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Eritrea

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Introduction

This Dutch COI report describes the current situation in Eritrea insofar as it is relevant to the assessment of asylum applications from persons originating from Eritrea and to decisions on the repatriation of rejected Eritrean asylum-seekers. It is an update of previous COI reports on the situation in Eritrea (most recently from July 2015), and covers the period from August 2015 to November 2016.

The report is based on information from public and confidential sources. Use has been made of information from various UN agencies, non-governmental organisations (NGOs), the Eritrean government, specialist literature and media reporting, among other sources.

The report is also based on observations and confidential reports of the Dutch diplomatic mission in Khartoum (Sudan), which also represents the Netherlands in Eritrea; in addition, a fact-finding mission to Eritrea took place in September 2016. The mission took place in Asmara and villages in the surrounding area, in Mendefera and Keren. The Eritrean government was informed of the mission, which was accompanied by a government representative to Keren and Mendefera, but operated without government guidance in Asmara and the surrounding area. In the course of the mission, discussions took place with representatives of the Eritrean government, international diplomatic missions, local and international organisations and – in the absence of government officials – with a large number of Eritrean citizens. In addition, the mission visited Endebaguna in Ethiopia, Khartoum and East Sudan in order to gather information on the situation in Eritrea and the reception of Eritrean refugees in Ethiopia and Sudan.

Objective first-hand information about the human rights situation in Eritrea is hard to obtain. There is no independent civil society in Eritrea and no free press. Information will continue to be incomplete while no independent observers are allowed into the country. Sources do not always have the latest information, and sometimes have an interest in adding their own bias to the facts. In this report contradictory sources are therefore regularly presented in order to offer as complete a picture as possible of the situation in Eritrea.

Chapter One examines recent developments in the political and security fields, and also includes an extensive section on documents. Chapter Two outlines the human rights situation in Eritrea. The report of the UN Commission of Inquiry of June 2016 is considered. After a description of national legislation and international conventions to which Eritrea is a party, the possibilities for monitoring human rights compliance are discussed. The extent to which a number of fundamental human rights are protected or violated is then considered. Chapter Three looks at the position of specific groups, including women, minors, ethnic minorities and LGBT people, as well as deserters and conscription evaders. Chapter Four discusses the reception of Eritrean refugees in the region and the migration flows to the north and west, as well as the activities of international organisations, including UNHCR. The chapter ends with a section on the return of Eritreans to their country. Chapter Five deals with human trafficking.

1 Country information

1.1 Political developments

Since his appointment in 1993, President Afwerki has been the head of the legislature (the Transitional National Assembly)¹ and the executive (the State Council)². There is thus no separation of powers. The Constitution, which was ratified in 1997, has still not entered into force.³ There is no democracy, and presidential and parliamentary elections have been indefinitely postponed.

In this reporting period, President Afwerki and the only political party in Eritrea, the People's Front for Democracy and Justice (PFDJ), continued to dominate politics. The president is assisted by a small group of advisers and senior military officers.⁴

Since there is no institutional mechanism for regime change, potential conflicts of loyalty within the PFDJ or the army represent the main threat to the established order. In recent years, several high-ranking military officials have turned their backs on the regime.⁵ An ageing power apparatus – few younger figures are being brought into the ruling elite or the civil service – has lost credibility with young people in the country.⁶

The population's discontent with the regime, which is exacerbated by a lack of jobs, long military service and food shortages, finds its outlet in a mass exodus abroad.⁷ Many of those who have left the country belong to a relatively wealthy class with connections abroad who can pay for and arrange the journey. The departure of talented young people (the brain drain and the youth drain) means that fewer and fewer people remain to rebuild the country. Because all opponents have by now left the country, no group is left in Eritrea to serve as a sounding-board for the established order.⁸

While the Eritrean government blames Europe for the exodus – arguing that the virtually automatic approval of asylum applications is a pull factor – Eritrea's leaders have an ambivalent attitude towards migration. On the one hand, they complain that young people are leaving the country en masse, and by relaxing national

¹ The members of the Transitional National Assembly were directly appointed in 1997 to serve as a legislature after the ratification of the Constitution until the election of a National Assembly. However, elections that were scheduled for 2001 have been indefinitely postponed. The present Assembly has therefore been a transitional parliament since 1997. The Transitional National Assembly rarely gathers to debate legislation.

² The State Council consists of 17 ministers and is chaired by the president, who also appoints the ministers. The ministers – most of whom are former fighters of the Eritrean People's Liberation Front (EPLF) (the so-called *tegadelti*) – are replaced regularly. EASO, *Eritrea Country Focus*, May 2015. The report of the UN Commission of Inquiry from June 2015 names 16 ministers, but also states that the number is not known because there is no official list of ministries. UNGA, A/HRC/29/CRP.1, 5 June 2015.

³ According to the Eritrean authorities, the implementation of the Constitution is impossible because of the ongoing border dispute with Ethiopia. US Department of State: *Country Report on Human Rights Practices 2014- Eritrea*, June 2015.

⁴ President Afwerki has a clear sense of direction and takes no notice of critics: he sees himself as a camel that marches on while the dogs keep barking. He rules the country informally by decree. Confidential source. EASO, *Eritrea Country Focus*, May 2015. EIU, *Country Report Eritrea 4th Quarter 2016*, 20 October 2016.

⁵ EIU, *Country Report Eritrea 4th Quarter 2016*, 20 October 2016.

⁶ Confidential source.

⁷ After the Lampedusa disaster in October 2013, in which hundreds of young Eritreans lost their lives, the realisation has dawned among a number of senior figures that more needs to be done to involve young people in the development of the country. Yemane Gebreab (adviser to the President) and Osman Saleh (Foreign Minister) are the driving forces behind this development. See also 3.7.7. on the reform of national service. Confidential source. EIU, *Country Report Eritrea 4th Quarter 2016*, 20 October 2016.

⁸ Confidential sources.

service requirements are attempting to offer them better prospects in their own country; on the other hand, they are encouraging young people to support their country from within the diaspora, among other means by paying a two percent reconstruction or diaspora tax.⁹ The departure of dissatisfied young people represents an outlet for the government that reduces the risk of domestic unrest, and at the same time provides the government with foreign currency (through remittances from abroad).¹⁰ Moreover, according to sources the large numbers of Eritreans residing in Europe constitute a pull factor in themselves. See 4.1.3. In addition, Eritrean attitudes towards the brain drain have shifted in the past year: the problem has been recognised, and the penalties for returnees – if imposed at all – are far more lenient than they used to be.¹¹

Foreign relations

Despite criticism from abroad, the regime is supported by various countries including China, because of its geographical location on the Red Sea and its natural resources. The European Union maintains a critical dialogue with Eritrea and provides limited support – see 1.1.3.¹² During the reporting period, ties with Saudi Arabia and the Gulf states became closer. Eritrea supports Saudi Arabia in the conflict in Yemen, receiving money and oil in return.¹³ In 2016, Eritrea slowly opened the door to foreigners after a long period of isolation. Several foreign journalists were given visas, Finn Church Aid was asked to improve the quality of education and members of the Swiss Parliament visited Eritrea at the latter's initiative.¹⁴ Changes in Eritrea's international relations – which are related to the conflict in Yemen and Eritrean migration to Europe – lifted the country out of its diplomatic isolation to some extent.¹⁵

The sanctions that the UN Security Council imposed on Eritrea from 2009 for its alleged destabilising role in the region remained in force during the reporting period, although the UN Monitoring Group on Somalia and Eritrea (SEMG) found no evidence for alleged support from Eritrea for al-Shabaab.¹⁶

1.1.1 Announced reforms

The reforms (or promises of reforms) announced in the COI report of June 2015 – the drafting of a new constitution, the reduction of military service to eighteen months and measures to attract foreign investors – scarcely got off the ground during the reporting period. No progress was made regarding a new constitution.

⁹ The Eritrean government refers to the Recovery and Reconstruction Tax, but the term 'diaspora tax' is usually employed by the diaspora. All Eritreans in the diaspora are asked to pay two percent of their income to the Eritrean government.

¹⁰ The government apparently accepts that well-educated urban youth cause less trouble and bring in more revenue if they live outside the country, especially if they pay tax and provide a social safety net for family members who have remained at home. Those still remaining are farmers and herdsmen from the countryside who tend not to make any trouble. However, the exodus is not confined to urban youth; more recently the migrants, including an increasing number of minors, have come from several social strata. Asmarino.com, *Remittances To Eritrea Shrink As Refugees Spend Money On Helping Others Leave*, 16 July 2016. During the reporting period, the authorities visited Eritreans in the diaspora and organised conferences among them. Confidential source. Many of these conferences are also on YouTube: see e.g. https://www.youtube.com/watch?v=X-mISB_j-hQ

¹¹ The government seems gradually to be realising that it makes more sense not to impose penalties for desertion on (especially) representatives of much-needed professional groups such as teachers, nurses and doctors. Quite apart from this, the capacity to punish appears also to have diminished considerably. Confidential sources.

¹² EIU, *Country Report Eritrea 4th Quarter 2016*, 20 October 2016.

¹³ Confidential source.

¹⁴ Ibid. EIU, *Country Report Eritrea 4th Quarter 2016*, 20 October 2016.

¹⁵ Oxford Analytica, *Ethiopia and Eritrea will leverage border clash*, 23 June 2016.

¹⁶ In UNSC Resolutions 1907 (2009) and 2023 (2011), due to the alleged destabilising role of Eritrea in the region, including support for al-Shabaab in Somalia and the border dispute with Djibouti. On 10 November 2016, the UN Security Council adopted Resolution 2317, as a result of which the sanctions against Eritrea, including an arms embargo, remained in force. Angola, China, Egypt, Russia and Venezuela had requested that the sanctions be lifted at the request of the UN Monitoring Group on Somalia and Eritrea (SEMG).

However, the government continued to attract investors. The reforming of national service – reducing it to eighteen months – announced in late 2014, did not take place. The 'extended national service' was not abolished, although the rules were relaxed in many respects. A pay increase for conscripts was announced, which was partly introduced during the reporting period.¹⁷ See 3.7.7 for more details.

1.1.2 *The economy*

After the liberation in 1991, the Eritrean economy was in a wretched state. Streets and roads had been destroyed during the war, industry had collapsed and the state treasury was empty. Basic services such as transport, health and education barely existed any longer – if at all.¹⁸ The government began at this time to operate an economic policy focused on eliminating the consequences of colonisation and oppression, but also of hunger, disease and ignorance, as enshrined in the National Charter and the Macro Policy document of 1994.¹⁹ Eritrea still has a culture of self-sufficiency, which arose during the war of independence. Materials continue to be constantly reused in order to create 'new' products. Some Eritreans have one or more extra jobs to make ends meet. Much of the population depends on remittances from the diaspora.²⁰ Transfers to Eritrea, which were at one time estimated to account for one-third of gross national product, are said to have decreased as Eritreans in the diaspora have spent relatively more on helping fellow-countrymen who have left the country, and less on supporting relatives at home.²¹

Eritrea gradually opened up to foreign investment during the reporting period.²² The government, which tried to attract investors during the reporting period, presents Eritrea as a state of peace, security and stability in the Horn of Africa, strategically located on the Red Sea and the Bab-el-Mandeb (Gate of Tears), the strait which connects the Red Sea with the Gulf of Tadjoura and the Gulf of Aden.²³

In 2011, the Canadian mining company Nevsun Resources Ltd began operating the Bisha mine, where gold, copper and zinc are extracted, in collaboration with the government. During the first five years Nevsun contributed approximately 800 million US dollars to the Eritrean economy.

A Chinese mining company has recently started operating a mine, and there are plans for two other mines.²⁴ The Australian mining company Danakali operates the Colluli potash mine in Eritrea.²⁵ The British companies Soma Oil & Gas and Tullow

¹⁷ The relaxing of the rules related to the increasing of salaries to professional level, the granting of an exemption for at least one category (those wishing to train as teachers) and a further lowering of the age at which women can demobilise to 25 years (previously 30 years). Reuters, *Eritrea won't shorten national service despite migration fears*, 25 February 2016. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. Confidential source.

¹⁸ The number of students in higher education has more than tripled in the past eight years. Shabait.com, *Higher Education Institutions graduate over 23 thousand students*, 28 April 2016.

¹⁹ Shabait.com, *Eritrea's development policy, achievements of the last 25 years, challenges and prospects*, 4 May 2016.

²⁰ BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016.

²¹ On the *Global Finance* list of the world's poorest countries, Eritrea is ranked eighth, with a per capita income of just over \$1,200 per year. Global Finance, *The Poorest Countries in the World*, October 2016. BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016. Asmarino.com, *Remittances To Eritrea Shrink As Refugees Spend Money On Helping Others Leave*, 16 July 2016.

²² Proactiveinvestors.com, *Danakali Ltd: Broker lifts price target as Eritrea opens to foreign investment*, 1 November 2016.

²³ According to the EU representative for the Horn of Africa, Umberto Tavalato, the security of the Red Sea – one of the main sea routes to and from Europe, with an estimated economic value of 700 billion euros per year – is not an end in itself, but is the basis for prosperity in the region. Shabait.com, *Eritrea: Horn of Africa, Red Sea and the Mandeb Strait*, 13 May 2016. <http://italianieuropei.it>, *Il vicinato dell'Europa si allarga: il Corno d'Africa, la Penisola Arabica e il Mar Rosso*, 28 April 2016.

²⁴ BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016.

²⁵ Mining Review, *Danakali progressing several potash offtake MOU's*, 22 April 2016. Reuters, *Australian company seeks potash mining licence in Eritrea*, 3 May 2016.

Oil, the Italian ENI and the Sino-Eritrean joint venture Defba Oil Share Company are involved in oil and gas exploration.²⁶ In the past five years, Ireland has invested 500,000 euros in joint agricultural projects.²⁷

However, due to recent changes in monetary policy, especially the issuance of new banknotes, many people are struggling to make ends meet.²⁸ The introduction of new nakfa banknotes was intended to curb the black market and hit people smugglers abroad. People smugglers in Sudan, who had taken cash payments from migrants in Eritrean nakfa, were left with old banknotes that had become worthless.²⁹ The cost of living rose after the release of new banknotes. Families receive food vouchers for grain, oil and sugar, but unsubsidised food is expensive.³⁰ Despite the announced – and partly introduced – salary increases (which to some extent have been negated by high inflation), many Eritreans in urban areas depend on neighbours and relatives in the diaspora.³¹ An estimated 70 percent of the population live on subsistence farming.³²

1.1.3 Relations with the European Union

The main EU instrument for development cooperation with Eritrea is the European Development Fund (EDF).³³ On 28 January 2016, Eritrea and the EU signed the new National Indicative Programme (NIP), which focuses on improving the energy supply for all Eritreans.³⁴ Of the EDF's 200 million US dollars, up to 9 million will be spent on exploration work in the Alid geothermal field.³⁵ There is also financial support for projects in the field of food security.³⁶ 175 million US dollars has been earmarked

²⁶ Nasdaq, *Highlighting Eritrea as An Investment Destination*, 16 May 2016.

²⁷ Irish Aid, the Irish Agriculture and Food Development Authority (Teagasc) and Vita are involved in these projects. Teagasc.ie: *MEP Hayes Visiting Cutting Edge Irish Partnerships in Eritrea*, 16 May 2016. See also IFAD, *Eritrea Receives US\$15m IFAD Grant to Boost Fisheries Sector and Nutrition*, 6 December 2016.

²⁸ BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016.

²⁹ Hundreds of millions of dollars in nakfa, which were illegally held by money changers, became virtually worthless overnight. The measure was kept secret until a few weeks before it was introduced. Up to 1 million nakfa could be exchanged before the scheme was introduced. Businessmen queued up with bags full of money to change. The black market rate quickly fell from 54 nakfa per dollar to 22 nakfa per dollar. According to the Finance Minister, Berhane Habtemariam, Eritreans had six weeks to exchange old banknotes for new ones. When people came to exchange their banknotes they had to explain how they had earned the money. Since a lot of money had been earned illegally, only 40 percent of the old banknotes were handed in. Taxi drivers, shopkeepers and hoteliers say their income has been halved following the introduction of the new banknotes in late 2015. Reuters, *Eritrea won't shorten national service despite migration fears*, 25 February 2016. blackagenda.com, *25 Years of Struggle Building Socialism in Eritrea; Fighting the Cancer of Corruption*, 17 May 2016. BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016.

³⁰ BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016.

³¹ Starting salaries of 500 nakfa were increased to 2,000 nakfa, with a maximum of 4,000 nakfa. (1,000 nakfa = approx. 60 euros). Salaries in hospitals have risen from 1,500 to 3,500 nakfa, depending on skill and experience. Doctors are also allowed to treat private patients. A few years ago, day labourers earned 40 nakfa per day. By 2016 this had risen to 250 nakfa per day. Ministers earn about 200 US dollars per month, with allowances. According to sources, a couple with two children need 1,500 nakfa for food and clothing. The rent for an apartment is 500-2,000 nakfa. Eritreans from the diaspora give their relatives money (nakfa) while visiting, or transfer money by bank. Despite the salary increase, the exodus of Eritreans to Ethiopia and Sudan continued. EastAFRO.com, *Eritrea National Service Salary increased to \$2000, College Graduates \$3500 Nakfa*, 9 January 2016. Confidential sources. BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016. Erena Radio, *Despite Government increase in salaries, more national service youth continue to cross the border into Sudan and Ethiopia*, 1 November 2016.

³² People outside Asmara have their own cattle. A cow costs 20,000 nakfa, a sheep about 3,000 nakfa and a goat about 2,000 nakfa. One person may have up to 15-16 cows, but normally five or six. Confidential sources.

³³ Confidential source.

³⁴ Shabait.com, *Eritrea – EU cooperation: History and Perspectives*, 10 May 2016.

³⁵ In 2016, the lack of reliable, sustainable and affordable energy was the main obstacle in the fight against poverty in Eritrea. Firewood and charcoal accounted for 78% of the energy supply. In rural areas, only 10% of the population had electricity. 98% of electricity comes from expensive fossil fuels that the government has to import. ThinkGeoenergy.com, *Eritrea receives \$9 million in EU funding for geothermal exploration work*, 11 April 2016. See http://eeas.europa.eu/delegations/eritrea/documents/projects/eritrea_national_indicative_programme_2014-2020_en.pdf.

<https://www.gtai.de/GTAI/Content/DE/Trade/Fachdaten/PRO/2016/02/Anlagen/PRO201602035012.pdf?v=1>.

³⁶ EU, *EU finances efforts to improve food security*, 29 September 2016.

for energy projects, contingent upon good governance and the implementation of the recommendations of the Universal Periodical Review (UPR).³⁷ The renewable energy projects are intended for communities which are lagging behind in terms of energy. The current Eritrean grid reaches 35% of the population. There are plans to set up nine supporting areas with LPG tanks for the first year and to erect solar panels that can be linked to the grid in the future. In this way the whole country can be supplied with solar energy in the future. During the reporting period, a start was made on a tender procedure. A British company, Solar Century (UK) Ltd, won the order for the supply and installation of solar energy panels, worth 5.7 million euros.³⁸

Although many members of the European Parliament were concerned about human rights in Eritrea, the EU Parliament adopted a resolution in support of the EDF policy by a clear majority on 10 March 2016. The view was taken that the aid is intended to support the population, which does not benefit from isolation.³⁹ In addition, it was held that suspending or attaching excessively strict conditions to aid linking it to a rapid and radical improvement of the human rights situation had been unsuccessful in the past. In the current geopolitical context, this has led to a reorientation of Eritrean foreign policy towards countries that are less scrupulous about human rights issues.⁴⁰ The EU Parliament also took the view that suspending cooperation with Eritrea might jeopardise the implementation of the recommendations of the Universal Periodic Review (UPR).⁴¹ *See also 4.3.*

On 7 June 2016, the European Commission announced plans for entering into result-oriented relations with third countries – a ‘New Partnership Framework’ – in order to manage migration flows. The priorities are saving lives at sea, disrupting the business model of people smugglers, increasing the repatriation of migrants, enabling refugees and migrants to stay closer to home and addressing the long-term causes of illegal migration. To meet the targets, the Commission proposed that the EU member states should make 8 billion euros available over the next five years.⁴² There was not yet any commitment to a specific sum at the European Summit of 28 June 2016, however.⁴³ Previously, at the Valletta Summit in Malta on 12 November 2015, an EU Emergency Trust Fund had been set up to tackle the migration crisis in the Sahel, the Horn of Africa and North Africa. The EU Trust Fund was initially allocated 1.88 billion euros, later supplemented by an extra 500 million euros. In December 2016, a project proposal was approved to create employment opportunities for young men and women in Eritrea and assist this target group in setting up small businesses.⁴⁴

In addition to European initiatives, there were plans by individual EU member states to strengthen ties with Eritrea. For instance, a German trade mission at ministerial

³⁷ The EU mission in Asmara draws up project proposals which the EDF Committee, which deals with the financing, verifies and approves. No money is given that can be spent by Eritrea itself: only resources are allocated. Tesfaneu, *Solarcentury Wins the Areza – Maidma Solar PV Generation Project*, 26 January 2017. Confidential source.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ See <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2016-0090&language=EN>.

⁴¹ Confidential source.

⁴² European Commission, *Commission announces New Migration Partnership Framework: reinforced cooperation with third countries to better manage migration*, 7 June 2016. https://eeas.europa.eu/sites/eeas/files/factsheet_ec_format_eu_emergency_trust_fund_for_africa.pdf.

⁴³ European Council, EUCO 26/16, 28 June 2016.

⁴⁴ See: http://ec.europa.eu/europeaid/support-creation-employment-opportunities-and-skills-development-eritrea_en. The EU Emergency Trust Fund that was approved at the Valletta Summit in November 2015 is offering Eritrea opportunities to reduce migration incentives among the population by means of programmes in the fields of education and employment. See http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en.

level investigated investment opportunities in the textile and IT sectors during a four-day visit in April 2016. A medical team visited the country to strengthen regular cooperation with German specialists.⁴⁵

1.1.4 *The diaspora*

The diaspora includes both supporters and opponents of the regime in Eritrea.⁴⁶ In addition, many Eritreans in the diaspora, while not strong supporters of the government, nevertheless maintain contact with government representatives in the diaspora in order to obtain documents as required and so that they can return there for holidays, family visits or other purposes without problems.⁴⁷ During the reporting period, the Eritrean government put pressure on Eritrean nationals – asylum-seekers or recognised refugees in the West and guest workers in the Gulf States – to support the government, for example by protesting against the report of the UN Commission of Inquiry, published in June 2016, on human rights violations in Eritrea. Eritrean leaders regularly visit their compatriots in the diaspora to hold consultations.⁴⁸

In May 2016, the 25th anniversary of independence was celebrated, including in the diaspora. The organisers of the independence celebrations claimed that most Eritreans left for economic reasons. They were not fleeing the government, it was maintained: they left because the West allows them to do so. Eritreans, it was added, had to come up with a reason to have their asylum applications approved.⁴⁹ According to critics of the regime, the festivities were organised on the instructions of the Eritrean government, which is trying in this way to keep alive the spirit of the struggle for independence in the diaspora.⁵⁰ The celebrations were attended by thousands of Eritreans. Many had supported the current rulers in Asmara during the struggle for independence in the past. Some supporters of the current regime in the diaspora hold positions on local committees, the Young People's Front for Democracy and Justice (YFPDJ) and associations such as the Eritrean Association in Amsterdam and Environment (EVAO). One of them, the former chairman of the YFPDJ in the Netherlands, Meseret Bahlbi, initiated legal proceedings against Prof. M.E.H. van Reisen⁵¹, who had stated that some interpreters of the Dutch Immigration and Naturalisation Service (IND) had ties with the intelligence services of the regime in Asmara.⁵² After the *Volkskrant* had reported this, Bahlbi demanded

⁴⁵ Geeska Afrika, *Eritrea, Delegations from Germany Conclude four Day Visit*, 9 April 2016.

⁴⁶ Moreover, non-Eritrean Eritrea watchers, including scientists and journalists, tend to be either for or against the Eritrean government, often pronouncedly so.

⁴⁷ Non-Eritrean aid workers are sometimes surprised when Eritreans whom they are assisting express positive views of the Eritrean government or when (supposed) relatives, who arrive after a long process of family reunification, immediately travel to another destination without the people who invited them in the first place. There are also signs that Eritreans with very critical views of the current Eritrean regime dare not speak out. Confidential source.

⁴⁸ According to the UN Commission of Inquiry, the pressure was greatest in countries where Eritreans are not asylum-seekers but guest workers. In these places, Eritreans need to renew their passport regularly in order to get a work permit. In countries such as the UK or the Netherlands this is not the case. NRC, *VN: misdaden tegen de menselijkheid in Eritrea*, 9 June 2016.

⁴⁹ *Wetzlarer Neue Zeitung, Veranstanter verteidigen Eritrea*, 18 May 2016.

⁵⁰ According to the organisers of the festivities, there are no links with the regime, but critics claim that the organisers report to members of the PFDJ. For example, documents have revealed the roles of the 'Propaganda, News and Media Committee'. For example, the fourth chapter of a document from 2013 concerning the Netherlands in particular states that the members of this committee 'must be very capable' and have a good education or plenty of experience. 'Pay close attention to what is being said and written about us in the media,' reads one instruction. Or again: 'Devise a strategy for how we can present our situation positively to the whites (sic).' And finally: 'Devise and plan a strategy on how to build a solid relationship with the Dutch media.' *Vrij Nederland, Zelfs in Nederland zijn Eritreërs niet veilig*, 25 May 2016.

⁵¹ Mirjam van Reisen is Professor of International Social Responsibility at the University of Tilburg. She specialises in human trafficking, notably from Eritrea. Prof. Van Reisen contributed to the reports of the UN Commission of Inquiry in 2015 and 2016 and is one of the authors of the DSP report 'Niets is wat het lijkt' ('Nothing is what it seems') about the Eritrean community in the Netherlands.

⁵² Bahlbi's brother and sister worked as interpreters for the Immigration and Naturalisation Service.

compensation of 50,000 euros from the newspaper and a correction on the front page. When the newspaper rejected these claims, Bahlbi took legal proceedings, which he lost.⁵³

Parliamentary questions

Controversy about the alleged influence of the Eritrean regime on the fast-growing Eritrean community in the Netherlands led in February 2016 to questions tabled in parliament; these were answered in the letter to the parliament 'Eritrea en de invloed van Eritrea in Nederland' ('Eritrea and its influence in the Netherlands') of 30 June 2016 (TK, 2015-2016, 22 831, no. 108). That same evening a plenary debate on Eritrea took place, with the Foreign Minister, the Secretary of State for Security and Justice and the Minister of Social Affairs and Employment. Following the debate, a number of motions were passed. On 15 December 2016, the implementation of the motions was discussed in a letter from the Cabinet to the Lower House. (KST 22 831-125). The letter included a report by the research firm DSP – 'Niets is wat het lijkt' ('Nothing is what it seems') – about possible pressure experienced in the Eritrean community, and the impact this has on the integration of Eritreans in the Netherlands. Eritreans have come to the Netherlands in approximately three waves: around 1,500 between 1980 and 1998, around 6,000 from 1998 to 2010 and around 14,000 from 2010 to 2016.⁵⁴

The reaction to the UN report

On 21 June 2016, according to a press release by the Eritrean government, Eritreans and friends of Eritrea participated in a mass demonstration in Geneva. The demonstrators were protesting against the then recently published important and controversial report by the UN Commission of Inquiry on the violation of human rights in Eritrea. Among the participants were Eritreans from Sweden, Norway, Denmark, Germany, the UK, Italy, France, the Netherlands, Belgium, Spain, the USA, Canada and Australia, who had come to Geneva by car, bus and plane. Representatives of the protesters handed in the signatures of 223,810 Eritreans and friends of Eritrea to the UN Human Rights Commission in Geneva.⁵⁵ According to an opposition committee, 12,000 Eritreans also demonstrated in Geneva against the regime.⁵⁶

Financial support from the diaspora

Many Eritrean families currently depend for their daily subsistence on the diaspora. Eritreans abroad also support war veterans. Eritreans are said to be happy to share collective responsibility: for example, the cost of a wedding will be shared by family members, friends and guests. But – unlike previously – some Eritreans in the diaspora recently have preferred to spend their money on an expensive wedding abroad⁵⁷ than on sending money to those who need it in Eritrea itself.

⁵³ Vrij Nederland, *De lange arm van de Eritrese dictator*, 8 October 2016. De Volkskrant, 'Nu weet ik hoe het is om je geïntimideerd te voelen', 27 January 2016. NRC, *Ex-tolken IND ontkennen banden regime Eritrea*, 30 January 2016. IDN, *Behind Eritrean Diaspora's Attacks on the Dutch Media*, 16 May 2016. Vrij Nederland, *Zelfs in Nederland zijn Eritreërs niet veilig*, 25 May 2016.

⁵⁴ TK, 2015-2016, 22 831, no. 108. For the answers to the parliamentary questions, see https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2016Z24163&did=2016D49485. The research that underlies the DSP report 'Niets is wat het lijkt' was conducted between 21 September and 1 November 2016. See also Het Parool, *Amsterdam bezorgd over kwetsbare Eritreeërs*, 4 October 2016. Het Parool, *Eritreeërs in de stad krijgen extra hulp*, 21 December 2016.

⁵⁵ According to sources, Eritreans were pressurised by the Eritrean government into signing. NRC, *Bij ons in Eritrea is alles oké. Was getekend: elke Eritreeër*, 11 February 2016. NRC, *VN: misdaden tegen de menselijkheid in Eritrea*, 9 June 2016. Tesfanews, *Mass Demo in Geneva – Denouncing COI Report*, 17 June 2016. Shabait.com, *Demonstration in Geneva denouncing COI report*, 21 June 2016.

⁵⁶ Strathink.net, *For a March Like this One, We Would Be Dead in Eritrea*, 24 June 2016. Asmarino.com, *Eritrea: Anti-Slavery Campaigners, Confident about change*, 26 June 2016. The DSP report reveals that many Eritreans did not dare to demonstrate.

⁵⁷ Guests paid 100,000 US dollars for a wedding in the US.

According to some sources, a lot of money is also spent on graduation parties. Eritreans in the diaspora also spend a lot of money to help finance the migration of their compatriots.⁵⁸

1.1.5 *The opposition in exile*

Eritrean opposition groups operate from abroad. They seem to be split along ethnic, regional, religious and political lines, and are divided over their attitude towards Ethiopia. After independence, splinter groups from the Eritrean Liberation Front (ELF) – including the ELF Revolutionary Council (ELF-RC), the ELF Central Leadership and the Eritrean Islamic Jihad Movement – were the only groups in exile that were opposing the EPLF/PFDJ in Eritrea in the early 1980s. After the border war with Ethiopia, new opposition groups such as the Red Sea Afar Democratic Organization (RSADO) and the Democratic Movement for the Liberation of the Eritrean Kunama (DMLEK) were set up in that country in 1997 and 1998. In 1999, ten opposition groups formed the Alliance of Eritrean National Forces (AENF), which was later renamed the Eritrean National Alliance (ENA) and then the Eritrean Democratic Alliance (EDA). The EDA is based in Addis Ababa and consists of organisations with various objectives and sources of support. It held its most recent congress in 2011. In an effort to unite political organisations and civil society, the Eritrean National Congress for Democratic Change (ENCDC, also called 'Baito') was founded in the same year. However, it failed to unite the Eritrean opposition. Since then, movements have been set up by Eritrean exiles that have become opposition groups, such as Eritrean Youth Solidarity for Change (EYSC) and Eritrean Youth Solidarity for National Salvation (EYSNS). EYSNS was transformed into a political party in 2014, the Eritrean Solidarity Movement for National Salvation (ESMNS).

In recent years, discussion forums have been established to facilitate political dialogue within the diaspora and support anti-government campaigns inside and outside Eritrea. The Eritrean Forum for National Dialogue (EFND/Medrek) and the Eritrean Movement for Change (EMC) were founded in 2013 by former EPLF members. Meanwhile the Eritrean Lowlanders' League, which was established in 2014, sought to act as a counterweight to the political opposition dominated by Tigrayans. The Freedom Friday (Arbi Harnet) movement was founded in 2011 by Eritrean activists in the US and Europe, and has used encrypted SMS text messages, underground newspapers and posters to call for civil disobedience.⁵⁹

Eritreans in the diaspora called in April 2016 for the establishment of a global opposition organisation, the Global Initiative to Empower Eritrean Grassroots Movement (GIEEGM). This organisation is supposed to establish ties between the various opposition groups and coordinate and reinforce their activities in order to bring about democracy.⁶⁰ During the reporting period, none of the political opposition groups mentioned above engaged in military activities or other actions of note. Armed opposition movements such as the Red Sea Afar Democratic Organisation want to force President Afwerki out, but lack the military capability.⁶¹

⁵⁸ Asmarino.com, *Remittances To Eritrea Shrink As Refugees Spend Money On Helping Others Leave*, 16 July 2016. Madote.com, *Eritrean Diaspora: Some Important Issues That Require Discussion*, 1 August 2016.

<http://www.globalsecurity.org/military/world/eritrea/politics-opposition.htm>. Asmarino, *Eritrea: 10,000 Telephone calls with Messages of Hope and Solidarity from Freedom Friday*, 21 November 2016.

⁶⁰ There has been a proliferation of opposition groups with different agendas and objectives. Assenna, com, *An Urgent Call to All Eritreans Worldwide*, 24 April 2016. See e.g. mdrebahri.com, *Estifanos, Confusing Treason with Opposition !!*, 14 June 2016.

⁶¹ EIU, *Country Report Eritrea 4th Quarter 2016*, 20 October 2016.

Generation gap

According to sources, there is a generational divide: within Eritrea between the generation that fought for independence (and that is in power), and the generation that did not really experience the war and is no longer willing to pay the cost for the ideals of the struggle; and outside Eritrea between the old refugees (who fled during the war with Ethiopia from 1998 to 2000 and see themselves as the genuine refugees) and the new refugees who are seen by them as economic migrants.⁶² Inside Eritrea, self-criticism is unusual, but on digital forums in the diaspora there is no hesitation about criticising either the government and the party, or the new generation of Eritreans in the opposition.⁶³

⁶² Erigazette.org, *Integration Eritrean refugees is problematic*, 6 November 2016. DSP, *Niets is wat het lijkt*, 15 December 2016. Confidential source.

⁶³ For example, the article 'From Mutual Coexistence to Mutual Suspicion' states the following: 'Eritrea has nine ethnic groups, each with a different culture and language, and figuratively speaking a tenth group, the EPLF. With slogans such as Awet NiHafash (victory to the masses) and Gebar Dembar (the confused/blind civilians), the elite of the EPLF showed its contempt for the civilian population and their way of life. An attempt was made to replace the 'backward' culture in a militaristic manner. The values of the EPLF proved incompatible with the old cultural values and eventually led to divisions, frustration and confusion within families. Traditional conflict resolution methods were replaced by collective obedience, leading to the acceptance of abnormal and unacceptable practices. The new generation has inherited and taken over this political culture. Individual responsibility is being transformed into collective punishment. Thus, supporters of Mesfin Hagos, the defence minister who defected, are attacked by the opposition because of Hagos' former ties with Afwerki. In the same way, supporters of Hamasien are held responsible for crimes committed by Afwerki. Trademark features of the EPLF/PFDJ such as intolerance, character assassination, arbitrariness and antagonism have been adopted by many opposition groups. This has led to the sowing of hatred against all the fighters of the revolution and the characterisation of the independence struggle as Shiftinet (banditry).' Awate.com, *From Mutual Coexistence to Mutual Suspicion*, 17 May 2016.

1.2 The security situation

In the reporting period, the security situation in Eritrea was relatively calm. Unlike in previous years, there were no reports of *giffas* (large-scale raids to arrest conscription dodgers) in Asmara.⁶⁴ The number of *giffas* elsewhere in the country apparently decreased. According to sources, the security situation is better for Eritreans in their own country than it is for Eritreans in Sudan and Libya, where many human rights violations occur.⁶⁵

Further incidents with Ethiopia occurred during the reporting period. On 12 June 2016, fighting broke out between Eritrea and Ethiopia. The cause of the fighting, which lasted two days, was unclear.⁶⁶ According to the *Awramba Times*, fighting took place separately on two fronts: Tsorona and Zalanbesa.⁶⁷ Ethiopia claimed that Eritrean troops had begun bombing Ethiopian positions.⁶⁸ According to the government in Asmara, Ethiopian troops began the fighting, and the Ethiopian military suffered heavy losses.⁶⁹ More than 200 Ethiopian soldiers were killed, it was claimed, and more than 300 were injured.⁷⁰ According to the Ethiopian media, two Eritrean battalions were decimated and an Eritrean colonel surrendered.⁷¹ According to eyewitnesses, Ethiopia brought large numbers of troops and heavy artillery from the south and centre of the country to the border with Eritrea in the north.⁷² Presidential adviser Yemane Gebreab told the UN Human Rights Council that Ethiopia was preparing for a major military offensive and was considering all-out war.⁷³ On 20 June 2016, President Afwerki stated that 18 soldiers had been killed in border clashes with Ethiopian troops on 12 and 13 June 2016. Few details are known about the cause or scale of the fighting around Tsorona, one of the main fronts during the war from 1998 to 2000. Both Eritrea and Ethiopia claim to have been the victim of aggression. The result of the fighting is unclear.⁷⁴

1.2.1 Regional context

Eritrea is a member of the African Union and wants to reactivate its membership of the Intergovernmental Authority on Development (IGAD), which it had itself

⁶⁴ Confidential sources. EASO, *National service and illegal exit*, November 2016.

⁶⁵ OHCHR, 'Detained and dehumanized' - Report on Human Rights Abuses Against Migrants in Libya, 13 December 2016. Anadolu Agency, *Militia recovers 115 human trafficking victims in Sudan*, 8 January 2017. Confidential sources.

⁶⁶ It was suggested that Eritrea wished to divert attention from the recently published report of the UN Special Committee on the 'systematic human rights violations' under Afwerki. Ethiopia for its part is thought to have wanted less notice to be taken of the recent defeat in Somalia, where at least 60 Ethiopian soldiers are thought to have been killed by al-Shabaab. Trouw, *Eritrea en Ethiopië vechten aan de grens*, 15 June 2016.

⁶⁷ Awramba Times, *Eritrea Admits Border Battle with Ethiopia in Tsorona Front*, 13 June 2016.

⁶⁸ Bloomberg, *African Union Urges Calm After Eritrea-Ethiopia Border Clashes*, 14 June 2016.

⁶⁹ Reuters, *Ethiopia says will not escalate border clash with Eritrea*, 14 June 2016. Shabait.com, *TPLF Regime launches an attack*, 12 June 2016. Awate.com, *Yet Another Eritrea-Ethiopia Military Clash*, 12 June 2016. Asmarino, *Eritrea: concern over renewed war with Ethiopia*, 13 June 2016. AllAfrica, *East Africa: Heavy Fighting Reported on Ethiopia-Eritrea Border*, 13 June 2016. AFP, *Significant' casualties in Eritrea and Ethiopia border battle*, 14 June 2016. CSM, *Ethiopia, Eritrea trade accusations over border incident*, 13 June 2016. Reuters, *Ethiopia says will not escalate border clash with Eritrea*, 14 June 2016. Bloomberg, *African Union Urges Calm After Eritrea-Ethiopia Border Clashes*, 15 June 2016. New York Times, *Border Clashes Between Ethiopia and Eritrea Heighten Fears of War*, 13 June 2016.

⁷⁰ Press Release - *The Invasion of the TPLF regime on the Tsorona Front was quashed on Monday (13 June) morning entailing heavy losses to its troops*, 13 June 2016.

⁷¹ Walta info, *Ethiopia expects international community to help fix Eritrea or else*, 22 June 2016. On Kenyan television, the Eritrean and Ethiopian ambassadors in that country engaged in heated debate. Waltainfo, *Ktn debate shows lack of accountability in Eritrea*, 25 June 2016.

⁷² ESAT News, *Ethiopian regime moving army, heavy artillery to the north of the country*, 1 July 2016.

⁷³ Presidential adviser Yemane Gebreab is also chairman of the PFDJ. Reuters, *Eritrea tells UN Ethiopia contemplating full-scale war*, 21 June 2016.

⁷⁴ Oxford Analytica, *Ethiopia and Eritrea will leverage border clash*, 23 June 2016. Huffington Post, *How Israel Can Help Resolve The Ethiopia-Eritrea Conflict*, 13 July 2016. See also AllAfrica.com, *East Africa: Sudanese Role Crucial in Bringing Peace Between Ethiopia, Eritrea - Premier*, 15 May 2016.

suspended in 2007.⁷⁵ However, this is still being blocked by Ethiopia and Djibouti, which are at odds with Eritrea because of border disputes.⁷⁶

Djibouti

Relations with Djibouti are still disrupted, since the disappearance in 2008 of 19 Djiboutian soldiers after clashes at the border. During the reporting period, four Djiboutian prisoners of war were released. The Eritrean government did not provide any information about its decision to break the deadlock in the negotiations with Djibouti, in which Qatar mediated. In September 2016 it was announced that one of the remaining Djiboutian prisoners of war being held had died. Eritrea says it has no further Djiboutian prisoners of war. For its part, Djibouti released all Eritrean prisoners of war in November 2016.⁷⁷ Eritrea continued to support the anti-Djibouti *Front pour la restauration de l'unité et de la démocratie* (FRUD), which carried out light assaults in North Djibouti during the reporting period. Although it is a relatively small movement, the FRUD undermines the normalisation of relations between Eritrea and Djibouti.⁷⁸

Yemen

Due to the civil war in Yemen, which broke out in 2015 following the uprising of the Houthi tribe, and the Saudi-led intervention there, Eritrea has come increasingly under the influence of Saudi Arabia and the United Arab Emirates (UAE).⁷⁹ Both countries were allowed to use Eritrean territory, airspace and territorial waters during the reporting period.⁸⁰ They made use of much of the Eritrean coastline in order to extend their military reach.⁸¹ A permanent military base was set up at Assab International Airport. Next to this airfield a seaport has been constructed, which was used for operations in Yemen.⁸² Eritrea is said to have received extensive assistance and new loans from the UAE in return.⁸³ According to the UN Monitoring Group, the importance of Eritrea's strategic location between the Horn of Africa and the Persian Gulf has been increased by the conflict in Yemen.⁸⁴

According to security analysts, the military presence in Assab consists not only of soldiers from Saudi Arabia and the UAE, but also of Yemeni and other troops staying there temporarily.⁸⁵ On satellite images taken between April and May 2016, AMX Leclerc tanks, G6 armoured howitzers and BMP-3 amphibious vehicles can be seen. By late September 2016, most of the vehicles had left the base.⁸⁶

⁷⁵ IGAD is an intergovernmental organisation of originally eight East African countries (Uganda, Djibouti, Sudan, South Sudan, Somalia, Ethiopia, Eritrea and Kenya; following the suspension of Eritrea's membership there are seven), which together promote food security, environmental protection, peace, economic growth and integration in the region. As such, IGAD has since 1996 been the successor of IGADD, the *Intergovernmental Authority on Drought and Development*. <http://www.uneca.org/oria/pages/igad-intergovernmental-authority-development>.

⁷⁶ Confidential source.

⁷⁷ According to one of the released prisoners of war, there were 2,000 Ethiopian and Somali rebels (but not from al-Shabaab) in Camp Wi'a in September 2014. The Somali rebels apparently belong to the Somali opposition in Ethiopia. We do not know when they were taken prisoner, or by whom. UNSC, S/2016/920, page 22, 31 October 2016. Asmarino, *Release of Prisoners of War from Eritrea*, 27 November 2016.

⁷⁸ During the reporting period the FRUD claimed responsibility for attacks on Djiboutian territory. On 6 February 2016, two armed Djiboutian policemen, Zakaria Ismail and Mossa Bahdon Farah, were killed in a firefight with armed fighters who had crossed the border from Eritrea. UNSC, S/2016/920, 31 October 2016.

⁷⁹ Oxford Analytica, *Ethiopia and Eritrea will leverage border clash*, 23 June 2016.

⁸⁰ UNSC, S/2015/802, 19 October 2015. UNSC, S/2016/920, 31 October 2016.

⁸¹ Globalrisksinsight.com, *Strategically located, unhappily isolated: the future of Eritrea's regional standing*, 6 July 2016.

⁸² UNSC, S/2016/920, 31 October 2016. IHS, *UAE deploys fast jets to Eritrea*, 14 November 2016.

⁸³ Oxford Analytica, *Ethiopia and Eritrea will leverage border clash*, 23 June 2016.

⁸⁴ UNSC, S/2016/920, 31 October 2016.

⁸⁵ Ibid.

⁸⁶ Ibid.

In Ethiopia, reports appeared presenting the growing influence of the Gulf states in Eritrea as destabilising the Horn of Africa.⁸⁷

Ethiopia

As in the previous reporting period, the relationship with Ethiopia lingered in a 'no war, no peace' situation. Eritrea continues to insist that Ethiopia must first withdraw from Badme as a precondition for talks, in line with the obligations under the Algiers Agreement and the boundary set by the Eritrea Ethiopia Boundary Commission (EEBC).⁸⁸ Although both countries initially regarded the EEBC decision as binding, Ethiopia later went back on this.⁸⁹ The border between the two countries is still heavily militarised, with a no-man's land between the two armies. However, reconnaissance units from both sides – as well as refugees and migrants from Eritrea – often cross this no-go zone. There is a complete lack of trust between the two countries, or of a vision for moving forward. It is argued in some quarters that defending Eritrean sovereignty is the only thing that gives the ruling party legitimacy. It is therefore in the party's interest to maintain the status quo, it is claimed. Both Eritrea and Ethiopia seem to have concluded that the only solution is to hold out longer than the other party.⁹⁰

Eritrea and Ethiopia have offered support and shelter to each other's opposition groups on their own territory for years. Thus the Eritrean National Salvation Front (ENSF) and the RSADO are active in South Eritrea from bases in Ethiopia. Conversely, Eritrea supports the Ogaden National Liberation Front (ONLF), Ginbot7 and the Eritrea-based Ethiopian Tigray People's Democratic Movement (TPDM).⁹¹

TPDM

In September 2015, the former chairman of the Tigray People's Democratic Movement (TPDM), Mola Asgedom, fled with 800 fighters via Sudan to Ethiopia.⁹² The TPDM, often referred to as 'Demhit', is the most important Ethiopian opposition movement to be financed and trained in Eritrea. Reportedly, the TPDM had become increasingly divided.⁹³

⁸⁷ Katehon.com, *The GCC Is Expanding To Eritrea, And It's Not Good For Ethiopia*, 4 January 2016.

⁸⁸ One of the conditions of the Algiers Agreement was that the Eritrea Ethiopia Boundary Commission (EEBC) would demarcate the border. Initially, both countries accepted the Commission's ruling, but Ethiopia later became dissatisfied with the defined border and continued to occupy the Badme area. Newsweek, *Why Eritrea's Border With Ethiopia Is a Conflict Zone*, 13 June 2016.

According to some researchers, the EEBC did not even visit the disputed border area, and based its decisions on the texts and treaties that Italy imposed on Ethiopia and on colonial maps that were in favour of Italy – and hence of Eritrea. The Algiers Agreement of 12 December 2000, which the UN Security Council accepted, was believed by some researchers not to have resolved the border dispute, having been put together hastily and imposed by the international community, which wanted to put an end to the war. Eritrea – not incorrectly, according to many international observers – cites Article 4.2 of the Algiers Agreement, which provides that '...The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions ex aequo et bono...'. Madote.com, *Eritrea-Ethiopia: Respect for International Law, the Way Forward*, 11 April 2016. Geeska Africa, *UN Security Council Must Demand Ethiopia To Withdraw From Sovereign Eritrean Territory It Occupies*, 13 April 2016. See also GSDRC, *The Ethiopia-Eritrea Conflict: Domestic and Regional Ramifications and the Role of the International Community*, 2013. International Journal of Social Inquiry, *Understanding African Relationships: The Case of Eritrean Ethiopian Border Dispute*, 2014. J. Abbink, *Law against reality? Contextualizing the Ethiopian-Eritrean border problem*, 2009.

⁹⁰ africanarguments.org, *Why the skirmishes between Ethiopia and Eritrea won't spiral into full-scale war*, 23 June 2016.

⁹¹ The Ethiopian opposition groups that are given refuge in Eritrea can be divided into groups that want to separate from Ethiopia the area that they claim to represent, including the Oromo Liberation Front (OLF) and the ONLF, and groups pursuing a centralised approach, such as Arbegnoch Gembar and Ginbot 7. Walthainfo.com, *Creating enemy to stay in power*, 26 June 2016.

⁹² Mola Asgedom is said to have fallen out with commanders of other armed Ethiopian opposition groups, including Berhanu Nega of Ginbot Sebat. UNSC, S/2015/802, 19 October 2015.

⁹³ The TPDM had offices in Asmara, Dekemhare, Massawa and Teseney and units in most border towns. UNSC, S/2016/920, 31 October 2016.

Ginbot Sebat

In 2015, Ginbot Sebat merged with the Patriotic Front to form the Patriotic Ginbot 7, with Berhanu Nega as chairman. On 11 August 2016, a cooperation agreement was signed with the Oromo Democratic Front.⁹⁴ During the reporting period, Eritrea continued to support the Ginbot Sebat movement, among other means by providing Eritrean travel documents. In May 2016 Ginbot Sebat claimed responsibility for an attack in which 20 Ethiopian soldiers were killed in Arba Minch in South Ethiopia.⁹⁵

PAFD

On 25 March 2016, the first congress of the People's Alliance for Freedom and Democracy (PAFD) was held in Asmara. The Alliance includes the Benishangul People's Liberation Movement, the Gambella People's Liberation Movement, the Ogaden National Liberation Front, the Oromo Liberation Front and the Sidama National Liberation Front. The alliance adopted a resolution to overthrow the oppressive minority regime so that the Ethiopian peoples could exercise their right to self-determination. The UN Monitoring Group has not yet been able to investigate whether this alliance receives support from Eritrea.⁹⁶

Sudan and South Sudan

Sudan hosts more than 100,000 refugees from Eritrea. The two countries generally maintain good relations, and there were no incidents between Sudan and Eritrea during the reporting period. See 4.3 for more details.

In the past Eritrea appears to have supported three armed groups in South Sudan: Riek Machar's Sudanese People's Liberation Movement in Opposition, George Athor Deng's rebel movement and the David Yau Yau group. It was not possible to confirm whether Eritrea continued to support any of these movements during the reporting period.⁹⁷ On 24 June 2016, Eritrea and South Sudan signed an aviation agreement. This is intended to increase the number of direct flights between the two countries.⁹⁸

Somalia

Suspicious that Eritrea maintained close relations with leaders of al-Shabaab could not be upheld after investigation by the Monitoring Group – as was also the case in 2014 and 2015.⁹⁹

1.3 Documents

1.3.1 Administrative division

Eritrea has been divided since 1997 into six regions (Zobas):

Zoba Maekel (Central Eritrea, capital Asmara);
Zoba Debub (South Eritrea, capital Mendefera);
Zoba Gash-Barka (capital Akurdet);
Zoba Anseba (capital Keren);

⁹⁴ UNSC, S/2016/920, 31 October 2016.

⁹⁵ Ethiopia claimed on 12 May 2016 to have foiled a plot by Eritrean mercenaries to commit a terrorist attack. The heavily armed mercenaries were arrested on 6 May 2016 in a forest in southern Ethiopia. An unknown number of mercenaries were killed as they tried to escape. UNSC, S/2016/920, 31 October 2016. Sudan Tribune, *Ethiopia says foiled Eritrea-backed terror attack*, 12 May 2016.

⁹⁶ UNSC, S/2016/920, 31 October 2016.

⁹⁷ The Ethiopian Herald, *Eritrean Regime Has No One to Blame but Itself*, 24 April 2016.

⁹⁸ Hornofafrica.de, *Eritrea and Republic of South Sudan signed air flight agreement*, 24 June 2016.

⁹⁹ UNSC, S/2016/920, 31 October 2016.

Zoba Semienawi Keyih Bahri (Northern Red Sea, capital Massawa);
Zoba Debubawi Keyih Bahri (Southern Red Sea, capital Assab);¹⁰⁰

The Zobas are divided into Sub-Zobas (sub-regions).¹⁰¹ The lowest administrative units are the Kebabi, covering a district, village or area.¹⁰²

The Kebabi administrations (*Mmhidar Kebabi*) have family registers. All the important details about a family are recorded in these by hand. Changes in the status of a family member (such as marriage, birth or death) must be recorded there. When data need to be transferred to another government/administrative unit (such as for registration in the digital database for personal data), the data are transferred to a blue 'transfer letter'. The Kebabi administrations do not issue identity documents themselves.¹⁰³

In Asmara, personal data are recorded directly in the digital database.¹⁰⁴ In Zoba Maekel, certificates are issued by the civil registry of the municipality of Asmara.¹⁰⁵ Certificates issued by the civil registry of the municipality of Asmara contain a reference number for the civil registry archive and the electronic population register. These records are computer printouts containing no security features; however, they are provided with stamps and signatures.¹⁰⁶

The Sub-Zoba authorities (*Mmhidar Sub-Zoba*) outside the Zoba Maekel have birth, marriage and death registers, and issue the relevant certificates.¹⁰⁷ All Sub-Zoba authorities in the country are also responsible for the entry of personal data into the digital database for personal data.¹⁰⁸

It is not strictly necessary to go in person to the office of the Sub-Zoba for the registration of personal data. According to a source, anyone who is unable to appear in person at the office can send a proxy.¹⁰⁹

An extract from the population register, an identity card (or a copy) and a completed application form must be submitted before official civil registry certificates are issued. Depending on the type of document, several other documents may also need to be submitted, such as a reference letter from the Kebabi authorities or religious marriage certificates for an official marriage certificate or a birth certificate and vaccination forms for an official birth certificate. There are various procedures in the country for the issuance of official documents, which may differ in layout, font, content, and/or format.

Citizens of other Zobas may for this reason also apply for official certificates from the civil registry office in Asmara, for example for use in other countries.¹¹⁰

¹⁰⁰ Confidential source.

¹⁰¹ The capital, Asmara, was initially divided into four Sub-Zobas (North-West, North-East, South-West and South-East). Asmara's 13 urban districts (Abashawl, Akria, Arbaete Asmara, Edaga Hamus, Gejeret, Gezabanda, Godaif, Maekel Ketema, Mai Temenei, Paradiso, Sembel, Tiravolo, Tsetserat) have now gained Sub-Zoba status, and are not subdivided any further. Zobas, Sub-Zobas and Kebabi have an administration (the Zoba governors are appointed by the government), courts, and either an elected parliament (Baito) or, in places with less than 5,000 inhabitants, a general people's council (megaba'aya). Confidential source.

¹⁰² The Kebabi are officially divided into several Adi, but these do not have their own administrative structure. Confidential source.

¹⁰³ Birth certificates can be issued for a considerable time after birth. If a birth certificate (issued by a clinic or a church) is missing, witness statements may be enough. Confidential source.

¹⁰⁴ Confidential source; *EASO, Eritrea Country Focus*, May 2015.

¹⁰⁵ The Zoba Maekel has 13 Sub-Zobas in Asmara and three Zobas outside the city. Confidential source; *EASO, Eritrea Country Focus*, May 2015.

¹⁰⁶ Ibid.

¹⁰⁷ Confidential source.

¹⁰⁸ The Zobas do not issue identity papers and do not register people, as these tasks are the responsibility of the Sub-Zobas. However, they are responsible for running and maintaining the digital database for personal data (see 2.1.4). Confidential source.

¹⁰⁹ According to a source, a notarially certified power of attorney is needed; another source claims this is not necessary. Confidential sources.

The Department of Immigration and Nationality issues passports, identity cards and exit visas.¹¹¹ A condition for issuing travel documents for travel across the border (passports and exit visas) is that the person concerned must have completed his or her national service.¹¹² An Eritrean abroad who applies for a passport (for international travel) or an identity card usually needs to prove that he or she has paid the 'reconstruction tax' (also known as the two percent tax or diaspora tax) and must sign a 'repentance form' if he or she left the country illegally.¹¹³

According to reports, at regular intervals it is impossible for Eritreans to obtain an identity document at short notice, for various reasons. The frequent power cuts prevent the printing out and consultation of the registers. Moreover, the opening hours of many government agencies are limited and to some extent irregular or arbitrary. The officials responsible for issuing identity documents are often absent to attend training or for private reasons, and have nobody to stand in for them. During an unannounced visit to the Sub-Zoba of Keren in September 2016, the civil registry office there was functioning properly, however.¹¹⁴

1.3.2 Documents

The identity card

The Eritrean identity card (known as the *tassera* or *menenet*) was introduced in 1992.¹¹⁵ The appearance of this blue identity card has been unaltered since 1992.¹¹⁶ The card shows the name, address, place and date of birth, occupation, gender and photograph of the holder. It may also be indicated that the person concerned has been demobilised. The letters 'PGE' appear in silver or white in the laminate of an identity card.¹¹⁷ All Eritreans who are over 18 years of age must be in possession of an identity card. Until February 2014 a (blue) identity card could be applied for from the age of 18.¹¹⁸ Pending the introduction of a new identity card, the issuance of identity cards was temporarily stopped at that point.¹¹⁹ Identity cards are issued by the Department of Immigration and Nationality. Applicants for an identity card must submit a referral from their Kebabi administration, a birth certificate and proof of their Eritrean citizenship (the identity cards of their parents or a declaration by three witnesses over the age of 40) to one of the twelve branch offices of the Department.¹²⁰ The branch office then forwards the application to the Central Office

¹¹⁰ The certificates of the municipality of Asmara are considered to be more reliable and recognised than those issued by the Sub-Zobas. Residents of other Zobas may therefore apply for certificates from the civil registry office of the municipality of Asmara. In order to do this, the applicant has to bring the required documents with him/her from his/her home. The texts are in Tigrinya and/or English. The certificates are mainly used in connection with family reunification. EASO, *Eritrea Country Focus*, May 2015. Confidential source.

¹¹¹ Confidential source.

¹¹² Ibid.

¹¹³ The signatory of the repentance form confirms that he or she has committed an offence by failing to complete his or her national service and is prepared to accept an appropriate penalty in due course. In practice, however, the signatories of this form are not penalised. EASO, *National service and illegal exit*, November 2016. Confidential source.

¹¹⁴ Confidential sources.

¹¹⁵ Proclamation 21/1992 stipulates the conditions to qualify for Eritrean citizenship and a national identity card. EASO, *Eritrea Country Focus*, May 2015.

¹¹⁶ EASO, *Eritrea Country Focus*, May 2015.

¹¹⁷ PGE stands for Provisional Government of Eritrea. EASO, *Eritrea Country Focus*, May 2015.

¹¹⁸ EASO, *Eritrea Country Focus*, May 2015.

¹¹⁹ Ibid.

¹²⁰ These are located in Asmara, Mendefera, Dekemhare, Adi Keyih, Barentu, Akurdet, Tesseney, Keren, Massawa, Nakfa and Afabet Assab. Confidential source.

in Asmara. If the application is approved, the branch office receives permission to issue an identity card.¹²¹

Because the Eritrean Migration Service regarded the authenticity features of the old identity card as inadequate, a new identity card was introduced in June 2014.¹²² The new card is the size of a credit card, contains a barcode, a photo and a fingerprint of the holder, is machine-readable and contains a personal identification number (PID), the personal number from the central digital population register.¹²³ The text of the new identity card is in Tigrinya and English. The colour is light green: on the back of the card the light green logo of the government appears in the middle.¹²⁴ The card has a photo, a fingerprint and a barcode.¹²⁵ Applicants must bring in their old ID card. In addition, they must submit a residence card and a new photo. One fingerprint is taken. When the new identity card is issued, the old card is destroyed.¹²⁶

According to an estimate of the Eritrean Migration Service, approximately 150,000 identity cards were applied for from June 2014 to September 2016. The Migration Service has mainly been working on processing the data of the applicants. The new cards started to be issued in early 2015. Only 70,000 new cards are said to have been issued.¹²⁷ The new card costs 100 nakfa (six euros).¹²⁸

It is not known how people who no longer have an identity card are dealt with. According to the Eritrean Migration Service, most Eritreans have an identity card. In the cities, everyone has identity documents. Outside the cities – where there are fewer controls – one can easily get by without an ID card, and not everyone has an identity document.¹²⁹ During the reporting period, the vast majority of Eritreans who had just arrived in Sudan were found to have no proof of identity with them, whereas (almost) all adult Eritreans who had just arrived in Ethiopia did have proof of identity with them. Forty percent of the minors arriving there – including many young children – had a student card with them. In Ethiopia, identity checks on Eritreans are strict, because there is an awareness of possible spies. Anyone without proof of identity is automatically regarded as suspect and interrogated thoroughly.¹³⁰

Applications for identity cards may be submitted to diplomatic missions of Eritrea abroad.¹³¹ If the applicant is unable to provide written proof of his or her Eritrean citizenship, three witnesses can confirm his or her Eritrean nationality. After verifying the information submitted on the basis of available sources, the foreign mission forwards the request via the Ministry of Foreign Affairs in Asmara to the Migration Service. There, the information is compared with the corresponding information in the Eritrean civil registry office. After approval has been given, the identity card is issued and forwarded to the foreign mission.

¹²¹ EASO, *Eritrea Country Focus*, May 2015.

¹²² Genuine identity documents were often falsified, for example by replacing the photo. Confidential source. 'Blue cards' are said to be sold to people smugglers in Ethiopian refugee camps. Confidential source.

¹²³ In the central data system in Asmara, all ID cards with photos have been retroactively stored since 2014. Confidential source.

¹²⁴ IRB - Immigration and Refugee Board of Canada, *Eritrea: Appearance of national identity cards, including description of security features and size; whether the acronym 'PGE' is printed on the border of the laminate (2014-May 2015)*, 4 May 2015.

¹²⁵ Confidential source.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ If someone is arrested, relatives and/or witnesses can confirm his or her identity. Confidential source.

¹³⁰ Confidential source.

¹³¹ Ibid.

Applicants often also have to demonstrate that they have paid the diaspora tax (or in some cases a proportion of it); deserters and conscription evaders are asked to sign a repentance form. Relatives in Eritrea may be authorised by the foreign mission to collect the identity card.¹³²

The passport

In Eritrea, the Immigration Service is also responsible for issuing passports. Passports are issued in English and Tigrinya and are valid for five years. Since 1 May 2010, Eritrean has issued passports with a photo, a fingerprint and a machine-readable zone (non-biometric). Initially these were only valid for two years, but since 2011 they have been valid for five years. Passports cost 4,000 nakfa in Eritrea and about 200 US dollars at foreign missions.¹³³ The passports do not contain an electronic chip.¹³⁴

Within Eritrea, there was no change during the reporting period to the conditions and procedures for applying for a passport. It is still expensive and difficult to obtain a passport in Eritrea; it is much easier to obtain an Eritrean passport in Sudan. Employees need permission from their employer/ministry and the local government. To apply for a passport at a regional immigration office, the person must submit an identity card and documents proving demobilisation or medical exemption from military service. After approval from the Immigration Service in Asmara, the passport is issued. It must be applied for and collected in person.¹³⁵ Eritreans performing national service may not apply for a passport.¹³⁶

Parents can apply for a passport for their minor children, but minors approaching national service age are at risk of having their passport application denied.¹³⁷ According to the US Department of State annual report on the Eritrean human rights situation from 2015, in practice children over the age of five are not allowed to leave the country, and passports and exit visas will not be provided for them.¹³⁸

There were no changes to the process of applying for a passport abroad during the reporting period. Eritrean embassies and consulates require the same documents as in Eritrea. The applicant's completion of national service may be checked. According to sources, it is easier to obtain an Eritrean passport or identity card abroad, especially in Khartoum, than in Eritrea itself.¹³⁹ Conscientious objectors, deserters and persons who have left the country illegally can also obtain passports abroad. However, sources report that charges and taxes (including the two percent diaspora tax) have to be paid; deserters and conscientious objectors also have to sign a repentance form.¹⁴⁰ According to a source, the price of a passport varies greatly depending on the embassy.¹⁴¹ Bribes are sometimes paid. Passports can also be collected by relatives in Eritrea if they are authorised to do so by the Eritrean embassy.¹⁴² According to sources, more passports are applied for from embassies

¹³² For the requirements for applying for an identity card or replacement identity card abroad, see the relevant web pages of the Eritrean embassy in the US and the UK: http://www.embassyeritrea.org/id_cards.htm <http://eritreanembassy.org.uk/identification-card/> EASO, *Eritrea Country Focus*, May 2015.

¹³³ EASO, *Eritrea Country Focus*, May 2015.

¹³⁴ It is not known whether previously issued passports can still be used. COI report on Eritrea, July 2015.

¹³⁵ COI report on Eritrea, July 2015.

¹³⁶ Ibid. EASO, *Eritrea Country Focus*, May 2015. Confidential source.

¹³⁷ COI report on Eritrea, July 2015.

¹³⁸ Ibid.

¹³⁹ COI report on Eritrea, July 2015.

¹⁴⁰ The Eritrean authorities – both in Eritrea and at an embassy – deny that embassies check whether the applicant has paid diaspora tax. COI report on Eritrea, July 2015. EASO, *Eritrea Country Focus*, May 2015. Confidential source.

¹⁴¹ COI report on Eritrea, July 2015.

¹⁴² EASO, *Eritrea Country Focus*, May 2015.

than in Eritrea itself. For example, the embassy in Khartoum issues more than 1,000 passports per year.¹⁴³ A five-year passport extension can also be requested at the embassy.¹⁴⁴ In order to travel from Sudan – or from airports such as Cairo or Istanbul – to Eritrea, Eritreans do not necessarily need a passport. An identity card is sufficient. In such cases, the entry (and later the departure) is digitally recorded at Asmara airport. See also the information under Residence Clearance Form.¹⁴⁵

Fingerprints

Fingerprints are taken and stored in the central digital population register only in connection with an application for a new identity card and/or passport.¹⁴⁶

The residence card

Most citizens are in possession of a residence card which – unlike the 'old' identity card – has a reference number (the so-called ASC number, also referred to as the social security number) of the electronic population register.¹⁴⁷ The residence card is a print-out of the data registered in the database of the Zoba.¹⁴⁸ This is folded up to the approximate size of a credit card.

The print-out is stamped by the Zoba authorities and then used to supplement the information on the identity cards.¹⁴⁹ Because changes such as birth, marriage and death (as well as desertion) are recorded in the database, Eritreans have to apply for a new print-out of their residence card every year.¹⁵⁰ An individual residence card is issued from the age of 15 years. This is (also) needed to apply for an identity card. Eritreans do not usually carry the residence card with them, but keep it at home.¹⁵¹

The family residence card

The family residence card is a handy print-out of the main data of all family members. The document is required in order to gain access to the food distribution subsidised by the government.¹⁵² The family residence card is issued by the Sub-Zoba to one of the family members.¹⁵³ It must be renewed annually.¹⁵⁴

¹⁴³ Most passports shown by Eritreans (claiming to be refugees) at the Italian embassy in Khartoum are issued in Khartoum. Confidential sources.

¹⁴⁴ Confidential source.

¹⁴⁵ In the *Travel Information Manual* of December 2016, IATA states that Eritreans who are in possession of an ID card are exempted from the passport requirement when entering Eritrea. The Eritreans to whom this exemption relates have clearly left the country illegally, as they do not have a passport with an exit visa.

¹⁴⁶ Confidential source.

¹⁴⁷ This reference begins with a three-letter code; the first two letters refer to the Zoba (AS = Maekel, ZD = Debub, GB = Gash-Barka, KE = Anseba, SK = Northern Red Sea, DK = Southern Red Sea), and the third letter shows whether the card is for an individual (C) or a family (F). EASO, *Eritrea Country Focus*, May 2015. Confidential source.

¹⁴⁸ Each Zoba maintains an electronic population register which is updated with data from the Sub-Zoba administration. From this population register, extracts can be printed out for various purposes (for individuals and families). EASO, *Eritrea Country Focus*, May 2015.

¹⁴⁹ Confidential source.

¹⁵⁰ Ibid.

¹⁵¹ Since almost all Eritreans are registered in the database of the Zoba, they can easily obtain a computer print-out by providing their personal details. By means of the ASC number indicated on the residence card, the authorities can check whether a person has completed his or her national service, for example. The residence card is shown during contacts with the government or when public services are received, for example on admission to a hospital. Anyone unable to show a valid residence card will still be treated at a hospital, but must pay for treatment, unlike Eritreans who have a valid residence card with them. Eritreans who have left the country illegally and then returned sometimes collect an updated residence card after returning in order to be eligible for public services again. Confidential source.

¹⁵² Again, a new print-out is regularly required: deceased persons and deserters or missing people are deleted from the database, and newborns are added. Confidential sources.

¹⁵³ Usually the husband, as he does the shopping. The card can be used to buy subsidised food once a month: cereals, sorghum, coffee, rice and bread. Confidential sources.

¹⁵⁴ If a family member has left the country illegally, and his or her residence card is not renewed after one year, his or her name is deleted from the family residence card. The family therefore ceases to receive food for this person. Confidential source.

In the event of a move to another Zoba, a letter is printed with all the details. In the new place of residence, the family will then be re-registered in the digital database. In the event of a move within the same Zoba, the registration remains valid. All that is needed is a data modification, e.g. a change of address.¹⁵⁵

The birth certificate

The registration of a newborn child is compulsory. If parents fail to register a birth within three months, they may be subject to fines or even imprisonment.¹⁵⁶ The birth must first be registered in the family register of the Kebabi office. For this, a proof of birth (for example, a church baptismal certificate in Christian areas) and a vaccination certificate for the newborn child must be submitted.¹⁵⁷ The Kebabi office then issues a 'transfer letter' with all the relevant information for the Sub-Zoba office. This letter must be signed by three witnesses.¹⁵⁸

Parents are supposed to submit the transfer letter, the birth certificate and their residence card to the Sub-Zoba. The data are entered into the database, and the details on paper are stored in a file. Birth certificates in Asmara are issued by the Zoba Maekel.¹⁵⁹ In all other Zobas, the Sub-Zoba authorities are responsible for issuing civil registry certificates.¹⁶⁰ Birth certificates can be issued for a considerable time after birth.¹⁶¹

The marriage certificate

Weddings are celebrated in the traditional way in Eritrea, in the Orthodox or Catholic church or in the mosque. In Asmara, a civil marriage may be contracted at the registry office. Religious certificates are not recognised by the authorities as official marriage certificates, but are used as source documents to register a marriage at the civil registry office.¹⁶²

Applying for certificates from abroad

Eritrea missions abroad do not issue civil registry certificates. However, it is possible to authorise a person in Eritrea via an Eritrean embassy to apply for/collect the required certificate from the authorities in the former place of residence of the person concerned.¹⁶³ The embassy or consulate forwards the details of the applicant and his or her passport to the relevant Sub-Zoba via the Ministry of Foreign Affairs

¹⁵⁵ Ibid.

¹⁵⁶ The penalties are intended to encourage Eritreans in remote areas to register their newborn children (and to have them vaccinated). The government has conducted several campaigns in collaboration with UNICEF to encourage the registration of births. The penalties seem to be mainly symbolic in nature. Confidential source.

¹⁵⁷ If a baby is born in the village, one of the parents goes to the Kebabi office with a birth certificate from the church or three witnesses over 40 years old. The parent also brings a vaccination certificate from the clinic. In rural areas, women sometimes give birth at home. This hardly ever happens in Asmara nowadays. Confidential source.

¹⁵⁸ Confidential source.

¹⁵⁹ In Asmara the whole process is digitised.

¹⁶⁰ Confidential source.

¹⁶¹ The birth certificate shows the date of issue, the registration number, the names of the father, mother and newborn, the date and place of birth, gender and address. There are slight differences between the birth certificates issued in Asmara and those issued elsewhere. For instance, the ASC number and the time of birth (although this is usually not filled in) are shown on birth certificates from Asmara. If the address is a foreign one, for example in Khartoum, the certificate has been applied for from abroad. Birth certificates can be issued for a considerable time after birth. If the person is more than 14 years old, a letter is requested from the Kebabi authorities. If documentary proof of birth is lacking, witnesses may make a statement about the birth. Due to the active role of youth and women's organisations within the communities, failure to register a birth does not always mean that the authorities are unaware of the existence of the child. Confidential source.

¹⁶² EASO, *Eritrea Country Focus*, May 2015.

¹⁶³ Confidential sources.

in Asmara. The latter then prints out the birth certificate and adds the submitted passport photo and a stamp to it.¹⁶⁴

Religious certificates

Catholic and Orthodox churches maintain their own handwritten records, which are used to issue baptismal and marriage certificates.¹⁶⁵ The Sharia courts of the Zobas issue birth certificates.¹⁶⁶

Religious certificates are not recognised as valid proof of identity by the authorities. However, they may be used for the registration of data in civil registers.¹⁶⁷

Church marriage

For the registration of a church wedding at the civil registry office, registration in the family register of the Kebabi authorities is required first. For this it is necessary to submit the church marriage certificate.¹⁶⁸ The Kebabi office draws up a 'transfer letter' with all the relevant information for the Sub-Zoba office. This letter must be signed by four witnesses of the wedding.

For the purpose of registration in the digital database at the Sub-Zoba office, the couple must produce the 'transfer letter' of the Kebabi authorities and the identity cards, residence cards and birth certificates of the couple.¹⁶⁹ These documents, or copies of them, are added to a file that is archived in the office of the Sub-Zoba. Outside the Zoba Maekel, data are recorded manually in the marriage register, and the marriage certificate is issued by the Sub-Zoba office.¹⁷⁰ The couple receives a print-out of the marriage registration in the digital database in Asmara. On the basis of this document, the civil registry office of the municipality of Asmara issues the marriage certificate.¹⁷¹

Traditional marriage

Traditional weddings take place during a gathering of the village to which one or both spouses belong. Registration with the authorities takes place on the same basis as the registration at a church wedding: first the registration in the family register of the Kebabi authorities occurs, followed by registration in the digital database at the Sub-Zoba office. In Zoba Maekel, marriage certificates are issued by the civil registry of the municipality of Asmara, and in other Zobas by the Sub-Zoba office.¹⁷² Moreover, a marriage contract is drawn up, which is signed by the spouses and three marriage witnesses. In the Zoba Maekel, this contract is issued by the Sub-Zoba office. It must be submitted to the civil registry office of the municipality of Asmara. In the other Zobas this contract is issued by the Kebabi and submitted to the Sub-Zoba office.¹⁷³

¹⁶⁴ In the Sub-Zoba of Keren, letters from embassies and consulates were found together with applications for birth certificates. Confidential source.

¹⁶⁵ The Orthodox Church generally uses the Ge'ez (Ethiopian) calendar, but the Gregorian calendar is used for all other documents in Eritrea. EASO, *Eritrea Country Focus*, May 2015.

¹⁶⁶ EASO, *Eritrea Country Focus*, May 2015.

¹⁶⁷ Confidential source.

¹⁶⁸ Ibid.

¹⁶⁹ In Asmara, a religious marriage certificate is enough, as there is no Kebabi office 'transfer letter' given the absence of a lower tier of government. Confidential source.

¹⁷⁰ Confidential source.

¹⁷¹ In the case of a marriage in the Orthodox Church, the marriage is registered by the church and the signatures of the couple and two witnesses for each marriage partner are required. The couple receives a marriage certificate with the emblem and seal of the church. The date on Orthodox Church certificates is shown according to the Ethiopian Ge'ez calendar. Couples who marry in a mosque must first register their marriage with a Sharia court. Confidential source; EASO, *Eritrea Country Focus*, May 2015.

¹⁷² Confidential source.

¹⁷³ Ibid.

Civil marriage

A civil marriage may be contracted at the civil registry office of the municipality of Asmara. A completed application form must be submitted for this. Three witnesses per person must attend and confirm the ceremony. The marriage is then immediately registered by the registrar. The civil marriage must be entered into in a place where one of the spouses or the parents have lived in the past six months. For the conclusion of a civil marriage, both spouses must file a declaration that they are unmarried.¹⁷⁴

If one of the two spouses lives in Eritrea and the other lives abroad, the authorities may issue a marriage certificate.¹⁷⁵

Marriage outside Eritrea

Church weddings also take place outside Eritrea. The Eritrean Orthodox Church in Khartoum, which has 700 members, celebrates weddings between Eritreans. In most cases, the woman is living in Sudan and the man comes from Europe to Khartoum for the wedding. They have to identify themselves with an identity card from Eritrea or the country where they reside.

The identity is not verified in Eritrea, and there is no requirement to submit a declaration of being unmarried. Two months before the wedding ceremony is celebrated, a picture of the two spouses is displayed in the church, so that members can object if they think they know that either of them has been married before. In 2015 the church celebrated around 20 weddings per week. There is a charge of 525 Sudanese pounds (EUR 75) for a marriage certificate. A marriage certificate drawn up in this way is then legalised by the Sudanese authorities in return for a fee, without any verification of the data. Many marriages between Eritreans from the diaspora and Eritreans living in the camps also take place in refugee camps in East Sudan and Ethiopia.¹⁷⁶

The death certificate

The procedure for the registration of a death is not clearly defined and is not the same everywhere. When a patient dies in a hospital, the date and cause of death are recorded on the hospital admission card.¹⁷⁷ In principle, the family completes a form with the details of the deceased person for the purposes of the funeral. The deceased is then recorded in the family register of the Kebabi office.¹⁷⁸ If necessary – for example, if someone has not died in hospital – witness statements can be used to confirm the death. The Kebabi office then issues a 'death letter' to the Sub-Zoba¹⁷⁹, where the death is registered in the database. When a death is registered, the person concerned is automatically removed from the active file/current file of the database. The Sub-Zoba can then print out a death certificate with all the relevant data.¹⁸⁰ The death certificate is required to wind up the estate and any judicial proceedings.¹⁸¹

Approval of guardianship

An approval of guardianship is issued by the Sub-Zoba¹⁸² on the basis of a court ruling. It states that the family council of the father and mother has approved the

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Confidential sources.

¹⁷⁷ Confidential source.

¹⁷⁸ The death is also recorded in church registers. Confidential source.

¹⁷⁹ In Zoba Maekel, certificates are issued by the civil registry of the municipality of Asmara.

¹⁸⁰ The death certificate shows the name of the deceased, the name of the mother, the place and date of birth, gender, nationality, cause of death, place and date of death, place where the deceased is buried and the name of the family member to whom the death certificate was issued.

¹⁸¹ Confidential source.

¹⁸² Or Zoba in the case of Asmara.

guardianship of the child concerned (whose name and age are mentioned). It also states the reason for the guardianship, the decision of the court and the person to whom the guardianship has been granted.¹⁸³

Parental authority

According to the – not yet validated – Constitution of Eritrea (Article 22, Paragraph 2), the two parents are equal in family affairs. Consequently, both parents have parental authority. The still valid Article 204 of the Eritrean Transitional Civil Code (TCCE) from 1991 stipulates that both parents exercise parental authority over minor children. The TCCE is an amended version of the Ethiopian Civil Code from 1960.¹⁸⁴ If one parent dies, the surviving parent will become the children's guardian. If both parents die, the closest relative will be eligible for a guardianship. According to Article 207, Paragraph 1, parents have the right to appoint a guardian in case they die. In Article 207, Paragraph 2, the authority of the guardian is limited. In the event of a divorce, a child under the age of five will be assigned to the mother. Under Articles 241-242, the Family Council has the power to appoint a guardian if spouses divorce;¹⁸⁵ if none of the family is suitable to become the guardian, the court may appoint any person as guardian.¹⁸⁶

In customary law, different regimes are applied according to ethnicity. According to tradition, the guardianship of children in the event of divorce is defined in the marriage contract. In principle, children over five years go to the father, except among the Kunama where lineage and inheritance follow the female line.¹⁸⁷ Among Christians in the highlands (including the Tigrayans) children can decide when they are old enough (from about 14 years) with whom they want to live. Younger children usually live with their mother, while older children live with the father. In some other ethnic groups, the eldest son lives with the mother, the eldest daughter with the father, and an individual decision is made for the other children concerning whom they will live with.¹⁸⁸

Guardianship in the case of half-orphans and orphans

If the parents of a newborn are unknown or the mother dies after birth and the father cannot accept parental authority, the national institute for orphans assumes the guardianship of the child. Interested parties may adopt children from the orphanage, provided they meet certain requirements. The adoption must be ratified by a court.¹⁸⁹

Guardianship in the case of illegitimate children

In the case of illegitimate children, both parents exercise parental authority. Motherhood is recognised by birth (TCCE, Article 739). The father of an illegitimate child is recognised if one of the following conditions is met:

- The parents consider themselves married, and this is accepted by the community/in society, even though there is no marriage contract (TCCE, Article 699) or if witnesses confirm the marital relationship (TCCE, Article 700);

¹⁸³ Confidential source.

¹⁸⁴ Ibid.

¹⁸⁵ As a result, the other parent loses authority over the child. A family council usually consists of the parents or two other relatives of the two spouses, and another member of the community. Confidential source.

¹⁸⁶ <https://www.crin.org/en/library/publications/eritrea-access-justice-children>

¹⁸⁷ Among the Kunama the father has no right to the children after a divorce, even if the mother has filed for divorce or is considered 'guilty'. Confidential source.

¹⁸⁸ There are few if any Muslims among the Tigrayans in Eritrea. <http://orvillejenkins.com/peoples/tigretigraytigrinya.html> Confidential source.

¹⁸⁹ Confidential source.

- The father recognises the child as his (TCCE, Articles 752, 764, and 765, Paragraph 1);
- The mother names the father and it can be assumed that she is correct;
- If the child was conceived by a rape, a court may decide on the paternity (TCCE, Article 758 and 740, Paragraph 3).¹⁹⁰

Adoption

Adoption is only considered if there are no other options and the adoption is in the best interest of the child. Enquiries are made about who would be willing to adopt the child voluntarily. Adoption is regulated in Articles 796-806 of the TCCE. An adoption takes place through an agreement between the adopters and the child or his or her guardian. According to the TCCE, Articles 798 and 802, an adoption agreement is required in the following cases:

- Between the adopters and the child if the child is older than 15 years;
- In other cases between the child and the person who is the child's guardian.

The mother and father of the child must give their approval. If one of the two parents is unable to do so, he/she must be represented by a close relative. If that is not possible, the family council must grant permission.¹⁹¹

Article 804 of the TCCE states that the agreement must be confirmed by a court, failing which it is invalid. Among Muslims, confirmation by a Sharia court is legally valid. In either case, there must be good reasons for the adoption and the adoption must be for the good of the child.¹⁹² Village elders (*shimagle*) are not empowered to take decisions on adoption and guardianship.¹⁹³

Notarial deeds

A notary in Eritrea prepares the deed of sale of property, verifies title to the property and ensures that the transfer deed is registered at the Land Registry. The notary also executes transactions relating to buying and selling, inheritance and the gifting of movable and immovable property.¹⁹⁴

The travel permit

For travel within the country, citizens usually need a travel permit (*menqesaqesi wereqet*) or papers to show that they are completing their national service or have already done so. Permits have different formats, depending on the authority issuing them.¹⁹⁵ A permit includes the identity number of the holder and the approved itinerary and date, but no photo. Foreigners need a travel permit for all domestic travel beyond a radius of 25 km from Asmara.¹⁹⁶ See 2.7 for more details.

The demobilisation card

A demobilisation card shows the name, date of birth, national service number and the period during which the person concerned completed his or her national service.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ https://www.fig.net/resources/monthly_articles/2009/september_2009/september_2009_weldegiorgis.pdf.

¹⁹⁵ Those completing their military service are granted yellow travel permits by the Ministry of Defence; those completing their national service with other ministries or civilian authorities use white travel permits. David Bozzini in *Surveillance & Society: Low tech surveillance and the despotic state in Eritrea (2011)*. Agreed Minutes Presentation by Dr. David Bozzini to the asylum and return division of Switzerland- National Service and State Structures in Eritrea, 16 February 2012. Immigration and Refugee Board of Canada: Eritrea. Military identification cards and permits including appearance (2012-August 2014), 2 September 2014.

¹⁹⁶ EASO, *Eritrea Country Focus*, May 2015.

There is also a photo of the person concerned.¹⁹⁷ For information about those who qualify for a demobilisation card, see 3.7.3.

The exit visa

Eritreans may only leave the country with a valid exit visa issued by the Department of Immigration and Nationality in Asmara or one of the Department's branch offices.¹⁹⁸ In 2013, new exit visas were introduced which are machine-readable.¹⁹⁹ Exit visas cost 200 nakfa and are valid for one month. The date on which the person will travel abroad is fixed, but the return can take place at any time.²⁰⁰ See 2.7.1 for more information on exit visas.

The Residence Clearance Form

Eritreans who have spent at least three years outside Eritrea may, if they (temporarily) return to Eritrea, apply for 'diaspora status' from the Department of Immigration and Nationality in Asmara. In support they need a letter from a foreign mission.²⁰¹ According to sources, payment of the two percent diaspora tax and the signing of the form of repentance are also requirements. After approval, a Residence Clearance Form (RCF) may then be issued within a few days.²⁰² According to information from the authorities, holders of this document are exempt from national service and may leave Eritrea again without an exit visa, contrary to the provisions of Proclamation 24/1992.²⁰³ According to a source there are various categories of Residence Clearance Form. For Eritreans from Sudan, the card is said to be valid for one year, while for Eritreans from other countries it is valid for three years.²⁰⁴

Incidentally, the Residence Clearance Form and hence diaspora status lapse after a continuous three-year stay in Eritrea. The person concerned is then regarded by the government as an Eritrean resident once again, with the associated obligations (national service, exit visa). People who have lived abroad for less than three years are also regarded on their return as resident in Eritrea, and not as members of the diaspora. This could also mean that they are required to perform national service (again or still).²⁰⁵

The student ID

Most young people have a student ID. Every school issues student IDs.²⁰⁶ On arrival at the Endebaguna reception centre in Ethiopia, 40 percent of Eritrean minor

¹⁹⁷ Confidential source.

¹⁹⁸ The branch offices do not need any authorisation from the head office for this. EASO, *Eritrea Country Focus*, May 2015.

¹⁹⁹ An exit visa includes a registration number, the date and place of issue, the expiry date, the period of stay, the number of exits permitted, and the name, date of birth, nationality, passport number, sex, signature and photograph of the holder. The visa is placed in the passport and stamped on exit and entry. Confidential source.

²⁰⁰ EASO, *Eritrea Country Focus*, May 2015.

²⁰¹ This letter refers to a passport, a residence or work permit of the person concerned or some other document showing that the person has been living abroad for at least three years. Confidential sources.

²⁰² The RCF has a photo of the holder and the following on the front: Customer name, Application number, DIN number, Passport number, National ID and Gender. On the back are listed the submitted documents, the date of issue and expiry and a reference number. Eritreans who spend more than three years outside Eritrea retain their nationality. Eritreans who have adopted a different nationality are treated on their return as Eritrean. Confidential sources.

²⁰³ During the talks with the Eritrean authorities, the latter made it clear that the provision of the Residence Clearance Form to returning Eritreans, even if they had deserted and/or illegally left the country, is official policy in response to the needs of the Eritreans in the diaspora. According to the authorities, there is no need to disclose these policies in the *Official Gazette*, as all Eritreans are already aware of them. See also 4.1.3. Confidential source.

²⁰⁴ A validity period of seven years was indicated on Residence Clearance Forms that were seen during the mission in 2016. Confidential sources.

²⁰⁵ Confidential source. UK Home Office, Fact Finding Mission to Eritrea: illegal exit and national service, 20 February 2016.

²⁰⁶ Minors who register at the Italian embassy in Asmara in connection with applications for family reunification are required to identify themselves with a student ID. In urban areas, schoolchildren have a student ID. Elsewhere,

refugees reportedly show their student ID.²⁰⁷ The student ID contains a photo of the holder and the name of the school, the holder's name and address, the class and the school grade.²⁰⁸

Digital database

Each Zoba has a digital database for personal information that is maintained and managed by the Zoba administration. Almost all Eritrean residents are registered in one of these databases: only the population of very peripheral regions, such as nomads, are not registered. The database collects data on people, homes, tenancies, etc. The most developed is the database of Zoba Maekel, in which about 150 computers of different authorities are linked together. However, the Kebabi administrations and the Department of Immigration and Citizenship have no access to this network.²⁰⁹

Each record in the databases has an identification number; in the case of personal data, this starts with the letter code 'ASC'. This ASC number is sometimes also referred to as a social security number. The following data are recorded for a person:

- family registration number, head of household;
- names of other family members;
- address (Zoba, Sub-Zoba, Kebabi, Adi, postcode, street, house number);
- ASC number;
- ID number;
- nationality;
- names of father, grandfather, mother and grandmother;
- place and date of birth;
- origin;
- gender;
- ethnicity;
- religion;
- education;
- profession and job, monthly salary;
- state of health;
- marital status;
- national service status;
- relationship to head of household.

The personal and family data can be printed in several standardised ways. Everyone who is registered in the database receives a print-out of the registered data with the ASC number. This is folded up to the approximate size of a credit card. The print-out is stamped by the Zoba authorities and then used to supplement the information on the identity cards. This document has several names, including 'residence card' and 'social security number'.²¹⁰

not all young people go to school; some have to help the family herd cattle. It is not known whether schools set conditions for issuing a student ID. Confidential sources.

²⁰⁷ A large proportion of the minors who register there are still too young to attend secondary school. Confidential source.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid.

False and forged identity documents

Many Eritrean documents are forged, more often abroad than in Eritrea itself. The demand for such documents is greater abroad, as they are obtainable legally in Eritrea.²¹¹ According to a source, the records of the (civil) registry office issued in Asmara, or Zoba Maekel, are more reliable than records from other regions of the country.²¹²

However, irregularities in the issuance/wording of identity documents cannot be ruled out. This is because witness statements suffice for the issuance of various identity documents when other documents are lacking. This makes it easy to use false testimony to obtain documents which are genuine per se, yet bearing forged data.²¹³

The Eritrean Migration Service regards the authenticity features of the old Eritrean identity card as inadequate. As a result, it claims, the identity card is relatively easy to forge.²¹⁴ According to the Eritrean government, thousands of non-Eritrean Africans use the old identity card to apply for asylum in Europe.²¹⁵ In Sudan, Eritreans can buy a Sudanese alien's card from the Sudanese police for SDG 70 (10 euros). They can add a photo and name and date of birth of their own choosing to this. This card is not recognised as valid proof of identity in Sudan, but it is accepted during the family reunification procedures at the Dutch embassy in Khartoum.²¹⁶ According to a source, Eritrean passports issued in Khartoum are also under a false identity in some cases.²¹⁷ Several European embassies in Khartoum outsource the assessment of documents submitted by Eritreans to specialists, or only accept documents if they are authenticated by their embassy in Asmara.²¹⁸ The Swedish and Spanish embassies in Khartoum in practice only accept Eritrean passports as proof of identity at the start of the reunification process and to gain access to the embassy.²¹⁹

Many marriages take place in Sudan between Eritreans from the diaspora and Eritreans living in Sudan. In Ethiopian and Eritrean churches, advertisements in Tigrinya are displayed bearing the phrase 'business marriage'. They give the name and telephone number of an Eritrean man who, in return for substantial financial compensation, offers to marry an Eritrean woman who is living in Khartoum and would like to travel to Europe in this way.²²⁰ Marriage certificates issued by the Eritrean church can easily be legalised in Sudan.²²¹

²¹¹ All documents are easy to obtain in Eritrea, with the exception of passports and exit visas. According to the human rights report of the US State Department, bribes sometimes have to be paid for the issuance of passports and exit visas. Confidential source.

²¹² Confidential source.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ It is reported, for example, that 'blue cards' (old identity cards) are sold to people smugglers in refugee camps in Ethiopia. Awate.com, *Distribution Of New Eritrean ID Cards In The Diaspora*, 11 December 2015. Confidential source.

²¹⁶ The indicated identity is not checked on the basis of source documents. According to sources, Eritreans change their identity in this way on the basis of personal details supplied by referees in the context of family reunification procedures. False documents are also used by referees in connection with these procedures. Confidential sources.

²¹⁷ Confidential source.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Marriage certificates issued in Uganda are also well known to be suspect. Research has shown that in many cases, one of the two spouses has been previously married and that this previous marriage is registered. Confidential source.

2 Human rights

Objective first-hand information about the human rights situation in Eritrea is hard to obtain. There is no independent civil society in Eritrea and no free press. Information will continue to be incomplete while no independent observers are allowed into the country. Sources do not always have the latest information, and sometimes have an interest in adding their own bias to the facts. In this report contradictory sources are therefore regularly presented in order to offer as complete a picture as possible of the situation in Eritrea. Generally speaking, government officials who committed human rights violations were not charged or punished. The government allegedly committed murder with impunity and subjected prisoners to life-threatening conditions in detention.²²²

During the reporting period, Eritrea achieved some limited progress with regard to its international commitments in the field of human rights. The most important development was a second visit by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in February 2016, following a first visit in early 2015. The OHCHR was able to visit a detention centre for the first time in many years.²²³ In March 2016 the government released four prisoners of war from Djibouti. In addition, an OCHA delegation visited Eritrea. Moreover, the Minister of Foreign Affairs, Osman Saleh, and the head of the UN Delegation in Asmara, Christine Umutoni, signed an agreement on 27 May 2016 on the implementation of the recommendations of the Universal Periodic Review (UPR). See 4.3 for more details.²²⁴

The UN report

In 2014, the UN Human Rights Council set up a Commission of Inquiry (COI), which came out with a highly critical report a year later.²²⁵ The report concluded in June 2015 that since Eritrea had gained independence in 1991 there had been systematic and severe human rights violations on a large scale.²²⁶ Some of the violations were considered by the Commission to fall under the definition of crimes against humanity, such as extrajudicial executions, torture and conscription and forced labour which often lasted a very long time if not for entire lifetimes.²²⁷

²²² Generally speaking, government officials who committed human rights violations were not charged or punished. The government allegedly committed murder with impunity and subjected prisoners to life-threatening conditions in detention. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. FCO, *Human Rights and Democracy Report 2015 - Eritrea*, 21 April 2016.

²²³ The OHCHR delegation visited community courts and spoke with government officials and judges. It also visited a number of village projects and Sembel Prison and Rehabilitation Centre in Asmara. The delegation described it as a brief visit that offered insufficient opportunities for a full assessment of the human rights situation. A workshop was also organised on the implementation of the recommendations of the latest Universal Periodic Review. Reuters, *Insight - Crises give Eritrea routes for closer global engagement*, 29 February 2016. FCO, *Human Rights and Democracy Report 2015 - Eritrea*, 21 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²²⁴ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²²⁵ The members of the COI are: Mike Smith, chairperson; Sheila B. Keetharuth, UN Special Rapporteur for Eritrea and Victor Dankwa from Ghana. UN Human Rights Council: *Situation of human rights in Eritrea* (18 June 2014). And: *Resolution adopted by the Human Rights Council, Situation of human rights in Eritrea* (14 July 2014). For the Eritrean government's reaction to the first report of the COI: Shabait.com, *Commission of Inquiry Report: Devoid of Credibility and Substance*, 19 June 2015.

²²⁶ The Commission based its report of 2015 on 160 (confidential) written testimonies and interviews with 550 Eritrean refugees in the diaspora. The bulk of the testimony and the written sources related to the human rights situation before the period of the COI report on Eritrea of July 2015. UN Human Rights Council: *Report of detailed findings of the Commission of Inquiry on human rights in Eritrea* (4 June 2015).

²²⁷ www.ohchr.org: *Statement to the media by Ms Sheila B. Keetharuth of the Commission of Inquiry* (8 June 2015).

In June 2015 the Commission's mandate was extended by one year.²²⁸ The Commission, which was refused entry to Eritrea²²⁹, released its second report in June 2016.²³⁰

The second report contained little new information, and cited no concrete examples of human rights violations that had taken place since the publication of the report in 2015. The UN Commission of Inquiry again noted the occurrence of systematic and widespread violations of human rights in Eritrea (such as forced disappearances, torture, slavery and arbitrary detention).²³¹ However, the Commission specifies hardly anywhere in the report when, where, how and against whom crimes were committed, or who the perpetrators were.²³² The UN Commission of Inquiry received nearly 45,000 submissions from Eritreans from the Diaspora. According to its Chairperson, Mike Smith, almost all submissions were critical of the investigation and represented part of a campaign by the Eritrean government against the Commission.²³³

Foreign diplomats in Eritrea wonder how it is possible that – given that the Commission states that all forms of human rights violations have taken place on a large scale since May 1991 – this first became known in 2015. Particularly as nearly twenty UN member states which have embassies in Eritrea – and have regularly reported on human rights violations – never mentioned violations on the scale described in the Commission's report.²³⁴ Foreign diplomats in Eritrea were interviewed by the Commission (outside Eritrea), but their views on the situation in Eritrea are not clearly presented in the report.²³⁵

According to diplomatic sources, the lack of openness (due to the use of confidential sources) undermines the credibility of the Commission's report.²³⁶ According to these same sources, however, the report does present an accurate picture of the total lack of transparency and the arbitrary nature of judicial proceedings, which undermine the rule of law and create conditions of virtually total impunity for the

²²⁸ UNGA, A/HRC/29/L.23, 30 June 2015.

²²⁹ According to sources, the Commission's rapporteur seems unable to build bridges with the Eritrean government and will thus never gain access to the country. Some therefore argue for the appointment of a rapporteur who is mutually accepted (by the UN Human Rights Council and the Eritrean government) in order to break the deadlock. Confidential source.

²³⁰ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²³¹ Not only those who criticise the government are arrested arbitrarily according to the Commission. Government officials regularly accuse people of treason and espionage. The following would count as treason: conscientious objection to national service; confession of an unauthorised religion; a request to resign from military/national service; an attempt to withdraw from military service; trying to leave the country; enquiring about the whereabouts of a family member; insulting a senior official or party member or having a friend or family member who is accused of a violation or crime. Regarding political dissidents, the government seems to have silenced all forms of opposition; those who have spoken out against the government in the past have generally disappeared, fled or otherwise been silenced. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²³² The only exception is a list of individual and mass executions in section 93 and a reference to a shooting incident in Asmara on 3 April 2016. The Commission relies on the protection of witnesses, but the confidential nature of the information it uses deprives the Eritrean government of its ability to defend itself against (possibly false) allegations. Partly because of this, the Eritrean government rejects the report in its entirety. Confidential source.

²³³ According to Smith, it was not possible to investigate how widespread the pressure was on Eritreans to sign, but the pressure was greatest in countries where Eritreans are not asylum-seekers but guest workers. In these places, Eritreans need to renew their passport regularly in order to get a work permit. In countries such as the UK or the Netherlands this is not the case. However, the Commission spoke there with Eritreans who did not know how their names had ended up on the list. NRC, *VN: misdaden tegen de menselijkheid in Eritrea*, 9 June 2016.

²³⁴ UNGA, A/HRC/32/CPR.1, 8 June 2016. Frankfurter Allgemeine, *Alles gar nicht so schlimm in Eritrea?*, 6 January 2017. The Commission, which has been unable to visit Eritrea itself, stresses that the façade of peace and tranquillity misleads foreigners in Eritrea. Confidential source.

²³⁵ Ibid. The New York Times, *It's Bad in Eritrea, but Not That Bad*, 23 June 2016.

²³⁶ The fact that, according to sources, the Commission largely relied on witnesses who have an interest in their pronouncements to justify their asylum application or asylum status leads, so it is claimed, to an unbalanced picture and may have influenced the conclusions of the report. Confidential source.

security forces.²³⁷ Sources also state that the lack of fundamental rights and political freedoms are adequately described.²³⁸

The UN report pays little or no attention to socio-economic rights and ignores the significant efforts made by the government, in collaboration with UN agencies and the ICRC, to provide basic health care and education for rural communities. Sources also point out that the Eritrean government has pledged to participate in a UNDP project to implement the government-accepted recommendations of the Universal Periodic Review (UPR).²³⁹ *For more information, see 4.3.*

Regarding the responsibility for human rights violations, the Commission of Inquiry points to the centralisation of power in the hands of the president, the blurred distinction between the government and the PFDJ and the central role played by the National Security Office, which is held responsible for most cases of arbitrary arrest, enforced disappearance and torture. Given the nature of the authoritarian regime, the Commission concludes that officials at the highest levels of the State and the PFDJ and senior officers bear responsibility for crimes against humanity.²⁴⁰

According to the Commission, the Eritrean government tries to keep the population under control through measures such as long national service, regular calls for repeated military exercises, exerting pressure by setting conditions for the distribution of subsidised food, the denial of fundamental rights or discreet spying on people in public space. According to critics of the report, however, the state's 'complete control' over its citizens is contradicted by the fact that thousands of young people leave the country every year, while many others evade conscription.²⁴¹

The Eritrean government stated in response to the report of the Commission of Inquiry that national service is justified by the constant threat from Ethiopia and the failure of the international community to implement the findings of the Eritrea Ethiopia Boundary Commission (EEBC).²⁴² According to Eritrea, women are not discriminated against: women participated in the liberation struggle and occupy 30 percent of senior positions. Christians and Muslims live together in harmony, the government claims, and there are no religious tensions. It adds that there is no shoot-to-kill policy on the border.²⁴³ Education and healthcare are free in Eritrea, and the country has made significant progress towards achieving the UN Millennium Development Goals.²⁴⁴ Eritreans leave the country, according to the government, for economic reasons and because they gain asylum in Europe virtually automatically,

²³⁷ Confidential source.

²³⁸ Ibid.

²³⁹ Eritrea has accepted 92 of the 200 recommendations from the UPR and is now working with UNDP and Norway to implement them. Dialogue on this subject is also taking place with the EU delegation in Asmara. UNDP, *Fast Facts: Supporting Eritrea's efforts to build an inclusive economy based on sustainable growth and greater resilience*, 28 December 2016. Confidential sources.

²⁴⁰ The Commission points out that responsibility also lies with those who instigate or order these crimes, or who organise them; it attributes responsibility not just to the perpetrators but also to those who assist in or allow the execution of the crimes. Confidential source.

²⁴¹ While it is indisputable that Eritrea has no form of democracy whatsoever, sources claim that totalitarian control as in North Korea is impossible, because the means for it are simply unavailable. Confidential sources.

²⁴² The UN Commission of Inquiry writes as follows on this subject: 'On 13 April 2002, the EEBC announced its ruling regarding the conflicting claims over territory between Eritrea and Ethiopia. Among other decisions, it awarded the disputed village of Badme (with approximately 1500 inhabitants) to Eritrea. The Commission recalls that in its first report it concluded that "the international community and the United Nations bear an ongoing responsibility for...the non-implementation...of the ruling on the demarcation of the border between Ethiopia and Eritrea" but added that the Government of Eritrea has often relied on this problem to justify repressive practices.'

²⁴³ The Commission of Inquiry claims that the shoot-to-kill policy has not been scrapped. However, it is clear that the policy has been applied less stringently in recent years. See note 433.

²⁴⁴ Confidential source. See also <http://www.er.undp.org/content/eritrea/en/home/post-2015/mdgoverview.html>.

not because they are victims of human rights violations.²⁴⁵ According to Eritrea, the UN Commission of Inquiry is not neutral, but politically motivated: the Commission only talks to the people it wants to talk to, but is inaccessible to people who want to talk to it.²⁴⁶

It is difficult to gain a clear picture of human rights violations. The report by the UN Commission of Inquiry refers to prisoners who were arrested 15 years ago and have still not been released, but more recent cases are not mentioned specifically.²⁴⁷ To gain a clear picture of the situation, international observers say that it is necessary for a reliable and independent research institute/organisation to conduct in-depth research in Eritrea. The international community in Asmara has urged the Eritrean government to allow this several times, but so far without success.²⁴⁸

2.1 Legal context

2.1.1 *International Conventions and Protocols*

Eritrea is party to the following United Nations conventions in the field of human rights:

- The Convention on the Rights of the Child (since 1994) and the Optional Protocol on children in armed conflict (since 2005) as well as the Optional Protocol on child trafficking, child prostitution and child pornography (since 2005);
- The Convention on the Elimination of All Forms of Discrimination against Women (since 1995);
- The International Convention on the Elimination of All Forms of Racial Discrimination (since 2011);
- The International Covenant on Economic, Social and Cultural Rights (since 2001);
- The International Covenant on Civil and Political Rights (since 2002);²⁴⁹
- The International Convention against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment (since 2014);
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (since 2014).²⁵⁰

In addition, Eritrea is a party to:

- The African Charter on Human Rights and Peoples (since 1999);
- The African Charter on the Rights and Welfare of the Child (since 1999).²⁵¹

2.1.2 *Constitution*

The Constitution of Eritrea, which was approved by Parliament on 23 May 1997, has never entered into force.²⁵² During a speech on Independence Day in May 2014, President Isaias Afwerki announced that a new constitution would be drawn up. In February 2016, the adviser to the President, Yemane Gebreab, informed the UN

²⁴⁵ The Eritrean authorities also report that many Eritrean migrants are in reality Ethiopians. Information Note from the Eritrean Embassy in Brussels, 11 January 2017. See also note 550. Confidential sources.

²⁴⁶ See <http://www.eritrean-smart.org/content/preliminary-response-government-eritrea-report-commission-enquiry>.

²⁴⁷ Prisoners who have disappeared have often been presumed dead. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

²⁴⁸ Confidential source.

²⁴⁹ *United Nations Treaty Collection* (UNTC), www.un.org, consulted 22 November 2016. www.minbuza.nl/producten-en-diensten/verdragen/mensenrechtenverdragen.

²⁵⁰ *United Nations Treaty Collection* (UNTC), www.un.org, consulted 22 November 2016. www.minbuza.nl/producten-en-diensten/verdragen/mensenrechtenverdragen.

²⁵¹ *Office of the High Commissioner for Human Rights* (OHCHR), www.ohchr.org, consulted 22 November 2016.

²⁵² http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126648.pdf.

Commission of Inquiry that a committee had been set up to consider the drafting of a new constitution.²⁵³ At the end of the reporting period there was no new constitution yet.

2.1.3 Other national legislation

After the *de facto* declaration of independence in 1991, a legal system was introduced which was based on Ethiopian law. The Ethiopian Penal Code of 1957, for example, was renamed the Transitional Code of Eritrea. The main legislative reform took place in 1997, but according to sources the transitional legislation introduced at that time did not enter into force.²⁵⁴ Four codes were issued in May 2015: the Penal Code, the Civil Code, the Code of Civil Procedure and the Code of Criminal Procedure.²⁵⁵ Only the Penal Code contains a provision on entry into force. Article 3 provides that the Code will enter into force once it is published in the *Official Gazette*. The Civil Code is not available online. The other codes are available in English on the Internet, but it is not clear whether they have been published in the *Official Gazette*. The new Penal Code and the Civil Code are reportedly available in English in a bookshop in Asmara.²⁵⁶

According to witnesses from the UN Commission of Inquiry, Eritrean judges have not received the new codes, and still apply the earlier transitional legislation. The Eritrean Permanent Mission to the United Nations in New York provided the new Penal Code to the UN Commission of Inquiry, but did not confirm that it had entered into force.²⁵⁷

According to these witnesses, the Transitional Code of Civil Procedure is a reduced and adapted version of the Ethiopian Code of Civil Procedure of 1961. For instance, both codes contain provisions that detainees must be brought before a court within 48 hours of their arrest.

Both also require the accused to be present at his or her trial. And both prohibit arrests without a warrant, other than in cases of *flagrante delicto*.²⁵⁸

The president and the ministries enact new regulations for each decree, which are drawn up without the approval of parliament. These 'proclamations' are published in the *Gazeta Awagiat Ertra*. Other legal sources include government measures, including orders of the military authorities, and personal measures of the president. Little significance can thus be attributed to the written laws.²⁵⁹

The Eritrean government made the following statement about the conclusions of the UN Commission of Inquiry regarding the rule of law in its first report: 'Eritrea is governed by the rule of law. The Government has enacted and implemented 176 Proclamations and more than 120 Legal Notices. The recent revision of the Transitional codes and the enacting of new Civil and Penal Codes that are in

²⁵³ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²⁵⁴ EASO, *Eritrea Country Focus*, May 2015. According to the Eritrean government the transitional laws have entered into force. Shabait.com, *GOE Puts into Effect Civil and Penal Codes and Associated Procedures*, 11 May 2015.

²⁵⁵ The UN Commission of Inquiry had access to a copy of the new Penal Code of 15 May 2015 (*Penal Code of Eritrea of 15 May 2015*). UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²⁵⁶ According to the Eritrean government the laws entered into force after publication. Shabait.com, *GOE Puts into Effect Civil and Penal Codes and Associated Procedures*, 11 May 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. See Eritrea: *Civil Procedure Code [Eritrea]*, 15 May 2015, available at: <http://www.refworld.org/docid/55a51d914.html>. For the Penal Code see: <http://www.refworld.org/pdfid/55a51ccc4.pdf>. For the Code of Criminal Procedure see: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=101053&p_count=4&p_classification=01.

²⁵⁷ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²⁵⁸ Ibid.

²⁵⁹ EASO, *Eritrea Country Focus*, May 2015.

consonance with universally accepted standards and norms is another attestation of the Government's continuous commitment to strengthen the rule of law.²⁶⁰

2.2 Monitoring and legal protection

Once again in this reporting period, it was difficult for the international community to monitor the human rights situation in Eritrea. Compared to the previous reporting period, the country showed slightly more willingness to cooperate with the international community.²⁶¹ The Eritrean government signed an agreement with UNDP to implement the government-accepted recommendations of the Universal Periodic Review (UPR).²⁶² UN organisations such as UNICEF and UNDP, which had to cease their activities in 2011, were active again in the reporting period. The same applies to a limited extent to international NGOs. There are no local human rights organisations or independent organisations operating from civil society in Eritrea. All existing organisations are under strict government supervision.²⁶³ The International Committee of the Red Cross (ICRC) is still active in Eritrea, but mainly for Ethiopian refugees there, and with other aid projects in areas affected by the Eritrean/Ethiopian conflict. The ICRC has no permission from the authorities to visit detainees or people in prison camps.²⁶⁴ Despite their requests, international human rights organisations, the UN Special Rapporteur on Eritrea and members of the UN Commission of Inquiry were likewise refused permission to visit Eritrea.²⁶⁵

2.3 Compliance and violations

During the reporting period, according to the UN Commission of Inquiry serious human rights violations again took place such as enforced disappearances, torture and arbitrary detention.²⁶⁶ The UN Commission of Inquiry also regards the long period of national service as a serious violation of human rights.²⁶⁷ The Commission holds the Eritrean state responsible for these violations. In particular, the Special Court and the security services are said to bear responsibility.²⁶⁸ Other violations relate to the lack of freedom of expression, assembly and religion.²⁶⁹

The international community periodically engages in dialogue with the Eritrean government about these violations. Together with UNDP, which has entered into an agreement with the Eritrean government for this purpose, the implementation of the government-accepted recommendations of the Universal Periodic Review (UPR) is being worked on by the EU delegation in Asmara. However, this process is proving difficult.²⁷⁰ One of the recommendations, namely that freedom of expression should

²⁶⁰ *Commission of Inquiry Report: Devoid of credibility and substance. Available at:* <http://www.shabait.com/news/local-news/20031-commission-of-inquiry-report-devoid-of-credibility-and-substance>, para. 12.

²⁶¹ Confidential sources.

²⁶² For more information, see 4.3. Confidential sources.

²⁶³ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

²⁶⁴ Freedom House: *Freedom in the World 2015 - Eritrea*, March 2015. US Department of State: *Country Report on Human Rights Practices 2014 - Eritrea*, June 2015.

²⁶⁵ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²⁶⁶ Ibid.

²⁶⁷ Other sources are also highly critical of the long national service, but also note that in practice national service (which is mostly civilian in nature) has recently been significantly reduced for many Eritreans. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. UK Home Office, *Fact Finding Mission to Eritrea: illegal exit and national service*, 20 February 2016. EASO, *National service and illegal exit*, November 2016.

²⁶⁸ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. Confidential source.

²⁶⁹ Ibid.

²⁷⁰ Discussions take place with presidential advisers, who are liable to suddenly change their standpoint. Confidential source.

be improved, has led to a media training programme run by Finn Church Aid, in which experienced Finnish journalists have taken part.²⁷¹ The first visit of the OHCHR to a detention centre and the visit by an English judge, Sir Peter Cresswell, to speak to Eritrean lawyers about legislation relevant to Eritrea and improving the legal system are the result of the UPR recommendations.²⁷² Sweden regularly raises the issue that the Swedish/Eritrean journalist Dawit Isaak has been in prison since 2001.²⁷³

Although the law and the constitution (which has not been introduced) prohibit torture and arbitrary detention, both take place in Eritrea. Similarly, although freedom of expression is permitted by law, this right is in practice restricted by the government.²⁷⁴ Although multiple reports and UN resolutions include information on human rights violations in various areas – and the international community and many within the Eritrean diaspora in various countries believe that such violations take place – it is not possible to give concrete examples of these during the reporting period, since reliable and verifiable information on such matters is lacking. This is mainly due to the limited access to Eritrea for independent journalists, researchers and human rights organisations.²⁷⁵ For this reason it is also not possible to indicate whether the overall human rights situation in Eritrea has improved or deteriorated.²⁷⁶ However, sources refer to a worsening economy and repression against the private sector.²⁷⁷ Incidentally, these sources claim that the human rights situation in other countries in the Horn of Africa, including Ethiopia, is not much better.²⁷⁸

Extremely serious human rights violations such as torture and arbitrary detention are thought by the UN Commission of Inquiry to take place on a large scale, but international observers in Eritrea believe that these are isolated cases.²⁷⁹

The Eritrean government claims to be taking steps to prevent human rights violations.²⁸⁰ However, there is no system for monitoring violations or improvements.²⁸¹ According to foreign observers, the population is able to seek protection from the government against some human rights violations, such as sexual violence and rape, even when the perpetrators are government officials, but not against others, such as abuse of power by bodies such as the Special Court.²⁸²

²⁷¹ Ibid.

²⁷² The international community is pressing for more visits to detention centres. For the visit of the English judge: The Slynn Foundation, *E- Bulletin No 13*, April 2016. Confidential source.

²⁷³ Reporters without Borders asked the UN Human Rights Council to pay particular attention to the Dawit Isaak case. RSF, *Reporters without borders gives a statement on Eritrea before the UN Human Rights Council*, 14 March 2016. Confidential source.

²⁷⁴ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

²⁷⁵ Sources also refer to the research method used by the UN Commission of Inquiry, which exclusively cites anonymous witnesses, leaving it unclear in many cases where and by whom human rights violations have been committed. However, this does not mean that unreliable witnesses have been used or that the evidence should not be taken seriously *per se*. Anonymous witnesses are also quoted in other reports, including that of the UK. The quotations used by the UK clearly state the time and place of occurrence. Confidential source.

²⁷⁶ No major changes occurred. Some positive steps were taken, but according to observers were subsequently reversed. Confidential source.

²⁷⁷ Confidential source.

²⁷⁸ Ibid.

²⁷⁹ The foreign observers in Eritrea base their findings on their frequent contacts with local Eritreans, who have recently expressed themselves more openly than before. Confidential sources. See also Frankfurter Allgemeine, *Alles gar nicht so schlimm in Eritrea?*, 6 January 2017.

²⁸⁰ UNGA, A/HRC/WG.6/18/ERI/1, 8 November 2013.

²⁸¹ Confidential sources.

²⁸² Confidential source.

Relatives of people who engage in activities frowned on by the government²⁸³ are still in danger of reprisals according to the UN Commission of Inquiry; whereas according to most foreign observers – unlike in the past – they are no longer at significant risk of reprisals. The same goes for relatives of people who are abroad and who may or may not have had contacts with an Eritrean embassy.²⁸⁴

During the reporting period, Eritrea opened the door to the outside world slightly. Foreign organisations, including the Irish NGO Vita²⁸⁵ and Finn Church Aid, worked together with Eritrean organisations, and foreign journalists from the BBC, Radio France International (RFI) and elsewhere visited the country and were able – with or without supervision – to speak freely with a wide range of Eritreans. The Dutch journalists Koen de Recht and Arnold Karskens also visited Eritrea during the reporting period. Several European countries, including the Netherlands, sent fact-finding missions that were given access to places outside Asmara.²⁸⁶

Open discussion about human rights takes place between the international community and the Eritrean government, but according to observers it is easier to discuss socio-economic rights than political rights. In most cases, the topics for discussion are proposed by the Eritrean government.²⁸⁷

During the International Conference on Eritrean Studies (ICES), which took place in Asmara on 20-22 July 2016 and was attended by scientists from many countries, the foreign speakers are said to have taken a more critical stance than the domestic speakers. Observers concluded that more open discussion is possible, but only within carefully defined frameworks.²⁸⁸

Observers claim that Eritreans say what they think in a private conversation, but adopt a more reserved attitude when there are more people present.²⁸⁹

2.4 Freedom of expression

Freedom of expression and freedom of the press are guaranteed by Article 19 of the provisional constitution of Eritrea. In practice, however, the situation is different, and the Eritrean government continued to restrict these rights seriously during the reporting period.²⁹⁰ All media in Eritrea are state-owned and controlled by the Ministry of Information.²⁹¹ According to the UN Commission of Inquiry, there is no evidence of any improvement in the right to freedom of expression and freedom of assembly.²⁹² During the reporting period, no reforms or changes in the area of freedom of expression took place. However, according to foreign observers Eritreans

²⁸³ Such as leaving the country illegally, not completing national service, or participating in opposition activities.

²⁸⁴ The intention in the past was to prevent people from fleeing the country. Such attempts then ceased. However, Eritreans in the diaspora still worry about this. Confidential sources.

²⁸⁵ CatholicIreland.net, *Ireland supports Eritrea in cattle project*, 23 March 2016.

²⁸⁶ Madote.com, *All foreign visitors to Eritrea acknowledge negative narrative of the country are false: EU ambassador*, 18 May 2016. BBC.com, *Inside Eritrea: Bras, birros and backward shoes in war exhibit*, 23 May 2016. BBC.com, *Eritrea celebrates 25 years of independence after war with Ethiopia*, 24 May 2016.

²⁸⁷ Issues discussed included national service, FGM, child marriage and economic assistance to young people. Confidential sources.

²⁸⁸ Confidential source. See <http://www.ices-eritrea.org/>.

²⁸⁹ Confidential source.

²⁹⁰ EASO, *Eritrea Country Focus*, May 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²⁹¹ Freedom House, *Freedom of the Press 2015 – Eritrea*, 2016. US Department of State, *Country Report on Human Rights Practices 2015 – Eritrea*, 13 April 2016.

²⁹² UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

were given more opportunity to express themselves.²⁹³ During the reporting period, a number of foreign journalists were given permission to visit Eritrea.²⁹⁴

2.4.1 *Press*

According to the Press Proclamation Law of 1996, newspapers and journalists must be licensed and must first submit publications to the government.²⁹⁵ All media are controlled by the Ministry of Information.²⁹⁶ In the 2015 World Press Freedom Index of Reporters Without Borders, Eritrea was ranked last (for the eighth time running).²⁹⁷ In the Freedom of the Press Index, Eritrea was ranked 94th out of 100 countries in 2016, making it one of the ten countries in the world with the least press freedom according to Freedom House.²⁹⁸ However, these indexes relate to conditions for the media and journalists in Eritrea, and not to Eritreans' access to the foreign media.²⁹⁹

2.4.2 *Radio and television*

In Eritrea, all radio and television stations are owned by the state, such as the TV station EriTV, the radio station Dimtsi Hafash (Voices of the Masses) and Radio Zara.³⁰⁰ Eritreans can receive programmes from CNN, the BBC and Al-Jazeera with satellite dishes, although broadcasts are occasionally jammed.³⁰¹ Satellite dishes are used throughout Asmara, Massawa and other cities, and increasingly in rural areas. This also enables radio stations to be received from the diaspora, such as Radio Erena from Paris³⁰², and from Ethiopia.³⁰³

2.4.3 *Printed media*

The newspapers published in Eritrea are under state control.³⁰⁴ Via the Ministry of Information website, shabait.com, access can be gained to the newspapers *Eritrea Profile* (English) *Haddas Ertra* (Tigrinya), *Eritrea Haddas* (English) and *Eritrea Alhaditha* (Arabic). The last three are a single newspaper in several languages. The Ministry also controls the newspapers *Tigrigta* (Tigrinya) and *Geled* (Tigrinya).³⁰⁵ Several years ago, the opposition movement Arbi Harnet (Freedom Friday) published a newspaper, but during the reporting period Freedom Friday had virtually no opportunity to operate in Eritrea.³⁰⁶

2.4.4 *Journalists*

In September 2001, 11 journalists were arrested in a series of raids and subsequently detained at unknown locations. The Eritrean government has refused

²⁹³ The foreign observers in Eritrea – diplomats and employees of international (UN) organisations and companies – base their findings on their frequent contacts with local Eritreans, who have recently expressed themselves more openly than before. Confidential sources.

²⁹⁴ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

²⁹⁵ Journalists must have a permit. Printing or publishing a document from someone without a permit is a criminal offence, as is printing and distributing prohibited foreign publications. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

²⁹⁶ EASO, *Eritrea Country Focus*, May 2015.

²⁹⁷ RSF, *Eritrea – last in the World Press Freedom Index for the last eight years*, 11 June 2015. FCO, Human Rights and Democracy Report 2015 - Eritrea, 21 April 2016.

²⁹⁸ Freedom House, *Freedom of the Press 2015 - Eritrea*, 2016.

²⁹⁹ EASO, *Eritrea Country Focus*, May 2015.

³⁰⁰ Via the website of the Ministry of Information, shabait.com, access is available to the multilingual television station EriTV, the radio station Dimtsi Hafash (Voices of the Masses), which broadcasts in eleven different languages, and the FM station Radio Zara. EASO, *Eritrea Country Focus*, May 2015.

³⁰¹ EASO, *Eritrea Country Focus*, May 2015.

³⁰² However, the signal of Radio Erena has been regularly jammed in recent years. Freedom House, *Freedom of the Press 2015 - Eritrea*, 2016.

³⁰³ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³⁰⁴ EASO, *Eritrea Country Focus*, May 2015.

³⁰⁵ Ibid.

³⁰⁶ Confidential source.

ever since to say where they are and whether they are still alive. According to Reporters Without Borders, only four of them are still alive: Dawit Isaak, Seyoum Tsehaye³⁰⁷, Amanuel Asrat and Temesgen Gebreyesus.³⁰⁸ The government has denied that Dawit Habtemichael, Mattewos Habteab and Wedi Itay have died in captivity, but have refused to disclose details about their state of health and detention.³⁰⁹ According to the Committee to Protect Journalists, 23 journalists were in prison on 1 December 2014.³¹⁰ In January 2015, six journalists who had been held since 2009 were released on bail.³¹¹ The government justifies the lack of press freedom by referring to emergency measures in connection with the 'no war, no peace' situation following the border war with Ethiopia.³¹² Most independent journalists were in prison or living abroad, as a result of which the local media offered little criticism of the government. Journalists practised self-censorship for fear of government reprisals.³¹³ No journalists are known to have been arrested during the reporting period.³¹⁴

2.4.5 *The Internet*

There was little change in Internet use in the reporting period. According to the International Telecommunication Union (ITU), 1.1% of the population had an Internet connection in 2015. In addition, many Eritreans make use of Internet cafés.³¹⁵ With 1.1%, the country has for many years ranked in the bottom three on the ICT Development Index, a list of 166 countries drawn up by the ITU.³¹⁶ The infrastructure for the Internet is controlled by EriTel (Eritrea Telecommunication Services Cooperation), which is also an Internet provider.³¹⁷ The government probably monitored some Internet traffic, including emails. The use of Internet cafés with limited bandwidth was widespread in Asmara, where there are about 100 small internet cafés, and in other major cities, but the majority of the population had no access to the Internet. Government spies are reported to have visited the Internet cafés regularly.³¹⁸ The government discouraged citizens from visiting opposition websites by branding these websites and their designers as saboteurs. Nevertheless, the sites were generally available.³¹⁹ Several independent websites designed by the opposition are active in the diaspora. The most important are Awate, Asmarino and

³⁰⁷ Reporters without Borders asked the UN Human Rights Council to pay particular attention to the cases of Dawit Isaak, a Swedish-Eritrean journalist, and of Seyoum Tsehaye, the former head of Eritrean Television. RSF, *Reporters without borders gives a statement on Eritrea before the UN Human Rights Council*, 14 March 2016.

³⁰⁸ RSF, *Cases of missing journalists in ten countries referred to UN*, 28 August 2015.

³⁰⁹ RSF, *Eritrea urged to provide evidence that three journalists are still alive*, 2 September 2015. See also RSF, *Eritrea: RSF asks Sweden to investigate journalist's detention*, 29 June 2016. RSF, *Eritrea ended media freedom 15 years ago this month*, 21 September 2016.

³¹⁰ <https://cpi.org/imprisoned/2014.php>. No recent information is available.

³¹¹ Bereket Misghina, Yirgalem Fisseha Mebrahtu and Basilius Zemo from Radio Bana; Meles Negusse Kiflu from Radio Bana and Radio Zara; Girmay Abraham from Radio Dimtsi Hafash and Petros Teferi. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³¹² The Eritrean government has stated in response to the UN Commission of Inquiry that since independence no Eritrean has been detained for expressing their opinion or criticising the government, unless their doing so constituted a threat to public order or sovereignty. EASO, *Eritrea Country Focus*, May 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³¹³ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. Freedom House, *Freedom of the Press 2015 - Eritrea*, 2016.

³¹⁴ According to Freedom House journalists were last arrested in 2011. Freedom House, *Freedom of the Press 2015 - Eritrea*, 2016.

³¹⁵ Compared with 0.5% in 2009. <https://knoema.com/atlas/Eritrea/Internet-users-per-100-inhabitants>

³¹⁶ For comparison, here are some percentages for other countries in Africa: Sudan 29.6%, Ethiopia 4.4%, Chad 3.3%, Central African Republic 4.1%, Niger 2.4%. <http://www.itu.int/net4/ITU-D/idi/2015/>. See also <http://www.internetworldstats.com/stats1.htm>. Incidentally, according to a source (almost) all Eritreans who report to Western embassies in Khartoum have a mobile phone with them. Confidential source.

³¹⁷ Other Internet providers include Erisol, Ewan and tFanus.

³¹⁸ See e.g. Asmarino, *Eritrea: Security forces target Internet Cafes in Search of 'Opposition Activities'*, 7 September 2016.

³¹⁹ EASO, *Eritrea Country Focus*, May 2015.

Assenna. The radio station Erena in Paris can also be listened to on the Internet in Eritrea.³²⁰

2.4.6 *Mobile and landline telephony*

According to the ITU, only seven percent of citizens in Eritrea had a mobile phone in 2015. According to Eritel, the figure for 2016 is ten percent.³²¹ Eritrea Telecom (Eritel) built 110 mobile phone masts in 2014, offering coverage of 85% of the country. Some 500,000 Eritreans were connected to the Eritel network.³²² Conscripts are not allowed to have a mobile phone. The government-controlled EriTel has a monopoly on connections. It is neither simple nor cheap to obtain a mobile phone.³²³

2.5 **Freedom of association and assembly**

Eritrean law and the unimplemented constitution provide for freedom of association and assembly. In practice, the Eritrean government limited this freedom.³²⁴ This situation did not change in the reporting period.

2.5.1 *Freedom of association*

The PFDJ is the only political party in Eritrea. Only associations and organisations affiliated with the PFDJ are allowed. Trade unions such as the National Union of Women, the National Union of Youth and Students (NUEYS) and the Confederation of Eritrean Workers are government-controlled satellites of the party.³²⁵ According to the government, 'the formation of political parties has been suspended pending relevant legislation,' but 'this has never been an obstacle to the formation of professional and community associations'. The government is referring to trade unions here. The government also cites laws that protect workers' rights.³²⁶

2.5.2 *Freedom of assembly*

Demonstrating against government policies or expressing criticism in other ways is not possible in Eritrea. Gatherings of members of unrecognised religions are not allowed. For some meetings, the government has occasionally stated that a permit is required for the participants. The government has sometimes intervened when large groups have gathered without prior permission. This did not apply to meetings of government-affiliated organisations or to weddings, funerals or ceremonies of the officially registered religions.³²⁷ The UN Commission of Inquiry gives examples of violations of freedom of assembly, but these occurred before the reporting period.³²⁸

2.6 **Freedom of religion and belief**

Eritrean law and the unimplemented constitution provide for freedom of religion.³²⁹ In practice, the government has not protected and respected this freedom, and this

³²⁰ Ibid.

³²¹ Compared with 2.5% in 2009. According to data from GSMA Intelligence, 25% of the African population had a mobile phone in 2015. GSMA, *The Mobile Economy - Africa 2016*, 2016. <https://knoema.com/atlas/Eritrea/Mobile-cellular-subscriptions-per-100-inhabitants>.

³²² telecompaper.com, *Eritel covers 85% of Eritrea, where only 10% have phones*, 18 May 2016.

³²³ Bloomberg Businessweek: *Eritrea's communications disconnect*, 26 June 2014. Confidential source.

³²⁴ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³²⁵ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³²⁶ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³²⁷ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³²⁸ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³²⁹ There are no reliable statistics about the followers of different beliefs. According to estimates by the government, religious organisations and local UN sources, approximately 48-50% of the population are Christians, and 48-50% are Sunni Muslims. (According to the Pew Charitable Trust, Christians represent 57% of the population and

situation did not change during the past year.³³⁰ There was also no change to the restriction of religious freedom in the military and civil service during the reporting period. Soldiers and conscripts in the army are forbidden to practise their faith.³³¹

On the Open Doors World Watch List 2017, Eritrea fell from third to tenth place in the ranking of the 50 states where Christians are most persecuted.³³² The US Commission on International Religious Freedom (USCIRF) again described Eritrea in April 2016 as a 'Country of Particular Concern', as has been customary since 2004.³³³

Just four religious denominations are allowed: the Eritrean Orthodox Church, the Roman Catholic Church, the Lutheran Evangelical Church and Sunni Islam. Members of these recognised religious groups were able to profess their faith openly, as previously. However, individual members could experience problems if they opposed government involvement in their church,³³⁴ with the government continuing to monitor the recognised religious groups and interfere with appointments. The Orthodox Patriarch Abune Antonios, who protested against this government interference in 2007, is still under house arrest.³³⁵ The Patriarch is said to be in a bad state of health, and to lack medical care.³³⁶ In April 2016, ten Orthodox priests were detained for protesting against his continued detention.³³⁷

The government allowed a limited number of Muslims, especially the elderly and those who were not fit for national service, to participate in the Hajj and to travel abroad for religious studies. The government did not allow Islamic groups to be subsidised by governments of predominantly Muslim countries, in order to keep out foreign 'fundamentalist' or 'extremist' tendencies.³³⁸

2.6.1 *Non-recognised religious groups*

The practice of religion by members of unauthorised religious groups is a criminal activity. Members of non-recognised religious groups such as the Baptists,

Muslims 36%). Most Christians are Eritrean Orthodox, Catholic or Protestant. The other Christian groups (totalling around 5 percent) consist of members of the Greek Orthodox Church, the Pentecostal Church and Jehovah's Witnesses. About 2 percent of the population is animistic; there is a small Baha'i community of 300 members. The Jewish community numbers fewer than five people. Most of the Eritreans leaving the country are Christian. However, as only 5 percent of the population are members of non-recognised Christian religions – who therefore have a difficult time – and the other Christians (45-52%) do not encounter problems because of their faith, it seems – although it is not known here whether any research has been done into this – that there is no direct link between religion and migration for most Christians. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³³⁰ US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³³¹ USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³³² Open Doors: *World Watch List 2016*.

³³³ USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³³⁴ Two priests from Orthodox monasteries were arrested in the second half of 2015. Other priests fled to Ethiopia. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. See also the General Official Report COI report on Eritrea of July 2015.

³³⁵ The only political party, the PFDJ, appointed the Mufti (head) of the Sunni Muslim community, the Patriarch of the Eritrean Orthodox Church and several less senior religious leaders from both communities. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³³⁶ US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³³⁷ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³³⁸ US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

Evangelical groups, the Seventh Day Adventists, Presbyterians and especially Pentecostal congregations and Jehovah's Witnesses have continued to experience serious restrictions in the practice of their faith in recent years.³³⁹ Gathering places have been or remained closed and the government has broken up religious services in people's homes. Believers have been arrested without charge and detained in harsh conditions.³⁴⁰ Members of non-recognised religious groups have also continued to experience difficulty in obtaining passports and exit visas. Conscientious objections to fulfilling national service obligations, in particular by members of Pentecostal congregations and Jehovah's Witnesses, have not been accepted.³⁴¹ The Baha'i have also continued to experience hardship.³⁴²

Public opinion is neutral regarding people's religious affiliation. In general, no one cares about such matters. No information is available about the consequences of apostasy by Muslims in the reporting period.³⁴³

2.6.2 *Jehova's Witnesses*

Jehovah's Witnesses still face serious discrimination.³⁴⁴ In 1994, President Afwerki issued a decree abolishing Jehovah's Witnesses' right to identity cards and government services. As a result, they are unable to register births, marriages and deaths, acquire ownership of land or houses or obtain passports or travel visas. They are excluded from public-sector jobs. The refusal of Jehovah's Witnesses to participate in the referendum of 1993 or to perform military service are reasons for their exclusion from civilian rights.³⁴⁵

US government sources estimated the number of Jehovah's Witnesses in prison because of refusal of military service or the confession of a non-recognised religion at 54 in 2015.³⁴⁶ In contrast with previous years, there were no reports of large numbers of Jehovah's Witnesses being collectively arrested during a religious service.³⁴⁷

2.6.3 *Religious prisoners*

Because the government does not provide any information about detainees, it is impossible to determine the exact number of believers in prison. Believers are often

³³⁹ After a decree (*Proclamation No. 73/1995*) was issued in 2002 introducing mandatory registration of all religious groups wishing to gain permission to practise their faith, a number of smaller religious groups tried to register. So far none of them have received permission. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁴⁰ USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³⁴¹ *Ibid.*

³⁴² US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³⁴³ Confidential sources.

³⁴⁴ US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³⁴⁵ Regarding Jehovah Witnesses, the government has stated that 'The Jehovah's Witnesses forfeited their legal status when they refused to recognize the "temporal government" after liberation and the referendum process'. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³⁴⁶ Jehovah's Witnesses who refused military service are imprisoned without trial. Some, such as Paulos Eyassu, Issac Mogos and Negede Teklemariam, have been in prison since 1994. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³⁴⁷ Religious services are usually held in homes or abandoned buildings. Individual Jehovah's Witnesses who tried to convert others were arrested. Some were released fairly soon after their arrest, in some cases after signing a declaration that they had abandoned their faith. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

arrested and released without this being known.³⁴⁸ Several sources put the number of people who were imprisoned for religious reasons in this reporting period at 1,200 to 3,000.³⁴⁹ The majority belonged to an evangelical or pentecostal community. According to human rights organisations, hundreds of Orthodox Christians and Muslims are also being held, in part because they have put their faith above loyalty to the PFDJ.³⁵⁰ Arrests usually took place during services in people's homes or on other occasions. Conscripts were caught and arrested while praying or reading the Bible or Koran.³⁵¹

The conditions in which religious detainees were held were no less harsh. As in previous periods they were usually detained without charge and without access to family or lawyers. They were subjected to mistreatment and torture and kept in overcrowded spaces and poor living conditions. Some, on the other hand, were kept in solitary confinement. Released religious prisoners told of having been detained in underground cells or metal shipping containers in extreme temperatures. As a condition for their release, they were forced to renounce their faith.³⁵²

2.7 Freedom of movement

The law and the unimplemented constitution provide for freedom of movement and the possibility of foreign travel, emigration and repatriation. In practice, the government limits these freedoms.³⁵³ In the reporting period, the possibilities for domestic travel improved.

2.7.1 Exit visas

It is relatively difficult for Eritreans to leave their country legally. To do so, they not only need a valid travel document but also an exit visa.³⁵⁴ To obtain an exit visa they must be able to prove that they have completed national service or been officially exempted.³⁵⁵

Moreover, the reason for leaving must be stated. The following are regarded as valid reasons by the authorities: medical treatments that are not possible in Eritrea, study abroad, and in some cases participation in sporting events and conferences. Young people may also qualify for exit visas, although there are no known figures here. In addition visas are increasingly being issued to women over 30 whose husbands have left the country.³⁵⁶ The requirements for obtaining a passport and an exit visa were neither consistent nor

³⁴⁸ US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³⁴⁹ During the reporting period there were several reports of new arrests. In 2015 nearly 200 believers are said to have been arrested. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016. US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016.

³⁵⁰ Muslims who are against the government are regarded as fundamentalists. Those who had protested against the state appointment of the Mufti of the Eritrean Muslims and were arrested are still in prison. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³⁵¹ US Department of State, *2015 Report on International Religious Freedom – Eritrea*, 10 August 2016. USCIRF, *Annual Report 2016– Countries of Particular Concern: Eritrea*, 15 April 2016.

³⁵² Ibid.

³⁵³ EASO, *Eritrea Country Focus*, May 2015.

³⁵⁴ Under Proclamation 24/1992, Eritreans must have a valid passport, an exit visa and an international health certificate in order to leave Eritrea legally. The country may only be left via one of the designated border crossing points, including the airport in Asmara, the port of Massawa and various border posts along the border with Sudan such as Talatasher, Adebra, Girmayka and, according to a source, Omhajer and Karura. EASO, *Eritrea Country Focus*, May 2015.

³⁵⁵ Proclamation No. 82/1995 prohibits citizens from going abroad unless they can prove that they have completed their national service or been exempted from it. In certain cases – defined in Article 17 of the Proclamation – conscripts can still obtain an exit visa if they pay a deposit of 60,000 nakfa. (1,000 nakfa = approx. 60 euros). This is refunded when they return to Eritrea to complete their national service. In practice, only conscripts who are sent abroad by the government obtain an exit visa. In addition, the deposit system is said to be applied in an arbitrary manner. Sums of between 100,000 and 300,000 nakfa are mentioned by witnesses from the UN Commission of Inquiry. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁵⁶ EASO, *National service and illegal exit*, November 2016.

transparent during the reporting period.³⁵⁷ According to sources, businessmen, former freedom fighters (*tegadelti*) and their family members and representatives of the government and their family members are also eligible for an exit visa.³⁵⁸ Clergy can get an exit visa if they need to attend meetings abroad in connection with their faith, but only if they belong to a recognised religious community.³⁵⁹

Exit visas are said to be refused to critics of the government³⁶⁰, relatives of persons who have left the country illegally or who have not paid the diaspora tax abroad, entire families or family members travelling together and members of non-recognised religious communities.³⁶¹ Exit visas were also rarely if ever issued to children aged five years or older. Exit visas were usually refused to men under 54 and women under 30.³⁶² People with specific skills (such as teachers or doctors) were also apparently unable to obtain an exit visa.³⁶³ Some candidates for training programmes abroad did not receive an exit visa either.³⁶⁴

The restrictions on the issuance of exit visas make it difficult for many Eritreans to travel abroad legally. Despite this, recently many migrants have apparently left Eritrea legally, now it has become somewhat easier to obtain an exit visa once national service has been completed.³⁶⁵ Lower-level officials are also said to provide exit visas in exchange for bribes.³⁶⁶

Exit visas are issued by the Department of Immigration and Nationality in Asmara or one of the Department's branch offices elsewhere in the country.³⁶⁷ Applicants must present an ID card, a letter of referral from the Kebabi office, proof that the trip is necessary, a completed application form and in addition either a letter of recommendation from an employer or a certificate of completion of national service or a certificate of exemption on medical grounds. For exit visas on medical grounds, a certificate issued by a medical committee must also be submitted.³⁶⁸ Issuing an exit visa usually costs two hundred nakfa, although unofficially the fee varies. The exit visa is put in the passport and looks identical to the entry visa for foreigners.³⁶⁹ Exit visas are normally issued for one month and one trip.³⁷⁰ There are exit visas for a single exit and multiple exits; the latter are mostly used by businessmen. According to the Eritrean government, 60,000 to 80,000 exit visas are granted every year. Recognised members of the Eritrean diaspora do not need an exit

³⁵⁷ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³⁵⁸ EASO, *Eritrea Country Focus*, May 2015.

³⁵⁹ Confidential source.

³⁶⁰ According to the UN Commission of Inquiry, older women – even if they are family members of opponents of the government – are able to obtain an exit visa quickly. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁶¹ EASO, *Eritrea Country Focus*, May 2015.

³⁶² The fact that children aged five years or older were rarely if ever issued a visa does not mean that children under five years could obtain one easily. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³⁶³ Confidential source.

³⁶⁴ For example candidates for the *Young African Leaders Initiative* (YALI) in the USA. Confidential source.

³⁶⁵ There are scheduled flights between Asmara and Khartoum, Istanbul, Sana'a (temporarily suspended), Cairo and Qatar. EASO, *Eritrea Country Focus*, May 2015.

³⁶⁶ EASO, *Eritrea Country Focus*, May 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁶⁷ The branch offices do not need any authorisation from the head office for this. EASO, *Eritrea Country Focus*, May 2015.

³⁶⁸ Ibid.

³⁶⁹ There are reports of Eritrean citizens who travel abroad sometimes having to pay a refundable deposit of 150,000 nakfa. Anyone leaving the country without an exit visa risks a prison sentence of up to five years and a fine of around 15,000 nakfa. (1,000 nakfa = approx. 60 euros). Confidential source. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

³⁷⁰ Confidential source.

visa.³⁷¹ Eritreans who have left the country without an exit visa and return within three years are admitted to the country, but will not be granted an exit visa in future.³⁷²

Because it is difficult to obtain an exit visa, many Eritreans leave the country illegally via Sudan or Ethiopia. They can leave the country on foot, individually or in groups, from Sawa, another military base or a village close to the border. They can also travel individually or in groups to a town near the border such as Tesseney or Guluji (on foot or by public transport), and then cross the border themselves or with the help of people smugglers.

In addition, Eritreans can leave the country from Asmara with the help of organised people smuggling.³⁷³ Members of the nomadic Rashaida tribe have a reputation for being people smugglers. The Eritrean authorities deny any involvement with people smuggling and point out that they have imprisoned a number of smugglers. However, various reports suggest that Eritrea's military is involved in people smuggling.³⁷⁴

Under Proclamation 24/1992, the illegal crossing or attempted crossing of the border and the assistance of others in such attempts may be punished with up to five years' imprisonment and/or a fine of up to 10,000 birr (Article 29, Paragraph 2).³⁷⁵ According to sources such as Amnesty International and the UN Commission of Inquiry (2015 report), conscription evaders and deserters are sometimes imprisoned under harsh conditions and subjected to torture and inhumane treatment if they are arrested during an illegal border crossing. According to another source, conscription evaders and deserters who are arrested are not tortured. If they are detained the (arbitrary) detention may vary from a few days or weeks to – in some cases – several years. After their release, conscripts are sent back to their national service unit, where they may receive an additional punishment. There is some evidence that conscription evaders and deserters are denied access to public services, and for example are unable to obtain business permits, food stamps, passports or exit visas. In practice, almost all Eritreans (except for opponents of the regime) who have left illegally may return to their country without punishment after living at least three years abroad.³⁷⁶

Travel within the country

The main roads in Eritrea (from Asmara to Keren and Barentu, to Massawa and Foro, and to Adi Kua and Senafe) are surfaced and in good condition. There is little traffic, because fuel is relatively scarce and expensive. However, there are frequent buses between the cities, and a bus ticket costs one nakfa (six eurocents).³⁷⁷ There are no domestic flights.³⁷⁸ For travel within the country, individuals generally require a travel permit. Foreigners need a permit for any travel outside a radius of 25 km

³⁷¹ There is a requirement that they must have spent at least three years abroad. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

³⁷² UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

³⁷³ Persons leaving the country illegally run the risk of being kidnapped, sexually abused or used for forced labour. EASO, *Eritrea Country Focus*, May 2015.

³⁷⁴ Ibid.

³⁷⁵ The Eritrean nakfa currency unit was introduced in 1997 with a ratio of 1:1 to the Ethiopian birr. The nakfa is officially pegged to the US dollar at a ratio of 15:1. For years one could obtain 50 nakfa for 1 dollar on the black market, but after the introduction of new banknotes in late 2015 the rate was just 20 to 25 nakfa. EASO, *National service and illegal exit*, November 2016.

³⁷⁶ In December 2015, the Eritrean Ministry of Foreign Affairs issued the following statement: 'Although in purely legal terms, those who leave the country illegally commit an offence and should face appropriate, though lenient, penalties for breaches of the relevant laws, the government waived these regulations to practically exercise clemency for the returnees.' Home Office, *COI UK National Service*, August 2016. EASO, *National service and illegal exit*, November 2016. Confidential source.

³⁷⁷ A minibus ticket costs 10 eurocents. See www.asmera.nl/asmara-transport.htm. Confidential source.

³⁷⁸ Confidential source.

around Asmara.³⁷⁹ Compliance with the travel restrictions is monitored by means of checkpoints and military patrols.³⁸⁰ Checkpoints are usually set up along the main roads to and from cities.³⁸¹ Some checkpoints have a metal barrier, while at others there is simply a rope across the road. Sometimes there are two to five armed or unarmed people at a checkpoint, while at other times there is no one present.³⁸² Until 2010, travel permits were regularly checked, but the checkpoints have only been sporadically manned in recent years – while the number of buses and bus passengers has increased significantly.³⁸³ In general the sole purpose of the check is to establish whether the person is carrying a valid permit, but the information is not verified on the basis of identity or other documents. Many people therefore travel with travel permits borrowed from friends, and forged permits are also relatively easy to obtain.³⁸⁴ If searches are conducted at checkpoints, it is usually for the presence of smuggled charcoal, firewood or fuel.³⁸⁵ Especially in remote areas and near the border, citizens have been asked to show their travel permit at checkpoints.³⁸⁶

Along the borders, a shoot-to-kill policy applies to anyone attempting to cross illegally.³⁸⁷ Given the high number of Eritreans illegally crossing the border (thousands per month), it can be assumed that this policy is not carried out systematically. Eritreans leaving the country are still shot at, but due to lack of capacity and corruption within the army, it has become much easier to cross the border illegally in recent years. According to a source, it has recently become more dangerous for people smugglers who help to bring Eritreans across the border.³⁸⁸ In addition, Eritreans who at some point have gone illegally to Sudan, and who return temporarily to visit friends and family in Eritrea, regularly cross the border to Sudan in order to return to their homes in Sudan. Buses leave daily from Asmara directly to Khartoum without being stopped.³⁸⁹

2.8 Judicial process and detention

2.8.1 *Judicial process*

The unimplemented constitution and the law provide for an independent judiciary. The administration of justice is divided into military tribunals and courts, civil courts (community courts, Zoba courts and the High Court) and a Special Court. All courts are officially accountable to the Ministry of Justice. Although customary law is not officially recognised as a source of law, it is applied at the lowest administrative level by the community courts set up in 2001. The application of sharia law by

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ For example there are checkpoints between Asmara and Keren, between Keren and Hagaz, between Hagaz and Akordat, between Akordat and Barentu and between Barentu and Tesseney. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

³⁸² During the Foreign Affairs Fact Finding Mission in September 2016, only one of the checkpoints, that between Keren and Tesseney, was manned. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. Confidential source.

³⁸³ In the Anseba region, the number of buses has risen from 28 to 260; more than 42 million passengers have travelled to and from Keren since independence. Shabait.com, *Efficient transportation services in Anseba region*, 3 June 2016. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³⁸⁴ In the event of a check, a proof of identity and proof of leave for conscripts are also apparently sufficient. EASO, *Eritrea Country Focus*, May 2015. See also the COI report on Eritrea of July 2015.

³⁸⁵ Diesel is smuggled from Sudan; charcoal is used in coffee ceremonies in Asmara, but may be supplied exclusively by a semi-state enterprise. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

³⁸⁶ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³⁸⁷ EASO, *Eritrea Country Focus*, May 2015. See also note 433.

³⁸⁸ Ibid.

³⁸⁹ The exact composition of the passengers cannot be determined. It is known that many Eritreans living in Sudan can travel back and forth relatively easy with a special pass from the Eritrean embassy in Khartoum. Confidential sources.

Muslims is officially accepted at all three levels within the administration of justice. Sharia is used among other things in family law for Muslims and applied by special chambers within the civil courts.³⁹⁰

The judicial system cannot be regarded as independent, firstly, because it is under the supervision of the President (whose decrees are above the formal law), and secondly because of the role of the Special Court.³⁹¹ The Special Court is run by the President's Office with the help of the secret services, the army and the police. It was established in 1996 as a temporary measure to fight corruption, but is now used by the country's leaders to circumvent the formal judicial system in political, administrative and criminal cases.³⁹² The judges – most of whom are high-ranking military officers – are appointed directly by the president. A large number of criminal cases are now handled by the Special Court. In addition, prison sentences are frequently fixed in advance by secret committees. However, given the secrecy and arbitrariness of these procedures, it is difficult to obtain more information about them.³⁹³

According to a source, community courts regularly refuse to initiate proceedings, and encourage the parties to resolve their disputes amicably where possible. In such cases mediators and tribal elders are asked to adjudicate on the basis of customary law. The resulting agreements are then checked by lawyers of the court. Mediators play an important role in village life and are regarded as morally authoritative. Some mediators are former freedom fighters (*tegadelti*) and have only a limited knowledge of customary law, because they have spent a lot of their time on the battlefield.³⁹⁴

According to witnesses from the UN Commission of Inquiry, abuses of power are frequent within the judiciary. Some judges (those performing national service) receive only a service allowance and are said in some cases to assist in evictions and the demolition of houses in order to transfer land and houses to influential citizens for their own benefit.³⁹⁵

In February 2016 a delegation from the Office of the United Nations High Commissioner for Human Rights (OHCHR) paid a working visit to Eritrea.³⁹⁶ The OHCHR delegation visited community courts and spoke with government officials and judges. It also visited a number of village projects and Sembel Prison and Rehabilitation Centre in Asmara. A workshop was also organised on the implementation of the recommendations of the latest Universal Periodic Review.³⁹⁷

³⁹⁰ EASO, *Eritrea Country Focus*, May 2015. See also <http://www.nyulawglobal.org/globalex/Eritrea.html>.

³⁹¹ Ibid.

³⁹² The Special Court was established in 1996 by Proclamation No. 85/1996 and has jurisdiction over cases involving theft, corruption, illegal currency trading and embezzlement. The court has also given judgment in a number of political cases that were presented as terrorism or treason. According to the UN Commission of Inquiry, the Special Court ignores the most basic legal safeguards, including those provided for in the Transitional Codes. Suspects have no right to legal assistance, nor may they defend themselves. Sessions do not take place in public, and are not reported on. Verdicts are not published. There is no appeal against the Court's verdict. EASO, *Eritrea Country Focus*, May 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁹³ EASO, *Eritrea Country Focus*, May 2015.

³⁹⁴ Ibid.

³⁹⁵ According to witnesses, Eritreans pay amounts of between 50,000 and 2 million nakfa in order to avoid imprisonment and confiscation of their property, including their home. The level of the fine depends on the wealth of the family. (1,000 nakfa = approx. 60 euros). UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁹⁶ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

³⁹⁷ The delegation described it as a brief visit that offered insufficient opportunities for a full assessment of the human rights situation. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

2.8.2 *Arrest and detention*

Eritrean law and the unimplemented constitution prohibit arbitrary arrests and detentions, but in practice these were common in this reporting period, as previously.³⁹⁸ Prison sentences are handed out in Eritrea both on criminal grounds (for ordinary crimes, and for attempts to leave the country illegally) and on political and religious grounds, as well as in connection with military offences such as evasion of military service and desertion. The prison population in Eritrea is unknown, but according to human rights organisations there are between 5,000 and 10,000 political prisoners and (or including) between 1,200 and 3,000 religious prisoners.³⁹⁹ According to the UN Commission of Inquiry, those who have spoken out against the government in the past have generally disappeared, fled or otherwise been silenced.⁴⁰⁰ There is still no clarity about the fate of the G-15, a group of politicians who were imprisoned in 2001 after falling out with President Afwerki.⁴⁰¹

2.8.3 *Prison conditions*

Human rights organisations describe prison conditions in Eritrea as harrowing. Because they have no access to Eritrea, their reports are based on information they have gathered outside Eritrea. As far as can be determined without independent observers, there is overcrowding, poor and inadequate food and drink, poor sanitary conditions and little medical care.⁴⁰²

As a result, and also due to the use of extreme violence, people are said to die in prison.⁴⁰³ The report of the UN Commission of Inquiry in 2015 states that there are 68 detention centres, but this information cannot be confirmed by other (public) sources. According to the Commission, women are usually separated from men, but they are generally not supervised by female guards. Children are detained together with adults without special treatment in accordance with their needs. It is not known whether young people convicted of minor offences and serious criminals are held together.⁴⁰⁴ The Eritrean government does not publish figures on the number of prisons and the number of prisoners in Eritrea.⁴⁰⁵ The locations of many prisons are shown on an Amnesty International satellite map.⁴⁰⁶ As well as in the known prisons, people across the country are also detained in police stations and in informal detention centres by the army and the secret service.⁴⁰⁷ Prisoners are held incommunicado in Aderser and Tesseney prisons and in Track B of the prison in Asmara.⁴⁰⁸ Political prisoners are said to be subjected to solitary confinement more

³⁹⁸ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

³⁹⁹ However, the exact number is impossible to determine due to the lack of information and the refusal of the authorities to grant access to detention centres. EASO, *Eritrea Country Focus*, May 2015.

⁴⁰⁰ The UN Commission of Inquiry interviewed a large number of Eritreans who had left the country illegally in 2014 and 2015. Those who were arrested were charged with minor offences or crimes. Most were detained without due process or trial. In the vast majority of cases their families were not informed. They were tortured in various ways to give information, as a punishment for alleged offences or – according to the Commission – to create a climate of fear. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁰¹ The adviser to the President, Yemane Gebreab, replied during an interview in 2016 when asked where the G-15 were detained and whether they were still alive, 'We have decided that the issue of the 15 is a matter of national interest. We have decided to tackle it in a different way.' The Commission has not received any information to suggest that the government's position has changed. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁰² EASO, *Eritrea Country Focus*, May 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴⁰³ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴⁰⁴ UNGA, A/HRC/29/L.23, 30 June 2015. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴⁰⁵ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴⁰⁶ EASO, *Eritrea Country Focus*, May 2015.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid.

often than other inmates.⁴⁰⁹ According to a source, citizens who illegally leave the country are sometimes detained briefly but are not tortured. According to the UN Commission of Inquiry they undergo torture.⁴¹⁰ Soldiers who leave the country are said to be dealt with much more severely.⁴¹¹ People smugglers are said to be locked up in underground dungeons. They are shown to the public on television and at gatherings.⁴¹²

From discussions with Eritreans in Eritrea and with Eritreans in reception centres in Sudan and Ethiopia it was learnt during the Dutch Foreign Affairs mission in September 2016 that prisoners are sometimes held in underground cells or metal shipping containers.⁴¹³ Some of them were initially held for several months in an underground cell, then in a container and finally for a longer period in an open prison.⁴¹⁴ An Eritrean in the Wad Sharifey reception centre in Sudan likened such an open prison to the Sudanese reception centre: a single open space (with a roof) with a large number of bunks.⁴¹⁵ According to Eritreans in Eritrea, prison conditions in the country vary from moderate to very severe, all the way through to torture.⁴¹⁶

According to the Eritrean government, prisoners receive education and some of them take school examinations. Prisons are provided with radio and television (with a satellite connection). In addition to watching TV, prisoners can also engage in sports and cultural activities. For instance competitions are occasionally organised among the prisoners and the biggest detention centres have a song and dance club (a 'cultural troupe'). These centres are also equipped with a health clinic. Seriously ill prisoners are referred to the National Referral Hospital in Asmara.⁴¹⁷ The government also claims that prisoners have the right to profess their own faith. In Semble prison there is a chapel and a mosque.⁴¹⁸ Prison guards who violate the prisoners' rights are disciplined, says the government. In the city of Dekemhare there is a training centre for police and prison guards.⁴¹⁹

2.9 Maltreatment and torture

Eritrean law and the unimplemented constitution prohibit torture. Despite this, torture (including maltreatment) continued to be used in prisons and detention centres as a form of punishment and as a means of interrogation and exerting pressure during this reporting period.⁴²⁰ Reports of torture are based on the same foreign sources as the reports on detention conditions, as the prisons have not been

⁴⁰⁹ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴¹⁰ It is claimed that they are held for one or two months, depending on their age and circumstances. They are then returned to where they came from. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴¹¹ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴¹² Confidential source.

⁴¹³ During the mission in preparation for this official report, conversations were held with about 20 Eritreans in reception centres in Sudan and Ethiopia. Only a few of them had ever been arrested and detained. Confidential sources.

⁴¹⁴ A former prisoner in a reception centre in East Sudan said he was jailed for seven years on charges of people smuggling. He received one visit a week from his family, who brought him food. According to the EASO report of 2016, it is normal for ordinary (non-political) prisoners to be visited by their relatives, who also bring food with them. EASO, *National service and illegal exit*, November 2016. EASO, *National service and illegal exit*, November 2016. Confidential sources.

⁴¹⁵ Confidential source.

⁴¹⁶ According to some Eritreans in Eritrea, it has recently become easier to make agreements with managers about absenteeism from national service duties. Conscripts who fail to show up for their duties without permission are either not punished or receive a lighter punishment than before. Not only are prison sentences shorter, it is claimed, but conditions are also better than before. Confidential sources.

⁴¹⁷ UNGA, A/HRC/WG.6/18/ERI/1, 8 November 2013.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid.

⁴²⁰ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

visited by foreign observers since 2009.⁴²¹ Torture is used in prisons to extract confessions, to obtain information or as a punishment. There are reports of prisoners being tortured because they have criticised the government, because of lack of discipline during national service, because of insubordination and because other prisoners have escaped. Members of religious minorities (including members of Pentecostal communities and Jehovah's Witnesses) are also tortured for practising their faith or in an attempt to make them renounce their faith.⁴²²

Torture methods include days or even weeks of being handcuffed and bound with ropes to the hands and feet (the 'Helicopter', 'Ferro', 'Otto' or 'Jesus Christ' methods) or being restrained inside a truck tyre ('Goma'). Prisoners have also been subjected to waterboarding and forced to walk barefoot over sharp objects or the baking hot desert floor. Prisoners are also beaten.⁴²³ In February 2016, the Minister of Information, Yemane Ghebremeskel, stated that 'Torture is not allowed'. Torture might occur here and there, he claimed, but not systematically.⁴²⁴ According to the UN Commission of Inquiry, however, torture still takes place on a large scale and methodically in civilian and military detention centres.⁴²⁵

2.10 Disappearances and abductions

In its first report, the UN Commission of Inquiry described how since May 1991 Eritrean civilians have 'disappeared' in the network of official and unofficial detention centres.⁴²⁶ In 2015, an unknown number of people disappeared, and were assumed either to still be in detention or to have died there.⁴²⁷ The government did not inform family members in all cases and did not always respond to requests for information on the status of detainees. This also applied to detained local employees of foreign embassies and to foreigners.⁴²⁸ Among the missing persons were those who had been detained because of their political convictions or their religion, journalists and conscription evaders.⁴²⁹

2.11 Extrajudicial executions and killings

The Eritrean government carried out killings during this reporting period and continued to subject prisoners to severe and life-threatening prison conditions.⁴³⁰ Although the extrajudicial executions that used to be associated with national service do not occur on such a large scale as torture incidents, people have been killed in military raids according to the UN Commission of Inquiry.⁴³¹ On 3 April 2016, several conscripts tried to jump out of trucks in the centre of Asmara.

⁴²¹ EASO, *Eritrea Country Focus*, May 2015.

⁴²² Ibid.

⁴²³ Ibid.

⁴²⁴ Wall Street Journal, *Thousands flee isolated Eritrea to escape life of conscription and poverty*, 2 February 2016.

⁴²⁵ According to a former interrogator, prisoners are struck with whips, plastic pipes and electric batons. Prisoners also have to stand in the hot afternoon sun, their hands and feet are bound in a figure eight and they are suspended in this position from a tree with their head in a bucket of ice-cold water, after which the guards beat them on their hands and the soles of their feet. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴²⁶ According to witnesses from the Commission of Inquiry, friends and relatives were never officially able to obtain information about the 'disappeared'. Some were able to find out something unofficially, for example by bribing a prison guard or talking to fellow prisoners who had been released. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴²⁷ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴²⁸ For example, for foreigners with dual citizenship, such as Eritrean Americans. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴²⁹ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴³⁰ Ibid.

⁴³¹ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

Soldiers reportedly fired on the crowd, and a number of conscripts and bystanders were killed or wounded.⁴³² According to the Commission, the shoot-to-kill policy on the Eritrean border still exists, but is no longer applied as rigorously as in the past.⁴³³

2.12 The death penalty

Eritrea formally has the death penalty for crimes such as murder, but the country is regarded as an advocate of abolishing the death penalty. In December 2014 Eritrea voted for the first time in favour of a (biennial) UN resolution for a moratorium on the death penalty. Reportedly, since Eritrea's independence in 1991 no more death sentences have been pronounced.⁴³⁴

⁴³² BBC, *Eritrean Army Conscripts 'killed in Asmara Escape Bid*, 6 April 2016.

⁴³³ The information received by the UN Commission of Inquiry about an official order to shoot Eritreans who fled the country (a shoot-to-kill policy) was not always consistent. Some witnesses believed that the policy was carried out in a random and chaotic way, depending on the regional commander or border guard. Some witnesses stated that the policy was stricter for those who fled to Ethiopia than for those who fled to other countries. A former border guard said that the policy had been unofficially relaxed in recent years, and that the border guards now only shoot to wound, not to kill. The wounded are then arrested and put in prison. Another former border guard stated that he had been ordered to shoot to kill as recently as 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. See also US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴³⁴ Amnesty International: *Death Sentences and Executions 2015*, 6 April 2016.

3 Position of specific groups

3.1 Members of opposition parties / political activists

There is no organised opposition inside Eritrea. Members of the opposition are either abroad or in prison.⁴³⁵ The fate of the surviving members of the G-15, politicians who were imprisoned in 2001 after they disagreed with the decision by President Afwerki to postpone elections and refrain from introducing the constitution, is not known.⁴³⁶ The opposition movement Freedom Friday has virtually no ability to operate in Eritrea.⁴³⁷ However, the population has access to websites of the opposition in the diaspora, and can listen to radio broadcasts by the opposition.⁴³⁸

3.2 Ethnic minorities

In general, human rights violations do not seem to be based on ethnicity. However, the UN Commission of Inquiry received reports that in late 2015 and early 2016 members of the Afar community were forced out of their homes and members of the Kunama community were arrested arbitrarily.⁴³⁹ According to foreign observers, the Kunama were treated badly during the reporting period. Reports of mistreatment of the Afar could not be confirmed.⁴⁴⁰

3.3 Religious minorities

For religious minorities, see 2.6.

3.4 Women

The position of women is relatively well protected in Eritrean law. Women are formally equal to men, but are disadvantaged in practice and do not have the same status. In national and regional parliaments they are entitled to 30 percent of the seats.⁴⁴¹ Upholding women's rights is the responsibility of the Ministry of Labour and Human Welfare and the Ministry of Health. The National Union of Eritrean Women (NUEW)⁴⁴², which has close ties with the ruling party, also works to improve the situation of Eritrean women.⁴⁴³ Women had access to free contraceptives and professional medical care during pregnancy and birth. Neonatal medical care was available, but women in remote areas did not always endeavour to obtain this care. Moreover, they sometimes lacked transportation or fuel or were not aware of the

⁴³⁵ Confidential source.

⁴³⁶ The adviser to the President, Yemane Gebreab, replied during an interview in 2016 when asked where the G-15 were detained and whether they were still alive, 'We have decided that the issue of the 15 is a matter of national interest. We have decided to tackle it in a different way.' The UN Commission of Inquiry has not received any information to suggest that the government's position has changed. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴³⁷ Confidential source.

⁴³⁸ Ibid.

⁴³⁹ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁴⁰ Confidential source.

⁴⁴¹ During the reporting period, women held 33 of the 150 seats in parliament. <http://www.ipu.org/wmn-e/classif.htm> (Consulted on 24 November 2016.) US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴⁴² The NUEW is a government-affiliated organisation. It claims to have more than 200,000 women members. The NUEW organises seminars, workshops and training sessions on issues such as gender awareness, FGM, communication and leadership skills, reproductive health and land rights for women. See also www.nuew.org.

⁴⁴³ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

care provision.⁴⁴⁴ Some women and girls reportedly married and had children in order to evade conscription.⁴⁴⁵

Violence, including sexual violence

Violence against women, as well as rape, is a criminal offence in Eritrea. Rape carries a ten-year prison sentence and gang rape, rape of a minor or a disabled person carries up to fifteen years. If a perpetrator marries the victim with her consent, he escapes prosecution. Marital rape is not an offence. Out of shame, most women do not report domestic and non-domestic violence or rape.⁴⁴⁶ Domestic violence still occurs frequently, especially in rural areas. Although domestic violence is a crime, such matters are rarely brought to justice. Sometimes an attempt is made to resolve the issue within the family or the religious circle.⁴⁴⁷ According to the UN Commission of Inquiry, some cases of sexual assault in local communities are tried and the perpetrators are sentenced to imprisonment.⁴⁴⁸ Sexual harassment and rape of women during military training and military service still occurred regularly according to the UN Commission of Inquiry.⁴⁴⁹ According to the Commission, some young women had to perform household chores for the military officers in Sawa, Wi'a and other military training camps. They had to cook, clean, do laundry and make coffee. Some women were forced into sexual acts. Military personnel in subordinate positions were ordered to pick up women for their superiors. Women were subjected to physical and mental punishment if they did not cooperate. In some cases they were imprisoned or forced to have abortions.⁴⁵⁰ Women and girls who try to leave the country are reportedly still at increased risk of sexual violence.⁴⁵¹ Some Eritrean women and girls who went to the Gulf States to do domestic work were subjected to sex trafficking on arrival. Smaller numbers of women and girls are sexually exploited in South Sudan, Sudan and Israel.⁴⁵²

Female genital mutilation (FGM)

Since March 2007, female genital mutilation (FGM) has been prohibited by Eritrean law. The penalty for carrying out FGM is up to three years' imprisonment and a fine. Despite this, FGM is still practised in Eritrea, more widely in the countryside than in urban areas. As a result of various public information campaigns conducted in recent years by the government along with the NUEW and the National Union of Eritrean Youth and Students (NUEYS)⁴⁵³, UNICEF and the United Nations Population Fund (UNFPA), the incidence of FGM has decreased, however.⁴⁵⁴ This is also reflected in UNICEF data from July 2014. 83 percent of Eritrean women between the ages of 15 and 49 years had undergone female circumcision (compared to 89 percent previously). Incidentally, these figures suggest that FGM also occurs frequently among Eritrean Christians. About a third of the circumcised girls (especially in rural areas) are subject to the most severe form of FGM, infibulation.

⁴⁴⁴ Ibid.

⁴⁴⁵ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴⁴⁶ Ibid.

⁴⁴⁷ Ibid.

⁴⁴⁸ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁴⁹ Sexual assaults in military training camps, the army and military prisons apparently continue to be committed with impunity. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁵⁰ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁵¹ Ibid.

⁴⁵² US State Department, *2016 Trafficking in Persons Report - Eritrea*, 30 June 2016.

⁴⁵³ The NUEYS is a government-affiliated youth organisation. Its headquarters are in Asmara and it also has seven regional offices and more than 50 branch offices in Eritrea. The NUEYS also reaches out to the Eritrean diaspora: it has access to 20 international associations in more than 15 countries. Among other things it organises seminars and training sessions on gender, human rights, democracy and health issues. It also provides medical facilities in the areas of reproductive health, hotline counselling and first aid, as well as supplying contraceptives. See also www.nueys.org.

⁴⁵⁴ Campaigns are described in 3.5.1 of the COI report of 2014 (May 2014).

For three-quarters of the girls who are circumcised, this happens before their fifth birthday. Views on FGM are also changing; the study mentions that 12 percent of women wish to continue the practice, compared to 49% in previous studies. Sixty-nine percent of girls under 19 years are circumcised, compared to 93 percent of women between 40 and 50 years old.⁴⁵⁵ Many women on health care committees also work to prevent FGM and HIV. Women's empowerment – members of women's organisations taking the lead in improving care for girls and women – is more clearly visible outside the big cities. Since the legal ban on FGM was introduced, there has been a clear decrease in its incidence in girls under 15.⁴⁵⁶ During the Universal Periodic Review (UPR) in February 2014, Eritrea was praised by UN Member States for its efforts to promote the equality of women and eliminate FGM. Eritrea was one of the few African countries which at that time was on track for the three Millennium Goals in the area of maternal and child health. Eritrea had also made significant progress in the fight against HIV/AIDS and other infectious diseases such as tuberculosis and malaria.⁴⁵⁷ During the reporting period this trend continued.⁴⁵⁸

3.5 LGBT

There was no change in the situation of lesbians, gays, bisexuals and transgender people in the reporting period. The Eritrean law criminalises sexual acts between mutually consenting people of the same sex. Those found guilty may be sentenced to imprisonment by a court. The government did not implement this law actively. There is no anti-discrimination legislation protecting LGBT people.⁴⁵⁹ Homosexuality is subject to a social taboo that makes public debate impossible. Also, no LGBT organisations are openly active. Gay people are said to generally exist under the radar. During the reporting period, no (violent) incidents are reported to have occurred by the sources.⁴⁶⁰

3.6 Unaccompanied minors

Eritrean law defines a minor as a person under 18 years of age, unless the law determines otherwise in exceptional cases. Anyone under the age of 18 is regarded as legally incompetent.⁴⁶¹

Orphans

Because of the war and migration, there are many orphans and unaccompanied children in Eritrea. Because the youth and women's organisations are very well structured within the communities, it is known who they are and whether or not they attend school.⁴⁶² Under Eritrean law, parents and the family are responsible for the care of their children. The Eritrean government prefers orphans to live with close or distant relatives. There are also collective homes and foster homes where

⁴⁵⁵ The data on FGM are from the Eritrean Population and Health Survey (EPHS) from 2010, which is supported by UNICEF and UNFPA. Support is also provided by the Norwegian Institute for Applied International Studies (FAFO) and a Pakistani institute. A team from FAFO is ready to carry out a similar survey. UNICEF: *Statistical profile on female genital mutilation/cutting*, July 2014. UNFPA: *Female Genital Mutilation/Cutting Country Profile Eritrea. Prevalence of Female Genital Mutilation/Cutting (FGM/C) among Women Aged 15-49*. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. Confidential source.

⁴⁵⁶ Confidential source.

⁴⁵⁷ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁵⁸ For instance there is good basic care and high vaccination coverage. Confidential source.

⁴⁵⁹ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁴⁶⁰ US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016. Freedom House, *Freedom in the World*, 2016. Confidential source.

⁴⁶¹ See the COI report of July 2015.

⁴⁶² UNICEF is working with the Eritrean government to improve the quality of education. Access to schools is good. For nomadic communities, there is a 'Donkey for School' programme. Confidential source.

orphans live. As a last resort, orphans are placed in an orphanage.⁴⁶³ The orphanages are run by Catholic nuns (from the Ursuline Order). The children receive food, shelter and education. Non-orphans – often poor children – are also taken in by the nuns.⁴⁶⁴ The children with the best school grades are sent by the nuns to the Italian school in Asmara.⁴⁶⁵

3.7 Conscription objectors and deserters

3.7.1 *National service duty*

Several sources report in this period that the extended national service (*Hagerawi Agelglot*) was one of the reasons why people leave the country. Other reasons mentioned are the lack of prospects and job opportunities, the poor economic situation and the poor food supply.⁴⁶⁶

3.7.2 *Active and reserve national service*

National service includes active service and reserve service. By law, active service lasts 18 months and consists of six months of military training (standard) and 12 months in a military or civil role. During the reporting period, recruits were given only three months of military training or even less. An unknown percentage of conscripts is not demobilised after the statutory 18 months but remains on reserve service for an indefinite period – ranging in practice from three to ten years or even longer; this is usually in the same role as during active service.⁴⁶⁷ This reserve service was established after the war with Ethiopia in 2002 as part of the Warsai Yikaalo Development Campaign. The state of 'no war, no peace' with Ethiopia is cited as the main reason for an indefinite period of service. It is claimed in some quarters that the Eritrean state cannot abolish extended conscription because it cannot afford a proper civil service.⁴⁶⁸

3.7.3 *Recruitment*

Under Article 11 of the Proclamation on National Service No. 82/1995, all Eritreans – men and women – between 18 and 40 years are required to register for national service. For this they must present themselves in person at the registration office in the area where they reside. Pupils are required to attend the last year of secondary school (12th grade) at the Sawa Center for Education and Training, in western Eritrea. During the final school year, pupils receive regular schooling and a few months – legally six months, but in practice often less – of military training.⁴⁶⁹ However, many young people do not go to secondary school. Other recruitment methods are therefore also used, especially in rural areas. Anyone leaving school before the 11th grade can be recruited directly by the Kebabi authority once he or she reaches the age of 18. Recruitment puts a lot of pressure on children from poor families in the lowlands, which rely on them to herd cattle or help out with seasonal farming work far from home.⁴⁷⁰ According to the EASO report of May 2015, between

⁴⁶³ In Asmara there is just one orphanage. See the COI report of July 2015.

⁴⁶⁴ A source reports that the children are well looked after. Confidential source.

⁴⁶⁵ At this school the Italian curriculum is used and instruction is given by Italian teachers. There are many Eritrean children at this school whose parents live in the diaspora. The children stay with relatives. Confidential source.

⁴⁶⁶ EASO, *Eritrea Country Focus*, May 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁴⁶⁷ National Service Proclamation of 23 October 1995. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016. Confidential source.

⁴⁶⁸ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. Confidential source.

⁴⁶⁹ Because pupils are called up as soon as they have completed their 11th grade, regardless of age, it can happen that recruits are 17 years or even younger. Young people over 18 who are still attending school may be recruited by the Kebabi authority, especially if there are suspicions that they are staying longer at school so as not to be recruited. EASO, *Eritrea Country Focus*, May 2015. Human Rights Watch, World Report 2016: Eritrea, 21 January 2016.

⁴⁷⁰ EASO, *Eritrea Country Focus*, May 2015.

10,000 and 25,000 pupils are recruited in each recruitment round. Representatives of the National Union of Eritrean Youth and Students (NUEYS) estimate the number of pupils who go to Sawa every year at between 18,000 and 23,000.⁴⁷¹ There are no other schools in Eritrea where the 12th grade, which is necessary in order to progress to higher education and university, can be completed.⁴⁷² Many young people leave school before the 12th grade and avoid going to Sawa in that way.⁴⁷³ According to international observers, many young people have managed to evade conscription.⁴⁷⁴

According to Amnesty International, the year at Sawa consists of six months of schooling, during which pupils are preparing for their final exams, followed by four to five months of military training.⁴⁷⁵ At the end of the year at Sawa, pupils take their final secondary school exam.⁴⁷⁶ After a month's holiday, they return to Sawa.⁴⁷⁷ Those who have passed with good grades and privileged Eritreans continue their studies at one of the eight institutions of higher education run by the government, which offer study programmes of two and four years.⁴⁷⁸ After they have completed their studies, their national service consists mainly of civilian tasks. Those who have passed with lower grades get a professional qualification, either at Sawa or elsewhere.⁴⁷⁹ The vocational training centre in Sawa, established in 2007, consists of five schools providing training in the fields of construction, administration, technology and agriculture. On completion of their vocational training, students are deployed in the civilian or military national service.⁴⁸⁰ According to the UN Commission of Inquiry, recruits who fail their examinations in Sawa or receive military training elsewhere and lack special skills are assigned to a military unit such as the navy or the Mekanayz heavy artillery units. Soldiers who cannot read and write are said to be sent to remote areas. According to another source, young people who fail to get high enough grades at Sawa return home and are then assigned to a military unit. However, this unit could then be assigned to do civilian work, such as building bridges.⁴⁸¹

According to the Landinfo report of May 2016, the six-month military training within national service must be attended at a training centre. According to several sources in recent years, military camps or training centres have been set up in all regions for those who do not take their 12th school year at Sawa. The best-known training

⁴⁷¹ Ibid.

⁴⁷² Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 March 2015.

⁴⁷³ United States State Department, *Trafficking in Persons Report 2015- Eritrea*, 27 July 2015.

⁴⁷⁴ Confidential source.

⁴⁷⁵ Most teachers in 12th grade (the final year of secondary school) and military instructors are themselves conscripts. Former conscripts claimed that the military component consists of physical training, military discipline and training in the use and maintenance of weapons and ammunition. A war simulation exercise away from camp lasting two to four weeks is also part of the military training. Amnesty International, *Just Deserters*, December 2015.

⁴⁷⁶ This is the *Eritrean High School Leaving Certificate examination (matriculation)*.

⁴⁷⁷ According to the Landinfo report of 23 March 2015, Sawa has primarily become an educational institution, and is the size of a small town. 30,000 people can reportedly be accommodated there. According to a source who had visited Sawa and knew others who had done so too, the accommodation in Sawa is good. Although it was crowded (ten students per room), there was no shortage of water. However, there was insufficient food and families sent food for their children. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016. The Norwegian word *Nasjonaltjeneste* means national service. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴⁷⁸ Students with high grades go to university for a degree programme, while those with lower grades go into higher vocational education, and take a diploma programme.

⁴⁷⁹ They may also be directly assigned to national service, whether in the army, navy or air force or in a civilian job. Amnesty International, *Just Deserters*, December 2015. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016.

⁴⁸⁰ Amnesty International, *Just Deserters*, December 2015. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016.

⁴⁸¹ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

centres are Sawa, Klima and W'ia.⁴⁸² Presidential adviser Yemane Gebreab stated in January 2016 that the military training was three months long, and for some conscripts even shorter. According to a representative of NUEYS, young people who do not go to Sawa take their three-month military training at other camps and then join the army or are employed in the civil sector.⁴⁸³

Conscripts are assigned a role by the Ministry of Defence. Civilian conscripts are sent to work in various ministries.⁴⁸⁴ They may be given a job in national, regional or local government or in schools, hospitals, hotels or restaurants. They may also be deployed on national development projects, such as at construction or agricultural businesses under the control of the PFDJ or the army.⁴⁸⁵ According to various reports, recruits are sometimes used to serve the private interests of army commanders or are given jobs in private firms such as gold mine operators. The civil service is mainly reserved for those with special skills, university or higher vocational education graduates or people with special privileges.⁴⁸⁶

Many military conscripts are billeted on the border with Ethiopia. Others are responsible for arsenals, guarding detention centres, or maintaining equipment, military communications and other components.⁴⁸⁷ Military conscripts reportedly receive one month of annual leave, although because this is left to the relevant commander it is apparently somewhat variable. Some get more leave, while others have been away for years from military service.⁴⁸⁸ Leave applications may be made on grounds of personal or family circumstances, including the death of a relative or a marriage, but leave is not granted in all cases.⁴⁸⁹

According to Yemane Gebreab, the adviser to the president, after three months of military training, 85 percent of conscripts perform civilian service and 15 percent are assigned to the army.⁴⁹⁰ There are big differences between military service and a civilian role.⁴⁹¹ Those on military service receive pay, shelter and food from the government. The civilian conscripts have to look after these things themselves. Since wages are below subsistence level, many conscripts take a second or third job. Some also set up a small business to supplement their income while they are on national service.⁴⁹² According to international observers, most young conscripts have part-time civilian duties in addition to their military service duties.⁴⁹³

According to the UN Commission of Inquiry, civilian conscripts are generally not subject to severe penalties in their work. They are frequently absent, because they have a second job in order to make a living. Many people go to work in the morning, but leave after an hour to drink coffee, because there is nothing to do. In some

⁴⁸² Landinfo, Eritrea: National Service (Eritrea: Nasjonaltjeneste), 23 June 2016.

⁴⁸³ Ibid. Confidential source.

⁴⁸⁴ For example, the Ministries of the Interior, of Education, of Health, of Justice and of Tourism.

⁴⁸⁵ Many conscripts are assigned civilian duties relating to the construction of dams, roads, houses and military buildings, or train other conscripts. EASO, *Eritrea Country Focus*, May 2015. Amnesty International, *Just Deserters*, December 2015. EASO, *National service and illegal exit*, November 2016.

⁴⁸⁶ EASO, *Eritrea Country Focus*, May 2015.

⁴⁸⁷ Amnesty International, *Just Deserters*, December 2015.

⁴⁸⁸ Former conscripts stated that they were only allowed to visit a doctor when they were visibly ill. Some soldiers apparently have leave every three to four months, and receive a phone call if they are really needed. An importer of mobile phones, televisions and satellite dishes told BBC reporter Mary Harper on a flight from Dubai to Asmara that he had been on national service for 12 years, but had simply 'dropped out' to become a trader. Amnesty International, *Just Deserters*, December 2015. BBC News, *Has Eritrea's self-reliant economy run out of puff?*, 14 July 2016.

⁴⁸⁹ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁴⁹⁰ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. EASO, *National service and illegal exit*, November 2016.

⁴⁹¹ The Guardian, *Tale of two Eritreans offers glimpse inside Africa's most secretive state*, 17 August 2015.

⁴⁹² Home Office, *COI UK National Service*, August 2016.

⁴⁹³ Confidential source.

ministries, where conscripts work as civil servants, only a handful of officials and the minister are reportedly present. It often takes months before the absentee conscript officials are tracked down. During the first few months of absence, the conscript's pay is withheld. Conscripts who have 'only' been absent for a few months are not penalised on their return to work.⁴⁹⁴

In 2013, reports began to emerge about forced labour for conscripts in the mining sector, particularly in the Bisha mine. This mine is operated by the Canadian company Nevsun, which had hired the local Segen Construction Company to recruit personnel. Segen is owned by the Eritrean government.⁴⁹⁵ In November 2014, three Eritrean men initiated legal proceedings against Nevsun in Canada on the grounds of having been subjected to forced labour in dangerous conditions when they had to work at the Bisha mine as conscripts. They sought compensation from Nevsun on grounds of 'severe physical and mental suffering'. According to Nevsun, no conscripts work in the mine. In 2015, the Canadian human rights lawyer Lloyd Lipsitt, who had been hired by Nevsun, stated that he had found no evidence for the allegations made against Nevsun.⁴⁹⁶ The Supreme Court of British Columbia in Canada rejected an application by Nevsun in October 2016 to dismiss the civil claim.⁴⁹⁷

Nevsun employs approximately 1,200 Eritreans – 40 percent of whom come from nearby villages and the rest from Asmara – and 157 foreigners from countries such as South Africa, Ghana, Zimbabwe, Tajikistan and the UK. It also employs several Eritreans from the diaspora.⁴⁹⁸

3.7.4

Desertion

According to the EASO report of May 2015, those who leave the military or civilian service without permission are regarded as deserters. Most deserters leave either the military training centre at Sawa or another military base, or fail to return after leave.⁴⁹⁹ Article 37 of the National Service Proclamation of 23 October 1995⁵⁰⁰ states the punishments for evasion of national service and desertion. Paragraph 1 states that absconding from national service is punishable by up to two years in prison. Paragraph 3 stipulates that individuals who travel abroad to abscond from national service and return before turning 40 must still complete their national service. Those who return after the age of 40 but before the age of 50 can receive

⁴⁹⁴ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. EASO, *National service and illegal exit*, November 2016.

⁴⁹⁵ Nevsun is the 60 percent owner of the Bisha Mining Share Company (BMSC); the Eritrean state owns the remaining 40 percent. BMSC contracts Segen, an Eritrean state enterprise, to perform construction work in the mine.

⁴⁹⁶ Reuters, *Special Report: We were forced to work for Western-run mine, say migrants who fled Eritrea*, 26 September 2016. For Nevsun's recruitment ads in Eritrea, see http://50.7.16.234/hadas-eritrea/eritrea_profile_03012015.pdf.

⁴⁹⁷ Nevsun has asked Human Rights Watch to conduct an on-the-spot investigation at the Bisha mine. According to Nevsun, Human Rights Watch is only willing to do so if the Eritrean government will at the same time permit an investigation into human rights violations elsewhere in the country. So far, the Eritrean government has not agreed to this. CBCNews, *Forced labour lawsuit against Vancouver mining company can proceed*, 7 October 2016. The Guardian, *Canadian firm faces new forced labour claims over Eritrean mine*, 14 October 2016. EIU, *Civil suit against Nevsun to proceed*, 17 October 2016. Confidential source.

⁴⁹⁸ The Eritreans work for the company for an average of two years, then return home. Local personnel are recruited through job ads in the newspaper for which only demobilised Eritreans may apply. According to Nevsun Eritreans can obtain a demobilisation card relatively easy, but the average age of 41 is much higher than usual in mining. Nevsun pays higher salaries than other companies. For example, a truck driver earns about 8,000 nfa per month, whereas a government minister earns no more than 5,000 nfa. Despite this, Nevsun has trouble in retaining personnel, as Chinese mining companies offer (even) higher salaries for mineworkers already trained by Nevsun. Confidential source.

⁴⁹⁹ According to observers in Eritrea, Eritreans would not return to Eritrea from the diaspora in large numbers if they knew that they were going to be punished. EASO, *Eritrea Country Focus*, May 2015. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵⁰⁰ Proclamation No 82/1995 - National Service Proclamation of 23 October 1995.

up to five years in prison. They also lose the right to a job, a business permit, an exit visa or the ownership of land.⁵⁰¹ Violations are usually punished extrajudicially. In practice, most deserters were able to return from abroad unpunished during the period. See 4.4.⁵⁰²

3.7.5 *National service duty*

Conscription evaders are usually arrested in raids (*giffas* in Tigrinya or *raffas* in Afari). They are detained for some time before starting their military training. However, some conscription evaders succeed in escaping from raids and go unpunished. Every so often military units track down a few conscription evaders, usually those who have already been called up at some earlier stage.⁵⁰³ Those who are not imprisoned (usually at the Adi Abeito prison in Asmara) are sent to military training.

There are said to have been fewer raids than in previous years. The last large-scale raid took place in January 2015.⁵⁰⁴ Civilians informed each other in coded language about the places where raids were being conducted and about hiding places.⁵⁰⁵ Reportedly the military do not comb an entire city in one operation: the raids are spread out over several weeks.⁵⁰⁶ According to a source, house searches in Asmara mainly occurred in the past, but still occur in villages.⁵⁰⁷

According to the EASO report of May 2015, conscription evaders and deserters who are arrested are imprisoned for periods varying between several days and several years.⁵⁰⁸ According to the UN Commission of Inquiry, conscription evaders and deserters are punished severely, but some manage to remain under the government's radar and to get out of military service. According to the EASO report of 2016, many conscription evaders lead a normal life and are never arrested.⁵⁰⁹ According to some sources, the Eritrean government took a more pragmatic attitude during the reporting period regarding conscription evaders and deserters.⁵¹⁰ Fewer and fewer are said to be imprisoned, because there is a lack of people to catch them. After being arrested, some are said to be detained for only a short time or are simply returned to their (national service) workplace. This primarily relates to much-needed professional groups such as teachers.⁵¹¹ Teachers who turn themselves in

⁵⁰¹ Ibid. UNGA, A/HRC/32/47, 6 June 2016. Under the Eritrean Transitional Penal Code (ETPC), a longer prison sentence may be given, up to life imprisonment. Desertion from active military service carries the death penalty. Absconding from national service during a war may carry up to five years in prison. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁵⁰² Kibreab, Gaim, *The Open-Ended Eritrean National Service: The Driver of Forced Migration (Penalties for Desertion or Draft Evasion)*, October 2014.

⁵⁰³ Security agents seal off markets or towns and arrest those who are unable to demonstrate that they have completed their national service or are exempt. EASO, *National service and illegal exit*, November 2016. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵⁰⁴ EASO, *Eritrea Country Focus*, May 2015.

⁵⁰⁵ Young people called the soldiers 'the Gunners' or 'Arsenal' and used football terms to keep each other informed. Asmarino Independent, *Eritrea: Amazing solidarity against gifa in Asmara*, 17 January 2015. EASO, *National service and illegal exit*, November 2016.

⁵⁰⁶ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵⁰⁷ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵⁰⁸ Since the ICRC has no access to prisons, statements about them cannot be verified. In any case, the ICTR never provides information about prison visits. EASO, *Eritrea Country Focus*, May 2015.

⁵⁰⁹ According to the UN Commission, they go in fear of being reported by spies or being discovered at a military checkpoint. According to a report by Amnesty International in 2015, conscription evaders and deserters who wanted to flee the country are locked up incommunicado in police stations, prisons and unofficial military detention centres. It is claimed that most of them spend six to eight months in detention. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. Amnesty International, *Just Deserters*, December 2015. EASO, *National service and illegal exit*, November 2016.

⁵¹⁰ Home Office, *COI UK National Service*, August 2016.

⁵¹¹ Ibid. Whether people are sent back to their (military or civilian) post or are punished – punishments are mentioned of a few days, a few months or up to three years – depends on many factors. In general, the impression is that, to the extent that punishment takes place at all, military conscripts are punished more heavily than civilian conscripts, and those with good contacts and networks are punished less severely. UK Home Office,

after deserting from the Ministry of Education can return to work at the ministry without being penalised.⁵¹²

According to various fact finding missions that visited Eritrea in 2016, the treatment of deserters has become less harsh in recent years. As deserters are not systematically detected, some of them apparently avoid punishment. Thousands of Eritreans who had left the country illegally are said to have returned and in some cases set up their own business. The government appears to have left them undisturbed.⁵¹³ Presidential adviser Yemane Gebreab claimed that there were tens of thousands of Eritreans in 2016 who had not completed their compulsory national service. Gebreab also stated that an amnesty had been proclaimed in the spring allowing deserters to return to their national service unit without facing any consequences. According to an EASO report of November 2016, conscription evaders who were caught were detained for several months if it was their first such offence. The punishment of deserters from military units was said to be stricter than that of deserters from civilian functions.⁵¹⁴

In 2005, the Eritrean authorities began imposing a fine of 50,000 nakfa on relatives of deserters and conscription evaders who had illegally left the country. Those who were unable to pay the fine were sometimes put in prison for some time or were required to take the conscript's place. Business permits were revoked and property was confiscated. However, these punishments were not enforced consistently and could vary from region to region. In recent years there have been far fewer reports of the persecution of relatives, probably because the Eritrean army no longer had sufficient capacity for the purpose in view of the high number of deserters. Recent sources claim that the punishment of relatives is occurring less frequently and is not widespread. According to observers, however, the punishment of relatives can still occur for various reasons, especially away from the cities – and above all in the Zoba Debub region that lies close to the border.⁵¹⁵ Here, relatives are apparently no longer fined, but are sometimes detained and then released after a few months.⁵¹⁶ According to the UN Commission of Inquiry, some witnesses talked of reprisals against family members, but their statements are difficult to investigate and do not make it possible to infer whether this reflects the general situation.⁵¹⁷

3.7.6 *Exemption and demobilisation*

All Eritrean citizens must complete their national service, but Proclamation on National Service No. 82/1995 provides for certain exceptions: in Article 15, disabled, blind or mentally deranged persons are exempt from national service, and Article 12 states that nationals who fulfilled their national service obligation before 1995 are

Fact Finding Mission to Eritrea : illegal exit and national service, 20 February 2016. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016.

⁵¹² UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁵¹³ In December 2015, the Eritrean Ministry of Foreign Affairs issued the following statement: 'Although in purely legal terms, those who leave the country illegally commit an offence and should face appropriate, though lenient, penalties for breaches of the relevant laws, the government waived these regulations to practically exercise clemency for the returnees.' EASO, *National service and illegal exit*, November 2016. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵¹⁴ Those who had not completed their 11th grade did not fulfil their national service requirement. According to Gebreab they were not persecuted, but they could still be called up if necessary. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. EASO, *National service and illegal exit*, November 2016.

⁵¹⁵ EASO, *Eritrea Country Focus*, May 2015. Home Office, *COI UK National Service*, August 2016.

⁵¹⁶ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵¹⁷ EASO, *Eritrea Country Focus*, May 2015. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. EASO, *National service and illegal exit*, November 2016.

exempted, as well as fighters and militias who were involved in the war of liberation. Temporary postponement of national service is provided for students at universities and secondary schools. Pregnant and lactating women receive an exemption.⁵¹⁸

While national service is in practice of indefinite length, there are indications that it may be easier for some people to demobilise than was the case previously. The following factors are relevant here:

- Gender. Women over 27 who are married or engaged, are pregnant or have children;
- Occupation. According to some sources, those in shortage occupations (such as teachers, geologists and engineers) are demobilised more easily;
- Employment sector. According to sources, some ministries, such as the Ministry of Foreign Affairs, demobilise their employees sooner than others, such as the Ministries of Health and Education;
- Breadwinners who are the sole provider for their family;
- Good relations. Good relations with one's commander or manager make the demobilisation process easier.⁵¹⁹

Other factors that may be relevant are the person's contacts with the government, medical reasons, the payment of bribes, or dismissal due to economic reasons or family circumstances.⁵²⁰

In practice, women who are married or engaged, have children or are pregnant, as well as Muslim women from rural areas are normally exempted from the military part of national service. However, they are occasionally recruited during a raid or assigned to a civilian function. Recruits may marry during national service (except during the six-month military training) and apply for demobilisation, although this is not always granted. Women who give birth during national service are usually demobilised, however.⁵²¹ Women who have not received demobilisation papers often work at home or in shops, although they run a slight risk of being recruited during a raid. Women over the age of 27 can regulate their status, i.e. get officially demobilised. Women often marry – or become pregnant – to avoid military service, not least because they are afraid of sexual violence.⁵²²

3.7.7 *Reform of national service*

In December 2014, the Minister of Foreign Affairs announced that national service would be reduced to the 'active' part of 18 months, starting with the next intake of recruits. The 'reserve national service' would then be abolished.⁵²³ Contrary to statements made in late 2014 and early 2015 about limiting the duration of national service, there were no indications during the reporting period of a formal change of policy along these lines. For instance, the Minister of Information, Yemane Ghebremeskel, stated in 2016 that there were no plans to discontinue or shorten national service.⁵²⁴ According to observers, the Eritrean government is divided on this question: some are convinced that shortening national service is harmful to the

⁵¹⁸ Gaim Kibreab: *The open-ended Eritrean national service: the driver of forced migration* (October 2014). UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁵¹⁹ Home Office, *COI UK National Service*, August 2016.

⁵²⁰ Home Office, *COI UK National Service*, August 2016.

⁵²¹ As a result, the number of early marriages has increased. Parents take their daughters out of school when they are 15 years old so that they can marry and avoid national service. At the same time, these women – like others who do not fulfil their national service – lose many privileges, including the ability to acquire land, ration cards, exit visas or passports. EASO, *Eritrea Country Focus*, May 2015. Amnesty International, *Just Deserters*, December 2015. Landinfo, *Eritrea: National Service (Eritrea: Nasjonalteneste)*, 23 June 2016

⁵²² EASO, *Eritrea Country Focus*, May 2015. Amnesty International, *Just Deserters*, December 2015.

⁵²³ See COI report on Eritrea, July 2015.

⁵²⁴ Reuters, *Eritrea won't shorten national service despite migration fears*, 25 February 2016.

country's defence interests in the 'no peace, no war' situation with Ethiopia.⁵²⁵ Although the government intends to reform national service, it cannot be scrapped or shortened from one day to the next, it is argued. Given that the majority of the population consists of civilian conscripts, the country might come to a halt if that happened.⁵²⁶

Instead of any formal reduction in the length of national service, the following reform measures have been introduced: first steps to increase salaries to professional level, the granting of an exemption for at least one category (those wishing to train as teachers) and a further lowering of the age at which women can demobilise to 27 years (previously 30 years). In practice conscription periods of three to ten years (and sometimes longer) are said to occur.⁵²⁷

3.7.8 *Conscripts' incomes*

According to the EASO report of May 2015, military recruits are paid very little: during the military training they receive less than 110 nakfa per month and afterwards about 500 nakfa per month. They cannot live on this or support a family.⁵²⁸ Former freedom fighters (*tegadelti*) and senior officers earn salaries of up to 3,000 nakfa per month. (1,000 nakfa = approx. 60 euros).⁵²⁹ Civilian conscripts generally earn 700 to 1,000 nakfa per month (up to 1,500 for doctors). The minimum monthly wage is 360 nakfa.⁵³⁰ As a result, both civilian and military conscripts often depend on their (distant) relatives, especially those in the diaspora.⁵³¹

In early 2016, the government made plans to increase conscripts' pay: from 2,000 to 2,500 nakfa for the lower-skilled and to 3,500 nakfa for the higher-skilled. In return for such a salary, however, the government expects conscripts to be willing to continue in their jobs after release from national service.⁵³² A cautious start has now been made on introducing this measure. Some civilian conscripts were found to be already receiving the 'new' salary at the end of the reporting period, while others were not yet doing so. Observers were cautiously optimistic about the implementation of the salary increase. The new salaries are in some cases higher than salaries in the private sector.⁵³³

⁵²⁵ Although this is not a rational argument, since the majority of conscripts are in civilian service. However, until the border conflict with Ethiopia is resolved, this argument will continue to be used. Confidential source.

⁵²⁶ UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁵²⁷ Eritreans in national service receive military training, but many are given a civilian job after a few months and then work as doctors, nurses, teachers or engineers. For years they have earned less as conscripts than ordinary civil servants and often complain that they have a career forced on them that they have not chosen themselves. Some are demobilised after two or three years of service, others after more than ten years. As a result, young people find it difficult to plan their lives. Eritreans abroad have no confidence in the reform of conscription, but Eritreans who have remained in the country say that conscripts are now being paid better. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. TesfaNews, *Eritrea Raising National Service Salary by 700%, Won't Shorten to 18 Months Limit*, 25 February 2016. EASO, *National service and illegal exit*, November 2016.

⁵²⁸ The rent for a simple apartment is 500 nakfa per month, for example. EASO, *Eritrea Country Focus*, May 2015. Amnesty International, *Just Deserters*, December 2015.

⁵²⁹ Soldiers on military service sometimes work in agriculture or industry, or work privately for their commander. EASO, *Eritrea Country Focus*, May 2015. On the nakfa, see note 375.

⁵³⁰ Critics regard the civilian service as forced labour; conscripts are employed by their employer, but must remain on stand-by and may be recalled for military service. EASO, *Eritrea Country Focus*, May 2015.

⁵³¹ Amnesty International, *Just Deserters*, December 2015.

⁵³² This would bring the salaries of civilian conscripts into line with those of 'regular' civil servants (2,000 nakfa per month; 133 euros). UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. EASO, *National service and illegal exit*, November 2016.

⁵³³ Confidential source.

Citizen militias

The People's Army (*Hizbawi Serawit*) was established in March 2012 after the Ethiopian incursion in the Afar region, and was reinforced after the Ethiopian army invaded the area around the town of Badme in June 2012. People were issued with weapons such as AK47 rifles and ammunition and were required to meet every Sunday morning for exercises. Both men and women between the ages of 18 and 70 are obliged to participate in exercises on sports fields. In practice, those who participate are those who have already been released from national service and people over the age of 50 who are no longer part of the reserve army.⁵³⁴ According to some sources, this arming and training reflects the Eritrean defence strategy, which focuses on a small but well-equipped army and a population that can be mobilised in a very short time. According to other sources, the People's Army was established because of the weakness of the army, which suffers from a lack of personnel and lack of confidence in the political leadership. The weekly training was continued until the winter of 2013. After that, members of the militia were occasionally called up for a training session. They were then used to guard banks and government buildings.⁵³⁵ According to the international community in Asmara, in autumn 2014 there was little response to call-ups for training. The few who did show up were mostly businessmen who could not afford to lose their permit.⁵³⁶ Those who ignore the call-up to the People's Army risk losing their ration cards or identity documents or going to prison. Despite this, many ignored the call-ups in late 2014 and early 2015. Raids were reportedly conducted to round them up.⁵³⁷ In May 2015, according to a source, everyone (again) attended training for the People's Army.⁵³⁸ Members were given a new card to show that they had registered. According to the same source, cards were not always checked. People go home early to avoid checks and warn each other if they see that checks are being carried out. Sometimes people are unjustly detained on these occasions and taken to prison. The family then has to try to prove the family member's innocence and get him or her released.⁵³⁹ During the reporting period, few if any armed militiamen were seen guarding public buildings. According to the public site Global Security, members are only recruited in Asmara and Keren.⁵⁴⁰

⁵³⁴ Amnesty International, *Just Deserters*, December 2015. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016.

⁵³⁵ Call-ups were posted on walls and lamps in the local area. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016.

⁵³⁶ Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016. Home Office, *COI UK National Service*, August 2016. US State Department, *2016 Trafficking in Persons Report - Eritrea*, 30 June 2016.

⁵³⁷ However, no information is available about mass arrests or retaliation measures against those who do not show up. EASO, *Eritrea Country Focus*, May 2015. Landinfo, *Eritrea: National Service (Eritrea: Nasjonaltjeneste)*, 23 June 2016.

⁵³⁸ People received six weeks of military training according to a source. After this, they had to perform evening or daytime guard duty once a week. If someone fails to show up, he will have the same duties for an extra three to five days. Stricter punishments are also imposed: one to three months in prison. UK Home Office, *Fact Finding Mission to Eritrea: illegal exit and national service*, 20 February 2016.

⁵³⁹ UK Home Office, *Fact Finding Mission to Eritrea: illegal exit and national service*, 20 February 2016.

⁵⁴⁰ <http://www.globalsecurity.org/military/world/eritrea/peoples-army.htm>. Confidential sources.

4 Refugees and displaced persons

4.1 Flows of displaced persons and refugees

4.1.1 Foreign refugees

The Eritrean government has not signed the Geneva Convention on Refugees. In April 2012, the government signed the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organisation of African Unity (OAU), but has not yet ratified this. Eritrea has no domestic legislation governing refugees. The Eritrean government recognises Somali refugees on a *prima facie* basis. There is no asylum procedure for taking in asylum seekers from other countries. Somali refugees have been living in Eritrea for 20 years, where they enjoy adequate protection.⁵⁴¹ In early 2016, the total refugee population consisted of 2,469 Somalis in camps and 65 'urban refugees'. During the reporting period there were no internally displaced persons (IDPs) in Eritrea.⁵⁴²

4.1.2 Migration flows

Tens of thousands of Eritreans leave the country every year. In 2015, 35,500 Eritreans fled the country, according to the UNHCR. At the end of 2015, 411,300 UNHCR-registered Eritrean refugees were living outside Eritrea; in 2014 the figure was 363,000.⁵⁴³ According to the UNHCR, 70-80% of Eritreans do not register, which means that the number of Eritreans in the diaspora is many times greater.⁵⁴⁴

In 2015, 59,100 asylum applications were made in the Netherlands, almost double the number from 2014 and triple that from 2013.⁵⁴⁵ The second highest number of asylum applications (8,054) were made by Eritreans.⁵⁴⁶ In the 28 EU Member States, applications from 338,900 asylum seekers, including 27,600 Eritreans, were approved in 2015.⁵⁴⁷ In the EU countries the average acceptance rate for Eritrean asylum applications was 87%.⁵⁴⁸

⁵⁴¹ On 2 September 2015, 33 Somali refugees from the Umkulu Refugee Camp in Massawa voluntarily returned to Somalia. Some of them had spent more than 20 years in asylum in Eritrea. UNHCR, *Eritrea: 33 Somali refugees repatriate voluntarily*, 2 September 2015. UNHCR, *Eritrea Factsheet*, January 2016.

⁵⁴² UNHCR, *Eritrea Factsheet*, January 2016.

⁵⁴³ UNHCR: *Global Trends. Forced displacements 2014*, 20 June 2016.

⁵⁴⁴ Although estimates of the number of Eritreans per country vary, numbers of Eritreans indicated by the Eritrean government who – according to a leaked report – had to be pressurised to sign the petition against the report by the UN Commission of Inquiry give a picture of the presence of Eritreans in the diaspora, apart from Eritreans in Ethiopia: Sudan, 70,000; USA, 52,000; Saudi Arabia, 35,000; Scandinavia, 25,000; Israel, 25,000; Germany, 22,000; Switzerland, 20,000; Australia, 8,000; UK, 8,000; Canada, 7,300; Italy, 6,000; The Netherlands, 6,000; Qatar, 6,000; South Sudan, 4,000; South Africa, 3,000; Uganda, 3,000; UAE, 2,000; Kenya, 2,000; Libya, 1,000; Egypt, 1,000; Belgium, France and Ireland, 600; India and China, 100. However, by no means all of these are refugees: in Israel, Saudi Arabia and the Gulf States they are migrant workers employed on a contract basis. Over the past three years, Israel has persuaded 4,000 Eritreans to leave. They returned 'voluntarily', in order to avoid detention in Israel. UNHCR, *East Sudan Briefing note*, July 2016. Assenna.com, *Leaked document show government estimates over half a million will sign petition denouncing UN human rights report on Eritrea*, 1 May 2016. EASO, *National service and illegal exit*, November 2016. Thinkprogress, *Israel Is Secretly Shipping Thousands Of Refugees To Africa*, 3 July 2016. The East African, *Netanyahu says Africans deported from Israel 'not asylum seekers'*, 6 July 2016. See also Haaretz, *Fleeing Eritrean Army Not Grounds for Refugee Status in Israel, Judge Rules*, 30 January 2017.

⁵⁴⁵ Trouw, *Met 59.100 asielaanvragen was 2015 officieel een recordjaar*, 8 January 2016.

⁵⁴⁶ A marked increase in the number of applications in connection with family reunification also occurred in 2015. Trouw, *Met 59.100 asielaanvragen was 2015 officieel een recordjaar*, 8 January 2016. In Switzerland, 10,000 Eritreans applied for asylum in 2015. OnlineReports.ch, *Switzerland fails to recognize the Performance of the Eritrean Government*, 6 April 2016. Since October 2015, the percentage of adult men applying for asylum in the Netherlands has fallen from 55 to 40. The percentage of children has grown from 30 to 43. CBS, *Aantal asielzoekers blijft onder dat van 2014 en 2015*, 15 August 2016.

⁵⁴⁷ Eurostat, *785 Libyans, 280 Syrians, 60 Eritreans granted protection status in Malta in 2015*, 20 April 2016.

⁵⁴⁸ EASO Annual report on the situation of asylum in the EU 2015.

4.1.3 *Reasons for leaving*

There are various reasons to move away from Eritrea, and many state that there are both push and pull factors. UN Commission of Inquiry names the lengthy national service and the associated human rights violations as the main reason. The lack of economic opportunities, rising food prices, religious persecution, lack of political freedom, restrictions on movement and limited educational opportunities also play a role, according to the Commission.⁵⁴⁹ The Eritrean government and various international observers state that the exodus of Eritreans is encouraged by the Western policy of granting asylum to Eritreans in large numbers (with an average 90 percent approval rate).⁵⁵⁰ Young Tigrinya – the majority ethnic group in the diaspora – are leaving in particularly high numbers.⁵⁵¹ Many young Eritreans believe that they can only find a good life in Europe, and that any risk is worth it to get there.⁵⁵² They have an unrealistic picture of life in Europe, which is further reinforced by the Eritrean diaspora. In an attempt to live up to the expectations of their family back home and not to be regarded as failures, Eritreans in Europe greatly exaggerate their living conditions.⁵⁵³ Many young people in Eritrea are also influenced by the 'beles', returned migrants who are regarded as rich.⁵⁵⁴

Additional reasons for travelling on to Europe from Sudan or Ethiopia include the lack of opportunities in those countries to earn money that can be used to maintain the family in Eritrea, treatment as second-class citizens, the desire to join family members in the diaspora and a lack of resettlement opportunities in third countries such as the US, Sweden, the Netherlands and Australia.⁵⁵⁵

According to Jennifer Riggan, a professor at Arcadia University in Philadelphia, in the eyes of the new generation the sincere willingness to die for Eritrea has been replaced by the 2 percent tax patriotism which gives them access to all the fundamental rights and privileges that are withheld from the general population. Thus, Riggan argues, migration has become a new national symbol for Eritrea in

⁵⁴⁹ UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016.

⁵⁵⁰ In a number of European countries, asylum or humanitarian residence status is granted to a relatively large number of Eritreans. Remarkably, the admission rate in France is less than 50 percent. In its statistics, the French *Office français de protection des réfugiés et apatrides* (OFPRA) bases the admission rate for asylum seekers by nationality on the nationality that the applicant has specified in his or her asylum application, even if it turns out later on during the procedure that the declared nationality is incorrect. The admission rate for Eritreans in 2015 was 46.4 percent. According to OPFRA, however, in 2015 all Eritreans whose Eritrean nationality could be established were granted asylum or humanitarian residence status. According to the Eritrean government, only a proportion of all Eritrean asylum applications actually come from Eritrea. In many cases, it claims, they are made by Somalis, Ethiopians and Sudanese. Control measures carried out by Frontex in Sicily in May 2016 showed that the majority of migrants claiming to be Eritreans were in reality Ethiopians or Sudanese. https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_ofpra_2015_hd.pdf. Bloomberg, *Eritrea Slams 'Economic Sabotage' as Country Marks Anniversary*, 25 May 2016. Atlantic Council, *What the UN Gets Wrong About Rights in Eritrea*, 7 June 2016. Transatlantic Council, *Eritrean Refugee Flows through the Greater Horn of Africa*, September 2016. Information Note from the Eritrean Embassy in Brussels, 11 January 2017. Confidential sources.

⁵⁵¹ UNHCR, *Factsheet*, July 2016.

⁵⁵² Europe is regarded as a dream destination. Young Eritreans are well aware of the risks they run if they continue their journey from Sudan and Ethiopia onwards to Europe, partly as a result of reports from the diaspora, and partly due to UNHCR information campaigns. UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016. Confidential source.

⁵⁵³ The success stories of those who have managed to get to Europe are immediately circulated and may affect the decision of others to migrate. Some migrants send photos in which they pose next to beautiful cars or at tourist spots, which do not reflect the sometimes harsh reality. The stereotypical images of prosperity, comfort and opportunities can have a powerful impact on the decision to migrate and the choice of a particular country. UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016. Many young people in Eritrea surf the Internet, watch foreign TV programmes and speak to their compatriots in the diaspora on the phone. They hear that their friends are staying for free in a three-room apartment and receive CHF 800 per month. However, they do not hear that CHF 800 does not extend very far. OnlineReports.ch, *Switzerland fails to recognize the Performance of the Eritrean Government*, 6 April 2016. See also Tubantia, *Eritreeërs in Nijverdal hebben totaal verkeerd beeld van leven in Nederland*, 16 January 2017.

⁵⁵⁴ Confidential source.

⁵⁵⁵ UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016. Confidential source.

which all Eritreans want to participate, an identity that is based on a strong desire to flee from Eritrea and return as free and respected citizens.⁵⁵⁶ As a result, many young Eritreans in the diaspora have joined the YPFD and PFDJ. They have done so not because they support the regime, but because they want to claim for themselves this respected, celebrated and 'patriotic' new Eritrean identity.⁵⁵⁷

4.2 Reception in the region

4.2.1 Sudan

In Sudan, asylum seekers may not be punished for entering or staying in Sudan illegally, provided that they register within one month at the nearest office of the Sudan Commissioner for Refugees (COR) or another authority. Sudan has an encampment policy. Refugees must in principle register at the point where they cross the border.⁵⁵⁸ They must then stay in a camp designated by the government. For many, that is the Shagarab refugee camp in East Sudan. Every Eritrean is required to register there. In July 2016, 97,055 refugees were living in camps and urban areas in Kassala, Gedaref, Sennar, the Red Sea and the state of Zezeera. 99 percent of them were Eritrean. Every month in 2016, over 700 Eritreans arrived – mostly in Kassala and Gergef – 75-80 percent of whom travelled on to Khartoum, Egypt, Israel and Europe without having registered.⁵⁵⁹ The Eritreans are generally no longer regarded by the Sudanese as refugees, but as economic migrants.⁵⁶⁰ After arriving in Sudan, Eritreans usually hire a smuggler to help them with their onward journey.⁵⁶¹ For years, the lucrative people smuggling activity was the preserve of the Rashaida tribe, but during the reporting period others – including other Eritreans and the Beni Amr – also demanded their share.⁵⁶²

There are approximately 14,000 Eritrean refugees in cities in East Sudan, mainly in Kassala, Gedaref, Port Sudan and several smaller towns where they have access to legal assistance and medical care. A verification process is supposed to clarify who is

⁵⁵⁶ This is mainly because those who pay the diaspora tax are seen as 'rights holders', whereas conscripts and the civilian population are seen as subjects who are at the mercy of the state. The diaspora taxpayers can enter and leave the country freely. Unlike Eritreans in Eritrea, they can buy land and houses, are not required to perform national service and are not subject to restrictive measures. Riggan, J., *Imagining Emigration: Debating National Duty in Eritrean Classrooms*. *Africa Today*, Volume 60, No. 2. Indiana University Press, 2013.

⁵⁵⁷ Awate.com, *From Mutual Coexistence to Mutual Suspicion*, 17 May 2016.

⁵⁵⁸ The Eritreans generally cross the border at night. If they are detected, they are (merely) recorded on paper by the Sudanese security service (the National Information and Security Service - NISS). They are then transferred to COR. There are border reception centres in Hamdayet and Gergef, Shalaloub, and transit centres in Wad Sharifey (Kassala) and Toker (Port Sudan). Registration and Refugee Status Determination (RSD) are carried out in the Shagarab refugee camp by COR, with UNHCR providing technical support. During the reporting period, there were turf wars between the NISS and the Military Intelligence Service regarding the interception of Eritreans entering the country illegally. Both services would like to present themselves as competent for this area in order to establish a claim to financing from the EU Trust Fund. The RSF (Rapid Support Force) is deployed at the border checkpoint with Libya. At a press conference, the RSF said that it had stopped 20,000 people at the Libyan border. In early 2016, 300 Eritreans from Dongala were returned via Assab to Eritrea. UNHCR, *East Sudan Briefing note*, July 2016. See also Sudan Tribune, *Sudan's SRF militia arrests 1500 illegal migrants near Libyan border*, 9 January 2017. Sudan Tribune, *Sudan's RSF arrests 64 illegal migrants near Libyan border*, 24 January 2017.

⁵⁵⁹ Many Eritreans prefer to migrate to Sudan, because they are not registered on the basis of identity documents there, which allows them to choose a different identity later on if that should prove necessary. Most Eritreans arriving in Sudan are young (18-25) and come from the cities or the highlands. The majority are Christian. 66 percent of them are Tigrinya. 24 percent have had no education. 38 percent have had several years of secondary education. UNHCR, *East Sudan Briefing note*, July 2016. Confidential source.

⁵⁶⁰ According to the Sudanese authorities, most of them have left their country because of the poor economic conditions and in order to join their families abroad. Confidential sources.

⁵⁶¹ The contacts with the smugglers are made by phone: sometimes from Eritrea, sometimes from the camp. Attempts to keep out the smugglers have had little success. After a dike was built around the Shagarab camp, Eritreans would climb over the dike to where the smugglers' car was waiting for them. Security service agents, who had to drive around the dike, then found they had lost the trail. Smugglers are also present in the camp. Eritreans refuse to report them, for fear of getting into trouble with their own community. Confidential source.

⁵⁶² Ibid.

a refugee and who is Sudanese. A dual status is not possible.⁵⁶³ There is also a large Eritrean community in Khartoum, where there are an estimated 80,000 to 100,000 Eritreans. Some of these have been living for a very long time in Khartoum and have refugee status. There are also Eritreans living temporarily in Khartoum. They are treated as second-class citizens, but they can earn much more money there than in Eritrea. Eritreans work there – usually without an official work permit – as tuk-tuk drivers, housekeepers or cooks. The police regularly arrest Eritreans in the city, who then have to be bailed out.⁵⁶⁴

Eritrean schools

In Khartoum, there are two primary and one secondary school for Eritrean children. Many of the pupils were born in Khartoum. A total of 65 teachers work in the three schools. The curriculum is taught in Tigrinya from 1st grade to 5th grade. From 6th grade, teaching is in English and the curriculum is Sudanese. In 8th grade, pupils take their primary exam. They then go to secondary school. The Eritrean schools are registered with the Sudanese Ministry of Education. Those who pass the secondary school exams can go to university.⁵⁶⁵ In 2012, the first 40 pupils left the Eritrean school to travel to Libya and Europe when they saw that Eritreans were doing so from Eritrea. In 2015, 400 pupils left, either to go to Libya or in connection with family reunification.⁵⁶⁶ Children of Eritrean refugees who had been living in East Sudan for a long time also travelled to Europe in 2015.⁵⁶⁷

4.2.2

Ethiopia

As of 30 September 2016, there were 761,302 registered refugees and asylum seekers in Ethiopia. They came from South Sudan (300,644), Somalia (254,812) and Eritrea (159,636).⁵⁶⁸ As of 31 July 2016, 32,269 Eritrean refugees were staying in camps and 425 refugees were staying in Tigray under the Out of Camp Policy (OCP).⁵⁶⁹ By 31 July 2016, 15,139 Eritrean refugees had registered in that year. This represented 2,200 per month, representing a decrease of 25 percent compared to the average numbers per month in 2014 and 2015.⁵⁷⁰

Eritrean refugees are expected to stay in refugee camps, but some receive permission to stay outside the camps under the Out of Camp Policy (OCP). The Ethiopian Administration for Refugee and Returnee Affairs (ARRA) estimates that after the verification of refugees, which is carried out in Addis Ababa, Mekelle, Shire and other cities, 15,000 to 25,000 Eritrean refugees are able to benefit from the OCP programme.⁵⁷¹ In recent years, more than 100,000 registered refugees have left the camps in Ethiopia. ARRA/UNHCR have started a verification process to determine how many of them have remained in Ethiopia.⁵⁷²

⁵⁶³ Many refugees who have already been in Sudan for a very long time, the so-called protracted refugees, now have Sudanese identity documents, although this is denied by the government. They thus have de facto dual status. Confidential sources.

⁵⁶⁴ Confidential source.

⁵⁶⁵ Ibid.

⁵⁶⁶ Ibid.

⁵⁶⁷ Ibid.

⁵⁶⁸ Danish Refugee Council: *Regional mixed migration summary for September 2016 covering mixed migration events, trends and data for Djibouti, Eritrea, South Sudan, Sudan, Ethiopia, Kenya, Puntland, Somalia, Somaliland and Yemen*.

⁵⁶⁹ As of 31 July 2016, 32,269 Eritrean refugees were staying in the following camps: Shimelba 5,365, Mai-Aini 10,573, Adiharush 6,919, Hitsats 9,412. UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016.

⁵⁷⁰ Population breakdown: 72% were 25 years and younger; 61% were men; 41% of the registered refugees were children. UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016.

⁵⁷¹ UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016.

⁵⁷² Ibid.

The number of unaccompanied minors⁵⁷³ has increased dramatically in recent years. In 2015, 4,200 unaccompanied minors arrived in Ethiopia, double the number in 2014. The majority of them live in camps in small groups, supported by 'adoptive families'. Every month an average of 300-400 unaccompanied minors arrive in Ethiopia, of which an average of 250 per month (as of June 2016) travel on to another destination. Some go to cities in Ethiopia, but most travel through Sudan to Libya and then to Europe. There is an Unaccompanied Children's Centre in Endebaguna, where 300 newly arrived children can be accommodated. The registration of refugees also takes place in Endebaguna. Almost all Eritreans have identity documents with them. An estimated 40 percent of children have a student ID with them.⁵⁷⁴ Some young people sell family possessions to pay for the onward journey. Many young people are offered a discount for the first part of the trip. Once they have arrived in the next country, they are put under pressure and forced to contact their families. In the worst cases, they are abducted by human traffickers, held for ransom and tortured. Family members in Africa and Europe sell their assets or take out loans to raise money for the trip.⁵⁷⁵

Due to the great increase in the number of mostly young people and unaccompanied minors passing through Ethiopia, UNHCR in Ethiopia is making efforts to prevent young people in transit from falling prey to human traffickers. Alternatives to the onward journey are being given priority through investment in education and livelihoods, improved living conditions and increased possibilities for resettlement.⁵⁷⁶

4.2.3 *Resettlement and family reunification*

Many Eritreans in Khartoum have family, friends and acquaintances in the diaspora and make use of these links to be eligible for resettlement and family reunification. Whereas ordinary asylum applications in Sudan are handled by the Commissioner for Refugees (COR) – which uses pre-printed application forms for Refugee Status Determination (RSD) in which the applicant merely has to tick the box 'national service' to receive asylum (which more than 95 percent of applicants do)⁵⁷⁷ – in the case of resettlement RSD is performed by UNHCR. Although many Eritrean opposition members and victims of religious persecution were resettled in the past, there are ever fewer Eritreans who meet the criteria of the Refugee Convention, which also apply to resettlement.⁵⁷⁸ Eritreans eligible for family reunification are invited for an interview at the embassy of the country where their family is living. In practice, all Western embassies apart from the Dutch require proof of identity to handle a family reunification application. Many of the submitted documents turn out after investigation to be forged. The embassies of Italy and the UK only accept documents legalised in Eritrea itself. A large number of applications are then rejected after interviews.⁵⁷⁹ Because the trip to Europe is dangerous and expensive,

⁵⁷³ *Unaccompanied and Separated Children (UASC)*.

⁵⁷⁴ Confidential source.

⁵⁷⁵ In the first ten months of 2016, 25,800 unaccompanied minors from Nigeria, Eritrea and other African countries arrived in Italy, double the number in 2015. UNICEF, *Number of unaccompanied or separated children arriving by sea to Italy doubles in 2016 – UNICEF*, 13 January 2017. EurActiv.com, *Record number of boat migrants reach Italy in 2016*, 29 November 2016. UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016.

⁵⁷⁶ UNHCR/ARRA *Sub-Office Shire briefing note*, 29 August 2016.

⁵⁷⁷ See COI report on Sudan, July 2015, p. 64 under *Refugee Status Determination* and note 564.

⁵⁷⁸ This applies, for example, to women who have received exemption from national service and are also unable to adduce any other grounds of persecution. UNHCR also assesses applications in light of Article 1F of the Refugee Convention. Soldiers are excluded from the USA on the grounds of Article 1F. According to sources, (almost) all Eritrean resettlement candidates in Sudan during the reporting period claimed that they had never held a weapon. This is seen as unlikely in many cases. Although national service in Eritrea is predominantly non-military in character, all conscripts in principle receive military training. Confidential sources.

⁵⁷⁹ Many Eritreans state that they have chosen the Netherlands because the burden of proof is low and the procedure is relatively fast. Confidential sources.

according to sources there is a lively trade in marriages of convenience, for which large sums of money are paid.⁵⁸⁰

4.2.4 Migration route

For most Eritreans, Sudan is not a destination but a transit country. If enough money is saved, after a period of months, or sometimes years, the journey continues from Khartoum to the border with Libya or towards Egypt.⁵⁸¹ All Eritreans who continue their journey deal with the highly organised people smugglers. The choice of smuggling route is based on what they can afford.⁵⁸² In past years Eritreans had to make a single payment for the entire journey to Europe, but during the reporting period they had to make a further payment for each stage of the trip.⁵⁸³ In 2015, the route to Libya still passed almost exclusively through Dongala in North Sudan; in 2016, however, the route via Darfur and Chad was also used.⁵⁸⁴ In 2016, many Eritreans preferred to travel via Egypt to Europe, because they believed this route to be safer and cheaper.⁵⁸⁵ To get from Sudan to Egypt they pay 800 to 1,000 US dollars, and from Egypt to Europe 3,500 dollars.⁵⁸⁶ The crossing is very dangerous. It takes ten days, and if a boat sinks, there are few ships on this route that could save the migrants.⁵⁸⁷ More than 5,000 people drowned in 2016 according to estimates by the IOM.⁵⁸⁸

In the first nine months of 2016, 144,000 migrants arrived in Italy compared with nearly 154,000 in the whole of 2015. Ninety percent crossed from Libya, although there was an increase in the numbers from Egypt. The number of migrants rescued at sea rose due to the expansion of the EU Sophia mission to tackle traffickers and train the Libyan coast guard.⁵⁸⁹

In 2016 there was a considerable decrease in the number of Eritreans rescued by the Italian navy. The Italian Ministry of the Interior registered the arrival of 15,503 Eritreans in 2016 (up to 29 November) via the Mediterranean Sea route. In 2015, 39,162 Eritreans arrived in Italy, and in 2014 the figure was 34,329.⁵⁹⁰

⁵⁸⁰ Confidential sources.

⁵⁸¹ Confidential source.

⁵⁸² Ibid.

⁵⁸³ Ibid.

⁵⁸⁴ Some groups in Chad have started abducting migrants and demanding more money. Ibid.

⁵⁸⁵ During the past two years the road to Egypt was not open. Confidential source.

⁵⁸⁶ On the route to Egypt the smugglers reportedly work with the police and border guards. Illegal migrants who are picked up in Egypt are detained unless they have a UNHCR refugee pass. After a year of imprisonment they are deported. In Egypt, small boats (of the kind used in Libya) cannot be used – only cargo ships. Confidential source.

⁵⁸⁷ News24.com, *More EU-bound migrants leaving from Egypt*, 28 June 2016.

⁵⁸⁸ On 21 September 2016, a boat carrying 500 migrants capsized eight miles off the Egyptian coast. The boat had left the village of Borg Rashid, a favourite smugglers' centre for bringing groups of migrants in rickety boats to larger ships lying slightly farther off the coast. On board were Sudanese, Eritreans and Somalis, but most of the passengers were Egyptians. At least 204 migrants drowned. When the boat sank, Egyptian children phoned their families to ask for help. The Egyptian authorities have responded to the growth in illegal migration by intercepting ships and arresting passengers and crew. Egyptians were usually questioned and released, whereas foreign migrants were often held for a long period. According to UNHCR, 4,600 foreigners, mostly Sudanese, Somalis, Eritreans and Ethiopians, were arrested in the first nine months, 28 percent more than in the whole of 2015. Those who have not registered with UNHCR are at risk of being deported. News24.com, *More EU-bound migrants leaving from Egypt*, 28 June 2016. IRIN, *Egypt boat disaster shines light on new migration trend*, 10 October 2016. NOS, *Recordaantal vluchtelingen verdrongen in Middellandse Zee*, 23 December 2016.

⁵⁸⁹ People smugglers have crammed unseaworthy boats ever fuller with people now that they only need to start the crossing in order to find out where the EU naval ships are which are then summoned. According to UNHCR, the Nigerians represented a fifth of the migrants, followed by the Eritreans at 13 percent and then migrants from Sudan, Gambia, Ivory Coast, Guinea, Somalia, Mali, Senegal and Bangladesh. Reuters, *EU border guard says migrant arrivals to Italy main concern now*, 12 October 2016.

⁵⁹⁰ The nationality of 38,648 arriving migrants had not yet been determined at the end of November 2016. In early January 2017, the Italians gave a corrected figure for the Eritreans who had arrived in 2016: 20,176. Data from the Italian Ministry of the Interior (*Direzione Centrale dell'Immigrazione e della Polizia delle Frontiere*). EurActiv.com, *Record number of boat migrants reach Italy in 2016*, 29 November 2016.

According to sources, there are several possible causes for this decrease. Africans from other countries are said to be prepared to pay more for the crossing, the financial resilience of the diaspora has decreased, Eritreans are now virtually unable to get any money from their bank account in Eritrea, some areas in Eritrea are already very depopulated, the presence of IS in Libya deters Christian Eritreans and the risks of being kidnapped, arrested and deported have increased.⁵⁹¹

Social media

The widespread use of information and communication technology (ICT) and social media during irregular migratory journeys plays a key role in planning prior to departure and obtaining information en route. In September 2015, the International Rescue Committee investigated the backpacks of migrants en route to Europe. They found a mobile phone in almost every backpack. Both in advance and to an increasingly extent during the journey, migrants use Facebook, Twitter, Whatsapp, Skype, Viber and Google Maps to obtain information about routes, closed borders, evading border and ordinary police and finding reliable people smugglers. They also monitor governments' responses to the influx of migrants and refugees in Europe. By sharing information on social media and using Google Maps, migrants are able to see where they can go. The increasing use of social media can be explained further by the fact that many migrants are relatively young.⁵⁹² Mobile phones are also used in the step-by-step migration process to find work, arrange transportation and transfer money. Migrants no longer need to have large amounts of cash with them, and are therefore less exposed to theft. Through social media migrants know where they can get free WiFi, where they can sleep and eat and change or receive money.

Facebook groups have names such as 'Smuggling Into the EU', 'How to Emigrate to Europe', 'Smuggling from Turkey to Europe', 'Immigration and Travel to Europe', or 'Wishing to Immigrate to Europe through Libya'. Migrants can compare different routes and destinations and the cost of getting there. The Facebook page 'Asylum and migration to pan-Europe' had 23,810 members in June 2016.⁵⁹³ Someone who asked the question, 'Which country among Sweden, Netherlands and Germany do you recommend?' received the answer: 'All of them are good but work is better in Germany, family reunification is faster in the Netherlands and future is brighter in Sweden, you choose'.⁵⁹⁴ The joint project 'Mapping refugee media journeys: smart phones and social media networks' by Open University, France Medias Monde (FMM), BBC Media Action, Deutsche Welle and British Telecom will map the use of ICT and social media by migrants in the period 2016-2018.⁵⁹⁵ The Eritrean community, according to the DSP report 'Nothing is what it seems', is globally

⁵⁹¹ Confidential source.

⁵⁹² The social media are used in various stages of migration and for various purposes, such as obtaining (false) passports and identity documents, information on the best destinations, routes, information en route, fees charged on migrant routes, contacts with people smugglers and warnings of scams and/or unreliable smugglers and routes that are closed. In general, Facebook functions as a meeting place for potential migrants and people smugglers, and the contacts are then maintained through Whatsapp or Viber, or sometimes by phoning. Handelsblatt, *Warum haben viele Flüchtlinge ein Smartphone?*, 5 August 2015. Financial Times, *Technology comes to the rescue in migrant crisis*, 24 February 2016. Danish Refugee Council, *Briefing Paper 2: Getting to Europe the 'WhatsApp' way - The use of ICT in contemporary mixed migration flows to Europe*, 30 June 2016.

⁵⁹³ The Irish Times, *Mass migration guided by mobiles and social media*, 9 September 2015. World Bank, *4 smartphone tools Syrian refugees use to arrive in Europe safely*, 17 February 2016. The Economist, *How to manage the migrant crisis*, 6 February 2016. Reuters, *Facebook investigates smugglers' 'advert' of boat trips to Italy*, 1 April 2016.

⁵⁹⁴ A Sudanese YouTube channel called 'Refugees Al saloum' warns of people smugglers on the Souk Libya market in Omdurman, a suburb of Khartoum, who are only out to steal passports and money. Reuters, *Facebook investigates smugglers' 'advert' of boat trips to Italy*, 1 April 2016.

⁵⁹⁵ During a visit to West African countries in October 2016, the German Chancellor Angela Merkel remarked that young Africans acquiring their first smart phone should not be saying, 'I must go where things are better', but 'Things are getting better and better in my own country'. AP, *As Merkel set to visit Africa, migrant crisis is top issue*, 6 October 2016. Wall Street Journal, *German Chancellor Angela Merkel Works to Slow Migration from Africa*, 6 October 2016.

networked, families are completely scattered and social media play an enormously important role. Everything is shared, especially on Facebook, and the community comes together in social media.⁵⁹⁶

4.3 Activities of international organisations

In the past the UN and the Eritrean government have clashed on many occasions. The UN is seen by Eritrea as the guarantor of the Algiers Agreement, by which the border with Ethiopia was determined. Eritrea believes that the United Nations has not carried out its role as guarantor properly. In recent years, cooperation between Eritrea and the UN has broken down and been restored on several occasions.⁵⁹⁷ During the reporting period, eight UN agencies were active, including UNICEF, UNDP, UNHCR, FAO and UNFPA. They focused on improving education, mother and child care and care for vulnerable children and adults. UNICEF, for example, is working with the government on the basis of a five-year plan. The current programme relates to healthcare for children up to 18 years, with an emphasis on children under the age of five: vaccination and nutrition programmes and the prevention of tuberculosis. In education, the emphasis is on primary education. In addition, UNICEF works on child protection and is also active in the fight against FGM and child marriage.⁵⁹⁸ On 27 May 2016, the Minister of Foreign Affairs, Osman Salih, and the head of the UN Delegation in Asmara, Christine Umutoni, signed an agreement on the implementation of the recommendations of the Universal Periodic Review (UPR). This defines a 'Framework for Action 2015-2018' in which six categories are identified:

- Development and promotion of social equality
- Social services for an adequate standard of living
- Freedoms
- Legal system
- Constitution
- International cooperation

Among other things, the action plan provides for support from the UNDP and other UN organisations for improvements to the judicial system, the courts, the prisons and the social security system. In addition, the UNDP has programmes in areas such as women's empowerment, food security and the environment. The UNDP also organises vocational training and employment opportunities for young people in Eritrea and those returning to the country, in collaboration with the National Union of Eritrean Youth and Students (NUEYS).⁵⁹⁹ The training programmes also provide for the establishment of small businesses for these young people through micro-loans.⁶⁰⁰

⁵⁹⁶ DSP, *Niets is wat het lijkt*, 15 December 2016.

⁵⁹⁷ Confidential source.

⁵⁹⁸ Ibid.

⁵⁹⁹ The National Union of Eritrean Youth and Students (NUEYS) has 300,000 members aged 14 to 40. The focus is on party activities, but NUEYS is working with the UNDP and the EU to set up professional training programmes lasting three to seven months for trades such as plumber and electrician. NUEYS has indicated that party membership is not a condition for participation in training. In 2015, the first intake group completed the professional training. There are two types: one run by the UNDP in collaboration with NUEYS, the exam for which was taken by 1,200 students, and one run by NUEYS which was completed by 4,200 students. A number of graduates from these programmes have found work in woodwork and metalwork shops. Some want to set up their own businesses. The men work in woodwork and metalwork, while the graphics sector is popular with the women. The male/female ratio is about 50/50. Among those taking the programmes are returnees: some have returned from Western countries, and according to NUEYS 1,500 Eritreans have returned from Israel. Confidential source. See also UNDP, *Fast Facts: Supporting Eritrea's efforts to build an inclusive economy based on sustainable growth and greater resilience*, 28 December 2016.

⁶⁰⁰ The Ministry of Education, the Ministry of Trade and Industry, the Ministry of Employment and Welfare and the National Union of Eritrean Women are also involved in the implementation of these programmes. The ILO, IOM and UNIDO also contribute to this project.

Finn Church Aid

Finn Church Aid⁶⁰¹ is a member of the Lutheran World Federation, which has been active in Eritrea for decades. In 2012, Finn Church Aid withdrew from Eritrea, but in 2014 Eritrea and Finland decided to engage in bilateral cooperation in the area of university education and teacher training, following which Finn Church Aid resumed its work in 2015. Finnish education experts are working with Eritrean counterparts on the two teacher training programmes in Asmara, one for primary and one for secondary education. An average of 350 to 400 students pass their teaching exam every year, whereas Eritrea needs at least 2,000 new primary and secondary teachers every year. Especially in primary schools, there is a great need for teachers because many teachers quit. After their training they are required to do community service for one year, after which they enter military service for several months. They then work for several (usually two) years as a conscripted teacher for a salary of 350 to 700 nakfa. After this, they are demobilised and given a regular teaching post. Salaries for teachers were increased in 2016 from 1,420 to 3,500 nakfa, depending on education and experience. By making the profession more attractive and applying less stringent national service criteria for teachers, Eritrea tried to attract more motivated students during the reporting period.⁶⁰²

At Eritrea's request, the Finns also provided media training about press freedom during the reporting period, in which experienced Finnish journalists participated.⁶⁰³ Lecturers from the University of Eastern Finland also gave Eritrean IT students a crash course in the development of apps.⁶⁰⁴

4.3.1

UNHCR's position

UNHCR's position with regard to the protection of asylum seekers from Eritrea dates from 2011 and – despite internal debate about whether recent changes within the refugee population (the shift from refugees who are mostly victims of political and religious persecution to a relatively high proportion of economic refugees and migrants) require a new position – remained unchanged (for the time being) in the reporting period. See also the section above on resettlement and family reunification.

UNHCR says that asylum applications from Eritreans should be assessed on their individual merits on the basis of a fair and efficient asylum procedure and timely information about the country of origin. UNHCR considers the following groups of Eritrean origin as risk groups: people who have evaded military/national service, members of the political opposition and critics of the government, journalists and others working in the media, members of trade unions and labour activists, members of religious minorities, women and children with special profiles, LGBT people, members of certain ethnic minority groups and victims of human trafficking. Given the ubiquitous military presence, a well-organised network of government

⁶⁰¹ See <https://www.kirkonulkomaanapu.fi/en/>

⁶⁰² On 17 September 2016, 104 students received their diplomas from Asmara Community College. 958 students had already received their diplomas on 4 September 2016. Confidential sources. Shabait.com, *Enlightening Teachers: Enhancing Quality of Education*, 28 September 2016. Tesfanews, *FCA is working to improve the quality of education for Eritrean children and youth*, November 2016. Kirkonulkomaanapu.fi, *Eritrea wants motivated teachers – Finnish education as an example*, 21 December 2016.

⁶⁰³ Confidential source.

⁶⁰⁴ According to lecturers from the University of Eastern Finland who gave Eritrean IT students a crash course in the development of apps, the students' level was good and they learned quickly. During the course, they developed three new (Eritrea-specific) apps. ict4edu.wordpress.com, *Eritrea : Reflections on mobile development course*, 17 October 2016.

informers and the state's nationwide monitoring of the population, UNHCR does not regard settlement in another part of Eritrea as a reasonable alternative.⁶⁰⁵

4.4 Repatriation

Because there is no opportunity to monitor returnees after they have returned to Eritrea and no transparency from the Eritrean government regarding detention and torture, there are varying reports about the possibility of returning to Eritrea with impunity.⁶⁰⁶

Repentance form

Eritreans who have not completed their military service and have illegally left the country are required to sign the repentance form B4/4.2 when they want to return to Eritrea. The signatory of the repentance form confirms that he or she has committed an offence by failing to complete his or her national service and is prepared to accept an appropriate penalty in due course. The Eritrean government has stated on several occasions that returnees will not be punished as long as they have committed no other offences (apart from failing to complete their national service and leaving the country illegally). The Eritrean authorities have declared their intention of taking a tolerant approach to returning nationals.⁶⁰⁷ However, critics point out that the Eritrean government's statements offer no guarantees against possible punishment, since the repentance form contains an admission of guilt and a willingness to undergo punishment.⁶⁰⁸

There have been recent indications that Eritreans in the diaspora can visit their country for holidays or family visits without any consequences. In order to do so, they must pay the 2 percent diaspora tax (also known as the reconstruction tax), sign a repentance form and refrain from anti-government activities abroad.⁶⁰⁹

⁶⁰⁵ For further details of the risk groups, see the *Guidelines*. UNHCR: *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea*, 20 April 2011. <http://www.refworld.org/docid/4d4afe0ec2.html>.

⁶⁰⁶ Reports about the punishment and ill-treatment of returned deserters are mainly based on the experiences of rejected asylum seekers who returned between 2002 and 2008. See COI report on Eritrea, July 2015. EASO, *Eritrea Country Focus*, May 2015.

⁶⁰⁷ According to the authorities, all Eritreans who have committed no crimes may return, even if they have no proof of identity. Many Eritreans in the diaspora were afraid that they would still have to perform their national service on their return. According to others, Eritreans who had received a permit abroad could return without facing any consequences. In any case, those who are exempt from national service, have been demobilised or are too old are at no risk on their return. In December 2015, the Eritrean Ministry of Foreign Affairs issued the following statement: 'Although in purely legal terms, those who leave the country illegally commit an offence and should face appropriate, though lenient, penalties for breaches of the relevant laws, the government waived these regulations to practically exercise clemency for the returnees.' Home Office, *COI UK National Service*, August 2016. EASO, *National service and illegal exit*, November 2016. In January 2017 the Eritrean EU Ambassador gave the following statement (summarised here) in response to questions from the Dutch Ministry of Foreign Affairs about repentance form B4/4.2: 'The Eritrean government takes the position that Eritreans who have illegally left the country are still an asset for their country. For this reason, the Eritrean government is committed to a pragmatic approach, with a sense of responsibility both for their development and contribution to their homeland and for the country that has taken them in. The Eritrean government states that this is the background to B4/4.2, the repentance form, which must be completed and signed by Eritreans who have illegally left the country. If this is done, the right to consular assistance from Eritrean consulates and embassies is also restored. In signing form B4/4.2, Eritreans retain responsibility for any other crimes they committed before leaving the country. According to the Eritrean government, the vast majority of Eritreans have in practice accepted this procedure and voluntarily consent to it. Eritreans who have signed the form are not questioned on entering the country. Many of them have (according to the Eritrean government) set up a business.' Note from the Eritrean Embassy in Brussels, 11 January 2017. US Department of State, *Country Report on Human Rights Practices 2015 - Eritrea*, 13 April 2016.

⁶⁰⁸ According to the UK-based Human Rights Concern Eritrea (HRCE), returnees are sent a Notice of Treason (*Nay Kdaat Meheberi*) by the Eritrean Defence Minister, which means that they may be tried as traitors under the martial code by a military court. EASO, *Eritrea Country Focus*, May 2015. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. Home Office, *COI UK National Service*, August 2016.

⁶⁰⁹ A British fact-finding mission in February 2016 spoke with dozens of Eritreans who, after paying the 2 percent tax and signing the repentance form, had returned unpunished. According to observers in Eritrea, Eritreans would

According to international observers, members of the Eritrean government and foreign fact-finding missions that visited Eritrea and spoke to Eritrean returnees, deserters and conscription evaders are generally not regarded as traitors.⁶¹⁰ Foreign observers say that returning migrants are treated well on their return, regardless of whether they have obtained asylum status in Europe in the past. According to observers in Eritrea, Eritreans would not return in large numbers if they knew that they were going to be punished.⁶¹¹

Failed asylum seekers who return within three years of leaving the country illegally are sometimes given a light punishment and then treated like any other Eritrean conscript.⁶¹² According to the UN Commission of Inquiry, Eritreans who are forcibly repatriated are usually arrested, detained and subjected to maltreatment and (possibly) torture. However, it is not clear to what period testimony on this subject relates.⁶¹³ Most Eritreans who return merely visit the country and do not return permanently.⁶¹⁴

According to the Eritrean government, around 60,000 Eritreans from the diaspora return to Eritrea for a holiday and/or family visit every year.⁶¹⁵ Eritreans who have spent at least three years outside Eritrea may, if they return, apply for 'diaspora status' from the Department of Immigration and Nationality in Asmara.⁶¹⁶ According to sources, payment of the 2 percent diaspora tax and the signing of the form of repentance and Residence Clearance Form (RCF) are also requirements.⁶¹⁷ According to information from the authorities, holders of this document are exempt from national service and may leave Eritrea again without an exit visa.⁶¹⁸ Returning migrants, including many deserters, are reported to be treated better than disadvantaged citizens.⁶¹⁹ They can spend more money, which means that they can visit restaurants, take taxis, rent cars, use high-speed Internet, do business and buy or build houses. Provided they do not interfere in politics, they have more freedom than other citizens.⁶²⁰ They also make tourist trips.⁶²¹ Eritreans also return after

not return in large numbers if they knew that they were going to be punished. EASO, *Eritrea Country Focus*, May 2015. UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016. Home Office, *COI UK National Service*, August 2016.

⁶¹⁰ Home Office, *COI UK National Service*, August 2016.

⁶¹¹ EASO, *National service and illegal exit*, November 2016. Confidential sources.

⁶¹² Several Eritreans who had returned within three years stated that they were immediately re-employed as conscripts after returning, in the position they had held before their (illegal) departure. It is not known how many returning asylum seekers have encountered difficulties and what problems were involved. Confidential source.

⁶¹³ The Eritrean authorities are not explicit on this point; they state that all Eritreans can return, apart from criminals. According to one source, only those subject to 'special monitoring' by the regime are at risk. UNGA, A/HRC/32/47, 6 June 2016. UNGA, A/HRC/32/CPR.1, 8 June 2016. Confidential source. www.blankspotproject.se, *Eritrea: One country – two realities*, 23 August 2016. Confidential source.

⁶¹⁴ EASO, *Eritrea Country Focus*, May 2015.

⁶¹⁵ It is not known what (refugee) status they have (in the Netherlands) and where they come from. Confidential source.

⁶¹⁶ In support they need a letter from a foreign mission. EASO, *National service and illegal exit*, November 2016. Confidential sources.

⁶¹⁷ EASO, *National service and illegal exit*, November 2016. Confidential sources.

⁶¹⁸ Incidentally, the Residence Clearance Form and hence diaspora status lapse after a continuous three-year stay in Eritrea. The person concerned is then regarded by the government as an Eritrean resident once again, with the associated obligations (national service, exit visa). People who have lived abroad for less than three years are also regarded on their return as resident in Eritrea, and not as members of the diaspora. This could also mean that they are required to perform national service (again). Confidential source. Home Office, *COI UK National Service*, August 2016. EASO, *National service and illegal exit*, November 2016.

⁶¹⁹ Confidential sources.

⁶²⁰ An Eritrean who had worked for years for an international hotel in Saudi Arabia built his own hotel in Mendefera after returning. His son returned to Eritrea as a graduate engineer to work and live there. Confidential sources. www.blankspotproject.se, *Eritrea: One country – two realities*, 23 August 2016.

⁶²¹ geeskaafrika.com, *Eritrea's Agro-industry and Agro-tourism*, 8 April 2016.

leaving illegally and set up businesses.⁶²² Foreign journalists who visited Eritrea in 2016, partly to mark the 25th anniversary of independence, spoke – in the absence of government officials – with returned Eritreans.⁶²³

A French television crew met several Eritreans who had grown up in Europe or the USA and gone to live and work in Eritrea after completing their university studies.⁶²⁴ Eritreans who only stay a short time in their homeland, the holiday diaspora, are called '*beles*' – the word for the cactus that only blooms in summer.⁶²⁵ According to a source, the relationship between the *beles* and the locals is adversely affected by the relative wealth of the *beles*. Common values are also diluted by distance.⁶²⁶

Many Eritreans living in Sudan regularly return to visit their families. At the Eritrean embassy in Khartoum, they are given a pass that allows them to travel through Sudan to Eritrea without any problems and then return to Khartoum unhindered.⁶²⁷ The embassy also says that it issues more than 1,000 passports per year. Other identity documents, such as birth certificates, are also issued on a large scale.⁶²⁸ The Eritrean passports which are shown at other foreign embassies in Khartoum are almost all issued by the Eritrean embassy there.⁶²⁹ Eritreans working under contract in Saudi Arabia, the Gulf States or South Sudan also return to Eritrea.⁶³⁰ Medical students and (some) doctors also return from the diaspora for a while to help in hospitals.⁶³¹

Eritreans at risk on their return are those subject to special monitoring by the regime. These include opponents who publicise their anti-regime views from within the diaspora, but journalists, professional football players and others are also of interest to the Eritrean government.⁶³² Eritreans who oppose the regime yet wish to visit the country sometimes ask family or friends in Eritrea whether they are on a

⁶²² UK Home Office, *Fact Finding Mission to Eritrea : illegal exit and national service*, 20 February 2016.

⁶²³ The experienced BBC reporter Mary Harper found Eritrea quite different from other African countries she had visited and found the opposite to what she had read and heard about the country. Harper, who visited Keren, Bisha and smaller towns and villages as well as Asmara, found the populace very friendly and willing – on or off camera – to speak with her. She also spoke with Eritreans who had temporarily or permanently returned. Most of them painted a positive picture of Eritrea, while stressing at the same time that economic conditions were poor. Harper was struck by Eritreans' pride in their country. BBC.com, *Things are Very Different in Eritrea than Other Places I Visited: BBC Reporter*, 24 May 2016. BBC.com, *Inside Eritrea: Bras, bios and backward shoes in war exhibit*, 23 May 2016. BBC.com, *Eritrea celebrates 25 years of independence after war with Ethiopia*, 24 May 2016. BBC Radio4, *Why Does the Outside World Hate Eritrea?*, 5 June 2016.

⁶²⁴ They support the government and emphasise that education and healthcare are free. These Eritrean returnees said the regime is slowly but surely becoming slightly more open. France24.com, *A visa for Eritrea, the 'African North Korea'*, 13 May 2016. AFP, *Dismissing criticism, Eritrea hails 25 years of 'freedom'*, 24 May 2016. www.blankspotproject.se, *Eritrea: One country – two realities*, 23 August 2016.

⁶²⁵ www.blankspotproject.se, *Eritrea: One country – two realities*, 23 August 2016.

⁶²⁶ Elsevier, *Zwitserland baalt van duizenden vakantievierende migranten*, 26 January 2017. Basler Zeitung, *Eritreer machen Heimaturlaub*, 24 January 2017. The local Eritreans have to accept that people from the diaspora do not have to do national service, whereas they do. Some Eritreans feel that things have been made too easy for the diaspora Eritreans. They can remain for two or three months; no pressure is put on them to do their national service. Confidential source.

⁶²⁷ This pass is needed because they would otherwise risk being picked up en route and transferred to a refugee camp. The pass consists of three documents. On two documents (one in English and one in Tigrinya) it is stated that the holder has paid the 2 percent diaspora tax. The third document states in Arabic and English that the holder has left Khartoum to visit his or her family in Eritrea and will then return. A pay slip may be requested from the Eritrean embassy, but it is accepted if the person states that he or she has an informal job such as domestic work. In such a case, 80 to 90 Sudanese pounds are paid (about 12 euros) per year. On a normal working day, more than a hundred Eritreans visit the embassy to make an appointment or to request documents. Confidential source.

⁶²⁸ If an application is made at the embassy, it is passed on to the consular department of the Foreign Ministry in Asmara, which then contacts the local administration (Sub-Zoba) in order to verify information if necessary. Confidential source.

⁶²⁹ In connection with applications for a Schengen visa at the Italian embassy in Asmara, many sponsors (those who send an invitation to the applicant from an EU country) submit an Eritrean passport. Confidential source.

⁶³⁰ Confidential source.

⁶³¹ Ibid.

⁶³² Ibid.

blacklist.⁶³³ Eritreans who have lived within the diaspora for a long time often have houses or interests in Eritrea, so that good relations with the regime are in their interest.⁶³⁴

On Facebook, where Eritreans express their support for or opposition to the regime, most participants in discussions use their own name.⁶³⁵ Both older and younger Eritreans are found on flights to Asmara. To board the flight they do not need a passport: an Eritrean identity card is sufficient.⁶³⁶ Those who have left the country illegally are not at any risk on their return unless they have publicly expressed negative views about the regime. Eritrean deserters who return from refugee camps run the same risks as deserters who were arrested in Eritrea itself.⁶³⁷ Any punishment will depend on the position that the person held before departing. Those with important jobs, such as doctors or teachers, usually receive little or no punishment. Soldiers, especially those who were in important posts, can be severely punished.⁶³⁸

4.4.1 *Other countries' policies*

United Kingdom

In March 2015 a new policy was announced in the UK. Eritrean asylum seekers were no longer automatically granted asylum, as national service would no longer last indefinitely. The new policy stated that Eritreans who had left the country illegally could return safely after paying a diaspora tax and signing a repentance form. The proportion of Eritreans who had their asylum application approved in the UK then fell from 73 percent in the first quarter to 34 percent in the second quarter.⁶³⁹ In the first quarter of 2016, the courts upheld the applicant's appeal in 86 percent of cases.⁶⁴⁰

On 7 October 2016 the appeal court in the UK⁶⁴¹ issued a ruling on the risk faced by Eritreans who illegally leave the country and avoid national service. The court considered that the situation in Eritrea is more nuanced than has often been depicted by outside observers, that the information gathered from fact-finding missions, notably the UK and by Denmark, is useful, that evidence from human rights organisations and the UN has some methodological weaknesses and should be critically assessed and weighed up against other available information, that many people in Eritrea are not actively in military service and that those in the people's militia or who are failed asylum seekers are not at risk of harm. The court rejected the argument that the situation had worsened since 2011 and that every Eritrean should qualify for asylum. However, the court's concluded that persons who are of, or are approaching, national service age, who leave illegally and will be perceived as having avoided national service are generally likely to face treatment on return that amounts to persecution under the Refugee Convention.⁶⁴²

⁶³³ Ibid.

⁶³⁴ Some Eritreans who have been living abroad for a long time and have not had the opportunity to be reconciled with the current regime are unable to visit Eritrea. Madote.com, *Eritrean Diaspora: Some Important Issues That Require Discussion*, 1 August 2016. Confidential source.

⁶³⁵ Confidential source.

⁶³⁶ Ibid.

⁶³⁷ An Eritrean who returned from the Shagarab refugee camp was not arrested or imprisoned because he had left the country illegally. He had to serve in the national militia and take part in some military training. He was then returned to the civilian job he had had earlier. Others were returned to their civilian post immediately. Confidential source.

⁶³⁸ The punishment depends on personal circumstances. Home Office, COI UK National Service, August 2016.

⁶³⁹ 3,695 Eritreans applied for asylum in the UK in 2015. 1,319 asylum applications were approved in the first instance. The Guardian, *UK 'using misleading information' to return Eritrean asylum seekers*, 22 January 2016.

⁶⁴⁰ BBC, *Eritrean migrants face new asylum battle in EU*, 10 July 2015.

⁶⁴¹ *The Immigration and Asylum Chamber of the Upper Tribunal*.

⁶⁴² In conclusion, the court ruled that there had not been sufficient improvement in the situation in Eritrea to justify a departure from established case law. The appeal was filed by three Eritreans whose asylum applications had

Switzerland

Following a visit by the Swiss Migration Service to Eritrea in 2016, the Swiss concluded that the punishments for many violations are moderate.⁶⁴³ On this basis, Switzerland adapted its asylum practices in June 2016. Illegal departure is no longer recognised in all cases as grounds for refugee status.⁶⁴⁴ Switzerland cannot forcibly deport asylum seekers, as Eritrea only accepts nationals who return voluntarily. Of the 200 asylum seekers rejected every year, only a few dozen have returned to Eritrea.⁶⁴⁵

On 27 September 2016, the immigration court⁶⁴⁶ in Switzerland rejected an appeal by an Eritrean woman against the rejection of her asylum application on 25 September 2015. She had left Eritrea illegally in 2012 and arrived in Switzerland after staying for three months in Khartoum. The court ruled that the woman's asylum request was not credible and dismissed the appeal. The court also ruled that deporting the woman was not contrary to Article 3 ECHR.^{647,648} On 30 January 2017, the Federal Administrative Court ruled (in Case D-7898/2015) that illegal departure by an Eritrean is not sufficient in itself for the granting of asylum. The court, in line with the *Staatssekretariat für Migration (SEM)*, believed that the Eritrean in this case had not produced sufficient individual grounds to qualify for asylum.⁶⁴⁹

Sweden

In Sweden there was a change of policy during the reporting period. In order to apply for family reunification, the applicant must have a job and adequate housing.⁶⁵⁰

4.4.2 Forcible repatriation

So far as is known, there were no forcible repatriations from Western countries during the reporting period. The Eritrean regime is opposed to forcible repatriation, but in some cases is willing to negotiate.⁶⁵¹

In a number of raids in May 2016, the Sudanese police arrested 900 Eritreans in Khartoum and 400 Eritreans who were on their way to Libya. 130 Eritreans were

been rejected. The appeal of one of these was upheld, while that of the other two was rejected. The court took the view that neither of these two parties had told the truth, and that they had left the country at an age when they could have fulfilled their military service and potentially qualified for an exit visa.
<https://tribunalsdecisions.service.gov.uk/utiac/2016-ukut-443>.

⁶⁴³ The mission visited towns, villages and schools. 28,500 Eritreans live in Switzerland. 10,000 Eritreans applied for asylum in 2015. *Tagesanzeiger.ch, Eritrea bestraft nicht mehr so hart wie früher*, 23 June 2016.

⁶⁴⁴ If the person is not subject to national service requirements, the Swiss claim that he or she can return without any difficulty under certain circumstances. The punishment for leaving illegally without desertion or evasion of national service is said to be less draconian than previously thought. Instead of five to ten years' imprisonment, it is claimed that an illegal departure is generally punishable by several months to two years in prison at most. Guards do not systematically shoot at those attempting to leave at the border, it is thought. In the case of desertion and evasion of national service, punishments are also said to be less severe: generally a few months in prison. The authorities and the security services are thought to be no longer capable of systematically detecting conscription evaders in their homes.

⁶⁴⁵ *Tagesanzeiger.ch, Eritrea bestraft nicht mehr so hart wie früher*, 23 June 2016.

⁶⁴⁶ *Bundesverwaltungsgericht*.

⁶⁴⁷ This article of the European Convention on Human Rights (ECHR) provides that a person shall not be subjected to torture, inhuman or degrading treatment or punishment.

In a second case brought by an Eritrean woman who had left Eritrea illegally on 1 July 2014, the court came to the same judgment. *Bundesverwaltungsgericht. Zaak E-7004/2015*, 27 September 2016.

⁶⁴⁹ *Neue Zürcher Zeitung, Urteil verschärft Asyl-Praxis für Eritreer*, 2 February 2017.

⁶⁵⁰ <http://www.migrationsverket.se/English/About-the-Migration-Agency/New-laws-in-2016.html>.

⁶⁵¹ Recently, some have spoken in favour of forcible repatriation where this is accompanied by a substantial stimulation of the economy with aid from abroad. *Asmara-Online.com, Eritrea: Beyond the 'No Forced Returns' of Migrants Policy?*, 17 December 2016.

reportedly arrested in Dongola, halfway between Khartoum and the Libyan border. From there they were transferred to Eritrea and detained in Tesseney prison. Other arrested Eritreans were transferred to the Aliens Detention Centre in Khartoum. Only six of these Eritreans had previously applied for asylum and received refugee status. They were not deported. According to UNHCR Sudan had the right to deport illegal migrants. According to a source, some Eritreans who refused to be sent back to Eritrea were deported to Ethiopia. Some Eritreans were also sent to the Shagarab refugee camp where they had a further opportunity to apply for asylum. After their arrival, those who were sent back to Eritrea were detained, for a short time according to some sources and for a long time according to others. They were then – in some cases after military training – given civilian appointments.⁶⁵²

⁶⁵² IRIN, *Sudan and Eritrea crackdown on migrants amid reports of EU incentives*, 25 May 2016. Confidential source.

5 Human trafficking

During the reporting period, Eritrea was involved in efforts to combat human trafficking.⁶⁵³ The country was a member of the Steering Committee of the Khartoum Process and was eligible for support under the EU Emergency Trust Fund, 'Better Migration Management in the Horn of Africa', which is attempting to counter people smuggling and human trafficking.⁶⁵⁴ In Eritrea, several people smugglers were arrested and publicly pilloried during the reporting period.⁶⁵⁵

Eritreans who left the country illegally remained at risk of falling prey to human trafficking and kidnapping during the reporting period.⁶⁵⁶ International gangs kidnapped vulnerable Eritreans inside or outside refugee camps, especially in Sudan, and transported them to Libya, where they were exposed to human trafficking and other human rights abuses, including kidnapping and the extortion of ransom money. Some migrants and refugees were forced into captivity to work as cleaners or construction workers.⁶⁵⁷ The line between smuggling and trafficking in the context of illegal migration by Eritreans is blurred, and people smuggling often turns into human trafficking.⁶⁵⁸ In May 2016 about 800,000 migrants were waiting in Libya to cross the Mediterranean. Some migrants were able to pay for the crossing within a few weeks of arriving. Others had worked for years in Libya or had to bribe their way out of detention.⁶⁵⁹

For the long route from Egypt, use was mainly made of fishing boats, while smugglers in Libya used dinghies, which could be ordered online and assembled at the last minute.⁶⁶⁰ Smugglers setting off from Libya, or migrants appointed as temporary 'captains', sounded the alarm the moment their boats got into international waters. Satellite telephones were used to call for help in an area heavily patrolled by Italian and EU rescue vessels.⁶⁶¹ Survivors from boats that had sunk gave reports of people being forced to board boats and dinghies at gunpoint, and of people being shot dead if they refused or tried to escape. According to Italian police, some of those who escaped the Libyan kidnappers and survived the crossing

⁶⁵³ Confidential source.

⁶⁵⁴ In September 2014, Eritrea had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Confidential source.

⁶⁵⁵ Confidential source.

⁶⁵⁶ Eritreans who leave their country are at risk of being exploited, kidnapped and tortured. Some Eritrean women travel to the Gulf States to perform domestic work, but end up in prostitution on arriving. Smaller numbers of Eritrean women end up in prostitution in South Sudan, Sudan and Israel. US State Department, *2016 Trafficking in Persons Report – Eritrea*, 30 June 2016.

⁶⁵⁷ An IOM study found that 49 percent of those who had made the crossing to Europe had previously been held hostage for ransom. 79 percent of respondents had spent more than 12 months outside their country of origin and had been exploited in some way. US State Department, *2016 Trafficking in Persons Report – Eritrea*, 30 June 2016. Reuters, *Naming the nameless: experts struggle to identify drowned migrants*, 17 August 2016. Reuters, *Special Report: Enslaved in Libya - One woman's extraordinary escape from Islamic State*, 18 August 2016. Time, *Inside the Libyan Detention Centers Where Humanity Ceases to Exist*, 21 October 2016. Reuters, *Trafficked, detained and tortured: the treacherous journey through Libya to Europe*, 4 November 2016.

⁶⁵⁸ Africanarguments.org, *Review: Migrant, Refugee, Smuggler, Saviour – by Peter Tinti and Tuesday Reitano*, 18 October 2016.

⁶⁵⁹ The chaos in Libya after the death of the late dictator Gaddafi in 2011 was exploited by human traffickers; some hold people until they receive money from their family, after which they are allowed to continue their trip to Europe. AFP, *Migrant crossings to Italy - what do we know?*, 30 May 2016.

⁶⁶⁰ AFP, *Migrant crossings to Italy - what do we know?*, 30 May 2016.

⁶⁶¹ Those setting off from Egypt hoped to be rescued by Italian rather than Greek coastguards. AFP, *Migrant crossings to Italy - what do we know?*, 30 May 2016. Reuters, *Human traffickers stopped rescue after sinking disaster: survivors*, 22 April 2016. Huffington Post, *Libya Is Saving Migrants At Sea Only To Trap Them In Dire Conditions On Land*, 27 May 2016.

were then held hostage by other migrants in Sicily in a bid to extort more money from them.⁶⁶²

The goal of Operation Sophia, which was launched in September 2015, was to tackle smugglers in Libya and European coastal states, especially Italy. However, the operation has turned into a massive rescue operation. Although some 80 wooden boats were confiscated, the smugglers quickly switched to rubber dinghies which are far more dangerous.⁶⁶³

On 10 June 2016, a man came before a court in Sicily who gave his name as Medhanie Tesfamariam Berhe and claimed to be a refugee and a victim of mistaken identity. However, if the public prosecutor's claims were correct, this was Medhanie Yehdego Mered, a ruthless criminal and the mastermind behind one of the best smuggling routes from Africa to Europe. In 2014 and 2015, more than 500 people smugglers were arrested each year, but these were small fry in human trafficking, which has an annual revenue of 4.5 billion euros. However, picking up the big fish is extremely difficult because smuggling networks use as many as 25 layers of intermediaries and facilitators, including constantly changing truck drivers, money changers, people with access to safe houses and fishermen, together with venal officials, soldiers and policemen.⁶⁶⁴

According to a report by Interpol, in 2015 smugglers earned more than 5 billion euros from the refugees and migrants who came to Europe. Most of the approximately 1 million migrants paid smugglers fees of between 3,000 and 6,000 euros. The money was channelled into the EU in large amounts, and laundered through car dealerships, supermarkets, restaurants and transport businesses. Corrupt officials let cars pass at borders and released ships in return for bribes. Along the migratory routes Interpol identified 250 smuggling hotspots, often at railway and bus stations and airports – 170 within the European Union and 80 outside. Large criminal networks swallowed up smaller ones.⁶⁶⁵

⁶⁶² AFP, *Migrant crossings to Italy - what do we know?*, 30 May 2016.

⁶⁶³ Al-monitor, *The real reason the EU can't stop human smuggling from Libya*, 18 July 2016. See also Reuters, *EU to continue Libyan coast guard training after attack on migrants*, 24 October 2016. IRIN, *Algeria: the new migrant staging post for Europe*, 25 October 2016.

⁶⁶⁴ The Economist, *Tracking traffickers*, 18 June 2016.

⁶⁶⁵ The book *Migrant, Refugee, Smuggler, Saviour* discusses developments within the multi-billion industry that human trafficking has become in recent years. Several cities and regions that have become links in the migration flow are being completely changed as a result. For instance Zuwarah in Libya, which is close to the island of Lampedusa, has become the main people smuggling port. In the desert of Niger, the growing industry has created unprecedented opportunities for young men with a thirst for adventure. Migrants can choose from a wide range of possibilities regarding routes, fees and services. Those who are willing to pay well get a ready-made package with all necessary documents, travel facilities and even reviews from previous customers – made to measure. Money can be transferred within a few minutes through informal but highly refined hawala systems. People smugglers have infiltrated the political circles and security services of many countries. Reuters, *Smugglers made \$5-6 bln off migrants to Europe in 2015: Interpol*, 17 May 2016. Africanarguments.org, *Review: Migrant, Refugee, Smuggler, Saviour – by Peter Tinti and Tuesday Reitano*, 18 October 2016.

6 Appendixes

6.1 Sources consulted

The following publicly available sources have been used for this report:

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Amnesty International:

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Ethiopean Herald	Time
Financial Times	Trouw
France24.com	Volkskrant
Geeska Africa	Vrij Nederland
Globalrisksinsight	Wall Street Journal
Guardian	Walta info
Handelsblatt	

6.3 Abbreviations used

AENF	<i>Alliance of Eritrean National Forces</i>
ARRA	<i>Administration for Refugee and Returnee Affairs</i>
COI	<i>Commission of Inquiry</i>
COR	<i>Commissioner for Refugees</i>
DMLEK	<i>Democratic Movement for the Liberation of the Eritrean Kunama</i>
EDA	<i>Eritrean Democratic Alliance</i>
EDF	<i>European Development Fund</i>
EEBC	<i>Eritrea Ethiopia Boundary Commission</i>
EFND	<i>Eritrean Forum for National Dialogue</i>
ELF	<i>Eritrean Liberation Front</i>
EMC	<i>Eritrean Movement for Change</i>
ENA	<i>Eritrean National Alliance</i>
ENCDC	<i>Eritrean National Congress for Democratic Change</i>
ENSF	<i>Eritrean National Salvation Front</i>
EPLF	<i>Eritrean People's Liberation Front</i>
ESMNS	<i>Eritrean Solidarity Movement for National Salvation</i>
EVAO	<i>Eritrese Vereniging in Amsterdam</i>
EYSC	<i>Eritrean Youth Solidarity for Change</i>
EYSNS	<i>Eritrean Youth Solidarity for National Salvation</i>
FGM	<i>Female Genital Mutilation</i>
FRUD	<i>Front pour la restauration de l'unité et de la démocratie</i>
GIEEGM	<i>Global Initiative to Empower Eritrean Grassroots Movement</i>
ICES	<i>International Conference on Eritrean Studies</i>
ICRC	<i>International Committee of the Red Cross</i>
IGAD	<i>Intergovernmental Authority on Development</i>
NIP	<i>National Indicative Program</i>
NUEW	<i>National Union of Eritrean Women</i>
NUEYS	<i>National Union of Youth and Students</i>
OCP	<i>Out of Camp Policy</i>
OHCHR	<i>Office of the United Nations High Commissioner for Human Rights</i>
OLF	<i>Oromo Liberation Front</i>
ONLF	<i>Ogaden National Liberation Front</i>
PAFD	<i>People's Alliance for Freedom and Democracy</i>
PFDJ	<i>People's Front for Democracy and Justice</i>
RCF	<i>Residence Clearance Form</i>
RFI	<i>Radio France International</i>
RSADO	<i>Red Sea Afar Democratic Organization</i>
RSD	<i>Refugee Status Determination</i>
SEMG	<i>Monitoring Group on Somalia and Eritrea</i>
TCCE	<i>Transitional Civil Code of Eritrea</i>
TPDM	<i>Ethiopian Tigray People's Democratic Movement</i>

- UNFPA *United Nations Population Fund*
- UPR *Universal Periodical Review*
- USCIRF *US Commission on International Religious Freedom*
- UAE *United Arab Emirates*
- YPFDJ *Young People's Front for Democracy and Justice*

6.4 Map of Eritrea

