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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the High
Commissioner and the Secretary-General****Human rights situation in Eritrea****Report of the Special Rapporteur on the situation of human rights in
Eritrea****Summary*

The present report is submitted pursuant to Human Rights Council resolution 41/1, in which the Council extended the mandate of the Special Rapporteur on the situation of human rights in Eritrea for one year and requested the mandate holder to present a report on the implementation of the mandate to the Council at its forty-fourth session.

As in previous years, the Special Rapporteur was not granted access to Eritrea to conduct in-country visits. The Government of Eritrea remains opposed to engaging in cooperation under the mandate. The Special Rapporteur has continued to monitor the human rights situation in the country by conducting field missions to third countries and by engaging with a broad range of stakeholders.

During the period under review, the Special Rapporteur has found no evidence of a substantial improvement in the situation of human rights in the country. While Eritrea has increased its engagement with regional and international actors throughout the reporting period, this engagement has not yet translated into tangible reforms in human rights. A telling sign is that Eritreans continue to flee the country in large numbers. In the present report, the Special Rapporteur provides an update on the situation of human rights in the country, highlights specific areas of concern and sets out recommendations for the Government of Eritrea for achieving sustainable progress in human rights.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 41/1, in which the Council extended the mandate of the Special Rapporteur on the situation of human rights in Eritrea, Daniela Kravetz, for one year and requested the mandate holder to present a report on the implementation of the mandate to the Council at its forty-fourth session. The report covers the period from 7 May 2019 to 4 May 2020.

2. Since the renewal of her mandate, the Special Rapporteur has continued to endeavour to implement the mandate in an independent, impartial and constructive manner. In the present report, she provides an overview of her main activities, notes relevant regional developments and describes the extent of cooperation of the Government of Eritrea with international human rights and treaty bodies. She also provides an update on the human rights situation in Eritrea, focusing on the five benchmarks and related indicators set out in her previous report (A/HRC/41/53). She concludes with recommendations relating to these benchmarks, aimed at achieving meaningful and lasting progress in human rights.

3. During the period under review, the Special Rapporteur was unable to visit Eritrea. She therefore continued to monitor the human rights situation in Eritrea remotely, by conducting field missions to third countries and by engaging with a broad range of relevant stakeholders, including representatives of United Nations and other international entities, members of the diplomatic corps, government agencies and ministries in various countries, civil society organizations, researchers, academics, local community leaders, representatives of different religious congregations, members of the Eritrean diaspora and private citizens. She draws on the findings of her missions and on the information received in interviews and meetings conducted throughout the reporting period.

II. Activities

4. During the reporting period, the Special Rapporteur undertook five missions. In November 2019, at the invitation of Members of the European Parliament, she participated in a seminar in Brussels focused on the prospects for improving the human rights situation in Eritrea, in particular the situation of journalists. In January 2020, she travelled to New York to participate in meetings with members of the diplomatic corps, representatives of various United Nations entities and civil society. In February 2020, she participated in the interactive dialogue on the situation of human rights in Eritrea held during the forty-third session of the Human Rights Council. She also held bilateral meetings with representatives of various international agencies, and members of the diplomatic corps, the Eritrean diaspora and civil society organizations in Geneva. In early March, the Special Rapporteur travelled to Norway to meet with various stakeholders and discuss the human rights situation in Eritrea and protection issues affecting Eritrean refugees and asylum seekers. During that mission, she met with officials from the Norwegian Ministry of Foreign Affairs, the Norwegian Ministry of Justice and Public Security and the Norwegian Parliament, as well as with members of civil society organizations and the Eritrean diaspora. Also in March, upon the invitation of the Regional Office for Europe of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Rapporteur participated in a public briefing on the situation of human rights in Eritrea at the United Nations House in Brussels. During that mission, she also met with representatives of the European Commission Directorate-General for International Cooperation and Development, officials from the European Union External Action Service, the European Union Special Representative for Human Rights and his team, and with various civil society organizations.

5. The Special Rapporteur appreciates the cooperation provided by the Governments of Belgium, Norway, Switzerland and the United States of America during her missions. She also appreciates the support provided by OHCHR for her activities in Brussels, Geneva and New York.

6. During the reporting period, the Special Rapporteur made several attempts to visit the broader East Africa region. On 16 September 2019, she sent a reminder to the Government of Ethiopia referring to its lack of response to her request, dated 24 January 2019, for a country visit. To date, the Government of Ethiopia has not responded to either correspondence. The Special Rapporteur also received no response to her requests for

country visits sent to the Sudan, on 16 September 2019, and to Kenya and Uganda, on 15 November 2019. The Permanent Mission of Egypt verbally communicated the refusal of Egypt to grant the Special Rapporteur's request for a country visit, sent on 15 November 2019.

III. Regional developments

7. During the period under review, Eritrea strengthened its engagement and cooperation with regional and international actors.

8. On 18 October 2019, Djibouti, Eritrea, Ethiopia, Kenya and Somalia launched an initiative to forge economic integration and regional cooperation in the Horn of Africa, which was formalized during the annual meetings of the Boards of Governors of the World Bank Group and the International Monetary Fund in Washington, D.C. The five countries agreed on priority projects and programmes to be developed with support of the African Development Bank, the World Bank and the European Union.

9. In early January 2020, Eritrea participated in the establishment of a new regional council, launched in Riyadh, comprised of eight Arab and African States bordering the Red Sea and the Gulf of Aden.¹ The initiative is aimed at improving cooperation and coordination on maritime security issues.

10. On 27 January 2020, the Heads of State and Government of Eritrea, Ethiopia and Somalia met in Asmara to discuss progress in their tripartite cooperation, as well as developments in the Horn of Africa region. They adopted a joint plan of action for 2020 to consolidate peace, stability and security and promote economic and social development.

11. While the leaders of Eritrea and Ethiopia have held various rounds of bilateral talks both in Addis Ababa and in Asmara, progress towards full normalization of relations has been slow. At the time of writing, Eritrea and Ethiopia have yet to adopt a bilateral framework to institutionalize their July 2018 peace agreement. Since April 2019, all the border crossings have remained closed on the Eritrean side, pending the negotiation of a trade agreement between both countries. Flights still connect the two countries, and people continue to find ways to cross the land borders informally. However, the closure of the borders has reduced the influx of goods from Ethiopia into Eritrea. Growing tensions between the regional authorities of the Ethiopian Tigray region, bordering Eritrea, and the authorities in Asmara have highlighted the practical complexities of operationalizing the peace agreement on the ground, and have put into question the feasibility of moving forward with the resolution of the countries' long-standing border dispute. In January 2020, there were reports of a reinforcement of border security along the Eritrean border with the Tigray region.

12. The tensions between Djibouti and Eritrea over a 2008 border dispute remain unresolved. Eritrea has yet to release information about Djiboutian prisoners of war who have been unaccounted for since the June 2008 clashes between the two countries. In his update of August 2019, the Secretary-General reported that the positions of Djibouti and Eritrea on these issues remained divergent (S/2019/627).

13. Eritrea has yet to resume its participation in the Intergovernmental Authority on Development, the main regional body for the Horn of Africa. In November 2019, Ethiopia ceded the rotating chair to the Sudan.

IV. Cooperation with the Special Rapporteur and engagement with international human rights bodies

14. During the period under review, Eritrea had a mixed record of cooperation and engagement with international human rights bodies and mechanisms.

¹ The other members are Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, the Sudan and Yemen.

15. The Eritrean authorities maintained their opposition to the mandate of the Special Rapporteur. Since March 2019, the Special Rapporteur's various requests to meet with Eritrean officials have gone unanswered.

16. The engagement of Eritrea with OHCHR has not progressed. In March 2019, OHCHR offered to assist the Government in the implementation of the universal periodic review recommendations Eritrea had accepted in January 2019. In a letter dated 6 November 2019, OHCHR also offered technical assistance in three priority areas identified by the Government, namely, strengthening the judiciary, improving the human rights of persons with disabilities and improving the enjoyment of the rights to water and sanitation. At the time of writing, the Eritrean authorities have yet to respond.

17. Eritrea has engaged with other human rights mechanisms. In February 2020, Eritrea participated in the seventy-fifth session of the Committee on the Elimination of Discrimination against Women, during which the Committee considered the State's sixth periodic report on its implementation of the Convention (CEDAW/C/ERI/6) and adopted concluding observations thereon (CEDAW/C/ERI/CO/6). Also in February, Eritrea participated in the forty-third session of the Human Rights Council, in Geneva.

18. The Special Rapporteur encourages the Government of Eritrea to increase its cooperation with OHCHR and with United Nations human rights mechanisms and special procedure mandate holders. She notes that the Special Rapporteur on the rights to freedom of peaceful assembly and of association requested a country visit on 26 March 2020 and is awaiting a response.

19. The Special Rapporteur also encourages the Government to strengthen its cooperation with the African Commission on Human and Peoples' Rights and invite the Commission's Special Rapporteur on the Rights of Women in Africa to conduct a country visit. Increased cooperation with and access for international and regional human rights bodies and mechanisms would represent a concrete sign of the commitment of Eritrea to improving the human rights situation.

V. Benchmarks for progress in improving the situation of human rights

20. During the period under review, the Special Rapporteur has continued to monitor the five benchmarks for progress in human rights and related indicators set out in her previous report (A/HRC/41/53, paras. 78–82). These benchmarks represent minimum human rights standards required to address the human rights concerns identified by the Special Rapporteur, and are aimed at assisting the Government in developing its human rights agenda. As described in the present section, the Special Rapporteur has seen no evidence of a tangible improvement in the human situation in the country. She remains deeply concerned by widespread human rights violations, in particular regarding the civil and political rights of Eritreans.

21. On 14 January 2020, the Special Rapporteur sent a letter requesting input from the Eritrean authorities on the progress made in relation to the benchmarks, but received no response. She regrets that despite her attempts to engage in constructive dialogue with the Eritrean authorities, they have taken no action in relation to the issues raised in the present report.

A. Benchmark 1: improvement in the promotion of the rule of law and strengthening of national justice and law enforcement institutions

22. The Special Rapporteur welcomes the initial efforts undertaken by the Government of Eritrea to reform its justice system and police force. She takes note of its efforts to promote the efficiency of its court system by digitizing the courts' activities (A/HRC/41/14, para. 20). She also welcomes the partnership framework formalized in July 2019 between the Government and the United Nations Office on Drugs and Crime, aimed at crime prevention and criminal justice reform, the strengthening of the administration of justice and prison reform, and combating transnational crime.

23. The Special Rapporteur stresses the importance for Eritrea of adopting a constitution and reconvening the National Assembly as critical steps towards advancing the rule of law and building the country's human rights agenda. The Special Rapporteur urges the Eritrean authorities, as a matter of priority, to expedite the drafting of the country's constitution in a transparent and participatory manner. She reiterates her appeal to provisionally implement the 1997 Constitution until a new constitution is adopted, reinstate the National Assembly, and ensure that human rights are mainstreamed in the domestic legal system (A/HRC/41/53, paras. 34–35).

24. The Special Rapporteur remains concerned about the use of the practices of indefinite and arbitrary detention and enforced disappearance to suppress dissent, punish perceived opponents and restrict civil liberties. These practices significantly undermine progress in the rule of law. Scores of individuals continue to disappear in the Eritrean prison system. Basic due process rights are not guaranteed for all persons in custody, as many are not allowed access to legal counsel, judicial review, family visits or medical attention. As described in the present report, during the reporting period, the Special Rapporteur received numerous reports of arbitrary arrests that targeted, among others, practitioners of various religious congregations, persons suspected of opposing the Government, and members of marginalized ethnic communities. In one incident in late November, security forces reportedly arrested at least 20 Muslim men in Mendefera and in neighbouring localities. Those arrested included local businessmen, religious teachers and community leaders. Many of these men remain unaccounted for, and the reasons for the arrests are not known.

25. The Special Rapporteur welcomes the release of Almaz Habtemariam in August 2019, but remains concerned about the fate of her husband, Berhane Abrehe Kidane, a former finance minister, who is in his seventies and in poor health. He has been held incommunicado at an undisclosed location since September 2018, after publishing a book critical of the Government. In October 2018, the African Commission on Human and Peoples' Rights issued provisional measures regarding Mr. Abrehe's detention, which the Eritrean authorities have not complied with.²

26. The Special Rapporteur deplores the indefinite detention of Ciham Ali Abdu, a national of both Eritrea and the United States and the daughter of a former information minister, who has been held incommunicado since the age of 15. She was arrested in December 2012 as she tried to cross into the Sudan, shortly after her father requested asylum in a third country, and has not been heard from since.

27. The Special Rapporteur recalls that this September will mark the nineteenth year of incommunicado detention of a group of former Eritrean politicians, known as the "G11", and of at least 16 journalists, including Dawit Isaak, a national of both Sweden and Eritrea, imprisoned without trial since September 2001. The authorities have provided no information about their fate and whereabouts and have not complied with the decisions of the African Commission on Human and Peoples' Rights regarding these cases.³

28. Strengthening the national justice system to respect human rights requires reforming the prison system in Eritrea and training the police force. Prisoners continue to die in Eritrean prisons due to inhumane prison conditions. Relatives are often provided no explanation or information about the circumstances of death and no investigation into such deaths is carried out. In some instances, the police use excessive force during arrests. For example, in one incident in early February 2020, armed police reportedly shot dead 27-year-old Shewit Yakob Gebretensae on the street in Mendefera as he tried to escape arrest. According to reports, he had abandoned his national service duties without permission, in order to support his family.

29. The Special Rapporteur reiterates her appeal to the Government of Eritrea to put an end to the practices of arbitrary arrest and prolonged detention, to release or bring to court all persons detained without charge and to comply with its international obligations on the

² The measures were issued in connection with *Abrehe Kidane v. Eritrea*, communication No. 704/18.

³ *Zegveld and Ephrem v. Eritrea*, communication No. 250/02, decision, November 2003; *Article 19 v. Eritrea*, communication No. 275/2003, decision, 2007; and *Isaak v. Eritrea*, communication No. 428/12, decision, February 2016.

treatment of detainees. She also reiterates her prior recommendations to the Government regarding basic due process measures for those in custody (A/HRC/41/53, para. 23).

30. In early April 2020, amid the coronavirus disease (COVID-19) pandemic, the Special Rapporteur urged the authorities to release those held without legal basis and low-risk offenders because of the risk of the disease spreading inside the country's overcrowded prison system. However, at the time of writing, the authorities have not yet implemented this measure.

31. The Special Rapporteur encourages the Government to continue working with its international partners to implement the recommendations on national justice and law enforcement reform accepted during the third universal periodic review cycle.⁴ She also encourages the Government to set up an independent national mechanism, such as a national human rights institution, to report on and follow-up on recommendations accepted during the universal periodic review, as well as to promote and protect human rights, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

B. Benchmark 2: demonstrated commitment to introducing reforms to the national/military service

32. The open-ended national/military service remains in place in Eritrea. Last year, in the context of the twenty-fifth anniversary of the Sawa military camp, the Eritrean authorities referred to upcoming reforms in the duration of the national/military service. The Eritrean authorities also announced a new remuneration scheme and an increase in the salaries of the civil service and of new conscripts. The Special Rapporteur has, however, found no indication of an improvement in conditions compared to previous years (A/HRC/41/53, paras. 28–29). She has also found no indication of a reduction in the duration of the national/military service for those who have already served more than 18 months, or any changes regarding exemptions from conscription.

33. In April 2020, during the COVID-19 pandemic, various international appeals were made to the Eritrean authorities to release students at the Sawa military camp and allow them to return home to avoid the spread of the disease. However, the authorities did not heed the appeals.

34. As in previous years, the national service remains one of the main drivers of migration from Eritrea. According to various sources, in the second half of 2019, national/military service conscripts represented approximately 30 to 40 per cent of Eritreans crossing into Ethiopia.⁵ While many of those fleeing are young men, older recruits also desert from national service duties.⁶ Additionally, minors continue to leave the country to avoid military conscription.⁷ The country's top athletes are also forced to take part in the national service and, over the years, many have sought asylum abroad to escape indefinite conscription. According to reports, in October 2019, four Eritrean football players sought asylum in Uganda during the Council of East and Central Africa Football Association Under-20 Challenge Cup and, in December, seven more players sought asylum in Uganda during the Council's Senior Challenge Cup.

35. Over the reporting period, the Eritrean authorities have justified the national/military service programme, stating that demobilization can begin only once job opportunities are created for conscripts. They have also referred to the tensions with the Ethiopian Tigray region as a reason to maintain the national/military service. There are however immediate measures that the authorities can take to improve the conditions for conscripts.

⁴ See A/HRC/41/14, recommendations contained in paragraphs 131.151, 131.163–131.164 and 131.170–131.175.

⁵ This is a conservative estimate. Several sources indicated that the percentage was higher.

⁶ During the latter part of 2019, the number of older recruits deserting from national service duties reportedly increased. In early 2020, some sources reported that male family members in their late 50s and early 60s had recently been called back to national service duties.

⁷ See paragraph 69 below. Several persons interviewed had paid smugglers to get children in their families out of the country, in order to avoid mandatory conscription.

36. First, the Eritrean authorities should stop forcibly rounding up young people for conscription. According to reports, the authorities round up young people to ensure that they report to the Sawa military camp for national/military service training. During the months of July and August 2019, the round-ups of young people reportedly intensified in and around Asmara and in the western highlands, south of Keren. Similar round-ups were reported in and around Asmara in January and February 2020. This method of forcibly recruiting young people is contributing to their migration out of the country.

37. Second, the Eritrean authorities should separate high-school education from military conscription and stop using the education system to recruit new conscripts. Under article 11 of the African Charter on the Rights and Welfare of the Child, every child has the right to receive education that promotes the development of his or her personality, and the preservation of African values; the right to education is also protected under article 17 of the African Charter on Human and Peoples' Rights.⁸ In its 2018 observations on Eritrea, the African Commission on Human and Peoples' Rights found that the Government's policy mandating the participation of all secondary students at the Sawa military camp was an obstacle to the realization of the right to education and recommended a revision of the policy.⁹ The African Committee of Experts on the Rights and Welfare of the Child made similar recommendations in 2017.¹⁰ Echoing these recommendations, the Special Rapporteur urges the Government to allow students to choose their education institution, including for their final year of high school. She further encourages the Government to seek technical assistance to strengthen teacher capacity outside the context of the national/military service.

38. Third, the Eritrean authorities should put in place an independent mechanism to monitor, investigate and prevent abuses against conscripts. In particular, the mechanism should look into reports that conscripts are subjected to ill-treatment, physical and verbal abuse and strict punishments, as well as reports of sexual harassment, sexual abuse and forced domestic servitude of female conscripts by military officers (A/HRC/41/53, paras. 28–29). At a minimum, the Eritrean authorities should investigate these reports, punish those responsible and deter further abuses.

39. Fourth, the Government should take the steps necessary to prevent forced or exploitative labour, in particular child labour, within the context of the national/military service.¹¹ The Special Rapporteur welcomes the ratification by the Government of Eritrea of the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO) on 3 June 2019. She encourages the Government to seek technical assistance to develop a comprehensive plan of action to prevent and combat child labour and economic exploitation in the context of the national/military service.

40. The Special Rapporteur notes that Eritrea has now ratified all eight ILO fundamental conventions, signalling a positive development in the respect of fundamental rights at work. She urges the Government to establish employment and training programmes that guarantee minimum favourable working conditions as an alternative to the national/military service for the economic development of the country.¹² She also encourages the Government to

⁸ See also Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education, para. 57, in which the Committee lists the free choice of education without interference from the State as a minimum core obligation.

⁹ "Concluding observations and recommendations on the initial and combined periodic report of the State of Eritrea on the implementation of the African Charter on Human and Peoples' Rights" (2018), para. 103 and p. 20.

¹⁰ Concluding recommendations on the report of Eritrea on the status of implementation of the African Charter on the Rights and Welfare of the Child (January 2017), paras. 17 and 22. Available at https://acerwc.africa/wp-content/uploads/2018/14/Concluding_%20Observations_%20Eritrea.pdf.

¹¹ See Committee of Experts on the Application of the Conventions and Recommendations of the International Labour Organization, Observation on the Abolition of Forced Labour Convention, 1957 (No. 105), adopted in 2019, and Observation on the Minimum Age Convention, 1973 (No. 138), adopted in 2019. Available at www.ilo.org/dyn/normlex/en/f?p=1000:13201::NO:13201:P13201_COUNTRY_ID:103282.

¹² Respecting the right to work involves guaranteeing decent work, favourable working conditions and fair remuneration. See African Charter on Human and Peoples' Rights, art. 15, and International Covenant on Economic, Social and Cultural Rights, arts. 6 and 7 (a) (i).

seek technical assistance from international partners, including from ILO, to carry out training on labour market reform, income-generating activities and skills training, especially for the younger population.

41. Finally, the Special Rapporteur stresses that international organizations and business enterprises seeking to implement projects in Eritrea must proactively identify, prevent, mitigate and account for the actual and potential adverse human rights impacts of their projects.¹³ In particular, they must put in place mechanisms to adequately monitor that the basic rights of those employed in such projects are respected, the labour force participates on a voluntary basis and workers receive adequate financial compensation. As stated in the February 2020 decision of the Canadian Supreme Court in the *Nevsun Resources Ltd.* case, international entities and companies working in Eritrea have the responsibility to respect human rights and can be held accountable for violations of international human rights law in their operations.¹⁴

C. Benchmark 3: extended efforts to guarantee freedoms of religion, association, expression and the press, and extended efforts to end religious and ethnic discrimination

42. The Special Rapporteur reiterates her concern regarding the severe restrictions imposed by the Eritrean authorities on civil liberties. In the present section, she focuses on three specific areas of concern: (a) the restrictions imposed on religious communities and church-based organizations; (b) the curtailment of the freedoms of association, of expression and of the press; and (c) the marginalization of Afar communities.

1. Restrictions on religious communities and church-based organizations

43. Since May 2019, the Eritrean authorities have carried out a crackdown on non-recognized Christian congregations. The arrests of members of various congregations have disproportionately affected women and children.¹⁵ For example, in May, approximately 140 Christians were reportedly arrested during a private prayer gathering in Asmara, including some 100 women and 30 children. While some of those arrested have since been released, many remain in prison.¹⁶ On 23 June 2019, security forces reportedly arrested about 70 members of the Faith Mission Church of Christ in Keren, including some 35 women and 10 children. Also in June, more than 30 Pentecostal Christians were reportedly arrested during prayer gatherings in various locations in Asmara. On 18 August 2019, security officials reportedly arrested some 80 Christians at a prayer gathering on the outskirts of Asmara, and a further 6 Christians from Keren were reportedly arrested earlier that month. According to various sources, at least 200 members of Christian congregations remain in detention at different prisons and police stations around the country, and some are held at military facilities. Some 40 Christians, including 15 women, are reportedly held at the Dahlak Kebir island prison. The Special Rapporteur has received reports that the conditions of detention are unsanitary and cramped, and that some prisoners are subjected to mistreatment and forced labour. In the first half of 2019, one Christian man died at the Mai Serwa prison and one Christian man died at Dahlak Kebir prison, leaving behind young families.

¹³ See generally, Working Group on Business and Human Rights, “Companion note I to the Working Group’s 2018 report to the General Assembly (A/73/163)” (16 October 2018). Available at www.ohchr.org/Documents/Issues/Business/Session18/CompanionNote1DiligenceReport.pdf.

¹⁴ In November 2014, three Eritreans filed a lawsuit against Nevsun Resources Ltd., a Canadian mining firm, alleging that, as national service conscripts, they had been subjected to forced labour and ill-treatment at the Bisha mine in Eritrea, a mine partially owned by Nevsun. The Canadian Supreme Court ruled that the plaintiffs’ claim could proceed. Supreme Court of Canada, *Nevsun Resources Ltd. v. Araya*, Judgment, 28 February 2020, paras. 129 and 132. Available at <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do>.

¹⁵ Women and children are often the ones who can attend prayer gatherings, as many men have either left the country or are serving in the national/military service.

¹⁶ According to reports, members of non-recognized Christian groups are at times forced to sign a document renouncing their faith prior to their release.

44. As noted above, in November 2019, security forces arrested Muslim men in and around Mendefera. Those arrested included religious teachers and members of local mosques.

45. The former Patriarch of the Eritrean Orthodox Church, Abune Antonios, now 92, remains under house arrest, a measure imposed in January 2007. In mid-June 2019, security forces arrested five Orthodox priests from Debre Bizen monastery, three older than 70, who had expressed support for the former Patriarch. In a statement dated 17 July 2019, a group of Eritrean Orthodox bishops stripped the former Patriarch of all official authority.

46. At present, 52 Jehovah's Witnesses remain at Mai Serwa prison because they are conscientious objectors (A/HRC/41/53, para. 40).¹⁷ Three of them – Paulos Eyasu, Isaac Mogos and Negede Teklemariam – have been held for over 25 years, without charge. Their families have filed an application before the African Commission on Human and Peoples' Rights, which is pending.¹⁸ Conscientious objection to military service is based on the right to freedom of thought, conscience and religion, which is recognized under international law (A/HRC/35/4, para. 5). As noted by the Human Rights Committee, the imprisonment of Jehovah's Witnesses as punishment for refusing military service amounted to arbitrary detention under article 9 of the International Covenant on Civil and Political Rights (*ibid.*, para. 6). Article 8 of the African Charter on Human and Peoples' Rights provides that freedom of conscience is to be guaranteed, using terms similar to those in other international human rights instruments, such as the Covenant. The Special Rapporteur once again calls on the Government of Eritrea to release Jehovah's Witnesses from prison, recognize the right to conscientious objection to military service in law and practice, and allow for a substitute civilian service for conscientious objectors.¹⁹

47. The authorities have imposed restrictions on the activities of the Catholic Church, negatively affecting the rights to health and education of the population. In June 2019, the Eritrean authorities seized 21 health facilities belonging to the Catholic Church.²⁰ The authorities defended this measure indicating that they were enforcing a 1995 regulation²¹ that banned religious institutions from carrying out development activities. However, the authorities decided to enforce the regulation weeks after the Catholic bishops in Eritrea issued a pastoral letter calling on the authorities to adopt a comprehensive truth and reconciliation plan, promote dialogue and implement reforms to prevent further mass departures from the country. Most health facilities were located inside religious houses, and in some instances, security forces removed church staff by force and ordered patients to vacate the facilities. Many facilities provided services to remote, rural communities, including essential services aimed at reducing mother and infant malnutrition and mortality rates. In September 2019, the authorities seized three secondary schools run by the Catholic Church.²² Some of the Catholic health facilities and schools have since reopened under government control and are being run at a more limited capacity with less trained, national service personnel.

48. On 22 February 2020, Catholic Cardinal Berhaneyesus Demerew, of Ethiopia, and his delegation were prevented from attending the jubilee of the Cathedral of Mary Kidane Mehret in Asmara. The delegation was held overnight at the Asmara airport, despite having appropriate entry visas, and was forced to return to Ethiopia the next day.

¹⁷ Between 2011 and 2018, four other Jehovah's Witnesses died in prison.

¹⁸ *Three Jehovah's Witnesses v. Eritrea*, communication 716/19.

¹⁹ The Human Rights Committee has recognized that the right to conscientious objection derives from article 18 of the Covenant. It has noted that alternative service should be compatible with the convictions on which the conscientious objection is based. See CCPR/CO/79/RUS, para. 17, and general comment No. 22 (1993) on the right to freedom of thought, conscience and religion. See also OHCHR, *Conscientious Objection to Military Service* (United Nations publication, Sales No. E.12.XIV.3).

²⁰ The facilities seized include three community hospitals, three health centres and 15 health stations. The authorities had previously seized eight Catholic Church health facilities, in 2017.

²¹ Proclamation No. 73/1995 of 15 July 1995.

²² The schools were located in Massawa, in Keren and near Mendefera. The authorities also indicated their intention to seize several schools run by other religious congregations.

49. Other church-based organizations have also faced restrictions. For example, in January 2020, Finn Church Aid, a development non-governmental organization, ceased its operations in Eritrea. It was supporting a programme aimed at building teacher capacity, which is now on hold due to the lack of necessary support from the authorities and slow implementation.

50. The Special Rapporteur urges the Government of Eritrea to take the measures necessary, pursuant to its international obligations,²³ to improve the protection of religious and faith-based communities and ensure their protection by ending interference in religious practice and releasing all prisoners detained for their religious convictions and religious practices. The Special Rapporteur also calls on the Government to ease the restrictions for charity and church-based organizations to operate in the country, allowing them to resume their development activities. The Special Rapporteur further urges the Government to provide viable options for religious communities that do not have a recognized status and ensure that these communities are able to register and practice their faith without discrimination.

2. Curtailment of the freedoms of association, of expression and of the press

51. There has been no improvement in the working environment for independent human rights defenders, members of the political opposition and independent journalists. There is no space for independent civil society in Eritrea.

52. Since May 2019, the Eritrean authorities have tightened their restrictions on the right to assembly. The wave of arrests of non-recognized Christian congregations during prayer gatherings, described above, illustrates this. These individuals were arrested not only because of their faith but also because they gathered without government authorization. Persons arrested for assembling without government approval often face prolonged detention. For example, many Muslims arrested in March 2018 at the funeral of Haji Musa Mohamednur, the former chairman of Al-Diaa Islamic School in Asmara, remain in prison. Some have died in custody.²⁴ In mid-June 2019, Said Mohammed, a Muslim man in his thirties who was arrested at this funeral, died in prison after he was reportedly tortured and denied proper medical attention.

53. The Special Rapporteur urges the Government to take concrete measures to ensure full respect for the rights to freedom of expression, peaceful assembly and association in practice, as well as for the freedoms of the press and the media. She also urges the Government to allow for a safe and enabling environment for independent journalists and human rights defenders.

3. Marginalization of Afar communities

54. The subsistence and livelihood of Afar communities remain under threat in the Dankalia region. The Special Rapporteur has received reports of harassment, arbitrary arrest and disappearance of members of Afar communities. In one incident in November 2019, a naval commander from Marsa Fatuma reportedly instructed the Afar elders of the island communities of Baka, Hawakil, Aluli and their environs, south of Massawa, to gather their belongings and vacate the area because the navy needed to conduct training exercises there. After the elders refused to comply, the naval commander's men reportedly destroyed several fishing boats and arrested five local Afar fishermen, who have since been missing. Around mid-March 2020, naval troops reportedly arrested at least five Afar fishermen who were selling their fish in the port of Massawa, seizing three of their boats. These men are missing. Additionally, over 20 Afar fishermen who went missing in separate incidents in February 2018 and February 2019 remain unaccounted for (A/HRC/41/53, para. 51). These reiterated acts of harassment have instilled fear in coastal Afar communities, prompting many to flee.

²³ See International Covenant on Civil and Political Rights, art. 18, and African Charter on Human and Peoples' Rights, arts. 8 and 11.

²⁴ For example, in January 2019, Haji Ibrahim Younis, a community elder in his seventies, died in prison.

55. The Special Rapporteur has also received information that, since the exploitation of potash resources began in Colluli in 2017, the army has progressively cleared Afar pastoral communities from the area. According to these reports, Afar villagers from several localities around Colluli have gradually lost their means of subsistence, their access to grazing land and their animals. Entire communities have reportedly been displaced. Many of those displaced have crossed into Ethiopia. The Special Rapporteur is following up on these allegations.

56. The Special Rapporteur urges the Government of Eritrea to provide adequate follow-up to the cases of arbitrary arrest and enforced disappearance of members of Afar communities and to hold perpetrators to account. She also calls on the Government to promote the rights of Afar communities and other ethnic minorities through a policy of equitable development and social inclusion, guaranteeing their integration in strategies for economic development and poverty reduction.

D. Benchmark 4: demonstrated commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality

57. The Special Rapporteur takes note of the efforts made by the Government of Eritrea to tackle gender inequalities and gender discrimination. She also takes note of the creation of a national steering committee and a national action plan to coordinate the State's efforts to ban harmful practices, including female genital mutilation, end child marriage and address other forms of gender-based violence. She further notes the Government's commitment to promoting women's participation in all sectors of Eritrean society.

58. To improve the situation of women and girls and make progress towards the fulfilment of the targets of the Sustainable Development Goals relating to gender equality (see Goals 4, 5 and 16),²⁵ several measures are required.

59. First, the Eritrean authorities must adopt a constitutional²⁶ and legislative framework to guarantee the rights of women and address all forms of discrimination and violence against women, in compliance with the State's international obligations.²⁷ The Special Rapporteur encourages the Government to expand and reinforce the rights of women by ratifying and implementing into domestic law the provisions of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), and by harmonizing national law with the Convention on the Elimination of All Forms of Discrimination against Women and acceding to the Optional Protocol to that Convention.

60. The authorities must also conduct a population and health census to obtain updated disaggregated data and baseline information regarding the status of women in Eritrean society. The previous census was conducted in 2010. Through an accurate and robust census, the Eritrean authorities will be able to collect information relevant to programming and policy development to promote gender equality and the rights of women.

61. The Special Rapporteur urges the Eritrean authorities to put an end to the practices of arbitrary arrest and enforced disappearance. She reiterates her concern about reports of women and girls who have been arbitrarily arrested without due process guarantees because of their political views or their faith and those who have disappeared since their arrest. She calls on the Government to release women political prisoners and women imprisoned for practising their faith.

62. In addition, the Special Rapporteur urges the authorities to improve the situation of women in detention and strengthen the independence, professionalism and gender sensitivity of the judiciary at all levels. The Special Rapporteur continues to receive reports that women in detention are held in overcrowded and unhygienic cells, are exposed to

²⁵ See also the African Union Gender Policy adopted in 2009.

²⁶ See paragraph 23 above.

²⁷ Convention on the Elimination of All Forms of Discrimination against Women, in particular arts. 2 and 3, and African Charter on Human and Peoples' Rights, art. 18 (3).

various forms of abuse, including sexual and gender-based violence, and are at times denied necessary medical attention. She expresses her concern about the absence of an independent body to monitor the conditions of detention of women detainees, as well as the lack of free legal aid for women. She reiterates her prior recommendations on improving access to justice for women (A/HRC/41/53, para. 47).

63. The open-ended national/military service programme remains an important impediment to gender equality and has a severe impact on the ability of women and girls to participate in and determine their own life plan.²⁸ It is a root cause for the low school enrolment of girls, girls dropping out of school, early/child marriage, family separation and the migration out of the country of school-aged girls. In the national/military service, women and girls are exposed to sexual and gender-based violence by military officers and other conscripts, who often perpetrate these acts with impunity. The Special Rapporteur reiterates her recommendations regarding reforming the national/military service (see benchmark 2 above).

64. The Special Rapporteur remains concerned by the high number of Eritrean women and girls who are exposed to trafficking in persons and sexual exploitation, in particular by Eritrean-led networks operating in the country and abroad. While the Government has strengthened its efforts to combat human trafficking through police training and regional cooperation, such efforts have yet to translate into an increase in domestic prosecutions. The Special Rapporteur encourages the Government to enact adequate legislation and a comprehensive policy to curb trafficking in persons, in particular of women and girls, promote domestic accountability and protect the rights of victims.

65. Finally, to achieve gender equality and guarantee the rights of women, the authorities must promote an enabling and stable political environment for women's participation in all aspects of Eritrean society. Women are not permitted to independently organize to advocate their interests. The National Union of Eritrean Women is the only sanctioned women's organization, and only women aligned with the ruling People's Front for Democracy and Justice are appointed to government positions. In addition, there is no publicly available national data on the full scope of women's access to land, their participation in the private sector and their access to financial credit and loans to enable these rights to be monitored and enforced adequately. Economic empowerment of women and increased political representation of women will, in the long term, contribute to strengthening the protection of their rights.

E. Benchmark 5: strengthened cooperation with international and regional agencies

66. Eritrea remains a challenging operating environment for international humanitarian organizations, United Nations entities and international donors. Visas restrictions for international staff, in-country movement restrictions and lack of ready access to local communities and project beneficiaries continue to hamper the ability of international agencies to adequately monitor projects and implement their mandates (A/HRC/41/53, para. 62). During the reporting period, several agencies have had to scale down their activities and staff due to the restrictions imposed by the authorities.

67. Eritrea has begun working with certain United Nations entities and international donors to implement specific aspects of its development agenda, including capacity-building and training in various fields, rule of law reform, and infrastructure development. However, the State's engagement with other agencies, such as OHCHR, has stalled (see para. 16 above). Additionally, Eritrea has yet to issue a standing invitation for country visits to the special procedure mandate holders of the Human Rights Council and to the members of the African Commission on Human and Peoples' Rights and its specialized bodies.

68. The Special Rapporteur notes that various international organizations and international donors stand ready to enhance their technical cooperation with the Government of Eritrea on a broad range of issues, including sustainable development, economic reform, and job creation. However, for such cooperation to take place in an

²⁸ See CEDAW/C/ERI/CO/6, para. 10.

effective manner, the Eritrean authorities must lift the access and movement restrictions currently in place for international partners and create an environment conducive to their operation in the country.

VI. Situation of Eritrean migrants and refugees

A. Migrants and refugees on the move

69. In 2019, over 70,000 new Eritrean asylum seekers sought refuge in the Tigray and Afar regions of Ethiopia. The actual numbers of those who left Eritrea last year is estimated to be much higher, as many travelled onwards within Ethiopia or abroad, without registering with Ethiopian border or refugee authorities.²⁹ In the second half of 2019, various sources reported a daily average of 200 to 300 persons crossing into Ethiopia, and similar numbers were reported in the first months of 2020. Those seeking refuge in Ethiopia included national/military service conscripts and women and children seeking family reunification. As of December 2019, approximately 27 per cent of the new arrivals in the northern Tigray region of Ethiopia were unaccompanied and separated children.³⁰ The new influx has significantly strained the registration and reception conditions at the Endabaguna reception centre and at the Barahle and Aysaita camps and increased demands for shelter at other camps, where the available services are insufficient to meet the needs of asylum seekers. At the end of April 2020, the registered Eritrean refugee population in Ethiopia stood at over 172,000.³¹

70. The borders between Eritrea and Ethiopia and the Sudan remained closed during the reporting period. Those seeking to leave the country continue to require an exit visa and some resort to migrant-smuggling networks or “escorts” to cross the border undetected by border security.³²

71. In February 2019, Ethiopia adopted a new refugee proclamation strengthening the rights of refugees (A/HRC/41/53, para. 67). However, as of late January 2020, the Ethiopian authorities began restricting the conditions for Eritrean asylum seekers to register for asylum in the country. At the time of writing, the Ethiopian authorities are applying an individual refugee status determination for Eritreans rather than a prima facie group determination, which had been in place for over a decade, and different categories of vulnerable populations – including Eritrean unaccompanied and separated minors, persons seeking medical care, and persons seeking family reunification – are being screened out during the initial reception and registration process. The conditions for refugee status determination for Eritreans of national/military service age have become more stringent. New arrivals are thus unable to register for asylum and access basic services and shelter at refugee camps.³³ In April, the Special Rapporteur was informed of individual incidents where border and immigration staff at the Endabaguna reception centre and at the Aysaita refugee camp turned Eritrean asylum seekers away and, in some cases, told them to return to Eritrea. Also in April, several hundred recently arrived Eritreans were without shelter and were living on handouts from locals in the Tigray region, as well as in areas around the Aysaita and Barahle camps, in the Afar region in Ethiopia, after being unable to register at the camps. In a letter dated 29 April 2020, the Special Rapporteur urged the Ethiopian authorities to recognize and guarantee the right to access to asylum for Eritreans. She also urged the Ethiopian authorities to set out clear guidelines regarding their asylum procedure,

²⁹ For example, in 2019, there was a steady flow of Eritreans heading from Ethiopia to Uganda. The Special Rapporteur received various testimonies from individuals who reported paying sums ranging between \$2,500 to \$3,500 to smugglers to transport their relatives along that route.

³⁰ In December, an average of 30 unaccompanied and separated children were arriving per day in Tigray. Children account for approximately 44 per cent of the refugee population in that region.

³¹ This represents a significant increase from the end of 2019, when the registered Eritrean refugee population in Ethiopia was roughly 140,000.

³² While some individuals who recently left the country reported that they had used the services of smugglers, others reported that they had made their own way to the Ethiopian border on foot.

³³ The information received indicated that some Eritrean asylum seekers have opted to move onwards to the Sudan or south to Kenya and Uganda.

in compliance with international standards. She stressed that refusing asylum applications and registration at the border can amount to refoulement.

72. In March 2020, the Ethiopian authorities announced the closure of the Hitsats refugee camp in the Tigray region. The camp hosts over 26,000 Eritrean refugees, including approximately 1,600 children. At the time of writing, the Administration for Refugee and Returnee Affairs has put on hold the announced closure of the Hitsats camp due to the COVID-19 pandemic, and the timeline for the closure is unclear. The Special Rapporteur is concerned that those currently settled at Hitsats may be unable to relocate to other camps due to the lack of infrastructure and services. In her letter of 29 April 2020, the Special Rapporteur urged the Ethiopian authorities to involve the refugee communities in the decision-making, to only relocate refugees on a voluntary basis and to not relocate any refugees from any camp until the COVID-19 crisis was resolved.

73. In April 2020, following the decision to temporarily close all land borders to curb the spread of COVID-19, the Administration for Refugee and Returnee Affairs suspended the registration and border screening of asylum seekers. By early April, over 400 Eritrean new arrivals were under a 14-day quarantine at the Endabaguna reception centre.

74. By the end of February 2020, the Sudan was hosting over 122,000 Eritrean refugees and asylum seekers, the majority in camps in Kassala and Gedaref States in the eastern part of the country.³⁴ At the end of 2019, the majority of the new arrivals to those camps were from Eritrea, and this trend is expected to continue in 2020. High numbers of unaccompanied and separated children are among these refugees, although some children opt to move onwards and seek livelihood opportunities elsewhere.

75. The Special Rapporteur notes that Eritrean asylum seekers transiting through Ethiopia, the Sudan and beyond are often forced to rely on migrant-smuggling networks, which exposes them to violence and exploitation. In particular, unaccompanied and separated children travelling along these routes face distinct protection risks, including abuse, sexual exploitation and other forms of gender-based violence, child labour, kidnapping and trafficking in persons.

76. In June 2019, some 1,300 Somali refugees arrived in Ethiopia after the Eritrean authorities closed Umkulu refugee camp, near Massawa. This was the country's only refugee camp and was hosting some 2,100 Somali refugees, most of whom have now left.

77. The Special Rapporteur expresses deep concern for the situation of Eritrean migrants and refugees caught up in the ongoing conflict in Libya. Several thousand Eritrean migrants and refugees are reported to be living in urban areas in Libya, although the actual numbers are estimated to be much higher. Many are held in appalling conditions in warehouses and detention centres.³⁵ The Special Rapporteur has received harrowing accounts of Eritreans who were kidnapped by traffickers and armed elements in Libya and tortured, mistreated and sold to other groups. The Special Rapporteur notes that, in captivity, women, girls and boys are particularly vulnerable to rape, sexual slavery and other forms of gender-based violence by armed elements. The extortion for ransom of Eritrean migrants and refugees in Libya continues to operate through a vast system of money transfers extending across several countries. In some instances, family members living overseas are unable to free their relatives despite making repeated ransom payments.

78. Amid the worsening situation in Libya, on 30 January 2020, the Office of the United Nations High Commissioner for Refugees (UNHCR) suspended its operational work at the gathering and departure facility, which houses migrants and refugees in Tripoli, and started moving dozens of refugees to safer facilities. In September 2019, the Government of Rwanda, UNHCR and the African Union signed a memorandum of understanding to evacuate refugees out of Libya to Rwanda on a voluntary basis.

³⁴ Large numbers of Eritreans have also settled in and around Khartoum.

³⁵ For example, in late 2019, the Dahr-el-Jebel detention centre, south-west of Tripoli, was housing some 500 people, most from Eritrea and Somalia. In 2019, some detention centres housing migrants and refugees were hit by airstrikes and shelling. See, for example, United Nations Support Mission in Libya and OHCHR, "The airstrikes on the Daman building complex, including the Tajoura Detention Centre, 2 July 2019".

79. Since 2018, voluntary humanitarian repatriations have facilitated the return of Eritrean migrants and refugees from Libya to Eritrea. The Special Rapporteur has received information that some of those repatriated from Libya in 2019 have since fled Eritrea for fear of retaliation by the Eritrean authorities. She is following up on allegations that the authorities have penalized several of those who have been repatriated from Libya.

B. Asylum policies applicable to Eritrean asylum seekers

80. A significant number of Eritreans continue to seek asylum in Europe. Between the fourth quarter of 2018 and the fourth quarter of 2019, 12,225 Eritreans sought asylum for the first time in the European Union.³⁶ According to Eurostat, in the fourth quarter of 2019, the highest numbers of those asylum applications were registered in Germany, followed by France, Belgium, Sweden and Denmark.³⁷ In 2019, self-claimed unaccompanied minors represented 8 per cent of Eritrean asylum applicants in 2019.³⁸ The recognition rate for refugee status and subsidiary protection for Eritreans in the European Union was roughly 81 per cent.³⁹

81. In previous reports, the Special Rapporteur has documented changes in the protection policies for Eritrean asylum seekers in several countries (A/HRC/41/53, paras. 73–74). The tightening of asylum regulations applicable to Eritrean asylum seekers remains a concern.

82. Since 2016, the German Federal Office for Migration and Refugees has changed its decision-making practice with regard to Eritrean asylum claims, resulting in Eritrean asylum seekers often only being granted subsidiary protection instead of refugee status.⁴⁰ Some German courts have adopted this practice. For instance, in July 2019, the Higher Administrative Court of Hesse ruled that leaving Eritrea illegally or deserting or evading the national/military service, in themselves, were insufficient grounds for obtaining asylum.⁴¹

83. In Switzerland, Eritrea was the top country of origin of asylum seekers in 2019.⁴² Since 2017, Swiss migration authorities have applied stricter admission criteria in assessing the protection provided to Eritrean asylum seekers (A/HRC/41/53, para. 74). According to official statistics of the State Secretariat for Migration, in 2019, the total recognition rate for asylum for Eritreans was 67.8 per cent,⁴³ and a total of 673 temporary admissions were lifted for Eritreans.⁴⁴ According to data from the State Secretariat for Migration, by late October 2019, 82 temporary admission permits had been revoked during an assessment process carried out in 2018 and 2019, in which some 3,000 cases were examined. The Special Rapporteur is concerned that, while holders of cancelled temporary permits benefit from emergency aid, they no longer have access to education and work and have limited means of subsistence. She is also concerned about the uncertain situation of a large number

³⁶ Eurostat, Statistics Explained, Table 1: First time asylum applicants in the EU-27 by citizenship. Available at the Eurostat web page (<https://ec.europa.eu/eurostat/home?>).

³⁷ Eurostat, Statistics Explained, Table 4: Thirty main citizenships of first-time asylum applicants by destination country in the EU 27, 4th quarter. Available at the Eurostat web page (<https://ec.europa.eu/eurostat/home?>).

³⁸ Self-claimed unaccompanied minors represent the asylum applicants claiming to be below 18 years of age. These figures represent a conservative estimate of the actual proportion of unaccompanied minors seeking asylum. See European Asylum Support Office, “2019 EU asylum trends”, p. 3 and endnote 4. Available at www.easo.europa.eu/sites/default/files/easo-eu-2019-asylum-trends.pdf.

³⁹ The recognition rate varied from 71 to 86 per cent, depending on the country where the asylum decision was issued. *Ibid.*, pp. 1 and 5.

⁴⁰ See www.asyl.net/view/detail/News/rechtsprechung-suebersicht-welcher-schutzstatus-ist-bei-entziehung-vom-nationaldienst-in-eritrea-zu-g/ (in German).

⁴¹ Case 10 A 797/18.A, Judgement, 30 July 2019. Available at: www.rv.hessenrecht.hessen.de/bshe/document/LARE190035777 (in German).

⁴² Switzerland, State Secretariat for Migration, “Statistique en matière d’asile, (31 January 2020)”, p. 4. Available at www.sem.admin.ch/dam/data/sem/publiservice/statistik/asylstatistik/2019/stat-jahr-2019-kommentar-f.pdf.

⁴³ *Ibid.*, p. 18. The rate of recognition for protection was 85.1 per cent.

⁴⁴ *Ibid.*, p. 19.

of Eritrean asylum seekers who have attempted to seek asylum in other European countries, after failing to obtain asylum in Switzerland, but who are now being sent back to Switzerland.⁴⁵ Additionally, the Special Rapporteur notes that, in 2019, the State Secretariat for Migration reported 56 cases of voluntary return of Eritreans to Eritrea.⁴⁶ The Special Rapporteur expresses concern that these voluntary returns could be placing individuals at risk given that their conditions of return cannot be adequately monitored.

84. Finally, the Special Rapporteur stresses the importance for States to take the rehabilitation needs of Eritrean asylum seekers into account in asylum processes, including when applying the Dublin III Regulation.⁴⁷ Many Eritrean asylum seekers lived through traumatic events in Eritrea and along their journey to Europe, in particular those who transited through Libya. While European Union asylum regulations recognize the importance of addressing mental health care needs of asylum seekers, in practice, these needs often go undetected and untreated. A failure to take into account the rehabilitation needs of vulnerable asylum seekers, such as children and victims of torture, sexual violence and human trafficking, may influence their ability to present their claims in a coherent manner. Such failure may also place asylum seekers at risk of irreparable harm. In recent years, unaddressed trauma and fear of deportation have been among factors contributing to cases of suicide of Eritrean asylum seekers in various European countries.

VII. Conclusions and recommendations

85. **Two years on from the peace deal between Eritrea and Ethiopia, the dividends of peace have yet to materialize for the Eritrean people. While Eritrea is engaging more actively in the international and regional scenes, the Eritrean authorities have yet to implement much-needed human rights reforms and open civic space in the country. The changes in regional dynamics have failed to translate into concrete and sustainable progress in human rights in Eritrea.**

86. **In the present report, the Special Rapporteur has highlighted specific areas of concern and provided examples of ongoing human rights violations. Based on the findings above, and guided by international standards, the Sustainable Development Goals, and international law obligations binding on Eritrea, the Special Rapporteur makes the following recommendations to the Government of Eritrea in relation to each benchmark.**

87. **In relation to benchmark 1, the Special Rapporteur recommends that the Government:**

- (a) **Release political prisoners, prisoners of conscience and persons unlawfully and arbitrarily detained;**
- (b) **Ensure that all persons deprived of their liberty are detained only in official places of detention and are provided with all legal safeguards, including access to a lawyer and health care, family visits and prompt judicial review of their detention;**
- (c) **Launch a participatory constitution-drafting process, re-establish the National Assembly and ensure that human rights are mainstreamed in the domestic legal system;**

⁴⁵ These returns are being processed under Regulation No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Dublin III Regulation). See Switzerland, State Secretariat for Migration, Table 7-50: Dublin: requêtes, règlements et transferts par nation du 1.1.2019 au 31.12.2019 (CH-Nati tab). Available at www.sem.admin.ch/dam/data/sem/publiservice/statistik/asylstatistik/2019/12/7-50-Mouv-Dublin-a-f-2019-12.xlsx.

⁴⁶ Switzerland, State Secretariat for Migration, Table 7-30: Processus asile et soutien au retour asile: entrées et sorties par nation du 1.1.2019 au 31.12.2019 (CH-Nati tab). Available at www.sem.admin.ch/dam/data/sem/publiservice/statistik/asylstatistik/2019/12/7-30-Mouv-sejour-Asile-a-f-2019-12.xlsx.

⁴⁷ See, for example, Committee against Torture, *A.N. v. Switzerland* (CAT/C/64/D/742/2016), paras. 8.7–8.8.

(d) Reform the prison system and develop a sustainable foundation for democratic policing and law enforcement, including by providing training to the police and to the judiciary on human rights;

(e) Seek technical assistance to implement accepted universal periodic review recommendations on national justice and rule of law reform;

(f) Establish an independent national human rights institution, in compliance with the Paris Principles, to monitor and report on the implementation of the universal periodic review recommendations, and to protect and promote human rights.

88. In relation to benchmark 2, the Special Rapporteur recommends that the Government:

(a) Cease the forcible round-up of young people for conscription;

(b) Separate high school education from military conscription, allow students to choose their education institution, including for their last year of high school, and strengthen teacher capacity outside the context of the national/military service, through technical assistance;

(c) Put in place an independent mechanism to monitor, investigate and prevent abuses against conscripts, in particular against female conscripts;

(d) Develop a comprehensive plan of action to prevent and combat forced labour and economic exploitation, in particular of children;

(e) Develop a multi-year plan to progressively demobilize conscripts, promote job creation and introduce fair working conditions.

89. In relation to benchmark 3, the Special Rapporteur recommends that the Government:

(a) Improve the protection of religious and faith-based communities, release prisoners of conscience and those detained for their faith or belief, and allow church-based organizations and charities to operate without restrictions;

(b) Take concrete measures to create a safe and enabling environment for independent human rights defenders, journalists and members of the political opposition, and release journalists and civil society activists from prison;

(c) Investigate cases of arbitrary detention and disappearance of members of Afar communities, release those in detention and hold perpetrators to account;

(d) Develop policies for economic integration of and for poverty reduction among ethnic minorities.

90. In relation to benchmark 4, the Special Rapporteur recommends that the Government:

(a) Develop a constitutional and legislative framework to address all forms of discrimination and violence against women and promote the rights of women in all spheres of Eritrean society;

(b) Ratify the Maputo Protocol and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and harmonize national law in compliance with the provisions of these international instruments;

(c) Conduct a population and health census to obtain disaggregated data and baseline information for programming and policy development to promote gender equality and the rights of women;

(d) Release women political prisoners and women imprisoned for their faith;

(e) Increase efforts to tackle human trafficking and sexual exploitation, in particular of women and girls, by enacting appropriate legislation, enhancing accountability efforts, and adopting adequate policies to protect the rights of victims;

(f) Ensure that cases of sexual and gender-based violence against women and girls are promptly and thoroughly investigated and perpetrators are held accountable;

(g) Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

91. In relation to benchmark 5, the Special Rapporteur recommends that the Government:

(a) Lift movement and access restrictions for international agencies in the country;

(b) Issue a standing invitation for country visits to the special procedure mandate holders of the Human Rights Council and to the members of the African Commission on Human and Peoples' Rights;

(c) Develop a multi-year technical cooperation plan with OHCHR on the key priority areas identified by the Government and on the implementation of accepted universal periodic review recommendations.

92. The Special Rapporteur encourages the Government of Eritrea to seek technical assistance from its international partners in the implementation of these recommendations. By adopting concrete measures to implement the recommendations, Eritrea will show its commitment to making progress in relation to the identified benchmarks.

93. The Special Rapporteur will continue to monitor the progress made in relation to the aforementioned benchmarks and will provide an oral update to the Human Rights Council at its forty-fourth session on those issues.
