

Legal framework on freedom of religion and actual application

In 1997, four years after independence, Eritrea's National Assembly approved the country's constitution. Article 19 states: "Every person shall have the right to freedom of thought, conscience and belief." It further adds: "Every person shall have the freedom to practice any religion and to manifest such practice."¹ The constitution as such has never been implemented, however, and the authorities have always governed by decrees. In one of them, issued in 1995, the government indicated that just four religious communities were to be recognised by the state – the Eritrean Orthodox Tewahedo Church, the Evangelical Lutheran Church of Eritrea, the Catholic Church, and Sunni Islam.²

For the last few years, the government has controlled the leadership of the Orthodox Church and the Muslim community. The ruling party, the People's Front for Democracy and Justice (PFDJ), appoints the top leadership of the Muslim community and the Orthodox Church. The government also pays the salaries of top Church officials and controls their means of transport, including fuel rations, as well as their activities and financial resources. By contrast, the Catholic Church and the Lutheran Church have maintained a certain degree of autonomy.

According to the US Report on Religious Freedom,³ the country's four authorised religious communities still require permission from the Office of Religious Affairs to print and distribute religious literature among their faithful. Religious leaders and religious media are not allowed to comment on political matters. They are also required to submit reports about their activities to the government every six months. In order to assert authority and present regular reminders, every year the Office of Religious organisations. It instructs the four recognised religions to cease accepting funds from abroad, to operate based on financial self-sufficiency and to limit their activities to religious worship only. The decree further states that if the Churches wish to engage in social works, they must register as NGOs and concede the supervision of their funding from abroad to the authorities. In practice, however, these prohibitions are not enforced or observed but only increase the precarious situation of the Churches.



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Apart from the four officially recognised religions, the other main faith groups are Pentecostal Christians, Evangelicals and Jehovah's Witnesses. These were tolerated until 2002, but since then a decree came into force requiring their governing bodies to submit requests for registration with detailed information about their leaders. The authorities warned them that if they failed to comply they would be declared illegal. The procedure is complex and opened the door to harassment toward the affected groups.

Incidents

Because of the above mentioned restrictions, it is particularly difficult to find information about the current situation of religious freedom in Eritrea. In January 2018, however, the US State Department listed Eritrea as one of its "Countries of Particular Concern" because of severe violations of religious freedom.⁴

The Jehovah's Witnesses continued to be targeted because of their refusal to take part in compulsory military service. It is difficult to know exactly how many followers of this religious denomination remain in detention since the authorities do not allow outside human rights monitors into the country and reliable sources of information from within the country are rare. Jehovah's Witnesses were collectively stripped of their citizenship in 1994 after they refused to participate in the country's 1993 independence referendum. Because of this policy, the government has refused to grant them official documents such as passports, identity papers (which are needed to work) and exit visas.⁵ A form of identification is now compulsory in order to use computers at internet cafes.

The government has sometimes granted visas to Catholic dioceses, allowing them to host visiting clergy from Rome or other foreign locations. Members of the Catholic clergy were permitted to travel abroad for religious purposes and training, although not in numbers that Church officials consider adequate. Seminarians who have not completed their national military service – which can last 10 or more years – have been denied passports or exit visas to pursue their theological training abroad.

On 31st October 2017, scores of students from the al Diaa Islamic school⁶ in the capital, Asmara, which had been closed by the authorities, demonstrated in front of the President's Office. Previously, on 27th October, the principal of the school, Haji Musa Mohammed Nur, a respected Muslim leader in his nineties, was arrested together with some of the school teachers as part of a series of measures by the authorities aimed at taking control of a number of religious schools, both Muslim and Orthodox.⁷The security forces reportedly used live bullets to disperse the demonstrators and a curfew was imposed on that same day. A number of students were arrested.⁸ Following this protest, the government increased the presence of soldiers outside mosques throughout the country.

Prospects for freedom of religion

That the government has pursued the same policy of tight control over religious institutions and curtailed their activities shows that little has changed in the last few years. As ERITREA

far as religious freedom is concerned, nothing suggests that any positive changes may occur in Eritrea in the near future.

Endnotes

- Eritrea's Constitution of 1997, constituteproject.org, <u>https://www.constituteproject.org/constitution/</u> <u>Eritrea_1997.pdf?lang=en</u>, (accessed on 1st May 2018).
- ² Human Rights Council, Detailed findings of the commission of inquiry on human rights in Eritrea, Office of the United Nations High Commissioner for Human Rights, <u>http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_32_CRP.1_read-only.pdf</u>, (accessed on 1st May 2018).
- Bureau of Democracy, Human Rights, and Labor, 'Eritrea', Report on International Religious Freedom for 2016, U.S. Department of State, <u>https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper</u>, (accessed on 1st May 2018).
- ⁴ The other nine countries were: Burma, China, Iran, North Korea, Sudan, Saudi Arabia, Tajikistan, Turkmenistan, and Uzbekistan. See Heather Nauert (spokesperson), 'Designations Under the International Religious Freedom Act of 1998', 4th January 2018, U.S. Department of State, <u>https://www.state.gov/r/pa/ prs/ps/2018/01/276843.htm</u>, (accessed on 1st May 2018).
- 5 Bureau of Democracy, Human Rights, and Labor, op. cit.
- ⁶ 'Erythrée: manifestation d'étudiants d'une école islamique', Radio France Internationale Afrique, 1st November 2017, <u>http://www.rfi.fr/afrique/20171101-erythree-manifestation-etudiants-al-diaa-ecole-islamique</u>, (accessed 1st May 2018).
- 7 'Parent-Teacher Committee of Diae Al Islamia School Pleas for Release of the School's Administrators, Teachers, Students and Parents', Radio Erythrée Internationale (ERENA), 10th November 2017, <u>http://erena.org/index.php/web-links/3530-parent-teacher-committee-of-diae-al-islamia-school-pleas-for-release-of-the-school%E2%80%99s-administrators,-teachers,-students-and-parents, (accessed on 1st May 2018).</u>
- 8 'Érythrée: manifestation d'étudiants d'une école islamique', op. cit.

