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*Plenary sitting*

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**B9-0314/2020**

6.10.2020

## **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 144 of the Rules of Procedure

on Eritrea, the case Dawit Isaak  
(2020/2813(RSP))

**Michèle Rivasi, Francisco Guerreiro, Katrin Langensiepen, Jordi Solé,  
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on behalf of the Verts/ALE Group  
**Fabio Massimo Castaldo**

**B9-0314/2020**

**European Parliament resolution on Eritrea, the case Dawit Isaak (2020/2813(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, of 11 May 2020,
- having regard to the 2015 and 2016 Reports of the UN Commission of Inquiry on Human Rights in Eritrea,
- having regard to the spokesperson of the European External Action Service (EEAS) statements on Eritrea,
- having regard to the UN Security Council Resolutions 2317 (2016) and 2385 (2017);
- having regard to the National Indicative Programme for Eritrea under the 11<sup>th</sup> 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 its debate of 18 February 2020 on EU development cooperation with Eritrea in the light of the European Commission project to rehabilitate a road from the border with Ethiopia to the coast of Eritrea;
- having regard the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia of 9 July 2018;
- having regard to the Constitution of Eritrea adopted in 1997, which guarantees civil 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 144 of its Rules of Procedure,
- A. whereas since his election in 1993, Eritrean president Isaias Afewerki has established a draconian totalitarian regime with no Constitution, a total lack of rule of law and media freedom, no religious freedom, no democratic elections no opposition party, no functioning national assembly, no civil society, arbitrary and incommunicado detentions on a massive scale, torture, violations of women's and gender identity rights, and a national service, which the UN defines as slavery and crime against humanity;
- B. whereas the latest report the UN Special Rapporteur on the situation of human rights in Eritrea indicates that this engagement has so far not led to an actual improvement in the human rights situation in the country;
- C. 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 at that time increasingly assertive independent press;
- D. 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; whereas this September marked the 19th year of incommunicado detention of Dawit Isaak and his G-15 wrestling partners;
- E. 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;
- F. whereas Eritrea is ranking 178 out of 180 in the 2020 Reporters Without Borders press freedom index and constituting Africa's largest prison for media personnel; whereas any independent journalism is conducted from exile;
- G. whereas in April 2020, Ciham Ali Abdu, an American-Eritrean dual national and daughter of a former Information Minister, turned 23 in an Eritrean prison; whereas she has been held incommunicado since the age of 15; whereas international organisations

have not had access to prison facilities; whereas her release and these of other imprisoned individuals depends solely on the decision of Eritrean authorities;

- H. whereas as of 1st October Eritrean authorities has confirmed 375 cases of COVID-19 with no report cases of death; whereas it is difficult to assess on this data; whereas national authorities have put in place measures to control the spread of the disease, including a 21-day lockdown; whereas pandemic related sanitary measures could worsen the situation of human rights in the country; whereas COVID-19 could have devastating consequences for the prison population in Eritrea due to the fragile healthcare services, unhygienic conditions, and overcrowding;
- I. whereas the Covid-19 pandemic is exacerbating the situation of famine and malnutrition that exists in parts of the country and is contributing to food shortages, in part due to the border closure and the restrictions on food imports currently in place; whereas, recent reports indicate that disadvantaged populations in and around the towns of Massawa and Assab and in the regions bordering Ethiopia and Sudan have been experiencing severe food shortages;
- J. 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;
- K. whereas since the Joint Peace Agreement between Eritrea and Ethiopia the EU changed its approach towards Eritrea based on ‘principles of engagement’, which did not allow neither political dialogue nor EU development cooperation with Eritrea towards a ‘dual track’ approach, where one track focusses on resuming political dialogue with the government, while the other track focusses on engaging in cooperation with Eritrea in ways that reinforce the peace agreement with Ethiopia and regional economic integration, as well as create conducive conditions for facilitating internal reforms;
- L. whereas the European Union has made available €200 million for the Eritrea-EU National Indicative Cooperation Programme 2014-2020 under its 11th European Development Fund (EDF); whereas €180 million have been transferred from the EDF to the European Union Trust Fund for Africa (EUTF) in 2019 to facilitate development projects in Eritrea; whereas in June 2020, DG DEVCO reports that four new projects are planned in Eritrea for a total of €19.7 million;
- M. whereas the so called ‘Roads project’ financed by the Commission with 80 million euros (20 million for phase 1 of the project and 60 million for phase 2), via the EUTF is implemented and managed by the United Nations Office for Project Service (UNOPS) with objective to open up Eritrean roads and ports to commercial trade from Ethiopia; whereas the EU acknowledges that the Eritrean government and its construction company Red Sea Trading Corporation employ conscripts from the National Service; whereas in the Budgetary Control Committee of the European Parliament, the Commission argued that the EU is not responsible for human right violations/forced labour as the EU only finances the procurement and supply of material and equipment needed for the rehabilitation of major roads reconnecting Ethiopia and Eritrea; whereas UNOPS representatives confirmed in written exchange to the New York Time in January 2020 that UNOPS and the EU could not monitor the ‘Roads’ project

independently as they depend on the Eritrean government for the field visits; whereas UNOPS and the EU do not have any information about how many conscripts work on the EU financed 'Roads' project, what are the working and salary conditions; whereas the NGO Foundation Human Rights for Eritreans, is starting a lawsuit against the European Commission and denounces the contribution of the road project to Eritrea's indefinite national service;

- N. whereas in the first quarter of 2020, 9,463 new asylum seekers from Eritrea have sought refuge in Ethiopia among which 32.86% are children; whereas departure from the country are a significant sign of the lack of tangible improvements in the human rights situation in Eritrea; whereas in 2019, the Government asked UNHCR to cancel the Eligibility Guidelines for Assessing International Protection Needs of Asylum-Seekers from Eritrea; whereas this has affected the operational environment, limiting access to the refugee camp and service provision, including UNHCR support for the voluntary repatriation of Somali refugees and the registration of new arrivals;
- O. 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;
- P. whereas there is no independent judiciary and no national assembly in Eritrea; whereas the lack of democratic institutions in the country has resulted in a vacuum in good governance and the rule of law that has created an environment of impunity for crimes against humanity;
- Q. 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; whereas gas and oil findings off the coast of Eritrea have attracted further interest of companies for exploitation purposes, including European companies;
- R. 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;
- S. 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;
- 1. Strongly condemns Eritrea's systematic, widespread human rights violations; calls on the Eritrean Government to put an immediate end to detention of the opposition, political prisoners, journalists, religious leaders, and innocent civilians; demands that all prisoners of conscience in Eritrea be immediately and unconditionally released, notably Dawit Isaak and the other journalists detained since September 2001 as well as 23-year-old Ciham Ali Abdu;
- 2. 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, and to end the curtailment of

civil society organisations;

3. Calls on the government of Eritrea to ensure free and fair access to an independent judicial system for all the population including those detained, ending the use of secret detention centres, secret courts and the practice of incommunicado detention, and allowing regular access to prisoners for relatives, legal advocates and medical care;
4. Urges President Afewerki's to implement the Constitution which was drafted in full consultation of all stakeholders and civil society and which was adopted;
5. Urges the Eritrean authorities to ensure, with the assistance of their international partners, that emergency food supplies reach all segments of the population in particular in this difficult period of COVID-19 outbreak; urges Eritrean authorities to further ensure that prisoners benefit from adequate health care, including access to testing, prevention and treatment of COVID-19;
6. Urges the government of Eritrea to put an end to the system of indefinite national service the practice of engaging them in forced labour after a period of 18 months of service, and to end the compulsory practice of all children undertaking the final year of schooling in a military training camp;
7. Reminds Eritrea of its obligations under ILO conventions, with particular regard to the right of civil society organisations and trade unions to organise, peacefully demonstrate, participate in public affairs, and campaign for better workers' rights; calls on the Eritrean Government to repeal the policy that bans NGOs that have less than USD 2 million in their bank;
8. Take notes of 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 in all spheres of society, including a legislative framework to combat harmful practices, such as child, early and forced marriage, human trafficking and exploitation and sexual and domestic violence;
9. Calls on Eritrea to ratify the Maputo Protocol and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and harmonize national law in compliance with the provisions of these international instruments;
10. 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;
11. Questions the effectiveness of the "dual track" policy adopted by the EU 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; calls on the EU to officially and publicly acknowledge the lack of reliability of this regime as a development cooperation partner which results in a total absence of transparency in the public financial management and misuse of EU funds; urges the EU to immediately open article 96 consultations of the Cotonou Agreement;

12. Is outraged that the Commission continues to finance the ‘Roads Project’ knowing that the implementing governmental construction companies use forced labour; calls on the Commission to reject the narrative on an artificial separation between EU funding and implementation by Eritrean authorities or UNOPS in the ‘Roads Project’; urges the EU to take full responsibility for everything that takes place on all of the work sites, which are facilitated by EU assistance; urges to ensure comprehensive transparency in monitoring the project and its implementation, including on people who work on the construction sites;
13. Recalls that the EU is bounded to fund programmes and projects promoting the eradication of forced labour and protection of labour rights as part of the “SDG 8 - decent work for all”; in this regards, calls on the Commission to stop this road rehabilitation project in Eritrea and to cancel the second instalment of 60 million euros, validated in mid-December 2019;
14. Is concerned about EU attempts to cooperate with Eritrea in the area of migration; recalls that Eritrean security forces are themselves involved in trafficking activities; calls therefore on the Commission and the Member States to immediately suspend cooperation with Eritrea on preventing irregular migration based on ensuring border controls;
15. 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 in accordance with the Geneva Convention; demands that the EU Member States adhere to the concept of ‘non-refoulement’; recalls that returning asylum-seekers are likely to be arbitrarily detained and tortured as a result of their attempts to flee; urges the EU to ensure that its delegations in countries surrounding Eritrea facilitate Eritrean asylum seekers access to UNHCR services;
16. Calls on Eritrean authorities to implement all recommendations made by the latest UN Human Rights Council report; in case no further progress is made on human rights requests the EU to consider targeted restrictive measures against those whose actions might have led, or may lead, to acts of violence and repression and serious human rights violations;
17. 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; recalls the European Parliament has planned in agreement with Eritrean authorities a fact-finding mission to Eritrea, that will take place as soon as the COVID-19 sanitary situation allows;
18. 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 and respect of international environmental, social and human right standards; 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;

stresses the urgent need for further action of the EU on mandatory due diligence and responsible business conduct for EU companies;

19. 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, Egypt and Israel, the African Union and the United Nations Secretary-General.