

# POLICY BRIEF



## Eritrea

### Systematic and severe violations of fundamental rights

**Eritrea became de jure independent in 1993, and since then, President Isaiah Afwerki, along with his party, the People's Front for Democracy and Justice (PFDJ) have been the ruling force in the country. Eritrea and Ethiopia have been in a state of war since 1998 due to a border dispute, however, in July 2018 the two neighboring countries signed an historic peace agreement to end a two-decade-long conflict and to promote close cooperation in political, economic, social, cultural and security areas. The event was followed by a historic visit of President Afwerki to Addis Ababa that further strengthened the relations between the two countries.<sup>1</sup>**

In the same year, in July, Eritrea's and Somalia's presidents signed an agreement to restore relations between the two countries after years of animosity; and on September 6, Eritrea restored its relations with Djibouti by signing a peace agreement that ended a decade-long conflict originated by a border dispute.<sup>2</sup>

These positive developments and historic milestones, however, were not accompanied by improvements in Eritrea's human rights record. Despite being a state party to authoritative international human rights treaties – such as the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),

<sup>1</sup> "Eritrea: Country Dossier", *World Watch Research*, February 2020, pp. 8. Available at: <http://opendoorsanalytical.org/country-dossiers/> (password: freedom).

<sup>2</sup> See <https://www.aljazeera.com/news/2018/09/eritrea-consolidates-horn-africa-peace-deal-180910174538098.html>.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>3</sup> – Eritrea’s poor human rights record, including serious and egregious violations of the right to freedom of religion or belief and related rights, continues to significantly concern the international community at large.

### **To date, Eritreans remain without a Constitution that sets out their rights.**

The Eritrean Government ratified a Constitution in 1997, however the Constitution never entered into force. Eritrea has no legislative body that discusses and adopts legislation; the National Assembly has been suspended since 2002. In 2015, President Afwerki announced the setting up of a body with the task to draft a new constitution. To date, Eritreans remain without a Constitution that sets out their rights. Eritrea lacks an independent judiciary, and the Civil Code, Penal Code, Civil Procedure Code and Criminal Procedure Code issued in 2015 have never been implemented.<sup>4</sup>

### **Registered religious groups**

Only four religious groups are officially recognized in Eritrea: the Eritrean Orthodox Church, Sunni Islam, the

Roman Catholic Church, and the Evangelical Church of Eritrea. All other religious groups are considered illegal, and therefore denied their right to freedom of religion or belief. In 1997, the Government issued a decree requiring all religious groups wishing to practice their faith to apply for official registration. In 2002 the Government closed down all facilities of religious groups that did not apply for registration in after the issued decree. Some groups, such as the Methodist Church, the Presbyterian Church, the Bahai and the Seventh Day Adventist Church, attempted to register, but never received official status. No other religious groups were registered since.<sup>5</sup>

Registered religious groups are not exempt from undue restrictions: members of such groups are regularly arrested if they manifest their opposition with Government’s interference in their lawful activities; religious teaching in places of worship is monitored and restricted; tithes and offerings controlled by the Government.<sup>6</sup> For example, Futsum Gebrenegus, Eritrea’s only psychiatrist and Orthodox priest, and Tekleab Menghisteab, a highly respected physician and Orthodox priest, were both arrested in November 2004, amongst with others, for alleged involvement in the renewal movement within the Orthodox Church. Orthodox Patriarch Antonios was deposed by the Eritrean Government in January 2006 for objecting Government’s interference in church affairs and for refusing to excommunicate members of the Orthodox renewal movement; the Government placed him

<sup>3</sup> See <https://indicators.ohchr.org/>.

<sup>4</sup> “Report of the Special Rapporteur on the Situation of Human Rights in Eritrea”, A/HRC/41/53, 16 May 2019, para. 34-38. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/140/37/PDF/G1914037.pdf?OpenElement>.

<sup>5</sup> “United States Commission on International Religious Freedom: 2019 Annual Report”, USCIRF, April 2019, pp. 46. Available at: <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

<sup>6</sup> *Ibid.*



Photo: Ruth [left] and Musse [right]. Musse was imprisoned for being a pastor of an unregistered church.



under house arrest in Asmara, where he remains to date.<sup>7</sup> Sheikh Ibrahim Younis, a leader of the Al Diaa Islamic school board, was arrested and detained for protesting against Government's interference in the school's affairs. The Government demanded the ceasing of religious teachings and removal of all religious symbols in the school – including the hijab for girls. The Sheikh died in prison in January 2019.<sup>8</sup>

### **Several members of non-registered groups have died in prison because of torture, denial of medical care or other inhumane conditions.**

#### **Non-registered religious groups**

Members of non-registered religious groups cannot practice their faith or engage in religious activities of any sort. Members of such groups are regularly arbitrarily arrested, subjected to indefinite detention without charge and due process, and subjected to inhumane life conditions. Several members of non-registered groups have died in prison because of torture, denial of medical care or other inhumane conditions.<sup>9</sup> Witnesses testify to have been detained in metal shipping containers, dungeons, and to have been tortured and subjected to abysmal conditions, where death, or severe and permanent mental and bodily harm is a foreseeable consequence.

Evangelical Christians and Pentecostal Christians, along with other non-registered groups, have been particularly targeted by the Government: the United Nations Commission of Inquiry on Human Rights in Eritrea found that “Eritrean officials have committed the crime of persecution, a crime against humanity, in a widespread and systematic manner since May 1991.”<sup>10</sup> Reverend Ogbamichael Teklehaimanot, the senior pastor of Kale Hiwot Church, was arrested for participating in a Protestant wedding ceremony in Barentu on January 9, 2005 and imprisoned in Asmara Police Station No. 5. He was subjected to ten months of solitary confinement and hard labor at Sawa military camp.

The Reverend was released in ill health in June 2018. It is not possible to give an exact number of how many freedom of religion or belief prisoners are detained in Eritrean prisons: there are no official statistics, prisoners are never charged, families often do not know whether their loved ones are imprisoned, died in prison, or kept in forced labor as part of the indefinitely extended national service. Local sources estimate that there are hundreds of long-term prisoners, while thousands are kept in waves for shorter periods.

#### **Military and National Service**

Indefinite military and national service is one of the main factors driving many Eritreans out of the country. Despite the recent peace agreements and détente with neighboring countries, there are still no signs of reforms in the military and national service and in demobilization of conscripts in Eritrea. The “Proclamation of National Service” of 1995 sets the duration of military and national service in Eritrea to 18 months. However, in practice, the duration of such service is indefinite and the salary provided insufficient to cover basic living costs and support for one's own family. Often conscripts are forced to work without salary, and subjected to abuse, ill-treatment and forced labor, including cases of torture. The UN Commission of inquiry on human rights in Eritrea documented several cases of rape in military camps, and the Special Rapporteur on the Situation of Human Rights in Eritrea stressed that women and girls are more vulnerable to sexual harassment and abuse when doing military and national service.<sup>11</sup>

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The indefinite nature of the military and national service, the inhumane conditions forced on the conscripts while serving in the military and other national duties, keep scores of Eritreans, especially from younger generations, in a state of slavery and with little hope for the future.

<sup>7</sup> See <https://www.uscirf.gov/patriarch-abune-antonios>.

<sup>8</sup> “Country Update: Eritrea”, *United States Commission on International Religious Freedom*, August 2019. Available at: [https://www.uscirf.gov/sites/default/files/2019%20ERITREA%20Country%20Update\\_FINAL.pdf](https://www.uscirf.gov/sites/default/files/2019%20ERITREA%20Country%20Update_FINAL.pdf).

<sup>9</sup> “Report of the Special Rapporteur on the Situation of Human Rights in Eritrea”, A/HRC/41/53, 16 May 2019, para. 39. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/140/37/PDF/G1914037.pdf?OpenElement>.

<sup>10</sup> “Report of the Commission of inquiry on human rights in Eritrea”, A/HRC/32/47, 9 May 2016, para. 86-88. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/093/42/PDF/G1609342.pdf?OpenElement>.

<sup>11</sup> *Ibid.*, and A/HRC/41/53, para. 26-33.

# Recommendations:

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**1** To establish and **ensure the rule of law** the Eritrean Government should:

- Bring into force and implement the **Constitution** of 1997 and ensure that any amendments to the text will be made transparently and following procedures laid down in article 57 of the Constitution;
- Bring into force the **Penal Code, Criminal Procedure Code, Civil Code and Civil Procedure Code** of May 2015 and ensure amendments according to international human rights standards;
- Urgently ensure the establishment of an **independent and impartial judiciary**.

**2** The International Community should urge the Eritrean Government to:

- **Fully respect the freedom of religion or belief of legally registered religious groups** and **cease undue interference and monitoring** on their lawful religious activities as defined by Article 18(3) ICCPR, to which Eritrea is party without reservation;
- Immediately **stop persecuting in a widespread and systematic manner** members of non-registered religious groups, **allow registration** for groups wishing to acquire legal status, and **respect freedom of religion or belief and freedom of assembly for every individual**, irrespective of their membership to a registered group;

**3** The International Community should urge the Eritrean Government to **stop arbitrary arrests and indefinite detention** without charge and due process, **stop using torture and other cruel, inhumane treatment** against detainees, and immediately release all religious freedom prisoners and prisoners of conscience.

**4** The Eritrean Government should **respect the right of conscientious objection** in military conscription and **stop the indefinite extension of military and national service** beyond the 18 months prescribed by the Proclamation on National Service of 1995, and urgently end any torture, inhumane treatment and sexual violence against conscripts as well as practices of forced labor.

**5** The Eritrean Government should allow the **UN Special Rapporteur on the Situation of Human Rights in Eritrea** to enter the country to monitor and investigate human rights developments.

Any questions? Please email [advocacy@od.org](mailto:advocacy@od.org)