

Introduction

Although Article 19 of Eritrea's constitution, ratified in 1997, states that 'no person may be discriminated against on account of...religion', the ruling People's Front for Democracy and Justice (PFDJ) has not implemented this document, and claims to be drafting a new one.

In May 2002 Eritrea effectively outlawed religious practices not affiliated with the Catholic, Evangelical Lutheran or Orthodox Christian denominations, or Sunni Islam. Other religious groups must register in order to practise their faith; however, the registration process is onerous, intrusive, restrictive, and inconclusive. Moreover, even the four government-sanctioned religious groups experience harassment and repression.

During an interactive dialogue with the United Nations' 46th session of the Human Rights Council in 2021, the UN Special Rapporteur on the situation of human rights in Eritrea stated there had been "no concrete evidence of progress"¹ in any of the five benchmarks articulated in an earlier report, namely, rule of law, national service reforms, the promotion of civil liberties, women's rights and gender equality, and an improvement in the operating environment for international agencies. She also regretted Eritrea's ongoing non-cooperation with her mandate.

Thousands of Eritreans continue to flee their country each month to escape the pervasive repression. According to the UN Office of the High Commissioner for Refugees (UNHCR), 12% of the population had become refugees or asylum seekers as of June 2016.

Detentions

Since 2002 thousands of adherents of non-recognised creeds have been detained without charge or trial in inhumane, life threatening conditions, where they may experience torture or even death. There are currently 24 members of the Jehovah's Witness movement in detention. The number of Christian prisoners is more difficult to ascertain, but in September 2020 CSW's sources confirmed the number to be over 300, including 39 children.

Notable is the case of Abune (Father) Antonios, the legitimate patriarch of the Orthodox Church. He has effectively been under house arrest since January 2007 after having been removed from office in 2006, in violation of canon law, for repeatedly objecting to government

interference in ecclesiastical affairs and refusing to excommunicate members of the Orthodox renewal movement known as Medhanie Alem. With the exception of a tightly managed appearance in July 2017, he has not been seen in public since his arrest, except in smuggled videos in which he criticises the conditions and grounds of his detention.

According to local sources Patriarch Antonios, who is severely diabetic and suffers from high blood pressure, is currently being kept in isolation and is not allowed visits, even from family members. In July 2019 five pro-government bishops signed a statement accusing of the patriarch of having committed heresy, stripping him of all official authority and effectively excommunicating him. In June 2020 five Orthodox priests from the Debre-Bizen Monastery were arrested, reportedly for supporting Patriarch Antonios and protesting government interference in church affairs.

Military service

Members of the Jehovah's Witness movement have suffered severe mistreatment on account of doctrinal exigencies that meant they did not vote during the 1993 independence referendum, and requested to participate only in non-military aspects of national service. The community was stripped of citizenship rights; those who had declined active military service remain detained indefinitely, and any caught meeting clandestinely face detention and harassment, including children and the elderly.

By law, military service is meant to last for 18 months, but in reality, it remains indefinite. Recruits receive minimal wages and are subject to forced labour. Young female recruits can face sexual harassment and violations by senior officers. Random military round-ups continue to occur. On 4 February 2020 Shewit Yakob Gebretensae, 27, was shot dead in Mendefera by police who had attempted to seize him as he walking home.²

In a report released in June 2016, the UN Commission of Inquiry on Human Rights in Eritrea (COIE) "found reasonable grounds to believe" that crimes against humanity, "namely enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder" have been committed in a "widespread and systematic manner" since 1991. These crimes were deemed to have been committed largely but

¹ 46th Session of the United Nations Human Rights Council, Oral Update from the Special Rapporteur on the situation for human rights in Eritrea, 26 February 2020 <http://webtv.un.org/search/id-sr-on-human-rights-in-eritrea-9th-meeting-46th-regular-session-human-rights-council-/6234947151001/?term=&lan=english&page=4>

² Human Rights Concern Eritrea, 'A 27 year old Eritrean is shot dead in the street by armed police', 10 February 2020 <https://hrc-eritrea.org/a-27-year-old-eritrean-conscript-is-shotdead-in-the-street-by-armed-police/>

not exclusively within the context of the military service regime.

Recent developments

COVID-19

The spread of the COVID-19 pandemic has raised serious concerns for the well-being of tens of thousands of prisoners of conscience who continue to be detained in unsanitary and ill-equipped facilities that can be makeshift and where conditions are life-threatening, with insufficient access to water, food or medical facilities. In April 2020 the UN Special Rapporteur on Eritrea appealed for the release of low-risk offenders and vulnerable prisoners, but this was firmly rebuffed.³

Releases in August of 101 members of the Muslim community, who had been detained without charge or trial in connection with protests in 2018, which were followed by the releases in August and September of up to 64 Christians who had been imprisoned for between two and 16 years, are not thought to have been linked to the outbreak of the virus, and were accompanied by further arbitrary detentions, including of five church leaders, around eight Christian women and the entire male population aged 14 and over from one community.⁴

Additionally, a stringent COVID-19 related lockdown, enforced often with violence by the armed forces, has provided the government with an additional means of curtailing freedom of movement, which was already severely restricted. Reports of widespread hunger continue to emerge, including from the capital Asmara, as people have been prevented from opening stores, farming or taking food to detained relatives.

Tigray crisis

On 4 November 2020 Ethiopian Prime Minister Abiy Ahmed ordered a military offensive against the Tigray Peoples' Liberation Front (TPLF) forces in response to an attack on a federal army base which the Tigrayan authorities described as pre-emptive. The order sparked a violent and ongoing war with regional dimensions in the Tigray region, due to the initially covert participation of soldiers from both Eritrea and Somalia. There are now serious concerns that atrocity crimes may have taken place in the region, with egregious violations reported, including rape,

extrajudicial killings, and the indiscriminate bombing of homes, hospitals, churches, mosques, educational establishments and other civilian structures.

The involvement of thousands of Eritrean troops in the fighting in Tigray is no longer disputed. These soldiers are reportedly involved in extensive looting and destruction of property, including cultural heritage sites. Churches are reportedly attacked on feast days to ensure casualties are on sites.

The presence of Eritrean soldiers has heightened concerns for the wellbeing of Eritrean refugees in Tigray, who are accommodated in four camps within reach of the Eritrean border. Shimelba and Hitsats camps have been emptied of their occupants and destroyed, with around 6000 refugees reportedly forced to walk to the town of Shiraro, from where they were transported to Eritrea. CSW has received credible reports that large numbers of refugees from the Kunama ethnic group, a tribe was identified by the UN Commission of Inquiry as having suffered persecution on the grounds of ethnicity, may have been forced to walk to Eritrea.

On 4 December 2020 24 Jehovah's Witnesses were released from prison, in a possible effort to distract from Eritrea's active role in the ongoing violence in Tigray, Ethiopia.

In December 2020 reports surfaced that a large number of Eritrean refugees, several of whom had been evacuated by air from Shire in Tigray to the Ethiopian capital Addis Ababa by the federal army, had been placed in buses and were being returned to refugee camps in Tigray under armed guard.

In January 2021 an assessment team from the office of the UN High Commissioner for Refugees (UNHCR) was finally allowed to visit the remaining camps, Mai Aini and Adi Harush, where buildings and structures were found to be still intact. However, a critical shortage of potable water had caused diarrhoea-like illnesses, and while they were yet to be impacted directly by the fighting, refugees report being harassed, threatened and robbed by armed groups who access their camps at night. Additionally, some 5,000 refugees who had made their way to Shire town are "living in dire conditions, many sleeping in an open field on the outskirts of the town, with no water and no food."⁵

³ United Nations Office Of The High Commissioner For Human Rights, 'Eritrea must free political prisoners and low-risk offenders to reduce COVID-19 threat in crowded jails, says UN expert', 2 April 2020 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25764&LangID=E>

⁴ Human Rights Concern Eritrea, 'Arbitrary Punishments, Incommunicado Detention and Other Injustices Against the People of

Kuazien are a Continuation of the Eritrean Regime's Inhuman Actions', 17 September 2020 <https://hrc-eritrea.org/arbitrary-punishments-incommunicado-detention-and-other-injustices-against-the-people-of-kuazien-are-a-continuation-of-the-eritrean-regimes-inhuman-actions/>

⁵ UNHCR, 'UNHCR finds dire need in Eritrean refugee camps cut off in Tigray conflict', 19 January 2021 <https://www.unhcr.org/uk/news/briefing/2021/1/6006a31a4/unhcr-finds-dire-need-eritrean-refugee-camps-cut-tigray-conflict.html>

Other developments

In February 2020 a high-ranking delegation of Catholic dignitaries led by Berhaneyesus Demerew Souraphiel, C.M., Archbishop of Addis Ababa and the head of the Ethiopian Catholic Church, was not allowed to enter Asmara. Despite possessing valid entry visas the delegation was detained for sixteen hours before being sent back to the Ethiopian capital.

Recommendations

To the government of Eritrea:

- Implement the ratified constitution and facilitate all rights enshrined within it.
- Release all prisoners of conscience, including those detained on account of their religion or belief, immediately and without precondition.
- Immediately and unconditionally release and reinstate the legitimate patriarch of the Eritrean Orthodox Church, Abune Antonios.
- End the indefinite extension of the legally stipulated 18-month term of military service, ensure the demobilisation of those who have served excessive tours of duty, and terminate the use of military conscripts and detainees as forced labour.
- End arbitrary arrest, incommunicado detention, and indefinite detention without charge or trial.
- Immediately withdraw all Eritrean military personnel from Tigray.

To the government of Ethiopia:

- Ensure that refugees and asylum seekers within its borders are treated humanely, and that their rights and persons are protected.
- Bring an immediate end to the violent conflict in the Tigray region, and facilitate reconciliation.
- Allow independent investigation of events in Tigray, ensuring those found to have committed human rights violations during the conflict are held to account.

To the international community:

- Establish judicial mechanisms to hold identified perpetrators of severe human rights violations and crimes against humanity in Eritrea to account.
- Take steps to investigate alleged atrocity crimes in the Tigray region, holding perpetrators to account.