

# RELIGIOUS PERSECUTION IN ERITREA AND THE ROLE OF THE EUROPEAN UNION IN TACKLING THE CHALLENGE\*

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## 1. Introduction

Christianity and Islam were first introduced to Africa during the time of the Axumite Kingdom. As a major part of the nucleus of the Axumite Kingdom, Eritrea has been widely recognised as a symbol of religious tolerance for several centuries.

In recent years however Eritrea has become a centre of religious persecution. In its twenty years of post-independence history, the country has seen egregious violations of human rights, including systematic and widespread religious persecution. Individuals who do not subscribe to state ideology are harshly punished by the state apparatus. In this context, a number of religious groups have been pervasively victimized by the state, the first of such groups been the Jehovah's Witnesses who have been persecuted since the early years of Eritrea's independence on account of their refusal to participate in the compulsory national military service programme (NMSP). In recent years, the victims of religious persecution include minority faith groups from a number of Christian denominations and some segments of Islam. The consistent persecution of religious communities also produces gender roles that are unprotected by definition, leading especially to increased vulnerability of women.

Religious freedom is one of the fundamental rights which the European Union strongly adheres to and which is given strong recognition in article 3(5) of the Treaty of the

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European Union and article 17 of the Treaty on the Functioning the European Union. The European Union also has a strong record in voicing its concerns with religious persecution. In May 2010 the European Parliament adopted a resolution on religious freedom in Pakistan. This resolution recalled the efforts of the European Commission to closely monitor the response by the Government of Pakistan to violence triggered by accusations of blasphemy and asked the Government of Pakistan to review the practice of including religious identity of its citizens in all passports in order to avoid discriminatory practices. The practice of recording religion affiliation in a number of official Eritrean documents (such as exit visa application forms) is still implemented in Eritrea and has remained unquestioned, even though it can be a cause for persecution.

Reportedly, the European President, Van Rompuy, did raise the matter of religious freedoms in a summit between the EU and Pakistan, which led to media and political attention on the need to review these discriminatory religious laws in Pakistan.

In 2011 religious freedom has been repeatedly addressed by the EU High Representative, Catherine Ashton, in relation to the Middle East. In a speech held in the European Parliament in Strasbourg she stated:

Any discrimination or violence against an individual because of his/her religious belief runs against the values that the EU upholds. Each violation must be taken seriously and condemned with the same force, wherever it takes place and whoever is the victim. Human Rights are universal. (Ashton 2011).

The EU Council adopted in 2011 conclusions on “intolerance, discrimination and violence on the basis of religion or belief”, which updated the comprehensive conclusions that had been adopted on this issue in 2009. It strongly condemned acts of religious intolerance and discrimination and violence against Christians and their places of worship, Muslim pilgrims and other religious communities. The Council stated:

Freedom of religion or belief is a universal human right which needs to be protected everywhere and for everyone. It is the primary duty of States to protect their citizens, including persons belonging to religious minorities, as well as people living in their jurisdiction, and safeguard their right. All persons belonging to religious communities and minorities should be able to practice their religion and worship freely, individually or in

community with others; without fear of intolerance and attacks (Council of the European Union 2011).

The EU Council conclusions further state firmly that: 'The international community needs to consolidate its collective response to those who want to use religion as an instrument of division, fuelling extremism and violence' (Council of the European Union 2011). In recent attacks against Christians in Egypt senior European Parliamentarians asked for the EU to draw up a number of measures related to aid and cooperation, trade diplomatic agreements, thus emphasising: 'The EU needs to ... make sure that payments to third countries as well as diplomatic relations are dependent on improvements in these areas' (Brok 2011).

Despite this clear and unequivocal language from the EU, the widespread and serious religious persecution in Eritrea against all religion has remained unnoticed and without consequence. The European Union (EU) continues to support the Eritrean government with significant amount of funds as 'development aid.' There has been no condemnation of the religious persecution of individual and communities in the country and aid has been provided despite the imprisonment on the ground of religious affiliation.

The paper argues that the continued support of the EU to one of the world's most ruthless dictatorships raises serious questions, and makes the case that the European Union is in violation of its own laws by providing this support. The EU is obliged by its treaty obligation to revise its policy towards Eritrea, which bind it to promote the protection of human rights in Eritrea and elsewhere.

## **2. Religious Persecution in Eritrea<sup>1</sup>**

Eritrea is a multi-lingual and multi-religious country. It has nine officially recognised ethnic groups and four officially recognised religions. The population is generally described as evenly divided between Christianity and Islam, except for a small minority whose beliefs are indigenous, including the veneration of ancestral saints. Many writers

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<sup>1</sup> This section draws on Mekonnen 2009: 20–24.

associate peasantry and the highlands of Eritrea with Christianity, and pastoralism and the lowlands of Eritrea with Islam (Pool 2001: 11). This means that the population in the highlands of Eritrea is mostly Christian while the population in the lowlands is mostly Muslim.

As noted before, Eritrea has been known for many centuries as a hub of religious tolerance. However, since the early years of independence, there has been disturbing trends of religious persecution. The crisis reached its climax in 2002, when the Eritrean government ordered by an executive decree the closure of all but the following religious groups: Islam, of the Sunni rite; the Eritrean Orthodox Tewahdo Church, part of the worldwide Coptic Orthodox Church of the eastern rite; the Eritrean Catholic Church, part of the worldwide Roman Catholic movement; and the Eritrean Evangelical Church, part of the Lutheran World Federation (Amnesty International 2005: 1). According to the 2002 executive decree, several religious institutions, including those which have been active for many years, have been arbitrarily ordered to close.

The earliest and most cited case of religious persecution since in 1991 is that of Jehovah's Witnesses. The incident dates back to 1993, when Jehovah's Witnesses refused to vote in the Eritrea referendum for national independence on religious grounds. The group had also refused to participate in the NMSP on the same grounds. The 'punishment' for this, ordered directly by the state president himself, was harsh. On 25 October 1994, in an executive order given to the then Minister of Internal Affairs, the state president imposed the following punishment against all Jehovah's Witnesses:

Those Eritreans, who claim to be 'Jehovah's Witnesses,' by refusing to vote on the national referendum for independence, unilaterally abrogated their right to citizenship. They have repeated this abrogation and defiance by refusing to participate in the national military service programme. For this reason:

- (1) They are prohibited to work in any government institution; if they are already working, they must be dismissed.
- (2) No commercial license should be given to them; if they already have, it must be revoked. They should never be given any documentation such as travel and identity papers.
- (3) The Ministry of Internal Affairs must take the necessary measures to give effect to these orders. (Letter from the State President 1994).

The executive order was not only morally abhorrent but also legally repugnant. As far as refusal to vote in the national referendum is concerned, there is no clearly defined Eritrean law upon which the punishment can be based. However, the law which introduced the NMSP has set clearly defined punitive provisions for those who refuse to comply with the requirements of the NMSP. The punishment is two years imprisonment or a fine of Nakfa 3000, or both,<sup>2</sup> without prejudice to graver penalties provided by the Transitional Penal Code of Eritrea. None of the punitive prescriptions in the executive order are based on law. Amnesty International reports that as a result of the executive decree several Jehovah's Witnesses have been subjected to arbitrary detention, some 250 families have fled the country and sought asylum elsewhere, 100 families have been dismissed from government employment, and at least 36 families have been evicted from their homes (Amnesty International 2005: 7). Jehovah's Witnesses are probably the most abused religious minority since the country's independence in 1991. A very important point in the case of the Jehovah's Witnesses is that they did not reject non-military alternatives to the requirements of the NMSP. According to Amnesty International, the NMSP does not recognise international standards and best practices on the right to conscientious objection to military service, especially those based on one's religious, moral or ethical conviction. The law also does not offer alternatives for those who refuse to do military training on the basis of their beliefs. This, by itself, is a flagrant violation of international standards and best practices.

Some segments of the Eritrean Muslim community have also suffered persecution in the early years of independence. Certain instances are difficult to portray as examples of religious persecution, because they involve other persecutory factors. One important example in this regard is reported by Amnesty International as follows:

On 5 December 1994 hundreds of young Muslim teachers were arrested in Keren and elsewhere when Eritrea broke off diplomatic relations with Sudan. Many had trained as Quranic, Arabic-language or ordinary subject teachers in Sudanese educational institutions. They were not brought to court, nor are they known to have been released. There have been unconfirmed reports that some of these detainees were extra-judicially executed in May 1997 (Amnesty International 2005: 14–15).

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<sup>2</sup> Articles 20 and 37 of Proclamations No 11/1991 and 82/1995, respectively.

There is a stark similarity between the above report and what some writers call ‘the Dirfo Massacre,’ an incident that allegedly took place in June 1997. As reported by Awate Team, the incident involves the following violation:

On January 23, 1997, with a secret order from Abraha Kassa, the chief of the National Security Office of Eritrea, and under the direction of President Isaias Afwerki, security forces rounded up 150 Eritrean Muslim men under the guise of being collaborators with the Islamic Jihad movement. They were picked from their homes and workplaces. News coming from Asmara has confirmed that, six months after they were taken in custody, with the knowledge of both [Abraha Kassa and Isaias Afwerki] they were executed on 18 June 1997 from 8:20 p.m. to 2 a.m. the next day (Awate Team 2003).

The Dirfo Massacre can be described as one of the most shocking en masse killings perpetrated in the post-independence era (Mekonnen 2009: 110). One possible reason behind the Dirfo Massacre is the perceived allegiance of the victims with some armed opposition groups operating from neighbouring country, Sudan. In this regard, Amnesty International reports that Muslims, especially in the western areas bordering Sudan, have often been suspected of having links with armed opposition organisations supported by ‘Sudan’s National Islamic Front government and the Sudanese Muslim Brotherhood’ (Amnesty International 2005: 14). In post-independence armed rebellion, the most visible and earliest opposition came from groups led by Islamist leaders primarily based in Sudan. The consequence was that the government associates any outspoken Muslim Eritreans with the Sudan-based armed opposition groups. As a result, some members of those communities have been viewed suspiciously by the government and therefore treated harshly. On the other hand, the fact that all victims of the Dirfo Massacre were Muslims could mean that the violation also involved the element of religious persecution. Perhaps the clearest case of religious persecution against Eritrean Muslims is that which took place in September 2004. The incident involved the arrest of a dozen Muslim students belonging to a new Islamic religious tendency, known as Wahhabism. Amnesty International (2005: 15) recognises the believers as victims of incommunicado detention because their whereabouts have remained unknown. Compared to the persecution of Christian minority groups, the persecution of Wahhabis or other Islamic groups remains a hitherto under-researched area. Academic discourse on this particular topic is also quite scarce.

Relatively, the most publicised aspect of religious persecution in Eritrea is that of minority Christian groups. These groups are interchangeably referred to as evangelical or protestant Pentecostals. In this regard, there is a limited academic literature such as that of Kifleyesus (2006: 77–79), who traces the earliest introduction of Pentecostalism to Eritrea to the second half of the nineteenth century. The mid 1990s is regarded as one of the episodes when the Eritrean Pentecostal movement flourished considerably. Many would however agree that the movement has gained enormous momentum in the aftermath of the 1998–2000 Eritrea-Ethiopia border conflict at which time the influence and presence of the movement has been felt increasingly. As a resident of Asmara from 1991 to 2001, Mekonnen clearly remembers how the movement was growing considerably in the capital city during and after the border conflict with Ethiopia. Kifleyesus observes that in different historical contexts, Pentecostalism proved to be responsive to the predicament of Eritreans and its increasing influence is owed to this particular feature. In deciphering the hostility of the Eritrean government towards Pentecostals, it is important to understand how the growth of this movement is perceived by non-Pentecostals. Kifleyesus offers insightful perspective in this regard. A characteristic feature of the new Pentecostal movement is the repudiation of traditional hierarchies and sources of authority. Quoting Marshall (1991: 19) and (Boon 1996:131), Kifleyesus discusses this as follows:

Indeed, whereas the Catholic Church, the Protestant mission churches, and the Orthodox Tawahdo church all accommodate longstanding local traditions, Pentecostals explicitly reject this cultural valuation and stress instead the need to break away from past practices of community, family, and friends. During a period of sociocultural transition, therefore, Pentecostals have been able to create a rift between the traditional and the modern through a discourse of missionization and constant renewal in the uncertain present (Kifleyesus 2006: 76).

Kifleyesus further adds that compared to traditional Christian establishments, the new Pentecostal movement provided young Eritreans with spiritual and material networks extending beyond ethnic and class considerations. The Pentecostal movement's lively, convivial, fraternal, spirit-filled, and empowering worship and prayer sessions have also 'revitalized and to some extent revolutionized Christianity' in Eritrea. In addition to bringing about radical cultural transformation, conversion to Pentecostalism makes 'born-again persons more industrious and more socially mobile than many of their

[counterparts].’ Kifleyesus in particular notes that ‘the Pentecostal movement in [Eritrea] is made up of young educated men and women, secondary school students and teachers, university students and professors, and health-care professionals,’ which in other words means the most conscious part of Eritrea’s working and middle classes (Kifleyesus 2006: 79–84).

Two elements of the growing Pentecostal movement are apparently in contradiction with the established political culture of the Eritrean government. These are: (1) the fact that conversion to Pentecostalism takes place in the context of a conscious break with traditional practices and, (2) the growing number of Eritrea’s middle class attracted by the movement. From the view point of the political elite, a conscious break from the status quo is seen as a serious threat to its continued political hegemony. Although Kifleyesus did not put it this way, the tendency ‘to break away from past practices’ is interpreted by the Eritrean government as breeding dissent and spreading discontent within the larger Eritrean society; hence, it is considered incompatible with the political ideology of the ruling elite. The fact that this tendency has enjoyed wider acceptance among Eritrea’s middle class makes the threat, from the government’s point of view, more imminent. However, Kifleyesus correctly notes that the growing attraction of Pentecostalism among Eritrea’s middle class was resented by the traditional Eritrean Christian churches. This is clear from the following observation:

The majority of traditional Christians in Asmara and in other parts of the country consider Pentecostalism a foreign and dangerous presence and an unwanted competitor to the orthodox Tawahdo and Catholic churches. Many Eritreans of these denominations have encountered converts in crowds spilling onto the streets from Pentecostal churches, prayer houses, and tent revivals. These are common scenes in many communities and neighbourhoods in Asmara, and they reinforce the impression of Pentecostalists as intrusive (Kifleyesus 2006: 87)

What Kifleyesus misses is that this resentment is also deeply felt by the Eritrean government by reason of which the government has adopted a very hostile policy towards Pentecostalism. True to its Marxist-Leninist background, the government’s ambivalence to religion dates back to its liberation struggle era. The Marxist-Leninist tendency is derived, among other things, from the formal one year training given to senior liberation struggle leaders by the Chinese Communist Party in the 1960s (Mekonnen 2009: 98).

This Marxist-Leninist tendency is evident, for example, from the statement of an army commander given in relation to a punishment meted out against a member of a Pentecostal movement: 'Like in North Korea, this type of religion should never be allowed to spread in our country because this is a religion of the CIA and accordingly no one should be allowed to read and preach the Bible' (EriWengel.com 2007). The story underscores, like other types of human rights violations, religious persecution is also perpetrated in Eritrea as a premeditated government policy focusing on certain categories of people. The victim who narrated this story was detained in a prison cell around Keren. In a very small room, he said, 45 people were detained for several months. The place was full of lice and mice. Prisoners were not provided with adequate food and there was no medical treatment whatsoever.

According to rights groups, there are currently thousands of Eritreans who are kept in detention without trial simply because they belonged to religious groups which are not officially sanctioned by the government. For example, between 2003 and 2005, at least 26 pastors and priests, and over 1750 church members, including children and 175 women, and some dozens of Muslims, were detained because of their religious beliefs. During this period of time, Amnesty International documented 45 separate incidents of religious persecution involving at least the closure of 36 churches. In August 2005, in an unprecedented violation in the history of the Eritrean Orthodox Tewahdo Church and in contravention of canonical laws, the government dismissed the highest spiritual leader of the church, Patriarch Abune Antonios. A new patriarch was arbitrarily appointed on 27 May 2007 (Amnesty International 2005: 1, 10).

While a number of reports have described numerous barbaric treatments of Pentecostals, the following examples can be cited as most representative. In 2007, the BBC reported what can be cited as one of the most authoritative accounts on religious persecution. Among several victims interviewed by the BBC, Paulos said he was tied up by security agents for about 136 hours in the notorious torture method known as 'helicopter.' The punishment was meted out in an attempt to force him to recant his faith. As is done with many other victims of religious persecution, Paulos was asked to sign a

document in which he was required to recant his belief and agree to not participate in church activities or express his faith in any form (BBC 2007). The second example is that of gospel singer Helen Berhane, who was tortured, locked in a metal shipping container for about two years, refused visits by family members, including her daughter, until she finally escaped from hospital (Release Eritrea 2007). The third example is that of Nigisti Haile, who was allegedly tortured to death on 5 September 2007 after she had refused ‘to renounce her faith in Jesus Christ’ by signing a letter to that effect (The Christian Post 2007). In spite of such a disheartening record of religious persecution, Eritrea is one of the leading recipients of development aid from the EU. The next section will briefly discuss the conundrum of this reality.

### **3. The Role of the EU in Tackling Religious Persecution<sup>3</sup>**

The EU is one of the leading global actors in development cooperation, particularly via its partnership agreement with the African, Caribbean and Pacific Group of States. Eritrea receives considerable amount of funds from the EU in the form of development aid. However, the dispersal of huge amount of money to a country which has a disheartening record of religious persecution triggers legitimate concerns, particularly when there are no effective mechanisms for democratic accountability. Aside from religious persecution, Eritrea is also a country notoriously known for its sad record of human rights violations. In the face of ongoing atrocities, it is difficult to explain the enigmatic position of the EU which contradicts its own commitments with regard to respect for human rights and fundamental freedoms. Eritrea is governed by a sole political party that descended to power from a liberation movement. Since coming to power in 1991, the government turned out to be one of the most repressive regimes in the world. It has denied the Eritrean people of their fundamental right to elect their leaders and remove them from office by the power of the ballot box. The government has one of the worst records of human rights violations in general and religious persecution in particular.

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<sup>3</sup> This section draws on Mekonnen and van Reisen 2011.

As with other developing countries, EU's cooperation with Eritrea is believed to be anchored on the attainment of sustainable development and poverty alleviation. This is clearly recognised in article 208 of the Treaty on the Functioning of the European Union (TFEU or the Treaty of Lisbon), which provides that developing countries can benefit from financial support aimed at the eradication of poverty. Poverty alleviation is hardly achievable in an environment which is unfriendly to good governance, democratic accountability and respect for the rule of law, which is the case currently in Eritrea. The EU's position in this regard needs to be scrutinised in terms of specific treaty obligations emanating from its founding documents and the relevant provisions of EU law which govern its foreign relations.

One of the most important guiding principles for EU development cooperation is contained in article 208 of the Treaty of Lisbon, which obliges the EU to design its development cooperation 'within the framework of the principles and objectives' of its external action. EU's principles and objectives of external action are defined in article 21(1) of the Treaty of the European Union as follows:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

Article 2 of the same Treaty also defines the founding values of the EU as 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights.' In spite of publicly available and overwhelming evidence of human rights violations, lack of respect to the rule of law and absence of democratic institutions in Eritrea, the EU is involved in an uncritical engagement with the Eritrean government, which is in violation of the standards stipulated by relevant EU law. This is particularly evident from an agreement signed by the Eritrean government and the EU in September 2009, an agreement which approved a package of €122 million to be given to the Eritrean government in the form of development aid. Funds are provided in agreement with, and aimed at directly supporting, the Eritrean government. The EU could therefore be regarded as condoning the violations of international law by the Eritrean government and

as complicit with its human rights violations. It appears that in the Eritrean case, the EU has not clearly articulated the objectives of its development agenda and is acting in such a way that its engagement fails to fulfil essential criteria for good governance, democratic accountability and respect for human rights. As such, EU's policy towards Eritrea requires immediate reversal and reconsideration taking into account the dire human rights crisis, including the alarming level of religious persecution, in the country.

European Parliamentarians have asked questions with regards to the legality of the bilateral agreement between the EU and the Government of Eritrea. With regards to religious intolerance the European Parliament has asked the European Commission and EU High Representative to set up a monitoring entity, in analogy of the Office of International Religious Freedom in the State Department, which was set up in 1998 after the U.S. Congress passed the International Religious Freedom Act, which also established an independent, bipartisan Commission on International Religious Freedom, so as to report on religious persecution around the world. These institutions impact on relations with third countries as 'based on the annual reporting of these bodies, the US president can take diplomatic and economic measures against "countries of particular concern," making one particular right—freedom of religion—a unique yardstick of foreign relations' (Marthoz and Saunders 2011).

In analogy to the measures taken in the US, the European Parliament has also asked the European Commission and the EU High Representative to 'pay increased attention to the subject of freedom of religion or belief and to the situation of religious communities, including Christians, in agreements and cooperation with third countries' and the resolution 'stresses one again that respect for human rights and civil liberties, including freedom of religion and belief, are fundamental principles aims of the European Union and constitute a common ground in its relations with third countries' (European Parliament 2011, 10–11). It should therefore be expected that the next annual review of EU co-operation with Eritrea will take religious persecution by the Government of Eritrea into consideration and that this could lead to an end to bilateral cooperation.

The European Parliament has also requested the EU High Representative to develop ‘as a matter of urgency an EU strategy on the enforcement of the human right to freedom of religion, including a list of states which knowingly fail to protect religious denominations’ (European Parliament 2011: 13) Eritrea should be added to such a list.

The resolution also urged the EU institutions to

comply with the obligation of article 17 of the TFEU to maintain an open, transparent and regular dialogue with churches and religious, philosophical and non-confessional organisations, in order to ensure that the issue of persecution of Christians and other religious communities is a priority which is discussed on a systematic basis (European Parliament 2011, 16).

It will be necessary for the EU High Representative and the European Commission to review the cooperation programme with the Government of Eritrea as this is currently not in line with the EU legal fundamental principles that fundamental human rights should not be violated.

#### **4. Concluding Remarks**

Twenty years after its independence, Eritrea is yet to offer its people the promises of national independence one of which is respect for human rights and fundamental freedoms. As one of the first two countries to receive Christianity and Islam in Africa, Eritrea has been an island of religious tolerance for several centuries. Nonetheless, in its brief post-independence history the country has become one of the worst places for religious freedom. In spite of such a disheartening record, the country is also one of the main beneficiaries of EU’s development aid. This runs counter to the guiding principles and objectives of the EU. While the role of development cooperation in poverty alleviation is clearly understood, this objective is hardly achievable in an environment which is unfriendly to good governance, democratic accountability and respect for the rule of law, which is the case currently in Eritrea. Seen against its binding treaty obligations, the continued engagement of the EU with the Eritrean government is morally and legally unacceptable. The importance attached by the EU to religious freedom as a fundamental human rights is clearly contrary to the sustenance of cooperation with the

Government of Eritrea. As an alternative the EU institutions could consider starting a dialogue with the churches, religious and faith communities of Eritrea, most of whose representatives are now outside the country. In the next annual review the EU will need to immediately reverse its policy towards Eritrea in the light of the alarming level of human rights crisis and religious persecution in the country.