



Universal periodical review
Third cycle

ERITREA



Human Rights: Tools of Governance and Well-being

12th of July 2018

From the politics of taking life to the politics of affirming it
From limited politics to common policies
Resourcing peace

Submitting organisations:

The Center for Global Nonkilling (CGNK) has a unique mission that is both inspirational for individuals and transformative for societies: *“To promote change toward the measurable goal of a killing-free world by means open to infinite human creativity in reverence for life”*. It was founded by Glenn Paige (1929-2017), political science Professor and author of the book “Nonkilling Political Science”, widely translated¹. It is a worldwide congregation of persons, scholars and others, working at creating societies that do not kill. CGNK has ECOSOC consultative status since 2014.

The aim of Conscience and Peace Tax International (CPTI) is to allow people to pay their tax money into peace funds instead of into military budgets and to obtain full recognition of the right to conscientious objection to paying for armaments, war preparation and war conduct through taxes. CPTI was founded in 1994 and has ECOSOC special consultative status since 1999.

Our mission arises from the deep affront made to our consciences by the fact that people are obliged to participate in war as combatants, civilian victims and through taxation. We are moved by this common sense proposition: our taxes should be used to abolish war, not to promote or sustain it. The ethical principle of freedom of conscience, a moral imperative governing the behaviour of all individuals, is central to the objectives and the work of CPTI. We are deeply concerned by the fact that our taxes could be or are used to kill people, making us, if we do not contest it, accomplices to infringements on the rights to life and the freedom of conscience, on the duty vested in all to respect life, to enhance it, to see it blossom and last in peace.

The very idea of war, as it happens or as it is deemed possible by war preparations of all sorts inflicts a spirit of conflictuality, of violence and destruction over humanity and thus hinders the good nature of the human being, threatening dignity and the achievements of civilisation so far, while – as we shall do our best to demonstrate hereafter – the solutions needed for peace to prevail and to overcome war do, in our humble opinion, fully exist.

Release Eritrea (RE) is a human rights charity that focuses on religious persecution in Eritrea and supports those that have been persecuted for their religion as for other reasons. RE was founded in 2002 in the wake of the severe persecution against churches that do not belong to the four ‘recognised’ groups that the government of Eritrea allows in the country.

Release Eritrea does advocacy and lobbying at policy level as well as advocacy for individual asylum seekers. We provide financial support as emergency assistance and on-going support. Food, toiletries and clothing for prisoners is prepared and sent in by a group of volunteers for prisoners who have no other means of support. Emergency financial support as one off support is provided to families of prisoners or to prisoners who have just been released. For families of long-term prisoners, often women, financial support is provided through income generating projects to enable them to have sustainable sources of income.

We support victims of trafficking in Egypt. At the height of the Sinai human trafficking RE made a decision. Whilst it will not be in a position to provide ransom, it should provide assistance to those that are caught up in trafficking nonetheless. Thus RE provides medical assistance for those who were injured during flight (some fall off trucks, others catch TB or get wounded and infected). This work is carried out in collaboration with an Egyptian hospital that carries out

treatments and then invoices RE to avoid delays. We provide food, clothing and toiletries to people in immigration detention, as well as those stranded in Cairo after release or escaping from torture camps. We run safe houses for former victims of trafficking in need of emergency assistance while they recover. Release Eritrea has workers based in Cairo who visit prisons across the country and one person in the UK supporting this work.

We support victims of trafficking in Tel Aviv. The needs in Israel are vast and complicated due to the experiences of refugees there and to the lack of policy for refugee support. RE, in consultation with the community there, set up a women's centre with a range of provisions for refugee women and their families. This project is currently a flagship refugee project in Tel Aviv. RE pays the rent for the centre, a salary for the director as well as for coordinators for several of the programmes run from the centre.

International human rights constitution.

The following legal obligations – the convention on the prevention and punishment of the crime of *genocide*, the covenant on *civil and political rights* (CCPR) and its optional protocol on the *abolition of the death penalty* and the convention on *enforced disappearances* – are within the human rights constitution (the basic international human rights treaties) the ones mostly concerned with the right to life. They are the minimum international standards needed for any country to show full legal respect for life and for the right to life.

Beyond legal aspects, it is the bounty and the worth of life, ethics and sufficient living standards for all, knowledge and best practices that all give a future and a meaning to the lives we lead and live, for ourselves as for a sustainable civilization, for future generations.

Prevention of genocide

The right to live is also to duty not kill, for individuals and inasmuch for groups of people. Every person needs life and needs to be part of social groups to live, to participate in the progress of society, to relate to others and with institutions and governments, ideally all thriving for the good of each and all. Therefore all individuals, all social and all political groups should be protected against genocide.

We here recall that, for the 70th anniversary of the Convention on the prevention and punishment of the crime of Genocide, the United Nations' Special Adviser of the Secretary-General on the Prevention of Genocide has called for its universal ratification². We also recall that the Human Rights Council has adopted, at its 37th session without a vote, a resolution containing a similar call³.

Nothing in the political or strategic situation of a country can justify the absence of the needed tools for the prevention of genocide and atrocity crimes. More than not, even if such a measure as the ratification of the convention may seem to be a light commitment, it is a clear sign that such crimes will never be tolerated and a head start for long term policies. It is an overall measure preceding or accompanying other policies meant to prevent atrocity crimes. More than not, this ratification is needed as tools and initiatives are available for effective prevention⁴.

I. Hereupon, as we do to all States that have not yet done it, the Center for Global Nonkilling and the other submitting organisations urge the Authorities of Eritrea to swiftly ratify the Convention on the prevention and punishment of the crime of genocide.

Death penalty and enforced disappearances

We here salute the fact that Eritrea has not officially used the death penalty in a long time. However, according to various sources, they are reports of “shoot on sight” policies for illegal border crossings, of deaths of persons dying in prisons incommunicado or without being properly tried.

Whatever value is to be given for these reports or however they are received by the Government of Eritrea, it would be highly welcomed signs of good will, from the Government to swiftly ratify the two conventions aimed at preventing these situations, namely the second protocol of Covenant on Civil and Political Rights for the abolition of the death penalty and the Convention on enforced disappearances.

It would also be of mutual benefit for the authorities of Eritrea, for the people of the country and for the international community to see the numerous cases reported in the working group on enforced disappearances report cleared or answered to⁵.

II. Henceforth, we hereby recommend to the Authorities of Eritrea to ratify the Convention on enforced disappearances and the second protocol of the Covenant on civil and political rights aimed at the abolition of the death penalty and to help, in good will, to clear the open cases listed in the working group’s report.

National constitutions should also reflect clearly this legal stand in favor of life.

In the absence of an effective constitution and of independent institutions to implement and control its application, we cannot ascertain the degree of protection for life offered by the Eritrean Constitution.

III. Hereupon, we strongly call for a participative and inclusive process, bringing all the population and sectors of society into a process establishing the values and aspirations of all the people of Eritrea, creating through the constitution, human institutions serving the good of the people and the prosperous progress of all.

Specific rights

Freedom of conscience, prohibition of slavery and conscientious objection

Serving the State or the community can to some extent be a duty.

It can also be a right, the expression of the good will of citizens, thus serving public institutions. However, this is a mutually reinforcing relation and it is only when the State and the people offer each other equal and mutual recognition, full respect in dignity, that such a relation can be fruitful and thus serve the common good of all.

Conversely and as reported, forcing citizens to serve in the army for an indefinite period, fully depriving citizens of their living time beyond a reasonable service period and for unknown

periods, thus depriving them of any possibility to use their granted life, to have projects and prospects and to fulfil their lives the way they want to equals slavery.

Imposed military service is in the world and on average rarely longer than 18 months⁶ for soldiers and officers need to be offered possibilities to stop service at pre-definite times.

Indefinite military service has as a consequence that an immense number of men prefer fleeing their country, Eritrea, risking their lives on long perilous refugee routes, causing losses of lives and maiming, trafficking of persons, rupture of family and cultural ties and tremendous costs on countries forced to welcome them.

IV. Considering that this situation is the result of an organised, illegal and inhumane system of State slavery, we kindly ask to the Government of Eritrea:

- **To immediately set and implement a reasonable time limit for the length of the military service.**
- **To swiftly release all service men that served longer.**
- **To grant a conscientious objector status and to provide for an alternative service of non-punitive and non-discriminatory nature to all conscientious objectors.**

Alternatively:

- **To pay back all “refugee receiving countries” with the costs of welcoming these conscription refugees.**
- **To repay all damages suffered by persons fleeing the indefinite draft.**

Freedom of religion

In any human society, religious diversity is needed for each individual to fulfil his life as for the society to keep a fair balance between diverse communities, open spaces for ethical and philosophical discourses, for worship and celebration of various peaceful sorts.

Release Eritrea presents the situation:

Eritrea continues to fail in the duty to defend religious rights across all religious groups and denominations within groups moreover the situation of religious persecution continues to deteriorate. Eritrea’s Jehovah’s Witnesses and Muslim communities, were the first to experience religious repression within few years following Eritrea’s independence in 1993, they continue to suffer with many imprisonments and disappearances as well as deaths in custody.

Of particular concern is that of the situation Jehovah’s witnesses whose citizenship was effectively withdrawn by Presidential Decree in October 1994, because they did not vote in the 1993 independence referendum and they conscientiously object to military service. To date Eritrean security forces continue to imprison, torture, and harass Jehovah’s Witnesses in an effort to force them to recant their faith. Young people who were arrested for refusing to join the army in 1994 continue to serve an indefinite service now in their forties. Several Witnesses have died in prison.

In May 2002, the Eritrean government banned all religious groups except the Eritrean Orthodox, Roman Catholic and Lutheran churches and Sunni Islam. Christians from banned denominations began to be arrested (often at church services, Sunday Schools and even at weddings) and

incarcerated in appalling conditions in shipping containers, open air facilities in military camps, pits in the ground and police stations, without charge or trial. They experience torture, hard labour, filthy conditions and insufficient food.

The number of imprisoned Christians fluctuates between about 200 (estimated in Spring 2017) and 3,000. Beatings, torture and extreme deprivation (starvation and lack of medical care, even after bones are broken in beatings) leave many prisoners disabled and some dead. Many come under severe pressure to sign documents renouncing their faith. If they refuse, they are brutally punished and threatened that their families will be arrested.

The government often conducted house-to-house raids and detains those caught praying together or those suspected of holding underground meetings and even weddings and social gatherings. In the summer of 2017, 210 Christians including a bridal party of 49 were detained and imprisoned in desert camps and military facilities. There have been deaths reported of those arrested in that group. Similarly in 2018, close to 50 were detained under similar house-to-house raids and have been taken to undisclosed locations. There are long term prisoners, including prominent pastors and biblical scholars, who have been detained incommunicado since 2004.

Even the permitted churches face interference and an increasing level of persecution. Several Orthodox priests have been in prison since 2004. In January 2006, the patriarch of the Eritrean Orthodox Church, Abune Antonios, was deposed by the government because he enquired after Christian prisoners. He was put under house arrest and replaced by a government appointee. Now aged 90, the patriarch suffers from diabetes and remains in incommunicado detention, in an undisclosed location in the Capital. Priests and monks seen as sympathising with him have been detained, harassed.

The Catholic Church has had many incidences of confiscation of property and is constantly threatened by forced conscription of young priests and seminary trainees.

In April 2014, five trainee pastors in the permitted Lutheran church were arrested in Asmara.

V. We hereby encourage the Government of Eritrea to set mechanisms allowing the free exercise of freedom of religion and the full respect of the persons and people concerned.

Eritrea and the diaspora tax.

Prohibition of coercion, right to identity, enforced taxes and ethical uses of taxes.

Taxes should be affordable, humanely collected from persons able of paying them and shall serve the common good.

Conscientious objection to misuses of taxes, in particular if they serve purposes of war, crimes of aggression, crimes against humanity and war crimes should always be granted. More than not, conscientious objectors to military budgets, refusing to pay for war or war preparation, should be able to pay their taxes in peace funds only, funds dedicated to peace and public activities that do not imply any forms of use of force.

Release Eritrea presents the situation:

Despite Security Council Resolution 2023, that stipulates “*Eritrea should cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of*

Eritrean descent” and in spite of numerous complaints from the Eritrean diaspora communities as well protests from some European governments, the Eritrean government continues to collect the 2% Tax from Eritreans in the diaspora, using methods that excessively penalize those that are submitted to, or unable or unwilling to pay the tax.

This is an income tax levied on all Eritreans living outside their country, including on those that are dependent on the welfare systems of the countries they have sought refuge in. The two proclamations cited as the legal basis for the levy are dubious⁷. The first one was issued in 1991 and appears to be intended for the people living in Eritrea, not for the diaspora and the 1995 proclamation, although intended for people living in the diaspora, contains no clearly stated objective.

Penalties for non-payment include:

- Denial of access to consular services in the embassy.
- Denial of access to services or rights in Eritrea for self or family members.
- Denial of access to food vouchers for family members in Eritrea; services not granted.
- Family members are imprisoned or threatened if their children have fled, particularly if the fine of 50,000 nakfa for relatives who fled has not been paid and if the refugee has not signed a regret form and paid the 2% Tax.
- Denial of access to sending remittances and packages to family members. Social exclusion and vilification.

While it lies within the sovereign power of a state to levy taxes, including on members of the diaspora, international law sets limits to the ways in which diaspora tax may be levied and in particular collected. The tax that Eritrea collects from the diaspora has unclear legal basis and there are no accountability mechanisms to challenge the modes of collection or legal mechanisms allowing control on the use of the tax collected. In particular there is no clarity around who the tax applies to as members of diaspora communities without taxable income (elderly, disable, sick, unemployed and students) who are nevertheless required to pay the tax, more than not at a rate that the government determines.

The penalties the government imposes violate numerous rights, such as the right to an identity and freedom of movement. They entail various sorts of discriminations between those that can pay and those that do not and violate the basic criminal principles of the presumption of innocence and of only punishing only those proven guilty, thus excluding the possibility of including non-offending relatives in the sentence and the criminal punishment.

VI. The submitting organizations urge the Government of Eritrea to abandon the collection of the tax.

VII. Alternatively, we urge the Authorities of Eritrea to issue a law clearly stating the use of the tax, the persons exempted from paying it as unable to serve it and the allowed means of recovery for the tax.

VIII. Such a law should in no way limit the rights to an identity (and the issuance of identity documents or consular services) and the freedom of movement and should not in any way impose penalties on others the ones directly concerned by their own tax.

IX. The Government should consider establishing a peace fund, in which conscientious objectors can pay their taxes, with the guarantee that their taxes do not go for war or war preparation.

The right to life and related human rights issues

All human rights are universal, of equal importance, indivisible, interlinked and mutually reinforcing. They arise out of human nature and are needed for individual fulfilment as to build lasting and prosperous, thriving and humanist societies. They are universal values, both human and legal values. They are complemented by universal and fundamental methods such as inter alia exemplarity, prevention and precaution, peaceful settlements of disputes and non-violence. These methods are fully needed for the full respect and for the common enjoyment of all human rights.

Compared to other human rights, the right to life has four specific features:

- a. If dignity can be said to be the paramount human right as it is present when each and all human rights are fulfilled, so is the right to life present within all other human rights. *Yet it can also be said that the right to life precedes all human rights: if life is taken all human rights are cancelled*⁸. Conversely and more joyfully, granting and giving solid ground to the right to life, as to the quality of life, is the base needed for the peaceful progress and the proactive fulfillment, for the completion of all human rights.
- b. There are no possible limitations or restrictions to life and the right to life: one is either alive or not. Issues pertaining to the beginning and to the end of life such as reproductive rights, abortion, suicides and euthanasia, as well as prenatal and genetic engineering should thus be dealt in a preventive, humane and human sustainable manner, for each and all, in full dignity.
- c. There is only one way to guarantee respect of, to protect the right to life: prevention. Once a life is lost, compensation may be due, but there are no possible direct reparations for a life lost.
- d. Henceforth, the right to life is also the duty not to kill. As such, the right to life is a fully reciprocal right, granted to all but also in need of being granted to all by all.

*“We understand the right to life as being the right not to be killed,
but also as everyone’s responsibility not to kill others”.*

The Center for Global Nonkilling recognises no right to kill. Though not rights, three powers to kill have sometimes been granted or legally been recognized or organized:

- 1) The use of legitimate defence – as legally required by a proportionate reaction linked to a direct, serious and imminent threat – by using nonviolent means should never result in acts of killing or maiming. Nevertheless, whatever the result of legitimate defence may be, an independent judicial control over it is part of the rule of law.

Similarly, because it highly impacts on the right to life, any *use of force* by officials or any one, as it impedes on the *right to security*, should be avoided or highly limited⁹. Outmost attention is to be given to prevent situations which may thereafter result in loss or losses of lives or in any type of maiming. Again, any official use of force should be monitored by an independent mechanism.

2) Death penalty, if ever permissible, is however a major and definitive breach of the right to life as numerous other human rights. More often than not, it is also considered an inhumane, cruel and degrading treatment¹⁰. It is a poor example of respect for the right to life and thus, unworthy and certainly lacking the necessary dignity and exemplarity required of any authoritative power.

3) Powers of war, as conceded by humanitarian law, permit as an exception to the right to life, under certain circumstances only, the taking of the life of soldiers. Seeing peace and respect of life prevail – always – and thus nullifying this exception is one of the objectives of the Center for Global Nonkilling.

Related human rights

All human rights are needed to fulfil a safe and happy life. However, some of them may be of more direct importance either for the full realisation of the right to life or to avoid its breaches.

The *right to participation*, including of women, youth and disabled, is highly important as well. The more people take responsibility for their lives, the more they will respect the lives of others as of all. Further, the more people participate to the decision making process, the easier it will be to achieve the Sustainable Development Goals (SDG).

The right to *accurate standards of living*, including the rights to food, water and sanitation, clothing and housing, to work and social security deserve full attention too, in all circumstances.

The *right to health* is an essential right for the fulfilment of the right to life and of the subsequent right to longevity.

The *human right to a healthy natural environment*, thus sustaining humanity and life on Earth, deserves accurate protection and attention as well.

It must be, as often as need be, recalled that it is needed to achieve societies in which all *human rights are all equally shared*.

Finally, the *right to happiness* or to fulfilment in reverence for life should be mentioned as “happy people breed a happy world”.

The right to life

Birth registration and statelessness

Everyone has a right to be recognized by the law and the right to a nationality.

The absence of information on birth registration as well as, as shown above, various situations making identity and nationality more complicated to establish and to assess, violates basic human rights, as needed to establish and to live a peaceful existence, at the service of all through local communities, the State and the international community. Birth registration for all is sustainable goal 16.9, as endorsed Eritrea and humanity on the 21st of October 2015.

X. Henceforth, we encourage the Government to produce an inclusive system of birth registration, equal to all and further guaranteeing a nationality to all.

Abortion is permitted in Eritrea in some circumstances. However, data on the numbers of abortions is to our knowledge missing¹¹.

Compared to African levels (12.5/100,000), **homicide** rates seem to be low in Eritrea and diminishing (7.8 /100,000). However, this figure may be too low as they are various sorts of unreported deaths, especially of fleeing refugees. They are still higher than world average (5.5/100,000 2016).

Traffic is still a major issue for the prevention of deaths related to violence and injuries in Eritrea. World average is of 17.4 deaths for a 100.000 inhabitants (2015), while the figure is of 24.1/100.000 in Eritrea. We recall that SDG target 3.6 if to halve traffic casualties **by 2020**.

Suicide rates in Eritrea are above world average (16.3/100,000 and 11.4/100,000) but there again, deaths due to suicides should also take in account deaths due to the difficulties refugees face.

XI. For all these life protecting topics, we encourage the Government and the institutions of Eritrea to greatly enhance prevention mechanisms and life protection policies.

Life expectancy is low in Eritrea, numbered 142th country in the world, with an average of 64.7 years or living, 5 years shorter than world average.

XII. For all to live long and happy lives, much more can and should be done by the authorities and the people to enhance (and celebrate) life and its value in Eritrea.

The right to peace

It is with great respect that we salute the fact that Eritrea has supported the adoption of the declaration on the right to peace¹² and we will be happy to know how Eritrea will be implementing the declaration in public policies, both locally and internationally.

To enhance the progress of **peace in the international legal order**, we encourage the Authorities of Eritrea to urgently ratify the following conventions:

XIII. The 1977 protocols of the Geneva conventions on humanitarian law. This ratification is also needed because Eritrea has come out of a war situation and because all the issues related therefore are not yet solved.

XIV. To ratify the Statute of the International Criminal Court and the Kampala protocol on the crime of aggression. As many sustain that Eritrea should be referred to the criminal court, it could be a sign of international cooperation, of good will if not of innocence and certainly a sign of progress to accept the jurisdiction of the court.

XV. Should also be ratified the conventions on chemical and bacteriological weapons, the convention on conventional weapons and all its protocols, the conventional on environmental modification techniques (enmod), the convention on cluster munitions and the arms trade treaty, as well as the treaty banning nuclear weapons.

XVI. To urgently release all war prisoners. If need be using the help of the International Committee of the Red Cross.

To enhance **peace within the country**, Eritrea should:

XVII. Adopt a violence prevention plan as advocated by the World Health Organisation¹³ and criminalize war and violence as prescribed by article 20 of the Covenant on Civil and Political Rights.

XVIII. Guarantee education for peace and non-violence at all levels of the school system, as promoted by SDG 4.7 and educate to human rights as advocated by numerous UN resolutions and action plans.

XIX. Forward peaceful settlement of disputes within the country as it is internationally by upholding and making mediation procedures easily available to individuals and social groups.

Conclusion

Eritrea has surely faced, with various degrees of quality in response, difficult times since its independence not always winning the approbation and the support it could deserve from the international community and sometimes its own people.

However, life could be much better in Eritrea and it is for the benefit of all that all issues hindering the right to life and to a long and lasting happy life should be addressed.

As a new stage of peace seems to be coming upon the country and as world prosperity is largely growing, we encourage the Eritrean people and their Authorities to walk with humanity the paths of progress and well-being, of fulfilling lives in respect for each and all, towards dignity and happiness, for each and all.

*Welcoming the delegation of Eritrea to Geneva,
we wish to them and to all the people of Eritrea
a constructive and fulfilling Universal Periodic Review.*

¹ <http://nonkilling.org/center/publications-media/books-translations>

² http://www.un.org/en/genocideprevention/documents/171208_AD_International%20Day_FINAL.pdf

³ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/26

⁴ I. e. : <http://www.gaamac.org/organizations>

⁵ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/39

⁶ https://en.wikipedia.org/wiki/Military_service

⁷ Proclamation No. 17/1991: Proclamation to Provide for the Collection of Rehabilitation Tax (10 December 1991) and Proclamation No. 67/1995: Proclamation to Provide for the Collection of Tax from Eritreans who Earn Income while Living Abroad (10 February 1995).

⁸ The Human Rights Committee, in its draft comment 36 (2015) on the right to life describes it this way: “It is the supreme right from which no derogation is permitted. The right to life has profound importance both for individuals and for society as a whole. It is most precious for its own sake, but also serves as a basic right, facilitating the enjoyment of all other human rights”. <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>

⁹ The Constitution of the local canton (federated state) of Geneva (2012), article 184.3 reads: “In all conflictive situations, use of force should be avoided or limited. Concerned persons shall concur” (translation by the author).

<https://www.admin.ch/opc/fr/classified-compilation/20132788/index.html>

¹⁰ See i.e. the 9th meeting of the 34th session of the Human Rights Council.

¹¹ http://www.un.org/en/development/desa/population/publications/pdf/policy/WorldAbortionPolicies2013/WorldAbortionPolicies2013_WallChart.pdf

¹² http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/189

<https://digitallibrary.un.org/record/855187>

¹³ http://www.who.int/violence_injury_prevention/violence/status_report/2014/report/report/en/, page 73, 232.