

Rights Council holds interactive dialogue with the Special Rapporteur on the situation of human rights in Eritrea

Human Rights Council

LATE AFTERNOON

14 June 2017

The Human Rights Council this afternoon held an interactive dialogue with Sheila Keetharuth, the Special Rapporteur on the situation of human rights in Eritrea.

Presenting her report to the Council, Ms. Keetharuth said that Eritrea had not made any effort to address the human rights concerns highlighted by the Commission of Inquiry, and had not shown willingness to tackle the impunity of the perpetrators of past and ongoing human rights violations. Conditions in detention remained harsh, leading to irreparable damage to the health of prisoners, in some instances even causing death. Ms. Keetharuth urged the international community to show a strong commitment to address the root causes of human rights violations as the key reasons fuelling the exodus of large numbers of people from Eritrea. Only justice and respect for human rights would bring a lasting solution to the problems relating to flights from the country, she said. Eritrea should take concrete steps to ensure a truly participatory process in preparation of Eritrea's next review under the Universal Periodic Review in order to reflect the diverse voices of civil society involved in the protection of human rights.

Eritrea, speaking as the concerned country, said Eritrea opposed the report of the Special Rapporteur that it qualified as

“surreal”. It must be remembered that neighbouring Ethiopia did not only have a belligerent stance against Eritrea but it was also a country seething under a state of emergency and had killed over 800 civilians while detaining 26,000 others in protests last year. Past history and Ethiopia’s incessant saber rattling left Eritrea with no other choice other than preparing for the worst so as to deter another war. If the prolongation of the national service was an onerous price that had to be paid, this would have to be done. The Special Rapporteur had been found time and again carrying out the mandate that was entrusted to her following minimum standards of neutrality, objectivity and professionalism. She was an activist committed to regime change from the outset.

In the discussion that followed, delegations reiterated their concern over the grave human rights abuses in Eritrea, including arbitrary arrests and detention of citizens, their imprisonment in harsh conditions, and the use of torture and sexual violence against them, as well as the fate of unaccompanied children fleeing the prospect of indefinite conscription in military service. Speakers called upon Eritrea to undertake substantial legal and institutional reforms to improve the respect for human rights, account for and release all political prisoners, work towards ending the indefinite compulsory national service and step up the fight against impunity. Eritrea should also strengthen its cooperation with the Office of the High Commissioner for Human Rights and extend an invitation to set up a country office in Eritrea. A number of delegations deplored the selectivity and politicization of country-specific mandates in the Council, saying that human rights situations in individual countries needed to be considered with the full involvement of the State in question, and the method should be the Universal Periodic

Review.

Speaking were the European Union, United States, Norway, Switzerland, Spain, Sudan, Russia, France, Croatia, China, Djibouti, Ireland, Greece, Belarus, United Kingdom, Israel, Venezuela, Somalia, Cuba, and the Netherlands.

Also taking the floor were the following non-governmental organizations: International Service for Human Rights, East and Horn of Africa Human Rights Defenders Project, Christian Solidarity Worldwide, International Fellowship of Reconciliation, Article 19 – International Centre Against Censorship, International PEN, CIVICUS – World Alliance for Citizen Participation and Human Rights Watch.

Ethiopia spoke in a right of reply.

The Human Rights Council will meet at 10 a.m. on Thursday, 15 June to discuss the situation of human rights in Burundi with the Commission of Inquiry, which will present its oral update. This will be followed by an interactive dialogue with the Special Rapporteur on the situation of human rights in Myanmar.

Documentation

The Council has before it the **Report of the Special Rapporteur on the situation of human rights in Eritrea** ([A/HRC/35/39](#)).

Presentation of Report by the Special Rapporteur on the Situation of Human Rights in Eritrea

SHEILA KEETHARUTH, Special Rapporteur on the situation of human rights in Eritrea, said that the Government of Eritrea had not made any effort to address the human rights concerns highlighted by the Commission of Inquiry, and it had not shown willingness to tackle impunity regarding perpetrators of past and ongoing human rights violations. Conditions in detention remained harsh, leading to irreparable damage to the health of prisoners, in some instances even causing death. Ms. Keetharuth expressed deep concern about the fact that almost 16 years later, family members of the high profile political prisoners were kept completely in the dark about their physical and mental health. The importance and value of full access to places of detention by international monitors could not be sufficiently emphasized. She urged the international community to show a strong commitment to address the root causes of human rights violations as the key reasons fuelling the exodus of large numbers of people from Eritrea. Only justice and respect for human rights would bring a lasting solution to the problems relating to flights from the country.

The Commission of Inquiry had called on the Government of Eritrea to ensure accountability for past and persistent human rights violations and crimes against humanity. It had recommended the establishment of independent, impartial and gender-sensitive mechanisms, and to provide victims with adequate redress, including the right to truth and reparations. The Commission noted that far-reaching and substantial institutional and legal reforms would be required before the domestic legal system could hold perpetrators to account in a fair and transparent manner. It also recommended that Member States exercised jurisdiction over crimes against humanity when any alleged offender was present on their

territories, or extradite him or her to another State in accordance with its international obligations.

Ms. Keetharuth said she had recommended that the Government of Eritrea take concrete steps to ensure a truly participatory process in the preparation of Eritrea's next review under the Universal Periodic Review in order to reflect the diverse voices of civil society involved in the protection of human rights. Secondly, she recommended that Member States cooperate with Eritrean human rights defenders and civil society to ensure that human rights remained at the core of all engagement with the country. Thirdly, to civil society she recommended that they set up and support networks among victims of crimes against humanity and other human rights violations, human rights defenders and their partners at regional and global levels.

Statement by the Concerned Country

Eritrea, speaking as the concerned country, recalled that in May last year, the Eritrean people had celebrated their twenty-sixth independence anniversary. For a country that had had to wage Africa's longest and most difficult armed struggle for liberation, the honeymoon of independence could not but be still vibrant. Eritrea opposed the report of the Special Rapporteur that it qualified as "surreal". It must be remembered that neighbouring Ethiopia did not only have a belligerent stance against Eritrea but it was also a country seething under a state of emergency and had killed over 800 civilians while detaining 26,000 others in protests last year. Past history and Ethiopia's incessant saber rattling left Eritrea with no other choice other than preparing for the worst

so as to deter another war. If the prolongation of the national service was an onerous price that had to be paid, this would have to be done. Eritrea lamented that thousands of letters of protest against the report written by Eritreans in the Diaspora had been ignored. The Special Rapporteur had been found time and again carrying out the mandate that was entrusted to her following minimum standards of neutrality, objectivity and professionalism. She was an activist committed to regime change from the outset. There was no tangible evidence behind accusations of extra judicial killings and ethnic/religious persecution by the Government.

Interactive Dialogue

European Union called on the Government of Eritrea to undertake substantial legal and institutional reforms to improve the respect for human rights, to account for and release all political prisoners, to work towards ending the indefinite compulsory national service, and to step up the fight against impunity. United States stated that it was imperative for the Government of Eritrea to implement the national Constitution, to release political prisoners, and to end the indefinite national service. It urged the country to cooperate with efforts to monitor and implement human rights. Norway remained committed to supporting the Government of Eritrea to improve its human rights situation. It urged the Government to step up efforts towards that end and to extend an invitation to the High Commissioner for Human Rights to set up a country office in Eritrea.

Switzerland remained concerned about the grave human rights abuses in Eritrea and encouraged the Government to strengthen

its cooperation with the High Commissioner for Human Rights. What were the plans to improve the situation in Eritrea and what avenues of cooperation were possible? Spain noted several positive steps taken by Eritrea to improve human rights. The annual number of people fleeing Eritrea compared only to those fleeing conflict-ridden countries. In addition, there was absence of accountability for human rights abuses. Sudan deplored the selectivity and politicization of country-specific mandates in the Council. It recognized Eritrea's cooperation with the Universal Periodic Review and encouraged it to continue facing challenges in the promotion and protection of human rights.

Russian Federation said the consideration of the situation in Eritrea was taking place in a politicized way. The human rights situation in individual countries needed to be considered with the full involvement of the State in question, and the method should be the Universal Periodic Review. France encouraged the Government of Eritrea to cooperate with the Special Rapporteur, as this was an opportunity to work toward concrete action that could be taken. The absence of substantive measures was deplored, and the situation was concerning with respect to the conclusions of the Commission of Inquiry. Croatia said it was disheartening to hear that critical aspects of the human rights situation remained unchanged in Eritrea, with the Council hearing of enslavement, violence and murder linked to military service. Conscientious objection was a key element of the right to freedom of thought, conscience and religion.

China stood for constructive engagement when dealing with differences in the field of human rights. Human rights goals were an important part of a country's development and must be

advanced in a comprehensive and impartial manner in accordance with Eritrea's will and needs. Djibouti appreciated the approach adopted by the Special Rapporteur and her work following up the Commission of Inquiry. The Special Rapporteur should continue to engage all relevant stakeholders, including the Eritrean Government. Djibouti urged the immediate and unconditional release of those under detention. Ireland asked the Special Rapporteur to elaborate on how the international community could support civil society in Eritrea and promote dialogue between the Government and civil society organizations, in order to build on the framework for progress provided by the accepted Universal Periodic Review recommendations.

Greece noted that arbitrary arrests and detention of citizens, their imprisonment in harsh conditions and the use of torture and sexual violence against them, as well as the fate of unaccompanied children fleeing the prospect of indefinite conscription in military service, all remained issues of great concern. Belarus consistently opposed the practice of country-specific mandates that often were not able to carry out their functions in an impartial manner. Therefore, the reports they presented to the Council were biased and one-sided and presented a distorted picture of the reality, in violation of the United Nations Charter. United Kingdom shared concern about the plight of Eritrean refugees and asked what would be the priority steps in building the relationship with Eritrea.

Israel announced that Israel had decided to accept the request by the Special Rapporteur to visit the country in the second half of 2017 and conduct meetings relevant to her mandate. Venezuela said it opposed mandates aimed specifically at developing countries, especially when they were

not accepted by the concerned country as this did not contribute to improving the human rights situation on the ground. Such mandates were a violation of the principles of sovereignty and territorial integrity of States. Somalia urged Eritrea to comply with its international human rights obligations and also urged the international community to support all those who were fleeing this country.

Cuba outlined that cooperation and dialogue should be the priority when dealing with human rights issues. Solutions should take into account the concerns of all in order to achieve effective results. Cuba opposed the involvement of the Security Council in issues of human rights as proposed by the Special Rapporteur. Netherlands was worried about the continued practice of indefinite national service and arbitrary detention. The Netherlands was equally alarmed about renewed reports that the Government of Eritrea used coercion to collect taxes.

International Service for Human Rights recalled that any State had the responsibility to ensure that all citizens could exercise their basic human rights. It was particularly alarming that, in Eritrea, there was no space for civil society. Human rights defenders were all outside the country. East and Horn of Africa Human Rights Defenders Project regretted the absence of strong action toward establishing accountability mechanisms by international and regional human rights bodies. There had been no indication that the Eritrean Government was willing to take steps to improve its human rights record. Business as usual could not be an option while Eritreans continued to suffer. Christian Solidarity Worldwide called for renewed efforts to refer perpetrators of human rights violations before national, regional, and international justice. Christian

Solidarity Worldwide outlined that severe repression by the Eritrean authorities was the root cause of the exile of thousands of Eritreans out of their country.

International Fellowship of Reconciliation said Eritrea had not implemented any recommendations of the Special Rapporteur or the Universal Periodic Review and had failed to implement its 1997 constitution. The Government had not reformed its national service programme in line with international law. Article 19 – the International Centre against Censorship expressed concern at the silencing of critical media in Eritrea, noting that no media was operating in the country since the last 18 journalists were stopped under the pretext of security. The Eritrean Government needed to facilitate access to the country at the earliest opportunity; the situation should be referred to the United Nations Security Council.

International PEN expressed concern at the situation in Eritrea, which was one of the worst jailers of dissidents in the world. An Eritrean Swedish journalist, Dawit Isaak, was one of many detainees who were kept incommunicado. The Security Council should be urged to refer Eritrea to the International Criminal Court. CIVICUS – World Alliance for Citizen Participation urged the Government of Eritrea to implement the benchmarks developed by the Special Rapporteur on Eritrea and provide the mandate-holder with all necessary support. Human Rights Watch said the Special Rapporteur's report made it clear that the Eritrean Government had ignored the Human Rights Council's resolutions from 2016. The principle of universal jurisdiction should be implemented and all countries should permit fleeing Eritreans to lodge asylum claims.

Concluding Remarks

SHEILA KEETHARUTH, Special Rapporteur on the situation of human rights in Eritrea, said that she would not respond to the personal attacks by the delegation of Eritrea and stressed that she was implementing her mandate in line with the code of conduct and the values therein contained. From the moment of taking up the mandate, Ms. Keetharuth had extended a hand of cooperation to Eritrea, to no avail. There was a need for civil society to be a part of the process to ensure that all voices were being heard, the voices of all those who worked on human rights issues. What was really required was more eyes and ears to hear about the human rights situation in the country. More monitoring with written reports to the Council, for example by the Office of the High Commissioner for Human Rights, would be valuable as those would provide a voice which was different from the voice of the Special Rapporteur.

Accountability was a very important issue to Eritreans, who needed to know the fate of their closest ones or needed justice for the human rights violations they suffered. There was no progress in terms of setting accountability mechanisms and a system of checks and balances – Eritrea still had no constitution or independent judiciary, which pointed to the need to look at another means to ensure accountability, for example through creating a civil society support network, or helping victims and their families organize. The Special Rapporteur pleaded with States to look at refugees not in terms of their numbers but to look at individuals and their own stories. Turning to the cooperation of Eritrea with other mechanisms for example, the Special Rapporteur said that there had been very specific requests for a visit to Eritrea; the first had been made in 2003

and it still remained unattended. This illustrated the need to change how Eritrea engaged and cooperated with the human rights system. Eritrea should consider inviting the Special Rapporteur on the situation of human rights in Eritrea and respond to requests for a visit made by many other Special Procedures since 2003.

In a country without accountability mechanisms and without a system of checks and balances, the role of civil society was of paramount importance. Eritrea should enact laws to allow free civil society organizations in the country and ensure they were able to operate without constraints. The call for justice in Eritrea was rather strong, and it was in the remit of the Council and States to ensure that those voices calling for justice were not drowned. In terms of measuring progress, the Special Rapporteur said that she had already offered some elements in her report, which could be developed into benchmarks to monitor the progress in the three key areas of concern, namely accountability, human rights violations within the national service, and the situation in prisons. Eritrea should take the necessary steps – and the Council should be vigilant in this regard – to implement the recommendations made by the Special Rapporteur and the Commission of Inquiry.

Right of Reply

Ethiopia, speaking in a right of reply, said the report strongly confirmed the serious, gross and systemic violation of human rights by Eritrea, including crimes against humanity that the repressive regime in Eritrea continued to commit against its own people. Ethiopia did not want to give a chance to Eritrea to distract the attention of the Council from the real Eritrean

serious violations of human rights by responding to the baseless allegations made against Ethiopia. The unethical and undiplomatic words that Eritrea had used against the Special Rapporteur showed in a flagrant manner to what extent it would go to insult the Council.
