

**A SHADOW REPORT SUBMITTED TO THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES'
RIGHTS**

**On the occasion of its consideration of the 2nd
Periodic Report of the Republic of Eritrea.**



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Acronym

CPJ	Committee to Protect Journalists
CSO	Civil Society Organisations
HRD	Human Rights Defenders
HRCE	Human Rights Concern – Eritrea
OPWDs	Organizations of Persons with Disabilities
TCCE	Transitional Civilian Charter of Eritrea

EXECUTIVE SUMMARY OF THE SHADOW REPORT

This report is drafted by DefendDefenders, (East and Horn of Africa Human Rights Defenders Project). The East and Horn of Africa Human Rights Defenders Project (DefendDefenders) is a regional civil society organization (CSOs) 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 sub-region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

This report addresses several key points, including the following:

- a. Despite the 1997 Eritrean Constitution ostensibly guaranteeing freedom of conscience, religion, and expression, these rights have consistently been denied to Eritrean citizens by the state and the military. This includes restrictions on religious liberty except for individuals affiliated, with only four recognized religious' groups, the Catholic, Lutheran, Eritrean Orthodox and Islamic faiths. There is severe persecution of minority religious denominations, such as Jehovah's Witnesses.
- b. Violations of the right to freedom of expression persists in Eritrea, with the government controlling all media outlets since 2001, in addition to the incommunicado detention of at least 11 journalists.
- c. Eritrea consistently ranks among the worst countries in global freedom indices, with alarming statistics on jailed journalists and media censorship.
- d. Eritrea's commitment to ensuring respect for the right to freedom of association and assembly remains unfulfilled. Arbitrary arrests and incommunicado detentions of individuals and groups critical of the authorities persist, instilling fear and suppressing the right to freedom of association.
- e. Political pluralism is hindered, as the People's Front for Democracy and Justice continues to be the sole authorized party.
- f. Repressive legislation, such as the 2005 Proclamation Determining the Administration of Non-Governmental Organizations (NGOs), heavily censors CSOs, rendering them virtually non-operational.
- g. Violence, intimidation, and harassment against citizens further suppress protests and public gatherings.

This report highlights grave concerns under various articles of the African Charter on Human and Peoples' Rights and offers recommendations for the Commission's consideration. It aims to draw attention to critical human rights issues in Eritrea and seeks to catalyze actions that will enhance the protection and promotion of human rights in the country.

Introduction

This report is intended for the consideration of the Commission during its 77th Ordinary session scheduled to take place in Arusha from 20 October 20 to 9 November 2023. This session will include an examination of the sixth periodic report submitted by the Republic of Eritrea regarding its compliance with the African Charter on Human and Peoples' Rights.

In adherence to the reporting guidelines provided by the African Commission on Human and Peoples' Rights, this report does not claim to present a comprehensive overview of the state of the African Charter's implementation in Eritrea. Instead, it focuses on a critical examination of specific Charter articles and their implementation by the Eritrean government.

The report starts with an executive summary that outlines the key areas of concern and provides recommendations that we believe are crucial for the government of Eritrea to effectively address and implement the provisions of the Charter. We appreciate the Commission's dedication to reviewing this shadow report and express optimism that it will aid the Commission in its assessment of Eritrea's efforts in upholding the provisions of the Charter.

The shadow report addresses issues concerning freedom of conscience, freedom of expression, and the rights to association and assembly in Eritrea. It also includes a set of recommendations directed towards the government of Eritrea, aimed at improving the protection and promotion of human rights in the country.

ARTICLE 8: RIGHT TO FREEDOM OF CONSCIENCE AND RELIGION

1.1 Section 2.3.3 of the state report discusses freedom of religion and in paragraph 41 the state affirms that there is no discrimination and persecution on account of beliefs including religious beliefs.

1.2 On the contrary, we present our concerns regarding the right to freedom of conscience in Eritrea. While Article 19 of the 1997 Eritrean Constitution guarantees freedoms of conscience, religion, expression of opinion, movement, assembly, and organization, these rights have been consistently denied to Eritrean citizens by the state and the military. Regrettably, the Constitution remains unimplemented, rendering it ineffective.

1.3 Despite constitutional provisions prohibiting religious discrimination, the government has restricted religious liberty to individuals who are not affiliated with the four recognized religious groups: the Eritrean Orthodox Tewahedo Church, Sunni Islam, the Catholic Church, and the Evangelical Lutheran Church of Eritrea (affiliated with the Lutheran World Federation). This limitation stifles freedom of conscience, as evidenced by the prolonged pending registration of the Baha'i community and the Presbyterian, Methodist, and Seventh-day Adventist churches since 2002.

1.4 We note with concern the persecution faced by followers of other religious denominations, such as the Jehovah's Witnesses, who endure severe persecution, including detention and denial of citizenship. Despite some positive developments in 2020 and 2021, with the release of some detainees,¹ 20 Jehovah's Witnesses remain in detention. The government persists in severely restricting religious freedoms and arresting individuals based on their religious practices.

1.5 Eritrea has continued with its repression of Christians, with reported cases of arrest and detention of Christians from minority church groups to date. Disturbing reports from April to June 2020, reveal that 45 Christians were arrested.² In April 15 Christians that had been attending a worship service were arrested. Similarly, 30 Christians were reportedly arrested at a wedding in Asmara in late June 2020.

Recommendations:

- Respect the right to freedom of conscience and religion and permit all religions to practice freely and cease interference with religious practices.
- Release all individuals held in detention on the basis of their religious beliefs and practices.

ARTICLE 9: FREEDOM OF INFORMATION AND EXPRESSION

2.1 Regarding freedom of information and expression, it is critical to address the persistent violations in Eritrea. In paragraph 45 of section 2.3.3 of the state report, the government asserts a commitment to non-interference with the right to expression, as guaranteed in the constitution and the Transitional Civilian Charter of Eritrea (TCCE). However, violations of freedom of expression persist.

2.2 In paragraph 46 of section 2.3.3 of the state report, the state provides exceptions to when restrictions of the right to freedom of expression can be justified to include safeguarding of national security, public order as well as eschew libelous acts that may denigrate other segments of society. However, according to international standards restrictions to human rights and fundamental freedoms are only accepted where they are proportionate, and necessary by law to achieve legitimate aims. This principle is reiterated in Article 19(3) of the International Covenant on Civil and Political rights, which states that restrictions on freedom of expression must meet these criteria to be considered justifiable.

¹ VOA, "Families Hold Out Hope for Eritrea's Disappeared Journalists", 15 January 2021, https://www.voanews.com/a/press-freedom_families-hold-out-hope-eritreas-disappeared-journalists/6200797.html.

² Eritrea Hub, "News of further arrests at wedding", 7 July 2020, <https://eritreahub.org/news-of-further-arrests-at-wedding>.

2.3 Despite the 1997 Constitution guaranteeing freedom of opinion, speech, and the media, this has never been implemented, and violations of these freedoms continue without restraint. Eritrea lacks independent national media, with the government controlling all media outlets since 2001,³ including print, television, and radio. Since the crackdown in September 2001, Eritrea detained a minimum of 11 journalists incommunicado and have yet to formally sentence them.⁴

2.4 Eritrea consistently ranks among the worst countries in global freedom indices. The Committee to Protect Journalists (CPJ) ranked Eritrea as the region's worst jailer of journalists and ninth globally, with 16 journalists imprisoned without trial for extended periods.⁵ Reporters Without Borders ranked Eritrea 174th out of 180 countries in their 2023 Press Freedom Index.⁶ The Committee to Protect Journalists also designated Eritrea the most censored country in the world in 2019.

2.5 On 19 February 2017, the exiled Eritrean Forum Radio reported that two journalists working for the state-owned Eritrean Radio and Television Agency were jailed on suspicion of attempting to flee the country, which is considered an act of treason by authorities.⁷

2.6 While acknowledging improvements in internet service, Eritrea's internet access is constrained more by infrastructure and capacity, with all internet service providers mandated to use government-controlled infrastructure. The state-owned Eritrean Telecommunication Services Corporation (EriTel) is the sole provider of internet services in the country. However, the government has also blocked certain websites and social media platforms. On 16 May 2019, the government shut down the internet and blocked social media sites to prevent people from using them to organize protests that could disrupt independence day celebrations on May 24.⁸

³ Article 19, Eritrea: a nation silenced, October 2012, <https://www.article19.org/data/files/medialibrary/3494/12-11-01-CR-Eritrea.pdf>.

⁴ 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>.

⁵ 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/>.

⁶ 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>.

⁷ Sudan Tribune, "Eritrea jails journalists working for state-run media," 19 February 2017, www.sudantribune.com/spip.php?article61694.

⁸ The East African, Social media shut in Eritrea, 16 May 2019, <https://www.theafrican.co.ke/tea/news/rest-of-africa/social-media-shut-in-eritrea-1418072>.

Recommendations:

- Unconditionally release all journalists and human rights defenders arbitrarily detained for expressing opinions not aligned with the government's views.
- Review and amend existing legislation to align with international standards and strengthen protection of the right to freedom of expression and opinion.

ARTICLE 10: FREEDOM OF ASSOCIATION & ARTICLE 11: FREEDOM OF PEACEFUL ASSEMBLY

3.1 While appreciating the government's recognition of various associations, including youth, women, workers, and organizations of persons with disabilities (OPWDs), as registered autonomous bodies in paragraph 56 section 2.3.3, Eritrea has not fulfilled its commitment to ensure respect for the right to freedom of association and assembly.

3.2 Arbitrary arrests and incommunicado detentions of individuals and groups critical of the authorities persistently instill fear and effectively suppress freedom of association. Notably, the whereabouts of 11 members of the G-15, who were arrested in September 2001 for advocating for democratic reforms, remain unknown.⁹

3.3 Despite the presence of political opposition groups in the diaspora, the People's Front for Democracy and Justice continues to be the sole authorized party in Eritrea.¹⁰ Eritrean authorities also impede the political organization and participation of Eritreans abroad.¹¹

3.4 The 2005 Proclamation Determining the Administration of NGOs heavily censors CSOs, imposes stringent reporting guidelines, and grants authorities excessive control over CSO activities.¹² Additionally, the law requires all NGOs to undergo an arbitrary annual registration process, effectively prohibiting independent NGOs from operating in Eritrea.¹³

3.5 The use of violence, intimidation, and harassment against citizens in Eritrea suppresses protests, which are rarely allowed and are met with deadly force by state security officers.

⁹ 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/>.

¹⁰ Freedom House, Eritrea, 2023, <https://freedomhouse.org/country/eritrea/freedom-world/2023>.

¹¹ Ibid.

¹² Eritrea: Proclamation No 145/2005 of 2005, Non-governmental Organization Administration Proclamation', UN Refugee Agency, <https://www.refworld.org/docid/493507c92.html>.

¹³ Committee to Protect Journalists, "Number of jailed journalists spikes to new global record", 14 December 2022, <https://cpi.org/reports/2022/12/number-of-jailed-journalists-spikes-to-new-global-record/>.

Additionally, public gatherings of more than seven people require a permit, further restricting the right to peaceful assembly.

3.6 On 31 October 2017, security forces allegedly dispersed a protest using live ammunition in Asmara.¹⁴ The United States embassy in Asmara confirmed receiving reports of gunfire in several locations of Asmara due to protests.¹⁵ The demonstrations were apparently related to government interference in the administration of the Al Diaa Islamic School, located in the Akria district of Asmara. According to the NGO Human Rights Concern – Eritrea (HRCE), the former director of the school, Haji Musa Mohamed Nur, was arrested on 20 October 2017 after speaking at a community meeting on the Government's plans to seize and close the school down.¹⁶ HRCE also noted that an unknown number of protesters were detained during and after the protest, including young demonstrators ranging from 13 to 15 years old, some of whom were tortured. Videos emerged on social media of a crowd running amid gunfire on Harnet Avenue, close to the President's office. After four months of incommunicado detention, Haji Mussa died in detention on 1 March 2018. The Government arrested hundreds of mourners at his funeral, some of whom are still being detained without access their families or lawyers.¹⁷

Recommendations:

- Review and amend existing legislation to align with international standards, strengthening the protection of the rights to freedom of association and peaceful assembly.
- Foster a safe, respectful, and enabling environment for civil society, including repealing the 2005 Proclamation Determining the Administration of Non-Governmental Organizations.
- Implement and respect the 1997 Constitution.
- Publicly disclose the locations of individuals currently in detention.

¹⁴ DW, "Rare protests reported in Eritrea with 28 deaths," 1 November 2017, www.dw.com/en/rareprotests-reported-in-eritrea-with-28-deaths/a-41200325.

¹⁵ U.S. Embassy in Asmara, "Security Message for U.S. Citizens: Protests in Asmara," 31 October 2017, er.usembassy.gov/security-message-u-s-citizens-protests-asmara/.

¹⁶ Asmarino Independent, "Eritrea : A short account of the events that took place in Asmara this afternoon," 1 November 2017, www.asmarino.com/news/4971-eritrea-a-short-account-of-the-eventsthat-took-place-in-asmara-this-afternoon.

¹⁷ Human Rights Concern – Eritrea, "Eritrean Children Arrested, Tortured and Hospitalised in the Aftermath of Protests," 15 November 2017, hrc-eritrea.org/eritrean-children-arrested-tortured-andhospitalised-in-the-aftermath-of-protests/.

Proposed questions for the African Commission on Human and People's Rights to the government of Eritrea

1. Why has the Eritrean government not implemented the Constitution, which was promulgated in 1997, and what steps are being taken to move forward with its implementation?
2. Can the government provide a timeline or specific plan for the implementation of the Constitution and the establishment of democratic institutions to guarantee protection for its people?
3. Can the Eritrean government provide an update on the actions it has taken since the adoption of ACHPR/Res.91(XXXVIII)05 to address the human rights concerns raised in the resolution?
4. What specific measures has the Eritrean government implemented to ensure the protection of human rights, including freedom of expression, assembly, and association, as outlined in the resolution?
5. How does the Eritrean government plan to demonstrate its commitment to complying with international instruments such as the African Charter on Human and Peoples' Rights?
6. Can you provide specific examples of steps taken to align Eritrea's legal framework and practices with the provisions of the International Covenant on Civil and Political Rights?
7. What measures has the Eritrean government implemented to ensure that the rights outlined in the International Covenant on Economic, Social and Cultural Rights are respected and protected for all its citizens?
8. Eritrea is yet to comply with the decisions of the African Commission in Communication No. 250/2002 (Zegveld and Another v Eritrea) and No. 275/2003 (Article 19 v Eritrea) delivered in 2003 and 2007 respectively. In these two decisions, the African Commission recommended the release of government officials, opposition leaders and journalists detained, without trial, since 2001.
 - a. Could Eritrea please provide an update on the status of compliance with the decisions of the African Commission in Communication No. 250/2002 (Zegveld and Another v Eritrea) and No. 275/2003 (Article 19 v Eritrea), which were delivered in 2003 and 2007 respectively?
 - b. What progress has been made toward implementing the Commission's recommendations for the release of government officials, opposition leaders, and journalists who have been detained without trial since 2001?