



The State of Eritrea

Submission to the UN Universal Periodic Review

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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC and CDRiE: Citizens for Democratic Rights in Eritrea

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1. (A) Introduction

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action worldwide, especially in areas where participatory democracy and citizens' freedom of association are threatened.
- 1.2** CDRiE: Citizens for Democratic Rights in Eritrea is a Diaspora based Eritrean civil society organisation that works for the full realization of the democratic rights of the Eritrean people; in particular, the broad advancement of the rule of law and of constitutional governance that will enable Eritreans to elect their own leaders through free and fair elections, including full restoration of freedoms of conscience, religion, information, expression and association.
- 1.3** In this document, CIVICUS and CDRiE outline concerns related to the environment in which civil society and human rights defenders operate in Eritrea, and discuss the threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.4** CIVICUS and CDRiE are deeply concerned by the total repression of civil society and free speech in Eritrea. Persistent imprisonment, disappearances and attacks against human rights defenders, dissenters and independent journalists contribute to the fact that Eritreans make up one of the largest refugee populations in the world, with over 265,000 people in exile.
- 1.5** A culture of systemic human rights abuses in Eritrea continues to be sustained with state rhetoric that places national unity and the social harmony of the country above individual rights and freedoms. Impunity for security forces and the lack of any kind of dialogue between the state and the Eritrean people remain imperative issues for redress by the Government.
- 1.6** CIVICUS and CDRiE are alarmed by the failure of the Eritrean Government to protect those citizens voicing their right to freedom of expression, association and assembly. In virtually all instances, government officials and the military are directly responsible for, and complicit in, the violations.
 - In section B, CIVICUS and CDRiE highlight concerns relating to the lack of the freedom of expression, association and assembly.
 - In section C, CIVICUS and CDRiE highlight concerns over detentions, disappearances and attacks against civil society members and rights defenders.
 - In section D, CIVICUS and CDRiE highlight concerns over detentions, disappearances and attacks against journalists.
 - In section E, CIVICUS and CDRiE make recommendations in the areas of concerns listed.

2. (B) Concerns regarding legal and practical restrictions on the freedoms of expression, association and assembly

- 2.1 In 2002, Eritrea acceded to the International Covenant on Civil and Political Rights (ICCPR) which under articles 19, 21 and 22 guarantees the freedoms of expression and the right to hold opinions without interference; the right of assembly and the right of association.
- 2.2 Article 19 of the Constitution of Eritrea guarantees the freedoms of speech and expression, including freedom of the press and other media, and the right to assemble and to demonstrate peaceably with others. It also includes the right of every citizen to form organisations for political, social, economic and cultural ends.
- 2.3 Limitations on the fundamental rights and freedoms in the Constitution are set out in Article 26, which states that they may be in the interests of national security, public safety or the economic well-being of the country, health or morals, for the prevention of public disorder or crime or for the protection of the rights and freedoms of others.
- 2.4 Article 26 also states that any limitation must be consistent with the principles of democracy and justice and be of general application and not negate the essential content of the right or freedom in question. However, the fact that Eritrea continues to exercise complete control over the media, tolerates no form of dissent and imprisons government critics illustrates the absence of proportionality in limiting the rights and freedoms of its people, the Government's frequent violations of the ICCPR and its total failure to implement the Eritrean Constitution despite its ratification in 1997.
- 2.5 Despite having been ratified in 1997, the Eritrean constitution remains unimplemented to this date. Article 16 (3) of the Constitution of Eritrea guarantees that no person shall be held in slavery or servitude nor shall any person be required to perform forced labour not authorised by law. However, the continued open-ended conscription in Eritrea occurring since 2002 amounts to forced labour and is contrary to this article and to Eritrea's ratification in 2000 of the Abolition of Forced Labour Convention, 1957.
- 2.6 The Eritrean Press Proclamation No. 90/1996 prohibits the dissemination of any material deemed to be contrary to the national and public interest or that could be construed to cause societal divisions. All privately-owned press and media outlets have been shut since September 2001, and only state media now exists. Journalists are conscripted into their work and are permitted no editorial freedom. They are reportedly told how to cover events.
- 2.7 Reports from the country indicated that the news channel Al Jazeera was prohibited in public places¹ following the coverage of overseas protests in

¹ This information has been confirmed by sources inside Eritrea.

support of a mutiny at the Eritrean Ministry of Information in January 2013. Radio Erena (Our Eritrea), a Paris-based radio station that broadcasts to Eritrea and the Diasporas, had its signal jammed from August to September 2012 by a transmission from within Eritrea following a complaint by the Eritrean government over its coverage. Only Voice of America continues to be allowed to cover the country, although no foreign press correspondents have been permitted entry since 2010.

- 2.8 Government informants are reported to frequent the few available internet cafes, especially during periods of unrest in nearby countries or when international media has reported news about the country. In recent years, some Internet cafes were closed on short notice, and their owners are said to have been detained.
- 2.9 The Proclamation Determining the Administration of Non-governmental Organizations No. 145/2005 has had a terminal impact on NGOs. The government continues to prohibit the formation and existence of independent civil society organisations except those with official sponsorship. It does not allow the formation of political parties except the ruling People's Front for Democracy and Justice.
- 2.10 The Labour Proclamation No. 118/2001 requires groups of 20 persons or more wanting to form a union to seek prior approval from the Ministry of Labour and Human Welfare. However, they are not allowed within the civil service, military, police and other organisations providing essential services. All unions are reported to be government-run with their activities closely monitored.
- 2.11 All these actions combine to create an environment for civil society in Eritrea that is so repressive that people with opinions critical of, or in opposition to, the government frequently attempt to flee the country.

3. (C) Concerns involving harassment, threats and attacks against civil society activists and human rights defenders

Article 12 of the UN Declaration on Human Rights Defenders mandates all UN member states, including Eritrea, to take all necessary measures to ensure protection of human rights defenders.

However a lack of discernible improvement in the treatment of civil society since Eritrea's 2009 Universal Periodic Review demonstrate that this has still not equated to substantive practice, particularly when it is state agents that are the most frequent perpetrators of political violence and intimidation affecting civil society activists and human rights defenders.

(Targeting of government critics, human rights organisations and human rights defenders)

- 3.1 Gatherings of more than 7 people without prior approval, save for weddings, funerals and religious holidays, continue to be banned reportedly with the absence of any legal basis, along with the prohibition of independent civil society organizations from functioning in Eritrea. At the end of 2011, the government expelled nearly all remaining foreign non-governmental aid groups.
- 3.2 The practice of arbitrarily arresting and detaining without charge any actual or suspected opponent or critic of the government, which began after Eritrea's independence, continues, and it explains the lack of independent human rights monitoring and the shortage of information on abuses coming out of Eritrea. Suspected government critics or activists are brutally repressed, and as such, the Eritrean people exist in a climate of fear, with reports that the families of those who speak out are also targeted by the state.
- 3.3 On 21 January 2013, a group of 200 soldiers occupied the Ministry of Information in Asmara and broadcast a statement calling for the release of all political prisoners and the implementation of the 1997 Constitution. Following the removal of the soldiers, a large number of arrests were made, with reports stating that at least 187 people were detained.
- 3.4 The group of 11 politicians that were part of a group known as the G15, and imprisoned in May 2001 for calling for democratic dialogue and the application of the rule of law, remain in prison. They have never been charged with a crime or brought to trial. Although the government has continued to refuse to disclose information about their whereabouts and/or their conditions or even informing their families, it is rumoured that some of these prisoners may have already died in prison.
- 3.5 No official information about the more than 150 teachers of Islamic schools arrested by the authorities in 1995 has been released, while there are reports that they been summarily executed. Those who have been detained for similar reasons before and after 1995 also remain in detention.
- 3.6. As of the date of this report, minority churches of various denominations prohibited since May 2002 remain banned. Their members continue to be routinely arrested and detained without charge for long periods and under extremely harsh conditions and thousands of people arrested on suspicion of evasion or while attempting to flee the open-ended conscription are detained for long periods and are reportedly tortured.
- 3.7 Hundreds of other people are reportedly held in arbitrary detention in Eritrea, arrested because they criticised the President or government policies or for having attempted to flee the country to escape from the open-ended conscription.

(Targeting of trade union leaders and members)

- 3.8 Although there are labour laws in place, the government respects neither the right to freedom of association nor the right of collective bargaining. There have been no recent reports of the formation of labour unions and the leaders of any authorised unions in existence are usually government employees.
- 3.9 The flagrant disregard for Eritrea's labour laws can be clearly seen in the use of forced labour in Eritrea. The Vancouver-based mining company Nevsun is reported to have acquiesced to the use of national service conscripts, kept in terrible living conditions, by state owned contractor Segen on its Bisha mining project since operations began in 2008. Nevsun has alluded to feeling powerless to stop the state contractors from using forced labour.
- 3.10 National service recruits in Eritrea are in fact used as forced labour on a wide range of government projects, including development projects and on the ruling party's commercial and agricultural enterprises. It should also be noted that military service is often indefinite in Eritrea for all conscripts.
- 3.11 There is currently no recourse in Eritrea for workers, forced or voluntary, experiencing abuse.

(Attacks on Lesbian Gay Bisexual and Transgender Intersex (LGBTI) Activists)

- 3.12 Consensual same-sex conduct is criminalised under the Eritrean Transitional Penal Code and punishable by prison terms ranging from 10 days to three years. It is noted that the Eritrean Government rejected a recommendation by the Working Group on the Universal Periodic Review in 2010 to legalise same sex activity. No LGBTI organisations publically exist in Eritrea and it is reported that the authorities have carried out periodic round-ups of LGBTI people.

4. (D) Concerns involving harassment, threats and attacks against journalists

- 4.1 Eritrea continues to be the most censored country in the world. Journalists suspected of sending information outside the country are arbitrarily detained without charge or trial. At the end of 2012 approximately 30 journalists were estimated to be in prison.
- 4.2 In August 2012 authorities reportedly arrested and detained without charge journalist Ahmed Shek Umer, chief of Arabic programming on Eri-TV. On 29 December 2012, they announced he had been released. Authorities also released Said Abdulhai, the former head of the Ministry of Information's press department and the person responsible for the state newspaper, who had been detained since 2010. Yirgalem Fisseha Mebrahtu, one of at least 12 staff from Radio Bana, an Education Ministry-sponsored station in Asmara,

detained since 2009 as part of a crackdown on staff members, reportedly was hospitalized in April 2012. In February and March 2011, four journalists, Nebiel Edris, Ahmed Usman, Mohamed Osman, and Tesfalidet Mebrahtu, working for the government-controlled radio Dimtsi Hafash, were arrested. They are reportedly still being held in *incommunicado* detention.

- 4.3 In 2001, at least 10 leading journalists from the private press were arrested along with numerous state media journalists. The detainees continue to be held without charge and in secret locations, although it was reported that Dawit Habtemichael, Mattewos Habteab and Sahle Tsegazab have died in detention in recent years, though this has not been confirmed by the state. The case of Dawit Isaac, a journalist with dual Swedish and Eritrean nationality and one of those detained without charge since 2001, was referred to the African Commission on Human and Peoples' Rights in February 2013. The Commission will now question the Government of Eritrea about its failure to comply with the African Charter on Human and People's Rights.
- 4.4 Eritrean journalists have also been targeted in Sudan by the Sudanese government for their writing on Eritrea. Abdalal Mahmoud Hiabu and Haroun Adam have been detained without charge since December 2012. Hamad was also previously detained for his writing on Eritrea less than a week after an official visit to Sudan by Eritrean President Isaias Afewerki in October 2011.

5. (E) Recommendations to the Government of Eritrea

- 5.1 CIVICUS and CDRiE call on the Government of Eritrea to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.
- 5.2 **Regarding legislative restrictions on the freedoms of expression, association and peaceful assembly, the Government of Eritrea should ensure:**
- The Eritrean Press Proclamation No. 90/1996, the Proclamation Determining the Administration of Non-governmental Organizations No. 145/2005 and the Labour Proclamation No. 118/2001 should be repealed.
 - Efforts should commence to put in place "enabling legislation" for civil society groups to operate in line with international human rights standards with due protections for the freedoms of expression, association and peaceful assembly. State monopoly over the media should be done away with through

the removal of legal restrictions on private and community owned media outlets.

5.3 Regarding threats to civil society activists, human rights defenders and journalists

- Detentions of, and threats against, those suspected of holding dissenting opinions, civil society activists and journalists should be publicly condemned by senior government officials to ensure protection by law enforcement agencies and an end to the culture of harassment among law enforcement agencies directly responsible for many of the detentions, disappearances and threats outlined in this submission.
- Impartial and effective investigations into all cases of attack, harassment, intimidation and disappearance of those suspected of holding dissenting opinions, civil society activists and journalists should be conducted and perpetrators should be brought to justice.
- Families of detainees who have been placed in arbitrary detention for their suspected opinions or activism should be informed about their whereabouts and state of health while efforts should be made to ensure regular contact and communication
- Access should be given to the International Committee of the Red Cross to visit prisons in Eritrea and to monitor the conditions of those civil society organisers, human rights defenders and journalists detained.
- Those suspected of holding dissenting opinions, civil society activists and journalists should be unconditionally released and their cases duly reviewed in accordance with international human rights law and constitutional protections.
- Information should be provided on the whereabouts of the estimated 187 soldiers detained as a result of the occupation of the Ministry of Information in Asmara on 21 January 2013.

5.5 Regarding access to UN Special Procedures and Mandate Holders

- The UN Special Rapporteur on the situation of human rights in Eritrea should be allowed full access into Eritrea to enable her to fulfil her mandate.
- A standing invitation should be extended to all UN Special Procedures, in particular, the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Freedom of Expression, and the Special Rapporteur on Freedom of Peaceful Assembly and Association.