



Eritrea:

A Country Under the Sway of a Dictatorship

Desertion,
Refuge & Asylum

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Editorial

This booklet is based in large part on the contributions of the conference "Eritrea and the Ongoing Refugee Crisis", which took place in Brussels on 19 October 2017.

Some of the speeches were written and edited by the editors. Other contributions were provided by the speakers themselves. The editors have supplemented this with up-to-date information and articles in order to provide a comprehensive overview of the situation in Eritrea, the situation of Eritrean refugees and initiatives and activities.

The conference was organized by the *Eritrean Movement for Democracy and Human Rights*, *Europe External Policy Advisors* (EEPA), *PRO ASYL e.V.*, *Connection e.V.*, *War Resisters' International* and the *Eritrean Law Society*.

Support from the *Representation of the State of Hesse to the European Union* as well as from *Stiftung Umverteilen! - Foundation for a Solidarity World* and *A.J. Muste Memorial Institute* was essential in bringing the conference about.

Contents

Introduction			
<i>Rudi Friedrich</i>		<i>Martin Plaut</i>	
Eritrea: A Country Under the Sway of a Dictatorship	4	The European Union and Eritrea	34
Publication: Mining and Repression in Eritrea	6	<i>Project of the Conference</i>	
Eritrea: Factsheet and Map	7	Eritrea Hub - A New Blog	35
<i>Conference Participants</i>		<i>J. Nastranis</i>	
EU Condemned for Refugee Policy	10	Security Council Back Dutch Sanctions Against Eritrean and Libyan Traffickers	41
Israel		<i>Europe External Policy Advisors (EEPA)</i>	
<i>Hotline for Refugees and Migrants</i>		Adressing Criminalisation of Refugees and Impunity of Human Trafficking	42
Ruling: Major Victory for Eritrean Asylum Seekers	11	<i>Europe External Policy Advisor (EEPA)</i>	
<i>Mirjam van Reisen and Gilad Liberman</i>		Head of Eritrean Embassy Office in The Hague declared 'Persona non Grata'	44
Thousands are Threatened by Deportation	12	<i>Europe External Policy Advisor (EEPA)</i>	
<i>Europe External Policy Advisor (EEPA)</i>		Sweden: Eritreans No Longer Required to Go to Eritrean Authorities for Family Reunion	45
African Migrants in Israel will Not be Deported, Government Says	13	<i>Europe External Policy Advisor (EEPA)</i>	
United Nations and Eritrea		Eritreans March Peacefully outside UNHCR Office in Cairo	49
<i>Sheila B. Keetharuth</i>		<i>Naomi Stocker</i>	
Crimes Against Humanity Continue to be Perpetrated by Eritrea	14	Ethiopia 'Fully Accepts Peace Deal' to End Eritrea Border War	50
<i>Permanent Mission of Eritrea to the UN</i>		Situation of Women	
Reaction to the Conference	16	<i>Asia Abdulkadir</i>	
<i>PRO ASYL</i>		The Situation of Women and Girls in Eritrea	53
Numbers about Eritrean Refugees	18	<i>Selam Kidane</i>	
Personal Story of an Eritrean Refugee		Military Service and Women	56
<i>Filmon Debru</i>		<i>Martin Plaut</i>	
My Personal Story	19	Eritrean Women: "Take Human Rights Abusers to International Criminal Court!"	58
Eritrea: State, Government and Causes of Displacement		Human Rights	
<i>Gaim Kibreab</i>		<i>Alex Jackson</i>	
Reflection on the Causes of Displacement	22	Human Rights Abuses and Religious Persecution	60
<i>Dawit Mesfin</i>		<i>Sarah Ogbay</i>	
Government in Perpetual Crisis	28	The Eritreans' unaccompanied Child Migrants	62
European Union: Eritrea and Asylum Regime		Eritrean Refugees in African Countries	
<i>Daniel Mekonnen</i>		<i>Adane Ghebremeskel</i>	
Understanding the EU Asylum Regime	30	Precarious State of Eritrean Refugees in Selected African Countries	64
<i>Swiss Refugee Council</i>		Publisher and Organizers of the Conference	71
Difficult Situation for Fact Finding Mission	31		
<i>European Council on Refugees and Exiles (ECRE)</i>			
Switzerland: Eritreans Face Possible Deportation	33		

Eritrea: A Country Under the Sway of a Dictatorship

The situation facing refugees and the prospects for building solidarity networks

** Introduction by Rudi Friedrich*

On 19 and 20 October 2017, we met up with other organisations in Brussels for a one-day conference entitled “Eritrea and the ongoing refugee crisis” and, the next day to hold a strategy meeting of groups and initiatives engaged in the topic of refugees from Eritrea. “I believe it was useful gathering to discuss [the] refugee crisis [which is] one of the hottest issues at present and [to] find out solutions for [the] root causes of [the] refugee exodus in general and [of] Eritreans in particular in the country of origin, transit and host countries” is what one participant reported back to us afterwards. And the conference certainly was unique, in that it was the first time there had been a platform for Eritrean and international experts on the country to shed light on the refugees’ predicament before a well-informed audience of EU parliamentarians, representatives from EU member states as well as refugees themselves. The conference attracted more than

100 participants from over 40 international organisations, while the strategy meeting was attended by around 40 individuals.

Eritrea – a country where arbitrariness is commonplace

Eritrea gained its independence in 1993 after waging decades of armed conflict against Ethiopia. Since then, this state in eastern Africa has been ruled by the *People’s Front for Democracy and Justice* (PFDJ), the successor to the *Eritrean People’s Liberation Front* (EPLF), an armed organisation which fought for the country’s independence from Ethiopia. Party chairman Isaias Afwerki has been the country’s president and head of its national assembly ever since Eritrea became an independent country.

The country’s constitution, though adopted by the constitutive national assembly shortly after independence, has never entered into force. Instead, President Afwerki ordered the drafting of an alternative constitution which has never been made public. The president and his government are not elected - elections have never been held. In fact, there has never even been an assembly of the ruling party. One of the speakers at the Brussels conference, Martin Plaut, an expert on the Horn of Africa and for a long time Africa editor for *BBC World Service News*, wrote in an article: “Eritrea is run in an arbitrary manner by the president and his closest associates, with many of the normal administrative functions of a state almost completely absent. For example, Eritrea has no annual budget and the revenues from the mines are not publicly accounted for. The country has a bifurcated economy, with much of its economic activity controlled by the party, or held offshore. The normal checks and balances that exist in most nations around the world are absent.”¹

Arbitrariness and human rights abuses are widespread. Mike Smith, chair of the *UN Commission of Inquiry on Human Rights in Eritrea*, reported on 6 June 2016: “Eritrea is an authoritarian State. There is no independent judiciary, no national assembly and there are no other democratic institutions in Eritrea. This has created a governance and rule of law vacuum, resulting in a climate of impunity for crimes against humanity to be perpetrated over a quarter of a century. These crimes are still occurring today.”²

The war with Ethiopia between 1998 and 2000 left Eritrea highly militarised. Human

** Rudi Friedrich: A Country Under the Sway of a Dictatorship. May 2018*

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rights organisations and the United Nations have condemned the arbitrary arrests and killings, torture, political persecution, inhuman detention conditions, forced labour, and clampdown on the freedom of movement, opinion, belief and religion. Since the war with Ethiopia, all men and women between the ages of 18 and 50 have been required to perform military service, which is supposed to be limited to 18 months but is usually extended for years. Conscripts are often forced to work in agriculture or the administrative sector and are subject to abuse. Military service is the main reason, but not the only reason, that Eritreans leave the country.

Eritrean emigrant Gaim Kibreab, a research professor at London's South Bank University who published a book in 2017 on Eritrean national service, used the Brussels conference to explain the main reasons why many Eritreans decide to flee the country: "One of the significant drivers of displacement is the indefinite and open-ended national service and its negative consequences on the social fabric of Eritrean society and household livelihoods" he said. "The indefinite national service has prompted the collapse of the livelihood systems throughout the country as exacerbated by the unfavourable econom-

ic policy which is hostile to private property and enterprise. The situation is severely exacerbated by the arbitrary governance and punishment regime that permeate the national service reflected in the total absence of rules that regulate important issues such as annual leave, what kind of punishment should be meted out for a particular wrongdoing as well as the relationship between commanders and conscripts. This has given the commanders free rein or a licence to do whatever they want, including administering inhumane and degrading punishments, exploiting the conscripts' labour power for personal gain and perpetuating sexual violence against female conscripts."³

Another speaker at the conference, Asia Abdulkadir, a Nairobi-based gender expert engaged in the *Network of Eritrean Women* (NEW), highlighted the many different ways in which women are exposed to violence. "Today, women in Eritrea remain discriminated in all areas of life. There are a number of legal reforms aimed at formalizing gender equality; however, they are not upheld in practice."⁴ Female genital mutilation is widespread, affecting 89% of women. Rape victims often have no option but to marry their rapist. "The everyday practice of sexual abuse of wom-

*Demonstration in Frankfurt/Main.
© Rudi Friedrich*

en,” Asia Abdulkadir continued, “and general harsh conditions within the national service causes many young women to opt for early marriage, unwanted pregnancy and interruption of educations.”

The conference concluded with a debate on whether the arbitrary system prevailing in Eritrea is solely the result of inadequate governance or whether it is not a wider, systematic phenomenon. Martin Plaut observed that the Eritrean government operates systematically and is turning the current situation to its own advantage. One example he noted was the exploitation of mines in cooperation with the Canadian firm *Nevsun Resources Limited* in an arrangement where conscripts are used as forced labour in the mining of gold.⁵

Another example is the collection of exile taxes, a topic which the University of Tilburg in the Netherlands addressed in a study dated June 2017. Mirjam van Reisen, who worked on the study, told conference participants that consulates and embassies, acting on behalf of the Eritrean government, charge individuals requiring consular services

a 2% tax on their total income. The university’s study found that the levying of this tax is arbitrary, has no clear objectives and is mandatory.⁶ As long ago as 2011, the *UN Security Council* noted that “Eritrea is us-

Publication

Mining and Repression in Eritrea

In June 2018 the UK based organisation Eritrea Focus published a report on Mining and Repression in Eritrea. The report provides a unique insight into the operations of Eritrea’s little-studied mining sector and explains the critical role mining plays in financing the regime of Eritrea. The report can be found at <https://eritrea-focus.org/mining-repression-in-eritrea/>

ing extortion, threats of violence, fraud and other illicit means” to levy taxes from its own citizens outside the country.⁷ Eritrea also puts pressure on family members still living in Eritrea, or even goes so far as to arrest them,

Maltese navy
ships to block
migratory routes.
© Rudi Friedrich



as a way of forcing Eritreans in the diaspora to pay this exile tax. Migrants' money is thus becoming a major source of income for the Eritrean regime.

One particularly cynical example is the way in which the Eritrean regime is benefiting from the flight of its citizens. "The Eritrean government controls its borders rigorously, including implementing a policy of 'shoot to kill' for anyone attempting an unauthorised crossing. At the same time there is mounting evidence that the same government not only controls the illicit flight of its own citizens but profits from it. Eritrean nationals are the key traffickers in the smuggling operation. Eritreans were directly involved in the supervision and torture of their countrymen and women held captive in the Sinai. They used their skills to extract the highest ransoms. The evidence therefore points to a highly organised network of senior officers and officials, who, together with Eritrean nationals abroad, control human trafficking of Eritreans for profit."⁸

What this means in practice was explained in vivid terms by Filmon Debru, whom we had invited to the conference to share his personal experiences as a refugee. "I was kidnapped from a Sudanese refugee camp and taken to the north of Egypt in chains, where I was imprisoned and tortured," he explained. "In the end, my family and friends managed to raise the ransom money needed to secure my release." However, due to the sepsis brought on by the wounds he had sustained, he had to have a number of fingers on both hands amputated. The conference participants were full of admiration for the way he was overcoming his disability and carrying on with his life in Germany with fresh resolve.

Thousands take flight every month

Sheila Keetharuth, the UN special rapporteur on the situation of human rights in Eritrea, opened the conference with a speech which touched upon her June 2017 report to the Human Rights Council⁹, stating: "I have found that Eritrean citizens continue to suffer arbitrary arrest, incommunicado detention, death in custody, enforced disappearance, suppression of religious freedom and a national service system that in effect, amounts to enslavement, that women in national service continue to be subjected to harassment and sexual abuse."

Her report also contained the latest data on refugees. "Since the beginning of 2017 (till

mid-March 2017), the *International Organisation for Migration* (IOM) has noted a recent surge with over 4,500 people crossing into Ethiopia." But that is just one of the neighbouring countries to which Eritreans flee,

Eritrea

Independence	1993 from Ethiopia
Size	121,144 km ²
Capital	Asmara
Number of Inhabitants	5.2 m
Currency	Nakfa
Gross National Product (GNP)	\$ 1,49 bn
HDI Index*	Rank 179
Population below the poverty line	not known

* The Human Development Index is a composite statistic (composite index) of life expectancy, education, and per capita income indicators, which are used to rank countries into four tiers of human development. A country scores higher HDI when the lifespan is higher, the education level is higher, and the GDP per capita is higher. The HDI is used to measure the country's development by the United Nations Development Program (UNDP). In 2015 the first of a total of 188 ranks was Norway's, the United States ranked 10th and Germany ranked 4th. Information by Human Development Report 2016



alongside Sudan, Djibouti or even Yemen. It is thought that 5,000 people, out of a population of four million, flee the country every month.¹⁰

Eritreans were the fifth-largest group of refugees who reached Europe via the Mediterranean in 2016 - a figure of 21,253 individuals, or 6%. And yet Eritrea was the only one of the top five countries which was not affected by armed conflict. In Germany, a total of 12,291 Eritreans applied for asylum in 2016.¹¹

For the most part, Eritrean refugees stay in one of Eritrea's neighbouring countries, but there are many who risk their lives by trying to make their way to Europe. For a number of destinations, Eritrea ranks as one of the main sources of refugees. Some European countries including Switzerland, Germany and Denmark do their utmost to downplay the catastrophic human rights situation and the risk of persecution which refugees face. In Germany, this has already led to a situation where a dwindling number of Eritreans gain full refugee status, with refugees being granted the weaker legal status of "subsidiary protection" instead. As recently as the beginning of 2016, almost every Eritrean was recognised as a refugee; but the figure slumped to just 54% in 2017.¹² Given that conditions under Eritrea's military dictatorship are as grim as they ever were, that is a development which cannot be justified.

Restricting refugee flows and the Khartoum process

"Eritreans come to Europe primarily for the social benefits." That comment was sent to us shortly after our conference report came out from someone who had been inspired by Dominik Langenbacher, former Swiss ambassador to Ethiopia and Somalia, and his enthusiasm about a migration policy that makes economic potency and working ability the sole acceptable criteria for migration. The human rights situation in the countries refugees are fleeing, it would appear, no longer has any bearing¹³ - that is a cynical attitude to take towards people at the mercy of those inhumane conditions.

The downplaying of catastrophic human rights conditions and the risk of persecution people face in various countries is commonplace among politicians in Europe these days, and Eritrea is a good case in point. Switzerland and Germany conducted fact-finding missions in Eritrea in February and March 2016, and the subsequent report by Switzerland's *State Secretariat for Migration* was taken on board, practically unchanged,

by the *European Asylum Support Office* (EASO).¹⁴ The EASO is an EU authority, and adopting a report from a non-EU state in itself is a novelty.

What is special about this report is that downplays the situation in Eritrea by offering a detailed account of the Eritrean government's position. The *Swiss Refugee Council* commented on this as follows: "For the most part, the migration authorities conducting fact-finding missions in Eritrea were only able to conduct interviews with Eritrean government officials and foreign diplomats, and with other actors that were directly or indirectly dependent on the Eritrean government. Procuring country information in this manner renders it impossible to comply with key international standards. Information provided by the Eritrean government cannot be checked against independent local sources."¹⁵ And yet, ever since the report was published, it has been used in a wide variety of court cases to assess the situation in Eritrea and pass decisions in asylum proceedings. This one-sided, interests-driven report, is thus becoming a point of reference for enforcing a more repressive approach in asylum proceedings.

Besides taking a more restrictive approach to asylum proceedings, the European Union and other European countries are also looking to stem migration flows. *Frontex*, the EU's border and coast guard agency, was established in 2004 to coordinate uniform border management throughout the EU. The aim is to block the potential migratory routes and prevent refugees from leaving transit countries like Libya, Egypt and Tunisia. The EU's efforts to do this rely on cooperative arrangements with governments and despots in these countries. Take Libya, for example, where the EU cooperates with leaders from the various militias. The academic journal *Foreign Policy's* take on this is as follows: "Visits to five different detention centers and interviews with dozens of Libyan militia leaders, government officials, migrants, and local NGO officials indicate that it is the consequence of hundreds of millions of dollars in pledged and anticipated support from European nations as they try to stem the flow of unwanted migrants toward their shores. The European Union has so far pledged roughly \$160 million for new detention facilities to warehouse migrants before they can be deported back to their home countries and to train and equip the Libyan coast guard so that it can intercept migrant boats at sea."¹⁶



Israel: Protest March from the Refugee Detention Center. Photo: ActiveStills.org

This policy tallies with proposals tabled by Antonio Tajani, president of the European parliament, who called on the EU to open refugee reception centres in Libya.¹⁷ Martin Plaut's response to this is that: "Libyan centres should not become 'concentration camps', (Tajani) is quoted as saying, but

Conference Participants

European Union Condemned for Attempting to Close Mediterranean to Refugees

(October 20, 2017) As more than 30 organisations, who are currently meeting in Brussels on the issues facing Eritrean refugees, we note with deep concern the statement of the President of the European Council, Donald Tusk [Thursday 19 October 2017] saying that: 'We have a real chance of closing the Central Mediterranean route'.

Mr Tusk was commenting on decisions made by EU leaders at yesterday's summit in Brussels, which agreed to offer Italy more help with Libya in shutting down the sea route for refugees and migrants, by stepping up funds for a special fund for northern Africa.

The EU is already working with Libyan coastguards to forcibly return Africans to Libyan detention camps in which rape, torture and slavery are routinely practiced. Finally, closing the Central Mediterranean route for refugees desperate to escape Africa's notorious dictatorships will have a disastrous impact on people – many of them children – who have risked all to flee from repression.

We urge European politicians not to adopt this fortress Europe policy, turning their backs on the most vulnerable refugees and betraying the sacred principles enshrined in the human rights and other treaties they are signatories to.

Statement of participants of the conference "Eritrea and the Ongoing Refugee Crisis", Brussels, October 20, 2017.

should have adequate equipment to ensure refugees live in dignified conditions with access to sufficient medical care. In reality, the detention centres are little short of the 'concentration camps' Tanjani describes. The atrocious conditions have been well documented and are known to the European authorities."¹⁸ The conference coincided with a meeting of EU leaders in Brussels at which it was decided to offer stronger support for Italy's work with the Libyan authorities. "We have a real chance of closing the Central Mediterranean route," Donald Tusk, president of the European Council, said afterwards. This prompted spontaneous remarks from participants at the post-conference strategy meeting: "The EU is already working with Libyan coastguards to forcibly return Africans

to Libyan detention camps in which rape, torture and slavery are routinely practiced. Finally, closing the Central Mediterranean route for refugees desperate to escape Africa's notorious dictatorships will have a disastrous impact on people – many of them children – who have risked all to flee from repression."¹⁹

The Khartoum process, as it is known, adds another dimension to efforts to repel refugees. "It aims to prevent people from leaving their country of origin in the first place, no matter whether it is plagued with civil war or authoritarian regimes are in power,"²⁰ writes Maria Oshana in *Luxemburg* magazine.

EU interior and foreign ministers convened in Rome on 28 November 2014 to adopt the "Khartoum Declaration". Representatives from 58 European and African countries took part in negotiations. The Khartoum process aims to tackle irregular migration flows and criminal networks by intensifying cooperation between the EU and the countries of origin and transit. Cooperation arrangements are to be established with the countries of origin Ethiopia, Sudan, Eritrea, South Sudan, Somalia, Djibouti and Kenya and with the transit countries Libya, Egypt and Tunisia. Germany will play a leading role in this regard, reports *Amnesty International*,²¹ which adds: "The Foreign Ministry and the Federal Ministry for Economic Cooperation will attend management committee meetings, while the German development agency GIZ (Gesellschaft für Internationale Zusammenarbeit) will chair the controversial 'Better Migration Management' project. This project, which runs from April 2016 until March 2019, is a border protection scheme designed to support criminal prosecution authorities and border officials in east African countries. The aim is to standardise migration policies in east African countries and build up a regional migration management system."²²

If we take Eritrea as an example, we can see how far-reaching the implications are. The Plan of Action comprises a project to "strengthen the human and institutional capacity of the [Eritrean] government in the fight against human trafficking and smuggling."²³ Under the pretext of "Better Migration Management" this means to "strengthen the fight against irregular migration."²⁴ *Amnesty International* wrote in August 2017 that "training courses are planned under the programme in Eritrea to raise awareness among national authorities and judicial officers about human trafficking and smuggling."²⁵

In light of the situation in Eritrea and knowing that the majority of Eritrean refugees will be granted at least subsidiary protection, “strengthening the human and institutional capacity of the Eritrean government” can only mean supporting the regime’s efforts to repress its own population. “The idea behind that,” Maria Oshana says, is to “keep them away from protection under asylum law in the EU and Germany.”²⁶ But what it also means is that the regime is being given *carte blanche* to carry on exploiting its own people.

Conference and strategy meeting

This was the political backdrop against which *Connection e.V.*, the *Eritrean Movement for Democracy and Human Rights*, the *Eritrean Law Society*, *War Resisters’ International*, *Pro Asyl* and *Europe External Policy Advisors* (EEPA) organised the conference and the strategy meeting. We achieved our declared aim of learning as much as we could from the experts and refugees about the situation in Eritrea.

In the run-up to the conference one cause of concern for the group preparing the event was that the Eritrean government might seek to influence proceedings. At earlier meetings of other opposition groups the Eritrean regime had attempted to use pro-government organisations and individuals to hijack or disrupt the agenda. There is also evidence that critics of Eritrean government policy are threatened and that their relatives still living in Eritrea might also be put under pressure. Supporters of the Eritrean government party, the PFDJ, did indeed come to our Brussels conference, and some of them threatened the refugees who spoke about their experiences. Strict rules of assembly allowed us to put an end to this behaviour. After the conference the Permanent Mission of Eritrea to the United Nations in Geneva published a declaration denouncing the organisations as subversive and especially taking a sharp approach to the *Special Rapporteur on the Situation of Human Rights in Eritrea*. The reality is being denied, all critics are accused of betrayal. This also shows how tense the situation in the diaspora is.

During the preparation phase we had the idea of following up the conference with a strategy meeting. Seeing as everyone had made their way to Brussels, we thought it was a perfect opportunity to meet up with the groups and organisations who stand up

for Eritrean refugees around the world. That plan worked out. A brainstorming session and various working groups on day two yielded a number of ways in which the groups could take their cooperation to the next level:

- Already online is a website at <https://eritreahub.org> with many background information and updates about activities.
- There could be evolved a better worldwide communication of activists for justice and democracy in Eritrea. One example are the activities against the planned deportations of Eritrean refugees in Israel to Rwanda and Uganda. End of April 2018

Hotline for Refugees and Migrants

Ruling: Desertion from the Eritrean Military is a Valid Claim for Asylum

(February 15, 2018) Following an appeal by the *Clinic for Refugee Rights in Tel Aviv University*, the Appeals Tribunal has ruled today that the appellant, an Eritrean national who had fled the Eritrean Military, has proven that: “There is a well-founded fear of persecution from the authorities of his home country due to a political opinion attributed to him as a result of his fleeing military service.”

This ruling sets a precedent for the asylum requests of thousands of Eritrean nationals who are rejected because of the *Population and Immigration Authority’s* opinion that claimed desertion from Eritrean military service is an invalid claim for asylum.

Attorney Anat Ben-Dor from the *Clinic for Refugee Rights at Tel Aviv University* said in response: “We are glad that the tribunal, after long legal discussions in which all the necessary evidence were shown, has ruled justly.

We are regretful that through all these years this case was left hanging in the air, thousands of similar asylum requests Eritrean military deserters were rejected.

We now expect the Population and Immigration Authority to reconsider those requests of all those rejected on the basis of the prior opinion, which has now been disqualified by a tribunal which ruled that it was not up to the international standard required by the UN Convention on Refugees.”

The *Hotline for Refugees and Migrants* will demand that the Ministry of Interior will stop detaining and deporting Eritreans whose asylum claims were rejected.

Hotline for Refugees and Migrants: Major Victory for Eritrean Asylum Seekers after Israeli Court Ruling on Desertion. February 15, 2018. <https://eritreahub.org>

Additional information: The group anticipates that the Israeli government will appeal against the ruling, but will face a tough battle to have it reversed.

Mirjam van Reisen and Gilad Liberman

Israel: Thousands are Threatened by Deportation

(April 4, 2018) The last 2 days have been extremely turbulent for Israel's policy towards its refugees. On April 2, Israel's Prime Minister Netanyahu declared the halt of deportation to Rwanda. Netanyahu explicitly named the "third-country" for the first time, announcing a new agreement with the UNHCR to resettle half of Israel's refugees to western countries and absorb half. Within 24 hours he "froze" the deal.

The Israeli Prime Minister made a vague declaration. He suggested new policies, from pressuring refugees to leave Israel through extreme taxation to reopening detention centers, this time under legislation not amenable by the courts through a section overcoming the basic laws, which serve as Israel's quasi-constitution.

The concerned population are mainly Eritreans. As such, the ill treatment by Israel is only the last in an everlasting chain of cruelties laid upon them. Most have escaped the forced National Service, an indefinite slavery-like system run by the Eritrean dictatorship, to refugee camps in neighboring Ethiopia and Sudan. The exit is extremely dangerous, with a shoot-to-kill policy operated on Eritrean borders by the military on its own citizens. Often, the escape from Eritrea itself is managed by Eritrean army officers who operate the smuggling networks, benefitting the regime.

Since 2012, Israel has implemented a policy to detain and deport the refugees. In 2012, Israel has made it legal to detain newly arriving refugees for 3 years. Refugees were sent to a detention center, operated by the Israeli Prison Service, in a remote location in the Negev, an area which the refugees referred to as "Israeli Sinai", just a few kilometers from the border. Israel allows and strongly pushes towards "voluntary" departure, even back to Eritrea, where the refugees have disappeared.

Israel completed a fence on its Southern Egyptian border. The Egyptian border force implemented a shoot-to-kill policy of refugees trying to escape to Israel. With the fence the border has become sealed for refugees. Israel does not allow persons arriving at its border to seek asylum. Thus, since 2012 less than 400 refugees have entered Israel, none since 2017. Israel has since began a detention-for-deportation policy of the refugee population residing within Israel. New legislation was adopted, allowing for indefinite detention in another detention centre in the same area, near the border. Additionally, Israel has pressured the detainees and those under threat of detention (virtually all refugees who are single

men), to self-deport themselves to Rwanda or Uganda. Rwanda and Uganda have denied the deal.

After five years and around 4,500 deportees, a significant amount of testimonies have been gathered and published by the UNHCR, NGOs, media and activists to describe the general mechanics of this scheme. It is clear that the role of Rwanda and Uganda is to act as "disconnection units", disconnecting Israel from legal obligation to the deportees. In Rwanda, virtually all testimonials show that the deportees are having their money and documents taken by an official, at the airport. They are taken to a villa in Kigali, without passing through passport control at the airport. They are held in 'the villa' and they are not allowed to leave. From there they are coerced to pay for being smuggled to Uganda, and they usually leave Rwanda within a few days. In Uganda they are left illegally, without any documents or safety. Only nine refugees are known by UNHCR to currently be in Rwanda, left without papers and living on the street. According to *Amnesty International*, none of the refugees deported to Rwanda or Uganda were given asylum-papers. The organisation finds the deal illegal under international law.

The Eritrean refugees are pushed into a well consolidated trafficking route through South-Sudan, Sudan, Chad, the Sahara and Libya. Only if they arrive to Europe do they find safety. Today an estimated 4,500 Eritrean refugees have already been deported from Israel to Rwanda and Uganda. It is estimated that at least half of these have reached Europe.

Pressure against the policy has grown, within Israel and supported by the worldwide Jewish communities. The role of Rwanda has been exposed in several publications, revealing its part in the trafficking scheme so far. Under such pressure, Rwanda is now no longer cooperating. This situation has led to Netanyahu's initial approval of the resettlement/absorption plan backed by the UN, in which half of the refugees from Israel would be resettled to Western countries. The suspension of this plan is really bad news.

Mirjam van Reisen and Gilad Lieberman: Embattled Netanyahu supports trafficking route of thousand of refugees to Libya over EU's resettlement plan. 4 April 2018. Excerpts taken from <http://eritreahub.org>

the Israelian government had to pull back the plan.

- The work of the Special Rapporteur on the Situation of Human Rights in Eritrea should be supported more intensively. The Special Rapporteur will present her next report in 2018.

All this should be complemented by lobby work, regular meetings and more. We dearly hope that the fruitful and productive atmosphere of the conference and strategy meeting will have a lasting impact on our work for Eritrean refugees.

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EEPA

African Migrants in Israel will Not be Deported, Government Says

(April 26, 2018) After leaving a U.N.-backed relocation plan a few weeks ago, Israel shifted efforts towards finalizing an arrangement to send the migrants against their will to Uganda. A number of migrant rights groups petitioned the Supreme Court to block any such policy.

In response to the court, the Israeli government said on Tuesday that, at this stage, "the possibility of carrying out an unwilling deportation to a third country is not on the agenda" and that the migrants will be able to renew their residency permits as before (every 60 days). "I am very happy to see the deportation policy is canceled," said an Eritrean refugee. "And now is the right time for the Israeli government to give a solution for the asylum seekers who came from Africa: a refugee status or to answer their asylum claim application."

The government had been working for months on an arrangement to expel thousands of mostly Eritrean and Sudanese men who crossed into Israel through Egypt's Sinai desert. But many Israelis are sympathetic toward the migrants. They say Israel has a moral responsibility to offer them asylum because the country was built by Jewish refugees fleeing the Holocaust.

EEPA: eMail, April 26, 2018. Sources: <https://www.voanews.com/a/israel-abandons-plan-to-forcibly-deport-african-migrants-/4362767.html>; <https://www.voanews.com/a/israel-cancels-deportation-orders-against-african-migrants/4364326.html>

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Crimes Against Humanity Continue to be Perpetrated by Eritrea

** by Sheila Keetharuth*

Good morning and thank you for the invitation to speak at this important conference on Eritrea and the ongoing refugee crisis and the strategic planning for future actions. It is great to see so many of you, who have been involved in advancing human rights in Eritrea through your dedicated work.

As many of you know, I have been involved in monitoring and documenting the human rights situation since November 2012 and these are my last months in this capacity as I will step down next year as I will have reached my term limit as Special Rapporteur, that is six years. I have been asked to talk about the human rights situation in Eritrea. Apparently, for some countries, including in Europe, the situation is improving to the point that it is now considered acceptable to engage and cooperate with Eritrea.

I have consistently informed the Human Rights Council in Geneva, the 3rd Committee of the UN General Assembly through my oral updates and written reports that I have not seen any such change in the situation of

human rights in Eritrea especially on the essential aspects.

Let me be a bit more explicit: it was only in June this year that I stated that through my monitoring, I have found that Eritrean citizens continue to suffer arbitrary arrest, incommunicado detention, death in custody, enforced disappearance, suppression of religious freedom and a national service system that in effect, amounts to enslavement, that women in the National Service continue to be subjected to harassment and sexual abuse, to mention but these ones.

One of the points brought to my attention by European countries is that Eritrea is a co-sponsor of the resolution against death penalty at the UN, which will be considered again later this year in New York. While I welcome Eritrea's support for the abolition of the death penalty, I reiterate my concerns about violations of the right to life in two ways:

- by committing extrajudicial killings; a blatant example are the shoot-to-kill orders about which I will talk more later);
- by subjecting Eritrean citizens to abysmal conditions of detention, during which death can be a consequence, as identified by the *Commission of Inquiry on Human Rights in Eritrea*.

In June, I did not talk about the deteriorating situation of life in the city of Asmara, the continued difficulties to obtain services and access water, electricity gas, food items and how life continues to be a daily struggle to obtain basic goods. However, when I used UN data to disclose the actual situation of food security in Eritrea, Government officials tried to repress the facts, again by attacking me in an effort to silence me. I relied on information from UNICEF about the malnutrition of children in Eritrea which was, according to the Eritrean diplomat, Ambassador Gerahtu, 'wrongly issued by the New York Branch of the organisation, not the country representative, and duly corrected in time'. Additionally, the Ambassador said that 'FAO Asmara has equally dissociated itself from [Sheila's] report although we have no information at this stage on specific steps taken to rectify it'.

Why is this important? It shows how the Government of Eritrea has a well-oiled propaganda machinery to present a picture which is different and to suppress information from getting out. When the truth is unearthed, it uses its 'bash, hash and silence' method to browbeat individuals, diplomats, and even

** Sheila B. Keetharuth, Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", October 19, 2017, in Brussels*

Ms. Sheila B. Keetharuth (from Mauritius) was appointed in October 2012 as the first Special Rapporteur on the situation of human rights in Eritrea. She was a member of the Commission of Inquiry on Human Rights in Eritrea from June 2014 to June 2016

international organisations such as UN agencies.

The Government's attempts to 'open up' to selected journalists, certain parliamentarians from selected countries and external 'partners' such as think-tanks and business lobbyists during the past three years also deserves some scrutiny, including the common assessment after such missions, noting that

I repeat, I have not documented any change, which would show a real shift in the way human rights are respected. Let me emphasize that the country still lacks institutions to support rule of law: no constitution; no independent judiciary; no legislative assembly and above all, for our purpose today, no mechanisms in place to monitor what happens to people who are sent back.



'things may be bad but not too bad...'. Many seem to have enjoyed a macchiato at Asmara's squares, the beautiful city which now has the status of a UNESCO world heritage. After a few days of a guided tour, they return home with the perception that 'all is well in Eritrea'.

I have not yet been to Eritrea, but I have studied the satellite imagery of Eritrea, which was produced as part of the Commission of Inquiry's work for the identification of the location of prisons and detention centres throughout the country.

Once back at home, the results of the trips by foreign delegations come in handy when there is a political will to revise country of origin information and asylum policies irrespectively of any real change on the ground to pave the way for the return of failed asylum-seekers.

Last June, while the discussions around the renewal of the mandate of the Special Rapporteur on the situation of human rights in Eritrea were taking place, some European countries took the role of being the mouth-piece of the Eritrean Government and were pushing for a watering down of the substance of the mandate.

They wanted to remove references to the 'shoot-to-kill policy' at the border, arguing that shootings did not happen any longer. Just a few weeks later, there were media reports about several people having been shot at the borders; the body of at least one of them was returned to the family for burial. It is difficult to gather information on these incidents, which happen in remote areas, where monitoring, though not impossible, is problematic. No diplomat, foreign residents of Asmara, or staff from international organisations can travel to those places for monitoring purposes. I find

Sheila Keetharuth speaking at the conference
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Permanent Mission of Eritrea to the United Nations in Geneva

Reaction to the Conference

(December 18, 2017) In mid-October this year, Eritrea's avowed detractors convened a meeting in Brussels under the rubric of "human rights situation in Eritrea". Principal speakers at the event included the Special Rapporteur on Eritrea (SR) Ms. Sheila Keetharuth as well as a number of notorious "regime-change" activists and their foreign mentors.

The first day public event was followed by a closed meeting that was held on 20th October. The Special Rapporteur participated in the closed meeting too in particular guiding the special discussion on coordination of all the disjointed "regime-change" activists.

Documents and audio recordings obtained of the closed meeting reveal the "six-month plan of action" that this murky group have charted out to advance their elusive agenda of subversion and "regime-change".

The main points of this plan of action for the period leading to the upcoming June Report of the SR include the following actions:

- Implement the proposal of the SR, on a coordinated campaign to extend the Human Rights Council (HRC) special mandate on the human rights situation in Eritrea
- Accordingly, establish a networking of Eritrean organizations abroad under an umbrella organization, but excluding those sympathetic to the Eritrean Government (with a stern warning by the anti-Eritrea ex-BBC journalist Martin Plaut to watch an eye on Government "infiltrators")
- Campaign against Europe's recent policy shift on the political asylum of Eritrean including programmes to contain Eritrean "refugees" in neighbouring countries

The *Permanent Mission of the State of Eritrea to the UN and other international organizations in Geneva* is not perturbed by the nefarious, if inconsequential, schemes that these notorious groups float from time to time. For some of these sell-outs, this has indeed long become a "convenient" way of life for appropriating fund from certain institutions.

What we find unacceptable is the deplorable presence and complicity of the Special Rapporteur in this illicit gathering. Her conduct contravenes accepted ethical norms and standards of "... discretion, transparency, impartiality and even-handedness ..." enshrined in the relevant UN guidelines that must be strictly observed by experts and special rapporteurs.

This is not indeed the first time that Mrs Sheila Keetharuth has been found wanting in terms of objectivity, neutrality and professionalism in discharging her duties. The SR has persistently exploited the UN mandate to mobilize self-described "human rights activist" associated with human traffickers and involved in a declared regime-change agenda.

As we have incessantly clarified, virtually all her annual reports were also culled from the rumblings of these notorious "regime-change" activists as well as from wilfully concocted disinformation provide to her by Ethiopia and Djibouti. Furthermore she has often doubled as an activist to launch pre-emptive press statements and campaigns of her "unfounded" reports prior to their submission to an discussion by the UNHRC sessions.

This time round, the SR continues to irrevocably cross the red line to go beyond recycling and varnishing the vitriolic reports of these subversive groups in UNHRC garb to officially behave as one of their active members.

The UNHRC and the OHCHR have not heeded our repeated appeals in the past that drew attention to her inherent bias stemming from her unorthodox association with Eritrea's detractors and arch-enemies. The OHCHR, in fact, went out of its way to portray our legitimate concerns as "witch hunting"; stating in its press briefing of 21st November this year that "Ms Keetharuth has been faithfully carrying out the mandate given to her by the UNHRC, and she should not be subjected to vitriolic personalized attack by Government officials".

The dismal attempt by the OHCHR to take such position against the facts of reality outlined above is indefensible. As a UN mandate, the SR does not have the moral and legal protection with impunity to work with "regime change" activists. It is a fundamental UN principle that immunities are granted in the interests of the UN functions only and not for other ulterior political motives and her unwarranted acts should thus be accounted.

The curtains have been lifted now. Her compromised position is not defensible and cannot be rationalized anymore. As such, the Permanent Mission of Eritrea in Geneva expressly request the UNHRC to take swift action without further delay and also reject her on-going premeditated campaign to continue the special mandate on Eritrea.

Permanent Mission of Eritrea to the United Nations: Press Statement, December 18, 2017. Excerpts

it difficult to understand on what basis they argue that the shoot-to-kill does not exist as they themselves are not in a position to verify.

They also wanted to remove any reference to the Commission of Inquiry, limiting the mandate holder to follow up only recommendations of her own reports, which they regarded as sufficient. I would like to recall that the member States on the Human Rights Council had nominated me to serve as one of the three members of the *Commission of Inquiry on Human Rights in Eritrea*. Therefore, these were collective recommendations and also represent my own work! However, once the Commission had found that there were reasonable grounds to believe that crimes against humanity have been and continue to be perpetrated by the Eritrean state, there were those who would have liked to make these findings nothing but a distant memory. But suffice it to say that since June, I have been mandated to continue monitoring and documenting human rights violations and to follow up on the *Commission of Inquiry on Human Rights in Eritrea* recommendations, as per a strong resolution adopted again by consensus.

I bring this up because, since the *Commission of Inquiry on Human Rights in Eritrea* finished its work, there is a need for consistent monitoring and documenting human rights violations, obtaining fresh information about what is happening inside the country, packaging it in a way which is irrefutable, and by making sure that no harm is done to sources, victims and families. This is a most difficult task but one that must be taken on by civil society to ensure the continued publication of credible information and new cases feeding into patterns of violations already identified by the Commission and through my work as Special Rapporteur.

Let me turn briefly to migration, refugees, and asylum seekers. This is something which has been part of my work right from the beginning in 2012. While defining the contours of my mandate in 2012, during consultations, some were trying to argue that the mandate was about human rights violations inside Eritrea, whereas refugees were outside of the country. My response was that people were leaving precisely because of violations of their rights and there was a continuum of violations, which made it appropriate for me to monitor why people decided to cross international borders. The figures were and

remain telling. In almost all my reports, I have highlighted the numbers of people leaving as refugees, their plight, especially of unaccompanied minors.

I have been asked about my thoughts on allegedly decreasing number of Eritrean refugees reaching Europe. While fewer may be arriving in Europe, there has been another surge with over 4,500 people crossing into Ethiopia during the first part of 2017, as noted by *International Organization for Migration*. Despite this, the number of Eritrean arrivals in Italy remains low for the first few months of 2017, a trend that the *Regional Mixed Migration Secretariat* already noted in 2016, while overall arrivals in Italy were 29 percent compared to the same time in 2016. Comparing figures for the first quarter of 2016, and the first quarter of 2017, UNHCR has noted that Eritrean sea arrivals in Italy are comparable for both periods, whereas arrivals from Ethiopia, Somalia, and Sudan have dropped considerably by 61%, 50% and 40% respectively.

According to the *Regional Mixed Migration Secretariat*, this drop in numbers could be attributed partly to the increased efforts by authorities in Sudan to curb the migration flows towards Europe. Because of Sudanese efforts, there have been several reports that Eritreans and other migrants and refugees from the Horn of Africa were intercepted and large numbers arrested and detained in the Sudan, before being sent back to their countries of origin, including Eritrea. Well, it is known that Italy is using the services of Libyan coastguards to prevent the crossing of the Mediterranean.

I have some thoughts by way of recommendations I will make during the day but for now, before I end, allow me to inform you about what I will be doing from now until I finish the mandate next year:

- Continuing to monitor the situation of human rights violations in Eritrea. For this I need your assistance, because unlike the Commission, I am alone on the Mandate, with the assistance of one staff member in Geneva who does not work full time on the mandate;
- Advocating for Universal Jurisdiction, while encouraging victims and others to get organised to use the judicial apparatus in the different countries where they may be able to seek justice for human rights violations;

- ensuring that states are aware of what is going on and advocating for them to adopt a set of benchmarks to ask Eritrea for results on specific human rights.

I would like to end with a strong message in 'this sea of darkness' many find themselves in when reflecting on or working on Eritrea. These are not my words but those of somebody who survived a Mediterranean crossing as a young boy and whom I met in Sweden a couple of years ago. He was imprisoned in Libya for months.

Over the past five and a half years, there has been a lot achieved in terms of shining a light on human rights violations in Eritrea,

to the point of finding that there are reasonable grounds to believe that crimes against humanity have been committed and continue to be committed in Eritrea. You must continue, you must act individually and collectively for accountability for human rights violations and for justice for Eritreans and the world at large, however small or however big that action may be. I, for my part, will continue until I complete the mandate. I end with a message of hope and light, especially today, on the occasion of Deepavali, the Hindu festival of lights, which celebrates, in a nutshell, victory over evil, in Hinduism. ■

PRO ASYL

Numbers about Eritrean Refugees in Germany

(April 27, 2018) At the end of 2016, 459,400 Eritrean nationals were registered as refugees worldwide (2016 UNHCR Global Refugee Trends). This is why Eritrea ranked ninth on the list of refugees' main countries of origin; this is why the stated refugee number, when set against the country's total population of 5.2 million (Human Development Report 2016), suggests a mass exodus. This put Eritrea in ninth place of the main countries of origin of refugees. With a total population of 5.2 million, Eritrea can thus be considered a mass exodus.

Most Eritrean refugees were received by Ethiopia (165,000) followed by Sudan (103,200). Germany received a total of 30,000 Eritrean refugees, Israel 27,800, Switzerland 26,300, and Sweden 26,000.

In 2016 57,400 Eritrean nationals filed asylum applications worldwide. Of these, 33,370 requested asylum in the European Union, according to *Eurostat*. Including the non-EU countries associated with the Dublin system, Norway (545) and Switzerland (5,040), the number of asylum applications in Europe had been increasing to 38,965. However, this figure fell by more than 10,000 in the following year (28,370). But this has nothing to do with improving the situation in Eritrea. Instead the decline is due to the increasingly risky and life-threatening escape routes to Europe.

In 2017, the *Federal Office for Migration and Refugees* in Germany made 21,909 asylum decisions in cases of Eritrean asylum seekers. In 18,163 cases there were positive decisions includ-

ing 10,095 refugee recognitions under the Geneva Convention or Article 16a of the constitution, 7,340 acknowledgments of subsidiary protection and 728 cases where deportation obstacles of a different nature were identified.

The protection rate (=sum of positive decisions) is still high in Germany, in 2017 at 82.9%. It must be noted, however, that instead of refugee protection the *Federal Office* is increasingly offering subsidiary protection only. Above all, this has two consequences for beneficiaries of subsidiary protection. Current legislation precludes a later fetching of family members as part of the family reunification process, and from August 2018 onwards the option is severely restricted. On the other hand, beneficiaries do not receive a refugee passport and are thus clearly limited in their freedom of movement.

In the case of Eritrea, the refugees eligible for subsidiary protection are commonly referred to the Eritrean embassy and consulates for procurement and making out of all copies and documents. This requirement gives the Eritrean government the chance to try and force a 2% tax on the applicants.

On the one hand, figures show that the policy of refugee containment makes access to the asylum procedure more difficult. On the other hand and happening more and more frequently, refugees are denied the necessary protection under the Geneva Convention.

PRO ASYL, April 27, 2018

My story starts around the time I decided to leave my country. I was a student at the Institute of Technology in Eritrea. This was no normal academic institute; instead, it was more like a military school. In place of a dean we had a colonel. This special college had its own prison for students who misbehaved, asked the wrong questions, failed to fulfil unfair demands from the government, or whose behaviour was considered rebellious. We had platoon leaders, company leaders, brigadiers. We were just a reserve army.

It was during my time at this university that I saw some of my fellow students being imprisoned for opting out of participation in a carnival. While I personally had no problem with dancing in public, some of my fellow students, members of a sect of Christianity that wouldn't admit of such conduct, refused of course and were consequently jailed.

When I left this college, I was to undergo national service like everyone else and join the army unit that I was assigned to. But the national service we have is not really about serving your nation – it is just an excuse for an enslavement of the population and a tool for shifting the people's focus from getting on with their lives to performing chores endlessly to be repeated. I had no intention of spending the rest of my life serving a few thugs working on a farm that belongs to a colonel or building a home for a general. It wasn't the physical hardship that really scared me, it was more the propaganda; this brain washing that slowly but surely would leave you a shell of a man, unable to come up with own thoughts and totally dependent on superiors even when the most trivial issues are at stake.

Because of my refusal I had no legal pass entitling me to live in the city that I had lived in for virtually my whole life, or in any other part of Eritrea; I had to go into hiding in my very own country. Of course, I wanted to get out because there was always the chance of getting caught; police and military police would conduct random raids and searches every other day. For a few months I managed to hold out, but finally I did get caught and wound up with a short prison stretch. It was only through the help of a dear friend who was in the right place at the right time that I managed to get out using falsified information before they would have ascertained my identity and found out I had evaded the draft. Even though I had been put away for only a brief spell, I had to witness the horrific, inhumane treatment of prisoners there. This

My Personal Story

** by Filmon Debru*

experience, hard to speak about, did make up my mind for me: Leave the country as soon as possible; I had been lucky once, but should I be rounded up again I might not see the sunlight for a very long time.

I worked as a technician, handyman-like, fixing a computer here, a mobile device there,



any electronic device at all... just to get as much money as I could in order to get out. In March 2012, I had finally managed to stock up on wherewithal. It took me and another group of Eritreans three days and three nights to reach the Sudan border; we safely made it to the Shagarab refugee camp in the neighbourhood of Kassala.

*Gaim Kibreab (l.) and Filmon Debru (r.) at the conference
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** Filmon Debru: My personal story.
Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", October 19, 2017, in Brussels*

I had no plans of going to Europe or the US. I did not want to leave Africa. Even though I speak Arabic as a second language, I knew Sudan was not going to be a safe country for me because the Eritrean intelligence is also operative in Sudan. There was talk of some Eritrean individuals having been targeted and abducted right from the heart of

though I couldn't walk, luckily there were some fellow refugees who carried me across. I ended up in the Israeli Soroka hospital – which saved my life. The treatment there came to an end after three months: I had to be discharged, I was told, because there was no one to foot the treatment bill. Despite my need for further surgeries there was no way I

*The new constructed Institute of Technology in Asmara.
Photo: Gallub*



Khartoum only to be thrown back into Eritrean prisons again.

So, I wanted to move a bit farther away – maybe to Uganda or Angola – to start a new life in safety, work as a technician, or perhaps even set up my own business. This is as far as my hopes and plans went, but as fate would have it, I was kidnapped from this refugee camp by the Rashaida¹ tribe and sold off to the Beduins in Egypt.

Here they demanded money, \$33,500 in all. You either pay the money or you die. If you are lucky you die quickly from a bullet. If you are out of luck, you are tortured continuously until your body gives up. And this amount of money was just way too much for my family to come up with. Even only \$3,000, let alone 30,000, would have ensured my family's financial ruin. But fortunately friends, relatives, and acquaintances were busy collecting money as fast as they could in order to be able to pay off this ransom. During this time, all of us were being tortured; some of the techniques used were what I had up to then only come across in Hollywood movies and would never have expected to be used on me in real life. As a result I lost my fingers and the use of my hands. I could barely walk. Three months later my family had fortunately managed to raise the amount required; the ransom was paid, and I was released near the Israeli border for crossing over. And even

could stay in that hospital. I moved to *Petah Tikva* in the neighbourhood of Tel Aviv where I lived for a year and a half trying to find an organisation that could help me financially to get some surgeries. Though there were different options, none of them seemed to be working fast enough.

During this time there was a project intended to raise awareness about the human-trafficking cycle in Sinai. It had been set up by Meron Estefanos, an Eritrean activist, and Prof. Mirjam van Reisen from Brussels. They needed two individuals to testify from own experience. A friend of mine, called Daniel, and I agreed to present our testimonies. We went to Brussels in December 2013. We gave our testimonies, but as Israel's refugee situation kept worsening we did not want to return to Israel; we definitely did not want to go back. Because of my hand injuries I really needed to be operated on as quickly as possible; I hit on the idea of seeking asylum in Sweden and maybe getting some help there. Even though I knew the chances were slim because of the Dublin Convention and because our country of first arrival had been Belgium, I was hoping some sort of exception might be made. It didn't work out. After a few months I was sent back to Belgium. But I was in for a lucky break: Having read about my story, a German family situated in Germany decided to help out. They got a lawyer, and by dint

of some humanitarian-cause-related exception they managed to find a way for me to go to Germany, get my surgeries, and even seek asylum. I started my asylum procedure within three weeks of my arrival in Germany. My surgeries were covered by this wonderful German family, who took me in as one of their own.

Obviously, this is when the next challenge in the lives of refugees begins, meaning integration into new societies. The first step was learning the language. While undergoing the surgeries, I managed to finish the language certification programme in about nine months so that, theoretically, I should have been able to study at university. Unfortunately, there were other university-enrolment criteria that I was unable to meet since the certificates that I had brought from home were deemed invalid; so the situation was fraught with problems.

For a year and a half, I kept trying one academic institute after another. None of it worked. Finally, there was a programme with Siemens: an apprenticeship for refugees. I managed to get access to this. On completion of the apprenticeship I was offered a working trainee programme in software development, which had already been my field anyway. However, I had to undergo the whole programme all over again. I have already finished one year, with a year and a half to go before programme completion.

In my opinion, the faster a refugee integrates and starts to work the sooner this refugee stops being a burden on the local government and starts to be an active productive member of society. But if the envisaged progress turns into an unmanageable obstacle course, both refugee and local government will be locked into a lose-lose

situation; after all, the government will still be saddled with having to support the refugee financially.

In my opinion, a simple test would have avoided this waste of a year and a half. If a refugee claims that s/he studied biology for example, just give this person a test, a test that students would have taken in their first year at university. Administering this simple test would show whether the candidates possess or lack the required competence – rather than insisting on a certificate that the poor refugee simply cannot produce.

As to the myth that Eritrean refugees are actually economic immigrants that are just after a higher quality of life... in the 1980s there was a horrible famine in Eritrea, but even at that time the number of Eritreans heading for Europe was much lower than it is now. This in and of itself disproves this allegation. Nobody wants to leave their home, especially not this way; not by walking for days and nights, or even weeks, and exposing yourself to danger.

If I were in a position to choose, I would rather be a very poor homeless person here than a very wealthy person in Eritrea. There I would know that my enjoying the sunlight or inhaling the fresh air might turn out to have been my last chance of doing so and that tomorrow I might end up in an underground prison. As much as I miss my family, my friends, my neighbours and my community in general – for as long as this regime is in power, Eritrea will always be a place that I can never go back to. ■

Footnote

- 1 The Rashaida is a tribe of ethnic Bedouin Arabs. They currently inhabit Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, Oman, Yemen, Palestine, Jordan, Eritrea, Sudan, Libya and Tunisia..

Reflections on the Causes of Displacement in Post-Independence Eritrea

** by Prof. Dr. Gaim Kibreab*

It is an utmost irony of history that a country that fought a costly thirty years war and which paid heavily in terms of lives, property and forgone opportunities, inter alia, to abolish the root and proximate causes of population displacement and suffering has become one of the top refugee-producing countries in the world in proportion to its population size. This development is contrary to general expectation. Displacement being principally multi-causal, it is not surprising that the successful outcome of the liberation struggle has not entirely eliminated the factors that prompt Eritreans to emigrate in search of a better life. What is mind-boggling and contrary to reasonable expectation is not only the failure of the political changes that resulted in the establishment of an independent Eritrean

state to bring to an end to persecution and gross violation of human rights in the post-independence period, but also more importantly why a people with an awesome and proud history of resistance resorts to flight instead of staying put and organise to exercise voice. I will return to this critical question later.

Displacement is Multi-causal

In poverty-stricken countries, such as Eritrea where the causes of displacement are multiple and inextricably interlocked, it is difficult to disentangle from each other the interwoven factors that have been prompting Eritrean nationals to “vote with their feet” in search of international protection and a better life. In the past, the overwhelming majority of those who have been fleeing were predominantly single, educated young adults the majority of whom were within or approaching the age of conscription. The available evidence from UNHCR and other sources indicate that in recent years, children younger than five years have been fleeing to Ethiopia, Sudan and far beyond. The majority are unaccompanied. These worrying developments should give rise to some soul-searching questions. Why are these young children fleeing the country? Most of them are more than ten years away from the age of conscription. Hence it may not be appropriate to attribute their flight to draft evasion.

When asked why they have left Eritrea, all the former conscripts I interviewed when researching my latest book—The Eritrean national service—invoked the open-ended national service and its detrimental consequences. However, when probed further, a very complex dovetailed mosaic picture emerged. In spite of the dominant perception among observers and analysts who attribute the large-scale displacement to the open-ended national service, the truth of the matter is that there has been no single driver of forced migration in the post-independence period. Displacement is intrinsically multi-causal and hence it is difficult to establish how the complex and multiple causes reinforce or counteract each other.

In post-independence Eritrea, the factors besides being complex and multiple are inseparably interwoven, as well as mutually reinforcing and to some extent counter-acting. At the risk of giving the wrong impression that the factors that have been driving the hundreds of thousands of Eritreans to flee the

** Prof. Dr. Gaim Kibreab: Reflections on the Causes of Displacement in Post-Independence Eritrea. Speech presented at the conference “Eritrea and the Ongoing Refugee Crisis”, October 19, 2017, in Brussels*

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country can be accurately documented, some of the key indicators in order of their importance are the following:

The Indefinite National Service

The indefinite and open-ended national service and its negative consequences on the social fabric of Eritrean society and household livelihoods is one of the significant driv-

by pulling together the incomes of all family members derived from diverse economic activities. Not only did such a long-standing survival strategy enable Eritrean families to diversify their sources of income, but also to spread the risk of failure. Before losing their members to the National Service, Eritrean families with an adequate supply of labour allocated the same to different sectors, namely, farming, herding, manufacturing, agricultural



ers of displacement. The indefinite national service has prompted the collapse of the livelihood systems throughout the country as exacerbated by the unfavourable economic policy which is hostile to private property and enterprise. The universal and open-ended NS has had a profound impact on every aspect of the social fabric of Eritrean society, including family livelihoods, conscripts' careers, education, wellbeing and the economy of the country.

The findings of my latest book - *The Eritrean National Service: Servitude for the "Common Good" & Youth Exodus* (2017) - show that before the Eritrean National Service robbed the families of their key resource – family labour – they used to meet their subsistence and other consumption and savings needs by allocating their family labour to diverse income-generating activities and

wage labour, trade and commerce in the service sector, including construction and self-employment in the informal sector. Some family members also migrated and sent remittances. Diversification of family income resulting from diverse allocation of family labour was critical to subsistence security in the rural and urban areas.

Many families were able to avoid the risk of subsistence crisis because a failure in one sector was compensated by incomes derived from other activities in other sectors. The universal and open-ended Eritrean National Service has dealt a mortal blow to this historically transmitted survival strategy developed over time based on trial and error. A survival strategy that took centuries to develop, refine and consolidate has been destroyed by a single political act motivated by a rigid ideological dogma alien to Eritrean economic,

Shifting soldiers
Photo: bc

social and cultural reality. The policy on the Eritrean National Service was declared and implemented without forethought of the short, medium and long-term deleterious effects on the livelihood systems and ways of life of Eritrean society.

Not only has the universal, compulsory and indefinite national service led to the collapse of most Eritrean families' livelihoods, but it has also turned the country into one of the most militarised societies in the world. As if the large-scale mobilisation into the

Shortage of Labour Supply

The findings of the study show that one of the many damaging consequences of the national service has been a severe shortage of labour in all sectors of the economy, including in the subsistence sector. The consequence of this has been that the cost of production in Eritrea is the highest in the world, and consequently goods produced in the country are the least competitive on the regional and world markets. The overall consequence of



Market in Keren
Photo: David
Stanley

national service and the shifting of the upper limit of the age of conscription to forty-seven for women and fifty-four for men were not enough, all men in the cities and rural areas, including in the pastoral areas, up to the age of seventy or even eighty are forced to join the peoples' militia. Those in the peoples' militia are forced to attend compulsory weekly and bi-weekly drills, sacrificing the high opportunity cost of their precious labour power. They are also subjected to intensive indoctrination. The findings of the study show that the ENS, like a cancerous growth, has been eating into the Eritrean polity.

the national service in all sectors, including on conscripts' and their families, has been catastrophic. These findings are consistent with the findings of the World Bank, *International Monetary Fund*, *Food and Agriculture Organization*, *World Food Programme* and *UNICEF*. The available evidence, based on studies conducted by these organisations, shows that 66% of the population lives below the national poverty line and between 70% and 80% are unable to meet their basic food requirements. Most economic activities in Eritrea are labour intensive and the severe shortage of labour caused by the open-ended

Eritrean National Service has been one of the main causes of impoverishment.

Lack of Rule of Law and Democracy

The situation is severely exacerbated by the arbitrary governance and punishment regime that permeate the national service reflected in the total absence of rules that regulate important issues such as annual leave, what kind of punishment should be meted out for a particular wrong doing as well as the relationship between commanders and conscripts. This has given the commanders free reign or a licence to do whatever they want, including administering inhumane and degrading punishments, exploiting the conscripts' labour power for personal gain and perpetuating sexual violence against female conscripts.

The government's draconian policy, which prohibits five years old children from exiting the country legally has been prompting tens of thousands of families to flee the country before their children turn five. Not only is this disrupting family life, but also is wrecking the children's education opportunities and future careers.

Many of these problems which have over time shattered many lives and wrecked the livelihoods of hundreds of thousands of Eritreans would have either been addressed or would not have occurred had the promise of the liberation struggle to establish a democratic government that rules through consent and operates within the framework of constitutional constraints and the principle of rule of law been kept. When the "liberators" became tyrant rulers exercising power without any institutional constraints, they faithfully emulated the impunity of those they removed from power. As one of the founding fathers of America, Thomas Jefferson, insightfully observed, 'In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution'. The Eritrean president and his small inner circle have been ruling the country without constitutional constraint and the outcome has been predictable.

Had there been a democratically elected government that exercises power by winning in periodic elections, the Eritrean National Service would have been limited to 18 months as stipulated in the relevant proclamation. The indefinite extension of the Eritrean National Service itself is a manifes-

tation of a government that misrules without constitutional constraint and makes policies on the hoof without any concern for accountability or rule of law. Law would have tied the president's hands and therefore he would have been unable to eliminate the 18 months limit, as well as the upper age limit of conscription. The educational system in the country is militarised which has as a result wrecked the careers of citizens under the pretext of an imagined external threat.

When the president was asked by the *Eritrean Centre for Strategic Studies Website* (ECSSW) on 15 March 2011 to explain the democratisation process in the country, he blamed the failure of the government to develop democratic institutions on the so-called foreign conspiracies and machinations. He said, 'In the case of Eritrea, internal political challenges and external intervention aimed at creating division among the people hampered our effort to achieve our objectives' (Isaias Afwerki 2011). He further said, 'Various schemes were used in the past twenty years to hinder our political development and prevent us from building our institutions. When we carefully examine the post-independence era, we realise that our course has been hindered by many obstacles, including the border conflict with Ethiopia and other fabricated problems. These obstacles have negatively affected and interrupted the political development in our nation' (Ibid). When a head of state spuriously blames his or her failure on others, there is a fitting Eritrean saying, *kemish adey hanqiluni* (I tripped on my mother's skirt). A government that ceaselessly blames its failures on others is not likely to understand the cause of its failure nor would it be able to find a solution. In the context of democratic governance, the so-called external threat would have been critically evaluated, scrutinised and debunked.

Government Hostility to Private Enterprise

One of the drivers of forced migration in the post-independence period has been lack of employment opportunities. One of the major reasons for this is the government's hostility to private investment and enterprise. In 2015, Eritrea was ranked 189th out of 189 economies (World Bank 2016).¹ This suggests that the country is the worst in the world for free enterprise or business activities. The major consequence of this is absolute dearth of em-

ployment opportunities which engenders high propensity to “vote with one’s feet” in search of means of livelihood.

The public sector and the firms of the ruling party are nearly the sole employers in the country. This is because the economy in the country is monopolised by the public sector and by firms belonging to the ruling party, the People’s Front for Democracy and Justice (PFDJ). Not only do these firms depend on unpaid conscripts’ labour, but also operate within a market that is shielded from internal and external competition. As a result, they have no incentive to innovate and improve productivity. The managers in the public and in the party-owned firms are not also selected on the basis of merit but rather on loyalty to the personal ruler, Isaias Afwerki.

Although one of the promises of the liberation struggle was to re-unite the families and households that were separated during the liberation struggle; post-independence Eritrea instead of re-uniting families has been witnessing unprecedented degree of disintegration and fragmentation. According to the UNHCR, in 2011, Eritrean refugees and asylum-seekers were living in 85 countries. These are the survivors. Many have perished whilst crossing the Eritrean-Ethiopian and Eritrean-Sudanese borders where there has been a “shoot to kill” policy. Others have died or suffered callously at the hands of ruthless traffickers, smugglers and hostage-takers in eastern Sudan, the Sinai, the Sahara desert and Libya. Dense transnational networks involving high-ranking military officers in Eritrea and in the transit countries, including Libya have developed over-time. Trafficking, smuggling and kidnapping have developed into multi-million dollar industries. A considerable number of those who flee in search of safe haven and succour have also perished while trying to cross the Mediterranean Sea in rickety boats. The history of post-independence Eritrean refugees and asylum-seekers is, therefore, the history of survivors. We know nothing or little about those who perish in between.

The Lure of the West and the Role of the Eritrean Diaspora

Another critical factor, which tends to be overlooked by analysts, including myself, is the tempting lure or attraction of the income disparity and way of life between the Eritreans living in the global North and those

struggling to make ends meet in Eritrea. This is further fuelled by the revolution in Internet technology and other forms of communications. Throughout Eritrea, the families that are living a relatively comfortable life are those who have their sons and daughters in the diaspora. The contrast between the families whose children are languishing in the national service and those whose children are in the global North is unmistakable.

Therefore, we cannot continue to shy away from asking politically incorrect or uncomfortable questions anymore. We need to interrogate the role of the Eritrean diaspora and Eritrean families in the unprecedented exodus of the youth including small children that are unfolding in front of our eyes. The problem is so serious in terms of the high level of haemorrhage, suffering of those en route to the perceived nirvana, etc. Eritreans are traded as commodities in Libya and elsewhere. How long can we turn a blind eye or complicit to the tragedies that are unfolding in front of our own eyes?

Europe and other governments in the global North have openly and shamelessly relinquished their commitments to the principles enshrined in the regional and international treaties they are signatories to. The organising principle of their response is “As long as refugees and asylum-seekers do not reach our shores, let them perish in the sea, be eaten by sharks, languish in the stateless Libyan and other dungeons, be traded as if they were commodities. We don’t care what happens to them elsewhere.”

Refugees and asylum-seekers are auctioned in Libya and Eritrean asylum-seekers command the highest price because of their diaspora connections. The old routes are closed. Tens of thousands of Eritreans are stranded and treated as if they were chattels in different transit countries. We need to ask new and different questions because the old palliative solutions are no longer there. What should the Eritrean diaspora’s role be under the changed circumstances? Such questions should be at the heart of our current conversations.

There is no question about the appalling and unbearable conditions that are prompting people to flee in search of a dignified life outside of Eritrea. However, under the current circumstances, the conditions have changed dramatically the world that existed outside of Eritrea that provided sanctuary to the victims of persecution is continuously shrinking.

The critical question we should be asking ourselves is: why so many Eritrean youth are exiting the country instead of organising themselves to exercise voice in order to bring pressure to bear on the incumbents to listen to the dissatisfied citizenry.

There is an established body of knowledge in the social sciences that postulates that when people are oppressed; they either: (i) organise to express voice and protest to force the government to change its policy or engage in dialogue; (ii) the second option is to tolerate the oppression temporarily hoping that things will change over time for the better. Those who opt for such an option are loyalists; (iii) the third option is exit from circumstances considered to be objectionable. If all dissatisfied people flee, the government will have no incentive to listen and to change its policy.

Which option people under pressure resort to is a complex process which cannot

be dealt with exhaustively in a short Note like this.² Suffice it to say though that the reason why the Eritrean youth in spite of their mothers' and fathers' heroic history of resistance are running away rather than emulating their parents indomitable history of resistance is among other things due to the low cost of existing and the rewards that the few who make it enjoy at the destination, e.g. in the EU+ countries. Now that entry to the so-called nirvana is almost becoming impossible and the cost of exiting is increasing dramatically. Therefore it is high time to ask the right questions. ■

Footnotes

- 1 World Bank Group (2015) Doing Business: Measuring Business Regulations. Available at <http://www.doingbusiness.org/data/exploreeconomies/eritrea/>
- 2 Those interested see Gaim Kibreab, "The Nexuses between, Exit, Voice and Loyalty in the Light of the Indefinite Eritrean National Service" in Tekle Wolde-mikael (ed.)

Government in Perpetual Crisis

* by Dawit Mesfin

Had I been given the opportunity to choose a topic of discussion for this conference instead of having one assigned to me by the organisers, I would have probably chosen a story that depicts the journey of my life which, partly, mirrors the story of Eritrea. Basically, I would have described the highs and lows of my life experiences. I would have shared with the audience how I was spared from joining the armed struggle; how I turned into a refugee in the mid '70s; how I started my own family in Mannheim, Germany and lastly, why I have not returned to Eritrea after independence.

Let me go back to the task at hand for now. This account may not be part of the current refugee crisis per se, but it is certainly part of the on-going crisis which is producing refugees year in and year out. The task I have been given is to explain how Eritrea ended up having a government that is in perpetual crisis – a huge undertaking for a ten-minute presentation. Let me tell you a story instead that is somehow related to the subject matter – one that depicts a picture of what Eritrea is like from a different perspective, so to speak. This is the story of the selfless Eritrean *Mothers of Rome* and the *Mannheimer Cadres*.

** Dawit Mesfin: Government in Perpetual Crisis. Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", October 19, 2017, in Brussels*

Based in London, Dawit Mesfin is a writer, veteran commentator on Eritrean affairs and a social, human rights and peace activist. He was one of 13 Eritrean academics and professionals who wrote a critical letter to the Eritrean leadership in 2000 calling for improved human rights. He was principal director of Justice Africa, an international NGO with a special focus on the Horn of Africa, from 2011-2014

Eritrean Mothers of Rome

To Eritreans nothing was more sacred than gaining independence during the armed struggle. Like a well-oiled system, the EPLF (the fighting force) mobilised the majority of Eritreans living abroad in networks of mass organisations that provided services, financial and material support to the combatants. The system built around the Eritreans Mothers of Italy was the sturdiest stronghold of the EPLF. Basically, the mothers, rather selflessly, gave up their own personal interests in order to advance the cause of the EPLF.

The majority of Eritreans who lived and worked in Italy prior to independence were women. Almost all worked as cooks and domestic workers. The majority had either little or no education; and many of them were childless. Moreover, in a cruel twist of fate, they ended up becoming the sacrificial lambs of the armed struggle.

Fast-forwarding the story, after years of intense and costly struggle, Eritrea finally gained its independence. I clearly remember 24 May, 1991 – the images of that very day when our combatants rolled into towns as the enemy beat a retreat. I was in Mannheim then. The event was surreal. And the elated community members celebrated for days on end. We all thought that historic event would usher in a new era for all of us. Yes, we thought we would be heading home soon. However, it turned out that the conclusion of that tumultuous journey was not what Eritreans expected, to say the least; all those who sacrificed for the cause were left to their fate. What happened to the Eritrean *Mothers of Rome*?

Eritrean *Mothers of Rome*, like many others all over Italy, have come to embody the national ideal of steadfastness and rootedness to the land. Many of those who longed to go back after independence - those who put their personal interest on hold, those who campaigned with all their might, those who contributed a percentage of their income regularly, never made it back to Eritrea. They were impeded from returning by the impenetrable bureaucracy that the new leaders introduced in the country. Moreover, the signals the mothers had received were that the country was not ready to integrate them back into the Eritrean society. Sadly, they quietly became aware of the fact that independence was slowly turning into a hollow reality for them. Their dream was to build a home in Eritrea one day where they would serenely spend the last part

of their long journey in peace. Now, 26 years after independence, and with no end in sight, many of them are still dreaming of going back home at some point. Many died in Italy and others are still lost at the strange confluences of duplicities.

Such experiences demonstrate that the self-absorbed government does neither have a plan nor a structure in place that accommodates fully independent, self-financing citizens with the potential to invest into the country's economy. It simply neglected the mothers. That very neglect offended the basic values of Eritrea's essence. Under normal circumstances, the government would assume the responsibility to provide safe settings for long-lost citizens and facilitate safe return for the self-sufficient mothers who were ready and willing to return home.

The Case of the Mannheimer Cadres

As already mentioned, the much anticipated mass return migration of diaspora Eritreans to the land of their birth did not materialise as expected. A similar occurrence was observed with returnees from Germany who were supported by GTZ to return to Eritrea to help in the reconstruction efforts of the country. The project was fully financed by the German government. Many labelled it as an enabling strategy for resettlement then. Regrettably, the project failed and the majority of the returnees who took part in the project had to return back to Germany.

Manneim, the Square City, is Baden-Wuerttemberg's second-largest city after Stuttgart which is located at the confluence of the Rhine and the Neckar. The emblem of the city of Mannheim is the cylindrical Wasserturm (water tower), which is located in Friedrichsplatz. The beautiful fountain and the park around it remain etched on my memory. However, my first memory of Mannheim was not the Wasserturm, but the existence of the multitudes of 'guest workers' from Greece, Italy, Turkey and Yugoslavia, and how the city managed the shaping of the coexistence of these different cultures. Like the 'guest workers' of Man-

nheim, I, like many fellow Eritreans, got off to a good start in life with the opportunity the city bestowed on me. My three children were born in Mannheim. I will always be indebted to the city for standing by me in my hour of need.

There is a dark side to this story of Mannheim though. The Eritrean community of



Mannheim was ruled by a group of hard-nosed, brash, militant clique bent on making one's life miserable if he or she did not toe the EPLF line. They 'policed' the community punitively. I often catch myself thinking of this group of activists who acted along the lines of 'Eritrea or death'. After independence none returned back to Eritrea. Now they live a life delineated with painful experiences. An empty life indeed! Yes, 26 years later, the country is still not 'ready' for them. There is just something obvious about emptiness, even when one tries to convince himself/herself otherwise.

If one can truly understand the dilemma of the 2 and the Mannheimer militants, then it becomes evident why Eritreans are continually fleeing the country in droves. ■

Understanding the EU Asylum Regime

* by Dr. Daniel Mekonnen

We are trying to challenge a very disturbing trend of the last two years, coming from some immigration departments in Europe, which can be summarized as something which tells a very positive narration of



Daniel Mekonnen
at the conference
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** Dr. Daniel Mekonnen: Understanding the EU Asylum Regime. Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", October 19, 2017, in Brussels*

Dr. Daniel R. Mekonnen is a human rights lawyer, activist and practitioner from Eritrea. He has published books, poetry and numerous articles on human rights issues. He is a founding member of the Eritrean Law Society (ELS), the only professional association of Eritrean lawyers working from exile, owing to the repressive political situation in Eritrea

the political situation in Eritrea. This does not reflect the real political situation, when it comes to human rights violations – which were already addressed in the first keynote address by Sheila Keetharuth and also strengthened by our friend Gaim Kibreab.

What are we talking about, by the way? This question is for those who are telling us there is a change in Eritrea and so we need to change our asylum policy or migration policy with regard to Eritrean asylum seekers and refugees. And we are telling them "you are dead wrong".

Nothing has changed fundamentally. All the main factors, the main reasons that compel Eritreans to leave the country in such huge droves, have never changed and they will never change unless there is a fundamental, structural, political change in Eritrea. You may want to call it reform, or use whatever term or terminology you like to use, but fundamentally there has to be a structural change in Eritrea; and it is only then that people will stop fleeing the country in the numbers and figures we experience now.

At times there are allegations, or maybe reports, which describe Eritrea by the way as a very poor country and I would like to make it very clear that Eritrea is no longer a poor country!

What we know for a fact is that the government is deliberately sustaining or maintaining economic policies, agricultural policies which are meant to perpetuate mass starvation of the entire Eritrean population. So that people will only think about what they will eat today and what they will have on the table for dinner, and they don't think about changing government policies, the overall situation of human rights violations, and so forth.

So, at least since 2011 Eritrea has already been exporting huge amounts of gold, which at some point was generating, by the way, around one billion US dollars a year! This could have enabled the Eritrean government to implement the most progressive social welfare system in Africa – if this money was properly used to benefit the Eritrean people. But we don't even know where this money is ending up. So please, those of you, or those entities or sources who want to tell us that Eritrea is a poor country – it is not a poor country. There are a lot of issues regarding mismanagement of resources, but that doesn't make Eritrea a poor country.

If we want to look at this angle through a more substantive or academic or research

discourse, I would like to bring to your attention a very recent article by Bahlbi Malk, which was published in the Journal of Law and Politics, a Canadian academic journal, which deconstructs the behavior of the Eritrean government and how it is implementing mass-scale starvation of the population and how this actually should be characterized as an instance of a crime against humanity according to published literature and discourse on international law.

Something related to the very theme of this conference that I would like to share with you is a story, or maybe a recent development from the country where I live. I live in Switzerland, and Switzerland is currently taking a very sad and very unfortunate stance with regard to its policy towards Eritrean asylum seekers. And the most important explanation, or I'd rather say revelation, of this development is a report which was published by the State Secretariat for Migration, which is the Department of Immigration in Switzerland, in June 2016. This report is now, unfortunately, endorsed by the European Asylum Support Office (EASO) of the European Union. So actually, we are no longer talking about a report which was published by the Swiss Immigration Department. It has become a report, an official report, of EASO, the official European Union agency for asylum policies. And why am I talking about this report? The way this report was written, the way it was reported, and the way it is disseminated at this very moment, is done in a very hypocritical way. This report is based on a so-called fact finding mission by the State Secretariat for Migration, which was conducted in the last week of February and the first week of March 2016. There are some issues which, unfortunately, I cannot disclose now due to some issues of safety and rather, maybe, precautionary measures of the sources of my information. But I very much hope that those sources will come out in public very soon and tell us the rest of the story. That which matters to me, which should be told at least for now, in a nutshell, is that the Swiss Immigration Department, before they published their report, were given an alternative, independent, opinion which must have substantially influenced the report they published in June 2016. They deliberately ignored that information and went on with publishing their own report, which as I said before, is now endorsed by EASO.

This needs to be rectified. We are looking for ways and means on how to do this. It will take us a long time, but we have to do this.

Why are we concerned about this? Because it's changing the trend. It's setting a very dangerous precedent, which will be

Swiss Refugee Council

Difficult Situation for Fact Finding Missions

(June 30, 2017) In recent years several migration authorities of European countries have undertaken so-called Fact-Finding Mission (FFMs) to Eritrea to receive on the spot country specific information to determining the refugee status of Eritrean asylum seekers. Also the *State Secretariat for Migration Switzerland* (Staatssekretariat für Migration – SEM) has also prepared a report based on its own Fact-Finding Mission, after the practice of decision making to Eritrea became more critical.

From the point of view of the *Swiss Refugee Council* there are considerably doubts about the usability of information for the examination of asylum applications, which were collected during such Fact-Finding Missions in states such as Eritrea. Relevant international standards can not be adhered to on such a way of obtaining country information. Besides, the reliability of this also includes the balance of the sources. According to the European Union's Fact-Finding Mission Guidelines, FFM's sources with different agendas (UN institutions, non-governmental organizations, government agencies, media workers, academics, research institutes) must be consulted to verify the information received. Instead, for the main part, the migration authorities were only able to conduct interviews with the Eritrean government and foreign diplomats in Asmara and other stakeholders directly or indirectly dependent on the Eritrean government on the Fact-Finding Mission in Eritrea.

Governments accused of violating human rights have an interest in refuting these allegations, as they may adversely affect the country's international reputation, international trade and/or humanitarian aid. On this background, there is considerable doubt as to the reliability of the statements made by the Eritrean government regarding its own human rights practice. However, the verification by independent resources required in the EU Directives is not possible in Eritrea.

Most human rights organizations, such as *Amnesty International*, do not receive entry permits. International observers are denied access to prisons and detention centers. Also in the framework of Fact-Finding Missions, members of the authorities of migration office, employees of international organisations or diplomats were denied access to Eritrean prisons.

Schweizerische Flüchtlingshilfe: Eritrea - Nationaldienst. 30.6.2017. Excerpts. Interpretation: rf. The whole paper including footnotes could be downloaded at www.fluechtlingshilfe.ch



Painting of Zecarias Tedros

followed by the rest of the European Union. And actually, some people are even asking a question: why is it that a non-member state – Switzerland is not a member of the European Union — why should the EU endorse a report which was written, researched, by a non-member state? To what extent do we allow this kind of unacceptable, at least unethical, practice? Those of you who are working in asylum and research practices may already know of this report but I am sure you may not know the details I am discussing with you now.

So, these are the problems, these are the hindrances we are trying to address. And all we're trying to do is to understand the so-called migration crisis in Europe. Actually, I don't even call it a migration crisis because there are much larger problems in the rest of the world and Europe is not actually even hosting a large amount of refugees, compared to other regions. For example, Africa and so forth. But since they call it a European migration crisis, let's take it as such.

So, we understand the pressure that is being felt by some immigration departments, but what really matters is that governments have officially committed themselves to respect certain standards or principles emanating from international law – from the 1951 Refugee Convention – obligations which shall never be compromised under any circumstances.

We're simply trying to remind them to do this single task.

So the option or the choice is, you should either withdraw from these international obligations or conventions or agreements or treaties, or respect the obligations emanating from these principles.



ECRE

Switzerland: 3,200 Eritreans Facing Possible Deportation

(April 13, 2018) According to a ruling from the Federal Administrative Court in Switzerland from August 2017 the return of Eritrean nationals is lawful provided they have completed their military service. On that basis the *State Secretariat for Migration* (SEM) will examine the cases of 3,200 Eritrean nationals in Switzerland granted temporary admission and enforce their return.

Persons granted temporary admission in Switzerland are not ensured permission to stay but the admission confirms that deportation cannot be carried out and that a person can stay as long as that is the case. The ruling by the Federal Administrative Court established that Eritreans who have completed military service or resolved their situation with the Eritrean government through payment of necessary fees can be returned, affecting 3,200 Eritrean nationals of a total of 9,400 currently on temporary admission who are having their cases examined by the SEM. A letter sent from SEM to Eritrean nationals concerned states: "The SEM thus intends to annul the provisional admission and order the enforcement of the return." This despite the fact that Switzerland currently lacks agreements with the Eritrean authorities enabling forced return.

Human rights violations by Eritrean authorities including indefinite military service, arbitrary arrest and enforced disappearances, forced labour, repression of speech, expression, and association and lack of religious freedom are widely reported by civil society organisations and the UN. According to *Eurostat* the recognition rate for Eritrean asylum seekers in the 28 EU member states was 90% in 2017. With 3,375 claims Eritrean nationals were the largest group of asylum seekers in Switzerland in 2017 though the number decreased by 35% compared to 2016.

European Council on Refugees and Exiles (ECRE): Switzerland - 3200 Eritrean Nationals Facing Possible Deportation. April 13, 2018. www.ecre.org/switzerland-3200-eritrean-nationals-facing-possible-deportation

The European Union and Eritrea

by Martin Plaut*

The position of Eritrean refugees seeking to flee their country has seldom been more dangerous. The obstacles they have to face – whether in crossing into Sudan or Ethiopia – remain considerable; the fate that awaits them on their journey to Europe is increasingly hazardous and their reception in Europe is frequently less than hospitable. Yet still they choose this difficult, draining option



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that leaves their families and communities torn apart, and vulnerable: a comment on how severe the human rights abuses remain in Eritrea itself.

The latest assessment from the UN Refugee agency is that in 2016 some 69,600 Eritreans became refugees: 5,800 a month.¹ Yet they do not appear to be arriving in Europe in the same numbers as before. This is what *Frontex* had to say in its most recent Africa report.²

'In 2016, irregular migration flows of nationals from countries of the Horn of Africa to the EU followed an overall decreasing trend compared with 2015. While these flows amounted to just over 70 000 individuals in 2015 (nearly 34 000 in the first half alone), they hardly exceeded 21 000 individuals in the first six months of 2016. The decrease can be mainly accounted for by the lower numbers of apprehended Somali and Eritrean nationals. The number of Sudanese detected in the first half of 2016 increased by 20% and the number of Ethiopians by 18%, compared with the same period in 2015.'

If this assessment is accurate (and all numbers in this area must be treated with caution) then something important appears to be taking place. The fall in the number of Somalis fleeing is not difficult to explain, since the security position has improved after the setbacks inflicted on al-Shabaab. The Eritrean decline is more difficult to understand. The number of Eritreans reaching Europe has dropped in 2016, even as the numbers leaving their country remains high – 5,800 a month according to the UNHCR.

So where have Eritrean refugees gone? This is not easy to explain. One answer is Ethiopia. There are currently a little in excess of 160,000 Eritrean refugees in Ethiopia.³ Of these, 73,078 Eritrean refugees previously registered as living in camps have been allowed to settle in urban areas, according to UNHCR. Some go to study in Addis Ababa, other get jobs in towns in Northern Ethiopia. In 2017, the numbers of Eritreans in Ethiopia were swelled by a further 17,000 who made the border crossing.⁴

The other answer is that they are now bottled up in Sudan or – increasingly – in Egypt and Libya. As *Mixed Migration Monthly* reports: 'Research shows that Eritreans have started to avoid Libya and use Egypt as a departure point for Europe. However, in its first quarterly analysis in 2017, *Frontex* reported no arrivals to Europe who departed from

Egypt, indicating that many Eritreans could remain stranded in Egypt.¹⁵ The Egyptian authorities have cracked down on migration to the EU, as a result the 11,000 who made the journey to Italy from Egypt in 2016 has fallen to fewer than 1,000.⁶ The Eritrean human rights activist, Meron Estafanos, believes at least 10,000 Eritreans are trapped in a network of houses or detention centres in Libya, hoping to make the crossing.⁷ This impression is confirmed by *Médecins sans Frontières* (MSF), whose boat, the *Aquarius* is operating off the Libyan coast. 'There are a lot fewer Eritreans being rescued by us this year, but it is hard to know why. It may be that they are having more difficulties travelling to Libya,' said Marcella Kraay, MSF project co-ordinator, on board the vessel.⁸

The falling numbers making the difficult journey through Libya is perhaps no surprise. Europe is accused of attempting to outsource its refugee problem, as recorded by a lengthy article in *Foreign Policy*.⁹

'The detention-industrial complex that has taken hold in war-torn Libya is not purely the result of a breakdown in order or the work of militias run amok in a state of anarchy. Visits to five different detention centers and interviews with dozens of Libyan militia leaders, government officials, migrants, and local NGO officials indicate that it is the consequence of hundreds of millions of dollars in pledged and anticipated support from European nations as they try to stem the flow of unwanted migrants toward their shores. The European Union has so far pledged roughly \$160 million for new detention facilities to warehouse migrants before they can be deported back to their home countries and to train and equip the Libyan coast guard so that it can intercept migrant boats at sea.'

Such a policy is in line with the suggestions outlined by the European Parliament President Antonio Tajani, who called for the EU to set up refugee reception centers in Libya.¹⁰ The Libyan centers should not become "concentration camps," he is quoted as saying, but should have adequate equipment to ensure refugees live in dignified conditions with access to sufficient medical care. In reality the detention centres are little short of the 'concentration camps' Tanjani describes. The atrocious conditions have been well documented and are known to the European authorities.¹¹

If the route via Libya has become difficult, much the same can be said for Egypt.

Some 11,000 migrants made the journey to Italy in 2016 set out from Egypt. Following a crackdown on clandestine migration by Egyptian authorities this year, that number has dropped to fewer than 1,000.¹² This has left Eritreans who wished to make the

Eritrea Hub

Near the end of 2017 the website <https://eritreahub.org>, a project of the conference Eritrea and the Ongoing Refugee Crisis, was started up. The blog provides background information and updates about Eritrea and the Horn of Africa. It also includes reports about activities of organisations working for democracy and human rights and supporting refugees.

voyage stranded. "I was planning to leave Egypt by the sea. I didn't have any plan to stay," says Dejen, a 30-year-old Eritrean refugee. He's sitting in the bedroom of an apartment in the Ard El-Lewa district of Cairo with three friends. "This year there is no way [to Europe]. The route is shut." Dejen and his friends are moving in, preparing for a longer stay in Egypt than any of them had anticipated. "This year there is no way [to Europe]. The route is shut," Dejen says, with a tired sigh.'

If this analysis is correct, then Eritreans are faced with fewer choices. The road to Europe is narrowing rapidly; the road to Ethiopia is the only viable option. Here the situation has improved, with some Eritreans working in Addis Ababa and others going to Ethiopian universities.¹³ Despite this, the prospects are grim for young Eritreans: remain in the country and face indefinite military service, or flee across the border and end up in camps or scraping a living in Ethiopia, or trapped in Sudan, Libya or Egypt with little prospect of following the path of earlier generations and making it to Europe or the USA.

In reviewing the relationship between the European Union and Eritrea there is something that cannot be ignored: the gross human rights abuses that are so much part of everyday life inside the country. As Mike Smith, chairman of the UN Commission of Inquiry on human rights in Eritrea, put it when he launched the Commission's final, comprehensive report on 8 June 2016:

'Eritrea is an authoritarian State. There is no independent judiciary, no national assembly and there are no other democratic

institutions in Eritrea. This has created a governance and rule of law vacuum, resulting in a climate of impunity for crimes against humanity to be perpetrated over a quarter of a century. These crimes are still occurring today.¹⁴

This finding, endorsed by the UN Human Rights Commission, and referred to the UN General Assembly, is the background against which any EU engagement with Eritrea must be judged. It is noteworthy that these appalling findings appear to have carried little weight with European politicians when deciding on policy towards the country, or the dictatorship that has holds its people in its grasp.

EU Policy towards Eritrea

Since independence relations between Asmara and Washington have been difficult, with few moments of real warmth. Relations between Asmara and Brussels have been more complex, with attempts on the part of the Europeans to have a more constructive dialogue; but with only limited success.

The European response to Eritrea developed over many years. It should not be forgotten that Europe supported the Eritrean people well before the de-facto independence of the country in 1991. This was particularly the case during the 1984 – 85 famine, when European countries were major donors.¹⁵ Cross-border operations fed hundreds of thousands who would otherwise have starved.

Since de-jure independence was ratified by the United Nations in 1993, Europe has attempted to build a relationship with the Eritrean government. This has not proved easy. The EU has attempted to maintain a relationship with the regime, despite its repression. This issue was perhaps most starkly highlighted during the 2001 clampdown on all forms of opposition, with the imprisonment of senior politicians, journalists and editors. Among those who have been held ever since was Dawit Isaak, a Swedish-Eritrean journalist.¹⁶ His status as a Swede meant that the EU has repeatedly called for his release and EU representatives have repeatedly taken up his case.¹⁷

When the arrests took place the Italian Ambassador to Eritrea, Antonio Bandini, presented a letter of protest to the authorities. He was promptly expelled from the country. Other European ambassadors were with-

drawn in protest. The EU presidency said relations between the EU and Eritrea had been 'seriously undermined' by the expulsions.¹⁸ At first the Europeans demanded that Eritrea improve its human rights before normal relations were resumed. President Isaias did nothing of the sort, assuming that he could outlast the EU's anger. He was proved right: in the end it was the Europeans who buckled.

An internal EU document dated October 2008 explained just how poorly the EU responded to the situation.¹⁹ The report said that it had been decided at the time that European ambassadors would be: '...conditioning their return on the willingness of President Isaias to engage on human rights dialogue. This request was never satisfied, but EU Ambassadors nevertheless returned to Eritrea, in a non-coordinated way.' The Europeans had sent an important message to Asmara; one that the regime was quick to grasp.

As time passed the EU re-assessed its relations with Asmara.²⁰ Although there had been no sign of movement on human rights by the regime it was decided to attempt to try to have a 'new beginning' with Eritrea.

In May 2007 President Isaias was invited to visit Brussels and was 'warmly welcomed' by the Development Commissioner, Louis Michel, despite the fact that Dawit Isaak and others remained in prison.²¹ In the light of the talks that were held the European Commission altered its stance towards Eritrea, as the internal report made clear.²² 'In June 2007 the European Commission changed its strategy and initiated a process of political re-engagement with Eritrea. The main reason for Commissioner Louis Michel's change of approach was his determination to ignite a positive regional agenda for the Horn of Africa, where Eritrea has a major role to play in view of its presence in the conflicts in Sudan and Somalia.' The document concluded that for this 'political re-engagement' to work both sides would be required to show that they were approaching it seriously. Concrete evidence was required: 'Both sides need political dialogue to bring some results: the European Commission needs a visible sign of cooperation from Eritrea in order to continue to justify its soft diplomacy, while the increasingly isolated Eritrean regime might need to keep a credible interlocutor and a generous donor. The liberation of Dawit Isaak based on humanitarian grounds could be such a sign but, although welcome, it would only be a drop in the ocean.' Although no real progress

had been made, fresh aid was promised for the Eritreans.

Instead of making improvements to human rights, the Eritrean government refused to accommodate the EU's concerns in any way. The EU provided the aid, but there was no softening in President Isaias's stance. Despite this the Europeans pressed ahead with their 'renewed engagement' strategy. Brussels had learnt nothing from the mistakes made following the withdrawal of its ambassadors. Asmara, on the other hand, had learnt that if it remained obdurate European politicians and civil servants would, in time, give in to its demands. President Isaias was setting the agenda.

On 2nd September 2009 the EU and Eritrea signed a 'Country Strategy for 2009 – 2013'.²³ This acknowledged the impact of Eritrea's 2001 crackdown on dissent, albeit in diplomatic language. 'From 2001 to 2003, there was a slowdown in EU-Eritrea development cooperation, and the Political Dialogue process witnessed the emergence of substantially divergent views on developments in Eritrea and the Region.' The report talked about 'limited' political dialogue, but said that regular meetings were planned.

A mission by the Development Committee of the European Parliament in late 2008 painted a more gloomy, but more accurate, picture.²⁴ The fact-finding mission to the Horn found that: 'Since the interruption of the democratisation process in 2001, EC cooperation with Eritrea has been confronted with major political and technical difficulties. Cooperation was frozen for several years in reaction to the expulsion of the Italian Ambassador, which led to a certain backlog with the 9th European Development Fund (EDF).' At the same time the delegation maintained that the situation had improved in recent years and funds had begun to flow once more.

First 'Re-Engagement'

Apparently hopeful that progress could be made, the Development Commissioner, Louis Michel, opened fresh talks with Eritrea. By August 2009 he was sufficiently encouraged to visit Asmara, after receiving assurances from an Eritrean diplomat that Dawit Isaak would be released into his care.²⁵ Having booked a ticket for Dawit to return with him to Europe, Louis Michel left for Asmara. But once he met President Isaias it became immediately apparent that the President had no intention of allowing Dawit to go free. Indeed,

Mr Michel was not even permitted to visit the prisoner, and had to return home without the prisoner.



Despite these setbacks the EU has remained wedded to attempting to improve its relationship with Eritrea. In October 2009, despite the fiasco of the Michel visit, European foreign ministries were prepared to take a considerably softer line towards Eritrea than their American counterparts. A US diplomatic cable, released via *Wikileaks*, reported how one European representative after another called for restraint, while opposing extending sanctions against the Afwerki regime.²⁶

'Italy described Eritrea as governed by a "brutal dictator," and noted that Italy had not gotten results from its efforts at engagement. He cautioned, however, against "creating another Afghanistan" by applying Eritrea-focused sanctions. The Italian representative questioned whether the sanctions should be

The Eritrean president Isaias Afwerki. In the sack are the constitution, media, human rights, election and multiparty system; Painting: Zecarias Tedros

focused on spoilers in general and include others beyond Eritrea. The French said that while engagement was “useless,” France would continue on this track as there was no other option.’

Speaking at the same day-long meeting the British official, Jonathan Allen, said: ‘London has already made clear to Asmara that the UK was aware Eritrea was supporting anti-Western groups that threatened British security.’ In reply the American senior representative, the Deputy Assistant Secretary for African Affairs, Karl Wycoff pointed out what were described as: ‘the inconsistency between the private acknowledgement that Asmara was not only playing a spoiler role with regard to Somalia but also supporting violent, anti-West elements and the provision by some countries provided assistance packages to Asmara. He also noted that strong actions, including sanctions, were needed to have a chance of changing Isaias’s behaviour.’ Despite the American concerns the EU pressed ahead with its strategy: a strategy in which it had little faith and which its representatives described as ‘useless’.

The situation was reviewed once more in 2011, when the EU drew up a ‘Strategic Framework for the Horn of Africa.’²⁷ This laid out Europe’s relationship with the region as a whole: ‘The EU is heavily engaged in the region, with involvement focused around five main areas: the development partnership, the political dialogue, the response to crises, the management of crises and the trade relationship.’

The document then elaborates on how this would be achieved. Once again human rights were an integral part of the strategy.

‘The development of democratic processes and institutions that contribute to human security and empowerment will be supported through:

- promoting respect for constitutional norms, the rule of law, human rights, and gender equality through cooperation and dialogue with Horn partners;
- support to security sector reform and the establishment of civilian oversight bodies for accountable security institutions in the Horn countries;
- implementing the EU human rights policy in the region;’

In line with these policies it was decided to provide Eritrea with aid worth €122 million between 2009 and 2013.

Since the Strategic Framework document was drawn up the situation inside Eritrea has shown no sign of improvement. Although the EU continued to raise the human rights situation in Eritrea, there has been no progress on the release of political prisoners, the implementation of the constitution or on freedom of expression.²⁸ The country remains a one-party state, locked into permanent repression. The human rights violations continue to drive four to five thousand Eritreans across its borders every month. Many arrive on European shores. In the first ten months of 2014, for example, the number of asylum seekers arriving in Europe nearly tripled in comparison with the previous year, according to the UN refugee agency. In 2015 a total of 38,791 crossed the central Mediterranean, arriving mostly in Italy, according to *Frontex* – the EU agency monitoring the situation.²⁹ Eritrea remained one of the top ten countries from which irregular arrivals came.

The Second ‘Re-Engagement’

The refugee question has become a toxic issue in Europe. Politicians are under considerable pressure to end irregular migration from all sources. Borders have been closed, fences erected and passport controls reinstated. While the Eritrean case is very different from that of Iraqi or Syrian refugees, they have been caught up in the rising tide of opposition to foreigners of all kinds. A number of European states have been attempting to respond to this, and have – once again – attempted a ‘new engagement’ with Asmara. In 2014 the Danish government sent officials to Eritrea to investigate the situation. They then wrote a report which was published by the *Danish Immigration Service* report.³⁰ This concluded: that: “the human rights situation in Eritrea may not be as bad as rumoured.”

The Danish report was not well received.³¹ It was inaccurate and misquoted the key academic source that it quoted. Professor Gaim Kibreab, whose work featured heavily in the Danish report, said he felt ‘betrayed’ by the way in which it was used.³² ‘I was shocked and very surprised. They quote me out of context. They include me in a context with their anonymous sources in order to strengthen their viewpoints. They have completely ignored facts and just hand-plucked certain information.’ Despite this, the report continued to have considerable currency. It was picked up by a number of European nations, including the UK.

The British sent their own officials to Asmara and they returned with similar conclusions. In March 2015 the UK's position on the country suddenly changed after the Home Office published updated country guidance sug-

of Africa in 2012 offers the possibility of a new kind of engagement between the EU and both Eritrea and Ethiopia. In terms of engagement with Eritrea, in particular, the EU is hampered on two fronts. First, as a guaran-



Harbour in
Massawa
Photo: Reinhard
Dietrich

gesting a marked improvement in Eritrea's human rights situation.³³ The acceptance rate for Eritrean refugees promptly plummeted from 84% in 2014 to 44% in 2015. The British judiciary did not share this view. Data obtained under the Freedom of Information Act shows that from March 2015 (when the changes were introduced) to September 2015, 1,006 out of 1,179 Eritreans rejected by the Home Office decided to appeal.³⁴ Of the 118 cases in progress under the same time period, 106 were allowed. That is an appeal success rate of 92%, which is considerably above the average for appeals.³⁵ But 173 Eritreans decided not to lodge appeals, nine were rejected on appeal and 17 were returned to Eritrea by force.

The idea that Eritrea was 'improving' had gained credibility in recent years. It appeared only a matter of time before there would be yet another attempt to launch a 'fresh engagement' with the Eritrean government. This was reflected in a publication by the *Royal Institute of International Affairs – Chatham House*. Jason Mosely wrote:³⁶

'The creation of the position of the EU Special Representative (EUSR) for the Horn

tor of the *Algiers Agreement*, its influence in Eritrea has suffered from its perceived failure to enforce compliance by Ethiopia. Second, the EU also has a diplomatic stance rooted in a human-rights based approach to foreign policy, although it is not the only actor in the region in this regard. Neither of these factors leaves it well placed to act as an 'honest broker' from Asmara's perspective.

However, the EUSR, Alex Rondos, has managed to cultivate a functional relationship with Eritrea. With the goal of improving overall regional stability in mind, and thus consistent with his mandate, it is possible that his office could play an important role in improving relations between Eritrea and the EU and its member states'

The somewhat dismissive reference to human rights suggested that rights are regarded as an inconvenient adjunct to foreign policy; an encumbrance that might be disposed of. It accurately reflected the mood within the EU Council of Ministers.

In 2014 Italy's Deputy Minister of Foreign Affairs, Lapo Pistelli, made an official visit to Asmara.³⁷ He was fulsome in his praise for his hosts, saying that he found them 'well

informed and keen to engage.’ The enthusiasm with which he greeted this ‘new beginning’ was reflected in the official communiqué from the Italian government. ‘It’s time for a new start,’ Pistelli declared during his visit to Asmara. ‘I am here today to bear witness to our determination to revitalise our bilateral relations and try to foster Eritrea’s full reinstatement as a responsible actor and key member of the international community in the stabilisation of this region’. It was almost as if the setbacks of the past had never taken place.

Process’ and was endorsed by the EU in December 2014.³⁹

A year later a much higher profile meeting was held in the Maltese capital, Valetta. The Valetta summit, which again included Eritrea, this time brought together African leaders and their European counterparts.⁴⁰ Designed to deal with the refugee crisis the political communiqué that was released contained little that was controversial. It concluded that: ‘We recognise the high degree of interdependence between Africa and Europe as

Mediterranean Conference Center in Malta, conference venue of the Summit of Valetta. Foto: Continental-europe



Since then the EU has attempted to deal with Eritrea as part of a wider African initiative to try to end the exodus across the Mediterranean. In October 2014 senior European officials met with their African opposite numbers in Khartoum, including Eritrea. During this gathering Eritrea’s Minister of Foreign Affairs, Osman Saleh, told the gathering that: “Eritrea values its partnership with the European Union and is determined to work with the EU and all European countries to tackle irregular migration and human trafficking and to address their root causes. We call for an urgent review of European migration policies towards Eritreans, as they are, to say the least, based on incorrect information, something that is being increasingly acknowledged.”³⁸

The Khartoum meeting came up with a series of rather vaguely phrased suggestions aimed at reducing smuggling and human trafficking. This became known as the ‘Khartoum

we face common challenges that have an impact on migration: promoting democracy, human rights, eradicating poverty, supporting socio-economic development, including rural development, mitigating and adapting to the effects of climate change.’

Buried in the action plan that accompanied it were a series of recommendations that were more detailed. They included a recognition that African states bear the greatest burden of refugees; only a minority of whom actually make the journey to Europe. There was also an understanding that the African refugee camps in which so many languish needed to be upgraded. Security in the camps had to be improved, education and entertainment needs should be provided, so that young men and women were not simply left to rot. There were even suggestions that some – a tiny, educated minority – might be

J. Nastranis

Security Council Backs Dutch Sanctions Against Eritrean and Libyan Traffickers

(June 19, 2018) For the first time ever, the UN Security Council has put human traffickers on an international sanctions list by imposing sanctions on six leaders operating networks in Libya. Four are Libyans, including the head of a regional coast guard unit, and two Eritrean nationals.

By resolution 1970 (2011) and resolution 1973 (2011), the Security Council decided to impose individual targeted sanctions (a travel ban on individuals and an assets freeze on individuals and entities, as listed in the Annexes to the resolutions or designated by the Council's special Committee).

The 1970 Sanctions List currently contains the names of 26 individuals and two entities. The 1970 Sanctions list was last updated on June 7, 2018.

"The targeted sanctions are perhaps the first step towards ending impunity of human trafficking," said Professor Mirjam van Reisen. She and Munyaradzi Mawere have edited *Human Trafficking and Trauma in the Digital Era: The Ongoing Tragedy of the Trade in Refugees from Eritrea*.

"In a next step the UN Security Council must recognise the extraterritorial criminal engagement of the Eritrean Regime. The UN SC should also take its responsibility to consider the Report of the UN Special Inquiry on Eritrea which concluded that within the country, crimes against humanity are committed and are ongoing," she told IDN.

The sanctions involving a global travel ban and an assets freeze are the result of an internationally backed proposal by the Netherlands. The proposal drew to no insignificant extent on the book by Professor Van Reisen and Mawere, which contains the names of several human traffickers involved in criminal networking.

Van Reisen and Mawere stress: "Crimes against Humanity are ongoing in Eritrea. Human trafficking is organised from within Eritrea and the lines between human trafficking and smuggling are blurred. Refugees believe that traffickers from within Eritrea are connected to the broader network operating outside Eritrea, which involves perpetrators all along the routes. Many who flee stay within the region, but feel that they are in constant danger."

According to Van Reisen and Mawere, the human trafficking network leading to Tripoli and the Central Mediterranean route began in 2009, when many Eritreans were abducted and held in captivity in Sinai. There they were tortured and had ransoms extorted from them by calls to relatives and friends over mobile phone.

Van Reisen and one of the researchers, Meron Estefanos, concluded that the trafficking networks operated with knowledge of the Eritrean regime. In the book, Van Reisen and Estefanos wrote: "Linked across the region between Eritrea, Ethiopia, Sudan, Egypt and Libya, the Eritrean refugees are traded as priced commodities: the most conservative estimate of the total value of the human trafficking in trade in Eritreans is over 1 billion USD."

According to the researchers, the financial gains are controlled through an international web of informal financial agents operating in Asmara, Khartoum, Israel, and Libya.

An Eritrean who made the journey told the researchers: "In Khartoum, I went to an Eritrean called Zeki. I paid 1,600 USD from Khartoum to Libya. I went to Asmara Market in Khartoum. I paid to an Eritrean man, Welid, USD 2,200 USD for the crossing on the boat. They split it, they pay the Sudan people and Libya people and they keep the rest." (Interview by Van Reisen).

The Eritrean 'top traffickers' work with Libyans to arrange transport and accommodation. The book identifies the role of the Eritrean embassy in Libya: "A refugee mentioned that he saw that a representative of the Eritrean Embassy in Tripoli assisted specific refugees who had been captured by the Libyan authorities while moving across Libya to Europe (...)."

A similar allegation was made in the IGAD report, which stated: "Nevertheless, one NGO official based in the region for a significant amount of time alleges that some remaining diplomatic personnel profit from the irregular migration routes, by charging 'fees' to negotiate the release of people from detention centres. Two eyewitnesses appeared to corroborate these allegations when they reported that they have seen high-profile smugglers at the Eritrean embassy in Tripoli." (cited in Van Reisen and Mawere, p. 176)

Eritrean refugees are trafficked by a Human Trafficking network led by these Eritrean traffickers. This sad reality is now confirmed by the resolution adopted by the UN Security Council, which blacklists two Eritrean traffickers and four Libyans. [IDN-InDepthNews – 10 June 2018]

Source: J Nastranis: *Security Council Backs Dutch Sanctions Against Eritrean and Libyan Traffickers*. June 19, 2018. <https://www.indepthnews.net/index.php/the-world/africa/1921-security-council-backs-dutch-sanctions-against-eritrean-and-libyan-traffickers>

allowed to travel via legal routes to European destinations.

Contained in paragraph 4 of the document were more worrying suggestions. Here were details of how European institutions would co-operate with their African partners to fight

'irregular migration, migrant smuggling and trafficking in human beings'. This aim was laudable enough, until one considered them through the eyes of a young refugee struggling to get past Eritrea's border force, with strict instructions to shoot to kill. Europe was

Europe External Policy Advisors (EEPA)

Addressing Criminalisation of Refugees and Impunity of Human Trafficking

(June 28, 2018) A public hearing took place in the European Parliament today on the impact of EU external action in the Horn of Africa and addressing the criminalisation of refugees and impunity of human trafficking. The event was hosted by the GUE/NGL group of Parliamentarians. The speakers emphasised the importance of protection in the region, addressing human trafficking at the highest level and to the source. The experts denounced the cooperation on migration of the EU with governments who are involved in human trafficking. The meeting took place as the European Council met on migration in Brussels.

The meeting was opened by Member of the European Parliament from the GUE/NGL group, Marie-Christine Vergiat. Among others, she is member of the Subcommittee on Human Rights and has worked on human rights and migration issues for many years. "The situation in the Horn of Africa is particularly dramatic," Ms. Vergiat stated. "The Khartoum process has worsened the situation of migrants in that area of the world and this is particularly true in Sudan and Eritrea."

Speaker Makeda Saba warned of the consequences of current cooperation programmes with regimes in the Horn of Africa, including those accused of crimes against humanity, such as Eritrea. Currently, there are three international NGOs working in Eritrea, *VITA*, *Norwegian Refugee Council* (NRC) and *Finn Church Aid* (FCA). According to Saba, these organisations do harm by collaborating with the Eritrean regime, accused of committing crimes against humanity, including slave labour. According to Saba, these NGOs are dependent upon the favour of operating in the country by the highest level of the regime: "These NGOs operate without legal basis or rule of law. They are not able to be independent and impartial. They strengthen the oppressive institutions of the government, including the militarised education system. They cannot operate without using and legitimising forced labour. They are not helping the people of Eritrea"

Sara Prestianni from *ARCI Immigrazione* spoke about the situation in Sudan and the Khartoum process, stating: "Omar al-Bashir has everything to

gain from cooperation with the EU so he can brush up on his image. He is taking ownership of this collaboration to once again play a central role in the international arena. [...] The *Rapid Support Forces* operate to now at the border in Eastern Sudan. Who knows what crimes are being committed?"

Christian Jakob, journalist at the German *Tageszeitung*, has extensively investigated the effect of the externalisation of Europe's borders in Africa: "In countries like Eritrea and Sudan, it is very easy for the EU to get what they want because there is no one from civil society who can question it."

Meron Estefanos, Eritrean-Swedish journalist, covered the situation of human trafficking in Libya, victimising many through human rights abuses, torture and extortion: "Libyan officials are extorting money from people who are intercepted on the sea and sent back. Even from within the legal detention, refugees are sold for labour and other illicit purposes."

Prof. Mirjam van Reisen covered the overall effect of EU policies, communication strategies and the lack of protection for refugees in the region. The policies are irregularising even those that have already integrated or have a legitimate asylum claim. "The system is irregularising people that we know we previously integrated or are legitimate asylum seekers. [...] This is against international law and it is immoral. But most of all, it does not work and cannot work." Prof. van Reisen continued: "People who have already experienced so much cruelty are chased across the region. Highly traumatised people remain in a mode of fleeing. That really works to the benefit of the human trafficking networks – they thrive on fear." She argues that human trafficking has to be addressed at the top level: "The big money of human trafficking is made at the top. The top traffickers should be held responsible before anybody else." She said. "We need to move to a policy where we 1) respect international law, 2) use our resources to create places of protection and care and 3) where we persecute those responsible for human trafficking at the top of the networks."

Europe External Policy Advisors (EEPA): Addressing criminalisation of refugees and impunity of human trafficking. Excerpts. Brussels, June 28, 2018. www.eepa.be

offering training to African 'law enforcement and judicial authorities' in new methods of investigation and 'assisting in setting up specialised anti-trafficking and smuggling police units.' The European police forces of Europol and the EU's border force (*Frontex*) would in future assist African security police in countering the 'production of forged and fraudulent documents.'

On 11 December 2015 this was followed by the announcement of € 200 million worth of EU aid for Eritrea.⁴¹ Most was allocated to the energy sector and what was described as strengthening the country's ability to 'better manage public finances.' Announcing the programme, EU Commissioner for International Cooperation and Development, Neven Mimica, said: 'The EU provides development aid where it is most needed to reduce poverty and support people. In Eritrea, we have agreed to promote activities with concrete results for the population, such as the creation of job opportunities and the improvement of living conditions. At the same time, we are insisting on the full respect of human rights as part of our ongoing political dialogue with Eritrea.'

The idea that Eritrea would accept the EU's conditions on human rights suggests the Europeans have learnt no lessons from the past. There is no evidence that the Eritrean government has ever been willing to accept any conditionality on the aid. This is likely to be a dialogue of the deaf, with President Isaias likely to ignore all European demands, secure in the knowledge that they have little option but to deal with Eritrea on his terms.

In the meantime a consensus developed among European officials that human rights organisations had exaggerated how serious the situation was in Eritrea. It looked as if it was only a matter of time before Eritreans claiming asylum across Europe would have their refugee claims rejected, and be put on an aircraft home. This was strengthened by suggestions – from Eritrean diplomats and officials – that it was only a matter of time before all National Service conscripts would only be required to serve 18 months. In February 2016, the *Reuters* news-agency carried a report, which quoted EU diplomats.⁴² Speaking on conditions of anonymity they 'accused Eritrea of back-tracking on privately made commitments by some officials last year to fix national service at 18 months, a term stipulated four years after Eritrea's independence from Ethiopia in 1991.' President

Isaias had done what he has done so often in the past. He allowed his officials to give assurances to gain a deal with an international partner, only to pull the rug from under the assurances they had given. Yet less than a month earlier the EU signed a deal pledging 200 million € in aid for Eritrea.⁴³

What is extraordinary is just how easily the diplomatic community is fooled. The same *Reuters* report quoted the same unnamed source as saying about the Eritreans: 'They are engaging more,' one Western diplomat said. 'You have to build their confidence. They don't move quickly.' Even the language is re-cycled. The only aspect that remains unchanging is President Isaias's intransigence and European attempts to 're-engage' with the regime, despite acknowledging that this is 'useless'.

Europe's Migration Priorities

The leaders of the EU have been under intense political pressure to limit migration in recent years – particularly after the decision by German chancellor, Angela Merkel in 2015 to open her country's doors to a million refugees, mostly from the Syrian conflict.⁴⁴ While Mrs Merkel stands by her previous decision, even she has agreed to limit the numbers of refugees Germany is willing to accept.⁴⁵ Meanwhile, the rest of the EU has moved to limit the migration by almost any means possible. A deal was done with Turkey to halt the flow into Europe, but this has still left migration via Africa. This issue is now at the heart of European concerns. As a communique in June 2016 put it: 'Europe is currently experiencing unprecedented migratory flows, driven by geopolitical and economic factors that will continue, and maybe intensify...'.⁴⁶ The EU leaders describe their efforts as being '... now at the top of the E.U.'s external relations priorities..'

This has meant working as closely as possible with refugee exporting countries (like Eritrea), assisting transit countries (like Sudan) and intervening directly in countries of embarkation (like Libya). Libya is named in the June 2016 EU communique as being of key importance. 'Reports suggest that there are tens of thousands of migrants in Libya today, looking for ways to enter the EU, with the number of arrivals increasing every day... Over 230,000 migrants have been identified inside Libya.'⁴⁷ The communique goes on to point to future EU policy options: 'A possi-

ble civilian *Common Security and Defence Policy* Mission, building on the existing *EU Border Assistance Mission* as well as other

Europe External Policy Advisors (EEPA)

Head of Eritrean Embassy Office in The Hague Declared 'Persona non Grata'

(January 17, 2018) The Dutch Government has declared the head of the Eritrean embassy office in The Hague 'persona non grata' and has demanded his immediate departure. The decision followed a motion issued by the Dutch parliament to close the Eritrean embassy. The decision for dismissal was made after reports of the intimidation and coercion, especially connected to the collection of the 2% Eritrean diaspora tax, stirred political and societal unrest in the Netherlands. In addition, the Dutch government was shocked by evidence of coercion to pay the tax and to sign a 'regret form' recorded by Dutch radio programme *Argos*.

Although the Dutch government did not decide to close the embassy office outright, they state that declaring the head of the Eritrean embassy office in The Hague persona non grata is an very strong diplomatic measure. This highly exceptional measure was taken in order to give "a signal to the Eritrean authorities", according to the Ministry of Foreign Affairs. "The Cabinet wants to make clear that the Netherlands does not accept these undesirable practices."

The letter published by the Dutch government states that "[...] the Cabinet concludes that there is no understanding from the Eritrean side about the great political and societal resistance in the Netherlands towards the way in which the diaspora tax is collected, and also that there is no willingness on the Eritrean side to conform to this."

The week before Christmas, the Dutch Parliament debated with the Dutch Minister of Foreign Affairs about the issue of the 2% diaspora tax that Eritreans have to pay. Members of the Dutch Parliament indicated that their patience regarding the continued reports of involvement by the Eritrean embassy had ran out. These reports included embassy involvement in the collection of the 2% tax in combination with coercion and threats.

Adding to the political unrest, Dutch radio programme *Argos* published a conversation between the head of the Dutch embassy office and an Eritrean asylum seeker. In the conversation, the head of the Dutch embassy office can be heard telling the man that he cannot get consular services unless he signs a 'regret form' for his crimes, which includes an open-ended acceptance of any punishment, and pays the 2% diaspora tax over his income in the 4-5 years that he has lived outside of Eritrea. When the asylum seeker indicates that he does not want to do this, he is told that "anybody who wants anything from the country" has to comply.

Europe External Policy Advisors (EEPA): Head of Eritrean embassy office in The Hague declared 'persona non grata'. Excerpts. January 17, 2018. www.eepa.be

EU-funded capacity-building programmes, could be set up at the request of the Libyan government to contribute to build capacity and provide support, including in the field of border management and migration. This could complement training activities for the *Libyan Coast Guard and Navy*.

Nor is this approach limited to Libya itself. The EU sees all of the Sahel as a migration zone, and is determined to work across the region to counter these flows:

'South of Libya the EU has upgraded its dialogue and cooperation on migration, security and development around the increased regional ownership of the G5 Sahel⁴⁸. In this framework the EUCAP Sahel mission⁴⁹ antenna is now opened in Agadez and a *Joint Investigation Team* has been launched with Niger. In addition to the current activities, it could be envisaged that the three *Common Security and Defence Policy Missions* in the region open their training courses to other G5 Sahel forces, on the invitation of respective governments. This could contribute to fostering interaction and facilitating joint patrolling operation across borders. Support to the establishment of operational cross border cooperation could also be considered. Close coordination of *Common Security and Defence Policy* activities in Mali and Niger with development projects, including those supported by the *EU Emergency Trust Fund for Africa*, will continue to be crucial.'⁵⁰

But working with Libya and countries to the South of Libya is not seen by the EU as sufficient. Two other strands have been adopted: attacking the sea rescue missions run by various NGO's for assisting in the exodus, and collaborating with transit country security forces on European soil.

Blaming the NGOs

The first of these has been most widely reported. The EU leaders had become increasingly angry at the behaviour of the NGOs involved in the rescue missions, accusing them of being a 'pull-factor' and tempting refugees to risk their lives in crossing the Mediterranean. In December 2016 they went further. A report was leaked from the border agency, *Frontex*, accused the NGOs of colluding with smugglers.⁵¹

'It is also worth highlighting that during the reporting period and, according to the Italian authorities, during a SAR [Search and Rescue] operation, which was being carried out by two NGOs vessels *Minden* and *Topaz*

Responder, there was a small fibreglass boat in the area displaying a Libyan flag with persons pretending to be fishermen. At a certain point, this fibreglass boat approached one of the NGO vessels '*Minden*' and transferred two Libyan citizens from the small boat to the EU vessel claiming that they were migrants. The NGO vessel took them aboard and let the Libyan boat leave the area. After the debriefing activities, the migrants stated that the crew aboard the small Libyan boat were the people smugglers. This is the first reported case where the criminal net-works directly approached an EU vessel and smuggled the migrants directly into Europe using the NGO vessel.'

In February 2017, a prosecutor in the port city of Catania, Carmelo Zuccaro, announced a task force to examine claims that people smugglers were financing the NGO rescue boats. 'Do these NGOs all have the same motivations? And who is financing them?' Zuccaro asked.⁵² It was only in May that the prosecutor finally admitted that he had no evidence for his investigation: he was merely following a hypothesis. But the damage had been done. Under pressure from right wing European parties (including Italy's populist *5-Star Movement* and the anti-immigrant *Northern League*, which have labelled the NGOs 'sea taxis' for migrants) the Italian intelligence service infiltrated the crew of a rescue boat.⁵³

Italy attempted to impose a code of conduct on the NGOs at a meeting on 2 July, with the Italians threatening to close its ports to the charity vessels if they did not agree. The code included a provision banning the transfer of rescued refugees from one boat to another – a measure that would severely impact on the smaller NGO boats. Some NGOs agreed to the code, but others – including *Sea Watch*, *Proactiva* and *Médecins sans Frontières* (MSF) – refused. On 10 August, the Libyan navy further complicated rescue efforts when it claimed to have reasserted its search and rescue zone and warned foreign NGOs not to enter the unspecified zone without permission. The following day, MSF announced it was suspending rescue operations after 'credible threats' against it by the Libyan coast guard, although these have since resumed. But the NGOs now feel themselves working in circumstances which are less than optimal: regarded with suspicion by EU institutions and coming into contact with the Libyan coastguard, armed and trained by

the EU. None of this makes their rescue work any easier.

African Security Officials on European Soil

The Italian authorities have signed an agreement with the Sudanese government to allow Sudanese officials to be based in Italy. Their role would be to assist the Italian authorities with the extradition of Sudanese asylum

Europe External Policy Advisors (EEPA)

Sweden: Eritreans No Longer Required to go to Eritrean Authorities for Family Reunion

(April 26, 2018) The migration court in Sweden ruled that family members of Eritreans residing in Sweden no longer have to obtain IDs or passports for family reunions. The ruling was issued after the court decided that the Eritrean authorities placed undue demands on the refugees, such as paying 2% tax and signing an 'apology letter'.

In Sweden, family members outside of Sweden wishing to reunite with family members inside needed to obtain a passport or ID from Eritrean authorities. Now, the court has ruled that this requirement should be abolished due to the unreasonable demands by Eritrean authorities in exchange for such consular services. The Swedish migration office has changed its rules based on the ruling.

Eritreans living abroad have to pay 2% income tax, which is often collected through coercion and threats. In addition, the refugees have to sign a letter of apology, accepting any punishment, for leaving the country illegally and not completing the national service. The Swedish court also points to the possibility of family members of Eritreans living abroad being punished for not complying with the Eritrean authorities' demands.

The Netherlands recently declared the head of the Eritrean embassy office in The Hague 'persona non grata' after a conversation between him and an Eritrean refugee was published, recorded in secret, which reveals that the 2% tax and the signing of the apology were required before any consular services would be given.

EEPA: Eritreans No Longer Required to Go to Eritrean Authorities for Family Reunion in Sweden. April 26, 2018. www.eepa.be

seekers. The use of Sudanese officials in the interrogation of migrants and asylum seekers in Italy is covered by an agreement entered into by the Italian and Sudanese governments. Signed on 3rd of August 2016, it was designed to 'combat the criminal activity' on the frontier by the 'flooding' of migrants into Italy.⁵⁴

The officials will, according to the protocol, live in Italian police accommodation, be given three meals a day and a daily subsistence al-

lowance of 40 Euros per day, plus travel and health benefits. The secret protocol (which was leaked soon after it was signed) was denounced by a number of non-governmental agencies, including *Amnesty International*, *Oxfam Italia*, *MSF* and *Save the Children*. In a press release dated 27 September 2016, the group said the forcible repatriation of migrants to Darfur infringed the obligation of the Italian government not to return people to countries where they would be at 'real risk of human rights abuses'.⁵⁵

The protocol was soon put into use, with Sudanese officials (probably security staff) being used to interview Sudanese migrants and refugees in Italy. As Amnesty International reported: 'Upon request by the Italian police, Sudanese authorities in Italy, operating not only in consular offices but also in ports, police stations and detention centres, immediately proceed to the identification by means of an interview, with the explicit exclusion of any further investigation into the person's identity.' *Amnesty* believes that a group of Sudanese who were deported on 24 August 2016 from Italy to Khartoum were interviewed by and registered with the Sudanese consular authorities prior to being returned to Sudan.

The collaboration between the Italian and the Sudanese authorities is part of a programme of co-operation between European Union and African states agreed on at a summit in the Maltese capital, Valetta in November 2015. The heads of state agreed on an 'action plan' which envisaged just such an arrangement.⁵⁶ The Valetta 'Action Plan' envisaged a comprehensive package of measures including sharing information, intelligence and training with African states, of which Sudan was one. The plan called for partner states to 'Enhance operational police cooperation and exchange of information between countries of origin, transit and destination of migration, including, where appropriate, through Joint Investigation Teams with the agreement of countries concerned.'

The Italian protocol falls within the scope of this 'Action Plan'. Co-operation between Italy and Sudan is taking place despite Sudanese President Omar al-Bashir being wanted for crimes against humanity by the *International Criminal Court*. The ICC indictment detailed crimes, including genocide, allegedly committed in Darfur.⁵⁷ If this kind of arrangement is now acceptable in Italy, how long before it is more widely adopted across the EU?

Europe and Eritrea Today

European leaders are well aware that their policy of 're-engagement' infringes the EU's founding principles of human rights. Much of the work is now undertaken covertly, with an explicit attempt made to keep the public unaware of what is being planned. This was revealed by two German media outlets: *Der Spiegel*⁵⁸ and the television programme, *Report Mainz*.⁵⁹ The aim was to curtail the exodus of African refugees, whose arrival in Europe has become such a toxic political question. *Der Spiegel* reported that Germany was leading this work, but that the European Commission has warned that "under no circumstances" should the public learn what was said during talks that were held on 23 March 2016. A staff member working for Federica Mogherini, the EU High Representative for Foreign Affairs, warned that Europe's reputation could be at stake. The EU is fully aware of just how dangerous these proposals really are. Under the heading "Risks and assumptions" the document stated:⁶⁰

'Provision of equipment and trainings [sic] to sensitive national authorities (such as security services or border management) diverted for repressive aims; criticism by NGOs and civil society for engaging with repressive governments on migration (particularly in Eritrea and Sudan).'

The Eritreans are promised training for the judiciary and what is described as 'Assistance to develop or implement human trafficking regulations.' Since Eritrean border patrols have orders to shoot to kill any refugee attempting to flee across the border there is a real risk that EU funding would aid this objective. These developments come despite clear calls from the European parliament for an explicit human rights requirement for any aid for Eritrea.⁶¹

The risks identified above are, of course, hypothetical in the eyes of the European officials who drew up the report. They are identified so that these risks can be mitigated or avoided. The very first 'mitigating measure' the document identifies is this:

'Senior level buy-in, through high level political dialogue (notably through the Khartoum Process and high level dialogues on migration), to ensure acceptance of new methodologies/practices, including willingness to address corruption at border and transit points; follow up to training to ensure acceptance and assimilation; reliance on

well-experienced implementing partner with good political relations with the target countries.⁶²

Yet the evidence points in exactly the opposite direction. There is every reason to believe that the senior officials have no 'buy-in'; rather they are implicated in the human trafficking that these measures are intended to stamp out.

The Eritrean government controls its borders rigorously, including implementing a policy of 'shoot to kill' for anyone attempting an

whole trip in about 8 hours. That system is known by everybody if you can pay.⁶⁴

The government has established and controls an informal economy which facilitates these financial transfers (this is further explored below). This informal economy is not an operation run unofficially by senior officials and officers: it is a system that is officially sanctioned by the ruling party – the PFDJ. This point was made by the UN Monitoring Group established by the Security Council in its 2011 report. There is, the Monitors said:



*Kassala in Sudan, close to the border to Eritrea
Photo: Bertramz*

unauthorised crossing.⁶³ At the same time, there is mounting evidence that the same government not only controls the illicit flight of its own citizens but profits from it. How is it possible that both statements can be true?

The first point to make is that the Eritrean authorities have formal and informal systems of government. So, while it is formally policy to prevent the flight into exile, this is only applied to those who cannot afford to pay senior officials to facilitate their journey. With sufficient funds, it is possible to cross into Sudan in some comfort: '...one of the ways of escaping from Eritrea is to be transported by luxury SUV vehicle from Asmara to Kassala, but you have to pay 8,000 to 10,000 US-Dollar. It is arranged by the military and in every vehicle there will be 10 – 12 people. The vehicle is government/military and it does the

'...a vast and complex informal economy through which senior officials in the Government and PFDJ collect and control hundreds of millions of dollars each year in unofficial revenues, largely from taxation of Eritreans in the diaspora and private business arrangements involving PFDJ-run companies or business partnerships abroad.' This is operated '...principally through this extensive, offshore and largely illicit financial apparatus, controlled and operated by intelligence, military and party officials, many of them operating in an "unofficial" capacity.'⁶⁵

It is this system, controlled through the office of President Afwerki, that is at the heart of the operation. The official in charge of this is the president's key economic adviser, Hagos Gebrehiwot Maesho (also known as Hagos 'Kisha') who is head of Economic Affairs of the PFDJ.⁶⁶ Without this informal economy

the ransoms and other payments made to the traffickers would be crimes committed by individuals. Since they are passed through an officially sanctioned system they can be regarded, rather, as forms of finance obtained (under the most appalling circumstances) by the ruling party on behalf of the President and his associates.

Since many Eritreans flee into exile into Sudan, Eritrea's western border is one of the key region to control. This task has been

voiced criticism of the Eritrean government or were prominent political or military figures.⁶⁹

The Sudanese authorities are part of the human trafficking chain that links Eritrea with the outside world. Just how close this relationship is can be judged from the *Human Rights Report* on the situation in the Sudanese border town of Kassala. *Human Rights Watch* found that Sudanese police arrested Eritreans before then handing them over to traffickers.⁷⁰



Rally against deportation by Eritrean refugees from Israel

given to General Teklai Kifle, known as 'Manjus'. His role as organiser of all illicit cross-border activities was again underlined in the UN Monitor's report of 2011. 'Arms trafficking from western Eritrea is just one component of a much broader, and highly profitable, smuggling operation overseen by General Teklai Kifle "Manjus", Commander of the western military zone.'⁶⁷ The report accuses General Manjus of trading in everything from guns to people, in co-operation with a range of Sudanese officials, including Mabrouk Mubarak Salim, then Minister of State for Transport of the Sudan.⁶⁸ The border is no barrier to the Eritrean military. The US State Department concluded that: 'Eritrean military officers sometimes operated within Sudan to abduct refugees from camps, particularly those who

Eritrean nationals are the key traffickers in the smuggling operation. They have been identified and named by many of those they have transported.'⁷¹ Living in Sudan, Egypt and Libya they have links to a wider network which stretches back to Asmara and onwards to Israel, Sweden, Italy and beyond. They act in Sudan and Egypt with impunity; an impunity bought from the proceeds of the human trafficking. As one witness put it about an Eritrean trafficker in Sudan: 'He is an Eritrean. But he lives in Sudan. He is very active with the Sudanese government and got full support. All work to collect too much dollars.'⁷² These allegations are corroborated in numerous witness statements.

Nor is it just a question of human trafficking. Eritreans were directly involved in the su-

pervision and torture of their countrymen and women held captive in the Sinai.⁷³ They used their skills to extract the highest ransoms and inflicted some of the most cruel punishments.

Perhaps the most disturbing allegation is that some victims of trafficking are actually abducted from inside Eritrea itself – including from the streets of Asmara. The testimony of a mother of three who was kidnapped from the capital is particularly distressing.

‘She said she never intended to leave the country, but merely attended a meeting with her business partner in Asmara. At the meeting, there were three men she didn’t know. The next thing she remembers is waking up in Kassala’ (Sudan) ‘with the three men; her business partner was not there... The three others didn’t remember how they got there either. They were asked to pay US\$ 10,000 within a few days and told that if they didn’t they would be sold to the Bedouins in the Sinai.’⁷⁴

The evidence therefore points to a highly-organised network of senior officers and officials, who, together with Eritrean nationals abroad, control human trafficking of Eritreans for profit. As indicated above, such operations could not have escaped the notice of President, who not only appointed men like General Manjus, but relies upon them for his security. In a society as controlled and monitored as Eritrea, where a network of spies stretches across the country, such an important and extensive operation could not be undertaken without official sanction.

In its 2016 Report on Human Rights the US State wrote: ‘Eritrea is a highly centralized, authoritarian regime under the control of President Isaias Afwerki.’ After listing a host of human rights abuses the authors then noted that: ‘The government did not generally prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was the norm.’ The evidence points towards a single, controlling mind that exercises a pernicious influence on Eritreans, both in their own country and abroad. It is difficult to escape the conclusion that the President himself is the malign force attempting to direct and control the lives of Eritreans wherever they live. Even when they flee abroad they are in danger of being captured, tortured and ransomed by Eritreans working directly or indirectly for his government.

These facts are public, and well known to the European officials who deal with the Horn of Africa. Yet such is the pressure on

the EU to reduce the number of migrants and refugees reaching European shores that they are willing to persist with strategies that they know will at best fail to halt the exodus, or at worst trap helpless and vulnerable individuals in transit countries in which they are prey to violence, sexual abuse and enslavement.

Europe External Policy Advisors (EEPA)

Eritreans March Peacefully outside UNHCR Office in Cairo

(May 17, 2018) Around 1,700 refugees demonstrated peacefully in front of the office of the *United Nations High Commissioner for Refugees* (UNHCR) in Cairo to draw the attention of the latter to refugees’ rights and to the difficulties they face every day. Furthermore, as *Africa Monitors* reported, “they also complained about the continued slowdown in UNHCR’s procedures and the very poor UNHCR services provided to refugees, which have recently deteriorated at an unprecedented rate.”

Africa Monitors furthermore reported: “Members of the *Eritrean Refugee Committee* met with the Deputy Commissioner-General of the UNHCR in Egypt and with other UNHCR officials. They explained to the UNHCR officials the problems and challenges faced by Eritrean refugees in Egypt, mainly issues of protection, Refugee Status Determination, Resettlement, financial assistance and social services (education, health care and employment). The members of the Eritrean refugees have called on the UNHCR officials during the meeting to address the huge difficulties and challenges countered by Eritrean refugees and urged for solutions as much as possible, because Eritrean refugees’ problems in Egypt are becoming worse with time.”

EEPA: eMail May 17, 2018. Source: <https://africamonitors.org/2018/05/15/a-mass-demonstration-of-eritrean-refugees-in-egypt>

Towards an Alternative European Strategy

An alternative strategy requires that the EU acknowledges that the Eritrean government is not an acceptable partner. It would mean ending the current relationship with President Isaias’s government established through the Khartoum process. European politicians would acknowledge (as they did with the apartheid government in South Africa) that Eritrea is a pariah state. Formal diplomatic relations would be maintained, but these should not extend to any form of aid or co-operation. This would require withdrawing assistance from programmes currently under

way, except where they are designed to provide emergency aid to combat the effects of natural disasters. Withdrawing these (limited) aid programmes would come at a cost to the

Naomi Stocker

Ethiopia 'Fully Accepts Peace Deal' to End Eritrea Border War

(June 6, 2018) Ethiopia's governing coalition announced on Tuesday that it will accept and implement the peace deal with Eritrea from 2000 that stopped the 1998-2000 border war. It is still unclear how Eritrea is going to respond. Petros Tesfagiorgis, prominent Eritrean writer, stated that we should use this window of opportunity to create a powerful peace movement.

A Deadly Border Dispute

From 1998 to 2000, Eritrea and Ethiopia fought a war over border tensions. This border dispute left an estimated 80 000 people dead, making it Africa's deadliest border war. In 2000 both countries signed a peace agreement, known as the Algiers accord, but Ethiopia refused to accept the ruling of the border commission when it came to the demarcation. The border commission had awarded Eritrea the border town Badme, which Ethiopia objected to. Ethiopia refused to withdraw its troops out of the disputed areas. The Eritrean government accused Ethiopia of forcefully occupying their territory and said that there would be no resolution until Ethiopia would withdraw their troops from Badme.

This led to 18 years of hostility between both countries with regular border clashes, with most recently a clash in 2016 in which hundreds were killed.

A Peace Agreement

On Tuesday 5 June, Ethiopia announced that they would accept the peace deal with Eritrea from 2000. They stated that they would also accept the findings of the border commission and pull out of Badme.

"The Eritrean government should take the same stand without any prerequisite and accept our call to bring back the long-lost peace of the two brother nations as it was before," said, the *Ethiopian People's Revolutionary Democratic Front* (EPRDF), the governing party of Ethiopia in a statement on *Facebook*.

In his inaugural address, the new prime minister of Ethiopia, Abiy Ahmed, vowed that he would seek peace with Eritrea because he wished to solve the problem.

It is still unclear how Eritrea is going to respond. Petros Tesfagiorgis, prominent Eritrean writer, called in an article on *Eritreahub* for Eritreans of the diaspora to come on the streets in support of the peace proposal and use this moment to initiate a powerful peace movement.

Naomi Stocker: Ethiopia 'Fully Accepts Peace Deal' to End Eritrea Border War. June 6, 2018. www.eepa.be/?p=2287

Eritrean people and this should be acknowledged. Ending what is currently a small-scale engagement would have only a minor impact on the lives of most people.

Instead, the EU should stand with the Eritrean people in their hour of need. This would require a strategy that engaged with them, while limiting the flow of resources to the regime.

An alternative engagement

This would begin by accepting that previous attempts to 're-engage' with the Eritrean regime have paid few, if any, dividends. It is apparent President Isaias and his closest colleagues have treated these initiatives with contempt, regarding them as signs of weakness. The regime only respond to resolute measures. These should include:

- Extending legal migration. The EU has already accepted this as a principle. Its latest statement suggests that at least 50,000 people should receive legal resettlement. Eritrea should be allocated a substantial proportion of this total, given its extraordinary situation.⁷⁵
- Work directly with neighbouring states (and Ethiopia and Sudan in particular) to assist in the education, training and resettlement of Eritrean refugees who flee across their borders.
- Fund those Eritrean organisations that are currently providing information and encouragement from abroad, such as Radio Erena, operating from Paris.⁷⁶
- Use the EU's diplomatic strength to discourage current and future investors in the Eritrean mining sector, including *Newsun*, the Canadian firm accused of using slave-labour in the development of its mine at Bisha.⁷⁷
- Work to dissuade Arab states and Israel from establishing and developing military bases and listening posts in Eritrea.⁷⁸
- Follow the lead taken by the Netherlands to halt the collection of the 2% tax on the Eritrean diaspora aboard by the Eritrean authorities.⁷⁹
- Monitor the activities of the Eritrean government abroad, including the role of its ruling party, and act to prevent intimidation and abuse of its citizens in the diaspora.
- Extend UN sanctions to include the seizure of foreign assets of Eritrean government officials named in by the UN

Monitors in their reports to the Security Council.

- Adopt more welcoming measures towards Eritreans who have made the arduous and hazardous journey to reach European shores.

Combined, these measures would ratcheted up the pressure on the Eritrean regime, without having a major material impact on the people of Eritrea. At the same time, it would be vital to put pressure on Ethiopia to abide by the Boundary Commission's adjudication which demarcated the border with Eritrea, which Ethiopia has refused to implement. Ethiopia's

refusal to comply with the ruling has allowed the current regime to claim its territory is occupied by a foreign power; compliance with the ruling would remove a major hurdle towards the normalisation of political life in Eritrea.

Such a strategy is not be guaranteed to succeed, but it would at least be novel and could contribute to transforming a repressive regime. The current EU strategy has not just failed to deliver any material benefits, it has failed repeatedly. The time has surely come to learn from the past failures and to take a fresh approach towards Eritrea and its people. ■

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Eritrea won its Independence from Ethiopia after 30 years of war, in 1991. The ruling party, PFDJ (People's Front for Democracy and Justice) is the only party in power since independence; a ratified constitution of 1997 has never been implemented. Currently the country is governed by a secretive dictatorship accused of human-rights violation that is playing an outsize role in the biggest global migration crisis since World War II.

The dream and aspiration of Independence movement was to build a democratic Eritrea ruled by rule of law where individual's rights are respected and all citizens have equal opportunity for a decent life.

During the independence struggle the EPLF (Eritrea People's Liberation Front) was not only perceived as a military organization but it was seen as a vehicle for social changes particularly with regard to gender equality. Hence, many Eritrean women joined the struggle to benefit from the equalized gender relations that were practiced within EPLF. 30.000 Eritrean women fought side by side with their male counterpart in mixed units for Eritrea's independence.

However, after independence former female fighters faced many challenges to re-integrate into civilian life. The progress made to advance gender equality during the 30 years struggle has deteriorated after Eritrea's independence.

The political and social situation in Eritrea currently is hostile to women. Today, women in Eritrea remain discriminated in all areas of life. There are a number of legal reforms aimed at formalizing gender equality however they are not upheld in practice. Women are excessively affected by the inability to access justice.

Customary and Sharia Law are applied particularly in family disputes and inheritance issues. And they are not in favor of women. Economic hardship and repression, the social and cultural hierarchy deprives Eritrean women from equally accessing land and other resources, and more importantly women have limited control of their lives as human being. In their persuasion for higher education many women and girls face negative attitudes from their families, community and teachers.

Sexual and Gender Based Violence takes many forms in Eritrea. Femal Genital Mutilation (FGM) is a serious problem affecting 89% of women. Domestic violence is not systematically reported. According to a 2011 State Department human rights report¹,

The Situation of Women and Girls in Eritrea

** by Dr. Asia Abdulkadir*

authorities often respond to rape reports by encouraging the rapist to marry the victim.

Women make up 30% of the work force and are represented with 93% in the informal sector; 40% of small and medium enterprises are run by women however, women have no access to facilities, technology, finances, markets, loan and excessive government rules and regulations.

Some of the senior former female fighters are languishing in prison without a due legal process. They have no right to defend themselves; no family visitation and no financial support to their immediate family have been provided.

In Eritrea the *National Union of Eritrean Women* (NUEW) is the only organisation mandated by the government to work on women's and gender advancement issues. Eritrean women do not view NUEW as women's independent advocate but as mass propaganda organization for PFDJ because the organization doesn't fulfill its obligation to protect women from abuses carried out by government officials or the state.

** Dr. Asia Abdulkadir: The Situation of Women and Girls in Eritrea. Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", October 19, 2017, in Brussels*

Dr Asia Abdulkadir is a gender expert based in Nairobi. Since 2007, she has been working for UN agencies and NGOs as a gender advisor in Somalia. In 2007 she completed her PhD on violence against women in the Eritrean Military. She is an active member of the Network of Eritrean Women (NEW)

The Situation of Women in Military Service and on their Route Fleeing from Eritrea

In 1991 the government of Eritrea, introduced a mandatory national service for all Eritreans, male and female, aged 18 to 40. Initially, this service included six months of military training and 12 months of work on reconstruction and development projects, which in practice

family and the community, with little hope of success. Those who do seek justice are confronted by a system that ignores, denies and even condones violence against women, and protects perpetrators, whether they are state officials or private individuals.

According to the *Commission of Inquiry* rapes committed in military training centers, in the army, and in detention by military officials, trainers, as well as detention officials



Eritrean Wedding
Photo:
Charles Fred

is extended arbitrarily. Training conditions are reportedly harsh without adequate food and water, forced manual labour, which is compared to slavery, arbitrary and severe punishment and sexual assault of women are every day practice. The sexual abuse of women and general harsh conditions within the national service causes many young women to opt for early marriage, unwanted pregnancy and interruption of educations.

Victims of rape often face many obstacles in trying to bring the perpetrators to justice. Many women who have suffered rape or other forms of abuse are too intimidated by cultural attitudes and state inaction to seek redress. To do so can lead to hostility from

and guards continue to be committed with impunity.

The climate of repression, violence and paranoia – and the indefinite national service that never pays more than \$2 a day lead many young Eritreans leave their country in their hundreds every day. According to UN agencies 5,000 Eritreans leave the country every month to neighboring Sudan and Ethiopia, making it to one of the world's top producers of refugees. Eritrea also has the highest number of unaccompanied asylum-seeking children with many young girls among them.

The extremely limited opportunities of resettlement to third countries, family reuni-

fication and other legal alternatives to seek asylum beyond Ethiopia and Sudan leave Eritrean refugees with no other option but to embark on hazardous journeys.

Besides, according to *Medicine Sans Frontières* (MSF), refugee camps in Ethiopia, Sudan and Libya offer no protection for specifically vulnerable groups, including 'women at risk', unaccompanied minors, and victims of sexual and gender-based violence and survivors of torture.

Eritreans undertake the world's deadliest migrant trail, across the Sahara and the Mediterranean to Europe. En route (On their journey) Eritreans face torture, extortion, and rape at the hands of traffickers. Many die during the journey across the desert pregnant women risk suffering complications and giving birth prematurely in the desert.

Since 2016, there have been increasing reports from refugees and migrants of kidnappings in northern Sudan, including the kidnapping of girls and women for trafficking and forced prostitution.

Eritrean male refugees interviewed by MSF described how their sisters, friends and mothers were raped in front of their eyes. Eventually they were taken to the border with Libya, where they were sold on to another group of smugglers or traffickers and other criminal groups like ISIS.

Eritrean women refugees are aware of the high risks, including of sexual violence, prior to undertaking the journey. Many of them stated in a report of MSF that, before leaving Khartoum to cross the desert towards Libya, they received injectable contraceptives to prevent unwanted pregnancy in case of rape. They are aware that either they or their friends are likely to be raped or sexually harassed, often multiple times and by multiple perpetrators. And still they say they have no

choice but to take the risk, rather than staying in Eritrea, Ethiopia or Sudan where they live under extreme unbearable conditions.

The Role of European Union and its Member States

Recommendations and Demand by Network of Eritrean Women

The cooperation agreement between EU and the Eritrean government from 2016 suggests that the main driver of Eritrea's current exodus is economic. Poverty is indeed one factor. However, the evidence overwhelmingly indicates that Eritreans primarily flee mandatory military conscription, forced labour, arbitrary detention, torture, killings, and a general lack of freedom, as documented by the *UN Commission of Inquiry on Eritrea*.

If Europe wants to reduce the flow of people from Eritrea, it needs to use its political, diplomatic and financial influence to bring about change in Asmara. Unless the root cause is dealt with, people will keep taking risks. A lot of pressure needs to be put on the government of Eritrea² to stop the indefinite national service, to make life bearable for people and to allow them to live a free life. They have to release all the prisoners of conscience from prison and allow people particularly the youth to choose what they want to do in life.

Unless "tough action" is taken against the regime, the government will continue acting with impunity, and Eritreans will continue making the long trek north, and fishermen and coastguards will continue fishing bodies from European waters..

Footnotes

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Military Service and Women

** by Selam Kidane*

We need to be talking about longer term objectives. We don't want to be in this situation in 10 to 20 years. We need to move the narrative on, and we can only do that by understanding - getting into the shoes of people, really understanding what is happening and why it is happening.

National service and the impact of militarisation is quite central to that discussion. In fact, if we were to tell the post-independence history of Eritrea, I think the Lampedusa Disaster and the Sinai disaster would be the two starting points for me. This is what independent Eritrea has come to: a country where the children either die in the sea or get sold, bought and resold, or lent and borrowed like any old chattel.

The thing about national service and militarisation in Eritrea and the implications of that - we can talk about the purpose or the motivation, and it almost doesn't matter what the purpose or the motivation was. The impacts are so grave, so encompassing, affecting almost everybody, and it's that impact that we are suffering from.

There are intended and unintended consequences of the national service. For instance, there's the magnitude of it - it is all encompassing. There's nobody that will escape it, because if you think about counting the rounds of it - round 28 - but I believe we're at 30 now - is it 29 or 30 now? - I stopped counting. So, if you think about it, over 20,000 young people per year. You can do the maths. That's the consequence. You think: it was 1994 when it launched and we're now in 2018, almost, so somebody who's 18 now - 17 or - knows nothing else but this. So that's how encompassing it is.

But there are also indirect consequences, for instance, the poverty that we touched on this morning is an example. Many families have been plunged into unbearable poverty - I don't know whether that was part of the plan - but it is part of the consequences now.

If you take farming, for instance, people cannot work their land, cannot farm. Women are left with these barren lands so they have to hire somebody to do it and it costs much more than its worth. An already impoverished situation because of climate changes and what have now is becoming even more precarious because nobody is there to do the land.

So there's poverty in rural areas, whether it is in animal husbandry, or in farming. This causes migration.

People don't just flee because they're about to be conscripted - or they cannot be demobilized, but because they cannot live, because everybody else is being mobilised. So that's in the rural areas where this is a very dominant narrative, it's a very common story. Poverty is induced by national service pushing people out of their country even when they are not at risk of being conscripted at that point.

I go to the refugee camps in Ethiopia quite a lot and this is the story. People don't even understand it's the consequences of the national service but it's a reality of their lives. Women with their children are fleeing because there's nothing to eat, not because of just of the climate changes, not because there's necessarily a deliberate policy, but it's the consequences of policies such as national service.

In the cities it's not different. In the cities the concentration of militarisation and this very highly mobilised community means that nobody can have aspirations of their own, or nobody can have those aspirations of becoming

** Selam Kidane: Military Service and Women
Speech presented at the conference "Eritrea and the Ongoing Refugee
Crisis", October 19, 2017, in Brussels*

*Selam Kidane is an Eritrean human rights activist and a researcher with an
interest in the impacts of trauma and collective trauma on migration.*

ing something else other than a recruit because there's really nothing else to become.

So soon that means there's a dire human resources implications.

Sometimes I do believe that the reason why we find it difficult to communicate with the Eritrean government is not just because of the deliberate policy of not giving infor-

but they're fleeing from the consequences of that.

For woman Asia Abdulkadir has stated, women are married off to older men that national service doesn't apply to, whether they wanted to or not.

That's the immediate thing, the marriage and any children from it is a means to an



mation, but because there isn't the human resources to do that.

The European Union does have that problem sometimes because there just isn't enough trained manpower to respond to queries, to comment and address concerns: the necessary administrative staff to do that.

So the enormous mobilisation is depleting - the civil service is depleting the human resources - not just because people are leaving, but people are not being recruited into those things because there's mistrust.

On top of that there is no private sector to talk about, individuals have no freedom to set up businesses and make a living. So in the cities also poverty comes into play, just like in the rural areas. People flee from this. They're not necessarily fleeing from being recruited,

end. But the children that are born don't stay small children; they grow up and they grow up in families like that where soon it becomes a situation where a woman is left without a choice. She either stays stuck in a marriage that she didn't want, or she has to leave the county. There's nothing else.

The militarisation of education is another harmful situation. I could tell many stories telling about the motivation of Eritreans, to having their children educated. Education was everything. Not any more. The militarisation of education means that people don't have those aspirations for their children any more. They have good aspirations about keeping them safe, keeping them at home for as long as possible. So people actually advise their children to not progress beyond

*Female soldiers
in Eritrea
Photo: Temes-
gen Woldezion*

a given level until they figure out how to make them escape. So children repeat years, and the parents see it as a means to an end, especially for girls.

Martin Plaut

Eritrean Women: “Take Human Rights Abusers to International Criminal Court!”

(March 9, 2018) Eritrean women and friends and supporters of Eritrea marched from the centre of the Dutch capital, Den Hague to the *International Criminal Court* (ICC) to demand justice for on the *International Women’s Day*. Outside the ICC they held a memorial meeting for all the victims of Eritrea’s ruling party, the PFDJ.

Speaking in a range of Eritrean languages women spoke passionately about the plight of their relatives, held in Eritrea’s many secret jails. Among them was the wife of Ermias Debesay – one of the longest-held prisoners, who is was among the earliest fighters to land in the country, at the start of the armed struggle in the 1960’s. A former ambassador to China, Ermias has never been tried in open court.

Tsedal Yohaness paid tribute to her sister, and all other women prisoners, in an emotional tribute remembering her sister’s valiant fight for Eritrea’s independence.

The gathering handed a letter to the ICC outlining the atrocities taking place in Eritrea and demanding justice for all victims of the PFDJ and highlighting the particular ordeals of women.

The women came from across Europe, including Sweden, Norway, Germany, Italy, France, Switzerland and the UK. Just as importantly, they transcend political divisions of the past, also going beyond ethnicity and religion.

A two-day conference is under way, to explore the issues of human rights and the freedom Eritrea so desperately needs.

Martin Plaut: Eritrean Women: “Take Human Rights Abusers to International Criminal Court!”, March 9, 2018. <https://eritreahub.org>

When I go to the camps and I ask about the level of education – young people, young women, what level of education they have – 8th grade, 9th grade? It’s about average for girls, and that is the consequence of militarisation.

There was a deliberate policy of shutting the university, to curb all free thinking. That was a deliberate policy, but the lack of motivation, the underachievement and the impact on human resources in the workforce was a consequence. This causes poverty and then people flee that poverty.

If you’ve got aspirations for your children, you take them out not necessarily because

you don’t want them to become conscripted, but because you want them to have other aspirations. You’ve got other aspirations.

I would have done that. I’m a mother of three. I would have done that. So the militarisation of education is another consequence of the national service in Eritrea with grave implications.

Sexual violence

In the military is something that has been documented in Gaim Kibreab’s book. It is a very grim situation, horrific, but it’s been happening, it has been documented; it’s there. We cannot escape the reality.

But there are also the unexpected consequences here: girls were told to get married or to have a child out of wedlock so that they can escape militarisation. But those children don’t stay babies once the euphoria: “Oh yes, I have escaped from the national service!” passes, comes the reality of what the young woman is supposed to do? No education, no marriage prospect, and a young child.

And that child doesn’t stay that young. It becomes a 12-year-old boy. What to do with a 12-year-old boy who hasn’t got a father? And so quite a lot of women are in the camps with their children who are born out of this situation. It is the militarisation, yes, it’s that deliberate policy of keeping everybody under control, but the social consequences are also becoming as much, if not more of, the problem.

The stigmatisation: people don’t ask for marriage with a woman who has been to the national service. Where possible they want someone who has remained with her family. Even if she doesn’t have a child, even if she hasn’t had a relationship. People ask: we want a daughter-in-law who hasn’t been to Sawa. And so there is ostracism, there’s the stigmatisation. Women are fleeing from that sort of situation. So it’s not necessarily, the direct consequences; it’s the implications of that.

Reprisals

So there are reprisals against whole families now. We’re seeing an increase – particularly for women. We’re seeing where women are taken into prison when a man cannot be accounted for. This is in addition to reprisals against deserters. This is punishing the women so the men come out of hiding or

leave the country and are no longer a threat to the regime.

Of course evaders and absconders are punished severely, perhaps the most telling situation of what happens to people when they caught is that which we see in the price people pay to not be returned to Eritrea. It's the situation that we have seen in the Sinai – in the Mediterranean. People would rather die than be returned. That's why Eritreans are so expensive, because they have nothing but imprisonment and torture to go back to, no one to go back for. So they become victims of ransom demands.

But what does this kind of a situation do to a nation? We're talking here not just about social consequences, but we're also talking about severe trauma, severe trauma that has the implications of changing the way you think. People who are traumatised don't think logically, because you don't need logic when you are fleeing. You just need that fight/flight response. So the sense of danger is ongoing, that perhaps goes on for years, then people are almost programmed to think in terms of flight response.

That is why we are unable to convince people to not take dangerous routes to Europe. We are asking people to be logical about dangers in Libya, dangers in the Sinai; we're asking them to make logical choices when they haven't got the capacity to think logically, to make logical choices.

Similarly, communities, whole communities, are being traumatised, and traumatised communities haven't got the capacity to collaborate with each other, to stop this cycle of violence, to stop the intergenerational transmission of trauma, the cycle of vulnerability.

It's not that people don't know dying. It's not that they haven't heard. They knew. People knew. But you die if you're in Eritrea, you die if you're outside Eritrea. So you choose that death, You're choosing between two deaths.

So, without bringing the level of trauma down, without beginning to understand what these experiences are doing to people, addressing the root causes and its implications, in terms of how it has changed the Eritrean society — we will be here forever.

We will be here talking about why they are still coming out, why are they taking more risks, or why they are creating more vulnerability in the region.

We need to go back to that situation of what is at the heart of this mess, and we cannot forever evade the question of what is at the heart of all this: it the regime in Eritrea.

We need to go right back to that. Eritrea needs to be healed. Eritreans need to be healed. And that is the only situation where we can then talk about, where we can talk about migration – in a safe, contained environment. ■

Human Rights Abuses and Religious Persecution

* by Alex Jackson

I want to begin by making a very simple point about the meaning of human rights. The explanation is about that word 'human'; the concept of human rights is about the rights of humans – all humans; not just your friends but also your foes. And all humans means humans of all faiths and of none; of all politics and of all nationalities. Therefore if a Moslem believes in human rights, she or he must struggle for the human rights of Christians including Jehovah Witnesses and Pentecostals. If supporters of an Eritrean opposition group believe in human rights, they must support the human rights of adherents of the PFDJ (People's Front for Democracy and Justice); and all of the nations represented in this great city of Brussels must work for the human rights of Eritreans.

In brief, if you do not argue for the human rights of your enemies, you are denying the very concept of human rights. If you don't defend the rights of other, don't be surprised if others ignore your rights. I hope that none of that is seen as too controversial.

However, much has been said and will be said at this conference which will be con-

troversial; the truth of alleged facts will be challenged by some but, in some ways, the question of religious freedom is straightforward and non-contentious. Article 18 of the *Universal Declaration of Human Rights* states quite clearly that "Everyone has the right to freedom of thought, conscience and religion ... 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." However, the Government of Eritrea does not deny the imprisonment of Jehovah Witnesses since September 1994. The Government openly announced procedures for registering religious groups which means that only four religious groups are permitted to operate with the inevitable result that thousands who follow different beliefs have been arrested; many more thousands live in fear and others have fled the country. And even the four registered religious groups are far from free to do as they wish as is most publicly seen in the continuing ten year imprisonment of Abune Antonius, the Patriarch of the *Eritrean Orthodox Tewahedo Church*.

But who is shouting loudly for the freedom of the Patriarch; who is protesting the imprisonment of the Jehovah Witnesses; who is arguing for the freedom of the Pente? If they believe in the concept of human rights the Pope and the priests of the Roman Catholic Church should be using their considerable influence. And they should be doing that hand-in-hand with the imams of Islam and their humanist, agnostic and atheist sisters and brothers. I call for the leaders of all faiths to work hard to support Article 18 of The Universal Declaration; and I urge all of you, who are followers of a faith, to give active support to Article 18; but remember: I don't want you to work only for the followers of your own faith. Please shout louder for the freedom of those of other faiths.

There is another major human rights issue where there is little disagreement about the facts. It is over ten years since the UN's General Assembly adopted the *International Convention for the Protection of All Persons from Enforced Disappearance*. The idea is very simple: no human being, regardless of their beliefs or their actions should be arrested and imprisoned indefinitely without a trial in a court that follows due process. The Government of Eritrea does not deny that it has 'disappeared' dissidents, politicians and journalists, not to mention tens of thousands

* Alex Jackson: *Human Rights Abuses and Religious Persecution*. Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", October 19, 2017, in Brussels

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of ordinary citizens. All those who believe in the principle of human rights should loudly assert that no person should be extra-judicially arrested and forced into 'disappearance'. The 57 countries which have ratified the International Convention - and that includes most but not all of the EU countries - should work hard to persuade all countries including Eritrea to ratify. According to *Reporters Without Borders*, the United Kingdom, has refused to ratify because the UK is "known for sometimes resorting to targeted extra-judicial abduction. It seems they are reluctant to deprive their intelligence agencies of such a handy tool."

And I return to a previous point: human rights is about the rights of all humans and no person should be in prison without a proper judicial process regardless of what it is thought that they may have done. So when the people of power in this city talk about Guantanamo Bay they must also talk about Era Eiro and Mai Srwa; when they complain about rendition, they must also complain about the rendition of Dawit Isaak, Aster Fisehatsion and so many others

All supporters of human rights should ratify the *International Convention for the Protection of All Persons from Enforced Disappearance* and work together for its acceptance and full implementation by all.

I think that it would be good if we followed one slogan of the EPLF (Eritrea People's

Liberation Front), *Hade Hizbi Hade Libi; One People, One Heart*. But don't be like a lot of people who don't speak Tigrinya and get it round the wrong way: Hade Libi Hade Hizbi; one heart, one people so that the beat of one heart – that is, of course, the heart beat of the President, determines the beat of all the people. It has to be *Hade Hizbi Hade Libi*. One human race of the world, all with one set of human rights.

But we have to recognise a brutal fact: resources are limited. In spite of the findings of the *Commission of Inquiry* and all the rest, Eritrea remains an almost silent country unknown and unheard by the great majority of people. Even within the context of *Amnesty International*, I sometimes feel frustrated at how difficult it is to raise the profile of Eritrea. *Amnesty International* is an evidence and research based organisation. It speaks out only on the basis of properly researched investigation not by listening to potentially biased propaganda.

However, cooperation with other groups and organisations can increase the effectiveness of any campaigning and my final plea to you is not only that you all cooperate with *Amnesty International* but with each other. An English variant of *Hade Hizbi Hade Libi* is *Unity is Strength*. If all groups who want to advance human rights in Eritrea work respectfully together, the outcome will be positive. Unity is strength. ■

The Eritreans' unaccompanied Child Migrants

* by Dr. Sarah Ogbay

Although my topic is expected to focus on unaccompanied child migrants, I believe that I would not do justice if I do not talk about young immigrants considered 'children' in Eritrean culture.

For many young Eritrean who make it to Europe, the difference between dream and realities would be revealed to them when they actually start life in what we may call perceive a 'new home'. The dream of settling in a country where they can be safe and fulfil their dreams starts at home with the very idea of fleeing and dodging the brutal military service, its planning and its successful completion. The decision to leave the country is both stressful and dangerous because one can get arrested on the suspicion of even contemplating the idea of fleeing. People getting shot at the borders as well as falling in the hands of unscrupulous human traffickers are common news. Even after the most harrowing narratives of torture and organ harvesting that emanated from Sinai in addition to the horrific stories that come from the lawlessness in Libya, the Eritrean youth still want to take their chances and embark on the horrifying journey.

** Dr. Sarah Ogbay: The Eritrean's unaccompanied Child Migrants. Speech presented at the conference "Eritrea and the Ongoing Refugee Crisis", Escherpts, October 19, 2017, in Brussels*

Born and raised in Eritrea, Dr. Sarah Ogbay has studied at University of Asmara, University of Addis Ababa, Ethiopia and the University of Lancaster, UK. Until 2011 she worked as a university lecturer at Asmara university. After leaving Eritrea in 2012 she has worked as a IELTS examiner, English language tutor, interpreter and Eritrean community worker for TS4SE NHS projects. Member of EFND, LIA-BAAL (languages in Africa, British Association of Applied Linguistics) and the Network of Eritrean Women (NEW).

Here, we should all consider the question: What is so unbearable that they are running from?

One of the ugly and disturbing faces of the migrating Eritreans' saga is the unaccompanied child migrants. These are children who should be in schools and playground not in refugee camps, children who should be enjoying the love and care of their families not being abused and emotionally wounded and scared and children who are the future of Eritrea not dispensable members of the society. Emptying the country from these young and vibrant children endangers the very existence of our society.

The experience also is very damaging to the children's outlook of life, attitudes, expectations and dreams. Coming from very closely knit social fabric to the unknown at such young age can just empty the soul. These children come from highly oral society where information may lack credibility compounded with their naivety/innocence and make them easy preys to abuser adults and human traffickers inside the refugee camps which are not well-equipped to accommodate unaccompanied children. Here, they mostly rely on the kindness of adult refugees for emotional and social and other support. This is where and when coordinated intervention from humanitarian organisations and appropriate guardianship could channel them towards the right direction with bright future by making sure that they do not miss their childhood and education. Instead, with no one held accountable these gullible children are persuaded by merciless adults/traffickers to leave the camps and set on sordid, perilous and dangerous journeys where they are starved, tortured, raped, sold like commodities; passed and sold from one trafficker to another. Many have disappeared and some are still enslaved in Libya. It is naive to think that once they go through such experience they would come out undamaged or unaffected.

Once they make it through to Europe, they get to relative safety. The unaccompanied under 18 are put under the care of foster families until they come of age. The information given to them generally is little but the expectation is huge considering language barrier and cultural differences are impediments. It is also important to realise that foster families do not have uniform social, emotional and economic practises.

Some lucky young Eritreans go into a family who are considerate with some under-

standing of trauma the child might have gone through. Some families, however, abuse the trust of the social workers and their treatment leave a lot to be desired. This pain and fear could easily be eased by involving Eritrean communities and Eritrean foster families.

These traumatised young people are coming to cultures they do not know, and systems they don't understand much. Since there isn't any coordinated effort between Eritrean communities and immigration offices and other government offices that should introduce the new arrivals to the local cultures and systems, we see many frustrated, confused and actually at utter loss of how to handle themselves. Eritreans come from 'high context society' where space is shared, contact and physical contacts between people are seen as social communication skills, where punctuality is not a priority, where your happiness is seen in relation of the people around you and the social support system is strong, where tolerance is a priority; where learning is by observing others (role models) and trust is strength. We come to a low context society where physical contact is limited and with different interpretation, time is given high priority, your happiness depends on yourself and does not affect anyone around you, your success depends on how you understand the system and what you do with it, where documents and legal agreements are important. Consequently, this makes it is easy for them to make mistakes that would put them on the opposite side of the law.

What is more, many young women are taken advantage of both by local people as well as their own countrymen. But they do not report them or talk about them because culturally they diminish their values as members of a community. The search of social and emotional interaction among each other creates relationships resulting in single motherhood becoming rampant among the young women who should be in schools and colleges.

Domestic violence is another challenge that has now become the silent killer of the relatively stable social lives. It is silent because it is something that many know but very few do something about it. Depression and mental health are common among many young refugees. Traumatized young men whose pains have not been dealt with take their frustration out on the women in their relationships. Women do not report because doing so threatens their meaningful link with

their community. It is seen as selling out an Eritrean. Even when reported by neighbours they deny it happened for fear of retributions from the husband the community. But given some safe access to talk about it, they do call and talk about their horrendous abuses. Many women are not aware that it is a punishable crime. This needs a concerted effort by a well-established and dedicated Eritrean communities, social experts, as well as the different bodies that deal with young refugees.

As far as language is concerned, some of the interpreters that immigration and other offices provide are supporters of the regime these young people thought they fled from initially. In not few cases, they feel that their voices have not been interpreted as they should be and their cases have not been presented properly. In addition, access to public services, job centres, health and education services are hampered by language barriers. Depression and mental illness are frequent diagnosis among the young who claim to feel lonely and isolated and try to find people who speak their language and relationships are created sometimes not for the right reasons. Language barriers are in fact so serious that they miss very important information such as appointments.

In most cases, it can be said that there are no organised Eritrean communities with awareness and resources working hand in hand with immigration offices and social workers to make the transition and social integration smooth. So how can we expect the refugees to integrate with the local communities if they are not in a position to understand, accept and heal the pain they experienced?

Finally young refugees should be assets for and not liabilities to both the host country as well as their country of origin. The international community has the responsibility to put pressure on the Eritrean regimes respect human rights and protect these young people from being exposed to danger and allow them to grow up with love and care and not in fear and despair. Therefore, providing them a relative safety net is not enough without efforts of healing the trauma, building confidence and enabling them to use the opportunities to rebuild their lives, for their development and security. It is important to understand that they are agents of future peace and development, as well as advocates of human rights. The cost of ignoring is actually immense and intense. ■

Precarious State and Resilience of Eritrean Refugees

In Selected African Countries

* by Dr. Adane Ghebremeskel

Migration of Eritreans to other African countries, in particular to the neighbouring countries, is an old and historical phenomenon. The forced and modern manifestation of the migration though began in the 1960s and the 1970s when the Ethiopian government under Emperor Haile Selassie started to implement a scorch earth policy in the lowland of the country as its counter-insurgency measure. With the ascendance of the *Derg* the war intensified and so too the suppression against Eritreans that increased the migration flow of Eritreans to the neighbouring countries. The exodus intensified when the liberation movements faced a serious military setback and were forced to retreat from most liberated areas as a result of the surge of force of the *Derg* received from the Society Union and its allies between 1977 and 1982. The subsequent “civil war” for the political and military dominance between the two main liberation movements, the *Eritrean Liberation Movement* (ELF) and the *Eritrean People's Liberation Movement* (EPLF) added

more to the already worsening flow of Eritrean refugees to neighbouring states. Concurrently, many Eritreans have also started to move to Ethiopia mainly Addis Ababa in search of better economic opportunities. But the numbers are far less than the refugees crossing border to Sudan. By and by many of those in the Sudan moved on either through regulated resettlement or irregular secondary migration to Europe, Middle East Countries and North America and also Australia.

There are a number of studies by scholars and practitioners, such as Dr Gaim Kibreab, on the first and second waves of migration and their situation in the Sudan. Scholarly works are still evolving as far as the third wave of migration is concerned. Those that exist were done for specific policy and programmatic purposes. Nonetheless, they become critical sources of information as those of governmental and international institutions dealing with refugees, such as UNHCR and IOM (International Organization for Migration).

Largely relying on these sources augmented by rapid structured questionnaires and participant observation, my presentation is an attempt to paint a realistic picture of the situation of and challenges faced by Eritrean refugees in selected African countries. It doesn't claim to be exhaustive and comprehensive, rather indicative in its scope.

Different sources cite varied numbers of Eritrean refugees in the selected African countries. This is not only due to the gaps in the recording system, but also due to the high level of mobility of the group that result in high level fluctuation in number. Table A presents estimated numbers of Eritrean refugees, asylum seekers and those who have work permit.

Eritreans in the selected countries have three kinds of status: asylum seekers, recognized refugees and work permit. It is beyond any doubt that overwhelming majority leaves Eritrea because they are directly or indirectly affected by the prevailing political situation. In some countries the legal environment is such that it doesn't provide for orderly, speedy and secure asylum process. Consequently, many feel forced to claim Eritrean passport to apply for work permit. This in turn puts them at the mercy of the Eritrean government. This excludes a very small number of business people in Uganda, South Sudan and probably also in Kenya who have left Eritrea at

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the blessing of the regime, rather the officials, with significant capital to invest.

Therefore, the term Eritrean refugees refer to the three categories of Eritreans and their situation characterized as precarious in three major aspects, namely legal, socioeconomic as well as security and safety aspects. Their resilience is related to the ways and strategies they try to escape, adopt to, manoeuvre and eventually survive in the situation. It is important to note that though the majority of Eritreans in the African countries are refugees and asylum seekers predominantly living in refugee camps, significant number of Eritreans on residence are in possession

Eritrea armed forces. My nephew could read a lot of hostility not only towards the government or PFDJ (People's Front for Democracy and Justice), but towards the Eritreans at large. This first experience marked his view what it would be like staying in Ethiopia as a refugee.

He was soon transferred to one of the refugee camps where thousands of Eritreans were kept. In his mind, he had two options: one is to live and work in Ethiopia; alternatively, to be resettled to a third country. While waiting for resettlement he wanted to be self-reliant by creating a small business for himself. Soon he had to realize that engaging

A - Eritrean Refugees in Selected African Countries (estimated numbers)

Country	Total Number of Refugees	Remarks on Status
Angola	2,500 - 3,000	Work permit
Egypt	8,500 - 9,000	Refugees/asylum seekers/work permit
Ethiopia	160,000 - 170,000	Refugees
Kenya	2,000 - 2,500	Largely refugees/asylum seekers
South Africa	4,500 - 5,000	Refugees/asylum seekers
Sudan	95,000 - 100,000	Refugees/asylum seekers
Uganda	4,500 - 6,000	Refugees/asylum seekers/work permit

of work permits and largely self-employed engaged in small businesses. However, the status between these two groups is highly fluid. Though the focus of the paper is on the former, it is also important to touch on the latter group. In such subject matter, narration of personal experiences of individuals could be of great help.

Close to Home, Yet Far: Eritrean Refugees in Ethiopia

Early morning of one day in March 2013, my nephew crossed the border from his area in Southern part of Eritrea to Ethiopia. He had no challenge doing so as he knew the surrounding well. He was received at Ndaba Guna reception centre. He was extensively interviewed, rather interrogated, by an officer for two consecutive days. Most of the questions, my nephew said, were not about the human rights violation he faced while in military service or the few weeks he was in prison in Eritrea. The officer's focus was on the security and military structure of the

in gainful economic activity was not legally possible. He also realized that resettlement to a third country would take years as he could gather from the people he came to the camp long before him. After seven idle months in the camp, he took advantage of the out-of-camp policy of the Ethiopian government and went to stay with his friends in Addis Ababa. With no economic means to sustain himself though, he had to rely on remittance from uncles and aunties living overseas.

Frustrated by the fact that he couldn't support himself and not able to support his poverty stricken and sick mother with his 4 younger siblings he left behind in Eritrea, he decided to take the risky route to Europe. He crossed to the border to the Sudan after almost two years in Ethiopia. From the Sudan he arrived in one of the transit places in Libya using savings he made from remittances he receive from different relatives. At the transit place, a locked storage hall, a gas cylinder exploded while cooking. Several young people died instantly; many other sustained burns, including him who escaped the fire with serious

burns on his hands. To escape detection, the human traffickers put the wounded on a boat to sail towards Italy. Again luck has it that they were spotted by the Italian navy and brought on shore of Lampedusa.

The above personal story is by no means unique. It is a universal fate being encountered by Eritrean refugees in Ethiopia, a home of estimated 170,000 Eritrean refugees. The majority are youth and confined to the refugee camps in the Tigray admin-

as a class of persons who are recognized as *prima facie* refugees³.

Article 21 of the Refugee Proclamation outlines the rights and obligations of recognized refugees. According to the provision refugees have the right to remain in Ethiopia and be issued with identification card and travel documents for the purpose of travelling outside Ethiopia. However, the encampment policy that the Ethiopian government implements, severe restriction is placed on

B - Legal Frameworks in Selected African Countries

Country	International Conventions	Refugee Law	Authority	Policy	Rights
Angola	Yes	RL 8/90 New RL 2015		Integr./legal vacuum	legal vacuum
Egypt	Yes				
Ethiopia	Yes	RP 409/2004	NISS/ARRA	Encomp.	Art. 21 Protection ID/TD Health Assist No work No Education
Kenya	Yes	RA No. 13/2006	Mol/DfRA	Encomp.	Sec. 16 Protection ID Health Assist No Work No Education
South Africa	Yes	RA 130/1998	HA/SCfR	Integr.	Art. 27 Protection ID/TD No Health.Assist Work Education
Sudan	Yes			Encomp.	Protection ID HealthAssist No Work No Education
Uganda	Yes	RA 2006		Integr.	

istrative region. According to the Refugee Proclamation No. 409/2004 the *Authority for Refugees and Returnees* (ARRA) is responsible for dealing with refugee matters. It is an authority under the *National Intelligence and Security Services* (NISS)¹. ARRA is therefore responsible for protection, registration, security and management of the refugee camps as well as provision of humanitarian assistance. So far no case is known in which an Eritrean refugee was involuntarily sent back to Eritrea; a fulfilment of the principle of non-refoulement². Eritreans are also classified

the freedom of movement and other rights associated with that. A research commissioned by the *Norwegian Refugee Council* (2014) on the effect of encampment found out that majority of Eritrean refugees in the camps exhibited negative coping mechanism. This is mainly, says the research, because encampment prevented the refugees from being economically self-reliant by developing livelihood. The disillusionment and frustration with their state majority, especially the youth, opt for "secondary migration". "72% youth in the camp aged between 15 and 24 have not

done any activity in the last 30 days... Single male youths are tempted by secondary migration. Women and families are more likely to stay entrenched in the camps"⁴.

Since August 2010, the Ethiopia government introduced an out-of-camp policy whereby Eritrean refugees are allowed to leave the camps and stay in cities and towns provided they present proof of their economic

undermined by the fact that refugees living in Ethiopia are denied the right to work"⁵.

There could be many reasons that led to the adoption of such policy, the fact remains though that in-country integration by building self-reliant livelihood is not a policy option that the Ethiopian government has seen as a solution so far; hence, the options on the table are still repatriation and resettlement



capability to sustain themselves. The fact that Article 21/3 of the Refugee Proclamation which prohibits refugees from engaging in income generating economic activities and education, the out-of-camp policy puts the refugees in a more precarious social and economic situation. Of course, the Ethiopian government has provided scholarship for approximately 3,000 Eritrean refugees to attend higher studies and tertiary institutions. There are also a number of measures both in and outside camps by International Organizations and NGOs that are aimed at improving the social and technical skill level of young refugees. However, these all don't go far enough to address the fundamental challenges the Eritrean refugees face once they enter Ethiopia namely building a decent livelihood. A research carried out by Mallett, et. al and commissioned by *Oversee Development Institute* (February 2017) stated that "[the] potential impact [of such measures] are being

to a third country. The former one cannot be thought of as long as there is fundamental political change within Eritrea. The latter one is the only left for Eritrean refugees. "However, due to the delay and the lack of clarity in accessing the formal channels, the faith and the possibility dissipates and the risks of irregular transit become more tolerable"⁶.

South Africa In A Country of All Good Things

In certain ways South Africa is the opposite image of what Eritrea represents currently. South Africa has one of the most liberal constitutions in the world that is lived up to a great extent. Indeed, the current corruption scandals may have depicted a different picture of the country. However, the fact that they came to be exposed and known as they did only because the country's institutions, public officials, journalists as well as ordinary

Asmara
Foto: eb

citizens effectively used the rights enshrined in the constitution.

Most of these rights are also reflected in other legislative, including the Refugee Act 130/1998. Article 6 of the same states that South African Refugee Act states should be interpreted, applied and administrated in accordance with the international conventions and protocols. The Act elaborately sets out the institutional setup and procedures to be followed during the refugee application processes. In Article 22, the Act states that an asylum seeker is issued with the asylum seeker permit that allows him/her to stay in the country until the determination of the

nized refugees. As in the case of the latter category, Art. 27A the rights of a refugee to protection which includes full legal protection enshrined in Chapter 2 of the Constitution of the Republic, except those reserved for citizens. It also states that a refugee is entitled to permanent residence after five years continuous residence, be issued with travel document and engage in gainful economic activity. In the case of former, asylum seeker is entitled to be issued with formal written recognition as an asylum seeker, the right to remain in the country, to protection from unlawful arrest and detention (Art. 27B). An asylum seeker has to apply for the renewal or



Mandela Bridge
in Johannesburg
Foto: NJR Za

status of his/her application. Such permit is subject to changes in terms extension and conditions. The Refugee Reception Officer has the authority in both matters. In the same manner a Refugee Determination Officer decides whether or not an asylum seeker would be granted asylum or not (Art 24/3). The *Refugee Standing Committee* which is established under Article 9 of the same act holds the power to review decisions. In the event that an asylum seeker is not satisfied with the outcome of the review process by the *Standing Committee*, he/she had the right to appeal the matter to *Refugee Appeal Authority* (Art 24a).

The Act further talks about the rights and responsibilities of refugees as classified between the asylum seekers and recog-

extension of his/her asylum seeker permit in person (Art 34A).

Unlike the Ethiopian government, the South African government has not yet recognized Eritrean refugees as a class person to deserve recognition on *prima facie* basis. Therefore, the distinction between asylum seeker status and recognized refugees is significant in terms of rights, especially in terms of access to gainful economic activities. In the day-to-day reality this doesn't seem to make difference, especially in terms of access to public services, seeking employment and education. This could be due to the relatively progressive constitution which doesn't allow any kind of discrimination among different categories of people in accessing public services, such as primary and secondary

education, health care, etc. As with regard to gainful economic activities, asylum seekers as well as refugees have the “tacit” right to engage in informal and formal economic activities. Eritreans are economically active in four areas in South Africa:

- Informal employment: Majority Eritrean refugees and asylum seekers are employed in Eritrean or foreigners owned small business, mostly retails. Though this gives them some level of economic opportunity, the informal nature of their employment doesn’t give them legally provided social protection and exposes them to exploitation in the form of underpayment and working long hours.
- Informal retail traders: Eritrean refugees and asylum seekers who managed to have small starting capital either as credit or remittance from relatives overseas start small retail businesses mostly in high-density areas, informal settlements and rural areas. Some establish small tack shops providing the communities with consumables; others are mobile retailers who go from door to door to sell their goods, mostly non-perishable goods.
- Formal small business: There are Eritreans who managed to establish formal businesses in urban areas of the country. Most of them were a result of the progression from the above two through shrewd business tactics, decades long hard work and puritan saving.
- Professional employment: Most Eritreans employed in the professional formal sector are former students who came in the 2000s under government scholarship. Though the majority have moved one and left South Africa, there is a significant number of them who are working in tertiary institutions and universities, consultancy companies, public hospitals, etc. They are highly talented and professionally qualified individuals in their respective areas of expertise.

Despite the differences, almost all Eritrean refugees and asylum seekers are affected by general insecurity in terms of their status. The asylum system in South Africa takes long and is characterized by serious inefficiency and an endemically high level of corruption. Given the low level awareness of majority Eritreans on legal processes, most of them fall prey to unscrupulous officials and ‘go-between’ agents. Even after asylum has been granted, it takes long mostly decade to be able to at-

tain permanent residence permits and travel documents. This creates a deep-seated uncertainty making for majority Eritreans difficult to establish a permanent livelihood. In fact, it evokes the persistent feeling among many that they are temporary in South Africa; hence, the overwhelming majority of them are registered for and hopeful for resettlement to a third country.

Such uncertainty in status has also become one of the reasons for many Eritreans in South Africa not to openly associate themselves with justice seekers; a phenomenon common to many Eritreans in many other African countries. Consequently, it is not rare to see Eritreans being forced, either directly or indirectly, to comply with the demand of the regime to pay the 2% tax. Indeed, some even acquire Eritrean passport to apply for residence permit after failing to get asylum. This may be less the case in South Africa, but it is common in countries such as Uganda, South Sudan, Kenya and Angola. In fact, the regime and its agents have been deterred to operate in the manner they do in these countries which is the single main contributing factor to the vulnerability of Eritreans of all categories.

To illustrate the above situation, let us look at a story of a close friend:

Tecle lived in central region of Ethiopia where he lived since mid-1980s. He met his girlfriend, later wife who was second generation Eritrean. In the early stage of the Eritrean-Ethiopian border conflict, Tecle, his wife and their 9 month-old daughter sensed the danger they were facing and fled Ethiopia. They arrived in Johannesburg, South Africa, early January 1999 after crossing a number of countries by road. They applied for asylum. To survive economically his wife became a street vendor selling good such as belts, caps, etc., while Tecle was going to the townships and informal settlements around Johannesburg to sell blankets and other non-perishable goods. A family business that started this way grew to be two big retail shops in the centre of Johannesburg and another one in another provincial capital. They managed to send their three children to one of the top private schools in Johannesburg. They also managed to buy property not far from Sandton city, the most post affluent suburb.

Nonetheless, all this time they lived on asylum seeker permit with which they were not able to even open a bank account for their personal and business purposes. Even after they were recognized as refugees, their

businesses were registered under different names, namely a South African citizen, to whom they paid huge amount of money for hiring them his licences. After almost 18 years just last year (2016) they were granted the permanent residence and issued with travel document. Only then they were able to buy their property in which they are staying now. All this time, they pretended to be supporters of the regime. They attended all the meetings called by the Eritrean embassy and paid the 2% religiously though Tecle was a strong supporter of EMDHR (Eritrean Movement for Democracy and Human Rights).

After decades Tecle's uncertainty seems to have ended. But there are many Eritreans who continue to live in uncertainty that is also passed on to the second generation. There is a deep rooted statelessness among many second generation Eritreans growing in many African countries. The story of Daniel and Mesel, two second generation Eritreans in Kenya, narrated in *Jounnafrica*⁷ is a case in point.

The families of Daniel Solomon and Mesel Petros (both in their early 30s) fled Ethiopia during the 1970s and went to Kenya. The families survived economically by doing hard work like driving tracks and selling vegetables. Daniel and Mesel were born and raised in Kenya knowing no other country, but Kenya. They went to school and graduated from Kenyan Universities. They have Kenyan birth certificates that would have entitled them to be Kenyan citizens. However, their attempts to acquire Kenyan citizenship hit bureaucratic bricks; and they still are in refugee status. According to Mesel "The key is documents, because if you don't have them you are unable to move around comfortably and if you get arrested you have to bribe the cops to get released even if you have your alien documents." Daniel on his part said that "I got a job and was going all the way to North Eastern Kenya, but they have a lot of police checks on the way and when you show them the alien certificate they tell you to go back to where you have come from. I once got stopped when travelling by bus and was put in holding for two hours. I missed the bus. I tried to talk to the police and in the end I just had to give them some money."

Summary and Conclusion

From the above description all the countries have enacted quite comprehensive refugee

laws that are to a larger extent compatible with international standards. The laws set out the institutional arrangement that could reveal the way refugee issues are viewed by policy makers. For instance, in Ethiopia by the mere fact that ARRA is placed under the *National Intelligence and Security Services* suggest that the refugee issue is viewed more from a security perspective than from anything else. The adoption an encampment policy could therefore be explained from that angle. The same could be said of Kenya and its refugee policy.

Whatever reasons that may have led to such perspectives and policy, the implication for Eritrean refugees is far reaching in terms of their dignity and self-reliance. Having fled their country in search of freedom and decent life, many young Eritreans couldn't accept their encampment and a future without perspective. This is reinforced by the challenges surrounding the resettlement process. Under such circumstance tens of thousands of young Eritreans have been opting for "secondary migration" with all the dangers associated with it. The situation in South Africa appears to be better as there policy is different from what exists in Ethiopia as asylum seekers and refugees are allowed to engage in income generation activities. Indeed, some have been very successful, both in their respective professions as well as in their business ventures. The same could be said for significant number of Eritreans in Angola, Uganda as well as South Sudan. However, due to administrative inefficiency and its concomitant corruption Eritreans in South Africa indeed live in uncertain status; hence, many register for resettlement to a third country or seek to move on northwards through illegal routes. Moreover, their uncertain status makes them vulnerable to the regimes threats and manipulations. ■

Footnotes

- 1 established by the Proclamation No. 6/1995
- 2 *ibid.*, Art. 9
- 3 *ibid.*, Art. 19
- 4 Norwegian Refugee Council (2014), "Living Out of the Camp: Alternative to Camp-based Assistance for Eritrean Refugees in Ethiopia", Seite 6. <https://samuelhall.org/wp-content/uploads/2014/05/Living-Out-of-Camp-Alternative-to-Camp-based-Assistance-in-Ethiopia.pdf>
- 5 Mallett, Richard et al (2017), "Journey on Hold: How Policy Influences the Migration Decisions of Eritreans in Ethiopia". Oversea Development Institute, Working Paper 506, page 7
- 6 *ibid.*
- 7 <http://magazin.journafuica.de/en/refugees-kenia-45204>

Organisers of the Conference

Eritrea and the Ongoing Refugee Crisis, October 2017

Eritrean Movement for Democracy and Human Rights (EMDHR)

Eritrean Movement for Democracy and Human Rights (EMDHR) is an autonomous, independent and non-profit civic movement. It was founded in December 2003, by Eritreans in the Republic of South Africa in response to the absence of civil and democratic rights of citizens and lack of rule of law in Eritrea. The EMDHR believes that a sustainable democracy, rule of law and respect of human and democratic rights can only be achieved through non-violent, indigenous and positive reform based on full comprehension, awareness and participation of the general public.

Contact

www.emdhr.net, info@emdhr.net

War Resisters' International

War Resisters' International is a global pacifist and antimilitarist network with over 90 affiliated groups in 40 countries. WRI works with conscientious objectors to military service and those resisting militarisation in their own states, connecting and supporting war resisters around the world. WRI has been working with Eritrean diaspora groups for over a decade, and encouraging their members to support those conscientious objectors detained in Sawa Military Camp, some of whom have been imprisoned there since 1994

Contact

www.wri-irg.org, info@wri-irg.org

PRO ASYL

PRO ASYL is an independent voice raised for human rights and refugee protection in Germany and Europe. The organisation was founded in 1986 by members of refugee councils, churches, trade unions, welfare and human rights organisations. They wanted to counteract the rightwing, racist incitement and ill feeling against asylum seekers and to campaign for the protection of victims of persecution. These concerns are just as urgent today.

Contact

www.proasyl.de, proasyl@proasyl.de

Connection e.V.

Connection e.V. is engaged in achieving recognition of the human rights of conscientious objection, and acknowledgement of the persecution which conscientious objectors and deserters face as a reason for asylum. The organization collaborates with groups opposing war, conscription and the military. Beyond Europe, the network extends to Turkey, the U.S., Israel, South Korea, Latin America and Africa. The organisation has been involved with supporting conscientious objectors and deserters from Eritrea since 2003.

Contact

www.Connection-eV.org, office@Connection-eV.org

Eritrean Law Society (ELS)

Eritrean Law Society is the only professional association of Eritrean lawyers working from exile, owing to the repressive political situation in Eritrea. ELS strives for a full return to respect for the rule of law in Eritrea.

Contact

<http://erilaw.org>

Europe External Policy Advisors (EEPA)

Europe External Policy Advisors is a research organization/think tank with expertise on human trafficking in the Horn of Africa and human rights in Eritrea. Overall, EEPA strives to ensure that justice, equality and accountability are always key cornerstones in the pursuit of international relations. Emphasis is given to Europe's role towards the rest of the world recognising the core principles enshrined in the EU's Treaties to promote democratic governance and accountability, adhere to the rule of law including human rights obligations, and enable societies and their people to live in dignity free from discrimination of any kind.

Contact

www.eepa.be, admin@eepa.be



PRO ASYL
DER EINZELFALL ZÄHLT.

