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# PROTECTION ON THE MOVE: ERITREAN REFUGEE FLOWS THROUGH THE GREATER HORN OF AFRICA

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By Christopher Horwood with Kate Hooper

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## Executive Summary

In 2015, one-quarter of all migrants detected crossing the Central Mediterranean from North Africa to Italy and Malta were Eritreans fleeing a small country whose population numbers just some 5.2 million. Eritrea is the origin of a significant share of the mixed migration flows seen both in the Greater Horn of Africa<sup>1</sup> and farther afield in North Africa and Europe. The limited data available suggest up to 5,000 people leave the country every month. At the end of 2015, the United Nations High Commissioner for Refugees (UNHCR) estimated that more than 411,000 Eritreans were refugees or in refugee-like situations—and this is likely an undercount, considering many do not register with authorities. A recent study suggests most are young, single males with a secondary or tertiary education. Children, some of whom travel alone, comprise a large portion.

Even in a region characterized by mobility, Eritrean refugees stand out for the frequency and distance of their onward movement. As long as the current Eritrean regime is in place, many will not be able to return home. Facing protracted displacement—and a lack of livelihood opportunities in countries of first asylum—many Eritreans try to find “durable solutions” themselves by seeking asylum in a third country. Most travel south through Ethiopia (with some moving on to Kenya, Uganda, or southern Africa) or west to Sudan and South Sudan and onward to Libya and Egypt (and perhaps ultimately Europe).

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*Even in a region characterized by mobility, Eritrean refugees stand out for the frequency and distance of their onward movement.*

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The case of Eritrean refugees is particularly instructive for policymakers for two reasons. First, it offers a clear illustration of how the protection and migration policies of neighboring and transit countries may affect where and how refugees choose to seek protection. For example, Eritreans facing the limited livelihood opportunities and protection available in countries such as Libya and Egypt are pushing on to Europe, where they have heard they have a good chance of receiving protection (as communicated via diaspora connections and social media). Even though most countries along the routes through the North and Greater Horn of Africa are signatories to the 1951 Refugee Convention and the 1967 Protocol, as well as the 1969 Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa, challenges to adequate protection remain. Protection policies are difficult to implement in a smooth and reliable manner, and governments in the region often prioritize concerns such as enforcement and tackling irregular migration. Similarly, while there are several regional processes and instruments that address protection issues, often with support from international organizations or donor countries, effective monitoring and enforcement of their implementation often face significant barriers.

The high mobility rates of Eritrean refugees, meanwhile, challenge traditional conceptions of refugees as static populations, and raise questions about how protection can be effectively provided to a population on the move. Offering humanitarian or development assistance is particularly difficult. Whether in transit or in refugee camps, many Eritrean refugees witness or experience physical (including sexual) violence, exploitation, detention, and refoulement,<sup>2</sup> and appear to be at particular risk of abduction compared with other refugee groups in the region. Some die in search of a better life. Protection policies for highly mobile

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1 As defined by the Intergovernmental Authority on Development, the Greater Horn of Africa region comprises eight countries: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. See Swiss Agency for Development and Cooperation, “Greater Horn of Africa (Somalia, Ethiopia, Kenya, South Sudan, Yemen, Eritrea, Djibouti, Sudan),” updated September 20, 2016, [www.eda.admin.ch/deza/en/home/countries/horn-africa.html](http://www.eda.admin.ch/deza/en/home/countries/horn-africa.html).

2 The term refoulement refers to the forced return of refugees or asylum seekers to a country in which they are likely to face persecution.



groups such as the Eritreans need to account for the particular risks and vulnerabilities faced while in transit.

Looking ahead, there are a number of actions that policymakers and civil-society actors in the region and in donor countries could take to strengthen the protection environment for Eritrean refugees:

- Collaborate with the diaspora to gain access to a highly mobile population and to provide humanitarian assistance as necessary.
- Support countries of first asylum in offering greater access to livelihoods by relaxing restrictions on refugees' movement and opening up formal labor markets to them.
- Improve the rule of law along migration routes and build political will and capacity to address criminal activities like smuggling and trafficking.
- Strengthen the implementation of national protection policies and the outcomes of bilateral and multilateral processes addressing protection. This requires monitoring and enforcement, which in turn depend on the allocation of sufficient resources and the building and sustaining of political will and capacity to carry out needed changes.

## I. Introduction

Eritrea is one of the major contributors to the mixed migration flows seen in the Greater Horn of Africa; up to 5,000 people are estimated to leave the country each month.<sup>3</sup> While a substantial share remain in the region (in particular in Sudan and Ethiopia), a growing number are bound for Europe. Even though Eritreans are widely recognized as forced migrants, the protection, rights, and livelihood opportunities they can expect vary dramatically depending on where they seek asylum. Many countries in Africa and the Middle East offer limited or no protection, and few sustainable long-term opportunities.

Eritreans pose a “special case” among displaced populations due to the reasons why they leave their homeland, the manner in which they do so, and the special risks and vulnerabilities they face in transit. Many Eritreans cite the national conscription policy for all adults ages 18-50 as the main reason underpinning their decision to move; other key factors include poverty, a lack of opportunities and freedoms, and inadequate government services. As hope wanes that conditions will change at home, many try to find durable solutions themselves by seeking asylum in a third country.<sup>4</sup> Consequently, compared with other refugee groups in the region, a far higher share of Eritreans decide to move onward after initially leaving their country of origin, making them much harder to reach with humanitarian aid. Most avoid refugee camps in the region and instead live as urban refugees or press on toward Europe. Children comprise a significant share, whether travelling alone or with their families.

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3 Its role in the region as a transit or destination country is negligible. Eritrea hosts a small population of refugees (under 3,000), the majority of them Somali. See United Nations High Commissioner for Refugees (UNHCR), “Eritrea Fact Sheet” (fact sheet, UNHCR, Geneva, January 2016), <http://reporting.unhcr.org/sites/default/files/UNHCR%20Eritrea%20Fact%20Sheet%20-%20JAN16.pdf>; Regional Mixed Migration Secretariat (RMMS), “Country Profiles: Eritrea,” updated June 2016, [www.regionalmms.org/index.php/country-profiles/eritrea](http://www.regionalmms.org/index.php/country-profiles/eritrea).

4 These findings are drawn from numerous studies involving interviews with Eritrean asylum seekers in recent years, including reports from UNHCR screening of thousands of Eritreans in Sudan and elsewhere, as well as the results of the RMMS 4mi research during 2015–16. See, for example, RMMS, “4mi: Infographics,” accessed March 24, 2016, <http://4mi.regionalmms.org/4mi.html>; UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea* (Geneva: UNHCR, 2011), [www.refworld.org/docid/4d4fe0ec2.html](http://www.refworld.org/docid/4d4fe0ec2.html).



This report sets out how Eritreans access protection in neighboring countries, North Africa, and—increasingly—Europe. It first examines the routes Eritreans take, identifying the risks they face during their journey, before considering existing national and regional provisions for protection, and how countries within and outside the Greater Horn of Africa can remedy some of these protection gaps.

## II. Leaving Eritrea: Scale, Drivers, and Destinations

When considering protection for Eritrean migrants and the significance of their displacement, it is important to understand the scale and direction of these movements and the protection vulnerabilities that may arise.

### A. Scale

At the end of 2015, the United Nations High Commissioner for Refugees (UNHCR) estimated that more than 411,000 Eritreans were living as refugees or in a refugee-like situation outside the country. This represents an increase of 159,000 from the end of 2011.<sup>5</sup> Several reports suggest that a large number of unaccompanied minors were among those who departed in 2014 and 2015.<sup>6</sup> Eritrean emigrants join a sizeable diaspora, estimated at 1 million in 2010.<sup>7</sup> To put these numbers in perspective, Eritrea's total population was 5.2 million in 2015.<sup>8</sup>

It is estimated that about 5,000 Eritreans depart Eritrea every month, or 60,000 each year.<sup>9</sup> But the clandestine nature of their travel means it is unclear exactly how many leave Eritrea and then live in refugee camps or without registering in towns and cities in the Greater Horn of Africa and how many venture farther towards North Africa and Europe (see Box 1). Even as the number of sea arrivals in Italy fell by 10 percent between 2014 and 2015, the number of Eritreans making the trip rose from 34,000 to 39,000.<sup>10</sup> Eritrea was the most common country of origin for migrants crossing the Central Mediterranean from North Africa in 2015, accounting for one-quarter of all arrivals in Italy.

5 At the end of 2011, UNHCR reported 220,745 refugees and 31,209 people in refugee-like situations from Eritrea, with another 14,172 Eritrean asylum seekers globally. See UNHCR, *UNHCR Mid-Year Trends 2015* (Geneva: UNHCR, 2015), Annex Table 2, [www.unhcr.org/56701b969.html](http://www.unhcr.org/56701b969.html); UNHCR, *UNHCR Global Trends 2011: A Year of Crises* (Geneva: UNHCR, 2012), 41, [www.unhcr.org/en-us/statistics/country/4fd6f87f9/unhcr-global-trends-2011.html](http://www.unhcr.org/en-us/statistics/country/4fd6f87f9/unhcr-global-trends-2011.html).

6 Adrian Edwards, "Sharp Increase in Number of Eritrean Refugees and Asylum-Seekers in Europe, Ethiopia and Sudan" (news release, UNHCR, November 14, 2014), [www.unhcr.org/5465fea1381.html](http://www.unhcr.org/5465fea1381.html); UNCHR, "Eritrea Fact Sheet," Yonas Abiye, "Unaccompanied Eritrean Minors' Influx Shocks UN Officials," All Africa, October 4, 2014, <http://allafrica.com/stories/201410061137.html>.

7 Dilip Ratha, Sanket Mohapatra, and Ani Silwal, "Eritrea," in *The Migration and Remittances Factbook 2011* (Washington, DC: World Bank, 2011), <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Eritrea.pdf>.

8 No reliable census data are available. For the best available resident population estimates, see United Nations Department of Economic and Social Affairs, Population Division, *World Population Prospects: The 2015 Revision* (New York: United Nations, 2015), 19, [http://esa.un.org/unpd/wpp/Publications/Files/Key\\_Findings\\_WPP\\_2015.pdf](http://esa.un.org/unpd/wpp/Publications/Files/Key_Findings_WPP_2015.pdf).

9 According to UNHCR, in early 2012 the number of forced and economic migrants leaving Eritrea was in the range of 2,000 to 3,000 per month, but a 2013 study estimated that 5,000 people were leaving Eritrea every month—a figure that is often seen in press coverage of Eritrean refugees and is cited in United Nations Human Rights Council, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea* (Geneva: United Nations Human Rights Council, 2015), 42, [www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A\\_HRC\\_29\\_CRP-1.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_29_CRP-1.pdf). See also Mirjam van Reisen, Meron Estefanos, and Conny Rijken, *The Human Trafficking Cycle: Sinai and Beyond* (Oisterwijk, Netherlands: Wolf Legal Publishers, 2014), [www.eepa.be/wcm/dmdocuments/Small\\_HumanTrafficking-Sinai2-web-3.pdf](http://www.eepa.be/wcm/dmdocuments/Small_HumanTrafficking-Sinai2-web-3.pdf).

10 UNHCR, "Monthly Sea Arrivals to Italy and Malta Jan-Dec 2015," (dataset, updated January 20, 2016), Table 3, <http://data.unhcr.org/mediterranean/download.php?id=450>.

**Box I. Data Limitations**

A major challenge to monitoring mixed migration flows—and the protection of people within them—is the scant availability of reliable data concerning all population groups on the move, including Eritreans.

Attempts to calculate how many Eritreans leave their country and where they go are confounded by the clandestine nature of their travel and the lack of monitoring along transit routes. Researchers encounter a range of issues including onward movement from refugee camps, difficulties tracking clandestine arrivals and departures in countries of transit and destination, lack of data on deaths en route, and lack of data on Eritreans in detention or being held by criminal gangs. The number of those who live—for weeks, months, and years—in towns and cities along migration routes is also difficult to estimate, since many do not register with local authorities.

Note: For an overview of the available data on Eritrean mixed migration flows, see Regional Mixed Migration Secretariat (RMMS), *Going West: Contemporary Mixed Migration Trends from the Horn of Africa to Libya & Europe* (Nairobi: RMMS, 2014), 18–19, [www.regionalmms.org/images/ResearchInitiatives/Going\\_West\\_migration\\_trends\\_Libya\\_Europe\\_final.pdf](http://www.regionalmms.org/images/ResearchInitiatives/Going_West_migration_trends_Libya_Europe_final.pdf).

**B. Drivers**

Eritreans decide to leave their country for various reasons, but the main drivers are endemic poverty, a lack of livelihood opportunities, and limited political freedoms.<sup>11</sup> Besides being one of the poorest countries in the world, Eritrea is a closed society with a highly securitized state and an authoritarian government.<sup>12</sup> Legal movement into and out of the country is restricted and controlled, and difficult diplomatic relations with the European Union (EU), the African Union (AU), the United States, the Intergovernmental Authority on Development (IGAD), and—especially—Ethiopia have increased its isolation. Eritrea's record on human rights and basic freedoms is ranked among the worst in the world by various monitoring agencies.<sup>13</sup> Compulsory national service for all has been described by migrants and observers as oppressive and potentially unlimited in length.<sup>14</sup> Eritreans have been part of mixed migration flows in the region for many years, during a long war for independence from Ethiopia (1961–91) and continuing after independence in 1991, particularly during the Eritrean-Ethiopian War (1998–2000).<sup>15</sup>

- 11 In the United Nations Development Program (UNDP) Human Development Index, Eritrea was ranked 186 out of 188 countries globally in 2015. See UNDP, *Human Development Report 2015: Work for Human Development* (New York: UNDP, 2015), 211, [http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report\\_1.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report_1.pdf).
- 12 The United Nations and human-rights agencies have strongly refuted the findings of a controversial Danish Immigration Service 2014 fact-finding mission report that suggested conditions in Eritrea were not as harsh or oppressive as previously thought. The UN Commission of Inquiry on Human Rights in Eritrea found “that systematic, widespread and gross human-rights violations have been and are being committed by the Government of Eritrea and that there is no accountability for them. The enjoyment of rights and freedoms are severely curtailed in an overall context of a total lack of rule of law. The Commission also finds that the violations in the areas of extrajudicial executions, torture (including sexual torture), national service, and forced labour may constitute crimes against humanity... The situation of human rights incites an ever-increasing number of Eritreans to leave their country.” See United Nations Human Rights Council, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in Eritrea*, 449–51; UNHCR, *Fact Finding Mission Report of the Danish Immigration Service, “Eritrea—Drivers and Root Causes of Emigration, National Service and the Possibility of Return. Country of Origin Information for Use in the Asylum Determination Process,” UNHCR’s Perspective* (Geneva: UNHCR, 2014), [www.ft.dk/samling/20141/almdel/uuu/bilag/41/1435206.pdf](http://www.ft.dk/samling/20141/almdel/uuu/bilag/41/1435206.pdf); Kristy Siegfried, “Eritrea Rights Report Prompts Protection Rethink,” IRIN, June 10, 2015, [www.irinnews.org/report/101619/eritrea-rights-report-prompts-protection-rethink](http://www.irinnews.org/report/101619/eritrea-rights-report-prompts-protection-rethink).
- 13 Human Rights Watch (HRW), *World Report 2014: Eritrea* (New York: HRW, 2014), [www.hrw.org/world-report/2014/country-chapters/eritrea](http://www.hrw.org/world-report/2014/country-chapters/eritrea); Freedom House, *Worst of the Worst 2011: The World’s Most Repressive Societies* (Washington, DC: Freedom House, 2011), [www.freedomhouse.org/sites/default/files/WorstOfTheWorst2011.pdf](http://www.freedomhouse.org/sites/default/files/WorstOfTheWorst2011.pdf).
- 14 See, for example, van Reisen, Estefanos, and Rijken, *The Human Trafficking Cycle*.
- 15 Prior to 1991, Eritreans were identified as Ethiopians in accounts of emigration and refugee flows.





Eritrea became a one-party state in 2001 when the ruling People's Front for Democracy and Justice (PFDJ), led by President Isaias Afewerki, seized power. Individuals suspected of opposing the PFDJ were detained, private media was shut down, the constitution set aside, and elections postponed. Indefinite or extended national service was introduced for everyone between the ages of 18 and 50, with government forces undertaking random searches (*giffa*) to round up youth for conscription and to arrest deserters.<sup>16</sup> Despite an 18-month limit on active duty in the national service, consisting of six months of military training and 12 months of development work, as set in a 1995 proclamation, many conscripts are not demobilized as scheduled; some are forced to serve indefinitely, coerced by threatened or actual detention, torture, or punishment of their families.<sup>17</sup> The conditions faced by those in national service are severe: shortages of food and resources are frequently cited, along with long days of forced manual labor; many female recruits are sexually exploited.<sup>18</sup> Meanwhile, the workforce of government-operated companies in construction, farming, and mining is for the most part conscripted, as are the laborers who work for some private firms.

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*Despite an 18-month limit on active duty in the national service ...  
some are forced to serve indefinitely.*

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### C. Destinations

Sudan and Ethiopia offer sanctuary to the largest numbers of Eritrean refugees in the region, hosting them in long-established UNHCR or government refugee camps in eastern Sudan and northern Ethiopia, or, less formally, in urban settings. At the end of 2015, UNHCR recorded 99,000 Eritrean refugees and people in refugee-like situations living in Sudan, and another 155,000 in Ethiopia.<sup>19</sup> However, while these data record new arrivals, they do not reflect the high levels of onward movement by registered Eritrean refugees, many of whom use refugee camps as springboards for onward travel to other countries. In turn, these data also fail to capture those who do not register with UNHCR or local authorities (in Kenya and Sudan especially, less so in Ethiopia).<sup>20</sup> The Sudanese Commissioner for Refugees estimated in 2014 that as many as two-thirds of Eritreans do not register in refugee camps; instead many go directly to Khartoum, while others are abducted by smugglers before they are able to access UNHCR camps.<sup>21</sup>

Both Ethiopia and Sudan offer Eritreans protection as refugees in accordance with the 1951 Refugee Convention, entitled to standard protections and privileges. However, in both countries refugee camps are set in remote, arid locations and thus do not offer sustainable solutions to displacement. But long-term

16 Under the Proclamation of National Service (No. 82/1995), persons ages 18 to 50 are obliged to perform this national service; national service was extended indefinitely in the May 2002. See John R. Campbell, "Caught between the Ideology and Realities of Development: Transiting from the Horn of Africa to Europe" (working papers no. 2009/01, Migration Studies Unit, London School of Economics and Political Science, 2009), [www.lse.ac.uk/government/research/resgroups/MSU/documents/workingPapers/campbell.pdf](http://www.lse.ac.uk/government/research/resgroups/MSU/documents/workingPapers/campbell.pdf); Gaim Kibreab, "The Open-Ended Eritrean National Service: The Driver of Forced Migration" (paper prepared for the European Asylum Support Office Practical Cooperation Meeting on Eritrea, October 15–16, 2014, Valetta, Malta), [www.ecoi.net/file\\_upload/90\\_1416473628\\_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf](http://www.ecoi.net/file_upload/90_1416473628_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf).

17 U.S. Department of State, *Trafficking in Persons Report 2013* (Washington, DC: U.S. Department of State, 2013), [www.state.gov/j/tip/rls/tiprpt/2013/](http://www.state.gov/j/tip/rls/tiprpt/2013/).

18 HRW, *World Report 2014* (New York: HRW, 2014), [www.hrw.org/sites/default/files/wr2014\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/wr2014_web_0.pdf).

19 UNHCR, "Annex Table 5. Refugees and People in a Refugee-Like Situation, Excluding Asylum Seekers, and Changes by Origin and Country/Territory of Asylum, 2015" (dataset for *UNHCR Global Trends 2015*, June 20, 2016), [www.unhcr.org/globaltrends/2015-GlobalTrends-annex-tables.zip](http://www.unhcr.org/globaltrends/2015-GlobalTrends-annex-tables.zip).

20 This can create a protection problem for Eritreans who do not register: for example, when the 2013 civil war broke out in South Sudan, many young Eritreans were stuck in places such as Bor and could not rely on their own government to evacuate them or on UNHCR or other agencies to protect them since they had not registered.

21 RMMS, *Going West: Contemporary Mixed Migration from the Horn of Africa to Libya & Europe* (Nairobi: RMMS, 2014), [www.regionalmms.org/images/ResearchInitiatives/Going\\_West\\_migration\\_trends\\_Libya\\_Europe\\_final.pdf](http://www.regionalmms.org/images/ResearchInitiatives/Going_West_migration_trends_Libya_Europe_final.pdf).



solutions are required: Eritreans are not fleeing a specific event (such as conflict) but a regime that seems likely to hold power for the foreseeable future. Consequently, Eritreans most able in strength, connections, resources, and ambition tend to leave refugee camps soon after they have registered.<sup>22</sup> In this respect, they differ from other refugee groups in the region, including Somalis.<sup>23</sup> Their relatively high incidence of onward movement is likely a result of a combination of factors, including access to funds for travel, the relative success of Eritrean asylum claims in European countries, the role of the diaspora, the specific profile of those on the move,<sup>24</sup> as well as the aspirations and “culture of migration”<sup>25</sup> so common among Eritreans.

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*Long-term solutions are required: Eritreans are not fleeing a specific event ... but a regime that seems likely to hold power for the foreseeable future.*

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Most migrants fleeing Eritrea travel south through Ethiopia, west through Sudan and South Sudan toward Libya (and Egypt), or—now much less frequently—north into Egypt. Little is known of Eritreans moving east into Yemen and Saudi Arabia; while some cases have been noted, the numbers are not considered significant, not least because Saudi Arabia does not offer Eritreans protection as refugees. The most notable features of the routes commonly taken include:

- **South.** Some Eritreans go south, either in transit to countries in southern Africa, including the Republic of South Africa, or to enter Kenya or Uganda.<sup>26</sup> However, very few live in the large Kenyan refugee camps (in its data on the national origins of refugees in Kenya, UNHCR includes Eritreans in the “various” category, as their number is so small).<sup>27</sup>
- **West.** Eritreans move in significant numbers northwest through Sudan and South Sudan toward Libya (and Egypt), often with the ultimate goal of reaching Europe—usually Italy, sometimes Malta.<sup>28</sup> This route has been popular with Eritreans for a number of years and provides a lucrative business for Libya- and Sudan-based smugglers both overland and by sea. Migrant routes through Libya were disrupted by a civil war for some months in 2011 and 2012, though this created an opportunity for people to move unstopped through the country while conflict occupied the militias. Since then, migrants and refugees have been a major income

22 RMMS, “Country Profiles: Eritrea.”

23 For example, there are more than 1 million Somali refugees in camps or urban settings in Djibouti, Ethiopia, Kenya, and Yemen. Many reside in camps for years without attempting to move onward.

24 A disproportionately large number of Somali refugees in camps in the Horn of Africa are women, children, and the elderly. Most have fled violence and are seeking refuge as they wait to return to a more peaceful Somalia. In comparison, most Eritrean refugees are young men at the prime of their productive potential (in terms of health and ability to work) who are fleeing conscription or deserting the army. These two groups have very different aspirations and intentions once they leave their countries of origin.

25 A “culture of migration” is under-researched as a driver of migration. In many African countries, people wish to migrate irrespective of domestic conditions such as oppressive regimes, war, or poverty, but the specific routes that migrants take and the destinations they hope to reach often differ from group to group based on shared aspirations, personal networks, and other factors. Many Eritrean migrants share the goal of not just leaving Eritrea, but of reaching a destination where they can build a stable, long-term future.

26 At the end of 2015, UNHCR recorded 3,400 Eritrean refugees and people in refugee-like situations and 5,800 asylum seekers living in Uganda, and 1,200 Eritrean refugees and people in refugee-like situations and 400 asylum seekers living in Kenya. See UNHCR, “Persons of Concern,” accessed August 24, 2016, [http://popstats.unhcr.org/en/persons\\_of\\_concern](http://popstats.unhcr.org/en/persons_of_concern).

27 At the end of 2014, UNHCR recorded 551,352 refugees and people in refugee-like situations living in Kenya, of which 1,333 (or 0.2 percent) were Eritrean. See UNHCR, “2014 Statistical Yearbook Annex Tables” (dataset for *UNHCR Global Trends: Forced Displacement in 2014*, updated December 7, 2015), Table 2, Table 5, [www.unhcr.org/statisticalyearbook/2014-annex-tables.zip](http://www.unhcr.org/statisticalyearbook/2014-annex-tables.zip).

28 For a full account of Eritreans and others from the Horn of Africa moving west to Libya, see RMMS, *Going West*.



source for underutilized militias keen to justify their existence (e.g., as “patriots protecting the motherland” from outsiders). Smuggling into and through Libya resumed in late 2012. Not keen to disband or hand back their arms, Libyan militias use their control of migrants and the income they derive from smuggling and trafficking to give them legitimacy in the areas where they operate.<sup>29</sup> The majority of Eritreans arriving in Europe via the Mediterranean embark from Libya, though ongoing insecurity there appears to be leading an increasing number of Eritreans to travel through Egypt instead.<sup>30</sup>

- **North.** The route through Sudan to Egypt and Israel was the most popular until early 2013, when Israel hermetically sealed its borders with Egypt.<sup>31</sup> Now more than 30,000 Eritreans reside in Israel and struggle to gain recognition as refugees as most entered irregularly (see Box 2). Egypt offers most Eritreans asylum and allows refugees to live in urban centers instead of camps.<sup>32</sup>

Europe is an increasingly popular destination for Eritrean asylum seekers, despite the long, hazardous journey required to get there. Most arrive irregularly, enabled by smugglers, crossing land and sea and transiting multiple countries. Eritreans were the largest nationality group detected crossing the Central Mediterranean from North Africa to Italy and Malta in 2015, comprising one-quarter of all Mediterranean arrivals in Italy (39,000), and the second-largest group (behind Syrians) in 2014 (34,000).<sup>33</sup> While far fewer Eritreans and other nationals from the Horn of Africa made the crossing in the first quarter of 2016, reportedly waiting for more favorable weather conditions, flows rebounded in the second quarter of 2016.<sup>34</sup>

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### *Europe is an increasingly popular destination for Eritrean asylum seekers, despite the long, hazardous journey required to get there.*

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Due to the general recognition that Eritreans are fleeing an oppressive regime, their applications for asylum and refugee status enjoy very high acceptance rates in most countries. The average first instance acceptance rate for Eritreans across the European Union was 90 percent in 2015 and 89 percent in 2014.<sup>35</sup> Consequently, the significant majority of unauthorized migrants from Eritrea declare themselves to be asylum seekers on arrival in Europe, unlike some other nationalities. The numbers in Table 1 can thus be assumed to represent most new Eritrean arrivals on European shores.

29 HRW, “Libya: Whipped, Beaten, and Hung from Trees. Detained Migrants, Asylum Seekers Describe Torture, Other Abuse in Detention” (news release, June 22, 2014), [www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees](http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees); Amnesty International, “Libya is Full of Cruelty”: Stories of Abduction, Sexual Violence and Abuse from Migrants and Refugees (London: Amnesty International, 2015), [www.amnesty.org/en/documents/mde19/1578/2015/en/](http://www.amnesty.org/en/documents/mde19/1578/2015/en/).

30 Hazel Haddon, “For Eritreans, Egypt is the New Route to Europe,” IRIN, June 6, 2016, [www.irinnews.org/feature/2016/06/06/eritreans-egypt-new-route-europe](http://www.irinnews.org/feature/2016/06/06/eritreans-egypt-new-route-europe).

31 In 2015, more than 140 migrants and asylum seekers entered Israel. Though this is higher than previous years, it is nonetheless significantly lower than the 2006–11 peak. In 2011, for example, approximately 17,000 Eritreans entered Israel. See RMMS, *Regional Mixed Migration in the Horn of Africa and Yemen in 2015: End of Year Summary and Trend Analysis* (Nairobi: RMMS, 2015), <http://regionalmms.org/trends/AnnualReport2015.pdf>.

32 Eritrean asylum seekers may be detained in centers before they are granted refugee status.

33 These statistics come from the Italian Ministry of the Interior and are the basis for some of the data in UNHCR, “Monthly Sea Arrivals.”

34 RMMS, *Regional Mixed Migration in the Horn of Africa and Yemen in 2016: 1<sup>st</sup> Quarter Trend Summary and Analysis* (Nairobi: RMMS, 2016), 4, [www.regionalmms.org/trends/RMMSQ1Trends2016.pdf](http://www.regionalmms.org/trends/RMMSQ1Trends2016.pdf); RMMS, *Regional Mixed Migration Summary for May 2016 Covering Mixed Migration Events, Trends and Data for Djibouti, Eritrea, South Sudan, Sudan, Ethiopia, Kenya, Puntland, Somalia, Somaliland and Yemen* (Nairobi: RMMS, 2016), <http://regionalmms.org/monthlysummary/RMMSMixedMigrationMonthlySummaryMay2016.pdf>.

35 Eurostat, “First Instance Decisions on Applications by Citizenship, Age and Sex. Annual Aggregated Data (Rounded) [migr\_asydcfstal],” updated September 14, 2016, <http://ec.europa.eu/eurostat/data/database/>.

**Table 1. Number of Eritrean First-Time Asylum Applicants in Europe, 2010-15**

Year	Number of Applicants (Rounded)
2010	4,300
2011	5,600
2012	6,200
2013	14,200
2014	36,300
2015	33,100

Source: Eurostat, “Asylum and First Time Asylum Applicants by Citizenship, Age and Sex. Annual Aggregated Data (Rounded) [migr\_asyappctza],” updated March 18, 2016, <http://ec.europa.eu/eurostat/data/database/>.

Of the roughly 33,000 Eritrean asylum seekers who lodged applications in the 28 countries of the European Union in 2015, about one in three applied in Germany (11,000), while the Netherlands (7,000) and Sweden (7,000) each received one in five applications.<sup>36</sup> The United Kingdom and Denmark saw smaller shares, with about 5 percent to 10 percent of applications apiece. While most Eritreans travel via the Central Mediterranean route, landing in Italy, just 2 percent (700) lodged applications for asylum there.

Europe is an increasingly popular destination for Eritreans for three main reasons:

- First, countries near Eritrea and others in Africa and the Middle East offer them limited or no humanitarian protection and few sustainable livelihood opportunities. Reports also suggest sub-Saharan Africans suffer from considerable discrimination among local host communities and state officials in South Sudan, and when transiting through North African countries like Libya and Egypt.<sup>37</sup>
- Second, asylum seekers learn from informal information networks (such as social media or communication with the diaspora) that many countries in Europe will offer them almost guaranteed refugee status. The proliferation of smartphone technology and social networking has increased their virtual proximity to diaspora members and increased the opportunity for many to head north to Europe. Though social media is full of messages from Eritreans in the diaspora warning others of the dangers of the journey, these are rarely heeded.
- Third, the ongoing refugee crisis in Europe, coupled with high acceptance rates for Eritreans, acts as a powerful draw for Eritrean refugees in Sudan or Ethiopia. With recognition come extensive entitlements and services (e.g., housing, health, and education), protection, and employment options—all of which make Europe a very attractive destination.<sup>38</sup>

36 Eurostat, “Asylum and First Time Asylum Applicants by Citizenship, Age, and Sex. Annual Aggregated Data (Rounded) [migr\_asyappctza],” updated March 18, 2016, <http://ec.europa.eu/eurostat/data/database/>.

37 In Sudan, there appears to be a widespread sense that irregular migrants or refugees are second-class citizens or even commodities from which profit can be made or extorted. However, Eritreans in Ethiopia report being treated well inside and outside camps. See RMMS, *Going West*; HRW, “I Wanted to Lie Down and Die”: *Trafficking and Torture of Eritreans in Sudan and Egypt* (New York: HRW, 2014), 9, [www.hrw.org/sites/default/files/reports/egypt0214\\_ForUpload\\_1.pdf](http://www.hrw.org/sites/default/files/reports/egypt0214_ForUpload_1.pdf); Philip Aleu and Nabeel Biajo, “South Sudan Announces Ban on Foreign Workers,” *Voice of America*, September 16, 2014, [www.voanews.com/content/south-sudan-bans-foreign-workers/2451763.html](http://www.voanews.com/content/south-sudan-bans-foreign-workers/2451763.html); IRIN, “Refugees Hit by Discrimination, Violence amid Heightened Nationalism,” IRIN, November 24, 2011, [www.irinnews.org/report/94294/egypt-refugees-hit-by-discrimination-violence-amid-heightened-nationalism](http://www.irinnews.org/report/94294/egypt-refugees-hit-by-discrimination-violence-amid-heightened-nationalism).

38 It should be noted that they benefit from these entitlements and rights only once they reach their intended destination (normally joining family) inside Europe. En route, they face hardship and obstacles, even within Europe; consider the plight of Eritrean migrants in Calais, France.



## D. Risk and Vulnerability

Most Eritreans leave their country illegally, and almost all engage smugglers to facilitate and assist their movement. Sometimes this assistance starts inside Eritrea or soon after leaving Eritrean territory, as very few people under the age of 50 are able to obtain the required exit permit or visa—a restriction that violates Article 13 of the Universal Declaration of Human Rights.<sup>39</sup> The risks are considerable: departing unofficially or fleeing national service recruitment is perceived as an act of defection, treachery, and political dissent that could result in the grave censure of migrants themselves and of relatives by Eritrean authorities. Eritreans found in border areas without prior permission risk being shot, and repatriated Eritrean refugees and asylum seekers are detained, sometimes indefinitely, by authorities.<sup>40</sup>

A recent study of migrants in the Horn of Africa found that many Eritrean migrants were young, single males. Of those interviewed, more than half (57 percent) of the Eritrean men and women interviewed possessed a secondary education and 14 percent possessed a tertiary education. Most of those interviewed (61 percent) came from urban areas, and nearly half (42 percent) were soldiers before leaving Eritrea.<sup>41</sup> Nearly two-thirds cited political factors (e.g., forced national service or oppression) as the primary driver of their decision to leave Eritrea.<sup>42</sup> Of particular concern is the large number of unaccompanied minors found in these forced migration flows; 1,300 were reported to have arrived in north Ethiopian camps in 2013, of which 600 arrived in November 2013 alone. Many are children ages 15 to 17 who have fled conscription into military training.<sup>43</sup> Reports suggest that Eritrean children ages 13 to 14 are “being enticed [to leave refugee camps in Ethiopia to travel to Sudan] without paying anything and their respective families are extorted when they get there.”<sup>44</sup> Among the migrants are also children who have left Eritrea in search of their parents; children who cross borders with livestock, but are then not accepted back by the Eritrean government; and children who have been sent out of the country by desperate parents.

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*Of particular concern is the large number of unaccompanied minors found in these forced migration flows.*

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It is a sad reality that most Eritrean migrants interviewed along their migration route or in their country of destination tell stories of experiencing and/or witnessing incidents of physical or sexual violence, exploitation, abduction, detention, refoulement, and even death during their journey. Senior officials in the Eritrean military have been accused of profiting from smuggling by providing illicit services to people

39 Freedom House, “Freedom in the World 2015—Eritrea,” accessed August 19, 2016, <https://freedomhouse.org/report/freedom-world/2015/eritrea>; United Nations General Assembly, Resolution 217(III) A, “The Universal Declaration of Human Rights,” December 10, 1948, [www.un.org/en/universal-declaration-human-rights/](http://www.un.org/en/universal-declaration-human-rights/).

40 Freedom House, “Freedom in the World 2015—Eritrea.” According to the United Nations, fear of reprisals, even among witnesses now in third countries, is a major challenge: “Many potential witnesses residing outside Eritrea were afraid to testify, even on a confidential basis, because they assumed they were still being clandestinely monitored by the authorities and therefore feared for their safety and for family members back in Eritrea.” See United Nations Human Rights Council, *Report of the Commission of Inquiry on Human Rights in Eritrea* (New York: United Nations Human Rights Council, 2015), 4, [www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx](http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx).

41 Sixty-one percent were male; of the total sample (male and female), the average age was 27, and most (64 percent) were single, with two-thirds (66 percent) stating they did not have a spouse or children. These data were compiled as part of a RMMS Mixed Migration Monitoring Mechanism initiative (4Mi) data-gathering project in 2015 and 2016. Data are available at RMMS, “4mi: Infographics.”

42 Twenty-two percent cited various competing reasons, some of which may overlap with these political factors.

43 Amnesty International, *Eritrea: Just Deserters: Why Indefinite National Service in Eritrea Has Created a Generation of Refugees* (London: Amnesty International, 2015), [www.amnesty.org/en/documents/afr64/2930/2015/en/](http://www.amnesty.org/en/documents/afr64/2930/2015/en/); van Reisen, Estefanos, and Rijken, *The Human Trafficking Cycle*, 54.

44 van Reisen, Estefanos, and Rijken, *The Human Trafficking Cycle*, 40.





wishing to flee the country.<sup>45</sup> Meanwhile, the restrictions on Eritreans leaving the country put smuggled migrants (and their relatives) at greater risk of government prosecution than the smugglers themselves.<sup>46</sup>

Though many of the risks facing Eritrean migrants are also experienced by other migrants (e.g., Somalis and Ethiopians), Eritreans are particularly vulnerable to being kidnapped for ransom along these routes (especially in Sudan, northern Ethiopia, and the Sinai desert in Egypt), and even from refugee camps and—reportedly—military camps inside Eritrea.<sup>47</sup> Most abductions are organized and controlled by the Rashaida (Bedouin) tribes, who demand exorbitant ransoms from victims' families for their release—as much as US \$30,000 to \$50,000 per individual—and often subject their victims to sexual abuse or torture.<sup>48</sup> This contrasts dramatically with the US \$300 to \$1,000 reportedly paid by Ethiopian migrants to similar gangs in Yemen and creates greater incentives for abducting Eritreans.<sup>49</sup>

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### *The risk of being abducted for ransom remains severe for Eritreans as they pass through Sudan and Libya.*

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Reportedly, these abduction networks extend deep into Eritrea itself. Several reports point to the collusion and sometimes direct involvement of Sudanese state officials (police and military) and Eritrean authorities.<sup>50</sup> However, since early 2013, the government of Sudan has deployed additional police and UNHCR has supported Sudanese authorities in improving overall security at camps (such as by providing vehicles and communication equipment and setting up a community-based policing system for Eritrean refugees in the Shagarab camps). UNHCR claims camp security has improved since 2014 and that fewer abductions are taking place.<sup>51</sup>

There has been a drop in reports of abductions in the Sinai desert since 2013 for two main reasons.<sup>52</sup> First, Israel successfully sealed its borders with Egypt in early 2013, thus deterring Eritreans from entering eastern Egypt and the Sinai desert to access Israel. Second, trafficking and criminal gang activities are being disrupted by clashes between the Egyptian military and extremists in the Sinai. Nevertheless, the risk of being abducted for ransom remains severe for Eritreans as they pass through Sudan and Libya. Large numbers of Eritreans have died while being held hostage in the Sinai desert, with reports of torture and even the removal and sale of body parts, although hard evidence of the latter practice has not been found.<sup>53</sup>

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45 Freedom House, "Freedom in the World 2013—Eritrea," accessed August 19, 2016, <https://freedomhouse.org/report/freedom-world/2013/eritrea>; Mirjam van Reisen, Meron Estefanos, and Conny Rijken, *Human Trafficking in the Sinai: Refugees between Life and Death* (Oisterwijk, Netherlands: Wolf Legal Publishers, 2012), [www.eepa.be/wcm/dmdocuments/publications/Report\\_Human\\_Trafficking\\_in\\_the\\_Sinai\\_Final\\_Web.pdf](http://www.eepa.be/wcm/dmdocuments/publications/Report_Human_Trafficking_in_the_Sinai_Final_Web.pdf).

46 United Nations Security Council (UNSC), *Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 2002 (2011)*. S/2012/545 (New York: UNSC, 2012).

47 van Reisen, Estefanos, and Rijken, *The Human Trafficking Cycle*.

48 HRW, "I Wanted to Lie Down and Die," 37; UNSC, *Report of the Monitoring Group on Somalia and Eritrea*.

49 RMMS, *Migrant Smuggling in the Horn of Africa and Yemen: The Political Economy and Protection Risks* (Nairobi: RMMS, 2013), 44, [www.regionalmms.org/images/ResearchInitiatives/Migrant\\_Smuggling\\_in\\_the\\_Horn\\_of\\_Africa\\_and\\_Yemen\\_report.pdf](http://www.regionalmms.org/images/ResearchInitiatives/Migrant_Smuggling_in_the_Horn_of_Africa_and_Yemen_report.pdf).

50 A Tilburg University study also reported that the Eritrean Border Surveillance Unit is involved in the smuggling of migrants across the border. See HRW, "I Wanted to Lie Down and Die"; van Reisen, Estefanos, and Rijken, *Human Trafficking in the Sinai*.

51 Nevertheless, as recently as 2014 and 2015, there were reports among the Eritrean community of abductions (attempted and successful) from the camps by both smugglers as well as the Eritrean government.

52 van Reisen, Estefanos, and Rijken, *Human Trafficking in the Sinai*.

53 Ibid; HRW, "I Wanted to Lie Down and Die."



## Box 2. Eritrean and Sudanese Asylum Seekers in Israel: Recent Developments

Official government figures indicate that of the 45,000 refugees, people in refugee-like situations, and asylum seekers in Israel in 2014. Most were from Eritrea (72 percent), with a smaller share (15 percent) from Sudan. Few are granted refugee status; Israeli authorities have rejected draft evasion and desertion as grounds for asylum, which has resulted in the denial of hundreds of Eritrean asylum requests. But Israel does not deport Eritreans or Sudanese nationals to their home countries, leaving them in limbo. Most are granted short-term conditional release visas, which temporarily shield them from deportation (until conditions at home change), but do not grant them access to work or most medical and social services.

Since 2008, the Israeli government has sought to amend the 1954 Prevention of Infiltration Law to allow for the detention of asylum seekers, ostensibly on security grounds (Israel considers Sudan an enemy state). But these amendments have been struck down by the Israeli High Court on several occasions for impinging on asylum seekers' liberty. As of April 2016, the current amendment allows authorities to detain newly arrived asylum seekers and others with expired visas for up to a year at Holot, a semi-open detention facility in the Negev desert in southern Israel; they are then released with new conditional release visas. When the High Court mandated the government release anyone held at Holot for more than a year in August 2015, the Ministry of Interior issued conditional release visas that prohibited Eritrean and Sudanese nationals from residing in Tel Aviv and Eilat—cities with large migrant communities.

Though Israel does not deport Eritrean or Sudanese nationals, it has introduced a policy of “voluntary return,” whereby asylum seekers are given a grant of US \$3,500 and a plane ticket to return home or go to third countries such as Rwanda and Uganda. According to statistics made public by the Israeli Population, Immigration, and Border Authority, between January 2013 and July 2015, 8,355 Eritrean and Sudanese asylum seekers left Israel. Of these, 5,667 asylum seekers (1,059 Eritreans and 4,608 Sudanese) returned to their countries of origin; another 2,688 (1,980 Eritreans and 708 Sudanese) went to third countries, though reports suggest some subsequently struggled to secure legal status upon arrival. Human-rights organizations and NGOs have criticized this policy, suggesting the threat of repeat detention, low recognition rates, and lack of access to work or services leave asylum seekers with few alternatives.

Sources: United Nations High Commissioner for Refugees (UNHCR), “Persons of Concern,” accessed March 24, 2016, [http://popstats.unhcr.org/en/persons\\_of\\_concern](http://popstats.unhcr.org/en/persons_of_concern); Galia Sabar and Elizabeth Tsurkov, “Israel’s Policies toward Asylum-Seekers: 2002-2014” (working paper 15/20, Instituto Affari Internazionali, May 2015), [www.osce.org/networks/165436?download=true](http://www.osce.org/networks/165436?download=true); Jonathan Lis and Ilan Lior, “Israeli Government Passes Law to Detain Asylum Seekers for One Year,” *Haaretz*, February 8, 2016, [www.haaretz.com/israel-news/premium-1.702191](http://www.haaretz.com/israel-news/premium-1.702191); Oren Ziv, “Exclusive: Despite Dangers, Israel Sending Asylum Seekers to Home Countries,” *+972 Magazine*, August 18, 2015, <http://972mag.com/exclusive-israel-deports-most-asylum-seekers-to-home-countries-where-they-face-death-or-prison/110614/>; International Refugee Rights Initiative (IRRI), “I Was Left with Nothing”: “Voluntary” Departures of Asylum Seekers from Israel to Rwanda and Uganda (Kampala: IRRI, 2015), [www.refugee-rights.org/Publications/Papers/2015/IVasLeftWithNothing.pdf](http://www.refugee-rights.org/Publications/Papers/2015/IVasLeftWithNothing.pdf); Human Rights Watch, “Israel: Drop City Ban on Released Eritreans, Sudanese” (news release, August 31, 2015), [www.hrw.org/news/2015/08/31/israel-drop-city-ban-released-eritreans-sudanese](http://www.hrw.org/news/2015/08/31/israel-drop-city-ban-released-eritreans-sudanese).

## III. National Protection Capacity

Though Eritreans are given protection as Convention refugees in Ethiopia and Sudan, their rights have been restricted and even violated in both countries, with little or no avenue for redress or complaint. This illustrates the gaps between policy and implementation seen in countries around the world. In these cases, the government bodies responsible for refugees—the Administration for Refugees and Return



Affairs (ARRA) in Ethiopia and the Commissioner of Refugees (COR) in Sudan—restrict the access of foreigners and international/humanitarian agencies to refugees in camps,<sup>54</sup> and provide only rare opportunities for legal migration and third-country resettlement. These policies, in turn, contribute to the impetus for refugees to move onward to Europe.

In Sudan, refugees are required to remain in camps.<sup>55</sup> Eritreans found outside the camps risk detention and even refoulement to Eritrea. Nevertheless, the Eritrean community in Khartoum is growing (though many only transit through the city, often with smugglers), and authorities appear to turn a blind eye to its existence. Meanwhile, Eritreans in Ethiopia are given a special allowance to move to urban centers for designated reasons that include processing ongoing visa applications to third countries, medical treatment, and study, though they are barred from formal employment (see Box 3). There is a sizeable Eritrean community in Addis Ababa.

### Box 3. Ethiopia's Out of Camp Policy

Ethiopia is unusual in the region for allowing certain refugees to live outside camps, under what is known as an Out of Camp Policy (OCP). As of 2015, Ethiopia had more than half a million refugees in 18 camps; Eritreans are mainly found in the four camps that make up the Shire complex in the northern region of Tigray. The OCP was implemented specifically for Eritrean refugees in 2010, and serves as an alternative to camp-based assistance. The degree of free movement afforded by the policy is not offered to the 250,000 Somali refugees in the southern camp complex of Dollo Ado or to the 300,000 South Sudanese refugees in western Ethiopia, although a Somali community is tolerated as urban refugees in the capital, Addis Ababa.

Since voluntary repatriation is not an option for Eritrean refugees, OCP offers an alternative while they wait for a durable solution. The policy allows some Eritreans to live and study outside camps if they are able to sustain themselves independently (usually through assistance from relatives or remittances). Some are allowed to access higher education through an agreement with the Ethiopian Administration for Refugees and Returnee Affairs (ARRA). However, they are not allowed to access formal employment.

About 3,000 Eritrean refugees participated in the scheme in its first four years, representing a small proportion of those residing in or transiting through Ethiopia in the same period. A recent, independent evaluation concluded that results were mixed: while OCP does not represent a durable solution in itself, it does offer options beyond camp assistance for Eritrean refugees. It is a unique effort to improve the lives of refugees, though it may not directly increase the protection afforded to Eritreans in the region.

Source: Samuel Hall Consulting, *Living Out of Camp: Alternatives to Camp-Based Assistance for Eritrean Refugees in Ethiopia* (Kabul: Samuel Hall Consulting, 2014), <http://samuelhall.org/wp-content/uploads/2014/05/Living-Out-of-Camp-Alternative-to-Camp-based-Assistance-in-Ethiopia.pdf>.

Further afield, Libya is an important transit country for tens of thousands of Eritrean asylum seekers. Here, they face a harsh confluence of racism (widespread against sub-Saharan Africans), cultural contempt (particularly directed against Christians), and, since 2011, the absence of the rule of law, which leaves them wholly unprotected.<sup>56</sup> Even before 2011, official and unofficial discrimination against sub-Saharan Africans was high, as exemplified by the deal Libyan leader Muammar Gaddafi struck with Italy to prevent migrant boats from leaving Libyan shores, and to deport unauthorized sub-Saharan

54 Only designated agencies directly assisting refugees get permission to enter refugee camps; it is very rare for journalists or researchers to obtain this permission.

55 Sudan has a reservation to Article 26 (on freedom of movement) of the 1951 Refugee Convention, which allow the Sudanese government to require that refugee remain in camps.

56 See, for example, Louisa Loveluck, "86 Eritrean Migrants 'Kidnapped by Isis' in Libya," *The Telegraph*, June 5, 2015, [www.telegraph.co.uk/news/worldnews/islamic-state/11655543/86-Eritrean-migrants-kidnapped-by-Isil-in-Libya.html](http://www.telegraph.co.uk/news/worldnews/islamic-state/11655543/86-Eritrean-migrants-kidnapped-by-Isil-in-Libya.html).





Africans to their origin countries and prevent their (re)entry.<sup>57</sup> Since 2011, Libya has not signed the Refugee Convention or allowed UNHCR to officially register refugees, and its various militias—self-styled patriots and vigilantes—round up migrants and refugees and detain them under various pretexts, such as defending Libyan security or protecting the health of Libyans.<sup>58</sup> In many cases, the militias also profit from exploiting migrants for labor, bribes, and direct extortion.<sup>59</sup>

Recent policies in Egypt, meanwhile, have generally tended to prioritize enforcement and the tackling of irregular migration over protection.<sup>60</sup> In a March 2012 resolution, the European Parliament encouraged Egypt, Israel, and the international community to step up the fight against human trafficking and smuggling, and urged Egyptian authorities to quickly intervene in order to provide effective protection for all refugees being detained, tortured, and mistreated in the Egyptian Sinai.<sup>61</sup> In November 2015, Egypt's Council of Ministers approved a bill that would, for the first time in Egyptian history, penalize persons who facilitate the unauthorized passage of migrants in and out of the country. Crucially, however, the draft law also refers to unauthorized migrants and refugees as “victims” and provides them with protections.<sup>62</sup> Under this new law, penalties for human smuggling would range from an unspecified prison term and a fine of EGP 50,000 to EGP 200,000 (approximately US \$5,500 to US \$22,000), to life imprisonment and a fine of EGP 200,000 to EGP 500,000 (US \$22,000 to US \$55,000) if any lives are lost in the process.

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*Recent policies in Egypt ... have generally tended to prioritize enforcement and the tackling of irregular migration over protection.*

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This is the latest development by a government committed to cracking down on irregular migration throughout the country. In a report released by the Egyptian armed forces, and widely covered by the national media, Egyptian border guards announced that they had arrested 2,215 unauthorized migrants of multiple nationalities in September 2015.<sup>63</sup> Egypt has also been under scrutiny regarding the unusually high proportion of unaccompanied minors leaving its shores to travel towards Italy.

In conclusion, as Table 2 illustrates, protection of Eritrean migrants and refugees is a low priority for governments in Egypt, Ethiopia, Libya, and Sudan. Conditions for migrants in these countries are generally bleak, and protection guarantees are limited and not often implemented. As such, it is hardly surprising that most Eritreans do not choose to remain in these countries, whether as irregular migrants or as registered refugees.

57 Hein de Haas, “Trans-Saharan Migration to North Africa and the EU: Historical Roots and Current Trends,” *Migration Information Source*, November 1, 2006, [www.migrationpolicy.org/article/trans-saharan-migration-north-africa-and-eu-historical-roots-and-current-trends](http://www.migrationpolicy.org/article/trans-saharan-migration-north-africa-and-eu-historical-roots-and-current-trends).

58 Jesuit Refugee Service (JRS) Malta, *Beyond Imagination: Asylum Seekers Testify to Life in Africa* (Birkirkara, Malta: JRS Malta, 2014), 3–4, <https://jrseurope.org/Assets/Publications/File/Beyond-imagination-jesuit-refugee-service-malta-libya-report.pdf>.

59 RMMS, *Going West*.

60 *Al-Ahram*, “2,215 Arrested for Attempting ‘Illegal Migration’ in One Month: Egypt’s Army,” *Al-Ahram*, October 12, 2015, <http://english.ahram.org.eg/NewsContent/1/64/153802/Egypt/Politics/-arrested-for-attempting-illegal-migration-in-one.aspx>.

61 “European Parliament Resolution of 15 March 2012 on Human Trafficking in Sinai, in Particular the Case of Solomon W. (2012/2569(RSP)),” *Official Journal of the European Union* 2012 CE 251/106, March 15, 2012, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52012IP0092>.

62 At the time this report was written, the draft law had passed from the Council of Ministers and was awaiting ratification by President Abdel Fattah al-Sisi. See International Organization for Migration (IOM), “Egypt Passes New Anti-Human Smuggling Law” (press release, November 27, 2015), [www.iom.int/news/egypt-passes-new-anti-human-smuggling-law](http://www.iom.int/news/egypt-passes-new-anti-human-smuggling-law); *Al-Ahram*, “Egypt’s Cabinet Approves Draft Illegal Migration Law against Smugglers,” *Al-Ahram*, November 25, 2015, <http://english.ahram.org.eg/NewsContent/1/64/171760/Egypt/Politics-/Egyptys-cabinet-approves-draft-illegal-migration-la.aspx>.

63 *Al-Ahram*, “2,215 Arrested for Attempting ‘Illegal Migration.’”



By contrast, when Eritreans reach Europe, statutory protection levels are of a higher standard and Eritrean asylum seekers have the second-highest acceptance rate, behind Syrians. Nevertheless, the risks of travel do not end at European borders. For example, in Calais, France hundreds of Eritreans live in poor conditions and face great danger as they resort to forcing their way onto trucks, containers, or ferries, or into the Eurotunnel itself, to try and reach the United Kingdom.<sup>64</sup> Such attempts by migrants to choose their final destination within Europe can give way to complex legal and protection problems, as EU law requires asylum seekers to register their claim in the first EU country they enter.

**Table 2. Reception Conditions for Eritrean Refugees: A Comparison of Five Countries**

	<b>Egypt</b>	<b>Ethiopia</b>	<b>Libya</b>	<b>Sudan</b>	<b>Germany</b>
<b>Acceptance as refugees</b>	Yes	Yes	No	Yes	Yes
<b>Convention protection standards</b>	Limited	Limited	No	Limited	Yes
<b>Transit or destination country?</b>	Both	Mostly transit	Mostly transit	Mostly transit	Destination
<b>Use of smugglers in movement</b>	Yes	Yes	Yes	Yes	Yes
<b>Opportunities to apply for legal, nonhumanitarian migration opportunities</b>	No	No	No	No	No
<b>Access to resettlement from this location</b>	Low (some victims of torture are fast-tracked)	Low	No (not signatory to the 1951 Refugee Convention)	Low	N/A (no need, as if accepted they will be offered settlement in Germany)
<b>Formal right to work</b>	Yes	No	No	No	Yes
<b>Access to services (health, education) outside camp</b>	No (not officially, but many do)	Yes	No	No (not officially, but many do)	Yes
<b>Right to move outside camp (no encampment policy)</b>	Yes	Limited	No	No (but tolerated)	Yes

Source: Compilation by the authors.

<sup>64</sup> Nicholas Vinocur, "At Britain's Door, Migrants Defy French Border Crackdown," Reuters, September 9, 2014, [www.reuters.com/article/us-france-britain-migrants-idUSKBN0H41QC20140909](http://www.reuters.com/article/us-france-britain-migrants-idUSKBN0H41QC20140909); Florence Davey-Attlee, "Welcome to 'The Jungle,'" CNN, August 10, 2015, [www.cnn.com/2015/08/07/europe/france-jungle-calais-migrant-camp/](http://www.cnn.com/2015/08/07/europe/france-jungle-calais-migrant-camp/).



## IV. Regional Protection Provisions

Since most Eritreans have legitimate claims to asylum, the national, regional, and global protection mechanisms most relevant to their cases are those associated with the 1951 Refugee Convention and the 1967 Protocol.<sup>65</sup> As Table A-1 illustrates, most of the key countries in the region are signatories to these instruments, including Djibouti, Egypt, Ethiopia, Kenya, Sudan, and Yemen—but not Libya or Saudi Arabia. Egypt, Ethiopia, Kenya, Libya, and Sudan are also state parties to the Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa of 1969. This convention expands the definition of a refugee beyond one who is individually persecuted to include persons compelled to leave their country due to general violence, occupation, or a breakdown in public order;<sup>66</sup> and requires that refugees not undertake “subversive activities” against any Member States.<sup>67</sup> Despite being signatories to these conventions, some countries in the region remain slow to (fully) implement protection policies and safeguard the rights of refugees.

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*Though countries may be willing to sign region- or continent-wide agreements and accords, the political will to monitor and enforce implementation is too often absent.*

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In addition, several regional processes and instruments address regional mixed migration flows and include some provisions for protection. Actors from outside the region are involved in a number of these and provide funding or logistical support, or directly participate in these processes. The European Union; the U.S. Bureau of Population, Refugees, and Migration (PRM); and the Swiss Agency for Development and Cooperation (SDC) offer steady support to nongovernmental and international organizations relating to refugee protection in the region, and have provided funding for IGAD work on migration.

Overall, the results of these initiatives are disappointing: very little has changed on the ground in terms of increasing protection. Though countries may be willing to sign region- or continent-wide agreements and accords, the political will to monitor and enforce implementation is too often absent, and in the end, national policies and de facto approaches often prevail.

However, the following entities are recent creations that could be strengthened and made more relevant to national policy decisions, and that could eventually create a context for the improved protection of migrants and refugees.

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65 The 1951 Convention Relating to the Status of Refugees is an international legally binding instrument that sets out the criteria to qualify as a refugee, the rights and obligations of recognized refugees, undertakings (minimum standards of treatment accorded to refugees), and the obligations of Member States in which asylum is sought. The 1967 Protocol principally expands the temporal and geographical scope of the 1951 Convention. See UN General Assembly, “Convention Relating to the Status of Refugees,” July 28, 1951, [www.refworld.org/docid/3be01b964.html](http://www.refworld.org/docid/3be01b964.html); UN General Assembly, “Protocol Relating to the Status of Refugees,” January 31, 1967, [www.refworld.org/docid/3ae6b3ae4.html](http://www.refworld.org/docid/3ae6b3ae4.html).

66 Article 1.2 reads: “The term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.” See Organization of African Unity (OAU), “Convention Governing the Specific Aspects of Refugee Problems in Africa,” September 10, 1969, [www.refworld.org/docid/3ae6b36018.html](http://www.refworld.org/docid/3ae6b36018.html).

67 Article 3.1 reads: “Every refugee has duties to the country in which he finds himself, which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the OAU.” See OAU, “Convention Governing the Specific Aspects of Refugee Problems in Africa.”



## A. *Bilateral or Multilateral Processes within the Region*

Within the region, a number of bilateral and multilateral meetings and agreements on mixed migration flows—including those described below—have touched on protection issues, and been facilitated by international organizations such as UNHCR, the International Organization for Migration (IOM), and the International Labor Organization (ILO).

- ***Intergovernmental Authority on Development.***<sup>68</sup> IGAD runs a Regional Consultative Process on Migration (RCP) and a Regional Migration Policy Framework. The RCP has met periodically since 2009 on topics such as trafficking and smuggling, refugees and mixed flows, and migration and development. Meetings usually end with recommendations and statements of intent on protecting migrant and refugee rights. The fact that, seven years into the process, conditions have changed little for refugees reflects both the complexity of the issues involved and an apparent lack of political will to act on RCP recommendations. The Regional Migration Policy Framework was established in 2013 to guide members on developing legislation and policies to protect the rights of migrants and refugees, and to encourage free movement as per the AU and East African Community (EAC) protocols. It is too early to evaluate the impact of the framework, but its endogenous development is one of its strengths, and it appears (at least, on paper) to be the strongest policy instrument developed in the region.
- ***Regional Committee on Mixed Migration.***<sup>69</sup> This committee has convened annually since 2011, bringing together regional representatives from government departments with portfolios relevant to migration and refugees. Its goal is to create formal and informal channels to cooperate on addressing mixed migration and the related issues of smuggling, trafficking, and refugee management. The committee usually produces recommendations and statements of intent at the end of each meeting, often expressing a strong desire for harmonization and cooperation on protecting migrant and refugee rights. However, in practice there is minimal or no cooperation on these issues outside these meetings.
- ***Tripartite Agreement for the Return of Somali Refugees.*** This unique 2014 agreement between Kenya, Somalia, and UNHCR provides for the safe, dignified, and protected return of Somali refugees from Kenya, some of whom have lived in Kenya for more than 20 years.<sup>70</sup> Initially, take-up was limited; few Somalis were interested in the offer of assisted return, since security concerns persist in Somalia, along with a lack of needed services, facilities, and employment opportunities. The protection standards and criteria for return in the agreement may be unrealistic: returnees would potentially receive more assistance and protection than those who remained in Somalia and who would be their new neighbors, creating tensions between the two groups. However, in May 2016, Kenya announced plans to close Dadaab refugee camp, home to about 350,000 (mostly Somali) refugees who will be repatriated or resettled to a third country.<sup>71</sup> Though Kenya has since delayed these repatriation plans, citing ongoing security problems in Somalia, the Tripartite Commission met in July 2016 and agreed to scale up assistance to enable 425,000 Somalis to return home over the next five years.<sup>72</sup>

68 States party to the Intergovernmental Authority on Development (IGAD) are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda.

69 Djibouti, Ethiopia, Kenya, Somalia, Somaliland, Puntland, Sudan, and Yemen are members of the Committee, while observers include Egypt, Eritrea, Libya, South Sudan, the African Union (AU), IGAD, IOM, and UNHCR.

70 Similar agreements have not been made for other refugee groups in the Horn of Africa, and its establishment was the cause of much political wrangling and controversy.

71 Republic of Kenya, Ministry of Interior and Coordination of National Government, “Government Statement and Update on the Repatriation of Refugees and Scheduled Closure of Dadaab Refugee Camp” (statement, May 11, 2016), [www.interior.go.ke/?p=3113](http://www.interior.go.ke/?p=3113).

72 Elsa Buchanan, “Kenya Softens its Position on Dadaab Refugee Camp Closures and Refugees Repatriation to Somalia,” *International Business Times*, August 22, 2016, [www.ibtimes.co.uk/ngos-welcome-kenyas-decision-keep-dadaab-refugee-camp-open-1577383](http://www.ibtimes.co.uk/ngos-welcome-kenyas-decision-keep-dadaab-refugee-camp-open-1577383).



- **Mixed migration task forces.** In an example of more direct involvement of international organizations, UNHCR and IOM cochair six task forces in the Horn of Africa, established since 2008 in Djibouti, Kenya, Somalia, Somaliland, Puntland, and Yemen. These task forces meet on an ad hoc or regular basis to discuss specific protection issues relating to mixed migration flows through their areas: for example, unaccompanied minors, emergencies facing passing migrants, and trafficking cases. Usually, these meetings are very small and mainly comprised of nongovernmental organizations (NGOs) rather than governments. In recent years only the Kenyan and Yemeni task forces have met regularly; the others meet infrequently with two to four agencies present, at most (including the cochairs).

## B. Broader Regional Cooperation with Outside Actors

Several conferences involving actors from outside the region have also touched on protection issues in the Horn of Africa. Of these, the Khartoum Process offers perhaps the only example of external actors cooperating on specific protection capacity concerns in the region or with respect to Eritreans.

- **Sana'a Declaration.** This November 2013 regional conference focusing on migration from the Horn of Africa to Yemen was a one-off event, with high participation by the Gulf States.<sup>73</sup> The declaration addressed many aspects of increasing protection for migrants and refugees, tackling the root causes of their movement, and facilitating greater legal opportunities for labor migration. However, it created no enforcement mechanism and has subsequently had little impact, especially in light of the war in Yemen that involved other regional powers.
- **AU-EU Khartoum Process.** The Khartoum Process, initiated in 2014, focuses on tackling trafficking and smuggling, and addressing migration and protection issues in the Horn of Africa region.<sup>74</sup> There has been a substantial high-level, multiregional, and multinational effort to group around these concerns, though it is unclear whether ownership of the process lies with the African Union or the European Union. The Khartoum Process is perhaps the only entity to directly address the issue of protection (defined as a desire to disrupt smuggling and trafficking in the region) alongside mixed migration. That said, resulting analysis of the root causes—and subsequent policies—may be too simplistic to effectively curtail trafficking or smuggling.
- **Valetta Summit on Migration.** This 2015 summit brought together heads of European and African states to discuss migration between the two regions and to build on existing processes like the Khartoum Process. It concluded with an action plan focused on addressing the root causes of migration; cooperating on legal migration channels; promoting protection and asylum; taking action against smugglers, trafficking, and irregular migration; and cooperating on returns, readmissions, and reintegration.<sup>75</sup> The EU Emergency Trust Fund was formally launched at the summit to tackle the root causes of irregular migration and forced displacement in Africa. The fund will focus on the Sahel, the Horn of Africa, and North African regions, and will be channeled to projects supporting employment creation (especially for young people and women), strengthening migration and border management,

73 The conference was called by Yemen; also in attendance were Bahrain, Djibouti, Eritrea, Ethiopia, Kuwait, Oman, Qatar, Saudi Arabia, Somalia, the United Arab Emirates (UAE), the Arab League, the Gulf Cooperation Council (GCC) for the Arab States of the Gulf, UNHCR, and IOM. See Regional Conference on Asylum and Migration, “Sana’a Declaration,” November 13, 2015, [www.unhcr.org/531dbb246.html](http://www.unhcr.org/531dbb246.html).

74 IOM, “EU-Horn of Africa Migration Route Initiative (Khartoum Process),” accessed August 18, 2016, [www.iom.int/eu-horn-of-africa-migration-route-initiative-khartoum-process](http://www.iom.int/eu-horn-of-africa-migration-route-initiative-khartoum-process).

75 European Commission and African Union, “Valetta Summit, 11-12 November 2015, Action Plan,” accessed December 16, 2015, [www.consilium.europa.eu/en/meetings/international-summit/2015/11/ACTION\\_PLAN\\_EN.pdf/](http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/ACTION_PLAN_EN.pdf/).





and countering radicalization and extremism.<sup>76</sup> The European Union has pledged 1.8 billion euros to the fund; however, Member State pledges have thus far fallen short, as several countries (e.g., Sweden and Denmark) debate cuts to their overseas aid budgets in light of increased domestic costs associated with the European refugee crisis.<sup>77</sup>

## V. Protection Gaps

When it comes to protecting refugees and asylum seekers, there are contradictions in the Greater Horn of Africa region. Refugees are often accepted in large numbers, granted an official welcome, and given initial support and protection with the assistance of international organizations and NGOs. Yet many face harsh conditions with limited (or minimal) support and inadequate protection from various dangers posed by local authorities, the military, other camp residents, or local communities.<sup>78</sup>

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*The greatest protection threat facing Eritrean refugees and asylum seekers derives from the fact that they are seen as commodities by criminal groups.*

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At best, refugees are tolerated and their status and right to reside legally defended; at worst, they face discrimination, racism, and xenophobia from host governments and local populations. As the region is securitized amid threats of terrorism and extremism, migrants and refugees are too often conflated with insecurity and viewed with suspicion, even if such fears are unsupported by evidence. Though these developments have most directly affected Somali refugees in the region, other refugee groups, including Eritreans, also face increased suspicion and prejudice.<sup>79</sup>

Most refugees, whether in camps or urban centers, live in poverty, due to a lack of access to formal employment, strict encampment policies, and few initiatives to encourage their education or entrepreneurship. Yet some refugees find ways to advance themselves despite these difficult conditions. For example, Somali refugees have developed a thriving economy in Nairobi (Eastleigh), Kenya that may be the most lucrative commercial center in East Africa. This economy has flourished

76 For an overview, see European Commission, "A European Agenda on Migration: A European Union Emergency Trust Fund for Africa," accessed December 16, 2015, [www.consilium.europa.eu/en/meetings/international-summit/2015/11/EUagendaFor-Migration\\_TRUSTFUND.pdf\(1\)/](http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/EUagendaFor-Migration_TRUSTFUND.pdf(1)/).

77 *The Local*, "Denmark to Open Refugee Camp amid Aid Criticism," *The Local*, November 20, 2015, [www.thelocal.dk/20151120/denmarks-first-refugee-tent-camp-to-open-amid-spending-criticism](http://www.thelocal.dk/20151120/denmarks-first-refugee-tent-camp-to-open-amid-spending-criticism); James Crisp, "EU's Migration Cash for Africa Falls Far Short," Euractiv, November 12, 2015, [www.euractiv.com/section/development-policy/news/eu-s-migration-cash-for-africa-falls-short/](http://www.euractiv.com/section/development-policy/news/eu-s-migration-cash-for-africa-falls-short/); Henriette Jackson, "Sweden Considers Cutting Development Aid Budget by 60% Due to Refugee Crisis," Euractiv, November 5, 2015, [www.euractiv.com/sections/development-policy/sweden-considers-cutting-development-aid-budget-60-due-refugee-crisis](http://www.euractiv.com/sections/development-policy/sweden-considers-cutting-development-aid-budget-60-due-refugee-crisis).

78 Refugee Consortium of Kenya, *Asylum Under Threat—Assessing the Protection of Somali Refugees in Dadaab Refugee Camps and along the Migration Corridor* (Nairobi: Refugee Consortium of Kenya, 2012), [http://reliefweb.int/sites/reliefweb.int/files/resources/Asylum\\_Under\\_Threat.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Asylum_Under_Threat.pdf).

79 See, for example, Malkhadir Muhumed, "Cracking Down on Nairobi's Somalis," Al Jazeera, April 22, 2014, [www.aljazeera.com/indepth/features/2014/04/cracking-down-nairobi-somalis-201442012628685801.html](http://www.aljazeera.com/indepth/features/2014/04/cracking-down-nairobi-somalis-201442012628685801.html); Jason Patinkin, "Somalis in Kenya Face Mistrust," *The Christian Science Monitor*, June 17, 2014, [www.csmonitor.com/World/Africa/2014/0617/Somalis-in-Kenya-face-mistrust](http://www.csmonitor.com/World/Africa/2014/0617/Somalis-in-Kenya-face-mistrust); Harriet Sherwood, "Israelis Attack African Migrants during Protest against Refugees," *The Guardian*, May 24, 2012, [www.theguardian.com/world/2012/may/24/israelis-attack-african-migrants-protest](http://www.theguardian.com/world/2012/may/24/israelis-attack-african-migrants-protest).



despite official reluctance to accept Somalis in cities, continual harassment from police and other state officials, and a lack of targeted policies to facilitate Somali integration.

While the adequate protection of Eritreans would encompass concerns of livelihood and education, it is first necessary to account for the grave dangers they face. The greatest protection threat facing Eritrean refugees and asylum seekers derives from the fact that they are seen as commodities by criminal groups. As they travel long distances through dangerous areas, Eritreans are at risk of abduction or detention, robbery, exploitation, violence, and murder. If Eritrean refugees were less intent on moving onward from refugee camps in Sudan and Ethiopia, they would be less vulnerable. In turn, if smugglers, traffickers, and other criminals were unable to operate with impunity and found that national security forces were their adversaries instead of enablers, Eritreans would face less violence and abuse. But effecting change, reducing corruption, and bolstering human rights requires sufficient political will and capacity, as well as better compliance with national laws.

Improving camp security and providing camp residents with opportunities to pursue quality education or employment may still not incentivize Eritreans to remain in camps. The power of precedent—that is, the Eritrean diaspora in Europe and the resources they have to assist successive waves of migrants—wields a strong magnetic force, drawing Eritrean refugees on to Europe.

Given the high recognition rate of Eritrean refugees in Europe, it might make sense to establish European processing and status determination facilities in the Greater Horn of Africa region. In theory, doing so could reduce the risks Eritreans face while making this journey and the role of criminal actors involved in smuggling and trafficking. But situating refugee-processing facilities in the region could also serve as a pull factor, drawing many more Eritreans illicitly out of their country.

## VI. Policy Recommendations and Conclusions

Overall, it seems that the protection issues around Eritrean refugees in the Greater Horn of Africa region remain a low priority for the governments concerned. Despite the extensive reports of abuses issued by human-rights organizations, UNHCR and other UN agencies, the European Union, and various NGOs, very little action has been taken. The recent UN Commission of Inquiry on Human Rights in Eritrea documented hundreds of testimonies from Eritreans who suffered abduction, kidnapping, and physical and sexual violence, primarily in Sudan, Egypt, and Libya.<sup>80</sup> Though Sudan and, more recently, Egypt have taken steps to improve security, there remains a culture of impunity despite the publicized arrests and sentencing of some perpetrators. This may not be surprising considering the extent of the collusion between some (often more remotely stationed) state officials and the criminal networks involved, and the low official regard given to migrants and refugees. Further, these three countries have shown themselves impervious to complaints of human-rights abuses from outside sources.

Broadly speaking, governments in the region do not single out Eritreans from other refugee flows. However, Eritreans pose particular protection challenges, not least because they are more likely to practice onward movement (proportionately) from camps than any single other national refugee group in the region. Their uniquely long journeys are driven by the root causes of their displacement: (1) they are fleeing an authoritarian, oppressive regime and conscription (factors unlikely to be temporary in duration); and (2) they are seeking opportunities, education, livelihoods, and a new future that refugee camps in the region cannot offer. The PFDJ regime and the failure of Eritrea to thrive economically are critical drivers of this exodus, with little prospect of resolution in the short term. Meanwhile, the

<sup>80</sup> Office of the High Commissioner for Human Rights, “UN Inquiry Reports Gross Human Rights Violations in Eritrea” (news release, June 8, 2015), [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16054&LangID=E#sthash.vmOzcYOk.dpuf](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16054&LangID=E#sthash.vmOzcYOk.dpuf).



growing diaspora of Eritreans will likely generate more resources and encouragement for future waves of Eritrean refugees and migrants.

Consequently, many of those who leave Eritrea have Europe as their final objective, making this refugee population highly mobile. Many stay in camps in Ethiopia and Sudan for a short period of time, or do not register and live in urban areas (often without formal authorization). Given that they may be dispersed across a wide area, on the move, or avoiding government attention, it is difficult to target them with humanitarian or development assistance. However, in a positive development, the Eritrean diaspora has recently begun to organize around the issue of humanitarian assistance and advocacy; for example, Mussie Zeraï, an Eritrean priest living in Switzerland, was nominated for the 2015 Nobel Peace Prize for his work in Europe advocating for the better protection of asylum seekers from the Horn of Africa.<sup>81</sup>

Several specific policy considerations might contribute to the protection of Eritrean refugees:

- **Work with the diaspora.** Despite the presence of thousands of Eritreans living in camps and urban centers (many unregistered and irregular), they are not easily targeted for humanitarian and development assistance. Diaspora members could play an important role in outreach since many have unique access to both migrants and refugees on the move and individuals still in Eritrea and considering migration.
- **Support access to livelihoods in countries of first asylum.** Eritrean refugees have little incentive to remain in Ethiopian or Sudanese refugee camps, which are set in arid regions and offer few livelihood opportunities. Eritreans living outside refugee camps in Sudan must remain under the radar, or run the risk of detention or even refoulement. While Ethiopian policy enables some Eritreans to live and study outside camps, they must support themselves and are barred from formal employment. Just 3,000 Eritreans benefited from this policy during its first four years. Supporting these countries of first asylum to relax restrictions on refugee movements and open formal labor markets to refugees would significantly improve their quality of life and perhaps remove some of the incentives for secondary movement.
- **Improve the rule of law along migration routes.** The protection need that Eritrean refugees have can best be met by the countries through which they transit and, in particular, by efforts to improve the implementation of the rule of law, official codes of conduct, and national human-rights provisions. These refugees are most vulnerable along the lawless migration routes they take. One challenge is mustering the political will and capacity of transit and host countries in the region (as well as, arguably, destination countries) to commit to reducing criminal activities, such as smuggling and trafficking, and to censure any official involved with criminal groups. If national laws were better implemented and immigration and refugee protocols respected, this could compel Eritrean refugees to remain in neighboring countries; conversely, more management of migration flows may in fact increase the risk to Eritrean refugees by prompting them to seek even more clandestine methods of moving through transit countries.
- **Strengthen implementation of protection policies and agreements.** Though many countries in the region are signatories to the 1951 Refugee Convention and related Protocol, and the 1969 OAU Convention, the implementation of national protection policies remains patchy, with little or no avenue for complaint. Similarly, while bilateral and multilateral meetings and agreements have set out recommendations to address the risks and vulnerabilities facing refugees and forced migrants, and the root causes driving their

81 Agenzia Habeshia per la Cooperazione allo Sviluppo, "About Us," accessed November 17, 2015, <http://habeshia.blogspot.com/p/about.html>; Luigi Jorio, "Migrants Are Not Adventurers or Tourists," Swissinfo.ch, April 28, 2015, [www.swissinfo.ch/eng/mediterranean-crisis-migrants-are-not-adventurers-or-tourists-/41401278](http://www.swissinfo.ch/eng/mediterranean-crisis-migrants-are-not-adventurers-or-tourists-/41401278).





displacement, little has changed on the ground. Implementing these outcomes requires monitoring and enforcement—which, in turn, depend on including adequate mechanisms in these agreements, allocating sufficient resources to build capacity, and building and sustaining political will among signatory countries.

- **External processing.** One idea that has received much attention (albeit with little concrete action) is “external processing,” in which a claim for asylum is assessed prior to the arrival of an applicant in an asylum country (e.g., an EU Member State).<sup>82</sup> While the United States, for example, operates some small-scale programs along these lines in other regions (e.g., for children from Central America),<sup>83</sup> no such initiatives are under way in the Greater Horn of Africa, nor have other major donor or asylum countries shown an interest in undertaking these arrangements. This may be because many logistical details of such an initiative remain unclear, including (1) whether third countries would agree to host a processing center; (2) how recognized refugees would be resettled; and (3) if such a center would act as a draw for additional refugees, increasing the burden on the country hosting it. Furthermore, countries already experiencing high asylum arrivals (such as EU Member States) may be reluctant to take on new protection responsibilities without knowing that doing so would decrease spontaneous arrivals. But external processing could, in theory, enable populations like the Eritreans to apply for asylum or work visas from within the region of origin, or even at facilities created in refugee camps, and thus discourage them from undertaking the dangerous onward journey to Europe. On the other hand, by removing the deterrence factor of the harsh journey to Europe, a much larger number of Eritreans may be encouraged to leave their country. Furthermore, given the scale of current flows, if external processing capacity could not meet demand, the use of smugglers to facilitate further travel is likely to continue.

Although some steps have been made toward increased protection in recent years, approaches to safeguarding the rights of Eritrean migrants and refugees remain highly uneven. Until Eritrean migrants see opportunities in countries of first asylum or reliable options for legal migration, many will continue to move clandestinely on, despite the risks.

82 Madeline Garlick, “The Potential and Pitfalls of Extraterritorial Processing of Asylum Claims” (commentary, Migration Policy Institute, March 2015), [www.migrationpolicy.org/news/potential-and-pitfalls-extraterritorial-processing-asylum-claims](http://www.migrationpolicy.org/news/potential-and-pitfalls-extraterritorial-processing-asylum-claims).

83 Faye Hipsman and Doris Meissner, *In-Country Processing in Central America: A Piece of the Puzzle* (Washington, DC: Migration Policy Institute, 2015), [www.migrationpolicy.org/research/country-processing-central-america-piece-puzzle](http://www.migrationpolicy.org/research/country-processing-central-america-piece-puzzle).



## Appendix

Table A-1 provides an overview of the most important international conventions and the ratification status of key countries in the Greater Horn of Africa, North Africa, and Middle East regions.

**Table A-1 International Conventions and Status of Ratification, by Country**

	1951 Convention Relating to the Status of Refugees	1967 Protocol Relating to the Status of Refugees	1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa	1990 International Convention on the Protection of the Rights of All the Migrant Workers and Members of Their Families <sup>(1)</sup>	2000 UN Convention against Trans-national Organized Crime	2000 Protocol against the Smuggling of Migrants by Land, Sea and Air	2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2009 AU Convention on the Protection and Assistance of Internally Displaced People <sup>(2)</sup>
<b>Djibouti</b>	1977 (D)	1977 (D)	2005 (S)		2005 (A)	2005 (A)	2005 (A)	2009 (S) 2015 (R)
<b>Egypt</b>	1981 (A)	1981 (A)	1980 (R)	1993 (A)	2000 (S) 2004 (R)	2005 (A)	2002 (S) 2004 (R)	
<b>Eritrea</b>					2014 (A)		2014 (A)	2012 (S)
<b>Ethiopia</b>	1969 (A)	1969 (A)	1969 (S) 1973 (R)		2000 (S) 2007 (R)	2012 (A)	2012 (A)	2009 (S)
<b>Israel</b>	1954 (R)	1968 (A)	N/A		2000 (S) 2006 (R)		2001 (S) 2008 (R)	N/A
<b>Kenya</b>	1996 (A)	1981 (A)	1969 (S) 1992 (R)		2004 (A)	2005 (A)	2005 (A)	
<b>Libya</b>			1981 (R)	2004 (A)	2001 (S) 2004 (R)	2001 (S) 2004 (R)	2001 (S) 2004 (R)	
<b>Saudi Arabia</b>			N/A		2000 (S) 2005 (R)	2002 (S) 2007 (R)	2002 (S) 2007 (R)	N/A
<b>Somalia<sup>(3)</sup></b>	1978 (A)	1978 (A)	1969 (S)					2009 (S)
<b>South Sudan</b>								2013 (S)
<b>Sudan</b>	1974 (A)	1974 (A)	1969 (S) 1972 (R)		2000 (S) 2004 (R)		2014 (A)	
<b>Tanzania</b>	1964 (A)	1968 (A)	1969 (S) 1975 (R)		2000 (S) 2006 (R)	2000 (S) 2006 (R)	2000 (S) 2006 (R)	2010 (S)
<b>Uganda</b>	1976 (A)	1976 (A)	1969 (S) 1987 (R)	1995 (A)	2000 (S) 2005 (R)	2000 (S)	2000 (A)	2009 (S) 2010 (R)
<b>Yemen</b>	1980 (A)	1980 (A)	N/A		2000 (S) 2010 (R)			N/A



AU = African Union; OAU = Organization of African Unity; UN = United Nations

A = Accession; D = State Succession; R = Ratification; S = Signature (These terms are used as defined in the UN Treaty Collection, "Glossary," accessed August 17, 2016, [https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1\\_en.xml](https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml).)

(1) Also known as the Migrant Workers Convention

(2) Also known as the Kampala Convention

(3) According to the Puntland State of Somalia Constitution, the Puntland government maintains the international conventions and treaties that the pre-1991 Somali Republic convened with foreign governments, provided such conventions are not contradictory to shari'a (Islamic law) or the interests of Puntland. Similarly, according to Article 10 of the Somaliland Constitution, the Somaliland government maintains the same international conventions and treaties as long as they do not conflict with shari'a or the interests of Somaliland.

Sources: UNHCR, "State Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol," updated April 2015, [www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html](http://www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html); African Commission on Human and People's Rights, "Ratification Table: AU Convention Governing Specific Aspects of Refugee Problems in Africa," accessed July 21, 2016, [www.achpr.org/instruments/refugee-convention/ratification/](http://www.achpr.org/instruments/refugee-convention/ratification/); United Nations Treaty Collection, "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families," accessed August 19, 2016, [https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg\\_no=IV-13&src=TREATY](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-13&src=TREATY); United Nations Treaty Collection, "Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime," accessed August 19, 2016, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-b&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-b&chapter=18&clang=en); United Nations Treaty Collection, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime," accessed August 19, 2016, [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-12-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&clang=en); African Union, "List of Countries Which Have Signed, Ratified/Acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)," updated April 1, 2016, [www.au.int/en/sites/default/files/treaties/7796-sl-african\\_union\\_convention\\_for\\_the\\_protection\\_and\\_assistance\\_of\\_internally\\_displaced\\_persons\\_in\\_africa\\_kampala\\_convention\\_11.pdf](http://www.au.int/en/sites/default/files/treaties/7796-sl-african_union_convention_for_the_protection_and_assistance_of_internally_displaced_persons_in_africa_kampala_convention_11.pdf).



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The Migration Policy Institute is a nonprofit, nonpartisan think tank dedicated to the study of the movement of people worldwide. MPI provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic and thoughtful responses to the challenges and opportunities that large-scale migration, whether voluntary or forced, presents to communities and institutions in an increasingly integrated world.

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