

## IFRC Review of Emergency Decrees: ERITREA

**Critical information highlighted in red**

### Overview

On 29 January 2020, the Eritrean Ministry of Health held a briefing on COVID-19 to raise public awareness about the disease. It also announced that the government would be conducting health screenings of passengers at Asmara International Airport and that a quarantine centre had been established for those who test positive for the virus.

On 21 March, Eritrea reported its first case of COVID-19 to the World Health Organisation.<sup>1</sup> As at 8 April 2020, the total number of confirmed cases is 33.

On 23 March, the Ministry of Health issued Public Guidelines (No. 3) which restricted public gatherings to no more than 10 people, cautioned against domestic and international travel, introduced social distancing instructions, and warned individuals and companies against hoarding or speculative price hikes.<sup>2</sup>

Since 25 March, the Asmara International Airport has been closed. All entry visas to Eritrea have been suspended.<sup>3</sup>

On 1 April, the Government of Eritrea's (GOE's) High Level Task Force on COVID-19 issued stricter guidelines which went into force on 2 April and were initially meant to last for 21 days. The Task Force guidelines include a stay at home directive for all but those engaged in "indispensable developmental and security tasks". Similarly, those involved in major productive and service sectors, and farming may continue their functions. Members of the public who are not exempt from the directive may only leave home once per day to buy essentials. Those directed to stay at home may not drive. Those public and private sector organisations still functioning must observe social distancing measures. The new guidelines as well as previously announced measures are being enforced by police, security forces and local neighbourhood watch groups, with penalties issued for non-compliance.<sup>4</sup>

The IMF reports that the GOE has ordered the payment of utility bills (electricity, water, telephone) to be postponed. However, as at 31 March, no further fiscal, monetary or exchange rate measures have been announced.<sup>5</sup>

The UN's Special Rapporteur on the situation of human rights in Eritrea,<sup>6</sup> Amnesty International<sup>7</sup> and Human Rights Watch<sup>8</sup> claim that the COVID-19 outbreak poses serious

<sup>1</sup> <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#E> (accessed 10 April 2020)

<sup>2</sup> <http://www.shabait.com/news/local-news/30342--ministry-of-health-public-guidelines-no-3>

<sup>3</sup> <https://www.gov.uk/foreign-travel-advice/eritrea/coronavirus> (accessed 10 April 2020)

<sup>4</sup> <http://www.shabait.com/news/local-news/30407-guidelines-from-the-high-level-task-force-on-covid-19>

<sup>5</sup> <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#E>

<sup>6</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25764&LangID=E>

<sup>7</sup> <https://www.amnesty.org/en/latest/news/2020/04/eritrea-show-humanity-and-release-prisoners-of-conscience-amid-covid19/>

<sup>8</sup> <https://www.hrw.org/news/2020/04/02/covid-19-threat-eritrea-should-release-political-detainees>

risks to prisoners in Eritrea and is calling on the GOE to take concrete steps to ensure their safety and welfare – and to unconditionally release political prisoners.

**1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?**

It is unclear who leads or sits on the GOE's High Level Task Force on COVID-19 or whether it includes non-state actors. **It would be helpful to confirm the composition of the High Level Task Force on COVID-19 as it seems to be responsible for coordinating Eritrea's response to COVID-19 alongside the Ministry of Health.**

None of the guidelines issued by the GOE so far expressly mention coordination with NGOs or charities.

The Ministry of Information does not appear to have mentioned the role of NGOs in its reporting on the response to the outbreak. Nevertheless, the Ministry has extensively covered the role of various groups – both within Eritrea and in the Eritrean diaspora – in raising funds for the response to COVID-19. It is not clear whether these funds will be used to support the GOE's own response, or the response of charities in Eritrea (or both).

The general legal framework which governs the activities of NGOs working in Eritrea is Proclamation 145/2005, *Proclamation to Determine the Administration of Non-governmental Organisations*.<sup>9</sup>

**2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?**

None of the guidelines issued so far mention the Red Cross Society of Eritrea (RCSE) or the International Red Cross and Red Crescent Movement more generally. The Ministry of Information has not released any statements mentioning the role of the RCSE or other Movement actors in responding to the pandemic.

**3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?**

The GOE has not announced any exceptions to the closure of Asmara International Airport or to the suspension on issuing new visas for entry into Eritrea. The UK Foreign and Commonwealth Office recommends contacting the nearest Embassy of Eritrea for further information about entry requirements.<sup>10</sup>

**[INTERNAL RC/RC USE ONLY]** According to the IFRC security update of 27 March, “It is not clear if cargo and humanitarian flights are affected [by the closure of Asmara International Airport]; however, disruptions to these services, should they continue, are likely

<sup>9</sup> <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=493508022>

<sup>10</sup> See above at note 3

given the enhanced screening measures at Asmara International Airport (ASM). The status of land borders is also unclear; however, Sudan and Ethiopia have enacted restrictions on entry at land border crossings. The movement of passengers and cargo via land borders and seaports is likely to be severely disrupted due to enhanced screening measures.” RC/RC colleagues may wish to contact Lars Tangen, IFRC Head of Global Security, for further details. [END INTERNAL RC/RC USE ONLY]

**4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)**

The exceptions to the GOE’s stay at home directive are drafted broadly and could be understood to cover most humanitarian activities – in theory – but neither humanitarian actors, nor humanitarian activities are expressly mentioned as being exempt from the directive.

The stay at home directive does not apply to “those engaged in indispensable developmental and security tasks” (para 1). Additionally, “[m]ajor productive and service sectors (manufacturing, food processing, construction, Trucking etc.) will continue their function” (para 6).<sup>11</sup>

**It is possible that humanitarian work could be considered an indispensable developmental task and/or a major service sector. Further clarity on this point would be helpful.**

**5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?**

**There do not appear to be any special legal facilities or exemptions in place for the importation of medical aid or other relief items or personnel.**

On 6 April, *Voice of America* reported that a shipment of supplies donated to Eritrea by Chinese billionaire, Jack Ma, never arrived. The shipment contained masks and COVID-19 test kits. An official from the Africa Centers for Disease Control and Prevention (i.e. the organisation which was coordinating the shipment) claimed that the plane carrying the goods was never authorised to land. Therefore, the pilots continued on to their next stop, Djibouti.<sup>12</sup>

The IFRC disaster law database contains no domestic Eritrean laws which might facilitate disaster relief.

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<sup>11</sup> See above at note 4

<sup>12</sup> <https://www.voanews.com/science-health/coronavirus-outbreak/covid-19-supplies-alibaba-never-reached-eritrea>

**Proclamation 145/2005<sup>13</sup> (which governs how NGOs must operate in Eritrea) contains many provisions which would actively hamper international efforts to support the response to COVID-19 in Eritrea.** Example passages from this law follow below:

Article 3: Powers and Duties of the Ministry

Regarding NGO's [sic], the Ministry shall have the powers and duties to:

...

(4) authorize the importation of goods by NGO's and ascertain that taxes and duties are levied and paid on the said goods in accordance with the law by the importing NGO's;

...

(6) ensure that foreign employees of NGO's enter into Eritrea and hold work permits in accordance with the provisions of Legal Notice No 80/2003 (Annex II);

Article 6: Obligations of NGO's

NGO's shall have the obligation to:

...

(8) regarding the recruitment of employees:

(b) ensure that a foreign representative or an employee or volunteer worker of an international NGO holds a work permit;

...

(d) ensure where vacant posts are filled by Eritrean citizens that the said citizens have satisfied their national duties and hold official discharge papers;

...

(f) ensure that a foreign professional enters Eritrea after obtaining a visa through the Ministry of foreign Affairs where the Ministry decides after verifying the level of education and experience of the said professional on whose behalf a request has been submitted.

...

(9) pay taxes and/or duties on all goods which they import into Eritrea

Article 7 Scope of Activities of NGO's

(1) The activities of every NGO shall be limited to relief and/or rehabilitation works.

...

(2) Any NGO wishing to change programs may do so only after applying to the Ministry in writing and obtaining approval for the same.

...

**(3) The permit of any NGO which violates the provisions of this Proclamation or engages in activities outside relief and/or rehabilitation work and, in particular, in political or economic sabotage or subversive activities against the State of Eritrea or Eritrean national interests shall be revoked and the representatives or employees of such NGO responsible**

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<sup>13</sup> See above at note 9.

**for such illegal activities on behalf of the NGO shall be held liable under relevant provisions of the Penal Code of Eritrea.**

**6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?**

Essential businesses, such as grocery stores, pharmacies and banks must close at 20.00hrs.

The GOE guidelines issued so far do not mention humanitarian organisations or RC/RC actors.

Major productive and service sectors may continue their function. If the provision of humanitarian relief is considered a 'major service sector' within the meaning of para 6 of the guidelines issued by the GOE's High Level Task Force on COVID-19,<sup>14</sup> then humanitarian actors may be authorised to conduct operations more-or-less as usual and without mandatory closing hours.

Exempted sectors must still maintain social distancing and other rules issued by the Ministry of Health (para 9).<sup>15</sup>

**7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).**

According to the guidelines issued by the GOE's High-Level Task Force on COVID 19, government institutions have pared back their services to "indispensable developmental and security tasks". Most public-sector employees have been ordered to stay at home (para 4). All personnel of both public and private organisations which are authorised to continue operations must be issued with permits by their respective institutions (para 10).<sup>16</sup>

**8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?**

The Ministry of Information has not publicly announced any restrictions on the export of protective medical equipment.

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**Noel Trew  
British Red Cross**

**10 April 2020**

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<sup>14</sup> See above at note 4

<sup>15</sup> ibid

<sup>16</sup> ibid