Statement by Sheila B. Keetharuth
SPECIAL RAPPOREUR ON THE SITUATION OF HUMAN RIGHTS IN ERITREA

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Mr. Chairperson,
Distinguished delegates,
Ladies and gentlemen,

It is my pleasure to address you today for the first time in my capacity as the Special Rapporteur on the situation of human rights in Eritrea.

More than a year ago, during its 20th session, the Human Rights Council created the mandate on the situation of human rights in Eritrea in an effort to address a chronic and urgent human rights situation on the African continent. I was appointed as the Special Rapporteur on the situation of human rights in Eritrea by the Human Rights Council and I took up my mandate on 1 November 2012.

After I presented my first report in June 2013, the Human Rights Council extended my mandate and - as a new element – requested me to address and engage in an interactive dialogue with the General Assembly. I would like to use today’s opportunity to brief you about the challenges I face in implementing my mandate, the findings of my first report and my long-term objectives.

Since my appointment, I have endeavoured to implement the mandate in a constructive, transparent, independent and impartial manner with a view to strengthening the respect for the human rights of all Eritreans. While I welcome the exchanges I have had with representatives of the Government of Eritrea on an ad-hoc basis, I regret that the authorities continue to deny me access to the country. As long as I am not invited to Eritrea to hold consultations with relevant Government officials and other actors, I will have no other option than to continue assessing the human rights situation by listening to Eritreans residing outside of the country who have been victims of human rights violations back in Eritrea. Djibouti and Ethiopia were the two countries that invited me during my first term. During visits to both countries in May this year, I interviewed Eritrean refugees about the situation in Eritrea.

Excellencies,

Based on my findings, I am extremely concerned about the human rights situation in Eritrea, where the most serious human rights violations are being committed. In my report, I detail extrajudicial killing, enforced disappearance and incommunicado detention, arbitrary arrest and detention, torture, inhumane prison conditions, indefinite national service, and lack of freedom of expression and opinion, assembly, association, religious belief and movement. Today, I want to focus on three issues, namely violations committed in the context of the national service, arrest and detention, and refugees, including refugee children.

(1) National service

Excessive militarisation is affecting the very fabric of the Eritrean society and its core unit, the family. Originally, the National Service demanded from each Eritrean citizen that she/he supported reconstruction and development for eighteen months through conscription. However, National Service has now been extended for an unlimited period, affecting each and everyone between eighteen to fifty. The indefinite National Service is depriving the women and men of Eritrea of their most productive years. With no comprehensive demobilization programme in place, Eritreans are conscripted for indefinite periods without adequate remuneration. This state of affairs causes countless Eritreans to desert from their positions and flee the country, while a coercive apparatus is in place to retain them in conscription, consequently generating an atmosphere of fear and mistrust.
(2) Arrest and detention

Extended periods of incommunicado detention seem to be used in Eritrea as a technique to obtain information or as a punishment. From testimonies collected and from information available, incommunicado detention for prolonged periods appears to be the norm, and not the exception. The use of incommunicado detention for prolonged periods is a breach of international law and can never be justified because of the potential harmful consequences, causing severe mental or physical pain or suffering. Additionally, detainees in Eritrea are particularly vulnerable to abuse in circumstances where legal safeguards and procedures, including access to family members, doctors, lawyers and judges, are lacking.

(3) Refugees, including refugee children

The alarming human rights situation in Eritrea is triggering a constant stream of refugees to neighbouring countries and further afield. Although there is a shoot-to-kill policy targeting those attempting to flee, many thousands of Eritrean citizens have fled over the past decade. In 2012, the total Eritrean population of concern to UNHCR amounted to 305,723 persons. The current numbers are between 2,000 and 3,000 Eritreans fleeing the country every month. To put the numbers in perspective, it is worth noting that, according to UNHCR, since the beginning of the year up to end of September, 7504 Eritreans arrived in Italy by sea, whereas 7557 arrived from Syria and 2946 from Somalia.

I was extremely saddened by the two successive boat tragedies off the coasts of Italy and Malta earlier in October, during which more than 350 refugees, lost their lives. Many were from Eritrea, especially those involved in the first incident off Lampedusa. I would like to offer my heart-felt condolences to the families of all those who drowned in these terribly shocking disasters. It demonstrates the desperation of those who decide to flee, despite the extreme dangers along escape routes and an unknown future. Only when the human rights situation on the ground improves will people stop putting their lives at risk by undertaking such dangerous journeys.

I am also concerned about the increasing numbers in connection with the smuggling and trafficking of Eritrean refugees. More needs to be done by the international community, in line with their obligations under international law, to protect refugees during their perilous journeys in the course of which they face severe exposure to abuse. As noted in my report, I reiterate my call to the international community to strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing numbers of unaccompanied children, including by respecting the principle of non-refoulement and by granting at least temporary refuge or protection. It is of paramount importance to end bilateral and other arrangements between Eritrea and third countries that jeopardize the lives of those who seek asylum.

During my visit to refugee camps in Ethiopia, I met a large number of unaccompanied children crossing the border, over a thousand, some as young as seven or eight years old. Many leave home without the knowledge of their families, mostly as they fear the forced conscription into indefinite national service, or to access education or as a result of the breaking up of their families. In some cases, children were heading households as their parents were conscripts, in exile or incarcerated. In my view, the increasing number of these unaccompanied minors poses major protection challenges. They are very vulnerable and run the risk of exposure to abuse and violence, including trafficking. But the fact that they have crossed borders is indicative of the scale of despair these children are facing at home.
Distinguished delegates,

I would like to share with you the words of a young man of 30 years who told me: “There is a human catastrophe currently unfolding in Eritrea, characterised by a painful environment of repression, where people see no hope for a normal life.”

The serious challenges with regard to the human rights situation in Eritrea require a shift on the part of the Eritrean Government. A number of positive steps, including some key legislative and institutional reforms to address human rights concerns affecting most aspects of life in Eritrea, need to be taken. While I have elaborated recommendations in great detail in my report, I feel duty bound to highlight the areas requiring the most immediate attention.

- A review of the unimplemented 1997 Constitution of Eritrea in an inclusive, participatory and transparent manner is needed to bring it in line with Eritrea’s obligations under international law, with a view to its prompt enactment and implementation.

- Free, fair and transparent democratic national elections should be held as a first step to strengthen institutions and the rule of law.

- All political prisoners, including those detained on the basis of their religious belief should be released without delay.

- The whereabouts of those who have reportedly disappeared should be communicated immediately, including the members of the “G-15” and the journalists arrested in 2001. Twelve years without any news represent a lifetime of torture for their families.

- The practice of incommunicado detention needs to stop immediately and detainees should have access to family, lawyers and doctors, while all unofficial and secret places of detention should be closed. Eritrea is under the obligation to bring the conditions of detention in line with international standards and to allow unhindered access to all detention facilities by international monitors.

- A comprehensive demobilization programme for those who have completed 18 months of national service is urgently required, coupled with an end to the use of national service conscripts as forced labour and the recruitment of children under the age of 18 years into military training.

- Freedoms of expression and opinion, of peaceful assembly and association as critical foundations for any democracy, as well as the religious freedom of all faiths need to be respected to contribute to a rapid change in the human rights landscape in Eritrea.

- The shoot-to-kill policy at the border targeting those trying to flee is unacceptable under international law and should be stopped with immediate effect.

- Strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing numbers of unaccompanied children, including by respecting the principle of non-refoulement and by granting at least temporary refuge or protection.

- End bilateral and other arrangements between Eritrea and third countries that jeopardize the lives of those who seek asylum;
● Promote more regular migration channels, including for low-skilled migrants, which would lead to fewer irregular border crossings, less smuggling of migrants, reduced loss of life at borders, less labour exploitation, and less migrants’ rights violations.

● Promote regional cooperation to counter human smuggling and trafficking, while treating those smuggled and trafficked humanely.

Ladies and gentlemen,

Eritrea’s second universal periodic review is coming up in January 2014 and will provide another opportunity for a discussion of the human rights situation in the country. I hope that the Eritrean delegation will be in a position to explain how the country has implemented its commitments under the previous UPR and reflect on the way forward with a view to strengthening human rights in the country.

While noting that the respect for human rights is the primary obligation of the Government, I reiterate my call to the international community to keep Eritrea under close scrutiny until meaningful change is evident in the country. In my view, it will be important to increase efforts to constructively engage with Eritrea and neighbouring countries to improve the situation of human rights in the country.

Relating to the broader picture, innovative ideas will be required to address those issues perceived by Eritrea as hostile. However, any movement in that regard will necessitate the sincere commitment by all sides for a genuine dialogue on these issues. Eritrea deserves the development it strives for as a country and all Eritreans should be able to claim and enjoy their human rights, be it civil and political or economic, social and cultural.

My mandate offers the opportunity for a frank and open dialogue on the human rights situation with the Government of Eritrea. I remain available for a meaningful dialogue in a spirit of good will for the advancement of human rights of all Eritreans and I sincerely urge the Eritrean authorities to invite me to Eritrea during my second term. Such an invitation would be in the best interests of human rights, of Eritreans and of Eritrea.

I thank you for your attention.