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Human rights situations that require the Council's attention

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

* Issued as received, in the language(s) of submission only.



Human Rights situation in Eritrea

Civil and political rights

Eritrea suffers from a fragility of governance such as constitution, law and institutions that monitor the executive authority; Whereas the constitution that approved by the Constituent Assembly in 1997 is still not applied, parliament is sham and not enabled and any independent human rights organization is not allowed to practice its activities in Eritrea. the International non-governmental organizations in the country are limited to organizations invited by the government to provide services, but in a limited and monitored way.

The enforced disappearance and extrajudicial killings attributed to governmental bodies are still increasing. And failure to meet minimum basic legal guarantees is continuous such as contacting a lawyer or informing the family. It is difficult to obtain any statistics on prisons or the exact number of detention facilities, both official and unofficial, while there is no legal basis for this.

Regarding freedom of speech, the government continues to suppress and restrict journalism and media, whereas Eritrea came at the bottom of the classification of press freedom in the past 10 years among 180 countries in the World Press Freedom Index, launched by Reporters Without Borders (RSF) till it was ranked at 179 in 2017 and 2018.¹ It is worth mentioning, the authorities have Eritrean authorities have detained hundreds of perceived opponents this month after a school director who defied government orders died in custody.²

The economic and social rights

African Development Bank expresses concerns about drought-related impacts in its report on the 2018 African Economic Outlook. The Eritrean economy slowed down in 2017 more than the expectations; Because of economic activities decline and poor weather conditions that negatively affected agricultural productivity. Eritrea's Human Development Index was 0.351, below the 0.466 average for countries in the Low Human Development group and below the 0.475 average of countries in Sub-Saharan Africa.³

Malnutrition and hunger are common among people in Eritrea with concerns about famine⁴. These concerns are supported by the Food and Agriculture Organization of the United Nations (FAO) according to the Country Briefing of the Global Information System and Early Warning, which has stated that the economic obstacles have increased the impact of food insecurity on the Eritreans. Whereas the cereal production was estimated in 2017 less than the average, due to the drought in mid-July and early August 2017, adversely affecting the conditions of plants and crops and consequently the Eritreans' right to food. Eritrea's rainfall is low annually estimated between 200 and 700 mm in heights and lowlands, 700-1100 mm in sub-humid areas and less than 200 mm in semi-desert areas.

The humanitarian needs of children reached for an estimated 14,243,000 USD only in 2019.⁵ According to data from the Eritrea Population and Health Survey half of all children

¹ The World Press Freedom Index, "RSF Index 2018: Hatred of journalism threatens democracies", Published annually by Reporters Without Borders, on this link: <https://bit.ly/2JqOb0W> , Access date: 2/2/2019.

² Elias Biryabarema, "Eritrea arrests hundreds of perceived opponents: U.N.", 14/3/2018, Reuters, on this link: <https://reut.rs/2GloPTP> , access date: 2/2/2019.

³ Magidu Nyende, "2018 African Economic Outlook – Eritrea", the African Development Bank, 2018, for more details on this link: <https://bit.ly/2G1ukW6>.

⁴ النظام العالمي للمعلومات والإنذار المبكر، " البلدان المحتاجة إلى مساعدات غذائية خارجية"، منظمة الفاو، مارس 2019 ، وللمزيد من التفاصيل على الرابط التالي: <https://bit.ly/2IbuC09>

⁵ UNICEF Humanitarian Action for Children 2019 , "FUNDING REQUIRED IN 2019", UNICEF, p5, for more details on this link: <https://uni.cf/2SfdLit>.

under five are stunted. The risk of landmines and explosive remnants of war continues to affect border communities, particularly children. Approximately 300,000 children are out of school. Domestic food production is estimated to meet only between 60 to 70 per cent of the population's needs.⁶

It is worth mentioning that electricity supply, which amounts to about 1.2% of national energy consumption, is limited to the capital and other small cities and towns. Access to electricity is still limited to 38% of the population. 98% of people living in the capital, Asmara, have access to electricity but only 8% of rural areas do (compared with Sub-Saharan Africa's average of 13% for rural electrification).⁷

Maat have had access to information indicate that the government has not compensated the affected persons from the closed companies under a law so called "Taashig," a note from the Ministry of Local Government, whereas hundreds of companies in Asmara and other cities have been closed thereunder without informing or compensating their owners.⁸

The aforementioned data show that to what extent the shortage of the Eritrean Government is to achieve the basic economic and social rights of Eritreans which, sequentially, impede all rights thereto related and force citizens, due to the closure of the public domain, to emigrate.

Deterioration of the Eritrean refugees and displaced persons

The Eritrean refugees face cruel conditions in the target countries. Ethiopia and Sudan hosted nearly 300,000 refugees from Eritrea by December 2017 according to the Office of the United Nations High Commissioner for Refugees. And hundreds of asylum seekers continue to cores borders monthly.

37885 persons were described as "infiltrator" as of September 2017. The legal term 'infiltrator' is defined in Article 1 of the Law on the Prevention of Infiltration - 1954, as a person who enters occupied Palestine from unrecognized border entry point.⁹ Eritreans represent the largest groups of "infiltrators" following their irregular arrival through the formerly unfenced border with Egypt between 2006 and 2013. It is different to the definition of a refugee in the Convention of 1951 once they meet the criteria in the definition.¹⁰

Those refugees are supposedly subjected to continuous human rights violations in Eritrea and most of them are incapable of returning to a safe condition in their home country at the present time. However, the Israeli authorities sad that they will detain thousands indefinitely if they refuse to leave for Rwanda or Uganda. In addition, the status of asylum seekers in occupied Palestine does not provide a social protection and a refugee has not the right to access the basic aids such as health, social security, care and legal assistance. Also does not has the right of work.⁽¹¹⁾

⁶ Eritrea Humanitarian Situation Report, UNICEF, January 2019, for more details on this link:

<https://bit.ly/2Z04A54>.

⁷ Magidu Nyende, op.cit, p7.

⁸ وهو مذكرة من وزارة الحكم المحلي، قامت على إثرها بإغلاق مئات من الشركات في أسمرة ومدن أخرى، دون إبلاغ أصحابها أو تعويضهم.

⁹ Law on the Prevention of Infiltration – 1954, for more details on the Following link:

<https://bit.ly/2IbTBjX>.

¹⁰ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, TreatySeries, vol. 189, p. 137, on this link: <https://bit.ly/1BPsvvc>.

¹¹ UNHCR's position on the status of Eritrean and Sudanese nationals, UNHCR, November 2017, on the following link: <https://bit.ly/2ULdfsJ>.

Compulsory recruitment and forced labor are the most prominent violations of children's rights

The Ministry of Education administers a program whereby children from grades 9 to 12 under the age of 18 are required to participate in compulsory work on public works projects during their summer holidays.⁽¹²⁾ Maat have received information state that some children may be asked to work on roads, dams, canals and irrigation schemes, which is a cruel form of child labor under the name of community service.

At a parallel level, The National Service Declaration No. 82/1995 states that Eritrean nationals between the age of 18 and 40 shall have a duty to take part in an Active National Service.⁽¹³⁾ "Sawa" Camp, a closed camp where guests stay and spend a year without visiting their families, witnesses one of the most terrible forms of forced child labor. The government gathers thousands of students every year from all the cities of Eritrea on the pretext of undergoing military training and secondary school exams, Young men and women spend both classes or exercises together. The camp is run by officers and conscripts, who use young people for forced labor, and may rape girls.¹⁴

The service is often extended indefinitely. The low wages in the private sector and cruel conditions of the national service have encouraged a lot of youth, including unaccompanied minors, to escape from Eritrea and may have encouraged a lot to involve with international smuggling and human trafficking networks.

The government announced on May 2015 that it is considering the creation of a new criminal law bans the commercial sexual exploitation of children. However, the draft Law has not been announced yet and sexual exploitation of children is continuing to be not criminalized.

Recommendations

After presenting the general human rights situation in Eritrea, Maat for Peace, Development and Human Rights presents several recommendations as follows:

Immediately activate the 1997 Constitution or establish constitutional reform and holding a free and fair elections involving all, under the supervision of the international community.

The Government of Eritrea should allow Special Procedures mandate-holders to undertake visits to the country to monitor violations.

The immediate cessation of arbitrary arrests and detentions and the immediate release of all detainees arbitrarily, especially children, elderly and women.

The government should mobilize resources from the Africa Emerging Infrastructure Fund, a public-private partnership, to reduce funding gaps in infrastructure. The Government has to create a favorable trading and investment environment to facilitate private capital flows, particularly in the telecommunications, energy and transportation infrastructure sectors.

To protect Eritreans who have sought refuge in the territory of another country or moved to another country by adhering to the principle of non-refoulement and to end bilateral arrangements and other arrangements that endanger the lives of asylum-seekers.

¹² UN General Assembly Human Rights Council. Report of the Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea. June 5, 2015. On this link: <https://bit.ly/1MhB1i3>

¹³ Government of Eritrea. Proclamation of National Service, Proclamation No. 82/1995, enacted October 23, 1995, on this link: <https://bit.ly/2WYoZpf>

¹⁴ وهو معسكر مغلق حيث يببب فيه النزلاء ويقضون عامًا كاملاً دون زيارة عائلاتهم. يقضيه الشباب والفتيات معا في محمد سرحان، " فصول الدراسة أو التدريبات، ويدير المعسكر ضباط ومجننون، يستعملون الشباب في أعمال السخرة التجنيد في إرتريا.. السخرة والاستعباد الجنسي واجب وطني"، تحقيق منشور على موقع قراءات أفريقية، بتاريخ 31-12-2017: <https://bit.ly/2D4ZxHa>

Government ratification of ILO Worst Forms of Child Labour Convention, 1999 (No. 182).
To determine the minimum age for hazardous work and to identify types of hazardous work prohibited to children, in consultation with employers 'and workers' organizations.

Ensure that children under the age of 18 are not recruited into national service.

Stop demanding that children perform compulsory work during summer school holidays.

Extend work on data collection, and focus on criminal law enforcement to make data publicly available, as this helps to promote the human rights situation precisely and directly in the country.
