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Centre for Human Rights
Faculty of Law

PRESS STATEMENT

LITTLE TO CELEBRATE AS ERITREA MARKS 25 YEARS OF INDEPENDENCE AMIDST GRAVE HUMAN RIGHTS VIOLATIONS

24 May 2016

The Centre for Human Rights, Faculty of Law, University of Pretoria, congratulates Eritrea on its 25th independence celebrations. Today, 24 May 2016, marks 25 years since Eritrea declared independence from Ethiopia after 30 long years of civil war. To the Eritrean people, 24 May 1991 marked the beginning of an era they hoped would bring peace, justice, equality and prosperity. The people of Eritrea had long hoped for a democratic society where human rights and fundamental freedoms are respected, upheld and defended and an unrestricted space created for personal as well as community development.

The holders of state power in Eritrea are yet to live up to these aspirations of the Eritrean people. As such, Eritreans have little to celebrate in terms of human rights guarantees and democracy. The United Nations Special Rapporteur on the Human Rights Situation in Eritrea has repeatedly reported systematic human rights abuses by the Eritrean government. The same have been echoed by the United Nations Commission of Inquiry into the Human Rights Situation in Eritrea, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the African Commission on Human and Peoples' Rights (ACHPR). The above UN special procedures and treaty bodies have repeatedly called upon Eritrea to honour its obligations under international human rights instruments. The ACHPR has also adopted a number of resolutions condemning the human rights situation in Eritrea and calling upon Eritrea to honour its obligations under international and regional human rights instruments as well as the Constitutive Act of the African Union.

The Eritrean government has adopted a policy of arbitrary arrests and detentions to silence perceived and real dissent and muzzle freedom of expression. Hundreds of Eritreans, among them journalists, political activists, human rights defenders and ordinary Eritreans have been arrested and detained without trial in the last two decades. Journalist Dawit Isaak, detained since 2001, former ambassador to Nigeria Ali Omaro and the G-15 group are just but a few examples of those languishing in undisclosed detention facilities without having been accorded the due process of law. Several others have also been forcefully disappeared. These violations have been extensively documented by the

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above UN special procedures in their various reports. The ACHPR has also found Eritrea in violation of the right to liberty, fair trial and freedom of expression in relation to detained journalists in *Article 19 v Eritrea* (2007) AHRLR 73 (ACHPR 2007) and detained political dissidents in *Zegveld & another v Eritrea* (2003) AHRLR 84 (ACHPR 2003). However, Eritrea is yet to implement any of the recommendations.

Detainees have also reportedly been subjected to torture and cruel, inhuman and degrading treatment in detention facilities particularly in the Wi'a prison camp. While Eritrea acceded to the Convention against Torture in 2014, it registered a reservation on Article 20 which effectively means the Committee against Torture has no investigative mandate over Eritrea. Further, Eritrea is yet to accede to the Optional Protocol to the Convention against Torture which means independent bodies cannot visit Eritrea's detention facilities. Requests by the mentioned UN special procedures and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information in Africa for information on detainees and their conditions of detention have been ignored by the Eritrean government. Requests by the UN special procedures as well as the ACHPR commissioner in charge of promotion in Eritrea to conduct field visits to the country have also been ignored. Eritrea continues to arbitrarily detain, torture and disappear its citizens.

Eritrea's policy of indefinite and compulsory national service has also been roundly condemned. Introduced supposedly for 18 months for adults under the pretext of defending the state against the threat of aggression from Ethiopia, the period has evolved to an indefinite period with very little or no pay under conditions amounting to forced labour. Children have also been subjected to this indefinite national service thereby dimming their prospects for personal development in careers of their choice. As a result, many Eritrean children have been forced to flee the country to avoid being compulsorily and indefinitely enlisted. Despite promises to scrap the indefinite period, nothing has been forthcoming from the government. As a result, many Eritreans, including unaccompanied minors, are risking their lives daily to escape the conditions in Eritrea and are braving the perilous journey to other countries on the continent and to Europe through the Mediterranean route to seek asylum.

On this very important day, the Centre calls upon the Eritrean government to restore the hopes and aspirations its people so gallantly fought for. In particular, the Centre calls upon the government to -

- i) immediately release all persons arbitrarily arrested and detained;
- ii) immediately discontinue its policy of indefinite national service;
- iii) desist from drafting children below 18 years of age into the national service;
- iv) implement the promised pay increase for national service recruits;
- v) implement all recommendations made by the UN special procedures and the ACHPR;
- vi) allow the UN special procedures and the ACHPR to conduct field visits to the country;
- vii) withdraw its reservation on Article 20 of the Convention against Torture; and
- viii) accede to the Protocol to the Convention against Torture.

The Centre also wishes to acknowledge the resilience of the Eritrean people despite the difficult conditions under which they live. Particularly, the Centre applauds the Eritrean human rights defenders who continue to fight the good fight from exile and the many Eritreans speaking out against human rights abuses from within and outside Eritrea. The Centre reiterates its continued support to the people of Eritrea in their quest for wider space for human rights and democracy. The Centre calls upon the African Union to impress upon the government of Eritrea the need to co-operate with the UN special procedures and the ACHPR and to live up to its human rights obligations. In this regard, the Centre calls upon the AU Assembly of Heads of State and Government to invoke its powers under Article 23(2) of the Constitutive Act of the AU and impose sanctions upon Eritrea for failure to comply with ACHPR findings and resolutions and the AU's policies on human rights.

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