be punished severely."¹⁶ Concerns regarding Patriarch Antonios' health had been high in recent years in consideration of his elderly age, the vulnerability of older persons to COVID-19, and the reports that he was being denied medical care.¹⁷ In February 2022, after spending an unconscionable 16 years under house arrest, Patriarch Antonios passed away at the age of 94.¹⁸

¹² Meredith Flynn, ["Imprisoned Christians in Eritrea released after call to prayer"](#), *The Baptist Paper*, 14 August 2023.

¹³ Christian Solidarity Worldwide, ["Church leader denied burial site in his hometown"](#), 21 April 2023.

¹⁴ Church in Chains, [Patriarch Antonios](#), updated 10 February 2022.

¹⁵ BBC News, ["Eritrean Orthodox Church ex-leader expelled for 'heresy'"](#), 19 July 2019.

¹⁶ *Ibid.*

¹⁷ Supra note 14. ; Special Procedures Communication Reports, *Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights in Eritrea*, [UA ERI/1/2017](#), 16 October 2017.

¹⁸ Fredrick Nzwili, ["Eritrean Patriarch Abune Antonios Dies After 16 Years in Detention"](#), *Christianity Today*, 11 February 2022.

13. In late July 2021 in the middle of the night, Eritrean authorities ambushed the home of Pastor Samuel Okbamichael, transferring him to an undisclosed location. Later it was revealed that Pastor Okbamichael is currently detained in maximum-security Wengel Mermera Central Criminal Investigation Interrogation Centre and is facing unknown charges. Pastor Okbamichael's arrest is alarming and dubious considering he was nearing retirement and was only overseeing a few Christian funerals and weddings at the time of his arrest. Girmay Araya – In nearly identical circumstances, Eritrean authorities detained 75- year-old Pastor Girmay Araya in his home in the middle of night and transferred him to the Wengel Mermera Central Criminal Investigation Interrogation Centre.¹⁹
14. Jehovah's Witnesses continue to be harassed, and there are approximately 25 to 30 imprisoned, predominantly male.²⁰ Last year, in March 2022, Jehovah's Witnesses Office of Public Information reported the following:

“Eritrea currently has no regulations or provisions for conscientious objection in its national military service requirement. Since its independence, Eritrea has imprisoned more than 55 of Jehovah's Witnesses. Of these, 16 are known to have been imprisoned primarily for their conscientious objection to military service. Three spent 26 years in detention without any charges being filed against them or any hearing in church.”²¹
15. Christians and Jehovah's Witnesses who had spent time imprisoned in Eritrea's prison system have testified to horrendous conditions, including: being confined to shipping containers, being exposed to extreme temperatures, use of physical torture to extract faith renunciations, negligent food provision, denial of medical care, being bound with restraints, and more. One prisoner named 'Dawit', now a refugee, recalled being hung from a tree in a manner intended to mimic the crucifixion of Christ.²²
16. In August 2022, the Eritrean government seized the Hagaz Agro-Technical School, which was operated by Brothers of the Christian Schools and educated its students in agricultural machinery, crop cultivation, animal husbandry, and soil conservation. It is believed that “the latest seizures are a retaliation for the Catholic Church's call for reforms in the one-party state”.²³
17. Eritrean military forces have involved themselves in the violent incursion into Ethiopia's Tigray region which was authorized by Ethiopian Prime Minister Abiy Ahmed in November 2020. Within the span of just 24 hours between 28 and 29 November, Eritrean troops seized the Tigrayan town of Axum, where they went door-to-door conducting searches of homes and shooting civilians.²⁴ 41 community members that survived the attack reported looking outside of their homes and seeing bodies littering the street and grieving family members. The majority of those killed in this incident were men and young boys, wielding no weapons, who were shot as they attempted to flee the danger. Reports have indicated that Eritrean troops have additionally targeted houses of worship and religious heritage sites in Tigray for looting and desecration, including Debre Damo

¹⁹ Anugrah Kumar, [“2 elderly pastors imprisoned for their faith in Eritrea”](#), *The Christian Poster*, 11 September 2021.

²⁰ Human Rights Without Frontiers, [“ERITREA: 103 Christians arrested for trying to record Christian music on YouTube”](#), 23 April 2023.

²¹ Jehovah's Witnesses Office of Public Information, [Information on Conscientious Objection to Military Service Involving Jehovah's Witnesses - Contribution for the OHCHR Quadrennial Analytical Report on Conscientious Objection to Military Service](#), 21 March 2022.

²² Release International, [“Eritrean Christians Mark 20 Years of Church Closures”](#), 16 May 2022.

²³ Silas Isenjia, [“Eritrean Authorities Seize Control of Catholic-Owned School, Set to Take Over Another”](#), *Association for Catholic Information in Africa (ACIAFRICA)*, 28 August 2022.

²⁴ Amnesty International, [The Massacre in Axum](#), 26 February 2021.

Monastery and Wukro al-Nejashi Mosque.²⁵ In October 2021, Tigrayan residents claimed that violence committed by Ethiopian and Eritrean troops had led to the casualties of 325 faith leaders, as well as attacks on twelve churches and mosques.²⁶

In early October 2023 it was revealed that the UN inquiry into the Tigray human rights atrocities and violence faces possible dissolution as there has been no motion introduced to mandate its renewal.²⁷

Recommendation(s).

We urge the State of Eritrea to:

18. Amend or repeal Proclamation No. 73 which grants the government authority to review, approve, and/or reject religious institutions' activities, financial transactions, clerical appointments, and legal status;
19. Reevaluate the non-compliance of Penal Code Article 196 which criminalizes acts of blasphemy and is thus in contravention of the rights to freedom of expression and freedom of religion;
20. Cease the practice of arbitrarily detaining en masse faith practitioners without cause, as well as the trend by which religious leaders are imprisoned indefinitely for their leadership of unregistered churches and their remarks on domestic affairs and human rights;
21. Provide an alternative to national military service and recognize the right to conscientious objection;
22. Release unconditionally and with immediate effect all religious and political prisoners of conscience, and offer reparations to these individuals who have been unjustly imprisoned and their families;
23. Promptly withdraw troops from the Tigray region of Ethiopia and ensure that all troops responsible for committing human rights violations and crimes against humanity against civilians and refugees are prosecuted.

IV. Non-compliance with UPR recommendations.

24. Eritrea's persecutory practices against faith communities exhibit the disregard and rejection of the Universal Periodic Review Working Group's 2019 recommendations²⁸, including:
 - Establishing provisions for conscientious objection to national military service (recommended by: Australia, *131.108*; Croatia, *131.122*; Germany, *131.110*; Luxembourg, *131.111*; United States of America, *131.130*);

²⁵ Mariz Tadros, "[Tigray: Why are soldiers attacking religious heritage sites?](#)", *African Arguments*, 12 March 2021.

²⁶ BBC, "[Ethiopia Tigray crisis: From monk to soldier - how war has split a church](#)", 3 October 2021. ; Europe External Programme with Africa (EEPA), *Voices from Tigray: Brutalities against Religious Leaders, Holy Places and Heritage in Tigray*, 8 June 2021.

²⁷ Emma Farge & Aaron Ross, "[UN-mandated investigation into Ethiopia atrocities lapses](#)", *Reuters*, 4 October 2023.

²⁸ United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Eritrea*, [A/HRC/41/14](#), 18 April 2019.

- Protecting the right to religious freedom and eliminating the practice of arbitrarily detaining individuals on the basis of their faith (recommended by: Angola, *131.183*; Canada, *131.184*; Germany, *131.182*; Iraq, *131.179*; Italy, *131.180*; Luxembourg, *131.185*; Pakistan, *131.178*; Spain, *131.148*; Sweden, *131.186*; United Kingdom of Great Britain and Northern Ireland, *131.166*; United States of America, *131.181*);
- Guaranteeing the right to freedom of expression (recommended by: Argentina, *131.193*; Australia, *131.85*; Belgium, *131.192*; Costa Rica, *131.191*; Czechia, *131.195*; Estonia, *131.187*; Luxembourg, *131.185*; Seychelles, *131.188*; Slovenia, *131.197*; Sweden, *131.186*; United States of America, *131.181*)