

UPR Submission on Eritrea - East and Horn of Africa Human Rights Defenders Project
June 2013

Executive Summary

1. In this submission for the Universal Periodic Review of Eritrea in the second cycle, the East and Horn of Africa Human Rights Defenders Project offers an overview of the situation for human rights defenders in Eritrea. Given the severe restrictions on human rights monitoring, documentation and reporting inside the country, this submission is necessarily brief. No improvement has been seen in the situation of the rights of human rights defenders and the related rights of freedom of association, assembly, expression and opinion since Eritrea's first cycle review in 2009.

Human Rights Defenders

2. No human rights organisations operate actively inside Eritrea. International human rights organisations are not permitted visit Eritrea to monitor the human rights situation inside the country.

Freedom of Association and Assembly

3. The right to freedom of association is severely restricted in Eritrea. The Proclamation to Determine the Administration of Non-governmental Organisations (2005) stipulates that "the activities of every NGO shall be limited to relief and/or rehabilitation works" (article 7.1). In addition, NGOs may only operate work in this limited area if they are willing to work within the scope of the policies and priorities of the Government of Eritrea. The line ministry has the power and duty to approve and coordinate programs and projects to be funded and implemented by NGO. Local NGOs are required to show that have at their disposal resources amounting to 1 million US dollars inside Eritrea in order to be allowed to commence their work, which is an unrealistic requirement.

4. Freedom of peaceful assembly is also severely limited. Prior approval and obtaining of a permit is required for public assemblies of more than seven people.

Freedom of Expression and Opinion

5. During the review of 2009, Eritrea asserted that it respects the right to information and freedom of expression and opinion. It further stated that "no one in Eritrea is detained for expressing his/her views" and that "Eritrean citizens have access to the entire spectrum of the media." However, since September 2001, there has been no independent domestic media in the country. 18 independent journalists were arbitrarily arrested in September 2001 and their whereabouts, as well as that of many other journalists arrested since then, remains unknown. Many are reported to have died in detention.

Cooperation with International and Regional Human Rights Bodies

6. Eritrea has not accepted any requests for country visits by the UN Special Procedures, although it stated during the 2009 review that "the request for invitation by special procedures and rapporteurs is considered on a case by case basis." At the 23rd session of the Human Rights Council in June 2013, Eritrea rejected the report of the Special Rapporteur on the human rights situation in Eritrea, citing among its objections the methodology and sources of information used by the mandate-holder. Nevertheless, the Government of Eritrea to date has not issued an invitation to the Special Rapporteur to visit the country and assess the situation at first-hand.

7. At the regional level, the case of Eritrea has been raised repeatedly at the African Commission on Human and Peoples' Rights, which adopted a resolution in 2005 condemning human rights violations in Eritrea. In two separate decisions in 2003 and 2007, the Commission also found the government to be in violation of fundamental rights contained in the African Charter on Human and Peoples' Rights and requested the release of the government officials held incommunicado since September 2001 (250/02 Liesbeth Zegveld and Mussie Ephrem vs. Eritrea) and for at least 18 journalists also held incommunicado to be given access to their lawyers (275/03 Article 19 vs. Eritrea). Although these decisions have been adopted by the African Union, to date Eritrea has not provided any concrete response or acted to implement them.

Recommendations:

- Implement the fundamental rights and freedoms contained in the Constitution of Eritrea, (notably article 19 on the Freedom of Conscience, Religion, Expression of Opinion, Movement, Assembly and Organisation), as well as international and regional human rights instruments to which Eritrea is a party;
- Implement the decisions of the African Commission on Human and Peoples' Rights in the cases 250/02 Liesbeth Zegveld and Mussie Ephrem vs. Eritrea and 275/03 Article 19 vs. Eritrea;
- Respect the substantive role that civil society actors play in democratic societies and ensure that human rights defenders and civil society organizations are able to carry out their activities in an open, safe and secure environment, without fear of retribution or curtailment of their activities, as recommended by the UN Special Rapporteur on Eritrea in her report of 28th May 2013 (A/HRC/23/53);
- Amend the Proclamation to Determine the Administration of Non-governmental Organisations (2005) to allow for independent NGOs to operate in areas beyond relief and rehabilitation works, in particular to allow both national and international NGOs to carry out projects to promote respect for human rights and monitor the human rights situation in the country.