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**STATUS OF HUMAN RIGHTS IN THE STATE OF ERITREA
FOR THE 46TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the State of Eritrea (Eritrea) for the 46th session of the Universal Periodic Review.

Background

2. Eritrea is located in Eastern Africa and has a population of approximately 6.3 million.¹ The country is largely split between Islam and Christianity. Out of the total population, 47% identify as Muslim, 39% belong to the Eritrean Orthodox Tewahdo Church, 5% identify as Roman Catholic, 2% belong to ethnic religions, 1% identify as Evangelical, 2% as non-religious, and 4% as independent/other Christian.² In its 2023 World Watch List, Open Doors ranked Eritrea as the 4th worst country for Christians to live in.³ This ranking stems from the fact that the government closely monitors Christian churches and has even conducted hundreds of house-to-house raids and has imprisoned many Christians.⁴

3. Eritrea's previous review was held on January 28, 2019.⁵ As a result of the review, Eritrea received 261 recommendations, 131 of which Eritrea supported.⁶ It was recommended by the United States of America, and noted by Eritrea, that the government "[i]mplement constitutional provisions and international obligations that protect the rights to freedom of expression, peaceful assembly, association and religion or belief"⁷ It was also recommended by the United Kingdom of Great Britain and Northern Ireland, but only noted by Eritrea, that the government "[e]nsure due process for all detainees and release those arbitrarily detained for political and religious reasons."⁸ It was further recommended by Canada, and only noted by Eritrea, that the government "[e]nd its practices of arbitrary arrests, indefinite detention, torture and ill-treatment of detainees."⁹

Legal Framework

4. While Eritrea's Constitution was ratified in 1997, the Constitution has yet to be implemented and national elections have been suspended indefinitely.¹⁰ Under Article 14 of Eritrea's 1997 Constitution, "[n]o person may be discriminated against on account of race, ethnic origin, language, color, gender, religion, disability, age, political view, or social or economic status or any other improper factors."¹¹ Article 19 also states that "[e]very person shall have the right to freedom of thought, conscience and belief."¹²

5. Under Article 7 of the Penal Code of Eritrea, "[c]riminal law applies equally to all persons and no person may be discriminated against on account of race, ethnic origin, language, colour, gender, religion, disability, age, political view, or social or economic status."¹³

6. However, Article 10 of Proclamation No. 73/1995 requires religious institutions to register in accordance with Department of Religious Affairs directives.¹⁴ Since 2002, the government has only recognized three Christian denominations: the Eritrean Orthodox Tewahedo Church, the Evangelical Lutheran Church, and the Catholic Church.¹⁵ Further, Article 192 of the Penal Code of Eritrea criminalizes participating in unlawful assemblies:

Art. 192. – Participation in an Unlawful Assembly

A person who:

(a) in a public place knowingly participates in an assembly forbidden by law; or

(b) refuses to leave a public meeting or gathering when the gathering or meeting is ordered to disperse by lawful authority,

is guilty of participation in an unlawful assembly, a Class 2 petty offence, punishable with a definite term of imprisonment of not less than 1 month and not more than 6 months, or a fine of 5,001 – 20,000 Nakfas, to be set in intervals of 1,000 Nakfas.¹⁶

7. Eritrea is also a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁷ Article 18 of the ICCPR enshrines religious freedom:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.¹⁸

8. This fundamental right to religious freedom is likewise enshrined with similar language under Article 18 of the Universal Declaration of Human Rights (UDHR):

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.¹⁹

Religious Persecution

9. Since 1993, the People’s Front for Democracy Justice Party has exercised full control over the country under the leadership of President Afwerki.²⁰ His regime has been defined by authoritarian rule and his willingness to do anything to maintain power.²¹ Christians, particularly those belonging to non-registered denominations, are specifically targeted because the government views them as “agents of the west” and are therefore viewed as a threat to the government.²² In addition to Christians being targeted by the

government, there have also been reports of Christians being killed, abducted, raped, and forced into marriages because of their Christian faith.²³ In order to escape the extreme level of persecution, many Christians have fled to Ethiopia where they reside in government-run refugee camps.²⁴

10. Since 2002, thousands of Christians have been detained without even being formally charged with any crimes.²⁵ During this same period, the government shut down most of the Christian churches, particularly those belonging to Evangelical and Protestant denominations.²⁶ Further, just because a church is registered with the government does not mean that it is safe from government intervention and persecution.²⁷ As we will demonstrate below, Catholic churches have even been raided by government forces and priests and worshippers have been detained.²⁸ Many of those arrested have not been charged, are denied legal counsel, and are being held indefinitely without a trial.²⁹ It is estimated that the government is currently holding more than 1,000 Christians in prison, just because they choose to peacefully live out their faith.³⁰

11. While in prison, Christians have faced extreme abuse and treatment.³¹ Christians have been kept in shipping containers where they are exposed to extreme heat during the day and freezing cold temperatures at night.³² Christians have even been beaten and tortured in order to force them to renounce their faith.³³ One method of torture that has been utilized involves tying up prisoners and hanging them from trees.³⁴ Prison authorities also prohibit Christians from praying, signing, and reading religious texts.³⁵ Many Christians who have been detained are imprisoned in the notorious Mai Serwa prison.³⁶ This prison is known for its use of torture, beatings, starvation, and the denial of medical attention.³⁷

12. Two Christians have now spent more than 7,000 days in prison following their arrest on May 23, 2004.³⁸ The two individuals were arrested for leading the Full Gospel Church of Eritrea, which is an unregistered church.³⁹ While in prison, the individuals have been denied access to their lawyers and families and have even been denied medical care.⁴⁰

13. In April 2023, 103 Christians were arrested in Asmara.⁴¹ The group comprised mainly of students. They were arrested after police raided the group gathered to sing and record video clips for use on social media.⁴² The 103 Christians were then taken to Mai Serwa prison.⁴³

14. In March 2023, thirty Christians who had gathered to worship together in a house in the town of Karen were arrested.⁴⁴

15. In January 2023, forty-four Christians were arrested from private homes.⁴⁵ Of those arrested, thirty-nine were women and five were men.⁴⁶ The Christians were taken to Mai Serwa prison.⁴⁷

16. In September 2022, authorities raided an underground church and arrested 150 Christians.⁴⁸ Following the raid, some women and children were released, and the remaining ninety-eight were taken to Mai Serwa prison.⁴⁹

17. That same month, security forces arrested several Christians who gathered to pray in a Catholic church.⁵⁰ Among those arrested were church deacons, ministers, and members of the choir.⁵¹

18. In March 2022, police arrested twenty-nine Pentecostal Christians and raided their homes where they were gathered to pray.⁵² The Christians were taken to Mai Sirwa prison.⁵³

19. On February 9, 2022, the Patriarch of the Eritrean Orthodox Church, Abune Antonios, died in prison after being kept in solitary confinement for sixteen years.⁵⁴ He was arrested in 2006 following confrontations with the government over its interference with church affairs, which included requests by the government that he excommunicate 3,000 members from the church.⁵⁵

20. In September 2021, fifteen Christians were arrested after authorities conducted raids on houses in Asmara.⁵⁶ The Christians were taken to Mai Serwa prison.⁵⁷

21. In March 2021, twenty-three women were arrested and taken to Mai Sarawa prison after their prayer meeting was raided by the army.⁵⁸ That same month, twelve other Christians were arrested while holding a prayer meeting in a house.⁵⁹ They were subsequently taken to a nearby prison.⁶⁰

22. One Christian was imprisoned for sixteen years after authorities spotted her leaving a New Year's Eve prayer vigil in 2004.⁶¹ She spent three years of her time locked in a shipping container in Mai Serwa prison.⁶² She shared her experience being imprisoned in a shipping container: "Many believers, mainly teenagers, came in and out of the prison, renouncing their faith in order to get released. These included pastors. So the prison officers put pressure on me, saying: 'We will make you [renounce your faith] by force. If you do not comply, you will die.'"⁶³

23. In June 2020, security forces raided a wedding in Asmara and arrested thirty Christians who belonged to unregistered denominations.⁶⁴ The Christians were then taken to a nearby police station.⁶⁵

24. On August 18, 2019, eighty Christians were arrested in Godayef and taken to a police station.⁶⁶ Their whereabouts are unknown.⁶⁷

25. On June 23, 2019, seventy Christians were arrested in Karen.⁶⁸ The Christians were members of the Faith Mission Church of the Christ.⁶⁹ The church attempted to register with the government in 2002, but never received a response.⁷⁰ In addition to the Christians being arrested, the church's school was shut down.⁷¹

26. On June 13, 2019, security forces in Eritrea arrested five Orthodox priests from their monastery for opposing the government's interference in religious affairs.⁷²

27. On May 17, 2019, approximately thirty Pentecostal Christians were arrested while holding prayer meetings throughout Godeif.⁷³ Just one week before that, 141 Christians were arrested while holding a private gathering in Asmara.⁷⁴ Fifty of those arrested were released, while the remaining were detained without officially being charged.

28. Clearly, as demonstrated by the numerous examples shared above (approx. 765 - which is just a sampling during this reporting period), Eritrea is completely failing to uphold its obligations under fundamental human rights documents, such as the ICCPR and the UDHR, regarding religious liberty. Even more troubling is that Eritrea has shown no willingness to change. During the last UPR session, Eritrea failed to even support recommendations that called for the government to protect religious liberty and end the practice of arbitrary arrests.

Since the last UPR, Eritrea has continued to carry out mass arrests of Christians simply for peacefully practicing their faith and subjecting them to cruel and inhumane treatment in prison.

Recommendations

29. Eritrea must immediately release all Christians who have been arbitrarily detained simply because they are peacefully living their faith. In addition to securing their release, the government must halt its practice of arresting Christians and allow them to peacefully practice their religion according to the tenets of their faith. We would like to remind Eritrea of its obligations under the UDHR and the ICCPR, which enshrine that everyone has the “right to freedom of thought, conscience and religion” and that this includes the right for everyone to “individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”⁷⁵ No one should be arrested, attacked, or harassed because of his faith.

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² Eritrea, ERITREA, <http://www.eritrea.be/old/eritrea-religions.htm> (last visited Aug. 28, 2023).

³ World Watch List 2023, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Sep. 5, 2023).

⁴ Eritrea, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/eritrea/> (last visited Sep. 5, 2023).

⁵ Universal Periodic Review – Eritrea, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/er-index> (last visited July 24, 2023).

⁶ Eritrea Infographic, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/ER/Infographic_Eritrea.pdf (last visited July 24, 2023).

⁷ Universal Periodic Review – Eritrea, OHCHR (3rd Cycle – 32nd Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/ER/UPR32_Eritrea_Thematic_List_of_Recommendations.docx (last visited July 24, 2023).

⁸ *Id.*

⁹ *Id.*

¹⁰ Eritrea, FREEDOM HOUSE, (last visited Sep. 5, 2023).

¹¹ CONSTITUTION OF THE STATE OF ERITREA 1997, art. 14, https://constituteproject.org/constitution/Eritrea_1997.pdf.

¹² *Id.* art. 19.

¹³ PENAL CODE OF THE STATE OF ERITREA [PENAL CODE] art. 7(6), <https://faolex.fao.org/docs/pdf/eri210565.pdf>.

¹⁴ Eritrea: Proclamation No. 73/1995, Proclamation to Legally Standardize and Articulate Religious Institutions and Activities art. 10, <https://www.refworld.org/docid/48aec42b2.html>.

¹⁵ Eritrea, AID TO THE CHURCH IN NEED, <https://acnuk.org/eritrea/> (last visited Sep. 8, 2023).

¹⁶ PENAL CODE OF THE STATE OF ERITREA [PENAL CODE] art. 192, *supra* note 13.

¹⁷ Ratification Status for Eritrea, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=57&Lang=EN (last visited Sep. 5, 2023).

¹⁸ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18 (Dec. 10, 1948) [hereinafter UDHR].

²⁰ OPEN DOORS, ERITREA: FULL COUNTRY DOSSIER (2023), <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Eritrea-2023.pdf>.

²¹ *Id.*

²² *Id.*

²³ WWL 2023 Compilation of Main Documents, OPEN DOORS (Jan. 2023), <https://opendoorsanalytical.org/wp-content/uploads/2023/01/WWL-2023-Compilation-of-main-documents.pdf>.

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- ²⁴ *Eritrea's Christians – The Persecution Continues*, RELEASE INTERNATIONAL (May 22, 2019), <https://releaseinternational.org/eritreas-christians-the-persecution-continues/>.
- ²⁵ OPEN DOORS, ERITREA: FULL COUNTRY DOSSIER (2023), *supra* note 20.
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- ²⁸ *Id.*
- ²⁹ Steve Warren, *13 Christians Released from East African Prison Thanks to Emails and Prayers – 400 Still Captive*, CBN (Aug. 10, 2023), <https://www2.cbn.com/news/world/13-christians-released-east-african-prison-thanks-emails-and-prayers-400-still-captive>.
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- ³¹ *Eritrea – More Arrests, Some Christians Freed*, *supra* note 26.
- ³² *Id.*
- ³³ *Id.*
- ³⁴ *Id.*
- ³⁵ *Id.*
- ³⁶ *Eritrea Arrests 103 Christians*, RELEASE INTERNATIONAL (Apr. 24, 2023), <https://releaseinternational.org/eritrea-arrests-103-christians/#:~:text=Mai%20Serwa%20prison%20is%20notorious,of%20whom%20are%20political%20prisoners>.
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- ³⁸ Jon D. Wilke, *Two Eritrean Christians Imprisoned for 7,000 Days*, AIR1 NEWS (July 22, 2023), <https://www.air1.com/news/faith/two-eritrean-christians-imprisoned-for-7000-days-44945#:~:text=In%202002%2C%20the%20government%20outlawed,imprisoned%20for%20their%20Christian%20faith>.
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- ⁴⁰ *Id.*
- ⁴¹ *Eritrea Arrests 103 Christians*, *supra* note 36.
- ⁴² *Id.*
- ⁴³ *Id.*
- ⁴⁴ *Eritrea – More Arrests, Some Christians Freed*, *supra* note 26.
- ⁴⁵ *44 Christians Arrested; Three Others Released*, VOICE OF THE MARTYRS (Jan. 26, 2023), <https://www.vomcanada.com/er-2023-01-26.htm>.
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- ⁴⁷ *Id.*
- ⁴⁸ *Eritrea – Another 100 Christians Detained*, RELEASE INTERNATIONAL (Nov. 17, 2022), <https://releaseinternational.org/eritrea-another-100-christians-detained/>.
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- ⁵⁰ OPEN DOORS, ERITREA: FULL COUNTRY DOSSIER (2023), *supra* note 20.
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- ⁵² *Id.*
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- ⁵⁷ *Id.*
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- ⁵⁹ *Id.*
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⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Elizabeth Scaffidi, *Crackdown on Christians in Eritrea Spurs UN Expert to Press Government “to Live up to its International Commitments”*, UN (June 21, 2019), <https://news.un.org/en/story/2019/06/1041041>.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ ICCPR art. 18, *supra* note 18.