

**Human Rights Council****Fiftieth session**

13 June–8 July 2022

Agenda item 4

Human rights situations that require the Council's attention**Situation of human rights 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 47/2, 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 fiftieth session.

In the report, the Special Rapporteur describes the human rights situation in Eritrea, with a focus on developments related to the indefinite national/military service, access to justice and the rule of law, and civil and political rights and fundamental freedoms. He also outlines the impacts of the Tigray conflict on the internal human rights situation in Eritrea, addresses violations committed by Eritrean troops in Ethiopia and highlights persisting challenges in the protection of Eritrean refugees. The report concludes with recommendations to the Government of Eritrea and to the international community.

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



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 47/2, 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 fiftieth session. The report covers the period from 29 April 2021 to 22 April 2022.
2. During the reporting period, no tangible progress was made towards solving the ongoing human rights crisis in the country. In fact, the Special Rapporteur has observed a deterioration in the situation in a number of areas. The Eritrean armed forces continued to be involved in serious human rights and humanitarian law violations in the Tigray Region of Ethiopia. The involvement of Eritrea in the war in Ethiopia has also compounded the severe human rights challenges Eritrea faces and reinforced pre-existing patterns of violations.
3. The present report focuses on recent developments on central human rights issues, including the indefinite national/military service, the rule of law, conditions of detention, civil and political rights, violations committed by Eritrean troops in the context of the conflict in Ethiopia and the situation of Eritrean refugees. In his report, the Special Rapporteur details the activities carried out by the mandate, provides an overview of the human rights situation in the country and proposes recommendations to the Government of Eritrea and to the international community.
4. In the report, the Special Rapporteur also considers the level of implementation by Eritrea of the recommendations of human rights mechanisms in the aforementioned areas. He notes that the recommendations of the various human rights mechanisms, including his mandate, the commission of inquiry on human rights in Eritrea and the universal periodic review process, are consistent and reinforce and complement each other.

II. Methodology

5. Owing to the lack of cooperation of the Government of Eritrea, the Special Rapporteur could not conduct a visit to the country to gather first-hand information or exchange with the authorities on the human rights challenges facing the country.
6. The report is based on information gathered and analysed by the Special Rapporteur, including on the basis of remote monitoring; interviews with victims, relatives and witnesses; and information provided by United Nations agencies and other international organizations, members of the diplomatic corps, government agencies and ministries in various countries, experts, academics and civil society and diaspora organizations. The Special Rapporteur refers to official information and data whenever available.
7. The findings presented in the report have been documented and corroborated in strict compliance with the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council and the Manual of Operations for Special Procedure Mandate Holders. The Special Rapporteur exercised due diligence in assessing the reliability of sources, crosschecked and verified the information to determine its validity and carried out an independent and impartial analysis of the evidence collected. The Special Rapporteur sought informed consent from interviewees and took appropriate measures to ensure confidentiality, including the careful selection of the information to be disclosed in order to protect victims and witnesses. A draft report was shared with the Government of Eritrea in order to provide it with an opportunity to comment on the observations and findings of the Special Rapporteur.

III. Activities

8. The Special Rapporteur visited Italy and the Netherlands in December 2021, and Norway and Sweden in March 2022. During the visits, he met with a broad range of stakeholders to discuss the human rights situation in Eritrea and the protection of refugees. The Special Rapporteur expresses his sincere appreciation to the Governments of Italy, the Netherlands, Norway and Sweden for the cooperation and support provided.

9. In September 2021, the Special Rapporteur participated in an interactive dialogue of the Third Committee held during the seventy-sixth session of the General Assembly. In March 2022, he provided an oral update to the Human Rights Council at its forty-ninth session during an interactive dialogue. Due to the coronavirus disease (COVID-19) pandemic, the Special Rapporteur participated in the Council and General Assembly sessions via videoconference.

10. During the reporting period, the Special Rapporteur held numerous meetings with victims' groups, members of the Eritrean diaspora, civil society organizations, members of the diplomatic corps, public officials representing a variety of government institutions, parliamentarians from several national assemblies and representatives of United Nations agencies and other international organizations. The Special Rapporteur continued to advocate for concrete actions to support the advancement of human rights in Eritrea and the protection of Eritrean refugees and asylum seekers globally. He thanks all those who took the time to meet with him and praises their courage and tireless efforts to improve the human rights situation in Eritrea.

11. The requests of the Special Rapporteur to meet with representatives of the Government of Eritrea and to visit the country remain unanswered. On 29 July 2021, the Special Rapporteur also submitted requests to the Governments of Ethiopia and the Sudan to conduct visits to collect information about the situation of Eritrean refugees and discuss issues relevant to his mandate with, among others, government officials, representatives of the Government of Eritrea in Khartoum and Addis Ababa, and representatives of the African Union. The Governments of Ethiopia and the Sudan have yet to provide an official response.

IV. Cooperation and engagement with international and regional human rights mechanisms

12. The Special Rapporteur welcomes the adoption of a new United Nations Sustainable Development Cooperation Framework for Eritrea with a focus on economic, social, cultural and environmental rights. The Cooperation Framework was launched during a high-level visit by United Nations Regional Directors in January 2022. The authorities also invited the Office of the United Nations High Commissioner for Human Rights (OHCHR) to conduct a technical visit in May 2022. While the Special Rapporteur welcomes this renewed cooperation with some agencies and mechanisms of the United Nations system, he stresses that these efforts must be accompanied by tangible improvements in the enjoyment of human rights by Eritreans. The Special Rapporteur emphasizes that fundamental human rights are a prerequisite for economic and social development. As outlined throughout the present report, urgent action is required to address the long-standing and widespread human rights violations in Eritrea.

13. In October 2021, Eritrea was re-elected to serve on the Human Rights Council for the period 2022–2024. The Special Rapporteur notes that, during the reporting period, Eritrea used its Council membership to oppose international scrutiny over violations in the Tigray Region of Ethiopia. In July 2021, Eritrea opposed a Council resolution calling for the withdrawal of Eritrean troops and, in December 2021, it voted against the establishment of an international commission of experts to investigate allegations of human rights and humanitarian law violations in Ethiopia committed by all parties to the conflict.

14. The engagement of Eritrea with the United Nations human rights mechanisms remains limited. While Eritrea actively participated in a third cycle universal periodic review in 2019, the ensuing recommendations, including those accepted by Eritrea,¹ remain largely unimplemented. Most of the recommendations issued by other human rights mechanisms, including by the Human Rights Committee in March 2019 and by the Committee on the Elimination of Discrimination against Women in February 2020, are also yet to be

¹ Eritrea accepted 131 of the 261 recommendations from the third cycle. A full list of recommendations is available from <https://www.ohchr.org/en/hr-bodies/upr/er-index>.

implemented. As of April 2022, Eritrea had not acceded to three core international human rights treaties, and seven optional protocols.²

15. The Special Rapporteur highlights that, as a member of the Human Rights Council, Eritrea should uphold the highest standards in the promotion and protection of human rights, and fully cooperate with the Council, including with its special procedures. He encourages Eritrea to strengthen cooperation and engage in meaningful exchange with the special procedure mandate holders. He also urges the Government to cooperate with the African Commission on Human and Peoples' Rights, and to comply with its decisions regarding the incommunicado detentions of Eritrean journalists and members of the political opposition.³

16. The Special Rapporteur regrets that the Government of Eritrea continues to oppose his mandate, and that he has not yet had the opportunity to visit the country or meet with the authorities. In such circumstances, public claims made by the Government regarding its adherence to human rights norms cannot be reliably verified. The Special Rapporteur hopes that the Government will revisit its current position, initiate dialogue with his mandate and invite him to the country, so that he may observe the situation first-hand and engage with relevant counterparts on the significant human rights challenges facing Eritrea in a constructive and objective manner. The Special Rapporteur will continue to seek opportunities for engagement with the Government of Eritrea.

V. Regional developments

17. During the reporting period, Eritrean forces remained implicated in serious human rights and humanitarian law violations in the Tigray Region of Ethiopia.⁴ After Ethiopia announced the withdrawal of Eritrean forces from Tigray in June 2021, Eritrean troops re-entered the region in August and took positions in northern and western Tigray. The Special Rapporteur continued to receive numerous allegations regarding attacks and killings of civilians, rape, the round up and arbitrary detention of hundreds of Tigrayan civilians, pillage, the abduction and forced return of Eritrean refugees and the blockage of humanitarian assistance.

18. Evidence implicating Eritrean forces in perpetrating human rights violations in Tigray has continued to mount. A joint investigation by the Ethiopian Human Rights Commission and OHCHR found in November 2021 that there were "reasonable grounds" to believe that all parties to the conflict in Ethiopia, including Eritrea, had committed human rights violations, some of which might amount to war crimes and crimes against humanity⁵. In April 2022, Human Rights Watch and Amnesty International published a joint report linking Eritrean forces to mass round-ups of Tigrayan civilians, arbitrary arrests, sexual violence and looting of civilian property.⁶

19. The Special Rapporteur is deeply concerned about the role of Eritrean forces in the obstruction of humanitarian assistance. The main routes into Tigray have been blocked since June 2021, when Tigrayan forces regained control of most of the region, and hostilities spread

² Eritrea has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the two optional protocols to the International Covenant on Civil and Political Rights.

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

⁴ A/HRC/47/21, paras. 14–21.

⁵ Available at <https://digitallibrary.un.org/record/3947207?ln=en>.

⁶ Available at <https://www.hrw.org/report/2022/04/06/we-will-erase-you-land/crimes-against-humanity-and-ethnic-cleansing-ethiopia>.

to the northern and eastern regions of Amhara and Afar. Transporting food and supplies into Tigray was increasingly difficult from June onwards due to continued fighting, looting of humanitarian supplies, lack of fuel and, crucially, a lack of cooperation and obstruction by the warring parties. Ethiopian National Defence Forces and allied forces, including Eritrean forces, reportedly halted humanitarian convoys and commandeered cargo. In November 2021, regional authorities in Afar detained 72 drivers of trucks carrying humanitarian assistance. Since July, Eritrean forces have strategically occupied positions in western Tigray, effectively blocking access routes from the Sudan. As a result, as of 30 November 2021 the United Nations estimated that only 12 per cent of the relief supplies required had managed to reach the region. The situation severely deteriorated in early 2022, when humanitarian actors had no road access to the region for over three months. The Special Rapporteur welcomes the declaration of a humanitarian truce by the Ethiopian Government on 24 March 2022. However, he notes that as of 21 April only 70 trucks containing food and humanitarian supplies had reached the region, a small fraction of the assistance required.

20. In November and August 2021, the United States of America imposed sanctions against the Eritrean Defence Forces, the People's Front for Democracy and Justice, two government-owned entities and three high-profile individuals.⁷ The Special Rapporteur welcomes the issuance of targeted sanctions against specific individuals and institutions for their involvement in human rights violations, including for their role in the ongoing human rights crisis and military conflict in northern Ethiopia.

VI. The national/military service

21. No measures have been taken to reform the national service, as recommended by international human rights mechanisms, including the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the commission of inquiry on human rights in Eritrea and the Special Rapporteur on the situation of human rights in Eritrea.⁸ While Eritrea received 21 recommendations regarding the national service during its third cycle universal periodic review in 2019, they were not accepted by the Government.

22. The indefinite national/military service remains one of the main sources of human rights violations in the country, and the information collected by the Special Rapporteur points to a marked deterioration in the situation. The Special Rapporteur continued to receive reports of grave human rights violations linked to the national/military service, including abusive conditions, severe punishments and inhuman or degrading treatment, sexual harassment and violence against female conscripts, and the use of conscripts in forced labour. The right to conscientious objection is not recognized in Eritrea, and deserters and draft evaders are subjected to severe punishment, including arbitrary detention, torture and inhuman or degrading treatment, and extrajudicial killings.

23. The Government of Eritrea has stated that the national service does not require reform,⁹ as the National Service Proclamation stipulates that the programme has a duration of 18 months. However, in practice, since 1998 the authorities have created a permanent state of general mobilization, extending the statutory period indefinitely. The Special Rapporteur heard from relatives of Eritreans who had not been released from conscription for over 20 years. For two decades, the authorities maintained that the "no war, no peace"¹⁰ situation with

⁷ In November 2021, the United States sanctioned the Eritrean Defence Forces, the People's Front for Democracy and Justice (the ruling party), Hidri Trust (a holding company for enterprises owned by the People's Front), Red Sea Trading Corporation, Abraha Kassa Nemariam (head of the National Security) and Hagos Ghebrehwet W Kidan (economic advisor to the People's Front for Democracy and Justice and Chief Executive Officer of the Red Sea Trading Corporation). In August, General Filipos Woldeyohannes, the Chief of Staff of the Eritrean Defence Forces, was also sanctioned.

⁸ [CCPR/C/ERI/CO/1](#), para. 38; [CRC/C/ERI/CO/4](#), para. 48; [CEDAW/C/ERI/CO/6](#), paras. 11, 42 and 52; [A/HRC/29/42](#), paras. 92–93; [A/HRC/32/47](#), para. 121; and [A/HRC/47/21](#), para. 82.

⁹ [A/HRC/47/G/19](#), annex, para. 23.

¹⁰ [A/HRC/32/CRP.1](#), para. 190. Available from <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session29/list-reports>.

Ethiopia justified the high level of militarization of the country and the indefinite extension of the national service.¹¹ While the 2018 peace agreement with Ethiopia brought hopes for reform of the national service programme, it did not lead to demobilization, and no meaningful changes were ever introduced. Further to the involvement of Eritrean forces in the war in Ethiopia, the Government has dismissed calls to reform the national service and justified indefinite conscription as necessary to defend the country against the Tigray People's Liberation Front.

24. Since November 2020, conscripts have been forced to fight in a gruesome war in the Tigray Region of Ethiopia along with the Ethiopian National Defence Forces and allied militias. The families of those forced to fight in Ethiopia have not received any official information about the whereabouts or the fate of their loved ones. The round-up of individuals for the purpose of military conscription ("giffa" in Tigrinya) has dramatically intensified. The Special Rapporteur received specific information about round-ups in Asmara, Segheneyti, Hebo, Akzur, Adi Kotsi, Degra, Adengefom and Digsu. House-to-house searches without search warrants were also commonplace. Witnesses reported that the authorities often failed to release individuals in possession of the required documentation proving that they were ineligible or had been discharged from the national service.

25. The Special Rapporteur heard testimonies of persons who had recently visited Eritrea. One of them described the fear during the giffas: "There was nobody in the streets of Asmara. My family members, everyone is scared to go out. They were taking the kids. They go home by home and take everyone, only leaving mothers behind. This is happening in all towns and villages. They pick everyone up in the giffa and then sort them out."

26. Another witness reported that during a giffa, every man in his extended family was rounded up: "In my village, they rounded up everyone, it doesn't matter if you are young or old. They detained all the men in my family. They left the women and children behind, on their own to provide for themselves. After a few days, they released the 70-year-old head of the family. He was the only one left to support the women and children, the rest of my relatives were all sent to Tigray."

27. The Special Rapporteur observed a worsening in previously documented patterns of forced conscription of children. Under the National Service Proclamation only men and women over the age of 18 have a duty to serve in the national service. However, every year thousands of secondary school students, the majority of whom are underage, are required to complete their final year and undergo military training at Sawa military camp. Furthermore, during the reporting period, the Special Rapporteur collected numerous testimonies regarding the rounding up of children, with some witness accounts referring to the conscription of children as young as 14 years old. The parents of children who were rounded up were not informed by the authorities.

28. The Special Rapporteur also received information from multiple and credible sources regarding the deployment of Eritrean children in military combat in Tigray. Most of the children deployed were 16 and 17 years old, and reportedly received limited training, ranging from one to six months of military instruction. According to reports received by the Special Rapporteur, a large number of children were allegedly injured or killed during the early stages of the conflict, and dozens sustained grave injuries causing disabilities.

29. The authorities also filled the ranks of the army with conscripted Eritrean refugees whom the army had kidnapped and forcefully returned from Tigray (see para. 69 below).¹² This includes refugees who were forcefully taken back to Eritrea in November-December 2020, when the Hitsats and Shimelba refugee camps were destroyed. According to witness statements, Eritrean refugees were initially detained while their profiles were assessed by the authorities. Women with young children and older men were released after several days, while an unknown number of single women and men considered to be of fighting age were

¹¹ Ibid., para. 24. On 21 June 2021, the Ministry of Foreign Affairs stated that "when the then [Tigray People's Liberation Front]-led Government of Ethiopia rejected the final and binding arbitral ruling and continued its policies of occupation and hostility, the government had no option but to prolong the National Service."

¹² A/HRC/47/21, paras. 63, 65 and 68.

allegedly interrogated, kept in detention and forced to go back to fight in Tigray. Newly conscripted refugees were trained together with conscripts rounded up through giffas in training centres such as those in Afabet and Kormenae. They were subsequently deployed to the front.

30. Furthermore, thousands of Eritreans who were undergoing their national service in civil positions have reportedly been redeployed to military functions. Men as old as 70 were also conscripted and forced to undertake policing and security duties while the youth were sent to the frontline.

31. The Special Rapporteur is concerned about the situation of Eritrean conscripts forced to participate in the war in Ethiopia under threat of severe punishment to themselves and their families. As previously documented by the Special Rapporteur and the commission of inquiry on human rights in Eritrea,¹³ draft evaders and deserters are routinely punished with arbitrary detention in highly punitive conditions, and often subjected to torture and inhuman or degrading treatment. During the reporting period, the Special Rapporteur heard accounts of extrajudicial killings of conscripted individuals when they tried to escape from Tigray or from training centres in Eritrea. Witnesses reported that specific enforcement units were tasked with the control of conscripts. He also interviewed individuals whose fathers or mothers had been detained after they absconded, to punish them or coerce them into serving in the military. Failure to respond to a conscription notice by a member of the family results in the denial of food coupons for the entire household.

32. The Special Rapporteur emphasizes the profound impact of the indefinite national service on the enjoyment of a broad range of human rights. The programme systematically denies Eritreans the right to decent work, subjecting thousands to a government-sponsored system of forced labour, working for very little pay, without having any choice in their profession or work location, and under the threat of severe punishment. Conscripts are routinely denied permission to visit their families, often for years, gravely infringing on their right to family life. The meagre compensation provided in the national service is not sufficient to sustain the cost of living, let alone to support a family. Access to other rights, such as to food, health and adequate housing, suffers as a result. Eritreans are trapped in cycles of poverty and vulnerability, depending on food coupons and inadequate government services on the one hand, and remittances from relatives in the diaspora on the other.

33. Indefinite conscription has also affected the morale and motivation of young Eritreans and caused a severe brain drain, as professionals and educated Eritreans continue to flee the country. This situation has generated additional challenges for the quality and availability of basic services, including access to health and education.

34. The right to education continued to be severely affected by the requirement to complete the final year of schooling at Sawa military camp to undergo military training. Students at Sawa are under military command and are subjected to harsh punishments, at times amounting to torture and inhuman or degrading treatment. They are put through a regime of strict training and strenuous work. After their training at Sawa, fewer students attain the marks required to progress onto tertiary education each year. As a result, an ever-smaller number of students make their way to the country's colleges, and an even smaller number graduate. An increase in the number of giffas over the past year, and the perspective of being sent to the frontline, have also aggravated fears of conscription, with witnesses reporting that children as young as 11 or 12 are dropping out of school and going into hiding.

35. The Special Rapporteur continued to receive allegations of the sexual harassment and assault of young women and girls in the context of the national service. The Government continued to turn a blind eye to the complaints made by women; no individuals have been tried or sentenced for perpetrating sexual violence and abuse in the national service. The Special Rapporteur urges Eritrea to implement the recommendations of the Special Rapporteur, the commission of inquiry on human rights in Eritrea and the Committee on the Elimination of Discrimination against Women in this regard,¹⁴ as well as the

¹³ A/HRC/29/CRP.1, paras. 1241–1244.

¹⁴ A/HRC/35/39, paras. 62 and 78; A/HRC/47/21, paras. 81 and 84; A/HRC/29/CRP.1, para. 1534; and CEDAW/C/ERI/CO/6, paras. 23–26.

recommendations the Government accepted from the country's third cycle universal periodic review related to gender equality and the empowerment of women and to protecting women from sexual and gender-based violence, including by holding those responsible accountable.¹⁵

VII. Rule of law and the administration of justice

A. Institutional framework

36. Eritrea has made no progress towards the development of the minimum institutional infrastructure necessary to effectively protect and ensure respect for human rights. The country continued to lack the rule of law, and the Constitution of 1997 has never been implemented. Power is concentrated in the figure of the President. There is no division of powers, and Eritrea lacks a national assembly to develop and enact laws and regulations, and an independent judiciary to ensure the fair and equal enforcement of the law. The Special Rapporteur stresses that the separation of powers between the legislature, the executive and the judiciary branches of government is crucial to ensure access to justice and accountability for human rights violations.

37. The Special Rapporteur cautions that the lack of independent rule-of-law institutions and of the proper administration of justice has far-reaching consequences for the effective protection of human rights in the country. He notes that, in the context of the country's universal periodic review in 2019, the Government agreed to strengthen the administration of justice in the country through the implementation of national laws and institutional capacity-building, and to adopt the necessary measures to guarantee the fight against impunity for human rights violations.¹⁶ However, no progress has been made in this regard. The Special Rapporteur regrets that the Government of Eritrea has not made efforts to tackle impunity and has continued to deny victims access to justice and redress for the human rights violations perpetrated against them.

B. Violations of due process rights

38. The Government continued its policy of detaining individuals perceived as critical of the authorities for prolonged periods in an unlawful and arbitrary manner, without any regard for due process of law. While Eritrea committed to put in place measures to ensure respect for the rights to liberty, security and a fair trial in the context of its universal periodic review in 2019, the Special Rapporteur has not received any information regarding the adoption of such measures.

39. Law enforcement agencies, including the police, the military police and the internal security services, regularly arrested and detained citizens without observing due process guarantees. During the reporting period, the Special Rapporteur received numerous reports of the arrest and detention of draft evaders without any possibility for them to challenge the legality of their detention. The Special Rapporteur also documented cases of "punishment by proxy", in which relatives of draft evaders or of individuals who fled the country were punished with imprisonment in their stead. Other detainees were held without being informed of the reasons for their arrest and without an arrest warrant. These recent incidents reinforce the continuing patterns of human rights violations that had already been previously documented by the Special Rapporteur and the commission of inquiry on human rights in Eritrea.

¹⁵ A/HRC/26/13/Add.1, sect. I.

¹⁶ Ibid.

C. Conditions of detention

40. The Special Rapporteur is concerned about the situation of detainees, many of whom have been held in detention for prolonged periods. Some have developed chronic diseases over time. The health of others has deteriorated due to the appalling detention conditions. Access to medical attention in detention is minimal. Detainees are often not transferred to a hospital until their condition is grave. Referral to hospitals for the treatment of ongoing conditions is rare and takes a long time, despite the serious medical conditions presented by prisoners. The lives of detainees with chronic health problems are endangered because they have very limited or no access to medication or treatment. The Special Rapporteur received information about detainees whose situations had severely deteriorated as a result of lack of medical attention; some died while waiting to receive treatment.

41. The Special Rapporteur remains concerned about the situation of persons who were forcibly disappeared and arbitrarily detained in secret prisons in violation of human rights standards. He has heard testimonies from witnesses, and from detainees who were held in places known as “villas” – secret places of confinement in the middle of towns that cannot be readily identified as prisons or places of detention. Although the number of such secret places cannot be verified due to the complete lack of transparency of the penitentiary system, considering the number of those who have been disappeared it is apparent that this practice continued to be widespread during the reporting period. The Special Rapporteur urges Eritrea to reveal the whereabouts of victims of enforced disappearance, including by informing their relatives of the places where they are detained, developing a transparent and efficient system for the registration of detainees and informing relatives about their state of health and conditions of detention.

42. The Special Rapporteur heard testimonies of victims imprisoned in infamous centres – including Adi Abeto, Eiraero, Adi Qala, Barentu, Gedem, Ghatelay, ai Daga, Me’eter, Prima country and Wi’a – who without exception described inhuman or degrading conditions of detention, namely extreme overcrowding, lack of access to food, water and sanitation, non-existent or inadequate medical attention and occurrences of torture and inhuman or degrading treatment. Eritrea should take all the necessary steps to prevent the violation of the human rights of persons deprived of their liberty, and to protect detainees from torture and other inhuman or degrading treatment by putting in place appropriate monitoring and inspection mechanisms. Eritrea should also ensure that persons deprived of their liberty are treated with humanity and dignity, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

VIII. Civic and democratic space

A. Freedoms of association, expression and opinion

43. Civic space in Eritrea is tightly closed. The systematic repression and silencing of any dissenting voices persists, including through the detention or enforced disappearance of thousands of leaders and members of religious groups, members of the political opposition and sympathizers, activists, journalists and draft evaders. The widespread arbitrary arrest and incommunicado detention of individuals and groups perceived as critical of the authorities continued to instil fear and to effectively suppress freedom of expression and of association in the country.

44. No progress was made towards the representation and free participation of the Eritrean people in the public life of their country. While there are a variety of political opposition groups in the diaspora, the People’s Front for Democracy and Justice continues to be the only authorized party in Eritrea. The Eritrean authorities also attempted to impede the political organization and participation of Eritreans in the diaspora (see para. 60 below).

45. There is still no independent media or reporting from within the country. For over a decade, Eritrea ranked last out of 180 countries in the World Press Freedom Index.¹⁷ The Committee to Protect Journalists also designated Eritrea the most censored country in the world in 2019.¹⁸ Information considered to be sensitive is suppressed, and attempts to document or expose the situation are repressed heavily. A group of 16 journalists, including the Swedish-Eritrean journalist and writer Dawit Isaak, have now been disappeared for over 20 years. They have been held in incommunicado detention in an undisclosed location and without contact with their families. Although they have never been charged with any crimes or brought before a court, they have remained in detention since the authorities shut down all independent media in 2001, making them the longest detained journalists in the world. There is also no information regarding the 11 former members of the Government known as the “G-15” detained in 2001. Several are believed to have died in custody. The Special Rapporteur has continued to urge the authorities to provide information about their whereabouts and state of health.

B. Freedom of religion or belief

46. The Government continued to deny those whose religious affiliation did not match the four government-recognized denominations – Sunni Islam, Eritrean Orthodox, Roman Catholic and Lutheran – the right to exercise their freedom of religion or belief. The authorities also continued to interfere with the practice of recognized faiths, including in the diaspora (see para. 64).

47. Abune Antonios, Patriarch of the Eritrean Orthodox Church, passed away on 9 February 2022 at the age of 94. Patriarch Antonios had been deposed and arrested in January 2006 after he protested the arrest of priests and refused to excommunicate approximately 3,000 members of a Sunday school movement, publicly denouncing government interference in the internal affairs of the church. Abune Antonios was held under house arrest for 16 years; cut off from the outside world and denied the right to participate in religious services and activities. Like thousands of detainees in Eritrea, he was never officially charged with any offences or heard by a judge. He was reportedly denied adequate medical care, despite suffering from diabetes and hypertension. Followers of Patriarch Abune Antonios were also subjected to government pressures. The authorities allowed a funeral and burial to take place on 10 February at Abune Andreas – the monastery where Abune Antonios had been raised since he was five years old. The following morning, 11 of his followers were arrested at a checkpoint as they were leaving the wake. They were released four days later.

48. After a wave of releases of Christian prisoners in 2020 and early 2021, these positive steps were reversed during the reporting period with the arrest of at least 47 Christians. In July 2021, two evangelical Christian pastors in their seventies were arrested and a third was placed under house arrest in Asmara. One of them had previously been detained for five years and released seven years ago. They were reportedly taken to Wengel Mermera interrogation centre, where several other pastors have been imprisoned for years. In September 2021, the authorities also rearrested 15 Christians who had been released from prison in summer 2020 after periods of detention ranging from 5 to 16 years. They were reportedly rearrested following the discovery of a list of Christian contacts and incarcerated in Mai Srwa prison. In March 2022, 29 evangelical Christians (12 men and 17 women) were reportedly arrested in Asmara while they were praying in a private home and also taken to Mai Srwa.

49. Jehovah’s Witnesses face persecution, including denial of citizenship, for their political neutrality and conscientious objection to military service. As of April 2022, 20 Jehovah’s Witnesses (14 men and 6 women) remained imprisoned for their faith. The Special Rapporteur reiterates previous calls to the Government of Eritrea to release those in prison and to provide members of this congregation with the opportunity to participate in a form of civil service that is consistent with their religious beliefs.¹⁹

¹⁷ See <https://rsf.org/en/ranking>.

¹⁸ See <https://cpj.org/2019/09/eritrea-north-korea-turkmenistan-top-most-censored-list/>.

¹⁹ A/HRC/38/50, para. 109; A/HRC/47/21, para. 81; and A/HRC/41/53, para. 40.

50. The Special Rapporteur recalls that the right to freedom of religion is enshrined in article 18 of the International Covenant on Civil and Political Rights and calls on the Government of Eritrea to release those imprisoned for their religious beliefs and to allow all Eritreans to exercise their right to freedom of religion.

IX. Situation of Eritrean refugees and asylum seekers

51. The dismal human rights situation continued to push thousands of Eritreans to flee the country. According to estimates from the Office of the United Nations High Commissioner for Refugees (UNHCR), there are 580,000 Eritrean asylum seekers and refugees globally (16 per cent of the population of Eritrea).²⁰ The overwhelming majority cited the indefinite national service as the principal reason they fled the country.

52. Eritreans are required to obtain an exit visa in order to leave their own country. Leaving Eritrea has also become increasingly difficult due to the ongoing violence in Ethiopia, insecurity in the eastern border area of the Sudan and mass arrests of refugees in the Sudan. As a result, Eritreans continued to resort to smuggling networks, leaving them vulnerable to human trafficking, kidnapping for ransom, sexual violence and abuse.

53. The Special Rapporteur continued to follow developments in a number of host countries. Together with other special procedure mandate holders, he highlighted the risk of refoulement of Eritrean asylum seekers from Egypt.²¹ In April 2022, the mandate holders condemned the deportation by Egypt of at least 68 Eritreans between October 2021 and April 2022.²² Several of those deported have not been seen or heard from since their return to Eritrea, and are believed to be held in incommunicado detention.

54. The Special Rapporteur is concerned about the situation of Eritreans in the Sudan, not least because the country hosts the second largest number of Eritrean refugees globally.²³ Since early February 2022, law enforcement and security forces in the Sudan have targeted Eritrean refugees and asylum seekers, rounding up and arbitrarily detaining hundreds in the capital, Khartoum, and in Kassala near the border with Eritrea. The police arrested those who didn't have identity documents or whose identification or residence permits had expired. It should be noted that the Sudanese immigration authorities have suspended the renewal of documents since the onset of the COVID-19 pandemic; as a result, a large number of Eritreans in the Sudan hold expired documents and permits, with no possibility to renew them.

55. Although the 2015 Refugee Act of the Sudan recognizes refugees' right to work, refugees were arrested at their workplaces and tried under the Sudanese labour law of 1997 for working without a permit. Others were detained due to their lack of valid permits to move outside the refugee camps in Eastern Sudan. On 15 February 2022, around 200 Eritreans were summarily tried by Khartoum Central Criminal Court and given heavy fines of 200,000 Sudanese pounds (approximately \$40).²⁴ As the majority of refugees were unable to pay the fine, they were sent to Al Huda prison for an indefinite period, until relatives or friends managed to pay the fines. Witnesses and vulnerable members of the Eritrean community denounced the practice of the arbitrary detention of Eritrean refugees by Sudanese law enforcement, which they described as "ransom", and the intimidation of Eritrean refugees. The Special Rapporteur urges the Government of the Sudan to halt the arbitrary detention of refugees and to respect their due process rights.

56. The Special Rapporteur is also concerned about the impact on the rights of Eritrean refugees of the encampment policy of the Sudan and restrictions on the freedom of movement

²⁰ According to the National Statistics Office, in 2015 Eritrea had a population of 3.65 million.

²¹ See communication EGY 13/2021, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26812>.

²² See <https://www.ohchr.org/en/press-releases/2022/04/egypt-un-experts-condemn-expulsions-eritrean-asylum-seekers-despite-risks>.

²³ As of April 2022, the country hosted 129,000 Eritrean refugees and asylum seekers.

²⁴ As of August 2021, the minimum wage in the Sudan is 425 Sudanese pounds per month, or less than \$1.

of asylum seekers.²⁵ He notes that refugees face severe difficulties in obtaining work permits, that the support available through the asylum system is very limited and that integration policies, including naturalization, are lacking.

57. The situation of an estimated 5,000 Eritrean refugees who remain stranded in Libya is also of grave concern. In October 2021, a United Nations fact-finding mission found that the widespread and systematic violence perpetrated by State authorities, armed groups and traffickers against migrants in Libya could amount to crimes against humanity.²⁶ During the reporting period, the Special Rapporteur heard harrowing testimonies from Eritreans who had been kidnapped by traffickers and armed groups in Libya, held captive for months and tortured in order to extort large sums from their relatives in the diaspora. The Eritrean women interviewed had been systematically raped.

58. Hundreds of Eritrean refugees, including pregnant women and children, were swept up in raids in Tripoli in early October 2021, amid a crackdown on migrants and refugees. One person was killed, at least fifteen were injured, hundreds were detained and thousands were displaced as a result of the raids.²⁷ Following the raids, hundreds of migrants and asylum seekers camped out in protest in front of UNHCR offices in Tripoli for several months, demanding to be evacuated from Libya. On 10 January security forces and Libyan militias violently evicted them, reportedly beating up and detaining hundreds of people, and burning their makeshift tents.²⁸

59. Eritrean asylum seekers continued to make the deadly journey across the Mediterranean to seek refuge in Europe.²⁹ After a decrease in arrivals in 2020 and the first months of 2021, likely related to restrictions on movement owing to the COVID-19 pandemic and interceptions conducted by the Libyan coast guard, 2,186 Eritreans arrived in Italy between January and November 2021.³⁰

60. The Government of Eritrea made significant efforts to control the activities and community organization of Eritreans in the diaspora, and to hinder their political participation. The authorities of Eritrea also attempted to silence Eritreans abroad, and enforced punishments by proxy whereby the relatives or loved ones of Eritreans in the diaspora were punished for their activities. For example, Ciham Ali Abdu, a national of both Eritrea and the United States and daughter of a former information minister, continues to be held in incommunicado detention. She was 15 years old when she was arrested in 2012 at the border with the Sudan as she attempted to flee Eritrea, shortly after her father requested asylum in a third country. She has not been seen or heard from for almost 10 years. An Eritrean living in a European country expressed his fear of criticizing the authorities publicly: “If I say something, my family in Eritrea could suffer. Then I can never go back to Eritrea.”

61. The Government of Eritrea also continued to finance itself by imposing a mandatory “recovery and rehabilitation tax” on Eritrean refugees and Eritreans in the diaspora of 2 per cent of their global income. Eritrean diplomatic missions coerced Eritrean nationals and individuals of Eritrean descent into paying by conditioning the provision of any consular services to payment and the signature of a “letter of regret”. The tax is also levied on social welfare benefits provided by Western Governments. In several European cities, those who refused to pay were also subjected to harassment, intimidation and marginalization within the community.

62. The Special Rapporteur met with Eritreans who explained their difficult situation: “If I need anything from the Embassy, any documents or services, I have to pay the 2 per cent

²⁵ Sudan has made reservations to the Convention relating to the Status of Refugees with regard to the right of refugees to freedom of movement.

²⁶ A/HRC/48/83, paras. 66–71.

²⁷ United Nations Support Mission in Libya, “Statement of the United Nations Assistant Secretary-General Resident and Humanitarian Coordinator for Libya, Georgette Gagnon”, 2 October 2021. See also S/2022/31, para. 58.

²⁸ See <https://www.nrc.no/news/2022/january/libya-hundreds-detained-in-renewed-crackdown-on-migrants-and-refugees/>.

²⁹ Over 2,000 migrants and asylum seekers drowned attempting to cross the Mediterranean in 2021.

³⁰ Mixed Migration Centre, “Quarterly Mixed Migration Update: East Africa and Yemen – Quarter 4, 2021”, 1 February 2022.

tax and sign the regret form. If I don't, I can't do anything; I can't even bury my mother in Eritrea. If I inherit, my brothers and sisters in Eritrea won't be able to execute the will. We could even lose the land or the house." This exploitative and coercive tax was particularly problematic in instances in which some host country authorities requested Eritrean refugees and asylum seekers to provide documentary evidence in the context of asylum or family reunification requests. In such cases, asylum seekers were left with the difficult choice of approaching the Embassy and paying the tax or jeopardizing important decisions about their migratory status.

63. Eritrean diplomatic missions also carried out collections for the country's COVID-19 response. Eritreans were reportedly told that donating was mandatory, and were pressured and intimidated. There is a complete lack of transparency regarding the use of these funds.

64. Eritrean diaspora churches played an important role in the Government's attempts to assert control over the diaspora. Some government-affiliated churches conducted fundraising and recruitment of supporters for the Young People's Front for Democracy and Justice. Churches were reportedly obligated to pay 10 per cent of their income to the authorities. Members and priests in some congregations in the diaspora were expelled from the church because they refused to exclude Patriarch Antonios from their prayers, and to pay the authorities 10 per cent of the church's income as instructed.

65. The Special Rapporteur notes that, as a result of the human rights violations experienced in their home country and the traumatic experiences endured during their journey, a large proportion of Eritreans arriving in Europe and the United Kingdom of Great Britain and Northern Ireland have physical or mental health needs requiring special attention. Eritreans also face important language barriers and difficulties in navigating the complex migration and administrative systems abroad. In many host countries these factors, coupled with the difficulties they face to obtain a work permit or benefit from family reunification, are driving Eritrean asylum seekers to desperation. The Special Rapporteur is particularly alarmed by the high rates of suicide among young refugees, who face enormous pressures to adapt to a new and radically different setting and to support their families back in Eritrea from an early age. He urges host countries to enhance protection and support for Eritrean asylum seekers and refugees, paying special attention to the situation of unaccompanied minors.

Human rights violations against Eritrean refugees in Ethiopia

66. According to UNHCR, as of March 2022 Ethiopia hosted 159,000 Eritrean refugees, 20,000 fewer than when the conflict in the Tigray Region erupted in November 2020. At that time, there were 96,000 Eritrean refugees estimated to be living in Tigray – 7,818 individuals in host communities, and the rest in four refugee camps in western Tigray: Mai Aini (21,682), Adi Harush (32,168), Shimelba (8,702) and Hitsats (25,248). An additional 54,000 Eritrean refugees were hosted in the Afar Region.³¹

67. As of March 2022, 17 months into the conflict, only an estimated 24,785 Eritrean refugees remain in Tigray and an additional 52,262 in Afar. Eritrean refugees have been caught up between warring groups in the Tigray and Afar Regions and displaced, predominantly to the Amhara Region (at a new refugee site named Alemwach) and Addis Ababa.³² There are also many who remain unaccounted for and their fate is largely unknown. The situation of Eritrean refugees in Ethiopia continued to deteriorate over the reporting period, with an escalation in the violence against them, and fighting spreading to new areas. The Special Rapporteur continued to receive allegations of reprisal attacks, extrajudicial killings, sexual and gender-based violence, kidnappings, arbitrary detention and the looting of refugee camps and property. Eritrean refugees were forcefully returned, detained, punished and forcibly conscripted by the same military forces they had fled from in Eritrea.

³¹ Historical data are available from <https://data2.unhcr.org/>.

³² Ibid.

68. From the onset of the war, Eritrean refugees have been targeted by both sides of the conflict for their perceived affiliation with the other side.³³ On the one hand, Eritrean refugees, many of whom had fled Eritrea for political reasons, have been targeted by Eritrean forces, who have attacked refugee camps, rounded up thousands of refugees and sent them back to Eritrea (see para. 29 above). On the other hand, while Ethiopia, and the Tigray Region specifically, have historically welcomed Eritrean refugees, the abuses committed by Eritrean forces initially fuelled hostility against Eritrean refugees among the Tigrayan population, particularly in mid-2021. While relations have significantly improved in late 2021 and 2022, Tigrayan authorities have continued to regard Eritrean refugees with suspicion, reportedly arresting some refugees and asylum seekers in Shire in June-July 2021. Eritrean refugee camps and settlements have suffered periodic reprisal attacks and looting from unidentified groups of Tigrayans. There have also been reports of the abuse, extortion and arbitrary detention of Eritrean refugees attempting to flee to safety by soldiers of the Ethiopian National Defence Forces and Amhara forces.³⁴ Finally, refugees also told the Special Rapporteur that as many Eritreans speak the Tigrinya language, they are often mistaken for Tigrayans and are discriminated against, harassed or attacked in other regions of Ethiopia.

69. The Special Rapporteur continued to receive allegations regarding violations of the rights of refugees committed by Eritrean forces. Shortly after entering Tigray in November 2020, Eritrean forces occupied the Shimelba and Hitsats refugee camps, where they singled out members of the refugee committee and perceived members of the opposition, kidnapping dozens of individuals and taking them back to Eritrea. They have been forcibly disappeared since. Both Eritrean and Tigrayan forces violated the civilian nature of refugee camps, alternatively occupying the premises and victimizing refugees. According to Human Rights Watch, dozens of refugees were killed as a result of fighting and targeted reprisals by both Eritrean and Tigrayan forces in the Hitsats and Shimelba camps. Eritrean forces destroyed the two camps and forced thousands of refugees to return to Eritrea.³⁵ Some refugees were reportedly lured into returning with promises of amnesty.³⁶ The Special Rapporteur emphasizes that returns made using deception or under duress or through actual or implied threats of violence and ill-treatment cannot be considered “voluntary” and therefore constitute refoulement. Over the following months, a portion of the forcefully returned refugees were detained and punished, conscripted and deployed to the military (see para. 29 above).

70. Refugee camps and settlements hosting Eritrean refugees continued to suffer attacks. On 5 January 2022, Mai Aini camp was hit by a drone strike by the Ethiopian Air Force, killing three refugees – two of them children – and injuring four others. Five refugees were killed and several women were kidnapped when a group of armed men attacked Barahle camp in Afar Region on 3 February 2022.³⁷ On 2 April 2022, six unknown assailants reportedly shot at Eritrean refugees at the Alemwach refugee site. Two refugees were severely injured and six sustained mild to moderate injuries.³⁸ The Special Rapporteur condemns attacks against Eritrean refugees and reiterates his calls for all parties to respect the civilian and humanitarian nature of refugee camps. He stresses the urgent need to ensure the provision of humanitarian assistance and facilitate the evacuation of refugees to safety.

71. Eritrean refugees have also been deeply affected by the severe humanitarian crisis that has ravaged the Tigray Region (see para. 19 above). According to United Nations estimates,

³³ See <https://www.ohchr.org/en/press-releases/2021/08/tigray-conflict-all-combatants-have-obligation-protect-eritrean-refugees-un>.

³⁴ Information obtained from witness interviews. See also Awet T. Weldemichael and others, *Between A Rock and A Hard Place: Eritrean Refugees in Tigray and the Ethiopian Civil War* (International Peace Research Association, 2022).

³⁵ A/HRC/47/21, paras. 66 and 74; and Human Rights Watch, “Ethiopia: Eritrean Refugees Targeted in Tigray”, 16 September 2021. The Eritrean Ministry of Foreign Affairs also confirmed in a press statement on 3 November 2021 that thousands of Eritrean refugees had “returned home”.

³⁶ See Awet T. Weldemichael and others, *Between A Rock and A Hard Place*.

³⁷ See <https://www.unhcr.org/news/briefing/2022/2/620f63574/thousands-eritrean-refugees-displaced-clashes-ethiopia-afar-region.html>.

³⁸ See <https://hrc-eritrea.org/the-dilemma-of-eritrean-refugees-in-alem-wach-camp-in-amhara-region-and-in-mai-aini-and-adi-harush-camps-in-tigray-ethiopia/>.

over 90 per cent of the 5.5 million population of Tigray require humanitarian assistance. As of April 2022, 40 per cent of the population experienced severe food insecurity. Other challenges faced by refugees included a lack of electricity, a lack of access to health and other basic services, the absence of banking services and a communications black out.

72. The situation in the Mai Aini and Adi Harush refugee camps in the Tigray Region continued to deteriorate during the reporting period, as the Mai Tsebri area became the scene of heavy fighting in November 2020 and again in July 2021. Since July 2021, UNHCR and other humanitarian organizations have routinely been cut off from both camps and blocked from delivering humanitarian assistance for weeks or months at a time. This was initially due to the destruction of the only bridge across the Tekeze River providing access to the Mai Aini and Adi Harush camps sometime in June 2021. However, even after the bridge was repaired, the de facto embargo in place since July 2021 has hampered the delivery of aid to the camps throughout the rest of the reporting period. Approximately 25,000 refugees have remained trapped in the camps for months, without adequate access to water, food, medicine and health services. While it remains to be confirmed by further assessments, in March 2022 initial reports from medical sources and other UNHCR stakeholders indicate that since the start of the de facto embargo five refugees have died per month in the camps from preventable causes related to lack of food and medicine. Due to the ever-deteriorating conditions in the camps, an increasing trend in early 2022 is the spontaneous movement of thousands of refugees and asylum seekers towards the Alemwach site, which means crossing the frontline between the warring parties.

73. Violent attacks, the destruction of camps, generalized insecurity and the dire humanitarian situation have forced Eritrean refugees in the Tigray and Afar Regions to flee. Tens of thousands of Eritrean refugees have been further displaced within Ethiopia, some suffering repeated episodes of forced displacement as the violence spreads to other camps and refugee sites. Thousands have been pushed over the border to the Sudan, and along the northern route towards North Africa and Europe, as well as to Kenya and Uganda via Addis Ababa. The Special Rapporteur notes that the heightened vulnerability of Eritrean refugees caught up in the conflict in the Tigray and Afar Regions exposes them to increased risks of human trafficking.

74. The Special Rapporteur welcomes the efforts of the Ethiopian refugees and returnees service and UNHCR to locate and register displaced refugees and provide them with identification. He notes with appreciation the significant efforts made to identify and equip alternative sites for their relocation. However, he regrets that the evacuation of refugees has not been possible due to the pervasive insecurity in the region and the lack of cooperation of the warring parties. He calls on all parties to ensure safe passage for the relocation of Eritrean refugees, as well as ensuring that life-saving services are available for those who remain in the camps. Crucially, in order to alleviate further suffering, the Special Rapporteur calls on all parties to overcome the de facto embargo and increase the humanitarian supply line to Tigray, ensuring adequate provisions enter the region to support refugees and asylum seekers and other affected civilian populations.

X. Conclusions and recommendations

75. **As outlined in the present report, the persistent human rights crisis in Eritrea deepened during the reporting period. The Special Rapporteur identified a number of worrying trends, including:**

- (a) The increased militarization of the country and the continued indefinite conscription of the population;**
- (b) The continued involvement of Eritrea in perpetrating human rights and humanitarian law violations in the context of the conflict in Ethiopia;**
- (c) The continuing involvement of Eritrea in the war in Ethiopia, which has serious ramifications for the internal human rights situation, including the increase in round-ups (giffas), the recruitment of child soldiers and the kidnapping and forced conscription of Eritrean refugees to fight in the conflict;**

- (d) **The continued closure of civic space, which remains hermetically shut, with no possibility for Eritreans to express dissent or participate in decision-making;**
- (e) **The prolonged and arbitrary detention of hundreds of Eritreans for their real or perceived opposition to the Government, which continues to have a chilling effect on dissent and remains a major source of concern that requires international attention;**
- (f) **A reversal of previous positive trends with regard to the treatment of religious groups, with increased pressure being placed on such groups and the detention of 47 Christians;**
- (g) **The systematic use by Eritrea of its membership on the Human Rights Council to oppose scrutiny over human rights violations allegedly committed by the Government, including in the context of the conflict in Ethiopia;**
- (h) **The increased pressure placed by Eritrea on diaspora communities for fundraising purposes, as well as in an attempt to silence critical voices and political opposition;**
- (i) **An increase in ethnic and political tensions in Eritrea and for Eritreans in the diaspora as a result of the rifts opened by the war in Tigray.**

76. **The Special Rapporteur notes that the vast majority of the recommendations made by human rights mechanisms, including the Special Rapporteur, the United Nations High Commissioner for Human Rights and the Committee on the Elimination of Discrimination against Women, as well as the recommendations from the country's universal periodic review in 2019, remain unimplemented. The Special Rapporteur therefore reiterates these recommendations.**

77. **In the present report, the Special Rapporteur identifies specific areas of serious human rights concern requiring urgent and decisive action by the Government of Eritrea. Considering the persistent human rights situation in Eritrea, as well as the continued involvement of the Eritrean armed forces in the conflict in Ethiopia and the resulting impacts on the internal human rights situation, the Special Rapporteur makes the following specific recommendations to the Government of Eritrea and to the international community.**

78. **The Special Rapporteur recommends that the Government of Eritrea:**

- (a) **Put an immediate end to all human rights violations documented by the Special Rapporteur and the commission of inquiry on human rights in Eritrea, including the ongoing violations highlighted in the present report;**
- (b) **Take into consideration the recommendations of international human rights mechanisms, including those expressed in the present and previous reports of the Special Rapporteur and those of the commission of inquiry on human rights in Eritrea, and develop a national action plan for their implementation;**
- (c) **Share substantive information about the concrete efforts it has made to make progress on the human rights crisis facing the country;**
- (d) **Release immediately and unconditionally all those unlawfully and arbitrarily detained, including the 11 members of the G-15, members of the political opposition, journalists, prisoners of conscience and members of religious groups;**
- (e) **End the practices of prolonged, incommunicado and arbitrary detention in secret locations, establish efficient, transparent mechanisms for the registration of detainees and introduce adequate monitoring mechanisms to prevent torture and inhuman or degrading treatment;**
- (f) **Ensure that all detainees are held in official places of detention and are afforded due process rights, including access to a lawyer, family visits and the right to review the legality of their detention;**
- (g) **Investigate promptly allegations of human rights violations in the context of the national/military service, including rape and sexual violence at Sawa military training camp, and bring perpetrators to justice;**

(h) Develop independent rule-of-law institutions, and ensure the administration of justice by independent, qualified professionals, including an independent judiciary, attorney general and review bodies able to operate autonomously from the executive branch;

(i) Take steps towards creating a safe civic space that allows the Eritrean people to participate freely in the conduct of the public affairs of their country;

(j) 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;

(k) Investigate the recruitment of children by the Eritrean armed forces to fight in Tigray and take the necessary steps to prevent the conscription and deployment of child soldiers;

(l) Investigate abductions and forced returns of Eritrean refugees and asylum seekers to Eritrea and their subsequent military conscription;

(m) Investigate the allegations of human rights and humanitarian law violations by Eritrean forces in Ethiopia, and take specific measures to prevent their re-occurrence and to bring perpetrators to justice in an impartial manner and in full respect for fair trial guarantees;

(n) Immediately withdraw Eritrean forces from Ethiopia, and abstain from obstructing the access of humanitarian personnel, food and supplies to the country;

(o) Ensure that protective measures are in place in territories under the effective control of Eritrean troops in Ethiopia, and guarantee respect for international humanitarian and human rights law.

79. The Special Rapporteur recommends that Member States and international organizations:

(a) Keep Eritrea under close scrutiny until consistent and tangible improvements have been made with regard to the human rights situation, and ensure that human rights issues remain at the core of any engagement with the country;

(b) Exercise universal jurisdiction over alleged crimes against humanity and grave human rights violations when an alleged offender is present on the territory of a Member State or extradite him or her to another State in accordance with international obligations;

(c) Urge the Government of Eritrea to end the two-decade-long practice of enforced disappearances, torture, arbitrary and incommunicado detention of political opponents, prisoners of conscience and those detained because of their faith or religion;

(d) Urge the Government of Eritrea to develop and adopt concrete plans to address its significant human rights challenges, with specific actions, timelines and benchmarks, and encourage the Eritrean authorities to consider the benchmarks proposed by the former Special Rapporteur,³⁹ as well as the recommendations of international human rights mechanisms, in the design of its own action plan;

(e) Urge the Government of Eritrea to uphold its obligation as a member of the Human Rights Council to engage with the Council, as well as with its special procedures, and to protect and promote human rights in Eritrea and globally;

(f) Respect the principle of non-refoulement, provide refugee status to Eritrean nationals seeking protection or transiting through a Member State's territory, in accordance with the provisions of international law governing asylum and, in particular, the Convention relating to the Status of Refugees, and enhance support and protection for Eritrean asylum seekers and refugees, paying special attention to the situation of unaccompanied minors;

³⁹ A/HRC/41/53, paras. 78–80.

(g) **Cooperate closely with Eritrean human rights defenders and civil society organizations and support them in their efforts to promote human rights in their own country and to support Eritrean refugees and asylum seekers, and provide access to justice to Eritrean victims of human rights violations.**
