



**Statement of Dr Sara Arapiles, Teaching Associate in Law, University of
Nottingham**

Slavery in Eritrea

European Parliament Roundtable on Eritrea

25 October 2023

I would like to thank MEP Langensiepen and the European External Programme with African for inviting me to speak here today.

All protocols overserved.

This month marks 10 years since the massacre of Lampedusa. On 3 October 2013, a boat carrying mostly Eritrean refugees sank off the coast of Lampedusa, Italy, resulting in at least 368 deaths. Similar events have since frequently repeated in the Mediterranean Sea. In 2022, the tally of migrant deaths and disappearances was 2,406. Some commentators have made an analogy between the contemporary Lampedusa tragedies and the slave ship. However, as much as current events may be evocative of the past, this does not mean that slavery is confined to the past or to memory. Actually, thousands of Eritreans flee slavery in Eritrea every month. Following a two-year investigation, in its final report dated 8 June 2016, the UN Commission of Inquiry on Human Rights in Eritrea made positive findings on slavery in the country – it found that, under the Military/National Service Programme (MNSP), Eritrean officials subject conscripts to slavery within the meaning of international law. The Commission also found that slavery and other human rights abuses are committed as part of a widespread or systematic attack against the Eritrean civilian population, and therefore reach the threshold of a crime against humanity under the 1998 Rome Statute.

Apart from the Commission of Inquiry on Eritrea (and my scholarly works), country reports on Eritrea by for instance international organisations, UN and EU Agencies, and governments have made no attempt, perhaps conveniently, to assess whether or not the MNSP qualifies as slavery. Instead, they focus on assessing it as forced labour which, although not mutually exclusive, they are two different legal categories (while forced labour allows for exceptions and the protection from it can be derogated in time of emergency, slavery does and cannot), or over-simplistically label it as “modern slavery” which means everything and nothing, it is not a legal term, and problematically contributes to the erroneous belief that slavery only belongs to the past. Other reports just simply remain silent on the topic. It is important that slavery is recognised as slavery and termed as such when it occurs – not watered down by terms such as

“modern slavery” or construed as a different legal category based on incorrect interpretations. And this is what my research is about, it counterbalances the mainstream, as the widespread misunderstanding of what slavery is and how it manifests in a contemporary setting is increasingly used by asylum courts in Europe to unduly deny refugee status to Eritrean applicants. This is particularly the case in Germany and Switzerland, where governmental policies and judgments of courts of last resort in asylum matters have reduced access to refugee status to a bare minimum for Eritreans, rejecting that the MNSP – by citing each other with approval – could be considered to be slavery or forced labour as, in their view, it has to be understood in the context of the ‘Eritrean socialist economic system based on self-reliance’. The Higher Administrative Court of Hamburg (2021) and the Administrative Court of Gießen (2020) go as far as to rule that the MNSP is a normal civic obligation (which is one of the permitted exceptions to forced labour) arguing that it ‘serves the general interest and social solidarity’, by comparing the MNSP with compulsory fire service in Germany in cases when there are not enough volunteers. I think we can all agree that this greatly differs from the obligation to perform MNSP in arbitrary conditions, under pain of severe punishment, and for an indefinite period.

The change of practice towards Eritrean asylum applications in Germany dates back to 2016 – until then, most Eritreans were granted refugee status in the country. The change of practice and policy shift in Germany coincide with an official visit of Eritrean authorities to Germany in early 2016, where they met with the Ministry of Economic Cooperation and Development and the Ministry of Foreign Affairs, among others. The visit was aimed at fostering bilateral ties and attracting investment in various sectors in Eritrea. A few months after, in November 2016, Eritrea and the International Fund for Agricultural Development (IFAD) signed a financial agreement to boost coastal and inland fisheries, and Germany is the only country among the international co-financiers – so far, it has contributed \$11.55 million (through the IFAD’s Fisheries Resources Management Programme). Actually, Eritrea traditionally exports fish to Germany, among other European countries. Fishermen in Eritrea are subject to the MNSP and therefore are slaves – the MNSP in fact extends to all sectors in Eritrea, public and private. It was not that long ago that the EU was subjected to wide criticism for funding slave labour in construction sites in Eritrea through the EU Emergency Trust Fund for

European Parliament Roundtable on Eritrea

25 October 2023

Africa. Funding something that is in breach of human rights contravenes EU and international law (and probably many national constitutions as well).

The question I pose to this institution and its members today is the following: would Germany and its fellow EU Member States as well as EU institutions be reluctant to consider the Eritrea's Military/National Service Programme to be slavery because they are benefiting from it?

Thank you.

