

# General Statement

EU Aid Policy on Eritrea: Road Projects & Forced Labour

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## **1. General Situation on the Ground**

In considering the EU's relations with Eritrea, and more specifically the EU's support to the Road Building Project, it is important to recognize the context in which these are being pursued. The EU may believe that it can foster change through political dialogue and constructive engagement, but there is little indication of any significant change taking place inside Eritrea, or that life is improving for most of Eritrea's inhabitants. Despite the peace agreement between Eritrea and Ethiopia the exodus of Eritreans continues. In a recent visit to the border area Selembesa (5-7, February 2020) where one of the road building projects is to arrive, researchers found that in one crossing point alone, 60 refugees were crossing daily. There are as many as 200 – 250 people (including minors and unaccompanied children) crossing the border every day. Since the peace agreement between Eritrea and Ethiopia the number of refugees has not decreased and the number has still not diminished.

Refugees are coming. These include soldiers who bring their children as they fear for their future, but cannot escape responsibilities for other family members inside. Many refugees are soldiers drafted in national service, weary of the conditions of forced labour to public and private works under the strenuous conditions of pay that is too little to survive on, to support family with, and the constant fear for imprisonment and torture applied at random, at will of the next supervisor. Worse, in recent times, since epiphany 2020, the round ups, known as '*giffas*', have increased, as it appears the government of Eritrea is in search for unpaid labour for the implementation of its many quasi-private and public works. As a consequence, many youth from Eritrea's Southern provinces try to escape these efforts to draft them into forced conscription.

From the interviews at the border, it follows that not only those in national service are working at the road construction sites. Often the villages bordering the road construction sites are forced into working on the next patch of the construction. According to the testimonies, the road construction relies entirely on the manual labour and the machines, offered by the European Union, remain inside – except perhaps to showcase for groups of international monitors and photo opportunities. According to the testimonies, the result is that the roads constructed are bumpy, narrow, and villagers mostly fill in potholes by slight narrowing of the road on the sides, work all done by hand and unpaid, and results remaining of low quality.

These worrying signs call for an in-depth investigation and the meetings called by the European institutions to reconsider the project are therefore welcomed.

## **2. Standards for the European Union**

The EU's Action Fiche explaining its support to the road improvement programme states that "Local development will also be enhanced through the improvement of the road connectivity with other parts of the country and Ethiopia." It is critical that any EU support for development programmes is rigorously monitored to ensure that they are implemented with strict adherence to human rights obligations and conform with the EU's core principles. In this case this concern is critical, but calls for monitoring have been ignored while responsibilities have not been accepted without inconsistencies. Therefore, there is a critical need for the EU institutions and their implementation partners to adopt a clear, transparent and consistent framework for such monitoring.

In Eritrea, human rights of its citizens are systematically and repeatedly abused, including through the national service in which Eritreans are forcibly conscripted for indefinite periods and required to work in

bad and inhumane conditions in various sectors of the economy (including agriculture, education, as well as construction). The practices under the national service were identified as “slavery-like” by the UN Commission of Inquiry as to Human Rights in Eritrea and further affirmed that “national service and forced labour may constitute crimes against humanity”. The EU has an obligation to be absolutely certain that the outcome of its support is not pursued through mistreatment of Eritrean citizens with forced labour and enslavement-like conditions. The involvement of such practices is unacceptable in any circumstance and for the EU its continued support would breach its own legal obligations.

Systematic, ongoing and transparent monitoring must not only involve overseeing the deployment of procured material but also how this material is used and how the construction works are executed. This includes the conditions in which construction workers carry out their tasks, how are they selected, treated, and paid. If the EU cannot ensure that people from the National Service employed to do this work are treated according to international human rights standards, the EU has an obligation to withdraw its support. This should include a critical approach towards information provided by the Eritrean Government given their proven record in misleading their own citizens as well as the international community.

The EU also indicates that one of its goals is to contribute to ‘better migration management’. For this it is critical to look at the migration dynamics in the region of the Horn of Africa. From the accounts of the refugees, it becomes apparent that the indefinite national service remains a common dominant factor for which people leave the country – despite the peace with Ethiopia, despite the engagement of the EU and its financial assistance. In fact, it appears that the quasi-private and public works are reinvigorating the national service policy, especially through the round-ups, and that this in turn is exacerbating migration outflows. This would indicate that the collaboration is not only legally wrong and in violation with international and EU law, but also counter-productive.

The EU is bound by international legal frameworks and its own legal frameworks which prohibit the use of forced labour under any circumstance. The European Union institutions thus have a serious obligation to ensure that its international assistance does not contribute to human rights violations. This is, and should be, a baseline for providing support to any project. There has to be a proper benchmark with specific indicators and conditions set in place against which the EU can measure any meaningful progress and which will ensure legitimate implementation and accountability.

### **3. Benchmarks**

Diplomatic relations and international assistance are mutually reinforcing if and when international law is upheld. Crimes against humanity, such as enslavement, are never justifiable. The following concrete steps are proposed as benchmarks for EU assistance in Eritrea.

#### **The European Union institutions should as a minimum:**

- Ensure that international law and EU law is upheld and at a minimum to ensure that all necessary measures are taken by the European Commission to ensure that no forced labour and conditions of slavery are used in actual fact at the working sites of the projects;
- Stop the narrative that there is somehow an artificial separation between EU funding and implementation by Eritrean authorities: the EU must take full responsibility for everything that takes place on all of the work sites, which are facilitated by EU assistance;

- Ensure comprehensive transparency in monitoring the project and its implementation, including on people who work on the construction sites. The EU should open an anonymous complaints procedure for former workers and witnesses who testify that they have seen practices of forced labour and enslavement on the work sites, or participated in it, and the EU is to ensure independent verification of such complaints, whilst protecting the witnesses;
- Follow up reports of severe and current 'giffas' or round-ups of youth forced into Sawa to be drafted into public and private works, including the road programmes and publish the findings;
- Engage regularly and structurally with all Eritrean diaspora and refugees outside the country to get first-hand information on practices that people face within the national service in Eritrea and publish its findings.

### **The European Union is further to**

Uphold the benchmarks set by the UN Special Rapporteur on Eritrea to measure Eritrea's progress to achieve meaningful and lasting progress in human rights:

- *Benchmark 1: Improvement in the Promotion of the rule of law strengthening of national justice and law enforcement institutions;*
- *Benchmark 2: Demonstrated commitment to introducing reforms to the national/military service;*
- *Benchmark 3: Extended efforts to guarantee freedoms of religion, association, expression and the press, and extended efforts to end religious and ethnic discrimination;*
- *Benchmark 4: A demonstrated commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality;*
- *Benchmark 5: Strengthen cooperation with specialised United Nations human rights, international agencies and the African Commission for Human and People's Rights'*

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