



DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

**Submission to the UN Human Rights Council's
Universal Periodic Review (UPR)
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**The East and Horn of Africa Human Rights
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1.Introduction

1.1 The East and Horn of Africa Human Rights Defenders Project (DefendDefenders) is a regional civil society organization (CSO) registered and based in Uganda. Established in 2005, DefendDefenders seeks to strengthen the work of human rights defenders (HRDs) throughout the East and Horn of Africa region by reducing their vulnerability to the risk of persecution and enhancing their capacity to defend human rights effectively. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia and Somaliland, South Sudan, Sudan, Tanzania and Uganda.

1.2 In this submission, DefendDefenders examines the Government of Eritrea's compliance with its international human rights obligations, including to create and maintain a safe and enabling environment for civil society. We analyse Eritrea's observance of the rights to freedoms of peaceful assembly, association, and opinion and expression, as well as undue restrictions on HRDs. To this end, we assess Eritrea's implementation of recommendations received during the 3rd UPR cycle, in 2019, relating to these issues and provide follow-up recommendations.

1.3 During the 3rd UPR cycle, the Government of Eritrea received 18 recommendations relating to civic space and HRDs.¹ Of these recommendations, it accepted eight and noted 10. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the government of Eritrea has not implemented recommendations relating to civic space. The government has persistently failed to address restrictions on civic space since its first UPR examination.

1.4 Eritrea, has been the subject of international concern due to a longstanding human rights crisis. Reports by the UN Special Rapporteur and the former Commission of Inquiry on Eritrea demonstrated that grave violations, including possible crimes against humanity, have been committed in the nation.² Eritrea continues to refuse to cooperate with the Special Rapporteur and to reject findings of ongoing violations and rights-based recommendations.

1.5 As a result of these restrictions, civic space in Eritrea is currently rated as 'closed' by the CIVICUS Monitor, indicating a widespread and systematic denial of fundamental freedoms.³

- In Section 2 of this submission, we examine concerns relating to freedoms of peaceful assembly and association.

¹ Eritrea Country Database, UPR-Info, <https://upr-info-database>.

² OHCHR, "A/HRC/50/20: Situation of human rights in Eritrea - Report of the Special Rapporteur on the situation of human rights in Eritrea", 10 June 2022, <https://www.ohchr.org/en/documents/country-reports/ahrc5020-situation-human-rights-eritrea-report-special-rapporteur>.

³ CIVICUS Monitor: Eritrea', <https://monitor.civicus.org/country/eritrea>.

- In Section 3, we examine concerns relating to the freedom of opinion and expression, including media freedom and access to information.
- In Section 4, we examine harassment, intimidation, and attacks against HRDs, civil society activists, and journalists.
- Section 5 contains recommendations to address the concerns raised and to advance implementation of recommendations made within the framework of the UPR.
- An annex of implementation of 3rd cycle UPR recommendations related to civic space is also included.

2. Freedom of peaceful assembly and association

2.1 During Eritrea’s review under the 3rd cycle, the government received six recommendations on the right to the freedoms of peaceful assembly and association and on creating an enabling environment for CSOs. It supported four and noted two. Among others, the government committed to “adopt measures guaranteeing the fundamental freedoms of journalists, civil society organizations and political parties” and to “ensure that journalists, human rights defenders and independent civil society organizations operate in a free and safe environment”. The government has failed to take adequate measures to realise these recommendations, and has implemented none.

2.2 Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Eritrea has acceded, also guarantees the freedom of association. Moreover, Eritrea’s 1997 Constitution guarantees the right to freedom of association.⁴ Article 19(5) guarantees the right to the freedom of peaceful assembly, noting that “all persons shall have the right to assemble and to demonstrate together with others peaceably.” Despite these commitments, the Constitution is not in force as the government refuses to implement it.

2.3 In the absence of a functioning Constitution, Eritrea operates under an environment of fear, where citizens are unable to seek justice for government violations and abuses. The government wields unchecked authority through executive orders, and there are no independent mechanisms or processes through which citizens can voice their grievances or challenge government decisions. Arbitrary arrests and incommunicado detentions of individuals and groups critical of the authorities persistently instill fear and effectively suppress freedom of association.⁵ The People’s Front for Democracy and Justice continues to be the sole authorised party in Eritrea.⁶ Eritrean authorities also impede the political organization and participation of Eritreans abroad.⁷

⁴ Eritrea Constitution, 1997, https://www.constituteproject.org/constitution/Eritrea_1997

⁵ Amnesty International, Eritrea: Release journalists and politicians arrested 20 years ago, 17 September 2021, <https://www.amnesty.org/en/latest/news/2021/09/eritrea-release-journalists-and-politicians-arrested-20-years-ago/>.

⁶ Freedom House, Eritrea, 2023, <https://freedomhouse.org/country/eritrea/freedom-world/2023>.

⁷ Ibid.

2.4 There are currently no functional independent national or international nongovernmental organizations (NGOs) operating in Eritrea. The 2005 Proclamation Determining the Administration of NGOs heavily restricts CSO work, imposing unreasonable reporting guidelines and empowering the authorities to exert control over the activities of CSOs.⁸ The Proclamation states that to carry out activities in Eritrea, CSOs must receive authorization from the Ministry of Labour and Human Welfare. It notes that upon the receipt of applications, the Ministry will inform applicants about the outcome within a period of 30 days. The proclamation places severe restrictions on the amount of funding NGOs can receive and requires that donor funds flow through the Government. Article 7 states that “the activities of NGOs shall be limited to relief and humanitarian works.”

2.5 The government also seeks to interfere with the activities of CSOs based abroad, in the diaspora. In April 2019, Eritrea Focus, an association of HRDs concerned with Eritrea’s human rights situation, organized a conference in London, which brought together 70 veteran politicians, activists, and experts on Eritrea to discuss the potential for democracy in the country. Following the event, a series of tweets from Eritrean officials targeted the organizers and attendees of the conference in London. These tweets, posted by officials including Yemane Gebre Meskel, the Minister of Information, Ambassador Estifanos Afeworki, and Ambassador Beyene Russom, exemplify the Eritrean government’s determination to discourage dissent and criticism. Verbal attacks go beyond legitimate criticism of viewpoints and reach the threshold of advocacy of hatred that constitutes incitement to discrimination, hostility or violence. This goes hand in hand with tactics used by Eritrean diplomatic missions abroad, including extortion of funds and threats to refuse to renew identity documents.

2.6 The occurrence of protests or public gatherings is exceptionally rare in Eritrea, primarily due to the severe response from state security forces, which often involves excessive, including lethal, force. The right to peaceful assembly is significantly curtailed. Public gatherings exceeding seven individuals require a permit, an undue and unjustifiable restriction on this fundamental right.⁹

3. Freedom of opinion and expression

3.1 Under the 3rd cycle, the government received 17 recommendations relating to freedom of expression and access to information. It accepted nine and noted eight. For example, the government committed to “adopt measures guaranteeing the fundamental freedoms of journalists, civil society organizations and political parties” and to “review and amend legal and procedural barriers that may hinder the enjoyment of the rights of

⁸ Eritrea: Proclamation No 145/2005 of 2005, Non-governmental Organization Administration Proclamation’, UN Refugee Agency, <http://www.refworld.org/docid/493507c92.html>.

⁹ OHCHR, “Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth*”, 2013, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.53_ENG.pdf.

freedom of expression and access to information”. However, the government did not take steps to implement these recommendations.

3.2 Article 19 of the ICCPR guarantees the right to freedom of opinion and expression. Article 19 of the (unimplemented) Constitution of Eritrea also guarantees the right to the freedom of expression. In practice, the state continues to exercise total control over the media landscape.

3.3 The Press Proclamation No 90/1996¹⁰ (Part II, Section 4) grants the government powers to censor all mass media. While foreigners cannot own media outlets, Eritreans wishing to establish media organizations are mandated to undergo an onerous licensing exercise that includes revealing financial sources and submitting financial reports annually to the Minister of Information (Section 7). Outlets are also required to submit copies of every publication to the Minister of Information.

3.4 Eritrea lacks independent national media. The government has controlled all media outlets since 2001,¹¹ including print, television, and radio outlets. Since a crackdown in September 2001, Eritrea has detained at least 11 journalists incommunicado and have yet to formally sentence them.¹²

3.5 Despite repeated appeals from Human Rights Council bodies including the Working Group on Arbitrary Detention, Isaak Dawit among other journalists remains in incommunicado detention. On 19 August 2022, the Working Group requested the government of Eritrea to provide detailed information about the current situation of Mr. Isaak and to clarify the legal provisions justifying his continued detention, as well as its compatibility with the obligations of Eritrea under international human rights law. Moreover, the Working Group called upon the Government of Eritrea to ensure the physical and mental integrity of Mr. Isaak. Regrettably, the Eritrean government is yet to submit a reply or seek an extension in accordance with paragraph 16 of the Working Group’s methods of work.

3.6 Eritrea consistently ranks among the worst countries in global freedom indices. The Committee to Protect Journalists (CPJ) ranked Eritrea as the African continent’s worst jailer of journalists, with 16 journalists imprisoned without trial for extended periods.¹³ Reporters Without Borders (RSF) ranked Eritrea 174th out of 180 countries in their 2023

¹⁰ Press Proclamation, No 90/1996, Centre for Human Rights, [http://www1.chr.up.ac.za/chr_old/indigenous/documents/Eritrea/Legislation/Section%2010%20Information.p df](http://www1.chr.up.ac.za/chr_old/indigenous/documents/Eritrea/Legislation/Section%2010%20Information.pdf).

¹¹ Article 19, Eritrea: a nation silenced, October 2012, <https://www.article19.org/data/files/medialibrary/3494/12-11-01-CR-Eritrea.pdf>.

¹² CIVICUS, ‘Closed and repressed: no space for democracy to take root in Eritrea’, 24 January 2017, <https://www.civicus.org/index.php/media-resources/news/interviews/2724-closed-and-repressed-no-space-for-democracy-to-take-root-in-eritrea>.

¹³ Committee to Protect Journalists, “10 Most Censored Countries”, 10 September 2019, <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/>.

Press Freedom Index.¹⁴ CPJ also rated Eritrea the “most censored country” in the world in 2019.

3.7 Eritrean citizens remain largely disconnected from the global community due to restricted internet access within the country. The state-owned Eritrean Telecommunication Services Corporation (EriTel) is the sole provider of internet services in the country.¹⁵ The Eritrean government imposes constraints on websites, curtailing access to information and freedom of opinion. On 16 May 2019, the government shut down the internet and blocked social media sites to prevent people from organizing protests that could disrupt Independence Day celebrations on May 24.¹⁶

4. Harassment, intimidation, and attacks against human rights defenders, civil society activists, and journalists

4.1 Under Eritrea’s previous UPR review, the government received three recommendations on the protection of HRDs, journalists and civil society representatives. Of the recommendations received, it accepted one and noted two. The government committed to “adopt all the necessary measures to ensure a safe environment for the exercise of freedom of expression for those who work to promote and protect human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them”. As examined in this section, the government has failed to implement any of these recommendations.

4.2 Article 12 of the UN Declaration on Human Rights Defenders requires states to take the necessary measures to ensure protection to HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. By contrast, the Government of Eritrea is yet to take any steps to protect HRDs, civil society and activists.

4.3 While the operating environment makes it impossible for independent civil society groups to operate in Eritrea, the regime targets and disrupts the work of civil society groups and HRDs in the diaspora. HRDs operating outside Eritrea are subjected to threats, intimidation and harassment on social media. Women HRDs (WHRDs) involved in advocating for the improvement of the Eritrean human rights landscape in the diaspora, including Meron Estifanos, Selam Kidane, and Vanessa Tsehaye, have all been subjected to constant threats, intimidation, vilification and cyber harassment, both online and offline.¹⁷

¹⁴ Reporters Without Borders, “2023 World Press Freedom Index – journalism threatened by fake content industry” 3 May 2023, <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>.

¹⁵ Amnesty International, “ERITREA: REPRESSION WITHOUT BORDERS THREATS TO HUMAN RIGHTS DEFENDERS ABROAD”, 2019, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR6405422019ENGLISH.pdf>.

¹⁶ The East African, Social media shut in Eritrea, 16 May 2019, <https://www.theeastafrican.co.ke/tea/news/rest-of-africa/social-media-shut-in-eritrea-1418072>.

¹⁷ Amnesty International, “ERITREA: REPRESSION WITHOUT BORDERS THREATS TO HUMAN RIGHTS DEFENDERS ABROAD”, 2019, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR6405422019ENGLISH.pdf>.

5. Recommendations to the Government of Eritrea

In light of this, DefendDefenders formulates the following recommendations to the government of Eritrea:

- Adhere to human rights standards as set out in the ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter of Human and Peoples' Rights;
- Immediately implement the 1997 Constitution to set out the structures of the Government and outline corresponding powers and responsibilities; and
- Extend a standing invitation to all special procedure mandate-holders so they can visit, monitor and report on the relevant human rights issues. It should allow access, as a matter of priority, to the Special Rapporteur on the situation of human rights in Eritrea.

5.1 Regarding the freedom of peaceful assembly and association

- Foster a safe and enabling environment for civil society, including by repealing the 2005 Proclamation determining the administration of non-governmental organizations;
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities; and
- Allow public gatherings of over seven persons without prior authorization; instead, in line with international standards and African Commission on Human and Peoples' Rights' Guidelines on Freedom of Association and Assembly in Africa, ensure that a mere "notification" regime governs the holding of public gatherings and assemblies.

5.2 Regarding freedom of opinion and expression

- Unconditionally release all journalists and HRDs who have been arbitrarily detained, including incommunicado, for expressing opinions that are not in line with the Government's views;
 - Amend existing legislation to bring it in line with international and African standards;
 - Review and amend Press Proclamation No 90/1996 and ensure it is in line with international standards;
 - Reinstate all media outlets that have been unwarrantedly closed and ease requirements for owning and operating media outlets;
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- Take immediate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment; and
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.

5.3 Regarding the protection of human rights defenders

- Provide civil society members, HRDs and journalists in Eritrea with a safe and secure environment in which to carry out their work;
- Desist from intimidating, threatening, vilifying Eritrean HRDs in the diaspora, and prevent, investigate and prosecute advocacy of hatred that constitutes incitement to discrimination, hostility or violence;
- Unconditionally and immediately release all HRDs, including journalists and bloggers, detained solely for exercising their fundamental rights;
- Conduct impartial, thorough and effective investigations into all cases of attacks against HRDs bring the perpetrators of such offences to justice; and
- Immediately set up an independent oversight and complaint mechanism to investigate and review cases of persons detained arbitrarily and denied access to their lawyers or families.

Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

Recommendations	Position	Assessment/Comments on level of implementation
131.199 Release political prisoners, including journalists and members of religious groups held on account of their beliefs or affiliations, and allow greater transparency in legal proceedings for those arrested	Noted	Status : Not implemented
131.198 Release without further delay all journalists detained arbitrarily, allow independent media to resume operation and let foreign media visit the country	Noted	Status: Not implemented
131.197 Allow all human rights defenders and civil society organizations to exercise their rights to freedom of expression, opinion and association without threat or harassment	Supported	Status: Not implemented
131.196 Ensure that journalists, human rights defenders and independent civil society organizations operate in a free and safe environment	Supported	Status: Not implemented
131.195 Protect freedom of expression, lift the media censorship, release imprisoned journalists and protect journalists and media workers from unlawful arbitrary detention	Noted	Status: Not implemented
131.194 Adopt measures guaranteeing the fundamental freedoms of journalists, civil society organizations and political parties	Supported	Status: Not implemented
131.193 Adopt all the necessary measures to ensure a safe environment for the exercise of freedom of expression for those who work to promote and protect human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them	Supported	Status: Not implemented
131.192 Ensure that journalists and human rights defenders can exercise their rights to freedom of expression, opinion and association and that appropriate follow-up is given to cases of intimidation and harassment against them	Supported	Status: Not implemented
131.191 Allow plurality of the media and genuine freedom of expression	Noted	Status: Not implemented

131.190 Remove severe restrictions placed on the freedom of press, in accordance with article 19 (2) of the Constitution	Noted	Status: Not implemented
131.189 Undertake comprehensive reforms, such as repeal of Press Proclamation No. 90/1996, to allow for an independent media and a safe and enabling environment for journalists and human rights defenders, including by ensuring their protection against arbitrary arrest, harassment and intimidation	Noted	Status: Not implemented
131.188 Review and amend legal and procedural barriers that may hinder the enjoyment of the rights of freedom of expression and access to information	Supported	Status: Not implemented
131.187 Bring the legislation on freedom of expression into compliance with the International Covenant on Civil and Political Rights and enable independent, diverse and pluralistic media	Noted	Status: Not implemented
131.186 Take concrete measures to ensure full respect for the rights to freedom of expression and opinion, as well as freedom of religion or belief, including as they pertain to the press and other media	Supported	Status: Not implemented
131.185 Protect freedom of expression, peaceful assembly and association, as well as freedom of religion	Supported	Status: Not implemented
131.181 Implement constitutional provisions and international obligations that protect the rights to freedom of expression, peaceful assembly, association and religion or belief, and expand opportunities for citizens to participate in their government	Noted	Status: Not implemented
131.85 Implement the recommendations of the Commission of Inquiry's 2016 report, including implementing the 1997 Constitution to allow its citizens safe and full freedom of expression	Noted	Status: Not implemented
131.81 Restore parliamentary democracy and organize periodic and genuine multiparty elections, in accordance with	Noted	Status: Not implemented

international democratic standards, and invite the international organizations to observe the elections		
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