

**Review of the**  
*Operational Guidance Note: Eritrea*  
*v13.0, updated August, 2012*

by  
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and  
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Prepared for  
the Independent Advisory Group on Country Information  
(IAGCI)

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## **Introduction**

This review assesses the *Operational Guidance Note: Eritrea* (OGN Eritrea) issued in August, 2012 by the UK Border Agency on the basis of instructions from the Independent Advisory Group on Country Information (IAGCI).

*"Operational guidance notes (OGN) provide a brief summary of the general, political and human rights situation in the country and describe common types of claim. They aim to provide clear guidance on whether the main types of claim are likely to justify the grant of asylum, humanitarian protection or discretionary leave"<sup>1</sup>.*

We understand the OGN to be a reference material providing policy directions. We are aware that OGNs contain limited COI and refer to COI sources, including the UKBA COIS report compilation but are not intended to be comprehensive.

## **Terms of Reference for this review**

IAGCI is concerned only with the COI contained in the OGN, and specifically requests reviewers to consider:

(1) to what extent OGNs refer to the most up-to-date information produced by COI service, and

(2) to what extent OGNs give an indication of the range of relevant material that should be considered.<sup>2</sup>

## **Notes on the limits of the review**

Guided by the above two objectives, our assessment focuses on the sections of the OGN that discuss the COI materials and evaluates the quality, up-to-dateness and the range of COI contained within the document. We do not discuss section 2.5 of the OGN which contains case laws and we are not commenting or passing judgment on the policy guidance provided in the OGN and the presentation of the case laws. This review does not assess and comment the OGN as a whole and cannot be considered as an endorsement of the whole document or of any of its recommendations and policy guidance.

This Review should also be read in conjunction with our recently-submitted *Review of Eritrea Country of Origin Information (COI) Report of August 2012*.

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1 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/>

2 <http://icinspector.independent.gov.uk/the-independent-advisory-group-on-country-information-invites-tenders-to-evaluate-the-uk-border-agency's-country-of-origin-information-coi-reports-and-operational-guidance-notes-ogns-on-et/>

## **About the authors**

**Dr. David Bozzini** is a social anthropologist who has been researching in Eritrea and Eritrean diaspora communities across Europe. His PhD. discusses mobilisation and surveillance of National Service conscripts. In 2011-2012 he was a postdoc research fellow at the African Studies Centre in Leiden University (NL) and the recipient of a SNSF postdoc scholarship.

**Kibrom Mehari** is a development policy planner with a Masters' degree in Development Studies from the Graduate Institute of International and Development Studies. His Masters' thesis discusses the enduring socio-economic and political connections between refugees and countries of origin. Currently, doing a Fast-track Masters' and PhD in Anthropology and Sociology of Development, Mehari is also a recipient of the Hans-Wilsdorf Scholarship.

## 1 General comments related to COI contained in OGN

While assessing the extent the OGN refers to the most up-to-date information produced by COI service, we found that the latter is adequately reflected.

Our general comments are about (i) COIS report quoting system, (ii) COI related to National Service, (iii) date of publication of OGN, (iv) improving the quoting system when possible

(i) Where the OGN cites the COIS, it is entirely from the August 2011 publication and nothing latest than that. Why a one year-old publication is preferred over the latest COIS is not clear. More serious issue, however, that of it raises issue of ownership and referencing when the OGN quotes COIS report. It is not clear at all why the COIS report is cited when the report itself attributes all its material to external sources. The COIS report makes it clear that:

*“The report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process”.*

Consequently, the COIS report brokers knowledge from different sources, but does not generate any new one. In this sense, as COIS report simply presents secondary sources without adding value, we urge OGN authors to refer directly to the original source available while still mentioning the paragraph in the COIS where it is quoted.

(ii) General comment related to the OGN is when the document presents National Service in section 3.7.

In our opinion there is too much emphasis on proclamations and regulations while the latest COIS reports make it clear that the National Service in practice has strayed far off the regulations governing it. Hence, we believe that the OGN can benefit greatly by referring to the ‘National Service in practice’ section of the COIS report of August, 2012.

(iii) We advise that the OGN be published some weeks after the publication of the latest COIS report instead of at the same time. This would give adequate time to its producers to analyse and make use of the latest material in the COIS report.

(iv) Finally, we advise the OGN authors to provide the page or paragraph number (when available) of the quotes, especially if they are found on large reports.

## 2 Specific comments on COI contained in OGN

2.3.4 Where it is stated that ‘there was no government agency responsible for combating government corruption’, it should be noted that even though there is not government commission to combat corruption, the Special court in Eritrea was established with the purpose of expediting trials of corruption cases. The Freedom House ‘Freedom in the World 2012’ reports that:

*“Special courts, Eritrea’s system of secret military tribunals, were created in 1996 to hear cases of corruption and other abuses by government and party officials”.*

2.3.6 OGN quotes Freedom House statement about ICG report. We urge OGN authors to refer to COI as close as possible to the first source of information. The ICG report can be mentioned with URL.

2.3.7 OGN quotes Freedom House statement that refers to ICG report. According to common COI standards, OGN should preferably quote the ICG report directly.

2.4.3 The sentence should at least refer to some outstanding references on the topic. As it stands, without references, this seems a conclusion of OGN authors and as far as we understood OGN is not a research product.

2.4.4 The paragraph states: *"Access to border areas is strictly regulated: persons with identification cards showing residence outside the general area are subject to questioning; arrest is likely if they cannot adequately justify their presence."* Referring to HRW report published (10 long years) is certainly not the best source for information regarding freedom of movement. Other reports and academic sources are specifically dealing with this issue. We believe that the HRW report quoted in this paragraph is simply referring to HRW previous reports (notably "Service for life") and other older sources on that matter. On a more general level, this paragraph can benefit from other sources and thus diversify the range of sources.

2.4.6 It is mentioned that *"given the widespread endorsement of harmful traditional practices and social norms of a persecutory nature – such as FGM – by large segments of the population, it is unlikely that an IFA/IRA would be available for individuals who fear harm as a result of such practices."*

It should, however, be noted that although FGM is traditionally commonly used in Eritrea, the state has outlawed the practice in 2007. The United States State Department ‘2011 Human Rights Report: Eritrea’, published on 24 May 2012, stated that:

*"The law prohibits FGM. According to reliable sources, the practice of FGM has been largely eliminated in urban areas through the impact of government educational campaigns, but FGM continued among the majority rural population”.*

However, we understand that discrepancies exist between the law and its implementation and that enforcement of the law can be limited.

- 3.6 In addition to members of Christian minority churches, members of Muslim revivalist groups suspected of radical views or foreign links have also been persecuted. The United States Commission on International Religious Freedom ‘2012 Annual Report’ stated that:

*“The Department of Religious Affairs appoints the Mufti of the Eritrean Muslim community, despite community protests. The government does not permit Muslim religious activities or groups it views as radical. Government officials point to the actions of foreign or foreign-inspired Muslim fundamentalists, whom they believe are seeking to radicalize the traditional Eritrean practice of Islam and thus possibly create tensions in a society that is roughly half Christian and half Muslim.”*

The ‘Freedom in the World 2012’ report, published by Freedom House on 18 May 2012, stated that:

*“Muslims also complain of discrimination [ ] accuse the government of marginalizing Muslims, closing traditional Muslim schools, persecuting religious leaders, and appropriating Muslim-owned land.”*

As a general comment, we advise the OGN to give greater attention to the persecution of Muslims in Eritrea than it is the case now.

- 3.6.2 The quotes refer to the COIS report and should mention the original sources that the COIS refers to.

### 3.7 Military service

This section of the OGN has focused mostly on the legal provisions of the national service without much regard to national service in practice, which has become more important aspect now. For example, regarding the age of NS, the OGN has put at 18-54 for men and 18-47 for women, while according to the COIS report of 2012, some people put the age ceiling for men at 57. At the same time women above 27 are generally not rounded up for NS according to the COI, for example.

Hence, we believe this section of the OGN can benefit substantially from the sources in the COIS and others.

- 3.7.4 Additional sources might complement the information provided by the UNHCR Eligibility guidelines especially regarding Muslim women since not all are exempted and this never applies automatically and for all groups. COIS report quotes more nuanced information. Temporary exemption should be defined. Students in EIT and in the new colleges are assigned to study after military training and are considered in the *Warsay Yikealo* campaign.

According to the ‘Freedom in the World 2012’, the University of Asmara is replaced by regional colleges *whose main purposes are military training and political*

*indoctrination*. Sources mention that they are mobilized regularly for infrastructure and agricultural works.

- 3.7.5 US State Department Human Rights quote on National Service exemptions and detention should be separated separated from than mixed with the information regarding the conscription of full-time religious clergy and nuns.

In addition, it should be specified that even people who have valid papers while still in National Service are also harassed by the police and subjected to arbitrary police arrest or round ups.

(Source: <http://library.queensu.ca/ojs/index.php/surveillance-and-society/article/view/low-tech>)

- 3.7.8 Please quote the page number of HRW chapter on Eritrea (available on the PDF source) and also the original source mentioned in this quote (UNHCR). Further, the information provided with this quote of UNHCR is not adequate as it does not disclose the timeframe related to the figure of 220'000 escapees.
- 3.7.10 According to the proclamation mentioned, penalties are applied to all objectors and deserters regardless of their religion. In practice and according many sources, penalties are more excessive than indicated in the proclamation and retaliation on deserters/objectors' families is widespread since 2005. We advise that information on objections and penalties should consider the larger populations and not only JW's.
- 3.7.13 In addition to the families of deserters or escapees, families of anyone in Diaspora who has anti-government activities or refuses to pay the 2% state taxes, can be in danger of reprisals. Quoting the US State Department, the COIS reports that:

*“There were reports that similar meetings were mandatory for Eritrean communities abroad, and the names of those not attending were reported to government officials. Reportedly citizens who did not attend were harassed, and their families in Eritrea were subject to harassment.*

- 3.7.14 However this statement is not directly understood as COI it refers to COI contained in the document and in other sources referred. It should be noted that military service conscripts also employed in civilian capacities such as in construction companies, schools, ministries or even foreign mining companies. This is also mentioned in the latest COIS. Further information on the similar treatment of military and civil national service can also be found in the article 8 mentioned.
- 3.8.1 Where it says *“harassment by the authorities on account of their membership of and actual or perceived association with opponents”* and (3.8.2) which says *“All opposition groups have been driven out of the country and, since late 2004, operate only in exile, mainly in neighbouring countries”*

It should be noted given the limited civic and political space in the country, opposition has *always* been outside the country since the eviction of the ELF in 1980-81. The ICG reports that:

*“Once driven into Sudan in 1981 and then scattered into European and North American exile, however, the ELF spawned a range of movements that opposed the EPLF from abroad. While some fighters and factions rejoined the EPLF in the late 1980s, the rest remained firmly outside the political fold. There consequently has always been a broad opposition outside the country”*

Consequently, any form of dissent, let alone formal membership in an opposition party is enough to put someone in danger.

Please refer to COIS report section on Opposition groups.

3.8.3, 3.8.7 and 3.8.10 Reliable documents issued by Eritrean activists settled abroad have updated the lists of prisoners jailed in 2001 since many of them have died.

References:

[http://www.ifex.org/eritrea/2011/09/20/rsf\\_eritrea\\_list\\_en.pdf](http://www.ifex.org/eritrea/2011/09/20/rsf_eritrea_list_en.pdf)

<http://cpj.org/imprisoned/2011.php>

<http://www.farajat.net/en/archives/4001>

3.8.8. The OGN says members of ENA/EDA including ELF. But these opposition groups are not discussed in the text that follows and discusses rather the Eritrean Constitution and members of minority churches in jail. If the intention is to discuss Eritrea’s opposition groups, this section of the OGN could benefit by referring to the COIS’s sources on Eritrea’s opposition groups.

3.9.4 Useful and reliable information on this issue can be found in an article of Jennifer Riggan (In Between Nations: Ethiopian-Born Eritreans, Liminality, and War, DOI: 10.1111/j.1555-2934.2011.01143.x.). This issue has been also the subject of John Campbell's recent articles.

3.10.7 Deportations from Sudan in 2010-2011 have been reported by the UNHCR and should be quoted as well in this paragraph. Such acts show the very low degree of security in UNHCR camps in Eastern Sudan (this situation is acknowledged by the UNHCR itself).

4.4.3 AmeriCares, the source quoted in the COIS, does not provides information on how this information was collected. There are possibilities to seek free access to medical treatment but this is by far not automatic for all citizens. They have to provide grounds to the local administration and decisions are subject to discretionary powers. (Bozzini 2011: 223 available at: <http://doc.rero.ch/record/25005?ln=fr> page 223)

### **3 Diversity of sources**

There were just over 10 sources in the OGN including the COIS report. The OGN appears to be overly reliant on limited sources- mostly official reports from governments and well-known International Agencies (AI, HRW). Other sources are reliable too and might be quoted in OGN as well, including academic sources when they contain appropriate COI.



Even though there are a lot of overlaps in the reports of the different sources, it's still more informative to refer to as many sources as possible rather than selective few reports. We believe that referring to the original source than the second-hand quotation can increase the quality of the OGN.

Some of the sources used do not necessarily cover current issues about the country. For example, where it quotes the COIS report, the information can be about a few years ago. This is a general issue regarding the lack of information about the current situation in Eritrea. Considering the importance of this problem, we advise the authors of OGN to explicitly mention this issue in a note. We have made similar comment on our review of COIR August 2012.

**(October 20, 2012)**