



UPR Submission
Eritrea
June 2013

Eritrea's human rights situation has not improved since the Council's 2009 Universal Periodic Review. Torture, arbitrary detention, and severe restrictions on freedom of expression, association, and religious freedom remain routine. Elections have not been held since Eritrea gained independence in 1993, the constitution has never been implemented, and political parties are not allowed. There are no institutional constraints on President Isaias Afewerki, in power now for 22 years.

Forced labor and indefinite military service prompt thousands of Eritreans to flee the country every month. Access to the country for international humanitarian and human rights organizations is almost impossible and the country has no independent media. Regrettably, there is no indication since the 2009 UPR that the government is willing to undertake any of the reforms that would promote and protect human rights.

Failure to implement UPR recommendations

Eritrea has implemented none of the Council's major UPR 2009 recommendations, including the few recommendations it explicitly agreed to implement in its response to the UPR: It has not acceded to the Convention against Torture, the ILO Convention on the Worst Forms of Child Labour, or other treaties.

Eritrea also failed to progress on issues addressed by recommendations it neither accepted nor rejected: It has taken no visible steps to implement the constitution approved in 1997. No independent human rights mechanism has been created despite Eritrea's assertion that it accepted the principle of establishing one. Conditions that would allow basic freedoms of association and expression are still non-existent.

Finally no progress has been observed on issues related to recommendations rejected by Eritrea from the outset: The government has not released or permitted thousands of prisoners –jailed without trial – to invoke their right to be brought before a judge despite acknowledging that its civil procedure code includes that remedy.

Eritrea has consistently refused to cooperate with UN human rights mechanisms since 2000 and ignored the requests for visits by Special Procedures of the Human Rights Council, including the Special Rapporteur on the situation of human rights in Eritrea established in July 2012. The following sections describe flagrant ongoing patterns of human rights abuses occurring since 2009 that Human Rights Watch is independently aware of, based on interviews with refugees and other credible sources.

Forced labor and indefinite conscription

Although all Eritrean citizens must by law provide 18 months of military service, national service is in practice indefinitely prolonged; for many conscripts it extends for much of their working lives. Endless conscription amounts to violations of the Forced Labour Convention (1930, no. 29), and the Abolition of Forced Labour Convention 1957, no. 105), both of which Eritrea ratified.

Eritrea claims that its national service system is necessary to protect the country, but conscripts are routinely used as forced labor on essentially civilian jobs. Human Rights Watch documented in 2013 that several hundred conscripts had been forced by a state-owned construction company, Segen Construction Co., to build infrastructure at Eritrea's only operating mineral mine. Conscripts were forced to work long hours for minimal food rations, primitive lodging, and pay inadequate to sustain themselves, much less their families. They were not allowed to leave the work site. One former conscript said he was jailed for attending a relative's funeral after his request for leave was denied. The Segen assignment is not unusual. Conscripts are routinely used as cheap and involuntary labor on government farms, road building, civil service, and other essentially civilian activities.

Contrary to Eritrea's assertion in its UPR response in 2009 that there is no underage recruitment, children as young as 15 are still inducted and sent for military training, according to recent interviews. Evidence gathered by Human Rights Watch show that children are forcibly recruited in the military and face violence and ill-treatment on a regular basis. Conscripts report severe punishment for perceived infractions. There is no mechanism for redress of abuses.

Female conscripts are sometimes sexually abused or raped by their commanding officers. A 2007 study of Eritrean women seeking asylum reported "detention (short and long term), beatings, forced abortions (and attempted abortions), forced heavy labor, death threats, degrading treatment, continuous sexual violence and rape. . . ."¹ There has been no discernible improvement since 2009.

Arbitrary arrest, prolonged detention, and inhumane detention conditions

Although Eritrea's response to the 2009 UPR recommendations claimed that due process is the law of the land, torture is illegal, and the right to judicial review of detention is enshrined in law, these protections are consistently violated.

Thousands of ordinary citizens are arrested and incarcerated without charge, trial, or opportunity to appeal, and without access to family, lawyers, or independent prison monitoring organizations, including the International Committee of the Red Cross. Some are freed without explanation after arrest and warned not to speak to anyone about their detention. For example, a well-known artist was twice arrested and released without explanation. Friends in a security agency told him the second arrest was because he talked openly about his first arrest. In 2011, he was again arrested when he openly criticized repression and government animosity against his ethnic group; he later fled the country.

Most prisoners remain in jail indefinitely. The most prominent prisoners are the government officials and journalists – the "G-15" – arrested in 2001 and never seen again. They have never been formally charged, much less tried, and have now been held incommunicado for 12 years. Absconding guards report half of them have died. Eritrea continues to ignore calls for due process, including a judicial review of detention from the U.N. Working Group on Arbitrary Detention² and the African Commission on Human Rights.³

Conditions of confinement described by former detainees are often cruel and inhuman. Death in captivity is not uncommon. Many prisoners disappear, their whereabouts and health unknown to their families. Their deaths may be the first time the family is informed of their condition. When a family occasionally is informed of a death, they are ordered not to inquire about its cause.

¹ Cecilia M. Bailliet, "Examining Sexual Violence in the Military within the Context of Eritrean Asylum Claims Presented in Norway," 19 *International Journal of Refugee Law*, pp. 12-13 (2007).

² *Mahmoud Sherifo v. Eritrea*, opinion no. 3/2002 U.N. Doc. E/CN/2003/8 Add.1.

³ *Zegveld v. State of Eritrea*, communication 250/2002, Nov 2003, and *Article 19. v. State of Eritrea*, communication 275/2003.

Former prisoners continue to describe being confined in underground cells or in shipping containers. They describe overcrowded cells and containers with no space to lie down, little or no light or windows, oppressive heat and insects. With some exceptions, prisoners are denied medical treatment. Food verges on a starvation diet: one or two pieces of bread a day, an occasional serving of lentils or beans, and a cup of tea. Many interviewees said that there was “not enough food and water.”

Physical abuse and torture in detention is common, if varied. Former detainees say it always consists of severe beatings. Detention wardens are given free rein to impose worse punishments. A former interrogator frankly admitted to Human Rights Watch he ordered beatings of prisoners until they confessed to whatever they were accused of; they were then beaten to implicate others. A former prisoner told of a room with three vats in which prisoners were progressively placed if they failed to “confess”, the first filled with cold water, the second with water and human waste, the third predominantly with human waste. Sometimes the prisoner’s head would be pushed into slime and held down. Another prisoner spoke of being forced to sit in the sun shirtless for the day and then being compelled to crawl along rough ground with his elbows and to dig a hole a meter deep before being ordered to crawl back. A prisoner complained that after prolonged detention in the dark in an underground cell, his jailers shone bright lights in his eyes; months later, he still has eye pain.⁴

Eritreans forcibly repatriated to Eritrea are mistreated, contrary to the claim in Eritrea’s 2009 UPR response that “returnees go straight to their homes.” Some who escaped a second time told Human Rights Watch in 2012 they had been incarcerated in the typical cramped cells and beaten shortly after their return. They displayed scars from beatings and electric shocks. One double-escapee reported that several prisoners in his group of returnees died from their beatings and were buried in a large cemetery at the penal complex.

So far as is known, no one has been disciplined for these abuses.

Retaliation for the activities of family members

Family members of draft evaders or national service deserters are punished for their relatives’ conduct, including through arbitrary arrests and detentions. Some families are fined Nakfa 50,000 (US\$ 3,333) for evasion or desertion of a relative. Authorities arrested the 87-year-old father, 15-year-old daughter, and brother of a former information minister who fled in 2012; their whereabouts are unknown. In July 2011, a wife whose husband she had not seen since he was conscripted two years earlier was denied food rations when she told authorities she did not know his location. Her children were expelled from school. Another woman was arrested in 2009 and beaten when she failed to disclose her husband’s whereabouts. She was arrested again in 2011 while living in another city and accused of helping her son flee. After eight days and daily beatings she was released but ordered to pay N100,000. Yet another woman told of being jailed raped for five nights by the prison’s chief interrogator when her husband fled. After she bled profusely and miscarried, she was released in the care of her father. When she later fled the country, her father was arrested, beaten, and jailed for a month until he paid N50,000.

Families in Eritrea are also punished and threatened when relatives living abroad fail to pay a 2% tax on foreign income, retroactive to 1992. The tax obligation is imposed on all persons of Eritrean origin, including those who abandoned Eritrean citizenship or have dual nationality. Failure to pay the tax can result in revocations of resident families’ business licenses, confiscations of houses and other property, and refusals to issue passports to allow reunification of children and spouses with their overseas parent or spouse, according to family members interviewed by Human Rights Watch.

⁴ Other frequent inhumane punishments are described in Human Rights Watch reports listed in the Annex to this submission. See also Special Rapporteur report, ¶ 55.

Denial of religious freedom

Eritrean citizens continue to be punished for practicing a religion other than the four that the government controls or recognizes. Although other religious groups have attempted to register since 2002, the government ignores their applications. The government has also interfered with the leadership of the Orthodox Church and Sunni Islam. It deposed the Orthodox patriarch in 2007 and still holds him in incommunicado house arrest.

Among many other cases, a Pentecostal refugee said her husband, a fellow believer, was arrested in 2009 after they held church ceremonies at their house. She has not heard from him since. In 2011 she was jailed and released only after she agreed to sign a government-prepared document renouncing her religion. A Pentecostal conscript caught possessing a Bible at training camp was physically abused in 2009 and the Bible was publicly burned. In 2011, he was arrested after authorities at his college discovered his participation in Bible studies. He was beaten so badly in prison that he still bears scars. A Muslim conscript had his Koran confiscated at Sawa in 2011; he was 16 at the time. He said other Muslims were punished for reading the Koran or for praying by being forced to lug 25 kg containers of sand about and by being tied up on the ground in the sun for hours or days.

Eritrea makes no allowance for conscientious objection. Imprisonment for conscientious objection lasts far longer than the statutory 18-month service obligation. Three Jehovah's Witnesses arrested in 1994 because they refused to perform military (but not civilian) duties, remain incarcerated incommunicado 19 years later. At least 11 other Jehovah's Witnesses have shared their fate during the past decade.

Interference with freedom of expression and association

Eritrea closed all local press outlets in 2001 and arrested their journalists, all of whom remain jailed. Despite government assertions, it has taken no steps to permit an independent domestic press. The only domestic sources of information since 2001 are the government's outlets. Telephone and internet communications are monitored. No foreign news organization is accredited. Although foreign language transmissions are accessible, the government jammed Al-Jazeera earlier in 2013; it continually jams overseas Tigrinya transmissions. In 2009 and 2011, it arrested journalists at government broadcasting stations; at least six remain in solitary confinement without trial.

No civil society organizations are allowed. Labor unions remain a government monopoly.

Situation of Eritrean refugees in host countries

The human rights crisis in Eritrea continues to spur enormous numbers of Eritreans to flee the country despite shoot-to-kill orders and extreme dangers along migration routes. Countries hosting Eritrean refugees should fulfill their international obligations to protect them and desist from involuntary returns. We urge the Council to adopt the Special Rapporteur's recommendations that all countries protect these vulnerable and abused exiles.

Recommendations

During the universal Periodic Review, States should re-assert the recommendations made in 2009 and support those in the Special Rapporteur's report, as well as urge Eritrea to cooperate with the Special Rapporteur on the situation of human rights in Eritrea. The government of Eritrea should also be recommended to:

- Unconditionally release, or charge and bring before a court law all persons arbitrarily detained, including the so-called "G-15."
- Inform the families of the locations of those held incommunicado and facilitate visits.

- Immediately respect international standards of law in the treatment of prisoners including providing prisoners adequate food, water, and medical assistance and ending overcrowding; allow independent monitors access to all known and secret Eritrean detention facilities; notify family members of the whereabouts of detainees; and restore visiting rights and access to legal representation.
- Investigate and prosecute all government officials suspected of torture or cruel and degrading treatment of detainees and national service conscripts.
- Establish independent courts and permit full enforcement of writ of habeas corpus.
- Stop punishing family members for actions of relatives.
- Allow citizens to practice their religions peacefully; end discrimination against Jehovah's Witnesses; and release the Eritrean Orthodox patriarch from home detention.
- Permit independent non-governmental organizations, including labor unions, to operate without interference.
- Rescind the suspension of the private press and permit the establishment of independent media outlets.
- End indefinite national service; begin phased demobilization for those serving for more than the statutory 18 months; and allow substitute service for conscientious objectors.
- Stop using national service conscripts as forced labor.
- Implement the 1997 constitution, approve a political party law, and begin preparations for democratic elections with international monitoring throughout the process.
- Issue standing invitations to UN special procedures, and allow independent monitors such as the International Committee of the Red Cross (ICRC) and UN and African Commission special mechanisms access (such as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) to Eritrea's detention facilities.
- Sign, ratify, and enforce the Convention against Torture; the Rome Statute; the International Convention for the Protection of All Persons from Enforced Disappearance; Optional Protocols to the International Covenant on Civil and Political Rights; and the International Labour Organizations' Worst Forms of Child Labour Convention.

Annex

Relevant Human Rights Watch and other reporting since 2009

Human Rights Watch, *Hear No Evil: Forced Labor and Corporate Responsibility in Eritrea's Mining Sector* (Jan. 2013), available at <http://www.hrw.org/reports/2013/01/15/hear-no-evil>;

Human Rights Watch, *Ten Long Years: A Briefing on Eritrea's Missing Political Prisoners* (Sept. 2011), available at <http://www.hrw.org/reports/2011/09/24/ten-long-years>

Human Rights Watch, *Service for Life: State Repression and Indefinite Conscription in Eritrea* (Apr. 2009), available at <http://www.hrw.org/reports/2009/04/15/service-life-0>

Human Rights Watch, press release, "Israel: Detained Asylum Seekers Pressured to Leave," 13 Mar. 2013, <http://www.hrw.org/news/2013/03/13/israel-detained-asylum-seekers-pressured-leave>.

Human Rights Watch, press release, "Sudan: End Mass Summary Deportations of Eritreans," 25 Oct. 2011, <http://www.hrw.org/news/2011/10/25/sudan-end-mass-summary-deportations-eritreans>

Human Rights Watch, press release "Italy: Offer to Shelter Eritreans Detained, Abused by Libya," 9 Jul. 2010, <http://www.hrw.org/news/2010/07/08/italy-offer-shelter-eritreans-detained-abused-libya>

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See also Amnesty International, *Eritrea: 20 Years of Independence but Still No Freedom* (May 2013), available at <http://www.amnesty.org/en/library/asset/AFR64/001/2013/en/64b58cdf-a431-499c-9830-f4d66542c8da/afr640012013en.pdf>.

Committee to Protect Journalists, *Attacks on the Press 2012: Eritrea* (Feb. 2013), <http://www.cpj.org/2013/02/attacks-on-the-press-in-2012-eritrea.php><http://www.cpj.org/2013/02/attacks-on-the-press-in-2012-eritrea.php>