



Plenary sitting

B8-0464/2017

4.7.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Eritrea, notably the cases of Abune Antonios and Dawit Isaak
(2017/2755(RSP))

Bodil Valero, Maria Heubuch, Heidi Hautala, Judith Sargentini, Jordi Solé, Igor Šoltés, Florent Marcellesi, Ernest Urtasun
on behalf of the Verts/ALE Group

B8-0464/2017

European Parliament resolution on Eritrea, notably the cases of Abune Antonios and Dawit Isaak (2017/2755(RSP))

The European Parliament,

- Having regard to its previous resolutions on Eritrea,
- having regard to the Report to the United Nations Human Rights' Council of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, of 7 June 2017,
- having regard to the 2015 Report of the UN Commission of Inquiry on Human Rights in Eritrea,
- having regard to the 2014 United Nations Human Rights Council resolution on the situation of human rights in Eritrea,
- Having regard to case 428/12 with the Africa Commission on Human and People's Rights, filed in 2012 on behalf of Dawit Issak.

- having regard to the spokesperson of the European External Action Service (EEAS) statements on Eritrea,
- having regard to the UN Security Council Resolutions 1862 and 1907 (2009), 2023 (2011), 2244 (2015) and 2317 (2016)
- having regard to Council Decision 2010/127/CFSP of 1 March 2010 concerning restrictive measures against Eritrea¹, amended by Council Decision 2010/414/CFSP of 26 July 2010² and further amended by Council Decision 2012/632/CFSP of 15 October 2012³,
- having regard to the National Indicative Programme for Eritrea under the 11th European Development Fund of 3 February 2016,
- having regard to the conclusions of Scrutiny Working Group A of the Committee on Development of the European Parliament of 11 November 2015,
- having regard to its debate of 27 May 2015 on EU development aid to Eritrea in the light of documented human rights abuses,
- having regard to the Constitution of Eritrea adopted in 1997, which guarantees civil

¹ OJ L 51, 2.3.2010, p. 19.

² OJ L 195, 27.7.2010, p. 74.

³ OJ L 282, 16.10.2012, p. 46.

- liberties, including freedom of religion,
- having regard to International Labour Organisation Conventions No 29 concerning forced labour, No 105 concerning abolition of forced labour and No 87 concerning freedom of association and protection of the right to organise,
 - having regard to the Cotonou Agreement of 23 June 2000 as revised,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - having regard to the African Charter on Human and Peoples' Rights,
 - having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
 - having regard to Rule 135 of its Rules of Procedure,

- A. whereas Eritrean president Isaias Afewerki has established a draconian totalitarian regime in Eritrea with no Constitution, a total lack of rule of law and media freedom, no religious freedom, no elections, arbitrary and incommunicado detentions on a massive scale, torture and a national service, which the UN defines as slavery, using the tense security situation between Eritrea and Ethiopia as a pretext,
- B. whereas in 2001, 15 prominent government and party figures now known as the G-15 challenged the increasingly repressive political environment in Eritrea, criticising the President's leadership and demanding the implementation of the national constitution; whereas this challenge was reported and widely commented on in the at that time increasingly assertive independent press;
- C. whereas this resulted in the arrest of 11 of the G-15, the other 4 having managed to flee; whereas they remain in detention incommunicado since then without having been charged with any offence, and without any information about their place of detention, detention conditions and health status; whereas some of the G-15 are believed to have died in custody; whereas a few days later, 10 independent journalists were arrested, including Dawit Isaak, a Swedish-Eritrean journalist, and eight independent newspapers were closed on the ground that they represented a threat to national security; whereas this was followed by further crackdown on dissent among the independent press and the student population; whereas since then, media freedom has been inexistent with Eritrea ranking last in the Reporters Without Borders press freedom index for the past years and constituting Africa's largest prison for media personnel;
- D. whereas the G-15 case was brought to the African Commission on Human and People's Right; whereas the Commission found Eritrea's arrest of the eleven

government officials in 2001 and their continued incarceration in violation of the African Charter on Human and Peoples' Rights; whereas the African Union urged Eritrea to immediately release the 11 detainees; whereas the Government of Eritrea responded to the report stating that the delay in bringing prisoners to justice was simply a matter of routine procedure;

- E. whereas the Eritrean authorities have not released Dawit Isaak, despite two writs for habeas corpus, the receipt of which has not been acknowledged by the authorities; whereas he is unheard of since 2005 and his present location is unknown;
- F. Whereas the Africa Commission on Human and People's Rights judgement in case 428/12 demands Dawit Isaak's immediate release, his right to legal counsel, compensation and a swift trial; whereas according to the Rules of procedure of the Commission (rule 112.2), Eritrea has 180 days to act; whereas so far Eritrea has not done so even though the decision was announced in May 2017;
- G. whereas Patriarch Abune Antonios of the Eritrean Orthodox Church, a highly regarded figure, was forcibly replaced in June 2007 and put under house arrest in an undisclosed location after he was increasingly critical of the government and continually resisted their interference in religious affairs, for example by refusing to excommunicate 3.000 opponents of the government; whereas he is now 89 years old and, according to reports, is not receiving any medication for his diabetes which is of grave concern;
- H. whereas the UN Commission of Inquiry on Human Rights in Eritrea finds that the violations in the areas of extrajudicial executions, torture (including sexual torture and sexual slavery), national service as form of slavery, forced labour and the shoot-to-kill policy at the border may constitute crimes against humanity,
- I. whereas despite the gross and systematic violations from Eritrea of the essential and fundamental elements of the Cotonou Agreement regarding human rights, the EU never initiated article 96 consultations, despite calls from the European Parliament,
- J. whereas on the contrary the EU re-established its development programme in favour of Eritrea and signed a five year development programme worth 200 million € in January 2016; whereas Member States unanimously adopted this programme despite the fact that the European Parliament had rejected it;
- K. whereas according to the EEAS, the EU development programme in Eritrea faces several challenges in budget control and oversight, including the lack of a national budget, statistical office and audit organisation, the lack of an independent central bank, the lack of capacity of Eritrea's institutions, the lack of any economy other than what is approved by the military defense, the unstable exchange rate which is controlled by the military leadership, the unstable regional situation and its repercussions on the internal situation, including restrictions on access within the country, the restricted number of development actors and the host country's approach towards aid effectiveness;
- L. whereas Eritrea had made promises to the EU that it would shorten the national

service to 18 months, but has failed to deliver,

- M. whereas UN monitors call for “due diligence, monitoring and full oversight of the dispersal of large amounts of aid to Eritrea” since there is otherwise every risk that they will be used to fund rebellions across the region,
- N. whereas Eritrea, one of the 15 poorest nations in the world, remains heavily dependent on foreign aid; whereas international donors, except the EU, have significantly reduced their contributions due to the catastrophic human rights record of the Eritrean regime, its perceived role as regional troublemaker and the huge difficulties to implement and monitor aid programmes;
- O. whereas over 400,000 Eritreans have fled their country since 2000, out of a population estimated at 6.3 million; whereas UNHCR estimates that some 5,000 Eritreans leave the country every month, explained to a large degree by the persistence of severe human rights violations; whereas during the last years, more than 40.000 Eritreans fled each year to the EU; whereas in 2016, the asylum recognition rate, including subsidiary and humanitarian protection, of EU/EFTA member states for Eritreans stood at 91 %, which underlines the gravity of the human rights situation in the country;
- P. whereas Eritreans fleeing human rights violations in the home country continue to face life threatening situations in their attempts to seek refuge in third countries; whereas these challenges are increasing because of the pushback by countries in the region and in Europe; whereas the UN Special Rapporteur expresses its concern about the EU approach that “appears to focus predominantly on external border protection and increased return rates”;
- Q. whereas the regime extends its totalitarian grip to the diaspora community, extorting funds from them via a 2 % income expat tax, spying on the diaspora and targeting family members who remained in Eritrea in case of perceived wrong-doings; whereas in the Netherlands, Switzerland, Sweden and Germany, interpreters who participated in asylum interrogations were found to be linked to the Eritrean regime;
- R. whereas the Eritrean regime practices a shoot to kill policy at its borders against its population fleeing the country, while at the same time, military and border officials are implicated in human trafficking,
- S. whereas the EU-Eritrea development programme foresees capacity building of the judiciary and awareness raising in support of the Khartoum Process on regional cooperation in relation to migration issues,
- T. whereas the 1997 Constitution has never been implemented; whereas in 2014, the President made a pledge for a new Constitution to be drafted but this has not materialized to date,
- U. whereas there is only one legal political party, the People's Front for Democracy and Justice (PFDJ); whereas other political parties are banned; whereas according to Freedom House, the PFDJ and the military are in practice the only institutions of political significance in Eritrea, and both entities are strictly subordinate to the

president,

- V. whereas President Afewerki has postponed democratic elections sine die,
- W. whereas international organisations have not had access to prison facilities, except for one light prison in Asmara, the other more than 200 prison facilities across the country remain inaccessible, reportedly prisoners, including women and children, are tortured, kept incommunicado, remain in dark underground places and shipping containers for long periods of time, suffer from extremely inhumane conditions for long periods of time, and are subject to arbitrary arrests and without access to any independent court or trial;
- X. whereas the Parliament has not met since 2002; whereas the government has ruled by decree only; whereas this means that important policies adopted by the Government, including those severely affecting individual rights and freedoms, are not embodied in law and are simply “announced” by government media or in messages passed on by local administrations with all the ambiguities such a practice entails;
- Y. whereas civil society action is severely curtailed; whereas for example in 1993 the ruling party decided to suspend the activities of the Regional Centre for Human Rights and Development, the first Eritrean national NGO created in 1992, after it had organised a conference on “NGO policy, multilateral policy and rural credit in Eritrea” and recruited hundreds of independent observers to monitor the April 1993 referendum on Eritrean independence,
- Z. whereas the UN Working Group on arbitrary detention has condemned Eritrea detentions for violating international law;
- AA. whereas the Judiciary is not independent and judges are appointed, reassigned and dismissed at the will of the President and are directed in their actions and influenced;
- BB. whereas in 1996, the regime created a Special Court, a tribunal constituted of senior military officers appointed directly by the President hearing cases involving high level officials accused of corruption, misuse of public funds and other major capital offences; whereas lacking independence from the Executive, trained personnel and guarantees of fair trial, the Special Court quickly became a means for the suppression of dissent and critics;
- CC. whereas in May 2002, the Eritrean Government introduced the “Warsai Yikealo Development Campaign” extending national service indefinitely and requiring all final year students to undertake military training, finalise their secondary education and take their final exam at a military camp; whereas young students are not allowed to communicate with parents or relatives for long periods of time; whereas apart from national defence, conscripts are forced to work in agriculture, roadbuilding or mining without adequate financial compensation and in slavery-like conditions; whereas a link between the existence of the national service and the strong emigration flows out of Eritrea is very likely; whereas Eritrea does not recognise the right to conscientious objection;

- DD. whereas the UN commission of inquiry on human rights in Eritrea reported numerous cases of forced labour, including for the benefit of a Canadian mining company;
- EE. whereas a widespread practice of punishing family members for the behaviour of a relative prevails in Eritrea,
- FF. whereas discrimination and violence against women are present in all areas of Eritrean society; whereas women are not only at extreme risk of sexual violence within the military and in military training camps, but also in society at large, where violence against women is perpetrated in an environment of impunity;
- GG. whereas an estimated 89 percent of girls had undergone Female Genital Mutilation; whereas in March 2007, the government issued a proclamation declaring Female Genital Mutilation a crime, prohibiting its practice and sponsored education programmes during the year that discouraged the practice;
- HH. whereas the PFDJ has established control and surveillance over the refugee and diaspora communities through the embassies, which are involved in extortion over diaspora taxes and ‘voluntary’ contributions, in exchange for services, such as ID papers, passports, birth certificates and essential documents on which refugees may depend; and violate the Geneva Convention on Diplomatic Relations, extortion being a practice that the UN Security Council asked UN member states to stop in its resolution of 2009 and subsequent resolutions;
- II. whereas the Eritrean embassies are involved in a campaign to undermine the work of the UN Commission of Inquiry by forcing members of the Eritrean diaspora and refugee community to sign documents that they voluntarily attend national service and are economic refugees,
- JJ. whereas leaders of the Youth organisation in The Netherlands have initiated legal campaigns against Dutch academics, media and government institutions, with support of the political leadership in Asmara, presumably to silence critics of the regime;
- KK. whereas the refugee communities in neighbouring countries and elsewhere are controlled and under constant surveillance of the Eritrean regime, refugees are abducted by the Eritrean military from neighbouring or friendly countries and returned to Eritrea; and the number of unaccompanied minors fleeing the country is increasing whilst refugees face lack of safety, security and support in a number of countries once they have fled and live in constant fear for reprisals;
1. Is shocked by the catastrophic human rights situation in Eritrea and the complete absence of rule of law and media freedom,
 2. Recalls Eritrea’s obligations under the Cotonou Agreement to respect human rights, democratic values and the rule of law,
 3. Strongly condemns Eritrea’s ongoing violations of these principles, including torture,

extra-judicial killings, incommunicado detentions without trial and charges, a shoot-to-kill policy at its borders and a slavery-like conscription service,

4. Calls on Eritrea to respect and protect the fundamental rights of all Eritreans, including freedom of speech and freedom of assembly, to open up the media without delay, to allow opposition leaders in exile to return to the country, to free all political prisoners unconditionally and to end the curtailment of civil society organisations, and to implement the other recommendations made by the UN Human Rights Council during the Universal Periodic Review of the State of Eritrea in 2014,
5. Is particularly concerned by the continued detention without charge, trial or legal counsel – since 18 September 2001 – of a group of eleven prominent members of Parliament and of the People's Front for Democracy and Justice, and also – since 23 September 2001 – of ten independent journalists, including the Eritrean-EU citizen Dawit Isaak,
6. Is equally concerned by the fate and health situation of Patriarch Antonios who has been under house arrest for more than 11 years now,
7. Strongly urges the Government of Eritrea to release these prisoners immediately and unconditionally, along with other prisoners detained for their political views and requests that all information on the whereabouts of these prisoners is made public and that they have access to their families and lawyers not least on humanitarian grounds,
8. Calls on the government of Eritrea to ensure free and fair access to an independent judicial system for those detained, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and secret courts and the practice of incommunicado detention, and allowing regular access to prisoners for relatives, legal advocates, medical care and other competent and legally authorized authorities and institutions,
9. Urges the government of Eritrea to put an end to the system of indefinite national service by demobilizing the national service conscripts who have completed their mandatory 18 months of service, and by effectively ending the practice of engaging them in forced labour after such a period, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp,
10. Takes note of the findings from the UN commission of inquiry on human rights in Eritrea on forced labour for the benefit of international corporations; considers that this shows yet again the necessity for a legally binding international instrument on transnational corporations and other business enterprises with respect to human rights;
11. Urges President Afewerki's to implement the Constitution which was drafted in full consultation of all stakeholders and civil society and which was adopted;
12. Welcomes the measures taken by the Eritrean government in order to fight against Female Genital Mutilation; calls on the government to enhance in general the promotion and protection of women's rights, including by taking further measures to

combat harmful practices, such as child, early and forced marriage and to end impunity in cases of sexual violence;

13. Urges the government to end “guilt-by-association” policies that target family members of those who evade national service, seek to flee Eritrea or don't pay the 2% income tax the Eritrean government imposes on Eritrean expats;
14. Questions the effectiveness of the "renewed engagement" policy that the EU has adopted towards Eritrea; notes that this policy has produced no results, since no single political prisoner has been released, not even Dawit Isaak, and no progress has been made on any other human rights issue; deplores that the European Parliament's concerns on the "National Indicative Programme" between the EU and Eritrea have been completely ignored by the Commission and Council; the concerns relate mainly to the scale and seriousness of the human rights violations committed by the Eritrean regime, the many signs that it cares little about the welfare of the citizens, the lack of reliability of this regime as a development cooperation partner, the pervasive corruption and the virtually total absence of transparency in the public financial management in the country and the risk of misusing EDF funds for migration management; Deplores the absence of any kind of political dialogue within the Cotonou framework between Eritrea and the EU; does not understand why the EU has never opened article 96 consultations with Eritrea and urges the EU do open such consultations immediately; demands that cooperation is immediately suspended in light of Eritrea's complete absence of progress on any human rights' or rule of law issue;
15. Deplores the EU attempts to cooperate with Eritrea in the area of migration; recalls that Eritrean security forces are themselves involved in trafficking activities, demands an independent investigation of the chain of command in the perpetration of human trafficking of Eritrean migrants; recalls that the Eritrean military practices a shoot-to-kill policy at the border against people attempting to flee the country and demands an immediate stop of those practices; reminds the Government of Eritrea of its obligation to protect its own citizens; recalls furthermore that the Government of Eritrea is considered to be the perpetrator of serious and continuous human rights violations against its citizens; calls therefore on the Commission and the Member States to immediately suspend cooperation on preventing irregular migration and improving border controls with Eritrea;
16. Highlights the very high rate when it comes to granting asylum and subsidiary protection by EU Member States to Eritreans and consequently urges Member States not to return Eritreans seeking asylum in Europe; stresses that any efforts to curb the flow of refugees from Eritrea should not come at the expense of addressing the root causes of ongoing human rights violations in the country, which are the real drivers of forced migration from Eritrea;
17. Urges the EU to ensure that its delegations in countries surrounding Eritrea facilitate Eritrean asylum seekers access to UNHCR and application services; requests all international organisations to ensure that the procedures concerning refugees are transparent and swift; and requests that victims of torture and human trafficking are prioritised to meet their needs for international protection;

18. Requests the EU to adopt a much tougher stance towards the Eritrean regime in case no progress is made on human rights and to consider targeted restrictive measures such as travel bans and freezing of assets against those whose actions might have led, or may lead, to acts of violence and repression and serious human rights violations; recalls that only sanctions, like those adopted by the UN, have until now produced any kind of result in Eritrea;
19. Demands that Eritrea offers its full collaboration with the UN Monitoring Group on Eritrea and Somalia, the UN Commission of Inquiry on Eritrea and the UN Special Rapporteur and allows entry into the country;
20. Requests the UN, the African Union, the EU and bilateral partners of Ethiopia to put pressure on Ethiopia to accept the proposed border demarcation, which would result in a decrease in tensions between Ethiopia and Eritrea, which would in turn increase stability in the whole Horn of Africa and reduce the legitimacy for maintaining exceptional measures by the Eritrean regime,
21. Condemns foreign companies who are complicit in using forced labour and asks all those who are operating in Eritrea for better accountability, due diligence and reporting systems,
22. Urges the EU Member States to investigate the embassies and the role of the PFDJ and its various wings, including the youth, and ban all association and activities that are directly supporting control and surveillance exercises in Europe, and which undermine the democratic principles and the rule of law and create patterns of intimidation and extortion;
23. Urges the Member States to investigate the collection of the 2% diaspora tax and other financial contributions, and the reported extortion and intimidation that it is paired with; in particular the role of the Eritrean embassies in the collection of this finance;
24. Reiterates its demand for an inter-Eritrean national conference to be held, bringing together the various political party leaders and representatives of civil society with a view to finding a solution on the current crisis and to setting the country on the path to democracy, political pluralism and sustainable development,
25. Requests the EU and its Member States to support and empower Eritrean diaspora grassroots movements which are playing a pivotal role in documenting gross human rights violations committed by the Eritrean government and who are also expected to play a key role in a possible transition of the country to a democratic system of governance,
26. Instructs its President to forward this resolution to the Council, the Commission, the EU High Representative/Vice-President for foreign affairs, the co-presidents of the ACP-EU Joint Parliamentary Assembly, the Governments of Eritrea, the African Union and the United Nations Secretary-General.

