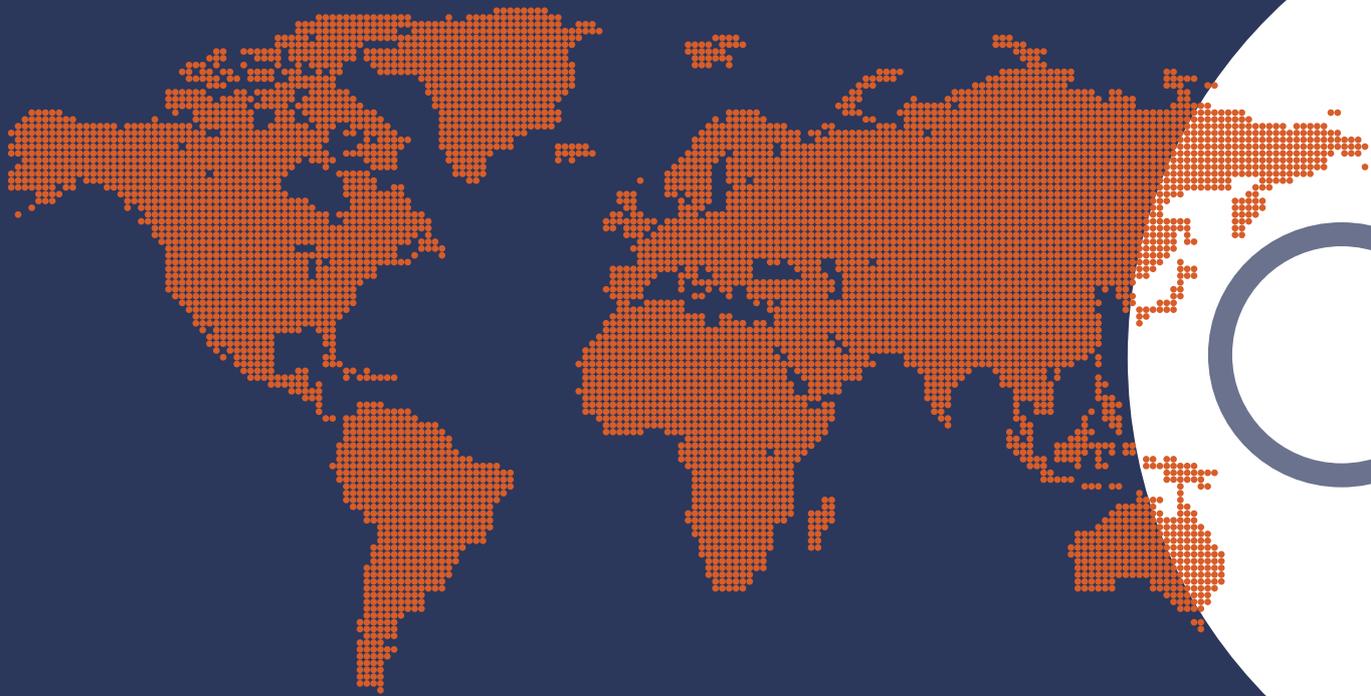


COMPARATIVE ANALYSIS

U.S. Department of State's Country Reports
on Human Rights Practices (2016–2019)

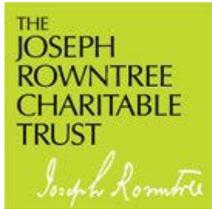


ERITREA

OCTOBER 2020

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Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

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Summary of Findings

This comparative analysis of the U.S. Department of State's *Country Reports on Human Rights Practices* chapters on Eritrea compared the full content of the 2016 edition to the subsequent annual editions covering events in 2017, 2018 and 2019. Each section of the Eritrea chapter was analysed against the following set of criteria:

- Structure of the report: Were sections omitted, renamed, condensed, or new sections proposed;
- Language used: Whether any changes in terminology or semantics were observed when describing human rights issues, including changes in specificity, description of general patterns or number of incidents documented
- Improvements: What improvements in the human rights situations were observed compared to the previous report that were not corroborated by country information available from illustrative sources at the time of publication of the annual reports;
- Omissions: Which human rights issues were omitted compared to the previous report that continued to be documented by other illustrative sources at the time of publication of the annual reports.

Key observations

A. Structure of the report

Length

The 2016 Eritrea report was 26 pages long. This was reduced slightly to 25 pages in the 2017 and 2018 editions and to 23 pages in 2019. The section most notably reduced in 2017 which continued in subsequent editions was 6. *Women* in particular the subsection on *Reproductive Rights* (See [D. Omissions](#) below).

Section headings

All the changes in section headings are presented in detail in [Table 1](#) below.

Numerous changes were made to section headings, with the majority being made from 2016 to 2017 and then replicated in the 2018 and 2019 editions. The most significant changes were:

- Replacing the whole subsection on *Reproductive Rights* included in the 2016 report with a new subsection on *Coercion in Population Control* in the 2017 and subsequent editions, dramatically changing the range of issues addressed in the respective reports (see section on [D. Omissions](#) below for further details).
- Omitting the following subsections and related content from the 2017 report on:
 - *Property restitution*: Thereby omitting information on demolitions and evictions
 - *Public Access to Information*: Thereby omitting information on the government not releasing statistics or information and withholding clearance for information collected by NGOs on the effectiveness of government agencies and programmes

All of the above subsections continued to be omitted from the 2018 edition and all but one from the 2019 report (*Property Restitution* was reinserted).

- Omitting the subsection on *Child Soldiers* from the 2019 report. While most of the content previously contained within this section was moved into *7.c. Prohibition of Child Labor and Minimum Age for Employment*, the following points included in the 2018 edition were omitted from the 2019 report, “living conditions are spartan and health care very basic [at Sawa] and “those who refused to attend and participate in military training were often unable to get a job”. (see sections [C. Improvements](#) and [D. Omissions](#) below for further details).

In one section a heading title was condensed, potentially altering its perceived meaning. The 2016 edition contained the section *2.d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*. In the 2017, 2018 and 2019 reports this was revised to *Freedom of Movement*. Given that this section continued to document issues including access to legal protections and services for refugees, it is considered that the heading no longer fully encompasses all the issues addressed.

B. Language used

The most notable changes to language were observed when comparing the 2016 edition to the 2017 report:

- Two incidences of source attribution were introduced which were repeated in the 2018 edition [bold indicates added text]:
 - ***International nongovernmental organizations (NGOs)** reported that the government committed arbitrary killings with impunity and subjected detainees to harsh and life-threatening prison conditions.*
 - ***According to NGO and UN reports,** security forces tortured and beat army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups.*

This may be read to imply reduced veracity of the issues in that only isolated sources reported on their occurrence, when in fact a range of sources had highlighted these issues.

- The use of distancing language which could be read to undermine the veracity of the issue. For example:
 - *Detention conditions **reportedly** remained harsh, leading to serious health damage and in some instances death*

In the 2018 edition, repeated in 2019 further distancing language was introduced to this issue:

- *Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death, **but the lack of independent access made accurate reporting problematic.***

- Lack of access was also introduced to this excerpt from the UN Commission of Inquiry report in the 2018 edition (but reference to this report was removed from the 2019 edition entirely):
- *In 2015 the COI, which had been denied access to the country, reported sexual violence against women and girls was widespread in military training camps, that the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in training camps amounted to sexual slavery.*

It was also observed that both the 2017 and 2018 editions removed several, but not all excerpts from the UN Commission of Inquiry report.

Furthermore, it was observed that the issue of discrimination against women; the scope of legal prohibitions regarding discrimination against persons living with disabilities; and the incidence of child marriage were all addressed in less detail in the 2017, 2018 and 2019 reports compared to the 2016 report. In addition, the subsection on *Sexual harassment* was condensed in 2019, compared to the 2016, 2017 and 2018 editions (see *D. Omissions* below for further details).

Notable language changes in the *Executive Summary of the U.S. Department of State report*

The 2016 *Executive Summary* identified what it defined as the “three most important human rights abuses” followed by a list of “other abuses”. In comparison, the 2017 report instead provided one list of what it termed “the most significant human rights issues”. The 2018 edition continued to provide one list of issues, termed “human rights issues” and in 2019 the categorisation was slightly amended again to “significant human rights issues”. This is discussed below in section [8. Executive Summary](#).

C. Improvements

Two reported improvements in the situation in 2017 were observed when comparing the situation in 2016 which were not found to be commensurate with the situation as reported by other publicly available sources.

The first was in section 6. *Discrimination, Societal Abuses, and trafficking in Persons*. The 2016 edition included a subsection on *Child Soldiers* which detailed that:

- *Those who refused to attend and participate in military training either hid, fled the country, or were arrested*

This was amended in the 2017 and 2018 editions to indicate less severe implications:

- *Those who refused to attend and participate in military training were often unable to get a job*

This amendment is also inconsistent with information included elsewhere in section 7. *Worker Rights* of the report, which could easily be overlooked. See section [6.2.1](#).

The other improvement noted in the 2017 report was located in section 1. *Respect for the Integrity of the Person*. Whilst the 2016 edition has cited the UN Commission of Inquiry on the practice of extrajudicial executions and arbitrary killings, the 2017 edition added:

- *The UN special rapporteur on the situation of human rights in Eritrea presented her fourth report at the Human Rights Council on June 14. The report did not refer to arbitrary killings; however, a 2015 UN Commission of Inquiry (COI) report, which covered from 1991 through 2015, found that authorities had widely committed extrajudicial executions and arbitrary killings since independence.*

By noting that the UN special rapporteur on the situation of human rights in Eritrea had not referred to arbitrary killings it could be read to understand an improvement in the situation in that the absence of documentation might imply the absence of the practice. However, this point was not representative of the July 2017 Report of the Special Rapporteur on the situation of human rights in Eritrea which noted “None of the interlocutors reported any progress having been made on the overall human rights situation, let alone regarding the key areas identified by the commission of inquiry in its recommendations addressed to the Government of Eritrea, for example in respect of the national/military service, disappearances, extrajudicial executions, rape and sexual violence. As a result, the Special Rapporteur can only conclude that the situation of human rights in Eritrea has not significantly improved”.

The 2018 edition updated this paragraph to reflect 2018 UN reporting, but the 2019 edition then removed any mention of the UN documenting arbitrary killings and noted a further improvement:

- *Contrary to prior years, there were no reports that the government or its agents committed arbitrary or unlawful killings*

This statement was not consistent with the situation as reported by other publicly available sources in 2019. See section [1.2.3](#).

A subtle change in language was observed in the 2018 edition which could be read to indicate an improvement in the situation. The 2016 and 2017 reports noted that:

- *Members of Jehovah’s Witnesses who did not perform military service continued to be unable to obtain official identification documents.*

This language was weakened in the 2018 and 2019 editions to:

- ***Most*** members of Jehovah’s Witnesses who did not perform military service continued to be unable to obtain official identification document

This implies that ‘most’ but not all were unable to obtain official identification document. No information was found from 2018 to indicate the situation had improved. On the contrary, publicly available information continued to document this being an issue for Jehovah’s Witnesses in general. See section [2.2.2](#).

D. Omissions

The majority of omitted issues were observed comparing the 2017 report to the 2016 edition. Twenty two issues documented in the 2016 report were omitted from the 2017 edition despite

publicly available information continuing to document their existence. These issues almost always continued to be omitted from subsequent reports and for the vast majority of issues, information was found to document their continued existence. An additional five omissions were observed in the 2018 report (four of which repeated in 2019) and a further twelve omissions were observed in the 2019 report. In all of these instances publicly available information continued to document the persistent existence of these issues.

In the 2017 report, over half of the omitted issues related to section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*. Most notably, the section *Women- Reproductive Rights* included in the 2016 report was amended to *Coercion in Population Control* in subsequent editions. This had the effect of stripping out the following issues, which continued to be documented by other publicly available sources in the respective years:

- Couples and individuals have the right to decide the number, spacing, and timing of their children, but they often lacked the information, means, and access to do so, free from discrimination, coercion, and violence
- Statistics on contraception use and maternal mortality rates [e.g. in 2016 it was noted that “According to the World Health Organization, the maternal death rate was an estimated 501 maternal deaths per 100,000 live births, and a woman had a lifetime risk of maternal death of one in 43 as of 2015.” In 2018: “Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternalmortality2015/en/]
- Access to government-provided contraception, skilled health-care attendance during pregnancy and childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of spousal or family consent, transport, or awareness of availability

Other omitted information from the subsection on *Women* in the 2017 report, all of which continued to be omitted from subsequent reports, related to:

- Lack of information on the prevalence of rape and its underreporting;
- Incidence of domestic violence and lack of reporting as well as cases rarely brought to trial;
- The reasons for lack of state intervention in domestic violence cases;
- The continued practice of FGM in rural areas;
- Cultural norms preventing women from reporting sexual harassment.

These are all addressed in section [6.3.1](#) below.

Additional information from the subsection on *Women* in the 2018 report, which continued to be omitted from the 2019 edition included:

- Widespread sexual violence against women in military training camps that amounted to torture and the forced domestic service of women and girls in training camps amounted to sexual slavery. See section [6.3.3](#).

With regards to *Children* the 2017 and subsequent reports neglected to mention that if students didn't complete secondary education at Sawa (military training centre) they couldn't pursue higher education.

The 2017 and subsequent reports also omitted information that was included in 2016 noting that society stigmatised discussion of LGBTI matters as well as the absence of state efforts to investigate and punish those complicit in abuses against LGBTI persons.

In the 2017 report notable issues omitted from *section 1. Respect for the Integrity of the Person*, all of which were omitted from 2018 and the majority from 2019 included:

- Mass arrests of persons suspected of evading national service;
- That persons detained for political reasons or on security grounds were not informed of the charges against them and not tried;
- The number of prisoners of conscience held;
- Harsher treatment for political prisoners;
- Information on demolitions and forced evictions.

See section [1.3.1](#) for further details.

Notable issues omitted from other sections of the 2017 and subsequent reports included:

- Authorities arresting persons who tried to cross the border and leave without exit visas;
- Military involvement in smuggling persons out of the country;
- Government organized unions ineffectiveness in protecting workers rights;

Additional issues omitted from the 2018 report (the first three of which also from the 2019) included:

- The inability of detainees to submit complaints to judicial authorities;
- Details on women's and ethnic minorities' political participation;
- The ineffectiveness of the government in enforcing the right of workers to form and join unions, bargain collectively, and conduct legal strikes.

Noteworthy issues omitted from the 2019 report included:

- Extrajudicial killings of persons attempting to cross the border;
- Absence of mechanisms to investigate security force abuses;
- That persons married and had children to avoid military service;
- That persons attempted to leave the country to avoid military service;
- Living conditions in Sawa (military training centre);
- Corruption in the issuance of identification and travel documents;
- Consequences for returning citizens who had residency or citizenship in other countries;

In all the instances highlighted above, the information was omitted despite publicly available sources documenting their continued existence. These are all addressed by section of the report below.

Notable omissions from the *Executive Summary of the U.S. Department of State's report*

Most of the omissions to the *Executive Summary* were observed when comparing the 2017 *Executive Summary* to the 2016 edition, the majority of which were found to be internally inconsistent with the respective sections of the U.S. State Department report.

Six such omissions were observed in 2017, most of which continued to be omitted in 2018 and 2019:

- [Harsh detention conditions] that reportedly sometimes resulted in death [but in 2018 and 2019 were amended to “harsh and life threatening prison and detention center conditions”]
- Lack of due process and excessively long pretrial detention;
- Evictions without due process;
- Discrimination against ethnic minorities;
- Female genital mutilation/cutting;
- Government policies limiting worker rights.

An additional six issues were omitted from the 2018 *Executive Summary*, most of which continued to be omitted from the 2019 edition despite being reported on in the main body of the U.S. Department of State report:

- Other cruel, inhuman, and degrading treatment;
- Denial of fair public trial [but reinserted in 2019 and amended to “serious problems with the independence of the judiciary”];
- Restrictions on freedoms of speech and the press [but reinserted in 2019 and amended to the “worst forms of restrictions on free expression and the press, including censorship and the existence of criminal libel laws”];
- Restrictions on internet freedom, academic freedom, and cultural events;
- Lack of government transparency;
- Violence against women and girls, including in military camp settings and national service roles

Three further issues were omitted from the 2019 *Executive Summary*:

- Reports of unlawful or arbitrary killings;
- Corruption;
- Restrictions on international nongovernmental organizations

The first of these was consistent with the body text of the 2019 report, but inconsistent with the situation as reported by other publicly available information and classified as an omission (see section *C. Improvements* above). The other two were both observed to be inconsistent with the 2019 U.S. Department of State report. For further details, see section [8. Executive Summary](#).

Findings by section of the report

1. Section 1. *Respect for the Integrity of the Person*

1.1. Use of language

1.1.1. Observations in 2017, repeated in 2018, some of which repeated in 2019

It was observed that the 2017 report introduced source attributions or distancing language for the following issues, potentially undermining their perceived veracity which were then repeated in the 2018 edition and in some instances, in the 2019 report:

1. a. *Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings*

The 2017 and 2018 report ascribed general source attributions as documenting the practice of arbitrary killings:

2016 report	2017 and 2018 reports [emphasis added]	2019 report [emphasis added]
The government reportedly committed arbitrary killings with impunity and subjected detainees to harsh and life-threatening prison conditions.	International nongovernmental organizations (NGOs) reported that the government committed arbitrary killings with impunity and subjected detainees to harsh and life-threatening prison conditions.	Contrary to prior years, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In 2019 it was reported that there were no reports of arbitrary killings, a marked improvement which is discussed below in section [1.2.3](#).

Whilst it is observed that “Harsh and life-threatening prison conditions” were no longer mentioned in this subsection *1. a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings* in the 2019 report, they were mentioned in Section *1.c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (see below) and therefore haven’t been classified as an omission in this report.

1. c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

General source attributions were also introduced in 2017 with regards to torture and beatings, which were repeated in 2018 and further amended in 2019, by specifically naming the original source, Human Rights Watch. By attributing the evidence to one source instead of providing a general affirmative description of the practice, it could be read to imply that only this one source had evidence of torture. The profiles of persons subject to torture and beatings was broadened to also include prisoners in general in 2019:

2016 report	2017 and 2018 reports [emphasis added]	2019 report [emphasis added]
Security forces tortured and beat army deserters, national service and militia evaders, persons attempting to flee the country without travel	According to NGO and UN reports, security forces tortured and beat army deserters, national service evaders, persons attempting to flee the country without travel documents, and	In August, Human Rights Watch (HRW) published a report documenting that security forces tortured and beat prisoners, army deserters, national service

documents, and members of certain religious groups.	members of certain religious groups.	evaders, persons attempting to flee the country without travel documents, and members of certain religious groups.
-----------------------------------------------------	--------------------------------------	--------------------------------------------------------------------------------------------------------------------

With regards to “prison conditions remaining harsh”, the distancing language ‘reportedly’ was added in the 2017 edition and repeated in the 2018 and 2019 reports, which could potentially be read to undermine its veracity. Furthermore, the 2017 report no longer assessed prison conditions as generally ‘life threatening’, but rather that in ‘some instances’ they led to death, which could be read to imply that the incidence of death in detention had reduced:

2016 report	2017 and 2018 reports [emphasis added]	2019 report [emphasis added]
Prison conditions remained harsh and life threatening.	Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death.	Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death.

This is despite all reports documenting in the same section that “Data on the prevalence of death in prison and detention facilities were not available, although persons reportedly died from harsh conditions, including lack of medical care and use of excessive force”.

1.1.2. Observations in 2018, repeated in 2019

1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

It was observed that this section of the 2018 report mentioned the lack of independent access to Eritrea on two occasions. Firstly, the 2015 Commission of Inquiry, in relation to its findings on sexual violence against women in military training camps (about which no mention was made in this section of the 2019 report). This lack of access could potentially be read to undermine the perceived veracity of the Commission of Inquiry’s findings. In the 2019 edition, no mention at all was made of sexual violence against women in military training camps despite such information being publicly available on this point. This is therefore discussed as an omission in section [6.3.3.](#)

Secondly the lack of access to detention sites was mentioned in the context of detention conditions leading to deaths (which was repeated in 2019). Again, this could be read to undermine the accuracy or weight of this issue:

2017 report	2018 report [emphasis added]	2019 report [emphasis added]
In 2015 the COI reported sexual violence against women and girls was widespread in military training camps, that the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in training camps	In 2015 the COI, which had been denied access to the country , reported sexual violence against women and girls was widespread in military training camps, that the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in	

amounted to sexual slavery.	training camps amounted to sexual slavery.	
Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death.	Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death, but the lack of independent access made accurate reporting problematic.	Detention conditions reportedly remained harsh, leading to serious health damage and, in some instances, death, but the lack of independent access made accurate reporting problematic.

Whilst the 2018 report continues to cite certain sections of the 2015 and 2016 UN Commission of Inquiry report, it doesn't continue to do so for all issues as the 2016 and 2017 editions. Notably excerpts with respect to the torture and prisons visits previously included in *Section 1* were omitted:

2016 and 2017 reports	2018 and 2019 reports
The COI's 2015 report found that officials used mistreatment such as extreme forms of restraint, rape, or beatings to cause severe physical and psychological pain during interrogations and to punish detainees and conscripts, and this mistreatment constituted torture. The COI found officials had either directly ordered torture or that it was inflicted with their consent and acquiescence. According to the COI, "The recurrence, coherence, and similarities of the many torture incidents... is a clear indication of the existence of a deliberate policy to inflict torture in a routine manner in the context of investigations and interrogations as well as during national service." Authorities refused permission to the COI to visit the country. The COI received approximately 300 accounts of torture and mistreatment occurring between 1991 and 2015.	[Removed]
The June 2016 COI report noted that international observers and representatives of the Office of the UN High Commissioner for Human Rights were last able to visit the Sembel Prison and Rehabilitation Center in February 2016. Their report stated, however, the visit was short and did not allow for a full assessment.	[Removed]

1.e Denial of Fair Public Trial

The following contextual information was removed from the 2018 and 2019 reports:

2016 and 2017 reports	2018 and 2019 reports
There are approximately 320 community courts	[Removed]

1.1.3. Observations in 2019

No notable language changes were observed in the 2019 edition of section 1. *Respect for the Integrity of the Person* compared to the 2018 report.

1.2. Improvements

1.2.1. Improvements in 2017 (compared to 2016), not repeated in 2018 or 2019

The following improvement in the situation in 2017 compared to 2016 in section 1. *Respect for the Integrity of the Person* was observed:

1. “The UN special rapporteur on the situation of human rights in Eritrea presented her fourth report at the Human Rights Council on June 14. The report did not refer to arbitrary killings” [the 2016 USDOS report stated “The COI [Commission of Inquiry] found that authorities had widely committed extrajudicial executions and arbitrary killings since independence”.]

[2017](#)

This point could be read to imply that the absence of the UN special rapporteur reporting on the issue was illustrative of the practice not occurring. In fact, this point was not representative of other UN reporting from 2017.

This point was further amended in 2018 to state UN reporting did document arbitrary killings:

In August the UN Human Rights Committee released a list of issues pertaining to the government’s implementation of its obligations under the International Covenant on Civil and Political Rights; the government did not submit a report at that session. The United Nations’ list of issues included a number of references to human rights violations, including reports of wide-scale extrajudicial executions and disappearances, especially of those whose loyalty to the authorities was questioned. The list also referred to allegations of cases of enforced disappearances and extrajudicial killings allegedly committed by governmental actors, particularly the National Security Office.

In 2019, this was amended further: *contrary to prior years, there were no reports that the government or its agents committed arbitrary or unlawful killings.* However, this is not consistent with other publicly available information available at the time of publication of the 2019 U.S. State Department report. See section [1.2.3](#) for details of this. It is also acknowledged in *section 5* of the 2019 report that “In June [2019] the special rapporteur reported that since her appointment in October 2018, the government had remained opposed to cooperating with her mandate on substantive issues, in addition to refusing to grant her access to the country, thus limiting her ability to provide further information on current conditions.”

1.2.2. Improvements in 2018 (compared to 2017)

There were no additional notable improvements in the situation in Eritrea observed in *section 1. Respect for the Integrity of the Person* in the 2018 report that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

1.2.3. Improvements in 2019 (compared to 2018 and 2017)

The following improvement in the situation in 2019 compared to 2018 and 2017 in *section 1. Respect for the Integrity of the Person* was noted:

1. “Contrary to prior years, there were no reports that the government or its agents committed arbitrary or unlawful killings”.

This is despite publicly available information, including from the UN Human Rights Committee continuing to document the existence of arbitrary or unlawful killings by government agents in 2019.

[2019](#)

1.3. Omissions

1.3.1. Omissions in 2017 (compared to 2016) some of which continued to be omitted in 2018 and 2019

Five issues documented in the 2016 report were omitted from the 2017 edition despite publicly available information continuing to document their existence. All of these issues continued to be omitted from the 2018 edition and three from the 2019 report despite publicly available information continuing to document their existence. Green indicates issue reinserted. Illustrative information is presented to document the ongoing practice of each of these issues, available at the time of publication of the respective USDOS report, in the Appendix of this report unless otherwise stated:

1. d. Arbitrary arrest or detention

1. “Mass arrests of persons suspected of evading national service continued”. [all reports documented individual arrests (not mass arrests) that “Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country, and unspecified national security threats”.]

[2017](#) [2018](#) [2019](#)

[only one source found for 2017 but several for 2018 and 2019]

1. e. Denial of fair public trial

2. “During the year authorities did not try persons detained on national security grounds or for political reasons. Authorities did not inform persons detained on national security grounds of charges against them. Special courts did not protect the rights of defendants”.

[2017](#) [2018](#) [2019](#)

3. “According to Amnesty International, the government held thousands of detainees without charges or trial, including suspected political prisoners and prisoners of conscience, ...” [this point wasn’t omitted in 2019, the section reads “Amnesty International estimated there were thousands of ‘prisoners of conscience and political prisoners’.”]

[2017](#) [2018](#) [2019](#)

4. *Political Prisoners and Detainees*: “Authorities subjected such persons [political prisoners] to harsher treatment in detention than were other detainees”.

[2017](#) [2018](#) [2019](#)

[The 2018 and 2019 sources document the harsh treatment of political prisoners in detention, but not specifically that their treatment is harsher than other detainees].

1.e. Denial of Fair Public Trial- Property Restitution

5. *Property Restitution*: “The COI [UN Commission of Inquiry] noted it received uncorroborated information on continuing demolitions and evictions” [In 2017 and 2018 the whole subsection was removed. In 2019 this section was reinserted and incidents of illegal property seizure by the authorities documented.]

[2017](#) [2018](#) [2019](#)

1.3.2. New omissions in 2018 (compared to 2017 and 2016) which continued to be omitted in 2019

The following issue documented in 2017 and 2016 was omitted from the 2018 and 2019 reports despite publicly available information continuing to document its existence:

1. c. Torture and other cruel, inhuman, or degrading treatment or punishment

1. “Prisoners and detainees could not submit complaints to judicial authorities, and authorities did not adequately investigate or monitor prison or detention center conditions”.

[2018](#) [2019](#)

1.3.3. New omissions in 2019 (compared to 2018)

Three issues documented in the 2018 reports were omitted from the 2019 edition, despite publicly available information continuing to document their existence, thus indicating that these omissions were not reflective of the situation on the ground as reported by other sources.

The following issue was included in the 2016, 2017 and 2018 reports:

1. d. Arbitrary arrest or detention, Role of the police and security apparatus

1. “There were no known internal or external mechanisms to investigate security force abuse or government actions to reform the security forces”

[2019](#)

The following issue was also included in the 2017 and 2018 reports:

1. f. Arbitrary or unlawful interference with privacy, family, home, or correspondence

2. “To obtain a SIM card, citizens must present proof of completion of or exemption from national service, a PFDJ membership card, and a letter of recommendation from their regional office to the Telecommunications Ministry.”

[2019](#)

[information only found on the difficulty in getting SIM cards, the requirement to obtain clearance letters and District and Zone levels]

The following issue included in the 2016, 2017 and 2018 reports:

3. “Some girls, women, and men married and had children to avoid national service”

[2019](#)

2. Section 2. *Respect for Civil Liberties*

2.1. Use of language

There were no notable language changes observed in section 2. *Respect for Civil Liberties* across the 2017, 2018 and 2019 reports.

2.2. Improvements

2.2.1. Improvements in 2017 (compared to 2016)

There were no notable improvements observed in section 2. *Respect for Civil Liberties* across the 2017, 2018 and 2019 reports that were inconsistent with the situation on the ground as reported by other publicly available sources.

2.2.2. Improvements in 2018 (compared to 2017 and 2016), repeated in 2019

A reported improvement in the situation for Jehovah's Witnesses in 2018 compared to the 2017 and 2016 reports was observed, adding that 'most' rather than the implied 'all' who did not perform military service would be unable to obtain official ID. This is despite publicly available information continuing to document the issue in general for Jehovah's Witnesses:

1. "Most members of Jehovah's Witnesses who did not perform military service continued to be unable to obtain official identification documents" [compared to "Members of Jehovah's Witnesses who did not perform military service continued to be unable to obtain official identification documents" as reported in the 2016 and 2017 editions].

[2018](#) [2019](#)

2.3. Omissions

2.3.1. Omissions in 2017 (compared to 2016), repeated in 2018 and 2019

One issue documented in 2016 was omitted from the 2017, 2018 and 2019 reports, despite publicly available information continuing to document its existence:

2.d. *Freedom of movement, internally displaced persons, protection of refugees and stateless persons*

1. "Authorities arrested persons who tried to cross the border and leave without exit visas".

[2017](#) [2018](#) [2019](#)

2.3.2. Omissions in 2018 (compared to 2017)

There were no notable omissions observed in section 2. *Respect for Civil Liberties* of the 2018 a report that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

2.3.3. Omissions in 2019 (compared to 2018)

The followings two issues documented in the 2018 report were omitted from the following subsections of the 2019 report despite available COI documenting their existence:

2.a Freedom of speech and press - Internet Freedom

The following issue had also been documented in the 2016 and 2017 reports

1. "Eritel, a government-owned corporation, has a monopoly on providing land-based internet service. The use of internet cafes with limited bandwidth in Asmara and other large communities was widespread, but the vast majority of persons did not have access to the internet. According to most recent International Telecommunication Union data, 1.3 percent of the population used the internet in 2017. Internet users who needed larger bandwidth paid prices beyond the reach of most individuals".

[2019](#)

[Information found on Eritel being state owned and access to the internet, not on price of bandwidths)

2. d. Freedom of movement, internally displaced persons, protection of refugees, and stateless persons

2. "Many other citizens who fled the country remained in selfimposed exile due to their religious and political views and fear they would be conscripted into national service if they returned. Others reported there were no consequences for returning citizens who had residency or citizenship in other countries".

[2019](#)

[Information found on the treatment of returnees, including conscription]

3. "The SR [UN Special Rapporteur] reported in June that instances of extrajudicial killings at the border continued and referred to the arbitrary killing of a young man who was trying to cross the border in July 2017. In 2017 Doctors without Borders also reported on the experience of some Eritreans who were shot trying to cross the border with Ethiopia". [In 2019, no mention of the shoot to kill policy was made, as had previously been documented in the 2016, 2017 and 2018 editions. This is despite some sources indicating that it still appeared to be operational]

[2019](#)

3. Section 3 *Freedom to Participate in the Political Process*

3.1. Use of language

There were no notable language changes observed in section 3. *Freedom to Participate in the Political Process* across the 2017, 2018 and 2019 reports.

3.2. Improvements

There were no notable improvements in this section of the 2017 2018 or 2019 reports that were not reflective of the situation as reported by other sources.

3.3. Omissions

3.3.1. Omissions in 2017 (compared to 2016)

There were no notable omissions observed in section 3 *Freedom to Participate in the Political Process* of the 2017 report that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

3.3.2. Omissions in 2018 (compared to 2017)

Elections and Political Participation - Participation of Women and Minorities

Whilst the 2018 report continued to document that “No laws limit the participation of women and minorities in the political process, and they did participate”, no further details on how many ministerial positions women held, or whether women held other governmental positions was provided. Similarly, no further details was presented on ethnic minorities’ political participation. By contrast, the 2017 and 2016 the reports had noted that “Women held four of 17 ministerial positions: justice, tourism, labor, and health. Women also served in other government positions, including as ambassador to France and as regional administrators. Members of ethnic minorities served on the PFDJ’s Executive Council and the Central Council. Some senior government and party officials were members of minority groups”.

This is despite such information being available:

1. Women’s political participation

[2018](#) [2019](#)

2. Ethnic minorities’ political participation

[2018](#) [2019](#)

3.3.3. Omissions in 2019 (compared to 2018)

There were no additional omissions observed in section 3 *Freedom to Participate in the Political Process* of the 2019 report that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

4. Section 4. *Corruption and Lack of Transparency in Government*

4.1. Use of language

There were no notable language changes observed in section 4. *Corruption and Lack of Transparency in Government* across the 2017, 2018 and 2019 reports.

Whilst the 2017 report continued to cite certain sections of the 2015 UN Commission of Inquiry report, it doesn't continue to do so for all issues as the 2016 edition. Notable to this section of the report, the following excerpt was omitted:

2016 report	2017, 2018 and 2019 reports
The group's October 2015 report stated, "The complete lack of financial transparency by the Government of Eritrea enables it to maintain a PFDJ-controlled informal economy. Senior officials in the government and the PFDJ continue to exert full economic control over revenue through a clandestine network of state-owned companies.	[Removed]

4.2. Improvements

There were no notable improvements observed in in section 4. *Corruption and Lack of Transparency in Government* across the 2017, 2018 and 2019 reports that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

4.3. Omissions

4.3.1. Omissions in 2017 (compared to 2016) all of which continued to be omitted in 2018 and 2019

The following two issues documented in the 2016 report were omitted from *Section 4* of the 2017, 2018 and 2019 reports despite available COI documenting their existence:

1. "Amnesty International received reports that soldiers or military vehicles were involved in smuggling persons out of the country".

[2017](#) [2018](#) [2019](#)

[documented by other sources, not Amnesty International. Only one source found for 2019]

2. “Public Access to Information: Although the law and unimplemented constitution provide for public access to government information, the government did not as a rule release statistics or other information to either citizens or noncitizens. There were reports that the government delayed or withheld clearance for the publication of credible information about the effectiveness of government agencies and programs collected by international organizations and nongovernmental organizations (NGOs).”

[2017](#) [2018](#) [2019](#)

4.3.2. Omissions in 2018 (compared to 2017)

There were no notable additional omissions observed in section 4. *Corruption and Lack of Transparency in Government* of the 2018 report that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

4.3.3. Omissions in 2019 (compared to 2018, 2017 and 2016)

The following issue documented in the 2016, 2017 and 2018 report was omitted from the 2019 report despite available COI documenting their existence:

1. “Reports indicated corruption also existed in the issuance of identification and travel documents, including in the passport office. Individuals requesting exit visas or passports sometimes had to pay bribes.”

[2019](#)

[One source found documenting bribery and sexual favours demanded of women]

5. Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

5.1. Use of language

There were no notable language changes observed in section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights* across the 2017, 2018 and 2019 reports.

5.2. Improvements

There were no notable improvements observed in in section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights* across the 2017, 2018 and 2019 reports that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

5.3. Omissions

There were no notable omission observed in in section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights* across the 2017, 2018 and 2019 reports that were observed to be inconsistent with the situation on the ground as reported by other publicly available sources.

6. Section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*

6.1. Use of language

6.1.1. Observations in 2017, repeated in 2018 and 2019

Women- Discrimination and Persons with Disabilities

Less specificity was provided in the 2017 report compared to the 2016 report in respect of discrimination against women and legal prohibitions regarding discrimination against persons living with disabilities (emphasis added):

2016 report [emphasis added]	2017, 2018 and 2019 reports [emphasis added]
<p>Family, labor, property, nationality, and inheritance laws provide men and women the same status and rights. The law requires equal pay for equal work. Nevertheless, the percentage of men with access to secondary and higher education, employment, economic resources, property, inheritance, agricultural services, internet connectivity, and other technology exceeded that of women, particularly in rural areas.</p>	<p>Family, labor, property, nationality, and inheritance laws provide men and women the same status and rights. The law requires equal pay for equal work. Nevertheless, women, particularly in rural areas, continued to face economic and social discrimination.</p>
<p>The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no laws on discrimination in air travel and other transportation, in access to health care, or access to the judicial system. The unimplemented constitution and law do not specify the types of disabilities against which discrimination is prohibited. The government did not effectively enforce prohibitions, although it implemented programs to assist persons with disabilities, especially combat veterans.</p>	<p>The law and unimplemented constitution prohibit discrimination against persons with disabilities, but they do not specify the types of disabilities against which discrimination is prohibited. The government implemented programs to assist persons with disabilities, especially combat veterans, and dedicated substantial resources to support and train thousands of persons with physical disabilities.</p>

Children- Early and Forced Marriage

Less details were also provided in the 2017 and 2018 reports on the incidence of child marriage, and the 2010 Population and Health Survey figures were no longer cited. This continued in 2019, but instead the 2019 report noted the absence of current statistics:

2016 report [emphasis added]	2017 and 2018 reports	2019 report [emphasis added]
<p>The legal minimum age for marriage for both men and women is 18, although religious entities may condone marriages at younger ages. According to the 2010 Population and Health Survey, 41 percent of women ages 20-24 were married before 18 and 13 percent before 15.</p>	<p>The legal minimum age for marriage for both men and women is 18, although religious entities may condone marriages at younger ages.</p>	<p>The legal minimum age for marriage for both men and women is 18, unless the woman is pregnant or has already had a child, in which case the minimum for both is 16. The minister of justice or someone appointed by the minister may also waive the age requirement. There are no</p>

		current statistics on early marriage.
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As mentioned above in relation to [Structure](#), the section on *Reproductive Rights* was replaced with that on *Coercion in Population Control*. A number of issues are addressed below in section [6.3.1](#) as omissions for 2017, 2018 and 2019:

In addition, the following background information was omitted that had been included in the 2016 edition:

The unimplemented constitution provides men and women the legal right to found a family freely. The UNFPA reported that 25 percent of women ages 20-24 had given birth before age 18, based on the most recent data available from 2010. According to the 2010 Population and Health Survey, skilled health-care personnel attended 34 percent of births in the five years preceding the survey.

The 2010 Population and Health Survey continue to be the most recently available official statistics as noted by [UNICEF, Cross-sector indicators, undated \(accessed September 2020\)](#).

Instead the new section *Coercion in Population Control* only mentions that “There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods”.

6.1.2. Observations in 2018

No further notable language changes were observed in section 6. *Discrimination, Societal Abuses, and Trafficking in Persons* of the 2018 report that were observed to be inconsistent with other publicly available sources.

6.1.3. Observations in 2019

It was observed that the subsection on *Sexual harassment* was condensed in 2019, compared to the 2016, 2017 and 2018 editions. Previously, the absence of records of charges or prosecutions for sexual harassment was documented. However, in 2019 this was no longer mentioned, although it may be assumed given the absence of legislation criminalising the practice:

2016, [emphasis added]	2017 and 2018 reports	2019 report
There is no specific law against sexual harassment. Cultural norms often prevented women from reporting such incidents. There was no record of any person ever being charged or prosecuted for sexual harassment.	The transitional penal code does not criminalize sexual harassment. There was no record of any person ever being charged or prosecuted for sexual harassment	The law does not specifically criminalize sexual harassment.

The absence of documenting that cultural norms often prevented women from reporting incidents of sexual harassment is classified as an omission and addressed in section [6.3.1](#).

6.2. Improvements

6.2.1. Improvements in 2017 (compared to 2016), some of which were repeated in 2018 and 2019

A reported improvement in the situation in 2017 compared to 2016 in section 6. *Discrimination, Societal Abuses, and Trafficking in Persons* which was not reflective of the situation on the ground as reported by other sources was observed:

6. Children – Child Soldiers

1. “Those who refused to attend and participate in military training were often unable to get a job” [in 2016: “Those who refused to attend and participate in military training either hid, fled the country, or were arrested”. In 2019 new text is added as follows “the military occasionally performs identity checks that have resulted in the imprisonment of children alleged to be attempting to evade compulsory national service and the forced underage recruitment of children, some as young as age 14, into the military”. Note that this is inconsistent with *section 7. Prohibition of Forced or Compulsory Labor* which mentions that “Failure to participate in the militia or national service could result in detention”. However, this information might be overlooked in this location]

[2017](#) [2018](#) [2019](#)

6.2.2. Improvements in 2018 (compared to 2017)

There were no additional notable improvements observed in section 6. *Discrimination, Societal Abuses, and Trafficking in Persons* in the 2018 report that were inconsistent with the situation on the ground as reported by other publicly available sources.

6.2.3. Improvements in 2019 (compared to 2018)

There were no notable improvements observed in section 6. *Discrimination, Societal Abuses, and Trafficking in Persons* in the 2019 report that were inconsistent with the situation on the ground as reported by other publicly available sources.

6.3. Omissions

6.3.1. Omissions in 2017 (compared to 2016) which continued to be omitted in 2018 and 2019

Eleven issues documenting the situation in 2016 in the following subsections of section 6. were omitted from the 2017 reports despite available information documenting the issues. All of these issues continued to be omitted from the 2018 reports and information was found documenting the existence of nine of these. Again, all twelve continued to be omitted from the 2019 reports and information was found documenting the existence of ten of these. Years marked in red indicates

where no information was found. Illustrative information is presented on each of these issues, available at the time of publication of the respective USDOS report, in the Appendix of this report unless otherwise stated:

6. Women – Rape and Domestic Violence

1. “No information was available on the prevalence of rape, which citizens seldom reported to officials”.

[2017](#) [2018](#) [2019](#)

[information found for all years on the impunity for rape perpetrated by state forces, but only for 2019 that there is an absence of information on its prevalence].

2. “Domestic violence was commonplace, but such cases rarely were reported or brought to trial”.

[2017](#) [2018](#) [2019](#)

[Only one source found in 2018 and 2019]

3. [Authorities rarely intervened], “due to societal attitudes, a lack of trained personnel, and inadequate funding. Traditional authorities, families, or clergy more commonly addressed incidents of domestic violence”.

[2017](#) [2018](#) [2019](#)

[Only one source found in 2018]

6. Women – Female Genital Mutilation/Cutting (FGM/C)

4. “Health-care professionals and international organizations reported that the practice continued in several rural areas of the country”.

[2017](#) [2018](#) [2019](#)

6. Women – Sexual Harassment

5. “Cultural norms often prevented women from reporting such incidents”.

[2017](#) [2018](#) [2019](#)

[Only one source found in 2018]

6. Women – Reproductive Rights

The whole section on 'reproductive rights' has been removed and replaced with 'coercion in population control'. This omits information on the following issues:

6. “Couples and individuals have the right to decide the number, spacing, and timing of their children, but they often lacked the information, means, and access to do so, free from discrimination, coercion, and violence”.

[2017](#) [2018](#) [2019](#)

7. “According to the World Health Organization, the maternal death rate was an estimated 501 maternal deaths per 100,000 live births, and a woman had a lifetime risk of maternal death of one in 43 as of 2015. The high maternal death rate was likely due to factors including limited health-care services, particularly in rural areas, and adolescent pregnancy. The UN Population Division estimated in 2015 that 15.5 percent of girls and women between ages 15 and 49 used a modern method of contraception”. In 2018 only a WHO link to estimates of maternal mortality and contraceptive prevalence are provided. This point is addressed below as an omission, see [6.3.2](#)]

[2017](#) [2018](#) [2019](#)

8. “The UNFPA reported that 25 percent of women ages 20-24 had given birth before age 18, based on the most recent data available from 2010. According to the 2010 Population and Health Survey, skilled health-care personnel attended 34 percent of births in the five years preceding the survey. Access to government-provided contraception, skilled health-care attendance during pregnancy and childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of spousal or family consent, transport, or awareness of availability”.

[2017](#) [2018](#) [2019](#)

6. Children

9. “Students who did not do so [complete secondary education at Sawa National Education and Training Center] could not graduate and, therefore, could not pursue higher education, although they could attend vocational schools”.

[2017](#) [2018](#) [2019](#)

[no information found amongst the sources cited that was published in 2018]

6. Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

10. “There are no hate crime laws or other criminal justice mechanisms to investigate bias-motivated crimes against LGBTI persons. There was no official action to investigate and punish those complicit in abuses, including state or nonstate actors”.

[2017](#) [2018](#) [2019](#)

[Only one source found on absence of legal protections for LGBTI persons for all years.]

11. “In general, society stigmatized discussion of LGBTI matters”.

[2017](#) [2018](#) [2019](#)

[Only one source found covering 2018 and 2019 which mention the absence of legal protections from societal discrimination, not discussion of LGBTI matters itself]

6.3.2. Omissions in 2018 (compared to 2017), repeated in in 2019

6. Women

1. “Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality2015/en/.

[2018](#) [2019](#)

6.3.3. Omissions in 2019 (compared to 2018, 2017 and 2016)

Four issues documented in the 2016, 2017 and 2018 reports were omitted from the 2019 report despite available country information documenting their existence.

6. Women

The 2016, 2017 and 2018 reports all cited the 2015 Commission on Inquiry’s report in relation to sexual violence against women and girls in military training camps:

- “In 2015 the COI, which had been denied access to the country, reported sexual violence against women and girls was widespread in military training camps, that the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in training camps amounted to sexual slavery.”

This is despite illustrative country information indicating that the practice continued to occur. In 2019, this issue was not addressed in any section of the report.

1. “Sexual violence against women and girls was widespread in military training camps, the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in training camps amounted to forced sexual slavery”

[2019](#)

Children- Sexual Exploitation of Children

2. [The law criminalizes child prostitution and includes penalties relating to obscene or indecent publications. The minimum age for consensual sex is 18. Penalties for conviction of the commercial sexual exploitation of children include imprisonment] “Such crimes were seldom reported, and punishment was rarely applied”.

[2019](#)

Children – Child Soldiers

3. Sawa National Training and Education Center “where living conditions are Spartan and health care very basic”

[in 2017 and 2018 “Sawa National Training and Education Center, which is both an educational and military training school where living conditions are Spartan and health care very basic”. in 2016: “Both the COI [UN Commission of Inquiry] and Amnesty International reported on living conditions in Sawa, including insufficient food and health care, and very little family contact”]

[2019](#)

Children- Education

4. “The government requires all students who reach grade 12 to complete their secondary education at the Sawa National Education and Training Center. Some persons who attempted to leave the country did so to avoid going to Sawa because of obligatory military training and poor living conditions at the school.”

[2019](#)

7. Section 7. *Worker Rights*

7.1. Use of language

7.1.1. 2017

There were no notable language changes observed in section 7. *Worker Rights* in the 2017 report.

c. Prohibition of Child Labor and Minimum Age for Employment

The specificity with regards to the nature of hazardous work prohibited was amended in the 2017 and subsequent reports

2016 report	2017, 2018 and 2019 reports
The legal minimum age for employment is 14, although this restriction does not apply to self-employed workers. The law prohibits those under age 18 from employment in hazardous categories, including transport industries, work connected with toxic chemicals or dangerous machinery, or work underground or in sewers. This restriction does not apply to apprentices working under supervision. The government prohibits persons under age 18 from employment between 6 p.m. and 6 a.m. and for more than seven hours per day.	The legal minimum age for employment is 14, although this restriction does not apply to self-employed workers. The government prohibits persons under age 18 from employment between 6 p.m. and 6 a.m. and for more than seven hours per day. The government has not determined by national law or regulation the types of hazardous work prohibited for children.

7.1.2. 2018

There were no notable language changes observed in section 7. *Worker Rights* in the 2018 report.

7.1.3. 2019

Two instances were observed in which less specificity was provided in the 2019 report compared to previous versions with regards to figures; both for minimum wage and with regards to the penalties for forced labour.

The 2016, 2017 and 2018 editions all specified the national minimum wage. Instead, the 2019 edition assessed that the wage was “below the international poverty line”.

Similarly, the 2016, 2017 and 2018 editions all specified the penalties with regards to forced labour, whereas the 2019 report omitted this and instead provided the assessment that these penalties were “sufficient to deter violations”:

2017, 2017 and 2018 reports [emphasis added]	2019 report [emphasis added]
The national minimum wage for employees of PFDJ-owned enterprises and government employees was 360 nakfa per month.	The national minimum wage for employees of PFDJ-owned enterprises and government employees was below the international poverty line.
The law provides penalties of five to 20 years' imprisonment for conviction of “enslavement.” The	The government enforced these laws within private industry, and penalties were sufficient to deter

law also provides penalties of imprisonment and fines for “violation of the right to freedom to work,” which appears to cover situations of forced labor. The government enforced these laws within private industry.	violations;
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7.2. Improvements

There were no notable improvements observed in section 7. *Worker Rights* across the 2017, 2018 and 2019 reports that were inconsistent with the situation on the ground as reported by other publicly available sources.

7.3. Omissions

7.3.1. Omissions in 2017 (compared to 2016), repeated in 2018 and 2019

The following three issues documented in the 2016 report were omitted from the 2017, 2018 and 2019 reports, despite publicly available information continuing to document their existence:

7. a. Freedom of Association and the Right to Collective Bargaining

1. “There were no reports of strikes, collective bargaining, or government opposition to, or approval of, the formation of labor associations during the year”.

[2017](#) [2018](#) [2019](#)

[Reports of absences of unions but not absence of strikes. Only one source in 2019. No reports of strikes found]

2. [Unions- governmental organizations for hotel workers, service personnel, agricultural professionals, and teachers, among other occupation] “were ineffective in promoting or protecting workers rights”.

[2017](#) [2018](#) [2019](#)

7. c. Prohibition of child labor and minimum age for employment

3. “Child labor was widespread in the country”. [Note that all reports continued to mention that “Children in rural areas commonly worked on family farms, fetched firewood or water, and herded livestock. In urban areas children worked as street vendors of cigarettes, newspapers, and chewing gum. Children also worked in small-scale garages, bicycle repair shops, metal workshops, and tea and coffee shops. They also transported grain or other goods via donkey cart or bicycle. Child domestic service occurred. Begging by children occurred.”]

[2017](#) [2018](#) [2019](#)

[Only one source found for 2019.]

7.3.2. Omissions in 2018 (compared to 2017 and 2016), not repeated in 2019

The following issue was omitted from the 2018 report having been noted in 2016 and 2017 despite sources continuing to document the issue in 2018 and then was reinstated in the 2019 edition [marked in green].

7. a. Freedom of Association and the Right to Collective Bargaining

1. “The government did not effectively enforce the applicable laws” [right of workers to form and join unions, bargain collectively, and conduct legal strikes] in 2018.

[2018](#) [2019](#)

7.3.3. Omissions in 2019 (compared to 2018, 2017 and 2016)

7. c. Prohibition of child labor and minimum age for employment

The following issue which had been documented in the 2016, 2017 and 201 reports was omitted from the 2019 edition:

1. “The government had a national action plan to protect children from exploitation in the workplace, the implementation process was not clear, and reports were not published”

[2019](#)

[Only one source available at the time of publication of the 2019 report was found on this issue, namely the Eritrean government’s presentation to the UN Working Group on the Universal Periodic Review where it noted that its Ministry of Labour and Human Welfare had implemented policies aimed at ensuring that children are not engaged in “an occupation that jeopardized his or her physical, mental, spiritual, moral or social development” whilst also denying the existence of child labour in Eritrea.¹]

¹ United Nations General Assembly, Report of the Working Group on the Universal Periodic Review: Eritrea, 18 April 2019

8. Executive Summary

[Table 2](#) in the Appendix presents the changes in how the *Executive Summary* categorises human rights issues in Eritrea in the 2016 report compared to the 2017, 2018 and 2019 editions.

As [Table 2](#) illustrates, several language changes were observed in how human rights issues were described in the respective reports' *Executive Summary*. The most notable of these are described below. It was also observed that some human rights issues were omitted from certain *Executive Summaries*. On occasion, this was despite some of these omitted human rights issues continuing to be documented in the body text of the respective U.S. State Department report. In other instances, human rights issues have been removed from both the *Executive Summary* and the relevant section of the U.S. State Department report. Attention has been drawn to instances where such human rights issues continued to be documented by other publicly available sources.

Notable language changes

The 2016 *Executive Summary* identified what it defined as the “three most important human rights abuses” followed by a list of “other abuses”. In comparison, the 2017 report instead provided one list of what it termed “the most significant human rights issues”. The 2018 edition continued to provide one list of issues, termed “human rights issues” and in 2019 the categorisation was slightly amended again to “significant human rights issues”.

The three “most important human rights abuses” so defined 2016 that were in effect downgraded in severity in 2017 were:

- The inability of citizens to choose their government in free and fair elections;
- Detention without charge under harsh conditions that reportedly sometimes resulted in death; and
- Forced participation in the country’s national service program, routinely for periods of indefinite duration beyond the 18-month legal obligation.

All of these three issues however continued to be listed in some form as among the most significant human rights issues in subsequent report’s *Executive Summary*. In 2019 the first human rights issue was amended to “restrictions on political participation”.

The 2016 issue “torture and other cruel, inhuman, and degrading treatment” was extended in 2017 to “torture and other cruel, inhuman, and degrading treatment by security forces including for political and religious beliefs”. Interestingly, this was the only year that potential grounds for torture were detailed and in 2018 and 2019 this point was stripped back to simply “torture”.

In 2016 “politically motivated detentions” was included in *Executive Summary* which was omitted from the 2017 edition. However, as just mentioned, torture for political beliefs was detailed. In 2018 and 2019 this was amended again to “political prisoners”, which might be read to imply that trial procedures had commenced or taken place, thus potentially a smaller subset than “politically motivated detentions”.

Some deteriorations or expansions in abuses were also observed. To illustrate, the 2016 *Executive Summary* described “infringement on privacy rights” which was widened to “arbitrary or unlawful interference with privacy, family, or home” in 2017, but then restricted again in 2018 and 2019 to “arbitrary or unlawful interference with privacy”.

Omissions

Most of the omissions to the *Executive Summary* were observed when comparing the 2017 *Executive Summary* to the 2016 edition. Six such omissions were observed, the majority of which continued to be omitted in 2018 and 2019. These are described in detail below. Four of the six omissions were found to be internally inconsistent with the respective sections of the U.S. State Department report. One was found to be internally consistent but inconsistent with the situation as reported by other publicly available sources. One issue was found to be internally consistent and no information was found to indicate that the documented improvement was inconsistent with other available sources.

An additional three human rights issues were omitted from the 2018 *Executive Summary*, which continued to be omitted from the 2019 edition. One each from *sections 2.a. Freedom of Expression, Including for the Press, 4. Corruption and Lack of Transparency in Government* and *6: Women*. Two of these were considered to be internally inconsistent with the respective sections of the U.S. State Department report. One issue was internally consistent and not found to be inconsistent with other available sources.

Two further human rights issues were omitted from the 2019 *Executive Summary*; one from *Section 1.a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings* and one from *Section 4. Corruption and Lack of Transparency in Government*. One was found to be internally inconsistent and another to be internally consistent but inconsistent with the situation as reported by other publicly available sources.

There were also three instances of issues being removed from or revised in one year's *Executive Summary* and then reinstated in following years. Again, each of these are considered not to be commensurate with the situation as detailed in the body text of the respective U.S. State Department report. One issue was introduced only in the 2017 *Executive Summary* and not in the other reports, which was considered to be internally inconsistent.

These are all described by section of the U.S State Department reports.

Omitted human rights issues relevant to Section 1 of the reports

The 2016 *Executive Summary* highlighted that harsh detention conditions “sometimes resulted in death” which the 2017, 2018 and 2019 reports neglected to mention. This is despite all the 2017, 2018 and 2019 reports continuing to report in their respective section *1.c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* that “Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death”. Furthermore, in the 2018 and 2019 editions, the qualifier was added “but the lack of independent access made accurate reporting problematic”. See section [1.1.2](#) for further discussion of this language change. The “detention without charge” point was also omitted from the respective 2017, 2018 and 2019 *Executive Summaries*, although “arbitrary arrest” was listed in 2017 and “arbitrary detention” in 2018 and 2019.

In 2016 the *Executive Summary* recorded “executive interference in the judiciary”. In 2017 this was amended to “denial of fair public trial”. However, this issue was omitted entirely from the 2018 *Executive Summary*. In 2019 it was reintroduced as “serious problems with the independence of the judiciary”. The omission in 2018 was despite section *1.e Denial of Fair Public Trial* of the 2018 report continuing to document that “The law and unimplemented constitution provide for an independent judiciary, but executive control of the judiciary continued, and the judiciary was neither independent nor impartial. Judicial corruption remained a problem”.

Another issue which was included in the 2016 *Executive Summary* but omitted from the 2017, 2018 and 2019 reports despite the respective reports continuing to document its existence was “lack of due process and excessively long pretrial detention”. This is despite all the reports documenting the same issue with the same wording in section *1.d. Arbitrary Arrest or Detention* that “The government held numerous detainees without charge or due process. Detainees were not always told the reason for their arrest. Authorities brought few, if any, persons detained purportedly on national security grounds to trial. The percentage of the prison and detention center population in pretrial detention was not available”.

In the 2017, 2018 and 2019 *Executive Summary* the following issue was included, respectively: killings/ arbitrary deprivation of life/ reports of unlawful or arbitrary killings. This was removed from the 2019 *Executive Summary*. Correspondingly, this was described in section *1.a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings* as follows “Contrary to prior years, there were no reports that the government or its agents committed arbitrary or unlawful killings”. This change has been classified as a reported improvement that is not consistent with other publicly available information at the time. For a discussion of this, see section [1.2.3](#).

Whilst the 2016 *Executive Summary* listed “evictions without due process”, this was removed from the 2017, 2018 and 2019 reports. This corresponds to the subsection on *Property Restitution* being removed from the 2017 and 2018 U.S. Department of State reports. However, this omission was found not to be commensurate with other available information and is thus addressed as an omission below in section [1.3.1](#). Interestingly, whilst the subsection on *Property Restitution* was reinstated in the 2019 report, “evictions without due process” was not reintroduced into the 2019 *Executive Summary*.

Omitted human rights issues relevant to Section 2 of the reports

The human rights issue “restrictions on freedom of speech and press” was included in both the 2016 and 2017 reports’ *Executive Summary*. However, it was omitted from the 2018 edition. This is despite section *2.a. Freedom of Speech and Press* of the 2018 report continuing to document “Although the law and unimplemented constitution provide for freedom of speech and press, the government severely restricted these rights” as it had done so in the 2016 and 2017 editions. In 2019 the issue was reintroduced to the *Executive Summary*, amended to “the worst forms of restrictions on free expression and the press, including censorship and the existence of criminal libel laws”.

“Restrictions on academic freedom and cultural events” was mentioned in both the 2016 and 2017 *Executive Summaries*, but omitted from the 2018 and 2019 versions. This is despite limited changes being observed to the subsection *2.a. Academic Freedom and Cultural Events* of the 2018 report. Whilst all four reports noted that “The government restricted academic freedom and cultural events”, the following text was omitted in 2019 that was not found to be inconsistent with other publicly available sources: “Authorities monitored activities at private secondary schools and in some cases arbitrarily denied visas to foreign teachers or presented impediments to school administration, including restricting the import of teaching materials. Some parents of students in private schools charged that educational quality suffered because of disputes between government officials and school administrators”.

“Restrictions on internet freedom” was only included in the 2017 *Executive Summary*. This is despite all of the four reports reporting a similar situation in that “The government monitored some internet communications, including email, without appropriate legal authority”.

Omitted human rights issues relevant to Section 4 of the reports

The 2016 and 2017 *Executive Summaries* mentioned a “lack of transparency”. This was however removed from the 2018 and 2019 reports. This is despite few changes being observed in *section 4. Corruption and Lack of Transparency in Government*, and all four reports noting that “The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity”.

The 2019 report *Executive Summary* removed “corruption” which had been included in the three previous editions. This is despite the 2019 report not documenting an improvement in the situation. On the contrary *section 4. Corruption and Lack of Transparency in Government*, largely remained unchanged from the previous three reports and the 2019 edition continued to report “The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity”.

Omitted human rights issues relevant to Section 5 of the reports

In 2017 the issue “restrictions on international nongovernmental organizations” was added to the *Executive Summary* which hadn’t been mentioned in the 2016 *Executive Summary*. This was repeated in 2018 but then removed from the *Executive Summary* again in 2019. It is noted that the report itself actually reported a worse situation in 2016 than in 2017 and 2018. In 2016 *section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights* documented that “During the years after 2001, the government closed all international NGOs and since then has controlled all local civil society institutions and prevented most international organizations from operating in the country”. However in 2017 this was amended, and the text maintained in both the 2018 and 2019 editions to “International civil society organizations focused on human rights were generally not able to operate in the country. The government generally did not cooperate with such groups or with investigations into human rights abuses. No local human rights nongovernmental organizations (NGOs) operated in the country”.

Omitted human rights issues relevant to Section 6 of the reports

The 2016 *Executive Summary* listed “violence against women and girls” amongst the “other abuses” perpetrated in Eritrea. In 2017 this was expanded to “violence against women and girls, including in military camp settings and national service positions”. However, “violence against women and girls” was not included at all in the 2018 and 2019 reports’ *Executive Summary*. This is broadly consistent with changes observed in *section 6. Women* of the respective reports. For example, the Commission of Inquiry’s 2015 findings in relation to sexual violence against women and girls in military training camps was no longer included in the 2018 or 2019 reports. This is despite available evidence continuing to document these practices. See [section 6.3.2](#) for information on this. Furthermore, the *section 6. Women* was stripped down in 2017, 2018 and 2019 compared to 2016. However, no information was included on any improvement in women’s situations. Indeed, seven issues in relation to women were omitted in these three reports, compared to the 2016 version. For a discussion of these, see [section 6.3.1](#).

In further regards to women, “Female genital mutilation/cutting” appeared in the 2016 *Executive Summary* but was omitted from the 2017, 2018 and 2019 versions. This is commensurate with how the situation is documented in section 6. *Women*, which reported an improved situation, not found to be inconsistent with other publicly available COI.

In addition, “discrimination against ethnic minorities” appeared in the 2016 *Executive Summary* but was omitted from the 2017, 2018 and 2019 versions. This is despite the very short section 6. *National/Racial/Ethnic Minorities* reporting an unchanged situation across the four years as follows: “Governmental and societal discrimination was believed to continue against ethnic minorities, particularly against the nomadic Kunama and the Afar, two of nine ethnic groups in the country”.

Omitted human rights issues relevant to Section 7 of the reports

In the 2016 report “Government policies limited worker rights” appeared in the *Executive Summary*. This issue was however omitted from the 2017, 2018 and 2019 editions. This is despite very few changes being observed in *Section 7. Worker Rights* across the four reports. For example the 2017 and 2018 reports continued to document “The government did not respect freedom of association and the right to collective bargaining. Authorities did not allow nongovernmental meetings of more than seven persons.” This was amended only slightly in 2019 to “The government did not respect freedom of association and the right to collective bargaining in practice. Authorities did not allow nongovernmental meetings of more than seven persons.”

Appendices

A. Sources consulted on Eritrea

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This is a non-exhaustive list. To find out more about an organisation, view the 'About Us' tab of a source's website.

Sources were consulted which documenting events in the particular year and which were published in advance of the publication of the respective U.S. State Department report.

Thus for 2017 issues, sources were consulted that reported the situation in 2017 that were published before 20 April 2018. For 2018 issues, sources were consulted that reported the situation in 2018 that were published before 13 March 2019 and for 2019 issues, sources were consulted that reported the situation in 2019 that were published before 11 March 2020.

Databases

[Asylos's Research Notes](#)

[EASO COI Portal](#)

[Google](#) [with specific search terms]

[Relief Web](#)

[UNHCR Refworld](#)

News

[African Arguments](#) [Eritrea pages]

[Africa Monitors](#)

[Africa News](#)

[Afrol News](#)

[All Africa](#)

[Al Jazeera](#)

[Awate](#)

[The East African](#)

[Eritrea Profile](#) [government owned]

[Inter Press Service](#)

[The New Humanitarian](#) [Eritrea pages]

[Reuters Africa](#) [Eritrea pages]

[TesfaNews](#)

Sources

[28 too Many](#) [FGM]

[76 Crimes](#) [LGBTI]

[Aegis Trust](#)

[African Centre for Justice and Peace Studies \(ACJPS\)](#)

[Africa Center for Strategic Studies](#)

[African Centre for the Constructive Resolution of Disputes \(ACCORD\)](#)

[African Studies Centre Leiden](#)

[Amnesty International](#) [Eritrea pages]

[Armed Conflict Location & Event Date Project \(ACLED\)](#) [Eritrea pages]

[Article 19](#) [Freedom of expression and information]
[Assessment Capacities Project \(ACAPS\)](#) [Eritrea pages]
[Association for the Prevention of Torture](#)
[Atlantic Council](#)
[Atlas of Torture](#)
[Brookings Institution](#)
[Carnegie Endowment for International Peace](#)
[Centre for Security Governance](#)
[Centre for Strategic and International Studies](#)
[Child Rights International Network](#) [Eritrea pages]
[CSW \(Christian Solidarity Worldwide\)](#)
[CHR Michelsen Institute](#) [Eritrea pages]
[CIA World Factbook](#) [Eritrea pages]
[Combating Terrorism Center](#)
[Committee to Protect Journalists](#) [Eritrea pages]
[Death Penalty Worldwide \(Cornell Law School\)](#)
[The Economist Intelligence Unit](#) [Eritrea pages]
[Edge Media Network](#) [LGBTI]
[Equal Rights Trust](#)
[Foreign Affairs \(published by Council on Foreign Relations\)](#) [Eritrea pages]
[Freedom House – Freedom in the World 2018](#) [Eritrea pages]
[Gay Star News](#)
[Global Aids Program Henry J. Kaiser Family Foundation](#)
[Global Coalition to Protect Education from Attack](#) [Eritrea pages]
[Global Fund for Peace](#)
[Global Gayz](#)
[Governance Social Development Humanitarian Conflict \(GSDRC\)](#)
[Hands off Cain](#) [Eritrea pages]
[Heidelberg Institute for International Conflict Research](#)
[Humanitarian Response](#) [Eritrea pages]
[Hudson Institute](#)
[Human Rights Watch](#) [Eritrea pages]
[Immigration and Refugee Board of Canada](#)
[Institute for Economics & Peace – Global Peace Index 2018](#)
[Institute for Human Rights and Development in Africa](#)
[Institute for War and Peace Reporting](#)
[Inter-African Committees on Traditional Practices](#)
[International Bar Association](#)
[International Centre for Prison Studies](#)
[International Commission of Jurists](#)
[International Committee of the Red Cross \(ICRC\)](#)
[International Crisis Group](#) [Eritrea pages]
[International Federation for Human Rights](#) [Africa pages]
[International Institute for Strategic Studies](#)
[International Labour Organisation \(ILO\)](#) [Eritrea pages]
[International Lesbian, Gay, Bisexual and Trans and Intersex Association \(ILGA\)](#)
[International Organization for Migration \(IOM\)](#)
[International Refugee Rights Initiative](#)
[International Rehabilitation Council for Torture Victims](#)
[International Rescue Committee](#)
[IPI Global Observatory](#)

[Jamestown Foundation](#)
[Kaleidoscope Trust \[LGBTI\]](#)
[Long War Journal](#)
[Medecins Sans Frontieres/Doctors Without Borders \[Eritrea pages\]](#)
[Minority Rights Group International](#)
[Minorities at Risk Project](#)
[Oakland Institute](#)
[OECD's Social Institutions & Gender Index](#)
[Open Society Foundations](#)
[Orchid Project \[FGM\]](#)
[Organization for Refuge, Asylum & Migration \(ORAM\)](#)
[Out Right Action International \[LGBTI\]](#)
[Overseas Development Institute \(ODI\)](#)
[Peace Women](#)
[Penal Reform International](#)
[Physicians for Human Rights](#)
[Pink News \[LGBTI\]](#)
[Refugees International](#)
[Reporters Without Borders](#)
[Right to Education](#)
[Saferworld](#)
[Save the Children](#)
[Sexual Rights Initiative \[LGBTI\]](#)
[Shabait](#)
[Small Arms Survey](#)
[SOGICA's Database \[LGBTI\]](#)
[Strategic Initiative for Women in the Horn of Africa](#)
[Their World](#)
[UK Foreign and Commonwealth Office \[Annual Human Rights Report 2018\]](#)
[United Nations Children's Fund \(UNICEF\) \[Eritrea pages\]](#)
[United Nations Committee Against Torture](#)
[United Nations Committee on Economic, Social and Cultural Rights](#)
[United Nations Committee on the Elimination of Discrimination Against Women](#)
[United Nations Committee on Enforced Disappearances](#)
[United Nations Committee on the Rights of the Child](#)
[United Nations Committee on the Rights of Persons with Disabilities](#)
[United Nations Development Programme \(UNDP\)](#)
[United Nations High Commissioner for Refugees \(UNHCR\)](#)
[United Nations Human Rights Council](#)
[United Nations Human Settlements Programme \(UNHABITAT\)](#)
[United Nations News Centre](#)
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\)](#)
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)
[United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict](#)
[United Nations Population Fund \(UNPFPA\)](#)
[United Nations Women](#)
[United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)
[United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions](#)
[United Nations Special Rapporteur on extreme poverty and human rights](#)

[United Nations Special Rapporteur on freedom of religion or belief](#)
[United Nations Special Rapporteur on the Independence of Judges and Lawyers](#)
[United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#)
[United Nations Special Rapporteur on the right to education](#)
[United Nations Special Rapporteur on the sale of children, child prostitution and child pornography](#)
[United Nations Special Rapporteur on the situation of human rights defenders](#)
[United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)
[United Nations Special Rapporteur on trafficking in persons, especially in women and children](#)
[United Nations Special Rapporteur on violence against women, its causes and consequences](#)
[United States Commission on International Religious Freedom](#) [Eritrea]
[United States Congressional Research Service](#)
[United States Institute of Peace](#)
[Unrepresented Nations and People's Organisation](#)
[Uppsala Universitet – UCDP Conflict Encyclopedia](#)
[Walk Free Foundation > The 2018 Global Slavery Index](#)
[Watchlist on Children and Armed Conflict](#)
[Women News Network \(WNN\)](#)
[Women's Refugee Commission](#)
[Women Under Siege Project](#)
[World Health Organisation \(WHO\)](#) [Eritrea pages]
[World Organisation Against Torture](#)
[World Prison Brief](#)
[WorldWatch Monitor](#) [Eritrea pages]

B. List of issues where no or little information was found amongst the sources consulted

The following four improvements were observed where no or limited information was found amongst the sources consulted to refute the improvement

Improvements

1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

1. “a Western visitor reported seeing groups of prisoners at a private eye doctor for regular six-month check-ups” in 2017 and 2018 and 2019
2. “It was impossible to verify whether authorities released prisoners after they served their sentences”. In 2018 and 2019

6. Discrimination, Societal Abuses, and Trafficking in Persons Women

3. “Sexual assault between spouses is punishable by one to three years in prison only where the spouses are not living together” in 2018 and in 2019 “Rape between spouses is punishable only where the spouses have permanently separated”.

7. Worker Rights

4. “The law prohibits antiunion discrimination and requires reinstatement of workers dismissed for legally sanctioned union activity in 2019”.

Omissions

The following twenty one omissions were observed where no or limited information was found amongst the sources consulted documenting that the issue occurred:

1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

1. “Security forces tortured and beat [...] militia evaders [...] in 2017, 2018 and 2019 [N.B. as distinct from army deserters and national service evaders]
2. “It was impossible to verify whether authorities released prisoners after they served their sentences” in 2018 and 2019

1. d. Arbitrary arrest or detention

3. *Amnesty*: “There were reports of dual-national citizens who authorities released after serving their sentences being rearrested days later when they attempted to depart the country” in 2017, 2018 and 2019 [this was the full content of the mini section, only included in 2016]
4. “Diplomats must provide a residence permit, a house lease agreement, a work permit, a supporting letter from their embassy, two photographs, a diplomatic identification card, and

two copies of their passport and visa. Other foreign citizens reported the need for a blood test and X-ray to screen for hepatitis C and tuberculosis. It was not clear whether the presence of those conditions would result in refusal of a SIM card” in 2019

2. a Freedom of speech and press - Internet Freedom

5. “In order to use an internet cafe, patrons must present proof they had completed national service.” In 2019
6. “Authorities monitored activities at private secondary schools and in some cases arbitrarily denied visas to foreign teachers or presented impediments to school administration, including restricting the import of teaching materials. Some parents of students in private schools charged that educational quality suffered because of disputes between government officials and school administrators”. In 2019
7. “Some persons claimed authorities scrutinized academic travel for consistency of intent with government policies”. In 2019
8. “The government discouraged citizens from viewing some opposition websites by labeling the sites and their developers as saboteurs.” In 2019

2. d. Freedom of movement, internally displaced persons, protection of refugees, and stateless persons

9. [The government] “continued to deny exit permits to Somalis in the Umkulu Refugee Camp who had been identified for resettlement in third countries or who sought repatriation” [though did continue to state that “UNHCR reported the suspension in the issuance of exit visas for Somali refugees in Umkulu Refugee Camp continued, and it raised concerns with the government regarding the implementation of durable solutions”. In 2018 and 2019
10. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their entry visas and visa requests considered with greater scrutiny.” In 2019
11. “The government required Ethiopians to pay an annual fee of 600 nakfa (\$40) for a residency card. The card demonstrated the holder was not indigent.” In 2019
12. “There did not appear to be discrimination based on nationality in terms of employment or entitlements with the exception of that directed at resident Ethiopians, some of whom the government viewed as potential security risks.” In 2019
13. Emigration and Repatriation: “To prevent emigration the government generally did not grant exit visas to entire families or both spouses simultaneously”. In 2017, 2018 and 2019
14. "The government often denied citizens passports and exit visas [...] arbitrarily for no given reason". In 2018 and 2019

6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

15. "Conviction of gang rape or rape of a minor or an invalid is punishable by up to 15 years in prison." in 2017, 2018 and 2019
16. "Women usually refrained from openly discussing domestic violence because of societal pressures" in 2017, 2018 and 2019
17. "There were reports of local officials refusing to register the births of children who had a parent living abroad who did not pay the 2 percent tax on foreign earned income" in 2017, 2018, 2019

Children

18. "Information on the extent of violence against or abuse of children was not available" and "Society generally accepted physical punishment of children, particularly in rural areas".

National/Racial/Ethnic Minorities

19. "The government detained members of the Kunama ethnic group" in 2017, 2018 and 2019

7. Worker Rights

20. The government did not effectively enforce the applicable laws" [in relation to form and join unions, bargain collectively and conduct legal strikes] in 2018 and 2019
21. There were reports of recruitment efforts for national service projects such as cutting grass at the airport or fixing roads happening without notice or extra payment for participants" in 2019 [N.B. this issue only introduced in 2018]

C. Table 1: Comparative analysis of structure of the Eritrea reports

✓ = indicates that the section heading has been retained compared to the previous year

X = indicates that the section no longer exists in the respective annual report

2016	2017	2018	2019	Observations
Executive Summary	✓	✓	✓	
Section 1. Respect for the Integrity of the Person, Including Freedom from:	✓	✓	✓	
a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings	✓	✓	✓	
b. Disappearance	✓	✓	✓	
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment	✓	✓	✓	
Prison and Detention Center Conditions	✓	✓	✓	
Physical Conditions	✓	✓	✓	
Administration	✓	✓	✓	
Independent Monitoring	✓	✓	✓	
d. Arbitrary Arrest or Detention	✓	✓	✓	
Role of the Police and Security Apparatus	✓	✓	✓	
Arrest Procedures and Treatment of Detainees	✓	✓	✓	
Arbitrary Arrest	✓	✓	✓	
Pretrial Detention	✓	✓	✓	
Detainee's Ability to Challenge Lawfulness of Detention before a Court	✓	✓	✓	
Amnesty	X	X	X	Entire subsection omitted from the 2017 edition, continued to be omitted from the 2018 and 2019 reports. However no information was found on the omitted issues for any year.
e. Denial of Fair Public Trial	✓	✓	✓	
Trial Procedures	✓	✓	✓	
Political Prisoners and Detainees	✓	✓	✓	
Civil Judicial Procedures and Remedies	✓	✓	✓	
Property Restitution	X	X	✓	Subsection omitted from the 2017 edition, continued to be

				omitted from the 2018 report despite available COI see section 1.3.1 . The subsection was reintroduced in 2019.
f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence	✓	✓	✓	
Section 2. Respect for Civil Liberties, Including:	✓	✓	✓	
a. Freedom of Speech and Press	Changed to <i>Freedom of Expression, Including for the Press</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	Minor language change in title in 2017 report, repeated in 2018 and 2019 editions
Freedom of Speech and Expression	Changed to <i>Freedom of Expression</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	Minor change in title in 2017 report, repeated in 2018 and 2019 edition
Press and Media Freedoms	Changed to <i>Press and Media Freedom</i>	✓ [same as 2017 edition]	Changed to <i>Press and Media, Including Online Media</i>	Minor subsection heading changed in 2017, repeated in 2018, further amended in 2019 -now includes <i>Online media</i>
Violence and Harassment	✓	✓	✓	
Censorship or Content Restrictions	✓	✓	✓	
National Security	✓	✓	✓	
Internet Freedom	✓	✓	✓	
Academic Freedom and Cultural Events	✓	✓	✓	
b. Freedom of Peaceful Assembly and Association	Changed to <i>Freedoms of Peaceful Assembly and Association</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	Minor language change in title in 2017 report, repeated in 2018 and 2019
Freedom of Assembly	Changed to <i>Freedom of Peaceful Assembly</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	Minor language change in title in 2017 report, repeated in 2018 edition
Freedom of Association	✓	✓	✓	
c. Freedom of Religion	✓	✓	✓	
d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons	Changed to <i>Freedom of Movement</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	Change in title in 2017 report, repeated in 2018 and 2019 editions
In-country Movement	✓	✓	✓	
Foreign Travel	✓	✓	✓	
Exile	✓	✓	✓	
Emigration and Repatriation	X	X	X	Subsection omitted in 2017, continued to be omitted in 2018 and 2019. However no information was found on the

				omitted issues for any year.
Citizenship	✓	✓	✓	
			Added in 2019: Internally Displaced Persons	New section introduced in 2019 however content only states 'Not applicable'
Protection of Refugees	✓	✓	✓	2019 edition creates new subheading 1.f. Refugees
			Added in 2019: Abuse of Migrants, Refugees, and Stateless Persons	New numericized section introduced in 2019
Access to Asylum	✓	✓	✓	
	New subsection <i>Freedom of Movement</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	New subsection introduced in 2017, repeated in 2018 and 2019
Employment	✓	✓	✓	
Access to Basic Services	✓		✓	
Durable Solutions	✓	✓	✓	
			Added in 2019: Stateless Persons	2019 edition creates new numericised subheading 1.g. Stateless Persons however content states 'Not applicable'
Section 3. Freedom to Participate in the Political Process	✓	✓	✓	
Elections and Political Participation	✓	✓	✓	
Recent Elections	✓	✓	✓	
Political Parties and Political Participation	✓	✓	✓	
Participation of Women and Minorities	✓	✓	✓	
Section 4. Corruption and Lack of Transparency in Government	✓	✓	✓	
Corruption	✓	✓	✓	
Financial Disclosure	✓	✓	✓	
Public Access to Information	X	X	X	Omission of section in 2017 that continued to be omitted in 2018 and 2019. See section 4.3.1
Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights	Minor changed to Governmental Attitude Regarding International and Nongovernmental	✓ [same as 2016]	Minor change again, same as 2017 edition	Minor language change in 2017, that was changed back to the 2016 language in 2018 that was changed back to the 2017 language in 2019

	<i>Investigation of Alleged Abuses of Human Rights</i>			
The United Nations or Other International Bodies	✓	✓	✓	
Section 6. Discrimination, Societal Abuses, and Trafficking in Persons	✓	✓	✓	
Women	✓	✓	✓	
Rape and Domestic Violence	✓	✓		
Female Genital Mutilation/Cutting (FGM/C)	✓	✓	✓	
Sexual Harassment	✓	✓	✓	
Reproductive Rights	Renamed <i>Coercion in Population Control</i>	✓ [same as 2017 edition]	✓ [same as 2017 edition]	Renaming of section. Renaming of section in 2017, 2018 and 2019 reports and accordingly the detail and content of information has changed. For more discussion on this see 6.3.1
Discrimination	✓	✓	✓	
Children	✓	✓	✓	
Birth Registration	✓	✓	✓	
Education	✓	✓	✓	
Child Abuse	✓	✓	✓	
Early and Forced Marriage	✓	✓		
Female Genital Mutilation and Cutting (FGM/C)	X	X	X	Omission of link to the FGM/C subsection in 'Women' on 2017, 2018 and 2019 reports
Sexual Exploitation of Children	✓	✓	✓	
Child Soldiers	✓	✓	X	Section omitted from the 2019 report. Some content moved to section 7, other issues omitted from the report entirely. See section 6.3.3 .
International Child Abductions	✓	✓	✓	
Anti-Semitism	✓	✓	✓	
Trafficking in Persons	✓	✓	✓	
Persons with Disabilities	✓	✓	✓	
National/Racial/Ethnic Minorities	✓	✓	✓	
Acts of Violence, Discrimination, and Other Abuses Based on Sexual	✓	✓	✓	

Orientation and Gender Identity				
Section 7. Worker Rights	✓	✓	✓	
a. Freedom of Association and the Right to Collective Bargaining	✓	✓	✓	
b. Prohibition of Forced or Compulsory Labor	✓	✓	✓	
c. Prohibition of Child Labor and Minimum Age for Employment	✓	✓	✓	
d. Discrimination with Respect to Employment and Occupation	✓	✓	✓	
e. Acceptable Conditions of Work	✓	✓	✓	

D. Table 2: Comparative analysis of how the Eritrea Executive Summary categorises human rights issues

2016	2017	2018	2019	Observations
The three most important human rights abuses included	The most significant human rights issues included	Human rights issues included	Significant human rights issues included:	Categorisation changed each year. Only 2016 had two 'tiers'.
the inability of citizens to choose their government in free and fair elections;	inability of citizens to choose their government in free and fair elections;	inability of citizens to choose their government in free and fair elections;	restrictions on political participation;	N.B. this is listed after 'freedom of movement in 2017 and 2018 and 2019. In 2019 note change to 'restrictions on political participation'
detention without charge under harsh conditions that reportedly sometimes resulted in death;	harsh prison and detention center conditions; X	harsh and life threatening prison and detention center conditions;	harsh and life-threatening prison and detention center conditions	N.B. this is listed after 'torture' in 2017 and 2018. Detention without charge point omitted from 2017, 2018 and 2019 reports. Section 1c of the 2017, 2018 and 2019 reports continue to document that "Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death".
and forced participation in the country's national service program, routinely for periods of indefinite duration beyond the 18-month legal obligation.	including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.	including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.	including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.	N.B. this is listed last in the 2017, 2018 and 2019 reports
Other abuses included	X	X	X	
killings	arbitrary deprivation of life;	reports of unlawful or arbitrary killings;	X	This change is commensurate with documented change in section 1.a. "Contrary to prior years, there were no reports that the government or its agents". This is discussed as an improvement not consistent with other available evidence in section 1.2.3 .
and disappearances;	disappearances;	forced disappearance;	forced disappearance;	
torture	torture	torture;	torture;	
and other cruel,	and other cruel, inhuman,	X	X	2018 and 2019 change- no mention of 'other cruel,

inhuman, and degrading treatment;	and degrading treatment by security forces, including for political and religious beliefs;			inhuman and degrading treatment'. The 2017 report added particular grounds for torture and other cruel, inhuman and degrading treatment [for political and religious beliefs], but this was the only year this was mentioned.
arbitrary arrest;	arbitrary arrest;	arbitrary detention by the government;	and arbitrary detention, the preceding three actions all committed by the government;	Language changes observed in 2018 and 2019
executive interference in the judiciary;	denial of fair public trial;	X	serious problems with the independence of the judiciary;	2018 text identical to 2017 in section 1e. e.g. "The law and unimplemented constitution provide for an independent judiciary, but executive control of the judiciary continued, and the judiciary was neither independent nor impartial. Judicial corruption remained a problem".
lack of due process and excessively long pretrial detention;	X	X	X	2017, 2018 and 2019 text on pretrial detention is identical to the 2016 version "The government held numerous detainees without charge or due process. Detainees were not always told the reason for their arrest. Authorities brought few, if any, persons detained purportedly on national security grounds to trial. The percentage of the prison and detention center population in pretrial detention was not available".
politically motivated detentions;	[torture and other cruel, inhuman, and degrading treatment by security forces], including for political and religious beliefs;	political prisoners;	Political prisoners;	Change from politically motivated detentions in 2016 to 'political beliefs' being a reason for torture in 2017 to 'political prisoners' in 2018 and 2019.
evictions without due process;	X	X	X	This aligns with the whole subsection on 'Property Restitution' being omitted from the 2017 and 2018 reports. [See 1.3.1.] However whilst the subsection was reinstated in 1.e of the 2019, not included again in Executive Summary
infringement on privacy rights;	arbitrary or unlawful interference with privacy, family, or home	arbitrary or unlawful interference with privacy;	arbitrary or unlawful interference with privacy	
restrictions on freedom	restrictions on freedoms of	X	the worst forms of	This omitted from the 2018 report despite section 2a

of speech and press;	speech and press;		restrictions on free expression and the press, including censorship and the existence of criminal libel laws	being very similar in 2018 report compared to 2017 and 2016 versions e.g. “Although the law and unimplemented constitution provide for freedom of speech, including for the press, the government severely restricted these rights”.
restrictions on academic freedom and cultural events;	restrictions on internet freedom , academic freedom, and cultural events;	X	X	Subsections on ‘internet freedom’ and ‘academic freedom’ very similar in 2018 edition compared to 2017 e.g. “The government restricted academic freedom and cultural events” and “The government monitored some internet communications, including email, without appropriate legal authority”.
restrictions on freedom of assembly, association, and	restrictions on freedom of peaceful assembly, association,	restrictions on freedom of peaceful assembly and association;	substantial interference with the rights of peaceful assembly and freedom of association	The 2019 report classifies the restrictions as ‘substantial interference’.
[restrictions on] religion;	[restrictions on] religion;	severe restrictions on religious freedom	severe restrictions on religious freedom	The 2018 and 2019 reports classify the restrictions as ‘severe’.
limits on freedom of internal movement and foreign travel;	limits on freedom of internal movement and foreign travel;	limits on freedom of internal movement and foreign travel (visa-free overland travel to and from Ethiopia resumed in September);	widespread restrictions on freedom of movement;	2019 ‘limits’ changed to ‘widespread restrictions’
corruption	corruption	corruption;	X	Section 4 of the 2019 report does not report an improved situation. Continues to note “The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity”
and lack of transparency;	and lack of transparency;	X	X	Section 4 of the 2018 and 2019 report do not report an improved situation. Very similar text to 2016 and 2017 editions. All reports documented “The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity”.2018 and 2019 editions do not specifically

				mention 'transparency', but nor did previous reports
X	restrictions on international nongovernmental organizations;	restrictions on international nongovernmental organizations;	X	
violence against women and girls;	violence against women and girls, including in military camp settings and national service positions;	X	X	This removed from the 2018 Executive Summary despite 'Women' in section 6 in the 2018 report continues to document rape, domestic violence, etc though the finding from the COI report on sexual violence in military training camps in omitted [See 6.3.1]
and discrimination against ethnic minorities.	X	X	X	This is despite the following language in the relevant subsection of section 6 remaining identical in 2016-2019 "Governmental and societal discrimination was believed to continue against ethnic minorities, particularly against the nomadic Kunama and the Afar, two of nine ethnic groups in the country".
The law criminalizes consensual same-sex sexual activity.	criminalization of same-sex sexual conduct;	criminalization of same-sex sexual conduct;	criminalization of consensual same-sex sexual conduct;	
Female genital mutilation/cutting,	X	X	X	The 2017, 2018 and 2019 reports no longer state that "Health-care professionals and international organizations reported that the practice continued in several rural areas of the country". This was found to be inconsistent with other available evidence. See 6.3.1
human trafficking, and forced labor occurred.	Human trafficking; and forced labor,	human trafficking; and forced labor,	trafficking in persons; and forced labor,	
Government policies limited worker rights.	X	X	X	This is despite the 2017 and 2018 reports continuing to document "The government did not respect freedom of association and the right to collective bargaining. Authorities did not allow nongovernmental meetings of more than seven persons." This amended only slightly in 2019 to "The government did not respect freedom of association and the right to collective bargaining in practice. Authorities did not allow nongovernmental meetings of more than seven persons."

E. Repository of COI on Eritrea

Illustrative country of origin information is presented on the following issues in chronological order.

1. Section 1. Respect for the Integrity of the Person

1.2. Improvements

1.2.1. Improvements in 2017 (compared to 2016)

UN reporting of arbitrary killings in 2017

❖ [United National General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-fifth session, 6-23 June 2017](#)

[...] VI. Engagement of Eritrea with external actors on human rights

[...] B. Assistance by the international community

[...] 54. In all her exchanges, the Special Rapporteur sought updates on the human rights situation in Eritrea. She was particularly interested to hear about any actions by the Government to stop ongoing human rights violations and ensure accountability for crimes committed, as recommended by the commission of inquiry. Vague references were made to a midterm report the Government was preparing in the framework of the universal periodic review but, at the time of writing, no public document was available. None of the interlocutors reported any progress having been made on the overall human rights situation, let alone regarding the key areas identified by the commission of inquiry in its recommendations addressed to the Government of Eritrea, for example in respect of the national/military service, disappearances, extrajudicial executions, rape and sexual violence. As a result, the Special Rapporteur can only conclude that the situation of human rights in Eritrea has not significantly improved. [...] (p. 13)

N.B. the following source was only published in 2018 but notes details of conversations between Sheila Keetharuth, Special Rapporteur on the situation of human rights in Eritrea and Member States in 2017 that potentially the U.S were privy to, given that they were UN Security Council members at the time:

❖ [Connection e.V Eritrea: A Country Under the Sway of a Dictatorship Desertion, Refuge & Asylum July 2018](#)

[...] Crimes Against Humanity Continue to be Perpetrated by Eritrea, by Sheila Keetharuth

[...] Last June, while the discussions around the renewal of the mandate of the Special Rapporteur on the situation of human rights in Eritrea were taking place, some European countries took the role of being the mouthpiece of the Eritrean Government and were pushing for a watering down of the substance of the mandate.

They wanted to remove references to the 'shoot-to-kill policy' at the border, arguing that shootings did not happen any longer. Just a few weeks later, there were media reports about several people having been shot at the borders; the body of at least one of them was returned to the family for burial. It is difficult to gather information on these incidents, which happen in remote areas, where monitoring, though not impossible, is problematic. No diplomat, foreign residents of Asmara, or staff from international organisations can travel to those places for monitoring purposes. I find it difficult to understand on what basis they argue that the shoot-to-kill does not exist as they themselves are not in a position to verify. [...]

Arbitrary or unlawful killings in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] 13. The Committee is concerned about reports of widespread impunity, in particular with respect to serious human rights violations, including alleged cases of enslavement, enforced disappearances, extrajudicial killings, torture and rape, and the absence of prosecution of alleged perpetrators and the provision of adequate remedies for victims (arts. 2, 6, 7 and 14).

[...] Counter-terrorism measures

17. While acknowledging the State party's need to adopt measures to prevent acts of terrorism, the Committee is concerned about allegations that arbitrary detention, torture and extrajudicial killings have been committed against members of the Muslim community as a group for their alleged links with terrorist groups (arts. 2 (1), 6, 7 and 26). [p. 3]

[...] Right to life

[...] Enforced disappearances, extrajudicial killings, arbitrary arrest and detention

27. The Committee is deeply concerned about reports of enforced disappearances and extrajudicial killings allegedly committed by governmental officials, particularly members of the National Security Office.

[...] The Committee is particularly concerned about allegations of arbitrary detention of perceived political dissidents, journalists and members of religious groups, including 40 Muslim clerics and scholars from the Saho ethnic group, who have been detained since 2008, and Abune Antonios, Patriarch of the Eritrean Orthodox Church, who has been under house arrest since 2006. The Committee is also concerned about the reports that some unlawfully detained persons have died in detention, including Musa Mohammed Nur, the former director of the Al Dia School in Asmara, who was arrested in October 2017. The Committee is further concerned that the delegation of the State party did not confirm or deny, despite being repeatedly asked to do so, whether the persons mentioned below who have been held in detention are still alive (arts. 6 and 9). [p. 5]

[...] Conditions of detention

[...] The Committee is concerned about allegations of a high number of deaths in custody, the lack of information or explanation provided to relatives and an absence of any investigation into the circumstances of such deaths. It is also concerned about a lack of access to prison facilities granted to independent monitoring groups (arts. 6, 7 and 10). [p. 6]

[...] Freedom of movement and trafficking in persons

33. The Committee is concerned about restrictions on the right to freedom of movement in the State party, including restrictions on the right to leave the country, stipulated in the National Service Proclamation 82/1995. It is concerned about allegations that persons moving without permits within the State party or trying to leave it are subject to arbitrary arrest and detention. It is further concerned about allegations of so-called shoot-to-kill or shoot-to-wound policies that have been applied against persons trying to cross the borders illegally. [p. 7]

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] The shoot-to-kill order on persons attempting to leave the country illegally, which had been introduced in 2004, has been applied inconsistently and rather rarely for a couple of years.⁴⁰⁸ Sporadic incidents of shootings on persons at the border continue to be reported, even after the peace declaration with Ethiopia.⁴⁰⁹ In these latest cases, it was not clear whether the persons concerned had just accidentally walked into a military area, or if the border guards had shot at them for attempting to cross.⁴¹⁰ [...] [p. 54]

408 cf. EASO, Eritrea: National service and illegal exit, November 2016, pp. 26, 28; SFH, Eritreisch-äthiopisches Grenzgebiet [Eritrean-Ethiopian border area], 08 February 2017, p. 22

409 Diplomatic source 9, Asmara, interview, July 2019; Local source 5, Tigray regional state, interview, May 2019; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 25 June 2018, para. 61; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, p. 14; Netherlands, MoFA, Algemeen Ambtsbericht Eritrea [General official report Eritrea], 21 June 2018, p. 37; Van Reisen, M. and Mawere, M. (ed.), Human Trafficking and Trauma in the Digital Era, 2017, p. 362

410 Local source 5, Tigray regional state, interview, May 2019

❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] 4.4. Shoot-to-kill policy

68. The 'shoot-to-kill' policy, meaning that border guards shoot in order to kill when Eritreans try to cross the border illegally, seems to have been relaxed or even abandoned, according to a number of sources.¹⁹⁴ Two sources suggested that it had never, or at least not for a long time, been implemented.¹⁹⁵

69. Academic experts Martin Plaut and Habte Hagos opined that the shoot-to-kill policy officially was unchanged. However, they noted that lately far more families have been crossing the border, which illustrates that the risk of being shot at the border had diminished.¹⁹⁶

70. Two sources stated that the shoot-to-kill policy does not seem to have been repealed.¹⁹⁷ Another source advised that if shooting would take place, it was more likely to be at the Sudanese border, due to the increased militarisation of the border. However, shooting at the Ethiopian border could not be entirely excluded.¹⁹⁸ A diplomatic source corroborated this scenario by referring to a recent incident where young conscripts had been shot and killed at the border.¹⁹⁹

71. An international organisation mentioned that the authorities would not shoot at people only because they were crossing the border, but the authorities might use the border crossing as an excuse to shoot a person if they wished to harm this person for other reasons.²⁰⁰ [...] [p. 35]

194 Interview with a journalist, Tom Gardner: 7, Meeting with a Western diplomat, c: 34, Meeting with a researcher Dr Tanja R. Müller: 18, Interview with an international humanitarian organisation working in Ethiopia: 14, Meeting with academic experts, Martin Plaut and Habte Hagos: 20

195 Meeting with a researcher Dr Tanja R. Müller: 18, Interview with a journalist, Tom Gardner: 6

196 Meeting with academic experts, Martin Plaut and Habte Hagos: 20

197 Interview with Mixed Migration Centre: 17, Interview with the Chairman of the Habeshia Agency: 20

198 Interview with an international organisation, c: 12

199 Meeting with a Western diplomat, c: 43

200 Interview with an international humanitarian organisation working in Ethiopia: 14

❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] The borders are closed, and women trying to cross them are frequently shot at and some are wounded and killed. [...]

1.3 Omissions

1.3.1. Omissions in 2017 (compared to 2016) some of which continued to be omitted in 2018 and 2019

Mass arrests of persons suspected of evading national service in 2017

❖ [Romanian National Council for Refugees, General Report Eritrea: Human Rights Situation, October 2017](#)

[...] In addition, giffas have taken place on a country-wide basis since approximately 2001. During these raids, checks are carried out to ascertain whether young people have completed their military service and those who have not are imprisoned (mostly in the Adi Abeito prison near Asmara) and then sent for military training. The army closes whole localities or urban districts for the purpose of these raids and demands proof of completed military service from anyone within the relevant area.

[...] 5. d. Punishment for desertion and draft evasion

According to Proclamation 82/1995, a deserter must pay a fine of 3,000 birr (Nakfa) and/or serve a two-year prison sentence. The prison sentence rises to five years for those who leave the country after deserting. Deserters also lose their right to be employed or own land. Article 300 of the Criminal Code also stipulates that wartime desertions are punishable by prison sentences ranging in length from five years to life imprisonment, or even the death penalty in particularly severe cases. According to Article 297, wartime draft evasion is punishable by imprisonment of up to five years. In practice, according to most sources, deserters and draft evaders are imprisoned if they are caught within the country before being able to leave, or at the airport after returning. They are frequently kept in incommunicado detention without charges, proceedings or fixed sentence, and sometimes even tortured. Periods of detention vary between several days and several years. [...]

Mass arrests of persons suspected of evading national service in 2018

- ❖ [Human Rights Concern Eritrea, Death in Custody and Mass Arrests in Eritrea Continue, 12 March 2018](#)
[...] Death in custody and indiscriminate mass arrests continue in Eritrea, as the ruling regime suppresses the population by means of further abuses. Human Rights Concern Eritrea (HRCE) condemns these ongoing atrocities and is concerned that they are so frequent as to appear normal and acceptable. [...]
- ❖ [Amnesty International, Shadow Report To The African Commission On Human And Peoples' Rights 62nd Ordinary Session 25 April – 9 May 2018 , April 2018](#)
[...] The military often conducts sudden searches and round-ups of suspected national service evaders. [...]
- ❖ [UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 25 June 2018](#)
[...] The specific cases of arrest and detention that the Special Rapporteur has documented over the past 18 months show that the Government of Eritrea implemented its notorious and repeatedly documented modus operandi: mass arrests are carried out to instil fear; [...]

Mass arrests of persons suspected of evading national service in 2019

- ❖ [IDN \(InDepthNews\), Exodus of Eritreans in Post-Peace Era Continues, 9 May 2019](#)
[...] A senior official from Ethiopia's refugee agency recently confirmed that the situation in the border area between Ethiopia and Eritrea has not changed since the official closing of all border crossings for vehicles in April 2019. He confirmed that the number of refugees from Eritrea to Ethiopia continues to increase, with as many as 250 people being processed every day. [...]
According to newly-obtained information from the Eritrean-Ethiopian border area, 25 percent of the new arrivals are unaccompanied and separated children. The reason given for them fleeing the country is that the Eritrean Government has started to "kidnap the children to go to SAWA military training," said one source. SAWA is a military academy in the Gash-Barka region of Eritrea.
Independent sources with contacts in Eritrea confirm that giffas to round up children for national service have greatly increased – in these raids, people whose papers are not in order are also arrested. Another source in The Netherlands explained that the Eritrean government has started to kidnap children from their neighbourhoods in these giffas in order to draft them into military training at the SAWA Defence Training Centre. The national service has been qualified as forced labour and slavery by the United Nations. [...]
- ❖ [Eritrea Focus, Eritrea: Round-ups increase as youths refuse to go to national service, 2 August 2019](#)
[...] A new wave of round-ups of youth, so called 'Giffas', is under way in Eritrea.
The round-ups are organised to take young Eritreans to Sawa for national service training.
According to information reaching the BBC Tigrinya Service, the round-ups started on 15, 16 and 17 July, and are particularly focused on the Western Lowlands area.

The round-ups in Hagaz – South of Keren – were reported to be particularly intense. Reports of Giffas are also coming from Asmara and the Debub-region.

September is usually the month for that Eritrean youth are required to report for national service training and completion of high school in Sawa, but, despite warnings by local administrations of consequences to their families as a result of failure to report for national service, the youth is increasingly unwilling to do so. [...]

❖ [Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”: How Indefinite Conscription Restricts Young People’s Rights, Access to Education in Eritrea, 8 August 2019](#)

[...] Police or military authorities have also relied on ad hoc roundups—*giffas* in Tigrinya—particularly in towns, to identify Eritreans perceived as, or trying to, evade or escape national service.⁴² Those picked up in *giffas*, including children, are often imprisoned in horrific conditions, sent directly into military training, and fast-tracked into military service.⁴³

[...] Draft evaders or deserters join the ranks of the country’s massive prison population. The government subjects those evading or deserting to arbitrary arrests and detention. [...]

42 There are nine different languages spoken in Eritrea with Tigrinya and Arabic being the most commonly spoken.

43 COI report 2015, para. 1271. There are some exceptions to the pathways laid out. Additionally, students often told Human Rights Watch that they were concerned about being forced into the military regardless of their results in the secondary school leaving examinations.

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] The punishment for desertion from national service, draft evasion, and illegal exit continues to be applied arbitrarily and inconsistently, mostly by military commanders and other representatives of the security forces. Transgressors can be arrested during *giffas* (round-ups), through searches, when trying to cross the border, or after returning from abroad. According to many sources, arrested persons are screened, profiled and treated accordingly. Deserters and draft evaders are reported to be sent to prison, mostly for terms between one and twelve months, during which interrogations and torture may occur. [p.9]

[...] Diplomatic and international sources in Asmara have not observed military *giffas* since the peace declaration in mid-2018.¹⁵⁷ Several sources indicate however that especially outside of Asmara there has been no significant policy change in this regard and that *giffas* continue to take place, particularly since the border with Ethiopia has been closed again.¹⁵⁸ In mid-2019, *giffas* focussed on presumed sympathisers of the *yiakl* campaign, at least partially with the aim to round these persons up for the army.¹⁵⁹ BBC Tigrinya reported such *giffas* in Keren, Hagaz and Akurdet in July 2019.¹⁶⁰ Those rounded up in *giffas* are usually first put in a prison for some days or weeks and then sent to military training in one of the camps mentioned above.¹⁶¹ One source reports that in recent years, youth rounded up were initially imprisoned until a new military training round begun.¹⁶² [p. 30]

[...] Eritrean authorities continue to search for deserters and draft evaders. Different measures are in place to apprehend them:

- Military commanders send soldiers to the house or village of deserters to look for them.²⁶⁹
- Civil and military officials or militia members go from house to house with lists of deserters and draft evaders and ask for them.²⁷⁰
- During *giffas* (round-ups, see Chapter 2.3.2.), deserters and draft evaders are arrested.²⁷¹
- Deserters and draft evaders are arrested when trying to leave the country illegally (see Chapter 3.4.).
- Sometimes, parents or siblings of deserters are arrested to put pressure on the deserter to return to the unit (see Chapter 2.7.1.).

[...] Deserters from the military component of national service who are apprehended by soldiers from their own unit are brought to the commander, who decides on further measures.²⁷³ Deserters from the military or civilian component and draft evaders apprehended during house-to-house searches, *giffas* or while attempting to leave the country illegally are sent to prison. In prison, they are interrogated and sometimes tortured as a measure of interrogation or as a punishment.²⁷⁴ The contacted sources mentioned prison terms between one and twelve months as typical, with longer terms of up to three years for repeated offenders and document forgers.²⁷⁵ [...] [pp. 40-41]

157 Diplomatic source 3, Asmara, interview, July 2019; Diplomatic source 7, Asmara, interview, July 2019; Diplomatic source 8, Asmara, interview, July 2019; Diplomatic source 1, Asmara, interview, July 2019; Diplomatic source 6, Asmara, interview, July 2019; Mekonnen, D.R., telephone interview, 17 July 2019

158 Civil society source 3, Asmara, interview, July 2019; Diplomatic source 2, Asmara, interview, July 2019; Eritrea expert, telephone interview, 12 July 2019; Connell, D., telephone interview, 17 July 2019; Academic expert, email interview, 21 July 2019; Horn of Africa expert, email interview, 23 July 2019; Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019; Local source 2, Tigray regional state (Ethiopia), interview, May 2019

159 Academic expert, email interview, 21 July 2019; BBC Tigrinya, ኣብ ዝተፈለለዩ ከባቢታት ኤርትራ ጽዑቕ ግፋ ከም ዘሎ ተፈሊጡ [Reports about intense round-ups in several areas of Eritrea], 22 July 2019

160 BBC Tigrinya, ኣብ ዝተፈለለዩ ከባቢታት ኤርትራ ጽዑቕ ግፋ ከም ዘሎ ተፈሊጡ [Reports about intense round-ups in several areas of Eritrea], 22 July 2019,

161 Legal expert, interview, Bern, 18 July 2019, EASO, Eritrea Country Focus, May 2015, p. 35

162 Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, p. 48

[...] 269 Diplomatic source 9, Asmara, interview, July 2019; Legal expert, interview, Bern, 18 July 2019

270 Diplomatic source 9, Asmara, interview, July 2019; International organisation 3, Asmara, interview, July 2019, Legal expert, interview, Bern, 18 July 2019; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, pp. 9

271 International organisation 3, Asmara, interview, July 2019; Eritrea expert, telephone interview, 12 July 2019; Mekonnen, D.R., telephone interview, 17 July 2019

[...] 273 Mekonnen, D.R., telephone interview, 17 July 2019; Legal expert, interview, Bern, 18 July 2019

274 Eritrea expert, telephone interview, 12 July 2019; Connell, D., telephone interview, 17 July 2019; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, pp. 3, 6

275 Diplomatic source 7, Asmara, interview, July 2019; Diplomatic source 9, Asmara, interview, July 2019; Eritrea expert, telephone interview, 12 July 2019; Connell, D., telephone interview, 17 July 2019; Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019; Landinfo, Repons Eritrea: Faktagrundlag og kildekritikk [Response Eritrea: Fact base and source criticism], 14 January 2019, p. 3

❖ [Dutch Ministry of Foreign Affairs, General Official Message: Eritrea, October 2019](#) [Informal translation]

[...] According to the news medium Europe External Policy Advisors (EEPA), which relies on information from BBC Tigrinya, there is a new wave of raids of young people, the so-called giffas. These gifts are organized to bring young Eritreans to the military academy of Sawa¹⁹⁷ for national service training. According to information from BBC Tigrinya, the giffas started on July 15, 16 and 17, 2019 and are mainly aimed at the area around the Western Lowlands. The gifts in Hagaz - south of Keren - were particularly intense. Reports of giffas are also from Asmara and the Debub region. September is usually the month in which Eritrean young people have to register for the training of the national service and the completion of the secondary school in Sawa. Despite warnings from local authorities about the consequences for their families of not reporting to the national service, youth are increasingly unwilling to do so.

[...] Another news source also reported an increase in the number of GIFs. People whose papers are not in order are arrested and kidnapping of children for the purpose of placing them as conscripts in Sawa is said to have taken place.²⁰⁰ [...] [p. 40]

197 Leerlingenzijn verplicht het laatste jaar van de middelbare school (groep 12) te volgen op het Sawa Center for Education and Training, in het westen van Eritrea. Tijdens dit laatste schooljaar volgen leerlingen regulier onderwijs en een enkele maanden –wettelijk zes maanden, maar in de praktijk veelal minder - durende militaire opleiding. Ministerie van Buitenlandse Zaken, Algemeen ambtsbericht Eritrea, p. 61, februari 2017

200 InDepthNews, *Exodus of Eritreans in Post-Peace Era Continues*, 9 mei 2019.

❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] Evasion or desertion from national service remains punishable, according to the official Proclamation on National Service in Eritrea from 1995. However, there is no visible pattern in implementation of punishment by the authorities against draft evaders or deserters and punishment for national service-related infringements is imposed arbitrarily by military commanders. Draft evasion and desertion can also have consequences for family members in an arbitrary manner. [p. 5]

[...] Punishment for violations such as desertion or draft evasion as well as illegal exit is not handled by the Eritrean judiciary, but is instead determined by military commanders. Such punishments would be executed without any formal procedures, which make them to a large degree arbitrary and inconsistent.

In this regard, Eritreans are often unaware of the content and extent of existing legislation, and what the potential consequences would be of transgressing the law as well as other rules and regulations.³⁶ [p. 15]

[...] 27. A Western embassy confirmed that the authorities continue to track down evaders through crack-downs on private businesses in the cities after the peace agreement. During these round-ups, the authorities will perform a control of a person's ID documents to check whether someone who should be in national service is illegally employed. In such a case both the evader and the employer will face consequences of varying degrees.¹⁰⁹

[...] 29. According to a number of sources, consequences of desertion and evasion can be serious.¹¹¹ According to academic experts, Martin Plaut and Habte Hagos, consequences can be that the evader or deserter is either shot, put in prison or just nothing at all.¹¹² Several sources talked about the risk of detention,¹¹³ and some of these sources added that there was a risk of mistreatment.¹¹⁴

30. The lack of rule of law and thus detention without trial and at the discretion of the relevant commander were mentioned by one source.¹¹⁵ Human Rights Watch (HRW) mentioned one conscripted teacher who after an escape attempt was returned to teaching with no salary at all, while another in the same situation was sent to the military part of national service.¹¹⁶ A diplomatic source stated that consequences vary and punishment may also be wrist punishment.¹¹⁷

31. Academic researcher, Tanja R. Müller, stated that draft evaders are at risk of being detained, if they are caught outside of their official work assignment.¹¹⁸ The source had personal knowledge of daughters and sons of acquaintances who had been caught outside of their assigned duty station: some had spent up to three nights at a police station before the police sent them back to their duty stations or simply released them, others had been imprisoned for three to six months, whilst others were not imprisoned at all.¹¹⁹ According to her, in the absence of rule of law it may be possible to offer a bribe to the direct commander and then face milder consequences.¹²⁰

Detainment in metal shipping containers

32. Several sources confirmed that detainment in metal shipping containers is still used as a form of punishment, but the majority of these sources stressed that they had no confirmed information about this issue.¹²¹ [...]

36 EASO, Eritrea: National service and illegal exit, September 2019b, p. 21

[...] 109 Meeting with a Western diplomat, c: 24

[...] 111 Meeting with an international development organisation, a: 11, Meeting with a Western diplomat, a: 9, Interview with Human Rights Watch: 7, Meeting with academic experts Martin Plaut and Habte Hagos: 13, Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 8

112 Meeting with academic experts Martin Plaut and Habte Hagos: 13

113 Meeting with a Western diplomat, a: 9, Meeting with a researcher, Dr Tanja R. Müller: 8, Interview with Human Rights Watch: 7, Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 11, Meeting with academic experts Martin Plaut and Habte Hagos: 13-14

114 Interview with Human Rights Watch: 7, Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 11, Meeting with academic experts Martin Plaut and Habte Hagos: 14

115 Interview with the Chairman of the Habeshia Agency: 6, Interview with Amnesty International: 8, Meeting with a researcher, Dr Tanja R. Müller: 8

116 Interview with Human Rights Watch: 7

117 Meeting with a Western diplomat, c: 24

118 Meeting with a researcher, Dr Tanja R. Müller: 8

119 Meeting with a researcher, Dr Tanja R. Müller: 8

120 Meeting with a researcher, Dr Tanja R. Müller: 8

121 Meeting with a Western diplomat, a: 13, Meeting with a Western diplomat, c: 27, Meeting with a Western diplomat, d: 9, Interview with the Chairman of the Habeshia Agency: 7, Meeting with academic experts Martin Plaut and Habte Hagos: 14

Authorities did not try persons detained on national security grounds or for political reasons in 2017. Authorities did not inform persons detained on national security grounds of charges against them in 2017. Special courts did not protect the rights of defendants in 2017

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] In 1996, Eritrea established a Special Court as a temporary measure to fight corruption, operated by the President's Office with the help of the secret service, the army and the police. In practice, the Special Court has reportedly been used by the government to circumvent the formal justice system in political, administrative and criminal cases. Its judges, who are mostly high-ranking members of the military, are appointed directly by the president. Extrajudicial prison sentences are also meted out by secret committees on a regular basis. Due to the secretive and arbitrary nature of these proceedings, it is difficult to obtain information about them. [...]

❖ [United National General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-fifth session, 6-23 June 2017](#)

[...] IV. Update on the human rights situation

[...] 76. In the context of its military/national service, which is characterized by the indefinite length of conscription and harsh conditions, neither of which respect the human rights of conscripts, urgent reforms are required. The judicial system of Eritrea, including its special court charged with adjudicating complex cases, is inadequate for prosecuting perpetrators of international crimes. There are still no strong institutions established according to the rule of law capable of effectively protecting the human rights of the Eritrean people. The Government's ongoing denial of the existence of sexual exploitation and violence in the army also constitutes a denial of women's rights and must end. The Special Rapporteur believes that ignoring the call for justice and accountability by Eritrean survivors and victims of human rights violations will have devastating consequences and perpetuate the never-ending cycle of impunity. [...]

❖ [Bertelsmann Stiftung, BTI 2018 Country Report — Eritrea, 2018](#)

[...] The special courts, headed by military officers acting as lay judges and operating without standard procedures, remained in place but were not very active. (p. 11)

[...] There is no public accountability for mismanagement or corruption, and even the military-headed special courts, which are supposed to deal with cases of corruption, have become largely inactive. [...] (p. 30)

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] F. RULE OF LAW: 0 / 16

[...] F2. Does due process prevail in civil and criminal matters? 0 / 4

Basic principles of due process are systematically violated. Arbitrary arrests and detentions are common; targets include those who evade military service, try to flee the country, or are suspected of practicing an unauthorized religion. Eritreans who offend high-ranking government or party officials are also reportedly subject to arbitrary arrest.

Prisoners are routinely held incommunicado for indefinite periods without charge or trial, with the authorities refusing even to inform family members whether they are still alive. There is no operational system of public defense lawyers. Thousands of political prisoners and prisoners of conscience remain behind bars. [...]

❖ [Amnesty International, Eritrea 2017/2018, 22 February 2018](#)

[...] Arbitrary arrests and detentions

Arbitrary detention and enforced disappearances continued, for which security forces were not held accountable. Thousands of prisoners of conscience and political prisoners, including former politicians, journalists and practitioners of unauthorized religions, continued to be detained without charge or trial and lacked access to lawyers or family members. Many had been detained for well over a decade. [...]

Authorities did not try persons detained on national security grounds or for political reasons in 2018. Authorities did not inform persons detained on national security grounds of charges against them in 2018. Special courts did not protect the rights of defendants in 2018.

❖ [Human Rights Concern Eritrea, Death in Custody and Mass Arrests in Eritrea Continue, 12 March 2018](#)

[...] The government of Eritrea is responsible for arresting its critics and those it sees as political opponents without giving them due process or trial. [...]

❖ [Human Rights Watch, Human Rights Situation in Eritrea: Submission to the African Commission on Human and Peoples' Rights, 27 April 2018](#)

[...] Citizens who have spoken out or who have questioned policies during government-called community assemblies have been punished without trial or means of appeal. [...]

❖ [Human Rights Watch, Human Rights Abuses of Eritreans, At Home and Abroad, 18 April 2018](#)

[...] Citizens cannot express their views or question government policies affecting them. There is no legislative representation, no independent press, no independent non-governmental organizations to which citizens can turn. The judiciary is tightly controlled by the government. President Isaias has refused to implement a constitution approved by referendum in 1997 that confers some citizens' basic rights.

Eritreans who criticize or question government policies during government-called community assemblies, or in more limited fora, have been punished without trial or means of appeal. Suspicion alone may be enough to lead to arrest; often a prisoner is not told what "crime" he or she has committed. Indefinite imprisonment is a usual punishment, sometimes accompanied by physical abuse. Imprisonment can be incommunicado; relatives are not told of the whereabouts of a prisoner, much less allowed to visit. [...]

❖ [IPS News, Along with Peace, Eritreans Need Repression to End, 8 August 2018](#)

[...] Repression is well-entrenched. The president has refused to hold elections since independence in 1993 and to implement the constitution with its bill of rights. The country has no functioning legislature nor independent judiciary.

Eritrea's horrific prison system is bursting with political prisoners. The government has effectively eliminated independent public criticism. It is one of the leading jailers of journalists in Africa, and does not permit independent domestic media, non-governmental groups, or opposition political parties. Rare public protests – such as November 2017 protests at a private Islamic school in Asmara against the arrest of the school's nonagenarian honorary president – are met with mass arrests and occasionally with lethal force. [...]

❖ [Europe External Policy Advisors \(EEPA\), Berhane Abrehe arrested in Eritrea, 18 September 2018](#)

[...] Former Eritrean minister of finance Berhane Abrehe, prominent critic of Eritrean president Isaias Afwerki, has reportedly been arrested in Asmara on Sunday morning, 16 September. Observers had expected the Eritrean regime to take action against Berhane after the publication of his two-volume book "Eritrea Hagerey" (Eritrea, my Country) in which he called for prompt elections and the replacement of Isaias Afwerki. Berhane refused to leave Eritrea, even though his supporters were fearful that he might face repercussions. Berhane's wife has been imprisoned in Eritrea for over a year.

The arrest comes at the eve of the 17th anniversary of the sweeping arrests on and around 18 September 2001. President Isaias ordered the closure of all free press, many of which had argued for the implementation of the Eritrean constitution of 1997 that has never come into effect. Also in September 2001, 15 prominent Eritreans known as the G-15, among which three government officials that had called for democratic changes, as well as thousands of alleged sympathizers, were arrested without legal charges, hearing trial, and judgment.

After 17 years, their fate is mostly unknown. According to a prison guard cited by Human Rights Watch, half of the G-15 have since passed away. Dawit Isaak, a famous Swedish-Eritrean journalist who was arrested in September 2001, is being held in an unknown location, and has been held in solitary confinement at least half of the time of his imprisonment, according to reports. Torture is also rife in Eritrean prisons and it is estimated by Human Rights Watch that between 5 000 and 10 000 political prisoners are held that never were charged or sentenced. In addition, Reporters without Borders state that foreign journalists are severely restricted in Eritrea so that information about Eritrea is difficult to obtain. [...]

❖ [Human Rights Watch, Eritrea: Diplomacy Changes, but Political Prisoners Remain, 3 October 2018](#)

[...] In 2001, security forces arrested 11 high government officials who had signed letters to the president a few months earlier, complaining he was "acting without restraint, even illegally." They wanted the

government to convene the legislature regularly, hold new elections, and allow political parties to operate. None of their recommendations were carried out. Instead, the 11 officials and at least 10 journalists who reported on their criticism were arrested and have been held incommunicado, without trial, ever since. [...]

[...] According to family and media reports, Berhane's wife, Almaz Habtemariam, was arrested in January this year and is currently held in Hazhaz Prison and Rehabilitation Center in the capital, Asmara. As in Berhane's case, the government has brought no charges and gives no reason for her arrest. Family members told Human Rights Watch they believe her arrest was intended to cause Berhane suffering and intimidate him from going public with his criticism. [...]

- ❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019, 7 November 2018](#)

[...] *Administration of justice, including impunity, and the rule of law*³⁵

[...] 26. ELS stated that the Special Court of Eritrea was accountable only to the President and enjoyed absolute power. The Special Court had become a tool of the President used against his political opponents. The Special Court had rendered judgments without due regard to universally recognized principles, such as the right to appeal and the right to legal counsel. The Special Court had the power to overturn the judgments of the ordinary courts.⁴⁰ HRC-E stated that the existence of the Special Court was incompatible with any independent system of justice.⁴¹

35 For relevant recommendations see A/HRC/26/13, paras. 122.144, 122.152 and 122.153. [...]

40 ELS, paras. 8-10.

41 HRC-E, p. 2. HRC-E made recommendations (p. 2)

- ❖ [Human Rights Watch, World Report 2019: Eritrea, 17 January 2019](#)

[...] Political opponents—anyone who questions Isaias' rule—are jailed infinitely without trial, often incommunicado. [...]

Authorities did not try persons detained on national security grounds or for political reasons in 2019. Authorities did not inform persons detained on national security grounds of charges against them in 2019. Special courts did not protect the rights of defendants in 2019

- ❖ [Human Rights Watch, Eritrea: Another Birthday Behind Bars: Social Media Campaign Draws Attention to the Detention of Ciham Ali Abdu, 3 April 2019](#)

[...] Arbitrary and indefinite detention is very much the norm in Eritrea. Eritreans who criticize or question government policies have been punished without trial or means of appeal. Suspicion alone may be enough to lead to arrest. Often a prisoner is not told what "crime" they committed. Torture in captivity is a major concern. [...]

- ❖ [United Nations General Assembly, Report of the Working Group on the Universal Periodic Review: Eritrea, 18 April 2019](#)

[...] 131. The following recommendations will be examined by Eritrea, which will provide responses in due time, but no later than the forty-first session of the Human Rights Council:

[...] 131.150 Put an end to arbitrary arrests and prolonged detention without charge and without trial, notably on political grounds (France); [...]

- ❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Right to a fair trial and the independence of the judiciary

31. The Committee is concerned about the lack of independence of the judiciary, including the absence of a transparent procedure of appointment, the dismissal of judges and the fact that many judges are

military officers who do not have proper legal training. The Committee is also concerned that military courts have jurisdiction in cases involving civilians and about the absence of a right to appeal the decisions of the military courts. The Committee is further concerned about the Special Court, which is not part of the ordinary judicial system, derives its powers from the Ministry of Defence and has jurisdiction extending to general criminal cases. The Committee is concerned about the lack of basic guarantees of fair trial before the Special Court, including the right to a legal representative, to defence and to appeal, and the absence of a public hearing and public decisions. The Committee regrets that the Supreme Court, provided for by the Constitution, has not been established (art. 14). [...] [p. 6]

❖ [Eritrean Movement for Democracy and Human Rights \(EMDHR\) and Network of Eritrean Women \(NEW\), Eritrea: Shadow report to the CEDAW Committee, 75th CEDAW Session Review: Joint Submission, 13 January 2020](#)

[...] 3.11. Eleven former high-level officials have been detained incommunicado since 2001 for calling for the implementation of the Constitution. GoSE has ignored repeated calls by the African Commission on Human and Peoples' Rights and the Human Rights Council (to which Eritrea was elected a member in 2018) to release them or at least bring them to trial. [...]

❖ [Freedom House, Freedom in the World 2020, 4 March 2020](#)

[...] Prisoners, including children, former members of the government, and their family members, are routinely held incommunicado for indefinite periods without charge or trial, with the authorities refusing even to inform family members whether they are still alive. There is no operational system of public defense lawyers. Thousands of political prisoners and prisoners of conscience remain imprisoned. [...]

The government held thousands of detainees without charges or trial, including suspected political prisoners and prisoners of conscience in 2017

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] F. RULE OF LAW: 0 / 16

[...] F2. Does due process prevail in civil and criminal matters? 0 / 4

Basic principles of due process are systematically violated. Arbitrary arrests and detentions are common; targets include those who evade military service, try to flee the country, or are suspected of practicing an unauthorized religion. Eritreans who offend high-ranking government or party officials are also reportedly subject to arbitrary arrest.

Prisoners are routinely held incommunicado for indefinite periods without charge or trial, with the authorities refusing even to inform family members whether they are still alive. There is no operational system of public defense lawyers. Thousands of political prisoners and prisoners of conscience remain behind bars. [...]

❖ [Amnesty International, Eritrea 2017/2018, 22 February 2018](#)

[...] Arbitrary arrests and detentions

Arbitrary detention and enforced disappearances continued, for which security forces were not held accountable. Thousands of prisoners of conscience and political prisoners, including former politicians, journalists and practitioners of unauthorized religions, continued to be detained without charge or trial and lacked access to lawyers or family members. Many had been detained for well over a decade. [...]

The government held thousands of detainees without charges or trial, including suspected political prisoners and prisoners of conscience in 2018

❖ [Human Rights Concern Eritrea, Death in Custody and Mass Arrests in Eritrea Continue, 12 March 2018](#)

[...] The government of Eritrea is responsible for arresting its critics and those it sees as political opponents without giving them due process or trial. [...]

❖ [Human Rights Watch, Human Rights Abuses of Eritreans, At Home and Abroad, 18 April 2018](#)

[...] Eritreans who criticize or question government policies during government-called community assemblies, or in more limited fora, have been punished without trial or means of appeal. Suspicion alone may be enough to lead to arrest; often a prisoner is not told what "crime" he or she has committed. Indefinite imprisonment is a usual punishment, sometimes accompanied by physical abuse. Imprisonment can be incommunicado; relatives are not told of the whereabouts of a prisoner, much less allowed to visit. [...]

❖ [Human Rights Watch, Human Rights Situation in Eritrea: Submission to the African Commission on Human and Peoples' Rights, 27 April 2018](#)

[...] Arrests are arbitrary and not subject to judicial review or appeal; until recently, close family members were fined or imprisoned when another member fled the country. (Arts. 6,7). The then-15-year-old daughter of a former minister who fled the country has been jailed incommunicado for over five years, since 2012, as was the minister's then-84-year-old father; neither has been given a hearing before an impartial tribunal. Journalists and government officials arrested in 2001 have never been brought to trial and remain in incommunicado detention despite two African Commission resolutions urging their release or at least a fair trial.¹ Unconfirmed reports from a former prison guard state that over half of the 21 officials and journalists included in the Commission resolutions have died during their nearly 17-year captivity. [...]

[...] 2. Absence of the Rule of Law Generally.

[...] Citizens who have spoken out or who have questioned policies during government-called community assemblies have been punished without trial or means of appeal. Imprisonment for an indefinite period is the most likely punishment, sometimes accompanied by corporal abuse, including acts that qualify as torture. [...]

1. Zegveld v. Eritrea, African Commission on Human and Peoples' Rights, 35th Ordinary Session, "Seventeenth Annual Activity, Report of the African Commission on Human and Peoples' Rights 2003–2004," June 2004, Banjul, Gambia, http://www.achpr.org/english/activity_reports/activity17_en.pdf. Zegveld v. Eritrea," communication 250/2002, was adopted at the 34th Ordinary Session and issued in Annex VI.

❖ [United Nations General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-eighth session, 18 June–6 July 2018](#)

[...] A. Civil and political rights

1. Arbitrary arrests and detentions and overincarceration

[...] 36. Cases sanctioning actual or perceived critics of State policies and practices and the exercise of freedom of expression and information include:

(a) The arrest and detention of Musa Mohammed Nur, the former director of the Al Dia School in the Akhria neighbourhood of Asmara, and other committee members of the school at the end of October 2017 after they declined to apply government directives that contradicted long-established practices at the school;

(b) The arrest and detention of two journalists following the funeral of Musa Mohammed Nur in March 2018;

(c) The arrest and detention of the owner of an Internet café in 2016, presumably for his suspected involvement in the sharing of information with people outside of Eritrea, showing scenes from daily life in Asmara that the Government considers negative, such as pictures of people queuing for basic commodities.

37. Among cases concerning the exercise of freedom of association and peaceful protests are:

(a) The arrest and detention of participants in peaceful demonstrations on 31 October 2017, protesting the arrest and detention of Musa Mohammed Nur and other committee members of the Al Dia School. Many of those arrested were Al Dia school students and their parents. In the following days scores of people were indiscriminately arrested on the streets and during night house raids, mainly in the Akhria neighbourhood, without search or arrest warrants, while others were arrested on their way to work. Women and children were also arrested and detained. Reportedly, a number of the child detainees under

18 years old were released a few days later. People from Asmara were taken in lorries outside of the city, away from their families. Most of those arrested were Muslims, some of them community leaders in Akhria; [...] (p. 7)

❖ [Human Rights Watch, Eritrea: Diplomacy Changes, but Political Prisoners Remain, 3 October 2018](#)

[...] The recent arrest of Eritrea's former finance minister is a troubling sign that repressive tactics continue despite changes in Eritrea's diplomatic engagements. [...]

Eritrean authorities arrested Abrehe Kidane Berhane, the former finance minister, on September 17, 2018, after he criticized President Isaias on YouTube and in a two-volume book, urging an end to Isaias's "dictatorship" "and transfer [of] power to [a] new generation of young leaders." Berhane's YouTube video and book, *Eritrea Hagerey [Eritrea, My Country]*, echo the same concerns.

"There was hope that change would come for Eritrea's many political prisoners after Eritrea and Ethiopia made peace this year, ending three decades of enmity," said Maria Burnett, East Africa director at Human Rights Watch. "But, Berhane's arrest shows nothing has changed. Jailing critics in Eritrea remains the norm."

Eritrea has detained thousands of political prisoners in the last three decades. Eritrea should release all political prisoners, Human Rights Watch said.

[...] According to family and media reports, Berhane's wife, Almaz Habtemariam, was arrested in January this year and is currently held in Hazhaz Prison and Rehabilitation Center in the capital, Asmara. As in Berhane's case, the government has brought no charges and gives no reason for her arrest. Family members told Human Rights Watch they believe her arrest was intended to cause Berhane suffering and intimidate him from going public with his criticism. [...]

❖ [Human Rights Watch, World Report 2019: Eritrea, 17 January 2019](#)

[...] For two decades, President Isaias Afewerki used the absence of peace with Ethiopia to justify authoritarianism. Forced conscription into "national service" was prolonged indefinitely despite a decree limiting service to 18 months. Political opponents—anyone who questions Isaias' rule—are jailed infinitely without trial, often incommunicado. Independent media is prohibited, and journalists imprisoned. Political parties and nongovernmental organizations are also prohibited; elections, a legislature, and an independent judiciary are all not permitted because Isaias argued they would weaken Eritrea's defenses.

[...] Because of government secrecy and the absence of independent monitoring, it is impossible to determine how many political prisoners remain behind bars. [...]

❖ [United States Congressional Research Service, Eritrea: In Focus, 28 February 2019](#)

[...] Politics

President Isaias has long justified repressive policies and mandatory military service as necessary to defend against Ethiopian aggression. Some hoped that rapprochement with Ethiopia would give rise to a broader political opening, but there have been few signs of reform. Isaias continues to dominate the government and punish dissent. In late 2018, authorities arrested a former minister who criticized Isaias; like thousands of others he received no trial, and he reportedly remains in indefinite incommunicado detention.

Political opposition is effectively nonexistent—the PFDJ controls politics and the media, and is the sole recognized party. Elections have not been held since independence. Officials have cited "the prevailing wish of the people" and the border dispute with Ethiopia as justifications for the continued delay of elections and implementation of the constitution. The most recent apparent challenge to Isaias came in 2013, when a failed mutiny signaled fissures in the regime. Eritrea ranked 179 of 180 countries in Reporters Without Borders' 2018 World Press Freedom Index. [...]

Political prisoners subjected to harsher treatment in detention than other detainees in 2017

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] TORTURE

[...] 4.13. DFAT assesses that officials in Eritrea commonly use a variety of forms of ill-treatment of detainees during interrogations, or as a form of punishment, which may amount to torture. Groups at a high risk of tortured [sic] may include political prisoners, practitioners of unauthorised religions, and deserters from national service. DFAT further assesses that those committing the torture are likely to enjoy general impunity. [...] (p. 22)

❖ [Amnesty International, Report 2017/18 - The State of the World's Human Rights – Eritrea, 22 February 2018](#)

[...] Arbitrary arrests and detentions

[...] Thousands of prisoners of conscience and political prisoners, including former politicians, journalists and practitioners of unauthorized religions, continued to be detained without charge or trial and lacked access to lawyers or family members. Many had been detained for well over a decade. [...]

Political prisoners subjected to harsher treatment in detention than other detainees in 2018

❖ [Human Rights Watch, Human Rights Situation in Eritrea: Submission to the African Commission on Human and Peoples' Rights, 27 April 2018](#)

[...] Citizens who have spoken out or who have questioned policies during government-called community assemblies have been punished without trial or means of appeal. Imprisonment for an indefinite period is the most likely punishment, sometimes accompanied by corporal abuse, including acts that qualify as torture. In addition, their families are denied government ration cards to buy scarce but essential provisions.

Aside from indefinite length, imprisonment is frequently incommunicado. Relatives are not told of the whereabouts of a prisoner, much less allowed to visit in several cases, family members have told Human Rights Watch a relative disappeared for years and the family learned of his or her fate only when the body was returned without explanation. Survivors were warned not to ask questions and directed not to have an autopsy conducted.

Suspicion that a citizen's loyalty to the government is not absolute has resulted in arrest, according to witnesses who have suffered that fate. Those arrested are seldom told the reason for the arrest. If they learn why, it is because of questions raised during interrogations. Those interrogations can include beatings and other painful punishments. A former Eritrean interrogator who fled in 2012 told Human Rights Watch: "Basically, my role as interrogator was to order the beatings until they confessed to what they were being accused of.... We never charged anyone, never a trial, just confessions from the beatings." [...]

❖ [United Nations General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-eighth session, 18 June–6 July 2018](#)

[...] 2. Death in custody

51. The deplorable conditions in the congested detention centres of Eritrea exacerbate the vulnerability of detainees and have proved to be death traps for many. When somebody is taken into custody, that person is in the care of the State, which means that the State has a duty of care towards that person. Therefore, when death occurs as a tragic consequence of being incarcerated, the State has failed in its duty of care. The number of Eritreans who have died in custody over the years is unknown. No explanation is provided to family members and no inquest is carried out into the circumstances of deaths in custody. At times, family members are not informed about the death of their loved ones while in custody and find out through informal channels.

[...] 55. In February 2008, Taha Mohammed Nur, the younger brother of Musa Mohammed Nur and co-founder of the Eritrean Liberation Front, died in custody. He had been detained since November 2005 without being charged or brought to a court of law for trial. Government authorities provided no explanation regarding the cause and circumstances of his death.

56. Haile Woldetsenae, a former Minister of Foreign Affairs of Eritrea and one of the Eritrean "G-15", reportedly died while in custody in January 2018. His remains are believed to have been buried by four prison guards. He had been held incommunicado and in solitary confinement since September 2001, without being charged or tried. There has been no official confirmation of his death and family members

in exile have appealed to the Eritrean authorities to confirm his death. The Eritrean G-15 was a group of prominent politicians arrested in September 2001 and held incommunicado since then. Several are believed to have died while in custody.

[...] 58. Solomon Habtom, a former freedom fighter, died on 18 August 2017 at Karshela prison. Arrested on 10 July 2003, he is believed to have been in his late sixties. He was imprisoned for 14 years without being charged or tried in a court of law. The authorities did not provide any information regarding the cause and circumstances of his death. [...] (pp. 9-10)

❖ [Amnesty International, Eritrea: Submission to the United Nations Human Rights Committee 123rd Session, 2-27 July 2018](#)

[...] 9. ARTICLE 19: FREEDOM OF EXPRESSION

The incommunicado detention of political dissenters and journalists in secret locations and denial of their rights to lawyers, a fair trial, and access to family for such a long time is a severe violation of Articles 9, 10 & 11 as well as Articles 4,6,7,8, and 13 of the African Charter on Human and Peoples' Rights. [...]

❖ [Human Rights Watch, World Report 2019: Eritrea, 17 January 2019](#)

[...] Political opponents—anyone who questions Isaias' rule—are jailed infinitely without trial, often incommunicado.

[...] Former finance minister and critic of the president, Berhane Abrehe, was arrested in September and his location remains unknown. Berhane had authored a book that detailed problems with Isaias's rule and calling on young people to rise against his regime. The government arrested Berhane's wife, Almaz Habtemariam, in February and she has been held incommunicado ever since. [...]

❖ [Amnesty International, Eritrea: Submission to the United Nations Human Rights Committee 125th Session, 4-29 March 2019: Update](#)

[...] 4. ARTICLE 7: FREEDOM FROM TORTURE AND OTHER ILL-TREATMENT

The Eritrean authorities use torture to punish prisoners detained for criticising the government, practising a religion not recognised by the State, attempted escape from or failure to perform duties during national military service (even as a result of infirmity or illness), insubordination, or for attempting to flee the country.

Former detainees told Amnesty International that torture, or the threat of torture, was practised as punishment and during interrogation of forcibly returned asylum-seekers – those whose asylum claims in other countries had been rejected or who had no access to asylum procedures and were sent back to Eritrea. Returned asylum-seekers often faced torture and other ill-treatment as punishment for deserting national service, but also for suspected criticism of the government to foreigners in the course of trying to claim asylum. [...]

Political prisoners subjected to harsher treatment in detention than other detainees in 2019

❖ [Human Rights Watch, Eritrea: Another Birthday Behind Bars: Social Media Campaign Draws Attention to the Detention of Ciham Ali Abdu, 3 April 2019](#)

[...] Born in the United States, Ciham relocated to Eritrea's capital, Asmara, with her family so her father could take up a position as a government official under President Isaias Afwerki. Ali eventually became the country's information minister, but fled to Australia to seek asylum in 2012 after a rift with the president. Ciham was arrested on December 8, 2012, shortly after her father left the country, while trying to cross the border into Sudan. Her father was attempting to arrange for smugglers to get his daughter out of the country because he feared that the regime would take action against her as retribution for his defection or that she would face indefinite conscription.

"By holding Ciham Ali Abdu incommunicado from the age of 15, the government has effectively disappeared her," said Felix Horne, senior Africa researcher at Human Rights Watch. "The release of Ciham and all of Eritrea's political prisoners would send a clear message to the international community that the country's leaders are embarking on a new path of increased respect for human rights."

This week, diaspora groups like “One Day Seyoum” are drawing attention to her plight with a social media campaign using the hashtag #happybirthdayciham. But so far, the government has turned a deaf ear to calls to release the many unjustly detained Eritreans.

Arbitrary and indefinite detention is very much the norm in Eritrea. Eritreans who criticize or question government policies have been punished without trial or means of appeal. Suspicion alone may be enough to lead to arrest. Often a prisoner is not told what “crime” they committed. Torture in captivity is a major concern.

Although Ciham Ali Abdu is a US citizen, US officials told Voice of America that Eritrea has not provided them with information about her condition, and does not acknowledge that she is a US citizen. It is not clear whether she is alive or dead.

As is the case with Ciham, incarceration is often incommunicado. Relatives are not given the whereabouts of a prisoner, much less allowed to visit. Family members have told Human Rights Watch about relatives who disappeared for years until their bodies were returned without explanation. They said that they were warned not to ask questions and directed not to have an autopsy conducted. [...]

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Counter-terrorism measures

[...] 25. The Committee is concerned about allegations of the extensive and methodical use of torture in civilian and military detention centres, including reports of use of torture to punish criticism of the Government, practising of religions not recognized by the Government, attempting to leave the State party or failing to perform duties during national military service. The Committee is concerned about the lack of an independent body to investigate complaints and prevent torture and ill-treatment by law enforcement officials (arts. 7 and 10). [...] [pp. 4-5]

❖ [FCO – UK Foreign and Commonwealth Office, Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report, 5 June 2019](#)

[...] Eritrea has no constitutional government or elections and 2018 saw a continued poor record on arbitrary detention, in particular of political opponents and adherents to unapproved religions. It is not possible to obtain verifiable information, because the government does not allow any access to places of detention and does not share information on detainees. There are consistent reports that numerous high-profile political figures remain in detention, including leaders of an opposition movement (G-15), which tried to force a return to constitutional government in 2001. They remain in detention with no access to justice. In September, there were credible reports that former minister, Berhane Abrahe, was detained following the publication of his book in which he criticised government policy. His wife, Almaz Habtemariam, was already in detention. [...]

❖ [Human Rights Watch, Eritrea Should End 18 Years of Darkness, 18 September 2019](#)

[...] The recent arrest of Eritrea’s former finance minister is a troubling sign that repressive tactics continue despite changes in Eritrea’s diplomatic engagements. Human Rights Watch released a video about Eritrean political prisoners including 21 senior government officials and journalists detained in 2001 after they criticized President Isaias Afewerki.

Eighteen years ago today, the Eritrean government began its chilling clampdown on those it perceived as critics, decimating the country’s budding independent press in the process. Eighteen years later, as Eritrea ends its diplomatic isolation, little has changed for its citizens.

In September 2001, the government arrested 11 high ranking government officials after they called on President Isaias Afewerki to hold elections and allow political parties. Eritrea, a one-party state, has not held national elections since independence in 1993, when Isaias came to power. The government then arrested 10 journalists who reported on the criticism and closed down privately owned media outlets. Only one of the 21 people arrested has ever been seen again; reliable, yet unconfirmed, reports suggest at least 10 may have died while in detention.

These arrests triggered a wave of arrests and an era of repression that continues to date, where any criticism is prohibited and scores of political prisoners are subjected to appalling conditions and treatment, many held incommunicado. [...]

Demolitions and evictions in 2017

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

[...] G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

The national conscription system denies much of the working-age population the opportunity to establish and run their own businesses. Both the authorities and private actors with regime support are able to confiscate property and evict occupants without due process. [...]

❖ [Eritrean Lowlanders League, Statement on the violations of human rights by the dictatorial regime in Eritrea: Submitted by ELL to the 35th session of the Human Rights Council meeting in June 2017 – Geneva, 14 June 2017](#)

[...] Since its accession to power 25 years ago, the Eritrean dictatorial regime has consistently displayed his hostile attitude and practice towards human rights in general the rights of Eritrean citizens in particular. The most prominent violations are briefly mentioned hereunder:

[...] Execution of land and property confiscations, particularly in the Eritrean lowland, as part of the policy of demographic change, which is criminalized by all international laws and norms, among them the Article 19 of the African Union Charter, that criminalizes the illegal seizure of property of third parties despite the fact that the Eritrean regime is one of its signatories.

- Displacement of the inhabitants of the towns and villages of Adi Kayeh, Tessenie, Karkabt, Arrafli, and the town of Hagat, where houses were demolished without prior notification and legal justification and without any compensation and the provision of alternative housing. [...]

Demolitions and evictions in 2018

❖ [Eritrean Lowlands League, Statement on the violations of human rights by the ruling regime in Eritrea: Submitted by ELL to the 38th session of the Human Rights Council Geneva, 25 June 2018](#)

[...] 2. Social, Cultural, and Economic Rights:

The regime has not only totally abandoned its responsibilities and duties towards observing and realizing the needs of its people in the different aspects of life - political, economic, and cultural rights and aspirations of the people but persistently denied and violated all basic rights and freedoms of the Eritrean people.

i) The right to Property and Land ownership:

The regime has engaged in the process of land and property confiscations, particularly in the Eritrean Lowlands. This systematic policy has been pursued with the aim of imposing demographic changes in the Lowlands at the expense of displacing the original inhabitants for mere erroneous political calculations. A matter criminalized by all international laws and norms, among these, Article 19 of the African Union Charter that criminalizes the illegal seizure of property of third parties despite the fact that the Eritrean regime is one of its signatories.

Contrary to the traditional laws of land ownership that prevailed from time immemorial among different societies in Eritrea where society members naturally owned and lived on the land of their ancestors, the government confiscated the right to own land declaring its “Land Reform Proclamation” of 1994 whereby the sole land owner is the government. This detrimental law has particularly been applied in the vast pastoral land areas of the Eritrean Lowlands. Where the original inhabitants are either displaced or not allowed to return from refugee camps in the Sudan since their flight in the mid-sixties of the last century. The ongoing resettlements of Eritreans from the Highlands comes at the expense of the original inhabitants and is causing a demographic change in the Lowlands. This is a recipe for the breakout of internal violent civil conflicts between the original owners and the new settlers.

ii) Forced and unwarranted displacement of citizens in towns and villages such Adi Kayeh, Tessenie, Karkabt, Arrafli, and Hagat, in 2017 from their homes after demolishing their houses without prior notification and legal justification and without any compensation and provision of alternative accommodation.

[...] vii) The right to Housing:

The government has re-owned the formerly illegally nationalized people's properties from the Derg - the former Ethiopian military regime - but instead of redistributing the properties after impendence to their original legal owners, it endorsed the status quo. they also confiscated properties belonging to political opposition figures and levied retroactive high taxes for years going back to the Ethiopian occupation period on properties of war-displaced citizens, thus extorting astronomical sums which in many cases exceed the price of the property. In other words, indirectly forcing owners to abandon claiming them back. The regime has also conducted many campaigns to forcibly evict and demolish properties of individuals in a number of cities under the pretext of re-planning purposes, doing so without prior notice or compensation to the owners leaving many families homeless. [...]

❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16 (-1)

[...] G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 0 / 4

The national conscription system denies much of the working-age population the opportunity to establish and run their own businesses. Both the authorities and private actors with regime support are able to confiscate property and evict occupants without due process. Hundreds of small businesses were forced to close at the end of 2017 after the authorities accused them of breaking laws restricting foreign currency transfers. They were permitted to reopen in January 2018 after paying large fines. [...]

1.3.2. New omissions in 2018 (compared to 2017)

Possibility of prisoners and detainees submitting complaints to judicial authorities, and authorities investigating or monitor prison or detention center conditions in 2018

❖ [The Advocates for Human Rights, Eritrea's Compliance with the International Covenant on Civil and Political Rights, 125th Session of the Human Rights Committee, March 4th–March 29th, 2019, Submitted 4 February 2019](#)

[...] C. Detainees are subjected to ill-treatment and dangerous conditions (List of Issues para. 21).

14. The Committee requested information on prison conditions and “on the mechanisms in place to monitor conditions of detention and to investigate allegations of torture and ill-treatment.”

15. Article 73 of the Eritrean Penal Code stipulates that the courts supervise detention facilities and have to ensure humane treatment of detainees.²⁷ The Eritrean Government has not established or implemented any mechanisms to ensure human treatment of detainees in prisons and military camps. Detention centers are not accessible for any international observers, including special procedures mandate-holders, and the government has not provided data on the number of detainees or detention facilities.²⁸ Poor recordkeeping and lack of government oversight of detention facilities prevents detainees from reporting mistreatment, torture, and other abuses.²⁹

[...] 18. Suggested recommendations:

- Immediately grant international observers free and unfettered access to all detention centers.
- Collect and publish data on the number of detainees as well as the number and causes of fatalities in detention centers.
- Implement transparent and impartial accountability mechanisms to allow detainees to lodge complaints and to hold individuals accountable for inhumane treatment of detainees. [...]

27 PENAL CODE, art. 73 (Eritrea).

28 Human Rights Watch, Human Rights Situation in Eritrea: Submission to the African Commission on Human and Peoples' Rights, Maria Burnett (New York: Human Rights Watch, Apr. 2018), 1; Report of the Special Rapporteur, supra note 19.

29 Report of the Special Rapporteur, supra note 19.

- ❖ [DefendDefenders \(The East and Horn of Africa Human Rights Defenders Project\), ERITREA: Submission to the United Nations Human Rights Committee , 125th session, 04-29 March 2019, 13 February 2019](#)

[...] c. Eritrea should extend a standing invitation to all special procedure mandate-holders so they can visit, monitor and report on the relevant human rights issues.

[...] l. Allow the SR [Special Rapporteur] on Eritrea unfettered access to the country, including to training camps and detention facilities. [...]

- ❖ [Amnesty International, Eritrea: Submission to the United Nations Human Rights Committee 125th Session, 4-29 March 2019: Update](#)

[...] 2. ARTICLE 2: RIGHT TO EFFECTIVE REMEDY

The legal system in Eritrea fails to provide effective remedy to victims of human rights violations and lacks necessary laws and institutions to ensure implementation of the Covenant.

[...] There is no known instance of Eritreans seeking and receiving remedies for civil and political rights violations within Eritrea. [...]

- ❖ [OHCHR, Human Rights Committee examines Civil and Political Rights in Eritrea in absence of a report, 13 March 2019](#)

[...] Replies by the Delegation

[...] Until now, Eritrea had not yet considered setting up a national human rights institution, the delegation admitted and explained that the country was trying to build a framework for an infrastructure that would coordinate the implementation of human rights policies and international obligations. [...]

Possibility of prisoners and detainees submitting complaints to judicial authorities, and authorities investigating or monitor prison or detention center conditions in 2019

- ❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] 9. The Committee is concerned about the lack of access to an effective remedy for victims of violations of rights protected under the Covenant. It is further concerned at the absence of a mechanism to implement decisions of the relevant international human rights bodies. The State party has not yet implemented the decision in Dawit Isaak v. Republic of Eritrea (communication No. 428/12) handed down by the African Commission on Human and Peoples' Rights concerning the 18 journalists who were arrested on 19 September 2001 (art. 2).

[...] 11. The Committee is concerned at the absence of a national institution to monitor human rights in the State party, and the lack of clarity about plans to create one (art. 2).

[...] 13. The Committee is concerned about reports of widespread impunity, in particular with respect to serious human rights violations, including alleged cases of enslavement, enforced disappearances, extrajudicial killings, torture and rape, and the absence of prosecution of alleged perpetrators and the provision of adequate remedies for victims (arts. 2, 6, 7 and 14). [...] [pp. 2-3]

[...] Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

25. The Committee is concerned about allegations of the extensive and methodical use of torture in civilian and military detention centres, including reports of use of torture to punish criticism of the Government, practising of religions not recognized by the Government, attempting to leave the State party or failing to perform duties during national military service. The Committee is concerned about the lack of an independent body to investigate complaints and prevent torture and ill-treatment by law enforcement officials (arts. 7 and 10). [...] [pp. 4-5]

[...] 29. The Committee regrets the lack of data pertaining to the prison population and the number of detention facilities, both official and unofficial, in the State party. The Committee is concerned about reports of overincarceration and overcrowding, poor hygiene, inadequate nutrition and water supply and lack of health care in detention facilities. It is further concerned about the reported use of underground cells and shipping containers to detain prisoners, including in Adi Abeto, Alla, Dhlak Kebir, Mai Edaga, Mai Serwa, Sawa and Wi'a. The Committee is concerned about allegations of a high number of deaths in custody, the lack of information or explanation provided to relatives and an absence of any investigation

into the circumstances of such deaths. It is also concerned about a lack of access to prison facilities granted to independent monitoring groups (arts. 6, 7 and 10). [...] [p. 6]

❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] It is difficult to ascertain the precise number of those arbitrarily and unlawfully detained. The authorities do not release information about detainees. It is equally difficult to determine the number of civilian and military official and unofficial detention centres currently in operation. Independent humanitarian organizations, including the International Committee of the Red Cross, are not allowed access to detention centres to monitor conditions of detention.

[...] Ahmedsheik Faras was arrested in Massawa in May 2007 at the age of 80, and died in prison three years later. To date, his family has received no information on the reasons for his arrest, the circumstances of his subsequent death or his place of burial. Many other families continue to wait for the authorities to release information about the fate and whereabouts of their loved ones, and for those responsible for their disappearance to be held to account. [p. 6]

[...] 38. Finally, the Special Rapporteur notes that Eritrea lacks a national institution to monitor the human rights situation in the country. [...] [p. 9]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] In addition, the Committee notes with concern the continued harsh conditions for women in detention who face sexual and other forms of gender-based violence. It reiterates its concern about the absence of an independent monitoring body to visit places of detention in which women are deprived of their liberty.

[...] 48. The Committee, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), recommends that the State party:

[...] (a) Promptly investigate all alleged cases of disappearances of women, including by establishing early warning mechanisms for missing persons, and provide access to legal complaint mechanisms and remedies, including compensation, for victims and their families;

[...] (f) Introduce independent monitoring of detention facilities and gender-sensitive complaint mechanisms for women in detention who are victims of violence and ill-treatment;

(g) Provide independent bodies, including United Nations special procedure mandate holders, with access to all detention facilities in which women are deprived of liberty. [...] [pp. 13-14]

1.3.3 New omissions in 2019 (compared to 2018)

No known internal or external mechanisms to investigate security force abuse or government actions to reform the security forces in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] 9. The Committee is concerned about the lack of access to an effective remedy for victims of violations of rights protected under the Covenant. It is further concerned at the absence of a mechanism to implement decisions of the relevant international human rights bodies. The State party has not yet implemented the decision in Dawit Isaak v. Republic of Eritrea (communication No. 428/12) handed down by the African Commission on Human and Peoples' Rights concerning the 18 journalists who were arrested on 19 September 2001 (art. 2).

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[...] The Committee is concerned about allegations of a high number of deaths in custody, the lack of information or explanation provided to relatives and an absence of any investigation into the circumstances of such deaths. It is also concerned about a lack of access to prison facilities granted to independent monitoring groups (arts. 6, 7 and 10). [...] [p. 6]

❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] It is difficult to ascertain the precise number of those arbitrarily and unlawfully detained. The authorities do not release information about detainees. It is equally difficult to determine the number of civilian and military official and unofficial detention centres currently in operation. Independent humanitarian organizations, including the International Committee of the Red Cross, are not allowed access to detention centres to monitor conditions of detention.

[...] Ahmedsheik Faras was arrested in Massawa in May 2007 at the age of 80, and died in prison three years later. To date, his family has received no information on the reasons for his arrest, the circumstances of his subsequent death or his place of burial. Many other families continue to wait for the authorities to release information about the fate and whereabouts of their loved ones, and for those responsible for their disappearance to be held to account. [p. 6]

[...] 38. Finally, the Special Rapporteur notes that Eritrea lacks a national institution to monitor the human rights situation in the country. [...] [p. 9]

❖ [Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”: How Indefinite Conscription Restricts Young People’s Rights, Access to Education in Eritrea, 8 August 2019](#)

[...] Conscripts have no channel through which to express complaints. [...]

Requirements to obtain a SIM card in 2019

❖ [Amnesty International, Repression without borders: Threats to human rights defenders abroad, June 2019](#)

[...] To get a mobile phone sim card, it is necessary to obtain clearance letters from local administration officials, as well as at the District and Zone (Zoba) levels. Each of the authorities levy fees before issuing clearance letters. [...] [p. 7]

❖ [BBC News, Eritrea - where ATMs are unknown and Sim cards are like gold dust, 15 October 2019](#)

[...] BBC's Amharic's Jibat Tamirat recently visited the country under the watchful eye of government minders.

Here, he writes about the government's extraordinary control over the lives of people.

[...] Sim cards are like gold dust in Eritrea. Citizens need to apply to the local government administration to get one.

And even if you get a Sim card, you can't use it to access the internet because there is no mobile data.

[...] Because of the huge difficulty in getting Sim cards, people still rely on public pay phones to make calls. We used them for the first four days of our visit. Then we got one Sim card for the three-member BBC team, which we had to return when we left. [...]

Some girls, women, and men married and had children to avoid national service in 2019

- ❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)
 [...] The Special Rapporteur has also received reports that some parents have chosen to stop sending their daughters to school to avoid their mandatory conscription. Some teenage girls and young women have chosen to marry and have children to avoid conscription into the national/military service. [p. 8]
 [...] As highlighted in paragraph 29 above, the Special Rapporteur also draws attention to the negative impact that participating in the national/military service has on the lives of women and girls, in particular regarding their access to education and dignified employment and their exposure to violence and early marriage. [...] [p. 11]
- ❖ [Dutch Ministry of Foreign Affairs, General Official Message: Eritrea, October 2019](#) [Informal translation]
 [...] Girls are married off at an early age to avoid military service.
 [...] For women and girls, dropping out of school before they have to go to Sawa can be an effective strategy to avoid the national service. Women who are married, pregnant or mother can be exempted. Several young women and men told Human Rights Watch that they or their friends or classmates had chosen maternity and marriage to escape Sawa. [...]
- ❖ [Eritrean Movement for Democracy and Human Rights \(EMDHR\) and Network of Eritrean Women \(NEW\), Eritrea: Shadow report to the CEDAW Committee, 75th CEDAW Session Review: Joint Submission, 13 January 2020](#)
 [...] A significant number of Eritrean girls, often at the behest of their families, take the strategic decision to enter into early marriages and/or motherhood - dropping out of the school system before Sawa - as a means of avoiding indefinite national service. [...] [p. 11]
- ❖ [Human Rights Watch, World Report 2020 – Eritrea, 14 January 2020](#)
 [...] Many girls and young women opt for early marriage and motherhood as a means of evading Sawa and conscription.
 [...] For women and girls, dropping out of school before Sawa can be an effective strategy to avoid national service because women who are married, pregnant, or mothers can be exempted. [...]
- ❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)
 [...] Gender-based violence against women
 23. [...] . It further notes with concern:
 [...] (b) The fact that parents are forced to remove their daughters from school to avoid recruitment to national service for an indefinite period [...] [p. 6]

2. Section 2. Respect for Civil Liberties, Including: a. Freedom of Speech and Press

2.2.2. Improvements in 2018 (compared to 2017), repeated in 2019

Evidence that Jehovah’s Witnesses who did not perform military service were able to obtain official identification documents in 2018

- ❖ [United States Commission on International Religious Freedom, USCIRF Annual Report 2018 - Tier 1: USCIRF-recommended Countries of Particular Concern \(CPC\) - Eritrea, 25 April 2018](#)
 [...] Jehovah’s Witnesses
 Jehovah’s Witnesses are persecuted for their political neutrality and conscientious objection to military service, which are aspects of their faith. On October 25, 1994, President Afwerki issued a decree revoking Jehovah’s Witnesses’ citizenship for their refusal to take part in the country’s independence referendum and to participate in national service. Since 1994, Jehovah’s Witnesses have been barred from obtaining

government-issued identity and travel documents, government jobs, and business licenses. Eritrean identity cards are required for government food rations, legal recognition of marriages, or land purchases. [...]

- ❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019](#)

[...] 4. Rights of specific persons or groups

Stateless persons

55. EAJW [The European Association of Jehovah's Witnesses, Brussels, Belgium] stated that the Presidential Degree of 25 October 1994 had revoked the citizenship of those Jehovah's Witnesses who were Eritrean by birth for their refusal to participate in the referendum and to undertake military service.⁸⁶ [...]

86 EAJW, para. 4.

- ❖ [Human Rights Watch, Human Rights Watch Submission to the Universal Periodic Review of Eritrea session of the Universal Periodic Review; 3rd cycle, 16 December 2018](#)

[...] Jehovah's Witnesses have been especially harshly treated since independence. Because of their religious beliefs, they declined to participate in the 1993 referendum on independence and refuse to serve as soldiers in national service. Eritrea provides no substitute service for conscientious objectors. President Isaias revoked their citizenship in 1994. Since then, their punishments have been severe. They have been denied ration cards and work permits. [...]

Evidence that Jehovah's Witnesses who did not perform military service were able to obtain official identification documents in 2019

- ❖ [Freedom House, Freedom in the World 2019: Eritrea, 4 February 2019](#)

[...] Jehovah's Witnesses face severe persecution, including denial of citizenship and travel papers. [...]

- ❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] 40. Jehovah's Witnesses face severe persecution, including denial of citizenship and travel papers, for their political neutrality and conscientious objection to military service. [...] [p. 9]

2.3.1. Omissions in 2017 (compared to 2016), most of which were repeated in 2018 and 2019

Evidence that the authorities arrested persons who tried to cross the border and leave without exit visas in 2017

- ❖ [Amnesty International, Eritrea: Submission to the UN Human Rights Committee, 2017](#)

[...] 7. ARTICLE 12: FREEDOM OF MOVEMENT

The Eritrean authorities restrict freedom of movement, including the right to leave the country. People moving without permits within the country or trying to leave Eritrea are subject to arbitrary arrest and detention and, if crossing the border into Ethiopia, the shoot-to-kill policy. The Eritrean authorities prohibit anyone between 5 to 50 years from leaving the country. Hence, Eritreans leaving for family reunifications abroad are forced to cross the borders by land and take their flights from another country. If the military catches them attempting to leave, they are held in detention until they pay an exorbitant penalty. The amount of the fee varies according to the whims of the commanding officer, the time of the year, the distance from the border and the border they target to cross. If they are caught during the

national holiday celebrating the struggle for independence, the fee is higher. The amount will increase if they are caught trying to cross the border with Ethiopia. If those caught are of the national service age, they are sent to Sawa military training centre. [...] (p. 8)

❖ [United National General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-fifth session, 6-23 June 2017](#)

[...] Update on the human rights situation

[...] 18. During the reporting period, the Special Rapporteur continued to receive reports of new cases of arbitrary arrest and detention. The reasons for the arrests appear to be those previously identified by the commission of inquiry, namely: attempting to evade military service or trying to assist a family member in doing so; trying to leave the country; practicing an unauthorized religion; and offending a high-ranking government official or an official of the People's Front for Democracy and Justice, the sole political party in the country. The Special Rapporteur has received no official communication indicating that the Government has released arbitrarily detained prisoners or that it has provided information about the fate of high-profile individuals subjected to enforced disappearance. [...] (p. 5)

Evidence that the authorities arrested persons who tried to cross the border and leave without exit visas in 2018

❖ [The New Humanitarian, Fear Dampens Hope Among Eritrean Refugees in Ethiopia, 16 August 2018](#)

[...] President Isaias governs Eritrea with austere control. Movement within the country has required written permission for most of the past 20 years. It is illegal to leave without an exit visa, which is nearly impossible to obtain. The thousands who flee each month risk being shot or imprisoned. [...]

❖ [Romanian National Council for Refugees: General report - Human rights situation in Eritrea, February 2019](#)

[...] 9. The rights to a fair trial

[...] Arbitrary arrests and detentions are common; targets include those who evade military service, try to flee the country, or are suspected of practicing an unauthorized religion. [...]

Evidence that the authorities arrested persons who tried to cross the border and leave without exit visas in 2019

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] The punishment for desertion from national service, draft evasion, and illegal exit continues to be applied arbitrarily and inconsistently, mostly by military commanders and other representatives of the security forces. Transgressors can be arrested during *giffas* (round-ups), through searches, when trying to cross the border, or after returning from abroad.

[...] Prison terms for repeated offenders, document forgers and persons who have left the country illegally or have tried to do so are reportedly higher, up to three years. [pp. 9-10]

[...] In two steps in December 2018 and April 2019, the land border between Eritrea and Ethiopia closed again, making all land border crossings into Ethiopia illegal. Nevertheless, the border is no military front line anymore. Crossing illegally has become easier, as border guards reportedly tend to look away when people are attempting to cross.³⁷⁴ Some sources relate that they even point out which way to go.³⁷⁵ [...]

Despite these circumstances, the policies of the Eritrean authorities regarding illegal border crossing formally remain in place³⁸⁴ and due to the border closure, crossing has become riskier again. There are border guards who are less lenient, and consequently sporadic reports that detentions still happen.³⁸⁵ In August 2019, social media entries claimed Eritrea had moved troops to the Serha/Zalambessa border crossing in order to stop the outflow of migrants. Persons crossing have reportedly been detained.³⁸⁶

There is no independent confirmation of this information and neither an indication whether this is a temporary or permanent measure.

[...] 3.4. Treatment of persons crossing the border illegally

Pursuant to Proclamation 24/1992 (Article 29(2)), attempts to cross the border illegally or to help others to do so are punishable by a term of imprisonment of up to five years or a fine of up to 10 000 Birr³⁹⁰ (ca. EUR 600) or both.³⁹¹ The provisions of the National Service Proclamation and of the penal code cited in Chapter 2.7. also apply to people who leave the country after deserting or evading the draft. According to Article 37(3) of the National Service Proclamation, records are kept of persons liable to serve in national service ('any citizen [...] knowing that he has the duty of serving in the National Service') who flee the country. If they do not return before their 40th birthday and complete their compulsory service, they may be imprisoned for five years up until their 50th birthday. They also lose the right to work and to own land. In this field, the law does not distinguish between legal and illegal exits.³⁹²

De facto, the treatment of persons apprehended when crossing the border is arbitrary and depends on numerous factors, such as:

- the unit or the responsible commander making the arrest;
- the place of the arrest;
- the national service status (deserter, draft evader, exempted/completed, too young);
- for deserters: the unit they belong to;
- the time of the year (i.e. harsher treatment when national holidays are approaching).³⁹³

The arrested person is usually held for some time in a cell at the border area and afterwards brought to prisons such as Barentu, Hashferay (for Gash-Barka), Adi Abeito, or Edaga (for Dehub; see map in Chapter 2.3.2.). There, military and security officers investigate whether the person is a civilian or not. Torture such as beating or tying detainees up in painful positions is common during this investigation. The follow-up depends on their national service status.³⁹⁴ The following categorisation is based on the SEM's assessment of the available information and on statements by the sources mentioned in the footnotes.

- Deserters and draft evaders are treated as described in Chapter 2.7. Due to their attempt to cross the border, the punishment may be more severe. In Assab, according to one source, deserters and draft evaders who are arrested while trying to leave the country illegally are detained for five years, while the commanders of other fronts are more lenient.³⁹⁵
- For deserters from the civilian national service, the ministry for which they are working decides on the treatment. Usually, they spend some time in prison, after which they are either sent to a military unit or, in some cases, returned to their previous assignment.³⁹⁶
- Persons in national service age who have never been summoned or drafted are treated the same as draft evaders, i.e. imprisoned and conscripted afterwards.³⁹⁷ According to one source, illegal exit at this age is considered as absconding from service duty.³⁹⁸ Referring to a prison in Zoba Dehub, one source relates that women above 18 years have been released upon payment of a fee.³⁹⁹
- Minors are usually not brought to these prisons for investigation, but rather detained for a couple of weeks in a place close to the border and incidentally beaten or tied up, particularly boys. For their release, family members have to prove that they are not yet 18 years old and in some cases have to sign a guarantee that they will remain in the country or pay a fee.⁴⁰⁰ There are recent reports of minors who – after spending time in prison – were brought to military training centres⁴⁰¹; or to a prison-like boarding school in Nakfa for re-education. At this school, the teachers are national service teachers who had equally been arrested while trying to leave illegally.⁴⁰²

No recent information is available on the treatment of persons who had completed their national service duty or had been exempted from it, presumably since many of them were able to leave legally.⁴⁰³

Contrary to the SEM's findings, the Norwegian COI unit Landinfo holds that it is not possible to categorise arrested persons in groups with higher or lower probability for short- or long-term imprisonment.⁴⁰⁴

The information presented above primarily refers to the situation prior to the peace declaration with Ethiopia. Information on the treatment of persons crossing illegally after the closure of the border in December 2018/April 2019 is scarce, mainly due to the fact that the border guards are reluctant to interfere when people are crossing illegally, hence cases of arrest have become rare (see Chapter 3.3.2.).⁴⁰⁵ The former policy theoretically remains in place, though, and some border guards continue to follow it. According to anecdotal information by some sources, persons caught in the border areas are now often simply sent back to their places of origin.⁴⁰⁶ There have also been reports of persons detained, in which cases the treatment was similar as before peace with Ethiopia, including torture.⁴⁰⁷

The shoot-to-kill order on persons attempting to leave the country illegally, which had been introduced in 2004, has been applied inconsistently and rather rarely for a couple of years.⁴⁰⁸ Sporadic incidents of

shootings on persons at the border continue to be reported, even after the peace declaration with Ethiopia.⁴⁰⁹ In these latest cases, it was not clear whether the persons concerned had just accidentally walked into a military area, or if the border guards had shot at them for attempting to cross.⁴¹⁰ There are reports of persons who have been taken back by Eritrean security forces after having crossed into Ethiopia (see Chapter 4.2.).⁴¹¹ [...] [pp. 51-54]

374 Civil society source 3, Asmara, interview, July 2019; Diplomatic source 3, Asmara, interview, July 2019; International organisation 4, Asmara, interview, July 2019; Diplomatic source 9, Asmara, interview, July 2019; Civil society source 2, Asmara, interview, July 2019; Eritrea expert, telephone interview, 12 July 2019; Mekonnen, D.R., telephone interview, 17 July 2019; Local source 3, Tigray regional state (Ethiopia), interview, May 2019; Local source 5, Tigray regional state, interview, May 2019; Eritrean refugees, Addis Ababa, individual interviews, 21 May 2019; Legal expert, interview, Bern, 18 July 2019; Voice of America, Hopes Dashed as Ethiopia-Eritrea Peace Process Stagnates, 23 July 2019

375 Eritrea expert, telephone interview, 12 July 2019; Legal expert, interview, Bern, 18 July 2019

[...] 384 Eritrea expert, telephone interview, 12 July 2019

385 Eritrea expert, telephone interview, 12 July 2019; Academic expert, email interview, 21 July 2019; Local source 5, Tigray regional state, interview, May 2019

386 Asmara Standard [Twitter], posted on: 19 August 2019; Selam Kidane [Twitter], posted on 19 August 2019; Eminetti [Twitter], posted on 19 August 2019

[...] 390 The Eritrean currency nakfa (ERN) was introduced in 1997 with a ratio of 1:1 to the Ethiopian Birr (ETB). The official exchange rate is pegged to the US dollar in the ration 15:1, the black market exchange rate diverges from that.

391 Eritrea, Proclamation No. 24/1992 of 1992 issued to regulate the issuing of travel documents, 1 April 1992

392 Eritrea, Proclamation on National Service No. 82/1995, 23 October 1995

393 International organisation 3, Asmara, interview, July 2019; Legal expert, interview, Bern, 18 July 2019; Amnesty International, Amnesty International Report 2017/18, 22 February 2018, p. 160

394 Legal expert, interview, Bern, 18 July 2019; Local source 2, Tigray regional state (Ethiopia), interview, May 2019; Amnesty International, Eritrea: Repression without borders, 27 June 2019m p. 7; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, pp. 3, 4, 6; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, pp. 49, 61-62

395 Legal expert, interview, Bern, 18 July 2019; Local source 5, Tigray regional state, interview, May 2019; Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019

396 Legal expert, interview, Bern, 18 July 2019; Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019; Local source 2, Tigray regional state (Ethiopia), interview, May 2019; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, p. 62

397 Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019; Eritrean refugees, Addis Ababa, individual interviews, 21 May 2019; Eritrea expert, telephone interview, 12 July 2019

398 Eritrea expert, telephone interview, 12 July 2019

399 Eritrean refugees, Addis Ababa, individual interviews, 21 May 2019

400 Legal expert, interview, Bern, 18 July 2019; Local source 2, Tigray regional state (Ethiopia), interview, May 2019; Eritrean refugees, Addis Ababa, individual interviews, 21 May 2019; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, p. 49

401 Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019; Amnesty International, Amnesty International Report 2017/18, 22 February 2018, p. 160; United States, USDOS, Trafficking in Persons Report 2018, June 2018, p. 180; Human Rights Concern Eritrea, A Submission on the Initial Report of the Government of Eritrea (1999-2016), 2018, p. 60-64; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, pp. 49-50

402 Eritrean refugees, Mai Aini (Ethiopia), group interview, 20 May 2019; Local source 2, Tigray regional state (Ethiopia), interview, May 2019

403 Academic expert, email interview, 21 July 2019

404 Landinfo, Repons Eritrea: Faktagrundlag og kildekritikk [Response Eritrea: Fact base and source criticism], 14 January 2019, p. 3

405 Connell, D., telephone interview, 17 July 2019; Legal expert, interview, Bern, 18 July 2019; Horn of Africa expert, email interview, 23 July 2019;

406 Diplomatic source 1, Asmara, interview, July 2019; Eritrean asylum seekers, Rama (Ethiopia), group interview, 18 May 2019

407 Academic expert, email interview, 21 July 2019

408 cf. EASO, Eritrea: National service and illegal exit, November 2016, url, pp. 26, 28; SFH, Eritreisch-äthiopisches Grenzgebiet [Eritrean-Ethiopian border area], 08 February 2017, url, p. 22

409 Diplomatic source 9, Asmara, interview, July 2019; Local source 5, Tigray regional state, interview, May 2019; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 25 June 2018, url, para. 61; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, url, p.

14; Netherlands, MoFA, Algemeen Ambtsbericht Eritrea [General official report Eritrea], 21 June 2018, p. 37 ; Van Reisen, M. and Mawere, M. (ed.), Human Trafficking and Trauma in the Digital Era, 2017, p. 362
 410 Local source 5, Tigray regional state, interview, May 2019
 411 International organisation 4, Asmara, interview, July 2019; Local source 4, Tigray regional state, interview, May 2019

2.3.3 Omissions in 2019 (compared to 2018)

Access to the internet in 2019

- ❖ [BBC News, Social media shut in Eritrea, 15 May 2019](#)
 [...] According to [Internet World Stats](#), Eritrea has one of the lowest internet penetrations in the world. In 2018, it had only 71,000 internet users. They made up 1.3% of the population.
 Communication in Eritrea is strictly controlled by the government. There is no private media, and the internet cannot be accessed via mobile phones. [...]
 - ❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)
 [...] Only a small percentage of the population has access to the Internet inside the country. [...] [p. 13]
 - ❖ [Dutch Ministry of Foreign Affairs, General Official Message: Eritrea, October 2019](#) [Informal translation]
 [...] According to International Telecom, approximately 1.3% of Eritrea's inhabitants used the internet in 2017. In 2018, more than half of the world's population used the internet for the first time. In 2017, the number of mobile telephone subscriptions was 695,000, which means that more than thirteen percent of Eritreans had a mobile telephone subscription.¹¹⁵ The general official report of Eritrea of June 2018 elaborated on this topic. [...] [p. 27]
- 115 International Telecom Union, <https://www.itu.int/en/ITU/Statistics/Pages/stat/default.aspx>, geraadpleegd op 23 juli 2019; International Telecom Union, ITU releases 2018 global and regional ICT estimates, 7 December 2018.
- ❖ [BBC News, Eritrea - where ATMs are unknown and Sim cards are like gold dust, 15 October 2019](#)
 [...] State-owned EriTel is the sole provider of telecom services. The service it provides is bad, and tightly controlled by the government.
 A report by the International Telecommunication Union says that internet penetration in Eritrea is just above 1%.
 [...] People can only access the internet through WiFi, but it is very slow. To get onto social media sites like Facebook and Twitter, people use a virtual private network (VPN) to circumvent government censorship.
 [...] 3) There is only one local television station
 [...] State-owned Eri-Tv is the only television station based in Eritrea. It is the government's mouthpiece, but if you have a satellite dish you can watch the BBC and other international channels or Asena TV and ERISAT, run by political exiles.
 The Committee to Protect Journalists (CPJ) takes a dim view of media freedom in Eritrea, describing it as "the world's most censored country", behind even North Korea.
 It quotes Germany's Deutsche-Welle Akademie as saying that "satellite broadcasts of radio stations in exile are restricted through occasional signal jams and by the poor quality of the government-controlled internet".
 However, Information Minister Yemane Meskel denies that Eritrea is a "closed" society. He points out that more than 91% of homes in towns and cities have satellite dishes and receive more than 650 international TV channels. [...]
 - ❖ [Internet World Stats, Internet Users Statistics for Africa \(Africa Internet Usage, 2020 Population Stats and Facebook Subscribers\), 31 December 2019](#)
 [...] Eritrea

[...] Internet Users 31-DEC-2019: 293,343
[...] Penetration (% Population): 8.3 %
[...] Internet Growth % (2000-2020): 5,766 %
[...] Facebook subscribers 31-DEC-2019: 21,900 [...]

Citizens who fled the country remained in self-imposed exile due to their religious and political views and fear of conscription. Others reported there were no consequences for returning citizens who had residency or citizenship in other countries

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] Persons who have returned from abroad or been deported are reported to be treated similarly to those arrested within Eritrea. Returnees who have paid the 2 % tax and signed the ‘Letter of Regret’ are usually not arrested upon arrival. After the expiry of their privileged status, however, (re-)conscription into national service and punishment occur at the discretion of the authorities. [p. 10]

[...] A part of the Eritreans who return to their country have previously broken Eritrean laws – in particular Proclamation 24/1992, which lays down rules governing the entry to and exit from the country, and the National Service Proclamation on account of their desertion or draft evasion. [...] However, more severe conditions apply for citizens who have absconded abroad compared to deserters and draft evaders apprehended inside Eritrea. According to Article 37(3) of the National Service Proclamation, records are kept of persons liable to serve in national service (‘any citizen [...] knowing that he has the duty of serving in the National Service’) who flee the country. If they do not return before their 40th birthday and complete their compulsory duty, they may be imprisoned for up to five years until their 50th birthday. They also lose the right to work and to own land. In this field, the law does not distinguish between legal and illegal exits.⁴¹³

De facto, various factors are relevant for the way the Eritrean authorities treat returnees:

- the way of return: voluntarily or forced;
- the way of exit from Eritrea: legal or illegal;
- the year of exit from Eritrea (i.e. before or after independence, the border war with Ethiopia);
- payment of the 2 % tax and signing of Form 4/4.2;
- political activities abroad: none, pro-government, anti-government;
- their national service status prior to their exit from Eritrea;
- duration of stay in Eritrea: short-term visitor or permanent returnee;
- personal contacts in the responsible authorities;
- arbitrariness.⁴¹⁴

[...] Eritreans wishing to return who have not completed national service moreover have to sign Form 4/4.2, which is colloquially known as ‘form of repentance’ or ‘letter of regret’ and bears the title Immigration and Citizenship Services Request Form. In that form, they admit to having committed a criminal offence and accept the penalty for it.⁴¹⁸ The English translation of the original text (in Tigrinya) reads: ‘I ... confirm [...] that I regret having committed an offence by not completing the national service and am ready to accept appropriate punishment in due course.’⁴¹⁹ This applies to all Eritreans who have left the country illegally without completing national service; only persons who are exempted from national service or who have fulfilled their service duty are not asked to sign.⁴²⁰

De facto, a further condition applies: Persons wishing to return should have a minimum of loyalty towards the Eritrean government, i.e. not be politically active for the opposition abroad. Snitches in various countries are reported to collect information in this regard.⁴²¹

[...] Some persons are arrested and brought to a police station or prison in downtown Asmara. According to some sources, this can happen if a returnee has not signed the Form 4/4.2 despite being required to do so. Also anti-government political activities abroad can have this consequence, as snitches in the diaspora countries are reportedly informing the authorities in Eritrea about such activities.⁴²⁵

[...] 4.1.3. ‘Diaspora status’

Eritreans residing abroad are eligible to obtain a preferential status often referred to as ‘diaspora status’ from the Department for Immigration and Nationality. This status gives access to privileges: Holders are exempt from compulsory national service and – contrary to the provisions of Proclamation 24/1992 – may

leave Eritrea again without an exit visa.⁴²⁶ On the other side, holders do not have access to government services meant for residents such as food coupons, or the right to buy and sell land.⁴²⁷

In order to obtain the 'diaspora status', Eritreans have to file in the following documents:

- proof of payment of 2 % tax;
- proof of signing Form 4/4.2 (if applicable);
- Eritrean ID card;
- an international travel document such as a passport or a 1954 Convention travel document;
- supporting letter from the responsible Eritrean representation abroad that proves that they have lived outside Eritrea for more than three years.⁴²⁸

[...] Returnees who are again considered residents and who have not fulfilled yet their national service duty can be summoned again into national service or People's Army and eventually be punished for desertion, draft evasion or illegal exit.⁴⁶⁷ Whether they are effectively summoned or not is up to the discretion of the authorities⁴⁶⁸; cases of summons are however reported.⁴⁶⁹ One source reports that even prior to the expiry of the diaspora status, they may be caught in giffas.⁴⁷⁰ Another source has anecdotal knowledge of cases of returnees from Libya, Egypt and other countries who have been detained shortly after arrival. Reportedly, they were interrogated and tortured in prison and later sent to a military unit; a part of them fled the country again. The source indicates that a part of these cases had paid the 2 % tax and signed the Form 4/4.2 before returning. They had been treated somewhat better, but were still put into detention followed by military service.⁴⁷¹ Other sources share the view that such scenarios are possible.⁴⁷² [...] [pp. 55-61]

413 Eritrea, Proclamation on National Service No. 82/1995, 23 October 1995

414 See sources listed in Chapter 4; cf. Norway, Landinfo, Eritrea: Utreise [Eritrea: exit], 2 April 2019, p. 5; Norway, Landinfo, Respons Eritrea: Eritrea: Utstedelse av utreisetilattelse og ulovlig utreise [Response Eritrea: issuance of exit permit and illegal exit], 15 September 2016, p. 6; Sweden, Migrationsverket, Eritrea: Familjemedlemmars kontakt med eritreanska beskickningar i utlandet [Eritrea: Family members' contact with Eritrean representations abroad], 26 April 2018, p. 22; Netherlands, MoFA, Algemeen Ambtsbericht Eritrea [General official report Eritrea], 21 June 2018, p. 63

[...] 418 Legal expert, interview, Bern, 18 July 2019; Sweden, Migrationsverket, Eritrea: Familjemedlemmars kontakt med eritreanska beskickningar i utlandet [Eritrea: Family members' contact with Eritrean representations abroad], 26 April 2018, p. 22; Netherlands, MoFA, Algemeen Ambtsbericht Eritrea [General official report Eritrea], 21 June 2018, p. 63, 64; Bertelsmann Stiftung, Eritrea – National Service, Forced Labor and Mass Exodus, 2017, p. 234

419 United Nations Security Council, Letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council, 13 July 2012, pp. 62-64

420 Academic expert, email interview, 21 July 2019; Horn of Africa expert, email interview, 23 July 2019

421 Legal expert, interview, Bern, 18 July 2019; Plaut, M., Understanding Eritrea, 2016/2019, pp. 187-190

[...] 425 Mekonnen, D.R., telephone interview, 17 July 2019; Legal expert, interview, Bern, 18 July 2019; Plaut, M., Understanding Eritrea, 2016/2019, pp. 187-190

426 EASO, Eritrea: National service and illegal exit, November 2016, p. 30; International organisation 3, Asmara, interview, July 2019

427 Yemane Gebremeskel, Minister of Information, Asmara, interview, 2 July 2019; Academic expert with Eritrean origin A, email, 10 December 2018

428 EASO, Eritrea: National service and illegal exit, November 2016, p. 29-30; Strategic Initiative for Women in the Horn of Africa, A Report to the Commission of Inquiry on Human Rights in Eritrea, May 2015, p. 11; Eritrea, Department of Immigration and Nationality, Residence Clearance Form, issued in 2018 [scan shown above]

[...] 467 Eritrea expert, telephone interview, 12 July 2019; Mekonnen, D.R., telephone interview, 17 July 2019; Legal expert, interview, Bern, 18 July 2019; Academic expert, email interview, 21 July 2019; Former resident of Asmara, email, 11 September 2018; SFH, Eritrea: Reflexverfolgung, Rückkehr und "Diaspora-Steuer" [Eritrea: Persecution of family members, return, and 'diaspora tax', 30 September 2018, p. 11

468 Eritrea expert, telephone interview, 12 July 2019

469 Former resident of Asmara, email, 11 September 2018 470 Legal expert, interview, Bern, 18 July 2019

471 Horn of Africa expert, email interview, 23 July 2019;

472 Norway, Landinfo, Eritrea: Utreise [Eritrea: exit], 2 April 2019, p. 5; SFH, Eritrea: Reflexverfolgung, Rückkehr und "Diaspora-Steuer" [Eritrea: Persecution of family members, return, and 'diaspora tax', 30 September 2018, pp. 11-12; International organisation 3, Asmara, interview, July 2019; Academic expert, email interview, 21 July 2019

❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] Diaspora members who have paid their diaspora tax and who have signed the repentance letter are not likely to face problems upon return to Eritrea, if 1) they have obtained a foreign citizenship and are

equipped with the proper visa; 2) if they have returned in the 1990s or 3) have obtained diaspora status in Eritrea, which is limited to a certain period of time. [p. 5]

[...] 3.6 National service for returnees

[...] 47. Several of the interviewed sources suggested that returnees are at risk of being enrolled into national service. Some of these sources spoke of a clear risk,¹⁵² while others simply considered that such a risk could not be ruled out.¹⁵³

48. Academic researcher, Tanja R. Müller, mentioned that she was not aware of anybody who had been forced into national service upon voluntary return, but pointed to the law, stating that those who have not fulfilled national service can be assigned to go back to national service.¹⁵⁴ A western diplomat stated that the past would be forgotten when a person paid the diaspora tax, but also mentioned that it was unlikely that a returnee would be considered a diaspora member for more than three years.¹⁵⁵ An international development organisation considered, based on anecdotal evidence that a returnee having signed the regret letter and paid the diaspora tax might be allowed to live in the country without further harassment.¹⁵⁶

49. A western diplomat advised that returnees were not believed to be drafted, but the source mainly knew of persons who had returned in the 1990s or persons who might have foreign citizenships. This interlocutor did not have knowledge of Eritreans who had returned in recent years and added that if a person entered as an Eritrean citizen they would be treated as an Eritrean.¹⁵⁷ [pp. 30-31]

[...] 5.1 Treatment of voluntary and legally returned Eritreans

72. Several sources advised that, according to their information, diaspora members, who have paid their diaspora tax and signed the repentance letter, are to a certain extent forgiven and would not face problems on return to Eritrea.²⁰¹ However, according to most of these sources, these findings were linked to certain conditions described below.²⁰² According to the above-mentioned sources, the following diaspora members could return to Eritrea without facing problems:

- diaspora members, who returned in the 1990s (shortly after the independence)²⁰³
- diaspora members, who have obtained a foreign citizenship and are equipped with the proper visa²⁰⁴
- diaspora members, who have obtained diaspora status when staying in Eritrea

The diaspora status is limited in time; one source thought it was three years²⁰⁵ while two sources believed it to be seven years.²⁰⁶

73. A diplomatic source advised that diaspora members obtain a small card containing information about their country of residence. Many of these persons have dual citizenship and receive a so-called return card, which states that the person does not need an exit visa for a period of seven years. The source was not certain whether this period could be extended.²⁰⁷

74. Academic researcher, Tanja R. Müller, mentioned that a person having left illegally was punishable for this offence. However, since the government was more interested in the diaspora tax, members of the diaspora would not face problems upon return if they had paid their diaspora tax.²⁰⁸ An international organisation opined that these persons might be allowed to live in the country without being exposed to further harassment. However, the moment they may encounter the need to be issued any kind of official document, the lack of having served in national service will constitute a problem for them.²⁰⁹

75. A number of sources stated, however, that if a person leaves the country and joins the anti-government diaspora, they cannot return to Eritrea in any way.²¹⁰ Diaspora members should be supportive of the government upon their return to Eritrea.²¹¹ One source stated that a person would be at risk of imprisonment upon return and further reminded that a person abandoning the country is considered disloyal to the state,²¹² while two sources noted that things are generally unpredictable in Eritrea.²¹³

76. Two sources mentioned that elderly persons and persons, whose families left Eritrea during the struggle, who resided in the West and subsequently obtained a foreign citizenship, have returned to Eritrea without facing any problems by the authorities. They are perceived as legal returnees.²¹⁴

77. A humanitarian organisation opined that the Eritrean government is increasingly seeking to attract diaspora members to return to the country. The financial situation of Eritrea has deteriorated after years of international sanctions, internal restrictions and scarce foreign exchange, and the economy is now in stagnation. The government hopes that the diaspora members could boost the country's economy by bringing foreign exchange to Eritrea – in addition to the cash that they already send to their family members and through diaspora tax paid through the embassies. Therefore, the government is reaching out to educated diaspora members who are assumed to be financially well-off.²¹⁵

78. An international organisation opined that younger individuals would be treated in accordance with the way they exited and returned to the country.²¹⁶ Academic experts Martin Plaut and Habte Hagos stated

that the diaspora visiting Eritrea was usually supportive of the regime and thus did not face serious problems although they could face problems in form of difficulties in retrieving property.²¹⁷

[...] 79. HRW had been informed that there were records of Eritreans who had left the country. Some Eritreans who had left the country temporarily to visit family in Ethiopia, and who later returned during the period where the borders were open, were now registered on a list and monitored by the government.²¹⁹ [...] [pp. 36-38]

152 Interview with the Chairman of the Habeshia Agency: 13, Interview with an international humanitarian organisation working in Ethiopia: 12, Interview with Amnesty International: 15, Interview with Human Rights Watch: 14-16

153 Interview with an international human rights organisation: 7, Meeting with academic experts, Martin Plaut and Habte Hagos: 18 154 Meeting with a researcher, Dr Tanja R. Müller: 17

155 Meeting with a Western diplomat, a: 16

156 Meeting with an international development organisation, b: 12

157 Meeting with a Western diplomat, c: 33, 36-37

[...] 201 Meeting with a Western diplomat, b: 18-20, Meeting with a Western diplomat, c: 36, Meeting with a Western diplomat, d: 8, Meeting with five Western diplomats, e: 10, Meeting with academic experts, Martin Plaut and Habte Hagos: 21, Interview with an international development organisation, c: 13, Meeting with a researcher, Dr Tanja R. Müller: 20, Meeting with an international development organisation, b: 12, Meeting with a Western diplomat, a: 16-17

202 Meeting with a Western diplomat, b: 18-20, 32-34, Meeting with a Western diplomat, c: 36-37, Meeting with five Western diplomats, e: 10, Martin Plaut and Habte Hagos: 21, Interview with an international development organisation, c: 13, Meeting with a Western diplomat, a: 17

203 Meeting with a Western diplomat, c: 36

204 Meeting with a Western diplomat, b: 32, Meeting with a Western diplomat, c: 36-37, Interview with an international humanitarian organisation working in Ethiopia: 11

205 Meeting with a Western diplomat, a: 17

206 Meeting with a Western diplomat, b: 20, 33, Meeting with five Western diplomats, e: 12

207 Meeting with five Western diplomats, e: 12

208 Meeting with a researcher, Dr Tanja R. Müller: 20

209 An international development organisation, b: 12

210 Meeting with a Western diplomat, b: 20, Meeting with a researcher, Dr Tanja R. Müller: 20, Meeting with academic experts, Martin Plaut and Habte Hagos: 22

211 Meeting with academic experts, Martin Plaut and Habte Hagos: 21

212 Meeting with a Western diplomat, c: 33, 44

213 Meeting with five Western diplomats, e: 10, Interview with an international humanitarian organisation working in Ethiopia: 15 214 Interview with an international organisation, c: 14, Meeting with a Western diplomat, b: 34

215 Interview with an international organisation, c: 13

216 Interview with an international organisation, c: 14

217 Meeting with academic experts, Martin Plaut and Habte Hagos: 21

[...] 219 Interview with Human Rights Watch: 23

Border shoot-to-kill policy in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Freedom of movement and trafficking in persons

33. The Committee is concerned about restrictions on the right to freedom of movement in the State party, including restrictions on the right to leave the country, stipulated in the National Service Proclamation 82/1995. It is concerned about allegations that persons moving without permits within the State party or trying to leave it are subject to arbitrary arrest and detention. It is further concerned about allegations of so-called shoot-to-kill or shoot-to-wound policies that have been applied against persons trying to cross the borders illegally. [p. 7]

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] The shoot-to-kill order on persons attempting to leave the country illegally, which had been introduced in 2004, has been applied inconsistently and rather rarely for a couple of years.⁴⁰⁸ Sporadic

incidents of shootings on persons at the border continue to be reported, even after the peace declaration with Ethiopia.⁴⁰⁹ In these latest cases, it was not clear whether the persons concerned had just accidentally walked into a military area, or if the border guards had shot at them for attempting to cross.⁴¹⁰ [...] [p. 54]

408 cf. EASO, Eritrea: National service and illegal exit, November 2016, pp. 26, 28; SFH, Eritreisch-äthiopisches Grenzgebiet [Eritrean-Ethiopian border area], 08 February 2017, p. 22

409 Diplomatic source 9, Asmara, interview, July 2019; Local source 5, Tigray regional state, interview, May 2019; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 25 June 2018, para. 61; United States, USDOS, Country Reports on Human Rights Practices for 2018 – Eritrea, 13 March 2019, p. 14; Netherlands, MoFA, Algemeen Ambtsbericht Eritrea [General official report Eritrea], 21 June 2018, p. 37 ; Van Reisen, M. and Mawere, M. (ed.), Human Trafficking and Trauma in the Digital Era, 2017, p. 362

410 Local source 5, Tigray regional state, interview, May 2019

❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] 4.4. Shoot-to-kill policy

68. The 'shoot-to-kill' policy, meaning that border guards shoot in order to kill when Eritreans try to cross the border illegally, seems to have been relaxed or even abandoned, according to a number of sources.¹⁹⁴

Two sources suggested that it had never, or at least not for a long time, been implemented.¹⁹⁵

69. Academic experts Martin Plaut and Habte Hagos opined that the shoot-to-kill policy officially was unchanged. However, they noted that lately far more families have been crossing the border, which illustrates that the risk of being shot at the border had diminished.¹⁹⁶

70. Two sources stated that the shoot-to-kill policy does not seem to have been repealed.¹⁹⁷ Another source advised that if shooting would take place, it was more likely to be at the Sudanese border, due to the increased militarisation of the border. However, shooting at the Ethiopian border could not be entirely excluded.¹⁹⁸ A diplomatic source corroborated this scenario by referring to a recent incident where young conscripts had been shot and killed at the border.¹⁹⁹

71. An international organisation mentioned that the authorities would not shoot at people only because they were crossing the border, but the authorities might use the border crossing as an excuse to shoot a person if they wished to harm this person for other reasons.²⁰⁰ [...] [p. 35]

194 Interview with a journalist, Tom Gardner: 7, Meeting with a Western diplomat, c: 34, Meeting with a researcher Dr Tanja R. Müller: 18, Interview with an international humanitarian organisation working in Ethiopia: 14, Meeting with academic experts, Martin Plaut and Habte Hagos: 20

195 Meeting with a researcher Dr Tanja R. Müller: 18, Interview with a journalist, Tom Gardner: 6

196 Meeting with academic experts, Martin Plaut and Habte Hagos: 20

197 Interview with Mixed Migration Centre: 17, Interview with the Chairman of the Habeshia Agency: 20

198 Interview with an international organisation, c: 12

199 Meeting with a Western diplomat, c: 43

200 Interview with an international humanitarian organisation working in Ethiopia: 14

❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] The borders are closed, and women trying to cross them are frequently shot at and some are wounded and killed. [...]

3. Section 3. Freedom to Participate in the Political Process

3.3.2. Omission in 2018 (compared to 2017), repeated in 2019

Women's political participation in 2018

❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

[...] B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Women and various ethnic groups are nominally represented within the PFDJ, but they have no practical ability to organize independently or advocate for their interests through the political system. [...]

❖ [OHCHR, Human Rights Committee examines Civil and Political Rights in Eritrea in absence of a report, 13 March 2019](#)

[...] The Committee welcomed the advancements in political representation of women which now stand at 26 to 28 per cent and took positive note of the 30 per cent quota for women at all levels of public life and numerous seminars and awareness-raising activities on civil and political rights. What was the position of women in the labour market, their representation in decision-making positions, and whether the principle of equal pay for equal work applied? What were the rights of women in divorce and marriages, particularly under Sharia and customary law? [...]

Women's political participation in 2019

❖ [IPS \(Inter Press Service\) News Agency, From Empowerment During War, Eritrean Women Must Fight Gender Discrimination in a New Peace, 12 April 2019](#)

[...] When Eritrean girls and women become refugees in neighbouring countries, many are abused by traffickers, raped and tortured and go on to suffer further human rights abuses.

But at home, they face a blatant gender bias that has increasingly taken root since the independence struggle. The current peace process with Ethiopia is a clear example: there was not a single woman in the high-level delegation that Eritrea sent to Ethiopia for landmark peace talks in June last year.

This illustrates the extent to which women have disappeared from the social, economic and political scene of Eritrean society. There cannot be effective peace if half the population is not allowed to participate in the process at a political and governmental level – not as mere tokens but as effectual politicians, negotiators and mediators.

Eritrean women need to be part of any peace process if it is to be sustainable and ensuring that women have the skills to negotiate for their interests is key in this respect. This will not only have an impact for Eritrean women or Eritrea but also for the region.

The other aspect that holds women back is the fact that they are educationally disadvantaged and economically marginalised and cannot compete for leadership positions. Moreover, they lack the confidence and skills needed to compete meaningfully in the workplace.

This situation is perpetuated when these women leave Eritrea. And we see a much lower participation of women in civil society organisations now compared with the period during the independence war, when participation of women at the grassroots level was far greater.

The last 27 years have really left women side-lined, with no voice and representation and inactive at the grassroots. [...]

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Non-discrimination and equality between men and women

19. While noting the measures the State party has taken to increase women's representation at the regional level, the Committee is concerned that women are underrepresented in senior government positions and that the temporary special measures aimed at ensuring women's representation in legislative and judicial bodies have benefited only women affiliated with the political party in power (arts. 2, 3 and 26).

20. The State party should take all necessary measures to increase women's equal participation in all aspects of public life, in particular their representation at the highest levels of government and legislative bodies and in the judicial system. [...] [p. 3]

- ❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)
 [...] 48. The Special Rapporteur takes note of the Government’s efforts to increase women’s participation in all aspects of public life and to promote gender parity. She notes, however, that women have been absent from the Government’s current initiatives to promote regional peace and security. Women remain underrepresented in senior cabinet positions, in the senior ranks of the military and in the judiciary. Only women aligned with the ruling People’s Front for Democracy and Justice are appointed to government positions, and women are not allowed to independently organize to advocate for their interests or to form or participate in grass-roots organizations not sanctioned by the authorities. [...] [p. 11]

- ❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)
 [...] Equal participation in political and public life
 29. The Committee welcomes the increase in women’s representation on village and local councils and the increase in the number of women who are judges. It remains concerned, however, that women remain underrepresented in the National Assembly, the Government and the judiciary, especially at the decision-making level, and also at the international level and in diplomatic positions. The Committee reiterates its previous concern (CEDAW/C/ERI/CO/5, para. 24) about the absence of free, regular and fair elections to the National Assembly and other regional bodies. It also notes with concern the obstructions to the free exercise by political bodies and associations of their rights.
 30. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee urges the State party:
 (a) To expeditiously call free and fair elections to the National Assembly and other legislative bodies, ensuring that all women, including those holding divergent political views, can exercise their right to vote freely and by secret ballot and stand for election;
 (b) To create an enabling environment to ensure that women’s associations and political parties can be established without arbitrary or burdensome registration requirements and operate freely in the State party;
 (c) To ensure respect, protection and fulfilment of freedom of expression for human rights defenders;
 (d) To conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and for achieving political stability and economic development in the State party. [p. 8]
 [...] Gender and climate change
 49. The Committee welcomes the national adaptation plan and other efforts of the State party to tackle the adverse impact of climate change and disasters. However, it notes the absence of information on the integration of a gender perspective into national policies and programmes on disaster risk reduction and climate change and on the participation of women in policymaking and decision-making processes on climate change and disaster risk reduction.
 50. In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party ensure that women are meaningfully involved in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction. [...] [p. 14]

- ❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)
 [...] 10. Participation in political and public life; Freedom Expression and Freedom of Assembly (Article 7)
 The Government of Eritrea asserts that all women “enjoy the right to vote, to elect representatives, and to be elected democratically”. But since there has been no parliament elections since independence, this right is of no use. Eritrean women live in a state with no democratic constitution or any national elections. Government reports guarantee that “Eritrean women have the right to association and assembly”, but no citizen of this state enjoy such rights. The government does not tolerate any form of opposition and has arrested women who assembled to vent their frustration with the process of land allocation that impact them. For instance, women who were going to the offices of the President and the Ministry of Local

Government to file their complaint regarding the issue of land reallocation were blocked by the security forces of the country and arrested. [...] [p. 7]

Ethnic minorities' political participation in 2018

❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16

[...] B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Women and various ethnic groups are nominally represented within the PFDJ, but they have no practical ability to organize independently or advocate for their interests through the political system. [...]

Ethnic minorities' political participation in 2019

❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] F. Strengthening respect for the rights of ethnic minorities

50. The Special Rapporteur continues to receive reports that ethnic minority groups in Eritrea face discrimination, exclusion and denial of basic rights, and are exposed to violence. She notes that certain minority groups, including the Afar and Kunama ethnic groups, are excluded from the Government's efforts to alleviate poverty and achieve economic development.

51. According to information received, the situation of Afar communities in the coastal regions of Eritrea remains precarious. Since the establishment of the United Arab Emirates base in Assab, the rights of Afar communities to conduct traditional livelihood activities, such as salt production and fishing, have been seriously curtailed. In addition, current projects to redevelop the port of Assab and expand road infrastructure in the area are having an impact on the ancestral lands of this community. As the authorities do not recognize the land rights of the Afar, these projects are reportedly being carried out without involving or consulting them. Additionally, the Special Rapporteur has received various reports of attacks on Afar fishermen in Eritrean coastal waters. In separate incidents between October 2016 and August 2018, at least 10 Afar fishermen were reportedly killed and several others injured after United Arab Emirates helicopters fired on their boats at sea. In one incident in February 2018, 10 fishermen from the coast of Bori, close to Massawa, went missing after they set off to sea. In early February 2019, three fishermen from the coast of Makkaka, near Assab, reportedly went missing while fishing and, in March, relatives are said to have found the bodies of two other fishermen at sea. Over the years, many Eritrean Afar have fled. Some 20,000 Eritrean Afar currently live as refugees in Ethiopia.

52. The Special Rapporteur urges the Government to promote the rights of ethnic minorities, including through policies of equitable development and social inclusion. She calls on the Government to ensure respect for the rights of ethnic minorities by guaranteeing their participation in decision-making that will affect them and their integration in strategies for economic development and poverty reduction. [...] [pp. 11-12]

❖ [Freedom House, Freedom in the World, 4 March 2020](#)

[...] Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

Women and various ethnic groups are nominally represented within the PFDJ, but they have no practical ability to organize independently or advocate for their interests through the political system. [...]

4. Section 4. Corruption and Lack of Transparency in Government

4.3.1. Omissions in 2017 (compared to 2016) some of which continued to be omitted in 2018 and 2019

Evidence that soldiers or military vehicles were involved in smuggling persons out of the country in 2017

❖ [Martin Plaut, Eritrea: a mafia state?, Review of African Political Economy, 44:154, 13 September 2017](#)

[...] Eritrean officials involved in human trafficking

The Eritrean government controls its borders rigorously, including implementing a policy of ‘shoot to kill’ for anyone attempting an unauthorised crossing (Commission of Inquiry on Human Rights in Eritrea 2016, para. 56). At the same time there is mounting evidence that the same government not only controls the illicit flight of its own citizens but profits from it. How is it possible that both statements can be true?

The first point to make is that the Eritrean authorities have formal and informal systems of government. So, while it is formally policy to prevent the flight into exile, this is only applied to those who cannot afford to pay senior officials to facilitate their journey. With sufficient funds, it is possible to cross into Sudan in some comfort:

[O]ne of the ways of escaping from Eritrea is to be transported by luxury SUV vehicle from Asmara to Kassala, but you have to pay 8000 to 10,000 USD. It is arranged by the military and in every vehicle there will be 10–12 people. The vehicle is government/military and it does the whole trip in about 8 hours. That system is known by everybody if you can pay. (van Reisen and Mawere 2017, 32)

The government has established and controls an informal economy which facilitates these financial transfers (this is further explored below). This informal economy is not an operation run unofficially by senior officials and officers: it is a system that is officially sanctioned by the ruling party – the PFDJ. [...] (p. 664)

❖ [International Refugee Rights Initiative \(IRRI\), Tackling the root causes of human trafficking and smuggling from Eritrea, 8 November 2017](#)

[...] The role of state actors

[...] As the Global Initiative Against Transnational Organized Crime notes, “to operate as a smuggler facilitating movement across the region’s most controversial borders requires the capacity for high-level corruption or the direct involvement of state officials.”⁵⁷ [...]

57. Reitano et al, 2017, p. vii.

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] C. FUNCTIONING OF GOVERNMENT: 1 / 12

[...] C2. Are safeguards against official corruption strong and effective? 1 / 4

Petty bribery and influence peddling are thought to be endemic, and larger-scale corruption is a problem among some party officials and military leaders. The government’s control over foreign exchange effectively gives it sole authority over imports, and those in favor with the regime are allowed to profit from the smuggling and sale of scarce goods such as food, building materials, and alcohol. Senior military officials have allegedly profited from smuggling Eritreans out of the country. There are no independent agencies or mechanisms in place to prevent or punish corruption. [...]

❖ [Bertelsmann Stiftung, BTI 2018 Country Report — Eritrea, 2018](#)

[...] High-ranking military officers were involved in illegal activities, including goods smuggling and human trafficking of Eritreans seeking to leave the country. Human trafficking of Eritrean refugees across the border to Sudan and from Sudanese refugee camps to Libya continued with the involvement of corrupt Eritrean and Sudanese officials. (p. 3)

[...] Illegal activities on Eritrean soil and in the border regions such as smuggling of goods and human trafficking of Eritreans continued, with the involvement of army officials and the Rashaida ethnic group. The government showed no willingness or did not have the capacity to stop these practices. (p. 7)

[...] High-ranking officers continued to engage in illegal activities such as smuggling goods, and their involvement in human trafficking continued. They facilitated the flight of tens of thousands of Eritreans willing to leave the country by paying bribes. Human trafficking from Sudan across the Sahara to Libya continued. (pp. 11-12)

[...] General Philippos Weldeyohannes has remained the strongman among the military leadership, and reportedly he contained the activities of the most notorious smuggler and human trafficker, General Tekle "Manjus".

[...] There is no public accountability for mismanagement or corruption, and even the military-headed special courts, which are supposed to deal with cases of corruption, have become largely inactive. High-ranking military officers continued to be engaged in contraband trade and in the human trafficking business. They accepted bribes in order to smuggle young Eritreans out of the country and cooperated with corrupt Sudanese officials and members of the Rashaida tribe to traffic these refugees. [...] (pp. 30-31)

Evidence that soldiers or military vehicles were involved in smuggling persons out of the country in 2018

❖ [Romanian National Council for Refugees, Military Service in Eritrea, Ukraine and Syria, November 2018](#)

[...] Petty bribery and influence peddling are thought to be endemic, and larger-scale corruption is a problem among some party officials and military leaders. (...) Senior military officials have allegedly profited from smuggling Eritreans out of the country. [...] (p. 7)

❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] Petty bribery and influence peddling are thought to be endemic, and larger-scale corruption is a problem among some party officials and military leaders. The government's control over foreign exchange effectively gives it sole authority over imports, and those in favor with the regime are allowed to profit from the smuggling and sale of scarce goods such as food, building materials, and alcohol. Senior military officials have allegedly profited from smuggling Eritreans out of the country. There are no independent agencies or mechanisms in place to prevent or punish corruption. Special anticorruption courts overseen by the military nominally exist, but are mostly inactive. [...]

Evidence that soldiers or military vehicles were involved in smuggling persons out of the country in 2019

❖ [Freedom House, Freedom in the World 2020, 4 March 2020](#)

[...] Senior military officials have allegedly profited from smuggling Eritreans out of the country. [...]

Public Access to Information in 2017

❖ [Andreas Holm Røsberg and Kjetil Tronvoll, Migrants or Refugees? The internal and external drivers of migration from Eritrea, International Law and Policy Institute \(ILPI\), 14 February 2017](#)

[...] 3 Methodological challenges in research on Eritrea

[...] Eritrea represents a highly challenging research environment. It is for all intents and purposes, with a few notable exceptions, nearly impossible to obtain permission to undertake critical and independent research within the country.⁴ Independent and critical research and reporting on sensitive topics as human rights and migration is therefore largely relying on interviews with Eritreans who have already left

Eritrea and/or reviews of existing secondary sources / literature. Moreover, the Eritrean government is widely known for its secrecy and non-disclosure of a number of important statistical data. Combined with the lack of a free press and independent civil society organizations, the implication is that there is a fundamental lack of updated, valid and reliable data gathered more or less all sectors of society in Eritrea; a lacuna that is even more pronounced when it comes to issues considered sensitive by the Eritrean government.⁵ [...]

4 Research and data gathering in Eritrea with an official recognized research permit can generally be obtained through two means: 1) institutional collaboration with Eritrea' public institutions (as various colleges or other agencies as for instance National Statistics office), where the research are conducted under close supervision by the Eritrean agency and the outputs are the property of the Eritrean agency; or 2) international students without any prior record of critical publications on Eritrea may be allowed to do fieldwork in the country, being an affiliate with an Eritrean public institution.

5 Teclé, S., & Goldring, L. (2013). From 'remittance' to 'tax': the shifting meanings and strategies of capture of the Eritrean transnational party-state. *African and Black Diaspora: An International Journal*, 6(2), 189-207; Amnesty International (2015). "Just Deserters - Why indefinite national service in Eritrea has created a generation of refugees" (Available from: <https://www.amnesty.org/en/documents/afr64/2930/2015/en/>); and EASO (2015). "EASO Country of Origin Information Report - Eritrea Country Focus", Drafted by State Secretariat for Migration (SEM), Division Analysis and Services, Switzerland

❖ [Eyob Teklay Ghilazghy, Eritrea: A Muzzled State, English PEN, 8 September 2017](#)

[...] Access to information

The Eritrean government pursues two key strategies: to misinform the public and to control and monopolise the dissemination of, access to, exchange and receipt of information.

The state propaganda machine

All means of mass communications are monopolised and controlled by the government. Public information sharing, exchange, expression of opinions and access to, and use of, information are monitored and punished.

Supported by mass communication technologies, the Eritrean revolution and government have built the Eritrean education system and history on false narratives and propaganda. In order to effectively control and manipulate the population, they have denied the people the right to freedom of expression and access to information: sources of information means have been blocked, making them inaccessible and endangering those who attempt to access them. [...] (p. 14)

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] C. FUNCTIONING OF GOVERNMENT: 1 / 12

C3. Does the government operate with openness and transparency? 0 / 4

The government operates without public scrutiny. Basic data about the state budget and its appropriations are not publicly disclosed, and officials are not required to disclose their assets. [...]

Public Access to Information in 2018

❖ [Human Rights Concern – Eritrea \(HRCE\), A Submission on the Initial Report of the Government of Eritrea \(1999 -2016\) To the African Commission for Human and Peoples Rights \(ACHPR\), 62nd Ordinary Session 25 April – 9 May 2018](#)

[...] F. Freedom of Expression- Freedom of Association and Assembly – Freedom of Religion

[...] It is disturbing to note that - not satisfied with the closure of all independent media outlets, arresting independent journalist, harassing and regularly arresting its own Ministry of Information journalists, the Government of Eritrea has gone to extent of ensuring that the archived collections of the independent papers are no longer easily available for scrutiny.⁵⁵ p. 45

[...] Lack of reliable economic data

12. A key feature of the Eritrean economy is the lack of important data such as: population census; publication of the budget; income and wealth distribution; end of period poverty data. No State budget has ever been published and there has never been any public dialogue as to the national budget allocation. The belief is that the bulk of the State budget is spent on the Military. However, the fact that our Defence Forces ran out bullets during battle in 2000, the poor field conditions (i.e. nutrition, health

etc...) and the poor support provided to the Defence Forces in general and the National Service raised questions about the military spending. y.

13. There has been no census in the Country. UNFPA had worked with the Government to carry out a census, however it was postponed due to the Eritrea / Ethiopia Border War and has not yet been carried out. In 1995 and 2002 the Ministry of Health carried out Demographic Health Surveys. In each case the focus of the survey was to: "... collect and analyse data on the fertility, mortality, family planning and health" – These are specific medical surveys, they are not a. The data collected is to assist to augment government health planning. (Office/Eritrea, Macro, & National Statistic and Evaluation Office, 2003). [...] (p. 71)

55 55 Underground Blogger 2017- Asmara

❖ [United Nations General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-eighth session, 18 June–6 July 2018](#)

[...] II. Updates on the human rights situation

[...] 28. The Special Rapporteur has noted few material changes with the potential to positively impact the situation of human rights in Eritrea and regrets to inform the Human Rights Council that there is still no constitution and no parliament where laws could be discussed and enacted and questions of national importance debated. The rule of law is not supreme; the Government and its agents are not subject to the law, thus perpetuating long-entrenched impunity for widespread human rights violations.

29. No independent human rights organizations are allowed to operate in the country. International non-governmental organizations in the country are limited only to those that the Government invites to provide services according to strict agreements. [...] (p. 6)

❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] Key Developments in 2018:

[...] C. FUNCTIONING OF GOVERNMENT: 1 / 12

[...] C3. Does the government operate with openness and transparency? 0 / 4

The government operates without public scrutiny. Basic data about the state budget and its appropriations are not publicly disclosed, and officials are not required to disclose their assets. [...]

Public Access to Information in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Freedom of expression

39. The Committee is concerned about particularly severe restrictions on freedom of expression in the State party. The Committee is concerned about reports of ongoing harassment, arrest and detention of persons for merely expressing their opinion, including political figures, journalists and religious and community leaders. The Committee is further concerned that access to information has been restricted since the withdrawal of the licences of all independent newspapers in 2001, and that censorship and government control of the media has persisted (art. 19). [...] [p. 8]

❖ [Amnesty International, Repression without borders: Threats to human rights defenders abroad, June 2019](#)

[...] 1.2 ACCESS TO INFORMATION

Eritrea has no independent media. Eri-TV, the public broadcaster, is the country's only media outlet, and as such, the primary source of information for the Eritrean public.⁹ Eritreans remain largely disconnected from the rest of the world due to limited internet access in the country. In 2017, only 1.3% of the population was estimated to have internet access,¹⁰ and with only 600 broadband internet subscriptions,¹¹ Eritrea is one of the least digitally connected countries in the world.

Mobile cellular subscriptions cover only 13.7 percent of the population in 2017.¹² [...] To get a mobile phone sim card, it is necessary to obtain clearance letters from local administration officials, as well as at the District and Zone (Zoba) levels. [...]

9 Eri-TV is housed within the Eritrean Ministry of Information and functions as the ministry's communications outlet.

10 World Bank, Databank, Eritrea, available at

https://databank.worldbank.org/data/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=ERI and CIA, The World Factbook, available at

www.cia.gov/library/publications/the-world-factbook/geos/er.html

11 CIA, The World Factbook, available at <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/er.html>

12 World Bank, Databank, Eritrea, available at

https://databank.worldbank.org/data/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=ERI

13 Amnesty International interview with Tesfa Gebremariam (name changed), Hitsats Refugee Camp, Tigray, Ethiopia,

❖ [FCO – UK Foreign and Commonwealth Office, Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report, 5 June 2019](#)

[...] Eritrea has no constitutional government or elections and 2018 saw a continued poor record on arbitrary detention, in particular of political opponents and adherents to unapproved religions. It is not possible to obtain verifiable information, because the government does not allow any access to places of detention and does not share information on detainees. [...]

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] Access to information about Eritrea, particularly on human rights issues, is difficult. The Eritrean Ministry of Information controls all media in Eritrea. Academic researchers, journalists, and representatives of human rights organisations are generally unable to conduct research in the country, or can do so only to a very limited degree. The Eritrean authorities publish little detailed information about the national service. There is a similar lack of transparency regarding the implementation of legislation on national service and illegal exit; and the authorities do not publish any guidelines or implementing provisions. A monitoring of returned former asylum seekers is not possible.⁴

[...] A major challenge in researching public sources is to find current information which is complete.

[...] Information published by the Eritrean government or given by government officials is rather consistently in line with the official position. Detailed information – particularly on military issues – is often not accessible. Eritrean laws, proclamations, and regulations are partly accessible, but often not online. [...] [pp. 12-13]

4 cf. Landinfo, Repons Eritrea: Faktagrunnlag og kildekritikk [Response Eritrea: Fact base and source criticism], 14 January 2019, [url](#), p. 1

❖ [ACAPS, CrisisInSight: Humanitarian Access Overview, October 2019](#)

[...] Eritrea retains its status as one of the countries with the highest access constraints. INGOs are prohibited in the country. President Isaias Afwerki allows only a few UN agencies to operate, including UNICEF, FAO, and UNHCR, which has defined the operational environment as “challenging, but permissible for day-to-day activities”. Incoming funds from the UN and other donor agencies are subject to strict limitations and must pass through the Government of Eritrea. Information gaps are noticeable, for example on the obstacles encountered by Eritreans in accessing services or movement restrictions within the country. Historically, Eritrea has not shared information about the level of humanitarian needs. [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Data collection

53. The Committee is concerned about the general lack of statistical data disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary to accurately assess the situation of women, determine the magnitude and nature of discrimination, develop

informed and targeted policies and systematically monitor and evaluate progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention. [...]

4.3.3. Omissions in 2019 (compared to 2018)

Corruption in the issuance of identification and travel documents, including in the passport office in 2019

- ❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] To obtain an Exit Visa, a woman must pay a large sum of money to bribe officials or provide sexual service to corrupt government officials; or rely on a close relative amongst the immigration officials to obtain such a document through devious means. [...] [p. 8]

6. Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

6.2.1. Improvements in 2017 (compared to 2016)

Those who refused to attend and participate in military training either hid, fled the country, or were arrested in 2017 [not just unable to get a job]

- ❖ [Government of the Netherlands, Ministry of Foreign Affairs, Country of Origin Report on Eritrea, 6 February 2017](#)

[...] Prison sentences are handed out in Eritrea both on criminal grounds (for ordinary crimes, and for attempts to leave the country illegally) and on political and religious grounds, as well as in connection with military offences such as evasion of military service and desertion. [...] (p. 50)

- ❖ [Andreas Holm Røsberg and Kjetil Tronvoll, Migrants or Refugees? The internal and external drivers of migration from Eritrea, International Law and Policy Institute \(ILPI\), 14 February 2017](#)

[...] Penalties for avoiding national service

[...] The National Service Act and the Eritrean Criminal Code set out the penalties for failing to participate in the national service, including failure to register for service, flight from active national service, and evasion by different means including deceit or self-inflicted harm. Sanctions against this behaviour can be a two-year prison sentence and/or a fine of 3,000 birr.¹⁰¹ Those who flee the country to avoid the national service and who further fail to return to Eritrea before the age of 40, face the punishment of 5 years in prison or until the person in question reaches the age of 50. The New Eritrean Criminal Code of 2015 reduces the maximum sentence in peacetime to three years in prison.¹⁰² [...]

101 The fines are reported in Birr as both the National Service Act and the Eritrean Criminal Code were written before Eritrea converted to the nakfa as their national currency.

102 Landinfo (2016a), "Report - National Service", Landinfo - Country of Origin Information Centre (Norway) - Translation provided by UK Home Office (Available from: http://www.landinfo.no/asset/3382/1/3382_1.pdf) and Kibreab, G. (2014). The Open-Ended Eritrean National Service: The Driver of Forced Migration, paper for the European Asylum Support Office - practical Cooperation meeting on Eritrea, 15-16 October 2014, Valetta - Malta.

- ❖ [United National General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-fifth session, 6-23 June 2017](#)

[...] Update on the human rights situation

[...] 18. During the reporting period, the Special Rapporteur continued to receive reports of new cases of arbitrary arrest and detention. The reasons for the arrests appear to be those previously identified by the commission of inquiry, namely: attempting to evade military service or trying to assist a family member in doing so; [...] (p. 5)

❖ [Zoe Holman, The Living Hell of Being a Girl Soldier in Eritrea, Vice, 31 August 2017](#)

[...] The physically and psychologically gruelling, open-ended nature of military service means that Eritrea's authorities have developed a countrywide apparatus of repression to intercept or punish those attempting to evade conscription. Anyone caught trying to escape service will likely be arrested and detained for a lengthy period of time—often in the extensive network of underground prisons, or in shipping containers at blazing temperatures.

[...] After all this, if they survive, deserters are released back into military service, typically in a more punitive role. If conscripts are apprehended at the border, it is equally likely they will be mowed down under the shoot-to-kill policy. [...]

❖ [Romanian National Council for Refugees, General Report Eritrea: Human Rights Situation, October 2017](#)

[...] 5.b. Recruitment

[...] In addition, giffas have taken place on a country-wide basis since approximately 2001. During these raids, checks are carried out to ascertain whether young people have completed their military

Those who refused to attend and participate in military training either hid, fled the country, or were arrested in 2018 [not just unable to get a job]

❖ [Human Rights Watch, Human Rights Abuses of Eritreans, At Home and Abroad, 18 April 2018](#)

[...] Based on Human Rights Watch research, Eritreans' most predominant impetus for flight is to escape what is known as "national service." By a proclamation issued in 1995, all Eritreans are subject to 18 months of national service, including six months of military training. Eritrean law requires Eritreans leaving the country to hold an exit permit which the authorities only issue selectively, severely punishing those caught trying to leave without one, including with jail time.

[...] In the past few years, more and more unaccompanied children have fled Eritrea. When interviewed in Europe, they've explained they feared being forced into possibly indefinite military service. Many children told us they had observed what had happened to their fathers, older siblings, or other close relatives who had been conscripted and didn't want to suffer the same fate. [...]

❖ [Human Rights Concern – Eritrea \(HRCE\), A Submission on the Initial Report of the Government of Eritrea \(1999 -2016\) To the African Commission for Human and Peoples Rights \(ACHPR\), 62nd Ordinary Session 25 April – 9 May 2018](#)

[...] Students who do not report for Grade 12 at the Sawa Military camp and are caught, are sent directly to Military training and forfeit any further access to education. [...] (p. 55)

❖ [The East African, A cruel graduation: In Eritrea, school remains a one-way ticket to the army, 1 August 2018](#)

[...] Students have come to view the education system as a trap that delivers them right into the jaws of national service. Some drop out of school to escape conscription, but this is a dead-end choice because without a clearance certificate from national service, they cannot access food rations, or register a business, acquire a mobile phone line or a driving license, or open a bank account.

Furthermore, the military conducts random house-to-house searches to round up anyone suspected of trying to evade national service. [...]

❖ [Freedom House, Freedom in the World 2019: Eritrea, 4 February 2019](#)

[...] Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?
0/4

[...] Security forces employ lethal violence arbitrarily and with impunity. Individuals attempting to escape military service or flee the country have been fired on by soldiers. [...]

- ❖ [Amnesty International, Shadow Report To The African Commission On Human And Peoples' Rights 62nd Ordinary Session 25 April – 9 May 2018 , April 2018](#)

[...] The military often conducts sudden searches and round-ups of suspected national service evaders. [...]

6.3.1. Omissions in 2017 (compared to 2016) some of which continued to be omitted in 2018 and 2019

No information was available on the prevalence of rape, which citizens seldom reported to officials in 2017

- ❖ [Human Rights Concern – Eritrea \(HRCE\), Report on Women's Rights Violations in Eritrea – HRCE Report 1/2017, 13 March 2017](#)

[...] Eritrean women are exposed to sexual abuse from an early age. In the early 1990s, the Ministry of Education has established a summer work program whereby every upper secondary schooler is forced in summer work under the Ministry of Agriculture's preferred villages and community works in remote locations.

The student's summer works policy of the government exposes many young and under-age girls to sexual harassments and abuses. Summer work does not by itself constitute violation of human rights but it is not voluntarily and its aim is to keep young men and women away from the cities and villages so that to avoid any possible protests and peaceful demonstrations.

Furthermore, due to the lack of adequate secondary schools, particularly in rural areas, children are forced to walk long distances to get to the nearest school, which renders many vulnerable young girls to rape and many are forced to stop attending school at an early age. Sexual abuse is a taboo subject within Eritrean societies; many parents would not be willing to report sexual abuse for fear of stigma or isolation of the female child, yet the physical and psychological impact of it on young women is severe.

Among others, the results are:

- a. Unwanted pregnancy: many choose to abort the pregnancy, but must deal with physical and legal issues. Abortion could result in infections and death. It could also result in fertility complications.
- b. Social stigma: since it is taboo to bear a child outside of marriage, some young women decide to leave the country while they are pregnant and die in the process of crossing the border and others have drowned in the Mediterranean while trying to reach Europe.
- c. Committing suicide: due to the psychological, physical, and sexual abuses many women endure they commit suicide, bearing huge psychological problems and trauma for the entire household, including the children they leave behind. [...]

No information was available on the prevalence of rape, which citizens seldom reported to officials in 2018

- ❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4 (-1)

[...] Rape of women and sexualized forms of violence against men are common in detention and in military service. Sexual assault of female conscripts is endemic and has not been thoroughly investigated by the authorities. [...]

Score Change: The score declined from 2 to 1 because women performing their national service, particularly in the military, face the threat of rape and sexual assault, and because there is widespread impunity for such attacks. [...]

No information was available on the prevalence of rape, which citizens seldom reported to officials in 2019

❖ [IPS \(Inter Press Service\) News Agency, From Empowerment During War, Eritrean Women Must Fight Gender Discrimination in a New Peace, 12 April 2019](#)

[...] Since the government has barred any independent NGOs from operating inside Eritrea, it is extremely difficult for women to get the support they need. Existing laws do not help women and as government officials are often responsible for these abuses, most cases go unreported. [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Gender-based violence against women

23. The Committee takes note of the creation of a national steering committee responsible for coordinating efforts to combat female genital mutilation and other forms of violence against women, as well as the development of clinical guidelines for the management of victims of gender-based violence against women in 2019. It remains concerned, however, about the high prevalence of gender-based violence, in particular domestic and sexual violence, in the State party, including in educational institutions and in the context of national service. It further notes with concern:

[...] (d) The lack of statistical data on the number of complaints, investigations, prosecutions and sentences imposed in cases of gender-based violence against women, disaggregated by age and the relationship between the victim and the perpetrator. [...] [p. 6]

Domestic violence was commonplace, but such cases rarely were reported or brought to trial in 2017

❖ [Government of the Netherlands, Ministry of Foreign Affairs, Country of Origin Report on Eritrea, 6 February 2017](#)

[...] Violence, including sexual violence

[...] Marital rape is not an offence. Out of shame, most women do not report domestic and non-domestic violence or rape. Domestic violence still occurs frequently, especially in rural areas. Although domestic violence is a crime, such matters are rarely brought to justice. Sometimes an attempt is made to resolve the issue within the family or the religious circle. [...]

❖ [Zoe Holman, The Living Hell of Being a Girl Soldier in Eritrea, Vice, 31 August 2017](#)

[...] For Horne [Felix Horne, a senior researcher on Eritrea at Human Rights Watch], the magnitude of repression in Eritrea has made research and publicity around abuse there near impossible. "One of the striking things that [does] comes across in reports from Eritreans is the massive impact military service has on girls and women," he says. "There is a not a lot of nuance and it needs to be investigated much more, but it is incredibly difficult to find women and girls who are willing to speak. Such are the incredible levels of fear amongst all Eritreans." There is a large Eritrean diaspora, Horne explains, but even those who have successfully fled are reticent to discuss their experiences—even privately among friends, and especially to international researchers. "There is a sense that if you speak about what happened in Eritrea, family members will be targeted. The perception is that you are never safe; fear extends to every layer of Eritrean society." [...]

Domestic violence was commonplace, but such cases rarely were reported or brought to trial in 2018

❖ [Connection e.V., Eritrea: A Country Under the Sway of a Dictatorship, Desertion, Refuge & Asylum, July 2018](#)

[...] The Situation of Women and Girls in Eritrea

* by Dr. Asia Abdulkadir

[...] Customary and Sharia Law are applied particularly in family disputes and inheritance issues. And they are not in favor of women. Economic hardship and repression, the social and cultural hierarchy deprives Eritrean women from equally accessing land and other resources, and more importantly women have limited control of their lives as human being. In their persuasion for higher education many women and girls face negative attitudes from their families, community and teachers.

Sexual and Gender Based Violence takes many forms in Eritrea. Female Genital Mutilation (FGM) is a serious problem affecting 89% of women. Domestic violence is not systematically reported. [...] (p. 53)

Domestic violence was commonplace, but such cases rarely were reported or brought to trial in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Gender-based violence, including domestic violence

21. While welcoming assurances by the State party that it is addressing harmful practices such as female genital mutilation, the Committee is concerned that violence against women is widespread and persistent in the State party, including domestic violence and sexual violence in the context of the national service programme. [p. 3]

Authorities rarely intervened in domestic violence cases due to societal attitudes, a lack of trained personnel, and inadequate funding. Traditional authorities, families, or clergy more commonly addressed incidents of domestic violence in 2017

❖ [Government of the Netherlands, Ministry of Foreign Affairs, Country of Origin Report on Eritrea, 6 February 2017](#)

[...] Violence, including sexual violence

[...] Marital rape is not an offence. Out of shame, most women do not report domestic and non-domestic violence or rape. Domestic violence still occurs frequently, especially in rural areas. Although domestic violence is a crime, such matters are rarely brought to justice. Sometimes an attempt is made to resolve the issue within the family or the religious circle. [...]

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] Women

[...] The NUEW [National Union of Eritrean Women] told DFAT that domestic violence was not a major issue in Eritrea, but when incidents did occur they were generally dealt with at the community level through mediators rather than through the legal system. DFAT is not aware of whether any shelters for abused women exist in Eritrea. [...] (p. 18)

❖ [Romanian National Council for Refugees, General Report Eritrea: Human Rights Situation, October 2017](#)

[...] 9. a. Sexual violence

[...] Authorities rarely intervene, due to societal attitudes, a lack of trained personnel, and inadequate funding. Instead, traditional authorities, families, or clergy more commonly addressed incidents of domestic violence.⁵⁸ [...]

58 UN Human Rights Council, Report of the commission of inquiry on human rights in Eritrea, 9 May 2016, A/HRC/32/47, available at: <http://www.refworld.org/docid/575920394.html> [accessed 01 November 2017]

Authorities rarely intervened in domestic violence cases due to societal attitudes, a lack of trained personnel, and inadequate funding. Traditional authorities, families, or clergy more commonly addressed incidents of domestic violence in 2018

❖ [Connection e.V., Eritrea: A Country Under the Sway of a Dictatorship, Desertion, Refuge & Asylum, July 2018](#)

[...] The Situation of Women and Girls in Eritrea

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[...] Victims of rape often face many obstacles in trying to bring the perpetrators to justice. Many women who have suffered rape or other forms of abuse are too intimidated by cultural attitudes and state inaction to seek redress. To do so can lead to hostility and guards continue to be committed with impunity. [...] (p. 54)

Authorities rarely intervened in domestic violence cases due to societal attitudes, a lack of trained personnel, and inadequate funding. Traditional authorities, families, or clergy more commonly addressed incidents of domestic violence in 2019

❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] 5. The Special Rapporteur takes note of the efforts of the Government to address gender-based violence. [...] She notes, however, that gender-based discrimination and violence against women remain widespread in Eritrea. She highlights that Eritrea lacks a comprehensive framework to address violence against women, including criminal provisions addressing all forms of sexual and gender-based violence and providing adequate legal remedy to victims. [...]

❖ [Global Initiative to End All Corporal Punishment Against Children, Corporal punishment of children in Eritrea, December 2019](#)

[...] “With reference to the Committee’s general comment No. 8 (2006) on corporal punishment and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to continue enforcing the prohibition of violence in all settings and to prosecute perpetrators, and to furthermore:

[...] e) ensure that mediation is not given preference over criminal proceedings in domestic violence cases, including marital rape; [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Gender-based violence against women

23. The Committee takes note of the creation of a national steering committee responsible for coordinating efforts to combat female genital mutilation and other forms of violence against women, as well as the development of clinical guidelines for the management of victims of gender-based violence against women in 2019. It remains concerned, however, about the high prevalence of gender-based violence, in particular domestic and sexual violence, in the State party, including in educational institutions and in the context of national service. It further notes with concern:

(a) The absence of comprehensive legislation specifically criminalizing all forms of gender-based violence against women, including an explicit definition of marital rape
[...] (c) The lack of shelters and rehabilitation programmes for survivors of gender-based violence against women;

[...] 24. Recalling the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and its previous concluding observations (CEDAW/C/ERI/CO/5, para. 21), the Committee recommends that the State party:

(a) Adopt legislation criminalizing all forms of physical, psychological, economic and sexual violence against women, including marital rape, and define rape based on lack of consent rather than penetration or use of force;

(b) Ensure that all perpetrators of acts of gender-based violence against women are prosecuted and adequately punished by a competent court, that victims and witnesses receive protection and that victims are adequately compensated;

(c) Ensure the availability and accessibility of shelters for women who are victims of gender-based violence throughout the State party, strengthen and adequately fund support services for victims and ensure that staff are trained and the quality of services is regularly monitored;

(d) Systematically collect statistical data on the number of complaints, investigations, prosecutions and sentences imposed in cases of gender-based violence against women, disaggregated by age, disability, region and the relationship between the victim and perpetrator.

Access to justice

25. The Committee welcomes the adoption of the Civil Code of 2015, but remains concerned about its lack of implementation. It is also concerned about the lack of measures taken by the State party to ensure the independence, professionalism and gender sensitivity of the judiciary at all levels. The Committee also notes with concern that women and girls continue to face obstacles in gaining access to justice and the absence of independent and free-of-charge specialized legal services for women.

26. The Committee reiterates its previous recommendation (CEDAW/C/ERI/CO/5, para. 13) and urges the State party:

(a) To take appropriate measures to ensure the independence and gender sensitivity of the judiciary;

(b) To design a judicial policy to eliminate the institutional barriers faced by women and girls in obtaining access to justice, including barriers of the built environment and in communication, and provide training on gender equality to the judiciary, lawyers and traditional and religious leaders;

(c) To ensure effective access to justice for women who are victims of gender-based violence, including through special legal aid mechanisms and legal aid programmes, including for women recruits in national service. [...] [pp. 6-7]

Female Genital Mutilation/Cutting (FGM/C) continued in several rural areas of the country in 2017

❖ [UNFPA, World Population Dashboard: Eritrea, 2017](#)

[...] Harmful Practices, FGM prevalence among girls aged 15-19, percent, 2017: 69 [...]

❖ [African Committee of Experts on the Rights and Welfare of the Child, Concluding Recommendations by the African Committee of Experts on the Rights and Welfare of the Child \(ACERWC\) on the State of Eritrea's Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child, January 2017](#)

[...] Protection against Harmful Social and Cultural practices

21. The Committee notes with satisfaction that the State Party has enacted laws prohibiting FGM and child marriage. The Committee would also like to commend the State Party for launching the AU Campaign on ending child marriage and for the various initiatives against HTPs affecting the girl child. The Committee however observes that structural problems have affected the application of the various laws against HTPs which resulted in for instance a large number of girls being subjected to FGM.

[...] The Committee therefore recommends that the State Party;

- Apply the 2007 law on FGM strictly and improve institutional structures;

- Increase awareness raising campaigns together with CSOs, religious and community leaders to sensitise the population on the dangers of FGM and child marriage and on laws prohibiting the practices of other forms of traditional harmful practices;
- Provide financial, medical and psychological assistance to victims of FGM and child marriage;. [...] (p. 10)

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] Women

[...] DFAT further assesses that women in Eritrea face a high risk of violence, particularly experiencing FGM, regardless of socio-economic or religious background. [...] (p. 19)

❖ [Romanian National Council for Refugees, General Report Eritrea: Human Rights Situation, October 2017](#)

[...] 9.c. Female Genital Mutilation

Female genital mutilation (FGM) has been prohibited by Eritrean law since March 2007. The penalty for carrying out FGM is now up to three years' imprisonment and a fine. Despite this, health-care professionals and international organisations report that FGM continued to be practiced in Eritrea, more widely in the countryside than in urban areas. The incidence of FGM has decreased to a certain degree, as a result of various public information campaigns conducted in recent years by the government along with the National Union of Eritrean Women, the National Union of Eritrean Youth and Students, UNICEF and the United Nations Population Fund. This is reflected in UNICEF data from July 2014 which put the percentage of Eritrean women between the ages of 15 and 49 who had undergone female circumcision to 83 compared to 89 previously. These figures suggest that FGM also occurs frequently among Eritrean Christians.⁶⁵

Around a third of the circumcised girls (especially in rural areas) are subjected to the most severe form of FGM, infibulation. For three-quarters of the girls who are circumcised, this happens before their fifth birthday. However, views on FGM seem to be changing: the study mentions that 12 percent of women wish to continue the practice, compared to 49 percent in previous studies and 69 percent of girls under 19 years are circumcised, compared to 93 percent of women between 40 and 50 years old. Therefore, since the legal ban on FGM was introduced, there has been a clear decrease in its incidence in girls under 15, and during the Universal Periodic Review in February 2014, Eritrea was praised by UN Member States for its efforts to promote the equality of women and eliminate FGM. Eritrea was one of the few African countries which at that time was on track for the three Millennium Goals in the area of maternal and child health.⁶⁶ [...]

65 Netherlands Ministry of Foreign Affairs: Algemeen Ambtsbericht Eritrea, 6 February 2017 (available at [ecoi.net](http://www.ecoi.net/file_upload/1226_1502861555_coi-eritrea-2017.pdf)) http://www.ecoi.net/file_upload/1226_1502861555_coi-eritrea-2017.pdf (accessed 10 November 2017)

66 Ibidem

❖ [28 Too Many, FGM In Eritrea: Key Findings, November 2017](#)

[...] FGM prevalence averages over 90% across four out of the six administrative zobas in Eritrea. Prevalence in the capital city, Asmara (located in the south of Maekel), is 73.6%, while in other towns it is 85.4% and in rural areas it is 85%.⁸

Unlike in most countries, where FGM is more likely to occur in rural areas than in urban areas, in Eritrea, there appears to be more of a division between Asmara and the rest of the country.

In Asmara, prevalence fell by nearly 18% from 1995 to 2010, whereas in other areas prevalence fell by about 10% over the same period.⁹

[...] Challenges moving forwards

What challenges remain for Eritrea in eliminating FGM?

- Overcoming traditions, beliefs and social norms that support the continuation of FGM and override the law. Social acceptance is the most commonly given reason for practising FGM, and pressures from family and community, particularly grandmothers, make it difficult for people who object to speak up.
- Policies and practices of the Government of the State of Eritrea (GoSE) will likely restrict the progress of anti-FGM work, including its expulsion of NGOs and INGOs and its restrictions on foreign funding, which curtails the amount of FGM research that can be done and prevents

independent verification of existing data and the sharing of knowledge and best practice to tailor and scale up vital programmes.

- The lack of press freedom. The Ministry of Information's control over news and broadcasting limits debates and sharing of knowledge and strengthens taboos around practices such as FGM.
- Misunderstandings in relation to sex and FGM. There appears to be a need for more education on sexual health and FGM for both adolescents and adults.
- Access to family planning, home births and the use of traditional medical practitioners. The limited access to family planning, the high rate of home births and Eritrean's reliance on traditional medical practitioners, who may use harmful traditional practices such as FGM, all increase the risks for women and girls.
- Limited funding and resources. The healthcare system, in particular, needs additional funding to give easier access to healthcare and clear the backlog of fistula patients.
- Disorder in the legal and justice systems. The constitution and the 2015 Codes have not been fully implemented, and without firm laws upon which to base the legal and criminal justice systems, the GoSE cannot consistently carry out and report prosecutions for FGM.
- Illiteracy. The rate of illiteracy is especially high for women, meaning education through the distribution of printed material about FGM and related issues is ineffective for a large percentage of the population.
- Transport and infrastructure in remote locations. Remote rural areas, where FGM prevalence is often highest, present difficulties in terms of access and a lack of infrastructure, making scaling up programmes and prosecuting perpetrators difficult. [...]

8 EPHS 2010, p.347.

9 National Statistics Office [Eritrea] and Macro International Inc. (1995) Eritrea Demographic and Health Survey, 1995, p.166. Calverton, Maryland: National Statistics Office and Macro International Inc. Available at <http://dhsprogram.com/pubs/pdf/FR80/FR80.pdf>.

❖ [UN Women, Prevalence Data on Different Forms of Violence against Women: Eritrea, 2017](#)

[...] Prevalence Data on Different Forms of Violence against Women:

[...] Female Genital Mutilation/Cutting: 83 %² [...]

(2) Percentage of girls and women aged 15 to 49 years who have undergone FGM/C. Source: UNICEF global databases 2017, based on Demographic and Health Surveys (DHS), Multiple Indicator Cluster Surveys (MICS) and other nationally representative surveys.

Female Genital Mutilation/Cutting (FGM/C) continued in several rural areas of the country in 2018

❖ [Connection e.V., Eritrea: A Country Under the Sway of a Dictatorship, Desertion, Refuge & Asylum, July 2018](#)

[...] The Situation of Women and Girls in Eritrea

* by Dr. Asia Abdulkadir

[...] Sexual and Gender Based Violence takes many forms in Eritrea. Female Genital Mutilation (FGM) is a serious problem affecting 89% of women. Domestic violence is not systematically reported. [...] (p. 53)

❖ [UNFPA/UNICEF, Performance Analysis for Phase II, August 2018](#)

[...] Studies and Evaluations Informing Programme Interventions

[...] During Phase II, the Joint Programme commissioned rigorous evaluations to determine whether target populations were experiencing shifts in attitudes towards FGM as a result of programme interventions. Some studies even inquired into whether families intended to cut their daughters. Overwhelmingly, evaluations of the programme in Sudan, Somalia, Uganda, Eritrea, Burkina Faso, Mauritania and Ethiopia pointed to changing attitudes regarding FGM. [...]

Lessons learnt from these evaluations reveal that: [...]

Systematic mapping of 348 villages covering 5,811 households showed a significant reduction in FGM for girls under age 5 (from 12.4 per cent to 6.9 per cent) and for girls under age 15 (from 33 per cent to 18.8 per cent) (Eritrea) [...]

Eritrea [...]

In Eritrea, FGM as a practice persists in all areas of the country. Joint Programme interventions are in all regions (Zoba) of the country [...]

National Progress and Achievements in Addressing FGM: 2014-2017

Eritrea's national gender, health and comprehensive child policies all incorporate ending FGM as one of their core goals and have budgetary support. The government has also put in place a strong coordination mechanism from the national to the village level which facilitates programme implementation [...]

Between 2015 and 2017, a total of 278 arrests were made related to FGM, out of which 58 resulted in convictions [...]

Between 2014 and 2017, 291 communities made public declarations of FGM abandonment involving more than 480,000 individuals [...]

❖ [Freedom House, Freedom in the World 2019: Eritrea, 4 February 2019](#)

[...] The government has banned and attempted to reduce the practice of female genital mutilation, but it remains widespread in rural areas. [...]

Female Genital Mutilation/Cutting (FGM/C) continued in several rural areas of the country in 2019

❖ [Der Tagesspiegel, Scars that last forever, 5 February 2019](#) [Informal translation]

[...] In Eritrea, the fight against female genital mutilation is beginning to be successful. But the educational work remains extremely important.

[...] Eritrea receives support from the German aid organization "Archemed".

[...] The project "Fight Against Female Genital Mutilation" does educational work

Worku Zerai, coordinator for the "Fight Against Female Genital Mutilation" (FGM) project - came to Tecombia today to do educational and persuasion work together with "Archemed" employees. While the number of circumcisions in Eritrea's capital, Asmara, has been falling for a long time, there is still some work to be done in the countryside. The small, wiry woman knows above all about the great social pressure that families in the countryside are exposed to: only a circumcised woman is socially accepted there and has the prospect of getting married. The ban on FGM and corresponding educational work are gradually showing success in the country as well.

[...] Worku wants to convince right down to the last hut that circumcision should not be decisive for the continued economic care of a woman. "It cannot be that the community counts more than the health of the individual," says the 66-year-old. The European Union is funding a program against FGM in a total of six villages in a rural region. Worku oversees the project on the Eritrean side. [...]

❖ [LandInfo, Thematic report: Eritrea: Genital mutilation of girls, 28 March 2019](#) [Informal translation]

[...] Female genital mutilation is an old tradition with potential grave health implications. There is a decline in the practice in Eritrea, but it is still widespread, especially in rural areas. All forms of female genital mutilation are prohibited in Eritrea – but the number of convictions is unknown.

However, advocacy and mobilization campaigns aiming to change attitudes among different groups of society have probably led to a reduction in the practice of FGM.

Regional belonging, economic factors and mothers' degree of education are factors which will influence if and what kind of FGM Eritrean girls will undergo. For example, urban women and especially women living in Asmara are less likely to circumcise their daughters than rural women.

About 60 percent of the girls subjected to female genital mutilation in Eritrea are cut before the age of five. 15 percent are subjected to female genital mutilation after their fifth birthday – which is most common in areas where the most extensive form of female genital mutilation (infibulation) is practiced. 25 percent don't know when they were circumcised. [...]

❖ [UNICEF, Former circumcisers and religious leaders galvanize communities to end FGM in Eritrea by 2030, 12 February 2020](#)

[...] National joint programme supported by UNICEF/UNFPA specifically targets communities in the rural hinterlands of Eritrea

[...] Although the Government of the State of Eritrea (GoSE) outlawed FGM in 2007, some communities continue the practice in the name of tradition and upholding family honour.

[...] Since Eritrea outlawed FGM in 2007, the government is sensitizing communities on legal provisions and helping them to abandon the practice. The recently approved Eritrean National Strategic Plan to Ensure Children and Women Rights, Abandon Female Genital Mutilation, Underage Marriage and other Harmful Practices 2020-2024 aims to strengthen national protection systems, transform social and gender norms, and provide appropriate and quality protection services to eliminate FGM and Underage Marriage. "Although we have made progress nationally, we need to accelerate action, particularly in the Gash Barka region, if we are to achieve our goal of ending FGM in Eritrea by 2030," said Dr. Birhana Haile, Director for the Family and Community Health Division, of the MoH.

UNICEF Eritrea and UNFPA support the government's efforts to end FGM by working with the community-based Child Rights Committees (CRC), which comprise different government agencies, religious leaders, women and adolescent boys and girls to create awareness and advocate to end this practice.

[...] The UN joint programme with the Government has helped raised awareness among communities and has empowered law enforcement authorities to implement the legal provisions, and to enforce the law.

The CRC communities are active in all 67 sub-Zobas of Eritrea, and actively sensitize community members, monitor activities and progress, and report routinely to the sub-Zoba offices of the MoLSW, the MoH and the NUEW.

The programme also works to strengthen capacity of health facilities nationwide to ensure that care services are available for survivors, and provide counselling to pregnant women and lactating mothers, not to cut their daughters.

[...] To date, two sub-Zobas in Anseba have already declared themselves free from FGM, and 140 villages have been assessed by the government in 2018, and 58 villages have confirmed the criteria to ensure their community is free from FGM. [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] 5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National steering committee to address female genital mutilation, child marriage and other forms of gender-based violence against women, in 2017;

(b) National strategic plan on the elimination of harmful practices, covering the period 2020–2024 [p. 2]

[...] Stereotypes and harmful practices

21. The Committee notes with appreciation the establishment of a national steering committee to tackle female genital mutilation and the development in 2019 of a strategic plan for the period 2020–2024 on the elimination of harmful practices. The Committee nevertheless remains deeply concerned at:

(a) Persistent patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society that underpin harmful practices, including child and/or forced marriage and polygamy;

(b) The persistence of female genital mutilation, in particular in rural areas, and the lack of rehabilitation programmes for victims. [...] [pp. 5-6]

Cultural norms often prevented women from reporting sexual harassment in 2017

❖ [Government of the Netherlands, Ministry of Foreign Affairs, Country of Origin Report on Eritrea, 6 February 2017](#)

[...] Violence, including sexual violence

[...] Out of shame, most women do not report domestic and non-domestic violence or rape. [...]

❖ [Human Rights Concern – Eritrea \(HRCE\), Report on Women's Rights Violations in Eritrea – HRCE Report 1/2017, 13 March 2017](#)

[...] Sexual abuse is a taboo subject within Eritrean societies; many parents would not be willing to report sexual abuse for fear of stigma or isolation of the female child, yet the physical and psychological impact of it on young women is severe.

[...] b) Social stigma: since it is taboo to bear a child outside of marriage, some young women decide to leave the country while they are pregnant and die in the process of crossing the border and others have drowned in the Mediterranean while trying to reach Europe. [...]

❖ [Kibreab, Gaim, Sexual Violence in the Eritrean National Service, African Studies Review, Volume 60/1, April 2017](#)

[...] Although all female conscripts within the ENS [Eritrean National Service] are exposed to a high risk of sexual violence, the extent of the risk appears to be far higher among those assigned to remain in the Sawa military camp after their six months of military training, mainly as *megebti* (cooks, cleaners, and launders), secretaries, personal assistants of commanders, and office workers. Nevertheless, it is important to bear in mind that the problem is by no means limited to the Sawa military camp and that female conscripts face high risk of sexual violence regardless of the location of their assignment within the framework of the ENS. Given the unlimited power and authority of the army commanders, and their unconstrained ability to harm victims under their command, the use of force may not be necessary to achieve “consent.” A threat of punishment or assignment to hardship locations or frontline combat are apparently sufficient to engender acquiescence.

Although none of the 190 respondents to the questionnaire denied the prevalence of sexual encounters between commanders and female conscripts, some claimed that these relationships were consensual. However, since the main reason offered for this consent was the shamefulness of rape, it is likely that their own answers were motivated by similar cultural factors: that is, their reluctance to expose individual women to shame and a preference, therefore, for providing an evasive explanation. In Eritrean tradition, female promiscuity and being the victim of rape are both shameful, and in fact, survivors of sexual violence tend to be more stigmatized than promiscuous women. Nevertheless, the reports of specific informants showed that sexual encounters between female conscripts and military commanders, rather than representing voluntary and mutually reached agreements, were unwanted by the woman and obtained by intimidation, coercive pressure, and abuse of power. The unaccountable power of commanders and the widespread practice of torture and sexual abuse in complete absence of state protection are enough to terrify young female conscripts who have never before lived outside of shielded familial environments. In some cases, the mere threat of violence and harsh punishment precipitates submission to sexual violence. Consent obtained under such circumstances is not genuine. (pp. 131-132)

[...] As we have seen, most women are unlikely to admit that they have been violated for fear of being stigmatized, bringing “shame” and “dishonor” to her family, and damaging her reputation in ways that may affect her prospects of finding a husband in the future. Fear of repercussions from the perpetrator and fear of forcibly being married to the abuser may also keep her quiet. Given the sexist attitudes of the police, fear of not being believed is also a major factor. The commanders are aware of this dark culture of silence and exploit it to their advantage. It is an irony, of course, that it is the abused rather than the abusers who are preoccupied with the potential loss of honor and reputation. [...] (p. 137)

❖ [Romanian National Council for Refugees, General Report Eritrea: Human Rights Situation, October 2017](#)

[...] 9. a. Sexual violence

Rape and violence against women are criminal offences in Eritrea but collecting evidence on cases of sexual violence suffered by women and girls is difficult due to cultural, social, and religious beliefs associated with marriage and sexuality.

[...] Domestic violence occurs frequently, especially in rural areas. However, although it is a crime, it is rarely reported or brought to trial.⁵⁷ Most women do not report domestic and non-domestic violence or rape out of shame and fear of social stigma. As a woman’s virginity and chastity are highly regarded in much of Eritrea, many victims of rapes are unable to marry and therefore prefer to remain silent. [...]

57 Netherlands Ministry of Foreign Affairs: Algemeen Ambtsbericht Eritrea, 6 February 2017 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/file_upload/1226_1502861555_coi-eritrea-2017.pdf (accessed 10 November 2017)

Cultural norms often prevented women from reporting sexual harassment in 2018

❖ [Connection e.V., Eritrea: A Country Under the Sway of a Dictatorship, Desertion, Refuge & Asylum, July 2018](#)

[...] The Situation of Women and Girls in Eritrea

* by Dr. Asia Abdulkadir

[...] Victims of rape often face many obstacles in trying to bring the perpetrators to justice. Many women who have suffered rape or other forms of abuse are too intimidated by cultural attitudes and state inaction to seek redress. To do so can lead to hostility and guards continue to be committed with impunity. [...] (p. 54)

Cultural norms often prevented women from reporting sexual harassment in 2019

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] sexual abuse in national service is potentially underreported, as it might bring shame and dishonour to a family.²⁶ [...]

261 Kibreab, G., Sexual Violence in the Eritrean National Service, April 2017, pp. 131, 137-138; Horn of Africa expert, email interview, 23 July 2019; UN Human Rights Council, Advance Version, Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, para. 1315

Reproductive rights in 2017

Couples and individuals have the right to decide the number, spacing, and timing of their children, but they often lacked the information, means, and access to do so, free from discrimination, coercion, and violence in 2017

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] Women

[...] Article 283 of the 2015 Penal Code permits abortion by a licensed medical practitioner in circumstances where the pregnancy is the result of rape or incest; the pregnant woman is under the age of 18; or the pregnancy might endanger the physical or mental health of the pregnant woman. [...] (p. 18)

❖ [28 Too Many: Country Profile: FGM in Eritrea, November 2017](#)

[...] Women's Health Reproductive Healthcare

[...] The Eritrean National Sexual and Reproductive Health (SRH) strategic plan document does include adolescent reproductive health as part of the national Primary Health Care system, however, the strategy focuses mainly on maternal health, rather than adolescent reproductive health.¹⁷

According to another report, despite a low knowledge of reproductive health, many young people engage in sexual relationships, which leads to unsafe sexual practice and unplanned pregnancy. This is a particular problem in the highland societies of Eritrea, where out-of-marriage pregnancy is seen as a disgrace to the family and often results in the young mother being driven away from home, committing suicide or having an unsafe and illegal abortion.¹⁸

17 Ghidella Ghedre Johayssa, Eltahir Aljad Gasiw Khalild, Faiza Ali, Zelefe Tsige, Peer Reproductive Health Education Trial in Eritrea, International Journal of Sciences: Basic and Applied Research 22(1), pp.111-130. Available at <http://gssrr.org/index.php?journal=JournalOfBasicAndApplied&page=article&op=view&path%5B%5D=3773&path%5B%5D=2258>.

18 GhideLJ Ghed'reLJohaŸsa, Eltahir A||ad Gasiw̄ Khalild', ZeŵeŸfes TsigeĐ aŸd Faiza Alid ;ṽḅḅḅ/ṽḅḅḅ BurdeŸ of ReproduĐtije Health IlliteraĐLJ iŸ Eritreà, p. ṽḅḅ, International Journal of Sciences: Basic and Applied Research 19(1), pp.285-297. Available at http://khartoumspace.uofk.edu/bitstream/handle/123456789/23748/Burden_Reproductive%20Health_Ghidey%284%29.pdf?sequence=1&isAllowed=y.

Couples and individuals have the right to decide the number, spacing, and timing of their children, but they often lacked the information, means, and access to do so, free from discrimination, coercion, and violence in 2018

❖ [World Health Organization \(WHO\), Human Reproduction Programme \(HRP\) and United Nations \(UN\), Global Abortion Policies Database, Country Profile: Eritrea, last updated: 9 November 2018](#)

[...] Abortion at the woman's request – Eritrea: No
 [...] Legal Ground and Gestational Limit – Eritrea
 [...] Economic or social reasons: No
 [...] Foetal impairment: No
 [...] Rape: Yes
 [...] Incest: Yes
 [...] Intellectual or cognitive disability of the woman: No
 [...] Mental health: Yes
 [...] Physical health: Yes
 [...] Health: Yes [...]

❖ [Eritrea, Data, undated \(accessed 29 September 2020\)](#)

[...] Core Indicator Estimates
 FP2020 uses a suite of quantitative metrics—Core Indicators—to monitor progress annually across 69 focus countries. Estimates for the Core Indicators are produced annually by commitment countries through a network of country-based Track20 M&E officers housed in government institutions. For a complete analysis of Eritrea and these Core Indicators, click below. [...]

❖ [Family Planning 2020/Track 20, Eritrea: FP2020 Core Indicator Summary Sheet: 2017-2018 Annual Progress Report, January 2019](#)

[...] 1 Number of additional users of modern methods of contraception – 2018: 31,000
 [...] 2 Contraceptive prevalence rate, modern methods (mCPR) among all women – 2018: 7.1%
 [...] 3 Percentage of women with an unmet need for a modern method of contraception (married/in-union) – 2018.5: 30.2%
 [...] 4 Percentage of women whose demand is satisfied with a modern method of contraception (married/in-union) – 2018.5: 26.2%
 [...] 5 Number of unintended pregnancies – 2018.5: 70,000
 [...] 6 Number of unintended pregnancies averted due to use of modern methods of contraception – 2018.5: 27,000
 [...] 7 Number of unsafe abortions averted due to use of modern methods of contraception – 2018.5: 6,100
 [...] 8 Number of maternal deaths averted due to use of modern methods of contraception – 2018.5: 100

Couples and individuals have the right to decide the number, spacing, and timing of their children, but they often lacked the information, means, and access to do so, free from discrimination, coercion, and violence in 2019

❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] 9. Marriage and Family Planning; Maternity Leave (Articles 11, 12 and 16)

From 1st January 2017, completion of National Service became a requirement for marriage. Therefore, the municipality, priests and other officials have been given instructions not to permit any marriage unless the couple can produce certificates of National Service completion. Since National Service has no time limit, young women are not able to plan their marriage, set up home, and prepare for pregnancy and childbirth. Women who become pregnant during military service are not released from national service until they are dangerously close to their delivery date. After delivery of the baby, and while waiting to be demobilized, women usually struggle, as there are neither sources of income nor any governmental assistance. At the same time, they are not allowed to work. Combining paid work and motherhood is very difficult for young women in Eritrea. Unpaid maternity leave in Eritrea lasts for only two months. And the government has not developed any program to assist mothers after they return to work, and there are no child care facilities.

All of this means that it has become very difficult for young Eritrean women to marry when they wish to, plan and start a family. Many are tempted to leave the military without permission and try to escape from the country unofficially (which is illegal), all of which is fraught with many dangers. If caught, they end up in prison. [...] [p. 7]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Health

39. The Committee commends the State party on its 90 per cent decrease in malaria infections and on containing the spread of HIV. It also notes the efforts of the State party to improve the basic health package, which includes free family planning services. The Committee nevertheless remains concerned at: (a) The persistently high rate of maternal mortality, the lack of access to basic health care for women, in particular rural women and women with disabilities, the lack of access to safe, legal abortion and post-abortion services and the inadequacy of trained health professionals, including midwives, in rural areas; (b) The persistently high rate of early pregnancy

[...] 40. Recalling its general recommendation No. 24 (1999) on women and health, and targets 3.1 and 3.7 of the Sustainable Development Goals, the aims of which are to reduce the global maternal mortality ratio and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:

[...] (d) Ensure the full and effective implementation of article 534, as amended by Proclamation No. 4/1991, of the Transitional Penal Code, which decriminalizes three conditions for abortion (rape, incest and threat to the health or life of the woman), and also decriminalize a fourth condition, namely malformation of the fetus;

(e) Ensure the availability and accessibility of reproductive health-care facilities for adolescent girls and young women, including women and girls with disabilities, and ensure adequate access to information about sexual and reproductive health and rights, including on the prevention of early pregnancy and sexually transmitted infections, as well as access to modern forms of contraceptives. [...] [p. 11]

[Statistics on contraception use and maternal mortality rates in 2017](#)

❖ [Knomea, World Data Atlas: Eritrea - Maternal mortality ratio, 2017](#)

[...] Eritrea maternal mortality ratio was at level of 480 deaths per 100,000 live births in 2017, down from 498 deaths per 100,000 live births previous year, this is a change of 3.61%. [...]

❖ [Ministry of Information, "A child has the right to be healthy too ..." 10 June 2017](#)

[...] Up to 80% of the population in Africa uses traditional medicine as primary care while in many countries in the continent traditional birth attendants assist deliveries (WHO 2003).

Likewise, in Eritrea, traditional treatments continue to be used as primary care despite continuous efforts of the Eritrean government. As such, unregulated and inappropriate use of measures and practices may have dangerous impacts, particularly on children. Hence, cultural beliefs impacting health such as FGM/C are some of the traditions that Eritrea strives against every day. Others, such as giving birth at home because the woman has to be under the care of her own mother, as dictated by cultural beliefs, are

having negative consequences on women and the child leading to maternal death, fistula, among other life-threatening effects. [...]

The first few seconds of the new-born can be fatal. Out of all of the lives lost before reaching the first month of age, 30% maternal death and a relative 50% of total death in the subzone is due to inappropriate practice of traditional treatments. As mentioned above, the causes of mortality of new born infants are mainly giving birth at home, hygienic issue and respiratory/ asphyxia. [...]

“Our biggest challenge is women giving birth at home. Only 40% of women give birth under the supervision of health professionals when compared to the national average of 50%” Dr. Samson said. [...]

In addition to developing better access to health centres by easing transportation links in remote areas, eliminating wrong beliefs linked to the meaning of health has been one of the top priorities of the government of Eritrea, and an intimate concern of professionals who witness the ugly outcomes of it. [...]

Statistics on contraception use and maternal mortality rates in 2018

❖ [United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January–1 February 2019, 21 January 2019](#)

[...] 3. Right to health⁷⁸

41. While noting the efforts made by Eritrea to improve the health situation of its population, the Committee on the Elimination of Discrimination against Women noted with concern the low budget allocated to the health sector, which was below the regional average, and the insufficient number of trained doctors and midwives.⁷⁹ It recommended that Eritrea increase the budget allocated to health care and the number of trained health-care providers and medical personnel, including midwives, particularly in rural areas.⁸⁰

42. Notwithstanding the official achievement by Eritrea of Millennium Development Goals 4 and 5 on child and maternal mortality, the same Committee noted with concern the high rate of maternal mortality.⁸¹ It recommended that Eritrea further reduce maternal mortality by ensuring the provision of adequate sexual and reproductive health services, including access to antenatal, delivery and postnatal services.⁸²

43. The Committee noted with concern that malnutrition remained a leading cause of infant mortality and that there were frequent reports of food production shortages.⁸³ It recommended that Eritrea ensure that all women and children had access to adequate nutrition, including by increasing efforts to address the food production shortages, and seek international assistance to that effect.⁸⁴

44. The Committee noted with concern the high number of early pregnancies, the lack of specific guidelines on safe abortion procedures, and the extremely low rate of use of modern contraceptives.⁸⁵ It recommended that Eritrea reduce the number of teenage pregnancies by ensuring access to age-appropriate information and education on sexual and reproductive health and rights for girls and boys.⁸⁶ The Committee also recommended adopting specific guidelines on safe abortion procedures that regulated access to safe abortion, and ensure the availability of safe and confidential abortion and post-abortion services.⁸⁷

45. The Committee on the Rights of the Child remained concerned that the neonatal mortality rate remained high, that HIV/AIDS, sexually transmitted infections and tuberculosis remained major public health concerns, and that the prevalence of non-communicable diseases was increasing. It recommended that Eritrea adopt national strategies on child and adolescent health, on HIV/AIDS, sexually transmitted diseases and tuberculosis, and on sanitation in rural areas.⁸⁸ [...] (pp. 6-7)

78 For relevant recommendations, see A/HRC/26/13, paras. 122.179–122.183.

79 CEDAW/C/ERI/CO/5, para. 34.

80 Ibid., para. 35 (c).

81 Ibid., para. 34.

82 Ibid., para. 35 (a).

83 Ibid., para. 34.

84 Ibid., para. 35 (b).

85 Ibid., para. 34.

86 Ibid., para. 35 (d).

87 Ibid., para. 35 (e).

❖ [Family Planning 2020/Track 20, Eritrea: FP2020 Core Indicator Summary Sheet: 2017-2018 Annual Progress Report, January 2019](#)

[...] 1 Number of additional users of modern methods of contraception – 2018: 31,000

[...] 2 Contraceptive prevalence rate, modern methods (mCPR) among all women – 2018: 7.1%

[...] 3 Percentage of women with an unmet need for a modern method of contraception (married/in-union) – 2018.5: 30.2%

[...] 4 Percentage of women whose demand is satisfied with a modern method of contraception (married/in-union) – 2018.5: 26.2%

[...] 5 Number of unintended pregnancies – 2018.5: 70,000

[...] 6 Number of unintended pregnancies averted due to use of modern methods of contraception – 2018.5: 27,000

[...] 7 Number of unsafe abortions averted due to use of modern methods of contraception – 2018.5: 6,100

[...] 8 Number of maternal deaths averted due to use of modern methods of contraception – 2018.5: 100

Statistics on contraception use and maternal mortality rates in 2019

❖ [UNFPA, World Population Dashboard: Eritrea, undated \(accessed January 2020\)](#)

[...] Family planning

Contraceptive prevalence rate and unmet need

Contraceptive prevalence rate, women currently married or in union, aged 15-49, any method, percent, 2019: 15

Contraceptive prevalence rate, women currently married or in union, aged 15-49, modern method, percent, 2019: 14

Unmet need for family planning, women currently married or in union, aged 15-49, percent, 2019: 30

Proportion of demand satisfied, women currently married or in union, aged 15-49, percent, 2019: 34

Proportion of demand satisfied with modern methods, women aged 15-49, percent, 2019: 31 [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Health

39. The Committee commends the State party on its 90 per cent decrease in malaria infections and on containing the spread of HIV. It also notes the efforts of the State party to improve the basic health package, which includes free family planning services. The Committee nevertheless remains concerned at:

(a) The persistently high rate of maternal mortality, the lack of access to basic health care for women, in particular rural women and women with disabilities, the lack of access to safe, legal abortion and post-abortion services and the inadequacy of trained health professionals, including midwives, in rural areas;

(b) The persistently high rate of early pregnancy

[...] 40. Recalling its general recommendation No. 24 (1999) on women and health, and targets 3.1 and 3.7 of the Sustainable Development Goals, the aims of which are to reduce the global maternal mortality ratio and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:

(a) Address the problem of high maternal mortality, especially in rural areas, through improvements in the proximity of health services;

[...] (c) Recruit adequate human resources in order to ensure the mobilization of qualified personnel in the delivery of health services;

(d) Ensure the full and effective implementation of article 534, as amended by Proclamation No. 4/1991, of the Transitional Penal Code, which decriminalizes three conditions for abortion (rape, incest and threat to the health or life of the woman), and also decriminalize a fourth condition, namely malformation of the fetus;

(e) Ensure the availability and accessibility of reproductive health-care facilities for adolescent girls and young women, including women and girls with disabilities, and ensure adequate access to information

about sexual and reproductive health and rights, including on the prevention of early pregnancy and sexually transmitted infections, as well as access to modern forms of contraceptives. [...] [p. 11]

❖ [Family Planning 2020/Track 20, Eritrea: FP2020 Core Indicator Summary Sheet: 2017-2018 Annual Progress Report, 2020](#)

[...] 1 Number of additional users of modern methods of contraception – 2019.5: 24,000

[...] 2 Contraceptive prevalence rate, modern methods (mCPR) among all women – 2019.5: 8.2%

[...] 3 Percentage of women with an unmet need for a modern method of contraception (married/in-union) – 2019.5: 30.0%

[...] 4 Percentage of women whose demand is satisfied with a modern method of contraception (married/in-union) – 2019.5: 26.2%

[...] 5 Number of unintended pregnancies – 2019.5: 45,000

[...] 6 Number of unintended pregnancies averted due to use of modern methods of contraception – 2019.5: 4,700

[...] 7 Number of unsafe abortions averted due to use of modern methods of contraception – 2019.5: 4,700

[...] 8 Number of maternal deaths averted due to use of modern methods of contraception – 2019.5: 80

Access to government-provided contraception, skilled health-care attendance during pregnancy and childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of spousal or family consent, transport, or awareness of availability in 2017

❖ [UNICEF, Annual Report, 2017](#)

[...] UNICEF Eritrea contributed technical and financial support to the Ministry of Health to scale up the implementation of household and community integrated management of neonatal and childhood illnesses to villages that are far from health facilities, thus improving access to basic child health services in hard-to-reach areas. Additionally, UNICEF Eritrea worked with the Ministry of Health to build capacity at facility and community levels through the adaptation and roll-out of improved community, infant and young child feeding practices. [...]

❖ [African Committee of Experts on the Rights and Welfare of the Child, Concluding Recommendations by the African Committee of Experts on the Rights and Welfare of the Child \(ACERWC\) on the State of Eritrea's Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child, January 2017](#)

[...] F. Basic health and welfare

16. The Committee notes that the State Party recognises the importance of providing equal access to publicly funded social services and the importance of ensuring the health of children by implementing free health services to all children, and that there is an increase in trends on the number of births assisted by health professionals. The Committee is however concerned that healthcare and medical facilities are understaffed with most of these in urban areas and cannot be easily accessed by people living in rural areas. The Committee is also concerned at the under 5 mortality rate, particularly the number of deaths from preventable diseases and poor sanitation. The Committee is further concerned at the low number of health personnel trained on the handling of HIV/AIDS and the availability of ART to pregnant women and children infected with HIV along with the deterioration of nutritional status of children under 5 since 2001. The Committee therefore recommends that the State Party to:

- Ensure provided health care is appropriate to children's health needs and health services are adequately staffed with trained health personnel;
- Increase budgetary allocation to the health sector and ensure health services are easily accessible to children in rural areas;
- Implement measures to address the under 5 mortality rate and improve sanitation;
- Provide families with financial support to enable them adequately care for their children;

- Increase measures to eliminate communicable and non-communicable diseases and ensure they reach rural areas;
- Undertake campaigns to increase the immunisation rate of children to prevent deaths from vaccine preventable diseases;
- Increase the number of health professionals trained on management of HIV/AIDS and the availability of ART to pregnant women and children with HIV/AIDS ensuring children in underserved communities or where the disease is most prevalent have access to ART;
- Devise measures and undertake campaigns to address the prevalence of tuberculosis and acute respiratory infection particularly amongst poor and malnourished communities;
- Undertake campaigns to increase the rate of breast feeding;
- Undertake to remove all fees attached to its free health services to children and ensure essential medicines are available in all health facilities. [...] (pp. 6-7)

❖ [Government of the Netherlands, Ministry of Foreign Affairs, Country of Origin Report on Eritrea, 6 February 2017](#)

[...] 3.4. Women

[...] Women had access to free contraceptives and professional medical care during pregnancy and birth. Neonatal medical care was available, but women in remote areas did not always endeavour to obtain this care. Moreover, they sometimes lacked transportation or fuel or were not aware of the care provision. [...]

❖ [Ministry of Information, "A child has the right to be healthy too ..." 10 June 2017](#)

[...] In fact, Dr. Samson stressed that Eritrea has shown great progress in reducing under-5 child mortality, yet some issues persist still since the days of independence such as the lack of improvement in new-born mortality at less than a month old. "Because the rate of death of new-borns hasn't decreased much, it impacts the overall number of child mortality negatively". According to the paediatrician, child mortality has been reduced from 178/1000 in 1995 to 42/1000 last year. While cases of new-born deaths were registered at 23 out of the 178 in 1995 and today figures show very little decrease at 20 out of the 42. These results clearly illustrate that mortality of new-borns, less than one-month old, remain high in the country. The causes are multiple but the main one triggering this misfortune is mothers giving birth at home in the absence of medical equipment and health professionals. And adding up to the list of problems is the use of traditional medicine.

Up to 80% of the population in Africa uses traditional medicine as primary care while in many countries in the continent traditional birth attendants assist deliveries (WHO 2003).

[...] The first few seconds of the new-born can be fatal. Out of all of the lives lost before reaching the first month of age, 30% maternal death and a relative 50% of total death in the subzone is due to inappropriate practice of traditional treatments. As mentioned above, the causes of mortality of new born infants are mainly giving birth at home, hygienic issue and respiratory/ asphyxia. [...]

"Our biggest challenge is women giving birth at home. Only 40% of women give birth under the supervision of health professionals when compared to the national average of 50%" Dr. Samson said. [...]

In addition to developing better access to health centres by easing transportation links in remote areas, eliminating wrong beliefs linked to the meaning of health has been one of the top priorities of the government of Eritrea, and an intimate concern of professionals who witness the ugly outcomes of it. [...]

❖ [World Bank, Eritrea: Country Profile, 2018](#)

[...] Fertility rate, total (births per woman): 4.1 (2017)

[...] Adolescent fertility rate (births per 1,000 women ages 15-19): 53 (2017)

[...] Source: World Development Indicators database [...]

Access to government-provided contraception, skilled health-care attendance during pregnancy and childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of spousal or family consent, transport, or awareness of availability in 2018

❖ [UNICEF, Humanitarian Action for Children 2019 – Eritrea, 14 January 2019](#)

[...] Results from 2018

[...] Pregnant and lactating women and newborns in hard-to-reach areas reached with comprehensive antenatal and postnatal services

[...] UNICEF 2018 targets: 35,000

[...] UNICEF 2018 results: 11,318 [...]

- ❖ [FCO – UK Foreign and Commonwealth Office, Human Rights and Democracy: the 2017 Foreign and Commonwealth Office report, 16 July 2018](#)

[...] Eritrea achieved antenatal care attendance of 98% of pregnant mothers, skilled delivery of 60% of births, and immunisation coverage of 95% of babies. [...]

Access to government-provided contraception, skilled health-care attendance during pregnancy and childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of spousal or family consent, transport, or awareness of availability in 2019

- ❖ [UNHCR, Eritrea revitalizes the Barefoot Doctor programme, 1 August 2019](#)

[...] The Ministry of Health, with UNICEF support, concluded a six-month training for the first batch of 25 front line health workers, who will provide basic services to the most disadvantaged populations in the remotest communities of Eritrea.

[...] The Government of the State of Eritrea (GoSE) has prioritized Community Based Health Care as a key service delivery strategy for Primary Health Care. With UNICEF support, this training for the first batch of Barefoot Doctors will contribute towards provision of health services to the most remote communities. They will focus on outreach points even beyond the identified 450 communities in 17 districts of Eritrea, that are currently serviced by mobile outreach health clinics.

This first batch of 25 graduates were selected with the full participation of their own communities and community leaders from the most underserved communities in Anseba, Northern Red Sea and Gash Barka regions. These regions share a border with Sudan to the north and west and include some of the harshest terrain in this corner of the arid Horn of Africa.

[...] The training comprised a package of preventive, promotive and curative health and nutrition services. This includes first aid; identification of certain diseases and treatment or referral to health facilities; mobilizing communities on health, nutrition and environmental campaigns including immunization; and providing necessary ANC services to pregnant women and encouraging them to visit and to deliver in health facilities. The training also included postnatal maternal and neonatal health services, and the treatment of common childhood illnesses including screening of children with ARI for Tuberculosis, which often goes undetected among children.

[...] The Barefoot Doctors will be deployed to the remotest communities, even beyond the services provided by the mobile outreach health clinics, and will serve rural populations, including nomadic and semi-nomadic communities. They will help to reduce health costs and provide primary care and are a temporary and transitory measure as the GoSE plans to establish health facilities in those regions within the next 3-4 years. [...]

- ❖ [Eritrean Movement for Democracy and Human Rights \(EMDHR\) and Network of Eritrean Women \(NEW\), Eritrea: Shadow report to the CEDAW Committee, 75th CEDAW Session Review: Joint Submission, 13 January 2020](#)

[...] 2.6 In June 2019, the GoSE seized and shut down all 22 Catholic-run health clinics in the country, denying healthcare to thousands of vulnerable people in rural areas, including mothers with small children (Catholic Herald, 2019). To justify its decision, the GoSE cited a previously unenforced 1995 proclamation which stipulates that all social institutions (including clinics) must be operated by the State. The move was politically motivated and illustrates how the GoSE enforces the law in an inconsistent and arbitrary manner, with no mechanisms for affected parties to challenge the decision via the courts. [...] [p. 4]

- ❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Health

39. The Committee commends the State party on its 90 per cent decrease in malaria infections and on containing the spread of HIV. It also notes the efforts of the State party to improve the basic health package, which includes free family planning services. The Committee nevertheless remains concerned at:

(a) The persistently high rate of maternal mortality, the lack of access to basic health care for women, in particular rural women and women with disabilities, the lack of access to safe, legal abortion and post-abortion services and the inadequacy of trained health professionals, including midwives, in rural areas;

(b) The persistently high rate of early pregnancy

[...] 40. Recalling its general recommendation No. 24 (1999) on women and health, and targets 3.1 and 3.7 of the Sustainable Development Goals, the aims of which are to reduce the global maternal mortality ratio and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:

(a) Address the problem of high maternal mortality, especially in rural areas, through improvements in the proximity of health services;

[...] (c) Recruit adequate human resources in order to ensure the mobilization of qualified personnel in the delivery of health services;

[...] (e) Ensure the availability and accessibility of reproductive health-care facilities for adolescent girls and young women, including women and girls with disabilities, and ensure adequate access to information about sexual and reproductive health and rights, including on the prevention of early pregnancy and sexually transmitted infections, as well as access to modern forms of contraceptives. [...] [p. 11]

Students who did complete secondary education at Sawa National Education and Training Center could not graduate and, therefore, could not pursue higher education, although they could attend vocational schools in 2017

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] Education (see also 'National Service Conscripts')

[...] 2.21 Since 2003, all students, male and female, completing their 12th and final year of school have been required to do so at the residential Sawa national military training centre, which includes six months of military training. Formal secondary education ends with the sitting of the Eritrean School Leaving Certificate Examination. Students scoring well in this examination are assigned without choice to one of the country's academies, while those doing less well are given the opportunity to attend a technical vocational school.

2.22 Eritrea's first university was the University of Asmara, founded in 1958. In 2002, the government passed a directive re-configuring the university and effectively shutting down all of its undergraduate programs. Since 2003, the university has been replaced by a range of satellite academies spread across the country (which are still referred to as being affiliated with the University of Asmara). Eritrea's colleges are reportedly subject to joint academic and military management. After graduating, students are reportedly assigned to civilian national service. Those dropping out before graduation are conscripted for military service. [...] (p. 8)

❖ [Medicins Médecins Sans Frontières \(MSF\), Dying to Reach Europe: Eritreans in Search of Safety, 27 February 2017](#)

[...] All young people are sent to do military training at the age of 17 (generally at the SAWA Defence Training Centre, a military academy in the Gash-Barka region of Eritrea), which counts as the twelfth year of high school. Without completing this training, students do not receive their examination results. Training conditions are reportedly harsh. Interviewees describe inadequate food and water, forced manual labour which they compare to slavery, arbitrary and severe punishment and sexual assault of women. According to testimonies collected by MSF, these conditions have caused physical and mental disabilities amongst students, as well as death.

After completing military training, a privileged minority with the highest grades can attend government-run colleges and are later designated a profession. The majority of students, however, are deemed ineligible for further education and are forcibly posted on active military duty with no end date. [...]

❖ [Human Rights Concern – Eritrea \(HRCE\), Open Letter: Progress in the Education System of Eritrea, 9 June 2017](#)

[...] Education is being exploited in Eritrea as yet another means of social control. Please note the reality of militarised education in Eritrea, as revealed in these aspects:

- High-school students have to undergo their final year, 12th grade, in Sawa military training camp. Many of them are underage when they go to Sawa. They spend their 11th grade/12th grade summer receiving full military training: students are conscripted into the military before they finish high-school. The classes are overcrowded and students live under extremely harsh conditions: they suffer draconian punishments, beatings, abuses and psychological stress. At the end of this year they are expected to pass their matriculation exams. The matriculation exams have life-changing consequences.
- Those who do not pass are doomed to continue the indefinite national service and are dispatched to various areas in the country in army units, or various government departments (construction, agriculture, police, public offices etc). They have no say in where they work, what they do and when to leave: their education is stunted.
- Those who pass can only hope to continue studying in militarised colleges around the country. They are still conscripts. They are assigned to various programmes of study and have no say in choosing which area of study they enter: the programmes of study they are given often have nothing to do with what they studied in high-school
- The whole education system is geared to producing skilled unquestioning labourers and not promoting critical thinking. Many programmes of studies are systematically denied or not made available; vocational courses are preferred, with virtually no opportunities for humanities or arts.
- The military type lifestyle continues in many colleges including Eritrea Institute of Technology (EIT) which is near the capital city of Asmara. Students live in barracks, in isolation from the public. They do military drills like running and physical labouring in the early morning, and other 'political study' programmes (one of the propaganda and brain-washing mechanisms the government uses) at scheduled intervals. They cannot leave the compound to visit their home nor can they receive visitors without permission.
- The government claims that students are given education equivalent to undergraduate and post-graduate level. However, there is no independent higher learning and research institution that resembles a university; the buildings of the non-functioning University of Asmara are now being used for various other programmes, whilst the institution itself remains closed.
- Those who become teachers are still involuntary conscripts. They have no say about whether they do the job or in which part of the country they will work. They are demotivated and deliberately underpaid. They are not allowed to seek employment of their own.
- Often teachers who oppose the government's teaching strategy or who seek extra employment to provide for their family are exposed to imprisonment and harsh maltreatment. Teachers are not immune from military re-training and physical labour in areas where widespread labour-intensive projects are under way.
- With the increased inflation, the salary of the teachers is barely enough to sustain them for the month, and hence the increased number of teachers who left the country in search of better opportunities elsewhere. As a result, most teachers are overworked and overstretched, with no available support system to insure their rights, or to cover for the shortage.
- The teacher's association is almost non-existent, with no significant purpose to operate in the country other than by the government for a political campaign and propaganda. And there is no significant budget allocated to the union which could be used for teacher training nor any other financial support system.
- Teachers do not have a personal growth programme or training where they can maximise their knowledge and skills. The government does not provide means for gathering reference tools, and the libraries, such as they are filled with old and outdated books. Such circumstances make the teachers lag behind and limit their ability to transfer knowledge. While in high-school, teenage students are expected to spend their summers doing government-assigned work known as 'Maetot', often in rural

areas. The students, often over 100 in one place, are made to labour far from their homes during summer. These young people are alienated from their families and family values, introduced to the military lifestyle, and forced to work in the fields involuntarily under their minders who control them like soldiers. The students are stopped from doing any other independent extra-curricular activities. Parents have no say in the way their children are educated. Although each school has a parent council, Eritrean citizens and external bodies are not allowed to independently monitor the developments of (lack thereof) in education. [...]

❖ [Zoe Holman, The Living Hell of Being a Girl Soldier in Eritrea, Vice, 31 August 2017](#)

[...] Those left behind in Eritrea—particularly the majority who do not pass the national university entrance exam—are left to contemplate a future of servitude to the senior ranks of the military and government, on an average wage of \$10 a month. "Typically, young people are sent away from their families to work in fields or on construction projects in harsh conditions," explains Felix Horne, a senior researcher on Eritrea at Human Rights Watch. "These are projects that have no educational value—they are essentially providing free labour." [...]

Students who did complete secondary education at Sawa National Education and Training Center could not graduate and, therefore, could not pursue higher education, although they could attend vocational schools in 2019

❖ [Human Rights Watch, "They Are Making Us into Slaves, Not Educating Us": How Indefinite Conscription Restricts Young People's Rights, Access to Education in Eritrea, 8 August 2019](#)

[...] According to the government, there are currently two secondary level channels: 1) the formal secondary school education system that culminates in the National Secondary Education Certificate Examination (the "matricula"), which students take at the Sawa military training camp; and 2) a technical/vocational secondary schools pathway. The government said that some five percent of secondary level students are in vocational training schools.⁶⁸

68 According to the government, it runs nine technical and vocational secondary schools' which students can join after Grade 10 if their grades are good enough. Education Sector Plan (2018 – 2022), on file with Human Rights Watch. See also Eritrea: Initial National Report (1999-2016), March 28, 2017, submitted to the African Commission on Human and Peoples' Rights, p.42, on file with Human Rights Watch. Intake has not significantly increased since the government's first Education Sector Development Plan (2013-2017).

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

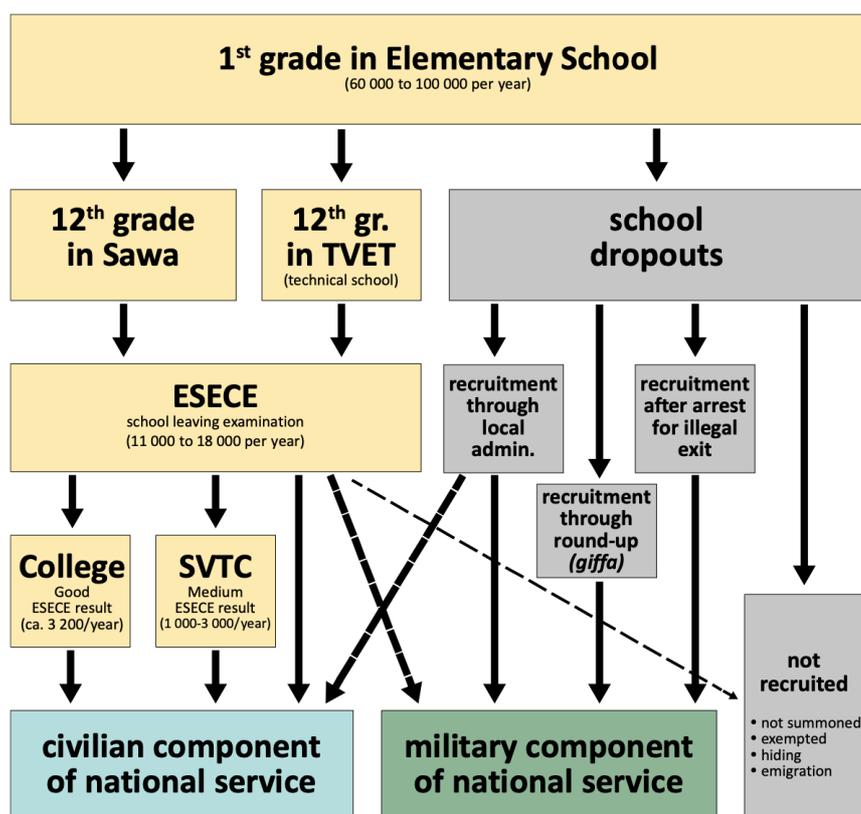


Figure 1: Overview of the different forms of recruitment into national service, © State Secretariat for Migration SEM

❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] 19. According to two sources, there were indications of change in focus in the sense that the government would increasingly focus on vocational training as a part of national service.⁹² According to an international organisation, the Eritrean government seems to be interested in enhancing vocational training of conscripts of national service to enlarge the pool of skilled labour in the country.⁹³ The emphasis on vocational training was shared by a diplomatic source that was under the clear impression that in recent years more students have been sent to vocational training and higher education while the number of students sent to military service and unskilled labour had declined. This source underlined that nothing is voluntary, but that the students with higher grades had some level of choice as to what they want to do. According to this source, the Eritrean government increasingly seeks to direct more youth into the path of what is referred to as a diploma programme. After completion of this vocational training programme the young person is given a vocational certificate which is intended to improve their employability.⁹⁴ [...]

93 Interview with an international organisation: 5

94 Meeting with a Western diplomat, c: 6-7

❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] Many Grade 11 young women are below the age of 18, so they are in effect children entering military training, and can be classified as child soldiers conscripted illegally violation of the Convention of the Rights of the Child. Their education includes military instruction, which they cannot avoid, because they have to complete this last year to sit their final exams in the school system. [...] [p. 4]

No hate crime laws or other criminal justice mechanisms to investigate bias-motivated crimes against LGBTI persons. There was no official action to investigate and punish those complicit in abuses, including state or nonstate actors in 2017

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?
0 / 4

[...] Same-sex sexual relations are criminalized, and LGBT (lesbian, gay, bisexual, and transgender) people enjoy no legal protections from societal discrimination. [...]

No hate crime laws or other criminal justice mechanisms to investigate bias-motivated crimes against LGBTI persons. There was no official action to investigate and punish those complicit in abuses, including state or nonstate actors in 2018

❖ [Freedom House, Freedom in the World 2019 – Eritrea \(4 February 2019\)](#)

[...] G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16 (-1)

[...] F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?
0 / 4

[...] Same-sex sexual relations are criminalized, and LGBT (lesbian, gay, bisexual, and transgender) people enjoy no legal protections from societal discrimination. [...]

No hate crime laws or other criminal justice mechanisms to investigate bias-motivated crimes against LGBTI persons. There was no official action to investigate and punish those complicit in abuses, including state or nonstate actors in 2019

❖ [Freedom House, Freedom in the World, 4 March 2020](#)

[...] G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16 (-1)

[...] F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?
0 / 4

[...] Same-sex sexual relations are criminalized, and LGBT+ people enjoy no legal protections from societal discrimination. [...]

In general, society stigmatized discussion of LGBTI matters in 2017

❖ [Government of the Netherlands, Ministry of Foreign Affairs, Country of Origin Report on Eritrea, 6 February 2017](#)

[...] 3.5 LGBT

[...] Homosexuality is subject to a social taboo that makes public debate impossible. Also, no LGBT organisations are openly active. Gay people are said to generally exist under the radar. [...] (p. 56)

❖ [Romanian National Council for Refugees, General Report Eritrea: Human Rights Situation, October 2017](#)

[...] No LGBTI organisations publically exist in Eritrea and it is reported that the authorities have carried out periodic round-ups of LGBTI people. [...]

❖ [Australian Government Department of Foreign Affairs and Trade, DFAT Country Information Report Eritrea, 8 February 2017](#)

[...] Sexual Orientation and Gender Identity

3.47 Article 310 of the 2015 Penal Code prohibits homosexual conduct. Consent is no defence to an offence under Article 310. Homosexual conduct is punishable with a definite term of imprisonment of between five and seven years. [...] There are no known LGBTI organisations in Eritrea, and general societal norms stigmatise discussion of LGBTI issues.

3.48 DFAT assesses that LGBTI people in Eritrea face a high risk of social discrimination, with ongoing traditional views about sexuality and gender restricting their participation in the community and workforce. They also face a high risk of official discrimination due to the existence of Article 310 that, even if it is not actively enforced, makes them vulnerable to arrest or harassment. [...] (p. 19)

In general, society stigmatized discussion of LGBTI matters in 2018

❖ [Freedom House, Freedom in the World 2019 – Eritrea \(4 February 2019\)](#)

[...] G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 1 / 16 (-1)

[...] F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?
0 / 4

[...] Same-sex sexual relations are criminalized, and LGBT (lesbian, gay, bisexual, and transgender) people enjoy no legal protections from societal discrimination. [...]

In general, society stigmatized discussion of LGBTI matters in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] The Committee is also concerned that consensual same-sex relationships are criminalized in the State party, which promotes homophobic attitudes and stigmatizes lesbian, gay, bisexual, transgender and intersex persons (arts. 3, 6, 7, 14 and 26).

[...] The State party should also decriminalize same-sex relationships between consenting adults and take measures, including policy and public education initiatives, to change societal perceptions of lesbian, gay, bisexual, transgender and intersex persons. [...]

6.3.2. Omissions in 2018 (compared to 2017) which continued to be omitted in 2019

Estimates on maternal mortality and contraceptive prevalence in 2018

❖ [United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January–1 February 2019, 21 January 2019](#)

[...] 3. Right to health⁷⁸

41. While noting the efforts made by Eritrea to improve the health situation of its population, the Committee on the Elimination of Discrimination against Women noted with concern the low budget allocated to the health sector, which was below the regional average, and the insufficient number of trained doctors and midwives.⁷⁹ It recommended that Eritrea increase the budget allocated to health care and the number of trained health-care providers and medical personnel, including midwives, particularly in rural areas.⁸⁰

42. Notwithstanding the official achievement by Eritrea of Millennium Development Goals 4 and 5 on child and maternal mortality, the same Committee noted with concern the high rate of maternal mortality.⁸¹ It recommended that Eritrea further reduce maternal mortality by ensuring the provision of adequate sexual and reproductive health services, including access to antenatal, delivery and postnatal services.⁸²

43. The Committee noted with concern that malnutrition remained a leading cause of infant mortality and that there were frequent reports of food production shortages.⁸³ It recommended that Eritrea ensure that all women and children had access to adequate nutrition, including by increasing efforts to address the food production shortages, and seek international assistance to that effect.⁸⁴

44. The Committee noted with concern the high number of early pregnancies, the lack of specific guidelines on safe abortion procedures, and the extremely low rate of use of modern contraceptives.⁸⁵ It recommended that Eritrea reduce the number of teenage pregnancies by ensuring access to age-appropriate information and education on sexual and reproductive health and rights for girls and boys.⁸⁶ The Committee also recommended adopting specific guidelines on safe abortion procedures that regulated access to safe abortion, and ensure the availability of safe and confidential abortion and post-abortion services.⁸⁷

45. The Committee on the Rights of the Child remained concerned that the neonatal mortality rate remained high, that HIV/AIDS, sexually transmitted infections and tuberculosis remained major public health concerns, and that the prevalence of non-communicable diseases was increasing. It recommended that Eritrea adopt national strategies on child and adolescent health, on HIV/AIDS, sexually transmitted diseases and tuberculosis, and on sanitation in rural areas.⁸⁸ [...] (pp. 6-7)

78 For relevant recommendations, see A/HRC/26/13, paras. 122.179–122.183.

79 CEDAW/C/ERI/CO/5, para. 34.

80 Ibid., para. 35 (c).

81 Ibid., para. 34.

82 Ibid., para. 35 (a).

83 Ibid., para. 34.

84 Ibid., para. 35 (b).

85 Ibid., para. 34.

86 Ibid., para. 35 (d).

87 Ibid., para. 35 (e).

88 CRC/C/ERI/CO/4, paras. 55 (a)–(b) and (f) and 56 (a).

❖ [Family Planning 2020/Track 20, Eritrea: FP2020 Core Indicator Summary Sheet: 2017-2018 Annual Progress Report, January 2019](#)

[...] 1 Number of additional users of modern methods of contraception – 2018: 31,000

[...] 2 Contraceptive prevalence rate, modern methods (mCPR) among all women – 2018: 7.1%

[...] 3 Percentage of women with an unmet need for a modern method of contraception (married/in-union) – 2018.5: 30.2%

[...] 4 Percentage of women whose demand is satisfied with a modern method of contraception (married/in-union) – 2018.5: 26.2%

[...] 5 Number of unintended pregnancies – 2018.5: 70,000

[...] 6 Number of unintended pregnancies averted due to use of modern methods of contraception – 2018.5: 27,000

[...] 7 Number of unsafe abortions averted due to use of modern methods of contraception – 2018.5: 6,100

[...] 8 Number of maternal deaths averted due to use of modern methods of contraception – 2018.5: 100

Estimates on maternal mortality and contraceptive prevalence in 2019

❖ [UNFPA, World Population Dashboard: Eritrea, undated \(accessed January 2020\)](#)

[...] Family planning

Contraceptive prevalence rate and unmet need

Contraceptive prevalence rate, women currently married or in union, aged 15-49, any method, percent, 2019: 15

Contraceptive prevalence rate, women currently married or in union, aged 15-49, modern method, percent, 2019: 14

Unmet need for family planning, women currently married or in union, aged 15-49, percent, 2019: 30

Proportion of demand satisfied, women currently married or in union, aged 15-49, percent, 2019: 34

Proportion of demand satisfied with modern methods, women aged 15-49, percent, 2019: 31 [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] Health

39. The Committee commends the State party on its 90 per cent decrease in malaria infections and on containing the spread of HIV. It also notes the efforts of the State party to improve the basic health package, which includes free family planning services. The Committee nevertheless remains concerned at: (a) The persistently high rate of maternal mortality, the lack of access to basic health care for women, in particular rural women and women with disabilities, the lack of access to safe, legal abortion and post-abortion services and the inadequacy of trained health professionals, including midwives, in rural areas; (b) The persistently high rate of early pregnancy

[...] 40. Recalling its general recommendation No. 24 (1999) on women and health, and targets 3.1 and 3.7 of the Sustainable Development Goals, the aims of which are to reduce the global maternal mortality ratio and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:

(a) Address the problem of high maternal mortality, especially in rural areas, through improvements in the proximity of health services;

[...] (c) Recruit adequate human resources in order to ensure the mobilization of qualified personnel in the delivery of health services;

(d) Ensure the full and effective implementation of article 534, as amended by Proclamation No. 4/1991, of the Transitional Penal Code, which decriminalizes three conditions for abortion (rape, incest and threat to the health or life of the woman), and also decriminalize a fourth condition, namely malformation of the fetus;

(e) Ensure the availability and accessibility of reproductive health-care facilities for adolescent girls and young women, including women and girls with disabilities, and ensure adequate access to information about sexual and reproductive health and rights, including on the prevention of early pregnancy and sexually transmitted infections, as well as access to modern forms of contraceptives. [...] [p. 11]

❖ [Family Planning 2020/Track 20, Eritrea: FP2020 Core Indicator Summary Sheet: 2017-2018 Annual Progress Report, 2020](#)

[...] 1 Number of additional users of modern methods of contraception – 2019.5: 24,000

[...] 2 Contraceptive prevalence rate, modern methods (mCPR) among all women – 2019.5: 8.2%

[...] 3 Percentage of women with an unmet need for a modern method of contraception (married/in-union) – 2019.5: 30.0%

[...] 4 Percentage of women whose demand is satisfied with a modern method of contraception (married/in-union) – 2019.5: 26.2%

[...] 5 Number of unintended pregnancies – 2019.5: 45,000

[...] 6 Number of unintended pregnancies averted due to use of modern methods of contraception – 2019.5: 4,700

[...] 7 Number of unsafe abortions averted due to use of modern methods of contraception – 2019.5: 4,700

[...] 8 Number of maternal deaths averted due to use of modern methods of contraception – 2019.5: 80

6.3.3. Omissions in 2019 (compared to 2018)

Information on sexual violence including forced domestic service against women and girls in military training camps in 2019

❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019](#)

[...] Women⁷⁷

49. ELL [Eritrean Lowlander's League, London, United Kingdom of Great Britain and Northern Ireland] stated that women suffered as consequence of being drafted into the military to complete their compulsory military service. They had been subjected to forced labour, and risked being raped by senior military officers.⁷⁸ [...]

77 For relevant recommendations see A/HRC/26/13, paras. 122.108-122.110, 122.112-122.114, 122.125-122.133.

78 ELL, pp. 4-5.

❖ [Freedom House, Freedom in the World 2019 – Eritrea, 4 February 2019](#)

[...] G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4 (-1)

Men and women have equal rights under laws governing marriage, nationality, and other personal status matters. However, girls in rural areas remain vulnerable to early or forced marriage. Rape of women and sexualized forms of violence against men are common in detention and in military service. Sexual assault of female conscripts is endemic and has not been thoroughly investigated by the authorities. The government has banned and attempted to reduce the practice of female genital mutilation, but it remains widespread in rural areas.

Score Change: The score declined from 2 to 1 because women performing their national service, particularly in the military, face the threat of rape and sexual assault, and because there is widespread impunity for such attacks. [...]

❖ [Ethiopia Insight, No peace for Eritrea's long-suffering female conscripts, 15 January 2019](#)

[...] Unlike conditions during the EPLF struggle, the ENS does not have any policies that aim to prevent sexual misconduct. This means there are no regulations that limit the powers of commanders or specifically forbid sexual misconduct. This lack of policies and rules enables abuse of power and gender-based violence without accountability.

It is critical to note that due to power dynamics, rape in the context of the ENS does not necessarily involve physical force. Because the perpetrators are generally commanders, they hold power over women who are coerced into sexual relations due to fear of punishment. Any 'consent' maintained through intimidation, pressure, or threats is illegitimate.

The majority of former female conscripts reported that sexual violence occurs in both the Sawa military camp and elsewhere in the ENS after the first six months. After that point, women are assigned to a commander who holds sway over them. The officers then make sexual advances on their inferiors. For the women able to say no, inhumane punishments occur.

Survivors of military service say those who refused sexual relations to a military leader endured punishments such as being locked in shipping containers and underground cells, exposure to extremely hot temperatures, beaten, tortured, denied leave, deprived of food, suspension from trees, sent to dangerous locations such as the front line, and other cruel and unusual punishments. This is persecution and European countries such as Norway have guaranteed Eritrean refugees asylum due to these circumstances. [...]

❖ [IPS \(Inter Press Service\) News Agency, From Empowerment During War, Eritrean Women Must Fight Gender Discrimination in a New Peace, 12 April 2019](#)

[...] Young Eritrean women also suffered and continue to suffer in the military camps – Eritrea has maintained a policy of compulsory conscription – and in detention centres, where they face all forms of gender-based violence.

Since the government has barred any independent NGOs from operating inside Eritrea, it is extremely difficult for women to get the support they need. Existing laws do not help women and as government officials are often responsible for these abuses, most cases go unreported. [...]

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Gender-based violence, including domestic violence

21. While welcoming assurances by the State party that it is addressing harmful practices such as female genital mutilation, the Committee is concerned that violence against women is widespread and persistent

in the State party, including domestic violence and sexual violence in the context of the national service programme. [p. 3]

[...] Protection of minors

[...] The Committee is further concerned about reports of alleged forced underage recruitment, including through the practice of round-ups (giffa), and allegations of violence against children, including sexual violence, including at the Sawa military training centre (arts. 7 and 24). [...] [p. 9]

❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] 29. The national/military service has a particularly negative impact on the lives of women and girls. The Special Rapporteur has received testimonies of former female conscripts who were abused by their superior officers – including by being subjected to physical and verbal abuse and being forced to work as domestic servants – and who recounted that sexual harassment and sexual abuse of female conscripts were common, in particular at Sawa military training camp. [...] [p. 8]

❖ [Human Rights Watch, Eritrea’s Human Rights Crisis Requires Ongoing Scrutiny: UN Human Rights Council Should Renew Special Rapporteur’s Mandate, 24 June 2019](#)

[...] Women and girls continue to risk sexual violence, notably during military training at the Sawa military camp, with little chance of redress. [...]

❖ [EASO, Eritrea: National service, exit, and return: Country of Origin Information Report, September 2019](#)

[...] One source reports that during his time in the army, the commanders selected the best-looking women to work personally for them.²⁴⁷ In such positions as well as in military units, they are vulnerable to sexual misconduct by their superiors.²⁴⁸

[...] Sexual exploitation by commanders happens in different contexts and circumstances. Several sources indicate that some female conscripts try to avoid harsh assignments by offering sexual ‘favours’ to their superiors, are offered easier treatment in return for sex, or are threatened with an unpopular assignment (e.g. to the front line) if they do not offer such favours.²⁵⁰ Once assigned, in order to maintain a good relationship to their superior or to avoid punishments, sexual services are demanded by commanders, sometimes under the threat of harsh punishments or other disadvantages.²⁵¹ One source mentions that such pressure occasionally happens in the civilian component, too.²⁵² Some sources also report even more direct abuses.²⁵³ There are reports of women who successfully withstood sexual advances by their commanders.²⁵⁴ Some sources mention that sexual exploitation also happens during the 12th grade at the *Warsay-Yikealo* School in Sawa.²⁵⁵

The Eritrean government opposes the allegations of sexual harassment in national service.²⁵⁶ Interlocutors of a UK fact-finding mission claimed in 2016 that the government would not tolerate sexual violence in national service because it would undermine the program.²⁵⁷ [...] [pp. 38-39]

247 Legal expert, interview, Bern, 18 July 2019

248 International organisation 4, Asmara, interview, July 2019; Diplomatic source 9, Asmara, interview, July 2019;

[...] 250 Mekonnen, D.R., telephone interview, 17 July 2019; Legal expert, interview, Bern, 18 July 2019; Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, p. 42-43

251 International organisation 4, Asmara, interview, July 2019; Horn of Africa expert, email interview, 23 July 2019; Human Rights Watch, World Report 2017: Events of 2016, 12 January 2017, p. 246; Kibreab, G., Sexual Violence in the Eritrean National Service, April 2017, p. 132

252 Horn of Africa expert, email interview, 23 July 2019

253 Human Rights Watch, World Report 2018: Events of 2017, 18 January 2018, p. 201; Amnesty International, Amnesty International Report 2017/18, 22 February 2018, p. 160; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, 16 May 2019, para. 29; Røsberg, A.H. and Tronvoll, K., Migrants or Refugees? ILPI, 14 February 2017, 76

254 Kibreab, G., Sexual Violence in the Eritrean National Service, April 2017, pp. 133-134

255 Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”, August 2019, p. 41-43; Kibreab, G., Sexual Violence in the Eritrean National Service, April 2017, pp. 135-137; Amnesty International, Amnesty International Report 2017/18, 22 February 2018, p. 160

256 Røsberg, A.H. and Tronvoll, K., Migrants or Refugees? ILPI, 14 February 2017, p. 76; Expressen

257 United Kingdom, Home Office, Home Office’s Fact-Finding Mission to Eritrea, 7-20 February 2016, 7 August 2019, para. 9.10

- ❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] A diplomatic source believed that the conditions of conscripts under military service were horrible and referred to allegations of sexual violence committed with impunity.⁸⁶ [...] [p. 22]

86 Meeting with a Western diplomat, d: 11

- ❖ [Human Rights Watch, World Report 2020 – Eritrea, 14 January 2020](#)

[...] At Sawa, military officials subject students to inhumane and degrading punishment. Girls and women students risk sexual harassment and exploitation. [...]

- ❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] According to the Government of Eritrea, “Violence against women is prohibited by law”.

But abuse of women especially during National Service is widespread. This appears to be tolerated at the highest level of government. Based on face-to-face meetings and telephone interviews with women who have been victims, HRCE can confirm without any doubt that women and girls suffer a wide range of violations in Eritrea, including psychological abuse, systematic sexual harassments and rape. Rape is particularly prevalent within the military during the unlimited period when all young women are forced to take part in National Military Service. Eritrean military officers are notorious for the sexual and physical abuses they inflict on women, which goes unpunished under the banner of National Service. Many illegitimate children have been born from these rapes, and few of them ever know their fathers. Some women file charges against the rapists. However, even when the rapists are summoned to court, there have been cases when they refuse to present themselves and the file is withdrawn or closed. There are also instances where the women do not know who the father is, particularly when rape and sexual violence occurred under the cover of darkness—at night. It is now well known that the Sawa Military Training is for purposes of CONTROL rather than for military service. Otherwise, there was no reason to continue with it after the signing of peace agreement with Ethiopia in July 2018. [...] [p. 5]

Crimes related to child prostitution, obscene or indecent publications, commercial sexual exploitation of children were seldom reported, and punishment was rarely applied in 2019

- ❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] While the Committee notes the efforts mentioned during the dialogue to combat trafficking in persons, it regrets the lack of specific information about investigations, prosecutions or the identification and protection of any victim of trafficking (arts. 8 and 12). [...]

- ❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] 27. The Committee notes the cooperation of the State party with international and regional organizations in preventing and combating trafficking in persons. It remains concerned, however, about the high number of cases of trafficking and sexual exploitation of women and girls, who are forced to exit the country illegally. The Committee notes with concern that, despite ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2014, the State party has not adopted an adequate legal framework and a comprehensive policy to address trafficking in persons, in particular women and girls, and that most perpetrators of trafficking-related crimes enjoy impunity. It also notes with concern the absence of information on exit programmes for women wishing to leave prostitution.

28. Recalling its previous concluding observations (CEDAW/C/ERI/CO/5, para. 23), the Committee recommends that the State party:

- (a) Enact and enforce national anti-trafficking and anti-smuggling legislation and implement national strategies and national plans to combat such crimes;
- (b) Conduct prompt and impartial investigations into cases of trafficking in women and girls and ensure that perpetrators of trafficking are adequately punished and that victims of trafficking have access to free legal aid, accessible shelters and psychosocial support and have the possibility to return to the territory of the State party;
- (c) Strengthen efforts to raise awareness about the criminal nature and risks of trafficking in women and girls and provide training to the judiciary, law enforcement officers and border police on the early identification of women and girls who are victims of trafficking and ensure their referral to appropriate services;
- (d) Provide exit programmes for all women in prostitution, including alternative income-generating opportunities;
- (e) Systematically collect information and data on trafficking in women and girls, as well as on women in prostitution, disaggregated by age, nationality and ethnic group, and conduct research into the root causes of those phenomena in order to inform laws and policies to combat trafficking in persons. [...]

❖ [United Nations Committee on the Elimination of Discrimination against Women, Concluding observations on the sixth periodic report of Eritrea, 10 March 2020](#)

[...] 27. The Committee notes the cooperation of the State party with international and regional organizations in preventing and combating trafficking in persons. It remains concerned, however, about the high number of cases of trafficking and sexual exploitation of women and girls, who are forced to exit the country illegally. The Committee notes with concern that, despite ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2014, the State party has not adopted an adequate legal framework and a comprehensive policy to address trafficking in persons, in particular women and girls, and that most perpetrators of trafficking-related crimes enjoy impunity. It also notes with concern the absence of information on exit programmes for women wishing to leave prostitution.

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- (e) Systematically collect information and data on trafficking in women and girls, as well as on women in prostitution, disaggregated by age, nationality and ethnic group, and conduct research into the root causes of those phenomena in order to inform laws and policies to combat trafficking in persons. [...]

Living conditions for those in the Sawa National Training and Education Center in 2019

- ❖ [Ethiopia Insight, No peace for Eritrea's long-suffering female conscripts, 15 January 2019](#)
 [...] Survivors of military service say those who refused sexual relations to a military leader endured punishments such as being locked in shipping containers and underground cells, exposure to extremely

hot temperatures, beaten, tortured, denied leave, deprived of food, suspension from trees, sent to dangerous locations such as the front line, and other cruel and unusual punishments. [...]

❖ [Human Rights Watch, “They Are Making Us into Slaves, Not Educating Us”: How Indefinite Conscription Restricts Young People’s Rights, Access to Education in Eritrea, 8 August 2019](#)

[...] At Sawa, students are under military command throughout their final year, including during their study time, and military officials subject students to ill-treatment and harsh punishments for minor infractions, military-style discipline, and forced labor, which at times violates their basic rights and cuts into students’ study and rest time. “They are making us into slaves, not educating us,” one former student said.

[...] The military personnel running Sawa subject students to a harsh living environment, regular physical punishment, military-style discipline, and forced labor.¹¹⁰ [...]

110 Military training rounds started to be counted after independence. In August 2019, round 32 graduated.

❖ [Human Rights Watch, World Report 2020 – Eritrea, 14 January 2020](#)

[...] Right to Education

Secondary school students, some aged 16 or 17, are forced to undergo their final school-year, Grade 12, in an abusive military camp, Sawa, where they undergo mandatory military training, are under military command, and take their final school examinations before being assigned to civilian or military duties. Despite calls for reform, in August the government again conscripted the latest batch of students into national service.

At Sawa, military officials subject students to inhumane and degrading punishment. Girls and women students risk sexual harassment and exploitation. On weekends, students are assigned to forced labor at a nearby government farm.

Despite government commitments to reforming the education sector, the government relies on national service conscripts to teach in schools across the country. Conscripts have little to no choice in their assignment and no end to their deployment in sight. Absenteeism is rampant and the education system suffers. [...]

❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)

[...] 15. According to the interviewed sources, there has been no observed changes, or improvements, in the working or living conditions for conscripts of national service after the peace agreement. Furthermore, none of these sources anticipated any changes in the foreseeable future.⁸²

16. A western diplomat noted that accessing information on conditions in the military was particularly difficult.⁸³ One source referred to national service being perceived as forced labour,⁸⁴ whilst another source considered it ‘slavery’ and spoke of living conditions totally degrading the dignity of the person.⁸⁵ A diplomatic source believed that the conditions of conscripts under military service were horrible and referred to allegations of sexual violence committed with impunity.⁸⁶

[...] 17. One source, academic researcher Tanja R. Müller, emphasised the importance of taking into consideration the national context when analysing the living conditions during national service. According to this source, conscripts of national service live under conditions which mirror the normal living conditions of the general population in Eritrea.⁸⁸ In the interview she furthermore underlined that the food that conscripts of national service receive is not necessarily worse than the food intake of the general population. She added, however, that life is harder for those assigned to urban areas than for those who served in rural Eritrea because of the high costs of living in the cities. Contrary to this, a western embassy knew of one girl who had brought her own equipment to the training centres (clothes, food, etc.), since the equipment that conscripts are provided with while accommodated at the training centres is not sufficient to uphold a reasonable life.⁸⁹ [...] [p. 22]

82 Meeting with a Western diplomat, a: 7, Meeting with a Western diplomat, b: 14, Meeting with a Western diplomat, c: 21, Meeting with five Western diplomats, e: 7, Meeting with an international development organisation, a: 10, Interview with an international human rights organisation: 2, interview with Mixed Migration Centre: 8, meeting with academic experts Martin Plaut and Habte Hagos: 4, Interview with the Chairman of the Habeshia Agency: 4, interview with an international humanitarian organisation working in Ethiopia: 4, Interview with Amnesty International: 6

83 Meeting with a Western diplomat, c: 2

84 Meeting with a Western diplomat, b: 14

85 Interview with the Chairman of the Habeshia Agency: 12
86 Meeting with a Western diplomat, d: 11
[...] 88 Meeting with Dr Tanja R. Müller: 6
89 Meeting with a Western diplomat, a: 7

❖ [HRCE - Human Rights Concern-Eritrea, CEDAW 75th Session February 2020; Country Under Review: Eritrea; Shadow Report to the CEDAW Committee by Human Rights Concern-Eritrea, February 2020](#)

[...] In Eritrea, all Grade 11 students in the education system are sent to the Sawa Military Training Center, to complete their final year of secondary education where they also sit their national school leaving exams. Sawa is a very difficult place to live, particularly at such a young age, and it is much worse for women, especially when there is lack of access to adequate sanitary facilities. Young women in the camp do not get a chance to take a bath regularly, even when they are in their menstrual cycles. [p. 4]

[...] According to the Government of Eritrea, “Violence against women is prohibited by law”.

But abuse of women especially during National Service is widespread. This appears to be tolerated at the highest level of government. Based on face-to-face meetings and telephone interviews with women who have been victims, HRCE can confirm without any doubt that women and girls suffer a wide range of violations in Eritrea, including psychological abuse, systematic sexual harassments and rape. Rape is particularly prevalent within the military during the unlimited period when all young women are forced to take part in National Military Service. Eritrean military officers are notorious for the sexual and physical abuses they inflict on women, which goes unpunished under the banner of National Service. Many illegitimate children have been born from these rapes, and few of them ever know their fathers. Some women file charges against the rapists. However, even when the rapists are summoned to court, there have been cases when they refuse to present themselves and the file is withdrawn or closed. There are also instances where the women do not know who the father is, particularly when rape and sexual violence occurred under the cover of darkness—at night. It is now well known that the Sawa Military Training is for purposes of CONTROL rather than for military service. Otherwise, there was no reason to continue with it after the signing of peace agreement with Ethiopia in July 2018. [...] [p. 5]

Some persons who attempted to leave Eritrea so to avoid going to Sawa because of obligatory military training and poor living conditions in 2019

❖ [United Nations Human Rights Committee, Concluding observations on Eritrea in the absence of its initial report, 3 May 2019](#)

[...] Military and national service programme

37. The Committee is concerned that the length of national service, initially stipulated by the National Service Proclamation No. 82/1995 for a period of 18 months, has been extended by a mandatory national service programme (Warsay-Yikealo) for an indefinite period. It is further concerned that the indefinite duration of military and civil service reportedly remains one of the main causes for the departure of Eritreans from the State party. [p. 8]

[...] Protection of minors

43. The Committee is concerned that all high school students, boys and girls, must enrol for their twelfth grade at the Sawa military training centre, where they undergo stringent military training. The Committee is also concerned that many students drop out of school and some of them flee the country to avoid such enrolment. [...] [p. 9]

❖ [IDN \(InDepthNews\), Exodus of Eritreans in Post-Peace Era Continues, 9 May 2019](#)

[...] A senior official from Ethiopia’s refugee agency recently confirmed that the situation in the border area between Ethiopia and Eritrea has not changed since the official closing of all border crossings for vehicles in April 2019. He confirmed that the number of refugees from Eritrea to Ethiopia continues to increase, with as many as 250 people being processed every day.

This figure does not include the many other refugees and migrants from Eritrea who do not register officially. While the exodus is increasing, Eritreans are put up for ‘voluntary’ return from Libya to Eritrea.

Since December 2018, Ethiopia and Eritrea have been gradually closing their shared border crossings to vehicles again. While information in Eritrea on what the border arrangements are for its people is not available, the borders have not opened for Eritrean people, but this has not stopped people from Eritrea fleeing the country.

According to newly-obtained information from the Eritrean-Ethiopian border area, 25 percent of the new arrivals are unaccompanied and separated children. The reason given for them fleeing the country is that the Eritrean Government has started to “kidnap the children to go to SAWA military training,” said one source. SAWA is a military academy in the Gash-Barka region of Eritrea.

Independent sources with contacts in Eritrea confirm that giffas to round up children for national service have greatly increased – in these raids, people whose papers are not in order are also arrested. Another source in The Netherlands explained that the Eritrean government has started to kidnap children from their neighbourhoods in these giffas in order to draft them into military training at the SAWA Defence Training Centre. The national service has been qualified as forced labour and slavery by the United Nations. [...]

❖ [United Nations General Assembly, Situation of human rights in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 June–12 July 2019, 16 May 2019](#)

[...] 30. The national/military service remains one of the main drivers of migration from Eritrea.¹⁸ It is also an important factor leading young people to abandon school early and not complete their education. The inability to plan the future, the lack of prospects to pursue higher education, the low pay (which makes it impossible to support a family) and the fact that the national/military service is of open-ended duration continue to drive many Eritreans out of their country. [p. 8]

[...] 66. According to various sources, in February and March 2019 a daily average of 250– 300 persons crossed into Ethiopia from Eritrea. Based on the information received, approximately 30 per cent of those who crossed during that period were national/military service conscripts. [...] [p. 15]

18 Based on interviews conducted with representatives of international organizations, researchers, Eritrean refugees and Eritrean nationals.

❖ [Human Rights Watch, One Year After Peace Deal, Little Has Changed in Eritrea, 9 July 2019](#)

[...] Today marks one year since the historic peace agreement between Ethiopia and Eritrea, which ended 20 years of intermittent conflict between the two countries. Eritrea’s leaders had long used the “no war, no peace” situation with Ethiopia to justify some of their most repressive policies, and many had hoped that the peace deal would usher in a new era of respect for human rights. Yet one year on, little has changed.

Among the most egregious problems is indefinite national service, in which all young Eritreans – men and women – starting in their last year of high school must serve indefinitely in the military or civil service for low pay, with no say in their profession or work location, and often under abusive conditions. While the threat from Ethiopia was previously used as a justification for this policy, there are no signs this has eased since the peace deal was signed. National service remains the primary driver behind the mass exodus of thousands of young Eritreans each month who brave dangerous foreign journeys and callous governments to reach safety abroad. [...]

❖ [Eritrea Focus, Eritrea: Round-ups increase as youths refuse to go to national service, 2 August 2019](#)

[...] Recently, Ethiopian authorities confirmed that 250-300 Eritreans continue to register in Ethiopian refugee camps every day, an estimated 30-50% of whom flee directly from the national service. [...]

❖ [UNPO – Unrepresented Nations and Peoples Organization, Oromo: Athletes Raise Awareness of Human Rights Violations, 7 October 2019](#)

[...] Since then, many Eritrean athletes have used sporting events as a means to escape from their home country, characterized by compulsory military service that has been described as a form of slavery, forced labour in mines or construction sites and females are subjected to abuse and ill-treatment.

[...] A few days ago, five players from the Eritrean under 20 football team absconded from their hotel in Jinja, Uganda in the middle of the Council of East and Central African Football Associations Challenge Cup.

The players are likely to seek asylum in Uganda and turn their backs on Eritrea for good if the political situation remains the same.

Military service is compulsory for all Eritreans at 18 years old and above. While the policy governing this stipulates military service will be done for 18 months, in practice the military service is indefinite.

For example, since the practice was made official by the government in 1994, no Eritrean has been officially released from military service. Conscripts receive meagre monthly wages (approximately \$60 on average) that do not cover basic living expenses and others are not paid. Many spend months at the infamous Sawa military camp with limited food and water, often in very high temperatures. Those who violate even the most basic instructions are subjected to harsh punishment. Others work in mines and construction sites and females are often forced to do domestic work and sometimes subjected to abuse and ill-treatment.

Eritreans, therefore, face two options – undertake military service or flee. Until recently, the Eritrean government often cited the existential military threat from its neighbour Ethiopia as the main reason it continued the policy, but even after the two countries signed a joint declaration of peace, friendship and comprehensive co-operation in July 2018, forced conscription continues.

[...] Forced conscription is the main driving force pushing Eritrean sportsmen and women to abdicate and not return to Eritrea, but the propaganda of the Eritrean government and the conflict “fatigue” experienced by the United Nations and African Union often preoccupies the international community and limits discussions on actions against the Eritrean state that will force it to implement reforms. [...]

❖ [Dutch Ministry of Foreign Affairs, General Official Message: Eritrea, October 2019](#) [Informal translation]

[...] According to the source, the Ethiopian authorities have confirmed that 250-300 Eritreans register daily in refugee camps in Ethiopia, an estimated 30-50% of whom flee directly from the national service. The Eritrean government continues to emphasize the value and necessity of the national service and is preparing for the 25th anniversary of Sawa.¹⁹⁹

[...] Testimonials from persons who have recently fled Eritrea indicate that involuntary indefinite military service, arbitrary arrest and detention without trial and other systematic human rights violations by the state continue to occur.²¹⁶ [...]

199 Europe External Policy Advisors, Eritrea round-ups of youth increase, 2 augustus 2019.

[...] 216 UNHCR, Ethiopia Country Refugee Response Plan, februari 2019.

❖ [Al Jazeera, Why do Eritreans flee their country?, 26 December 2019](#)

[...] Thousands of Eritreans leave every year to escape rights abuses, as well as enforced and lengthy military service. [...]

❖ [Ethiopia Insight, No peace for Eritrea’s long-suffering female conscripts, 15 January 2019](#)

[...] An estimated 12 percent of the population has fled the Red Sea nation. Eritreans come just after Syrians for the number of refugee applicants in Europe and are the second-largest group arriving by boat. The largest factor driving Eritrean youth to flee is considered to be attempts to escape military conscription, which raises questions about conditions.

The rising refugee crisis, tied with the continued militarization of Eritrea, angered the Eritrean diaspora, sparking a social media campaign and opposition movement called ‘Yiakl’ (‘enough’). The campaign’s hashtag, #EndHighSchoolInSawa, is a reference to the Sawa camp where all Eritrean students are sent for a minimum 18-month military training. This compulsory enlistment has been criticized for entailing various human rights abuses, including prevalent sexual violence against female recruits. [...]

7. Section 7. Worker Rights

7.3.1. Omissions in 2017 (compared to 2016)

Reports of absence of strikes, collective bargaining, or government opposition to, or approval of, the formation of labor associations during 2017

❖ [Bertelsmann Stiftung, BTI 2018 Country Report — Eritrea, 2018](#)

[...] This report is part of the Bertelsmann Stiftung's Transformation Index (BTI) 2018. It covers the period from February 1, 2015 to January 31, 2017.

[...] Civil society organizations such as NGOs, labor unions and organized interest groups of all kinds are prohibited in Eritrea. Attempts to create civil society organizations that work independently of the government have been suppressed from the beginning of the state's existence. The national unions for women, youth and students and the worker's confederation are the leftovers of the former mass organizations of the Eritrean People's Liberation Front (EPLF) and are de facto branches of the government. They have become increasingly inactive during the past years. [...]

❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)

[...] E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12

[...] E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4

There are no independent trade unions in Eritrea. The only union umbrella group, the National Confederation of Eritrean Workers, is affiliated with the ruling party. Relatively autonomous student and teachers' unions operated during the early years of independence but were gradually shut down in the late 1990s and early 2000s. According to reports to the UNHRC, the government has prevented new unions from being formed. [...]

Reports of absence of strikes, collective bargaining, or government opposition to, or approval of, the formation of labor associations during 2018

❖ [Human Rights Concern – Eritrea \(HRCE\), A Submission on the Initial Report of the Government of Eritrea \(1999 -2016\) To the African Commission for Human and Peoples Rights \(ACHPR\), 62nd Ordinary Session 25 April – 9 May 2018](#)

[...] Freedom of Assembly/Association

[...] There are also no independent workers associations (i.e. trade unions); professional association or cultural/ sporting associations. There are the mass movement organisations and such organisations as the PFDJ organises. During the liberation struggle the EPLF established the mass movement organisations to mobilise h different sectors of the community to achieve the goal of liberation. These organisations are the National Union of Eritrean Women (NUEW); the National Union of Eritrean Youth and Students (NUEYS); the National Confederation of Eritrean Workers (NCEW). Post-independence these organisations have remained intimately connected to the EPLF/PFDJ and therefore to the Government and have not evolved to represent the issues of their constituencies.

The association model that the Government is implementing in the country is the same that they followed during the liberation war - that is a mass movement model, where it is the Government that organises the associational life of Eritrean people. Thus, organisations as the University of Asmara Teachers Union; and Asmara University Student Union have been closed. [...] (p. 48)

❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019](#)

[...] 3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

43. While noting that the Labour Proclamation No 118/2001 guarantees the rights of citizens, employers and employees to form associations and to participate in their activities, JS2 [Civicus, Johannesburg, South Africa, Eritrean Movement for Democracy and Human Rights and Eritrea Focus (Joint Submission 2)] stated that in practice there were no independent associations and unions. It added that the National Confederation of Eritrean Workers, which was the only operational union in Eritrea, was controlled by the state.⁶⁹ [...]

69 Ibid, para. 2.4. JS2 made recommendations (para. 5.1).

Reports of absence of strikes, collective bargaining, or government opposition to, or approval of, the formation of labor associations during 2019

- ❖ [Human Rights Watch, World Report 2020 – Eritrea, 14 January 2020](#)
[...] Labor unions are also banned, except those controlled by the government, as are gatherings of more than three people. [...]

Effectiveness of unions in promoting or protecting workers rights in 2017

- ❖ [Freedom House, Freedom in the World 2018: Eritrea, January 2018](#)
[...] E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 0 / 12
[...] E3. Is there freedom for trade unions and similar professional or labor organizations? 0 / 4
There are no independent trade unions in Eritrea. The only union umbrella group, the National Confederation of Eritrean Workers, is affiliated with the ruling party. Relatively autonomous student and teachers' unions operated during the early years of independence but were gradually shut down in the late 1990s and early 2000s. According to reports to the UNHRC, the government has prevented new unions from being formed. [...]

Effectiveness of unions in promoting or protecting workers rights in 2018

- ❖ [Freedom House, Freedom in the World 2019: Eritrea, 4 February 2019](#)
[...] There are no independent trade unions in Eritrea. The only union umbrella group, the National Confederation of Eritrean Workers, is affiliated with the ruling party. Relatively autonomous student and teachers' unions operated during the early years of independence but were gradually shut down in the late 1990s and early 2000s. According to reports to the UNHRC, the government has prevented new unions from being formed. [...]
- ❖ [Human Rights Concern – Eritrea \(HRCE\), A Submission on the Initial Report of the Government of Eritrea \(1999 -2016\) To the African Commission for Human and Peoples Rights \(ACHPR\), 62nd Ordinary Session 25 April – 9 May 2018](#)
[...] Freedom of Assembly/Association
[...] There are also no independent workers associations (i.e. trade unions); professional association or cultural/ sporting associations. There are the mass movement organisations and such organisations as the PFDJ organises. During the liberation struggle the EPLF established the mass movement organisations to mobilise h different sectors of the community to achieve the goal of liberation. These organisations are the National Union of Eritrean Women (NUEW); the National Union of Eritrean Youth and Students (NUEYS); the National Confederation of Eritrean Workers (NCEW). Post-independence these organisations have remained intimately connected to the EPLF/PFDJ and therefore to the Government and have not evolved to represent the issues of their constituencies.
The association model that the Government is implementing in the country is the same that they followed during the liberation war - that is a mass movement model, where it is the Government that organises the

associational life of Eritrean people. Thus, organisations as the University of Asmara Teachers Union; and Asmara University Student Union have been closed. [...] (p. 48)

- ❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019](#)

[...] 3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

43. While noting that the Labour Proclamation No 118/2001 guarantees the rights of citizens, employers and employees to form associations and to participate in their activities, JS2 [Civicus, Johannesburg, South Africa, Eritrean Movement for Democracy and Human Rights and Eritrea Focus (Joint Submission 2)] stated that in practice there were no independent associations and unions. It added that the National Confederation of Eritrean Workers, which was the only operational union in Eritrea, was controlled by the state.⁶⁹ [...]

69 Ibid, para. 2.4. JS2 made recommendations (para. 5.1).

Effectiveness of unions in promoting or protecting workers rights in 2019

- ❖ [Human Rights Watch, World Report 2020 – Eritrea, 14 January 2020](#)
[...] Labor unions are also banned, except those controlled by the government, as are gatherings of more than three people. [...]
- ❖ [Danish Immigration Service \(DIS\) and Danish Refugee Council \(DRC\), COI Country Report: Eritrea: National service, exit and entry, January 2020](#)
[...] 13. Meeting with a consultant, Ruby Sandhu
Interview, London, 10 October 2019
Ruby Sandhu is a London-based retired senior lawyer and an accredited facilitator and mediator. She specialises in business and human rights and she also teaches and assesses mediation at a leading school in London.
[...] By contrast, Ms Sandhu noted that there are strong civil society organisations in Eritrea and as an example she mentioned the National Union of Eritrea Women which she characterised as a very strong, dynamic, progressive and active organisation that carried out a lot of important work including the fight against female genital mutilation (FGM). Also, the National Confederation of Eritrean Workers, a union standing for worker's rights has over the years carried out exemplary work on ensuring worker's rights. [...]
- ❖ [Freedom House, Freedom in the World 2020, 4 March 2020](#)
[...] There are no independent trade unions in Eritrea. The only union umbrella group, the National Confederation of Eritrean Workers, is affiliated with the ruling party. Relatively autonomous student and teachers' unions operated during the early years of independence but were gradually shut down in the late 1990s and early 2000s. According to reports to the UNHRC, the government has prevented new unions from being formed. [...]

Child labor was widespread in the country in 2017

- ❖ [African Committee of Experts on the Rights and Welfare of the Child, Concluding Recommendations by the African Committee of Experts on the Rights and Welfare of the Child \(ACERWC\) on the State of Eritrea's Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child, January 2017](#)

[...] Child Labour

19. The Committee notes the adoption of measures by the State Party to address child labour with the enactment of the Labour Proclamation No. 118/2001 and regulations issued by the Ministry of Labour and Human Welfare on jobs a child cannot be engaged in. The Committee notes with concern over the number of children involved in child labour, which in 2000 was estimated by the ILO to be 183,000 children. The Committee is also concerned over the lack of comprehensive measures to protect children from economic exploitation and the worst forms of child labour. The Committee therefore recommends that the State Party;

- Undertakes to address the root causes of child labour with the implementation of financial assistance to children from poor households and increase school attendance;
- Strengthen the legal framework to eradicate child labour;
- Harmonize laws on the age of employment to bring it in line with the Charter's definition of a child;
- Supply the Committee with up to date data on the number of children engaged in child labour and children the State Party has removed from exploitative labour. [...] (p. 9)

❖ [United National General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Thirty-fifth session, 6-23 June 2017](#)

[...] VI. Eritrea's engagement with external actors on human rights

A. Scrutiny by international and regional human rights mechanisms

[...] 46. In January 2017, the African Committee of Experts on the Rights and Welfare of the Child (African Committee) issued its concluding recommendations on the State of Eritrea's report on the status of implementation of the African Charter on the Rights and Welfare of the Child. The African Committee noted measures to attain the Millennium Development Goals but regretted that data to track progress was not available. The African Committee raised a number of serious concerns with regard to the rights of children. It noted that children at the Sawa Military Training Camp continued to be subjected to acts amounting to torture, inhuman, degrading treatment and to corporal punishment; and that children of particular religious groups, including the Jehovah Witnesses, were not able to enjoy the benefits of the freedom of religion. The African Committee noted with concern the number of children involved in child labour, which in 2000 was estimated by the International Labour Organisation (ILO) to be 183,000 children. Regarding reports of forced conscription of children, the African Committee called on Eritrea to refrain from recruiting children into the army and other security forces, to ensure that those who violate this strict prohibition are punished, and to refrain from using the educational system for military training prior to full military service. The African Committee also noted reports of sexual harassment and rape, particularly in military training camps and educational institutions or during interrogations. [...] (pp. 12-13)

❖ [Zoe Holman, The Living Hell of Being a Girl Soldier in Eritrea, Vice, 31 August 2017](#)

[...] Under Eritrean law the minimum conscription age is 18, but as it was for Luwam, most teenagers find themselves recruited during high school at age 16 or even younger. In rural areas, where formal education is more rare, the army will visit villages to round up young girls and boys who look roughly of age, to begin their program of combat training and forced labour. [...]

Child labor was widespread in the country in 2018

❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019](#)

[...] 4. Rights of specific persons or group

[...] Children⁷⁹

50. MAAT [Maat Foundation for Peace, Development and Human Rights, Cairo, Egypt] stated that efforts had been made by Eritrea to ensure the rights of children, including through the development of a national strategy aimed at providing an appropriate environment for children.⁸⁰ [...]

79 For relevant recommendations see A/HRC/26/13, paras. 122.123, 122.124 and 122.173.

80 MAAT, p. 3.

❖ [Eritrean Law Society, ELS at a Panel Discussion Dealing with the Problem of Child Soldiers, 7 March 2019](#)

[...] Eritrea and Its Prolonged Practice of Juvenile Military Conscription

Eritrea has a pervasive problem of underage military conscription. The fact that the issue of child soldiers is often times discussed in the context of on-going armed hostilities, a problem non-existent in present day Eritrea, the issue may be subject to obscurity, requiring a short contextual background about the overall political situation in Eritrea.

[...] For many years, it has been mandatory for all high school Eritrean students to officially enrol for their final year of education in the main military training centre of the country, located in Sawa. Most students report to Sawa when they are between the ages of sixteen and seventeen, which means by the time they arrive in Sawa and start their military training they do so as underage children. The brunt of such an abusive practice is by far damaging to the rights of female underage conscripts, who would be exposed to other forms of abuse once under the control of unscrupulous military personnel.

The practice of underage military conscription is so pervasive that it has affected tens of thousands of underage children over the past many years, as also reported by the COI and other credible sources. This is one of the main reasons that made Eritrea not only among the top refugee producing countries to Europe, but also one of the major source countries of unaccompanied refugee children.

The government's persistent practice of underage military conscription is contrary to its obligations emanating from Article 2 of the Optional Protocol to the Convention on the Rights of the Child (CRC), namely: the Optional Protocol on the involvement of children in armed conflict (OAPC), acceded to by Eritrea in 2005.

Moreover, in all of the relevant Eritrean laws related to military conscription, in particular NMSP laws, the starting age for military conscription is eighteen years. In practice, however, the government conscripts underage children on a regular basis. As noted above, since 1998, the government maintained a pervasive practice of militarisation due to its long and frozen conflict with Ethiopia. The problem was officially resolved by a new reconciliation agreement signed by the two countries in July 2018. After more than eight months since the signature of the new rapprochement treaty, the government has not shown any sign of relinquishing its pervasive practice of militarisation, including the recruitment of underage children into formal military training. [...]

Child labor was widespread in the country in 2019

❖ [International Labour Organization \(ILO\), Observation \(CEACR\) - adopted 2018, published 108th ILC session \(2019\): Minimum Age Convention, 1973 \(No. 138\) - Eritrea \(Ratification: 2000\), June 2019](#)

[...] Observing with deep concern the continuing widespread child labour in Eritrea, including in hazardous activities, the Committee strongly urges the Government to intensify its efforts to implement concrete measures, such as by adopting a national plan of action to abolish child labour once and for all, in cooperation with the employers' and workers' organizations concerned, as well as strengthening the capacity of the labour inspection system. The Committee also strongly encourages the Government to seek technical assistance from the ILO. [...]

7.3.2. Omissions in 2018 (compared to 2017), not repeated in 2019

The government did not effectively enforce the applicable laws [right of workers to form and join unions, bargain collectively, and conduct legal strikes] in 2018

❖ [International Labour Organization \(ILO\), Observation \(CEACR\) - adopted 2017, published 107th ILC session \(2018\), Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\) - Eritrea \(Ratification: 2000\), May-June 2018](#)

[...] The Committee notes with regret that the Government's report has not been received. It is therefore bound to repeat its previous comments made in 2014. The Committee also notes that the Government had been requested to provide information to the Committee on the Application of Standards at the 106th Session of the International Labour Conference for failure to supply reports and information on the application of ratified Conventions.

[...] The Committee notes the Government's comments on the observations submitted by the International Trade Union Confederation (ITUC) in 2012, which relate to the right to elect trade union representatives in full freedom. As to the ITUC allegations that all unions, including the National Confederation of Eritrean Workers and its affiliates, are kept under close scrutiny by the Government, and that public gatherings of over seven persons are prohibited, the Committee recalls that the rights of trade unions to organize their administration and activities and to hold public meetings and demonstrations are essential aspects of freedom of association. The Committee requests the Government to provide further information as to how it ensures the respect of these rights in practice.

Article 2 of the Convention. Right of workers without distinction whatsoever, to establish and join organizations.

In its previous comments, the Committee hoped that the Civil Servants' Proclamation would be adopted shortly so that all civil servants have the right to organize, in accordance with the Convention. The Government once again states that the drafting process of the Proclamation is at the final stage for approval, and that civil servants will have the right to organize under its section 58(1). Observing with concern that the Government has been referring to the imminent adoption of the Civil Servants' Proclamation for the last 12 years, the Committee urges the Government to take all necessary measures to expedite the adoption process of the Proclamation so as to grant without further delay the right to organize to all civil servants, in conformity with the Convention. [...]

❖ [International Labour Organization \(ILO\), Observation \(CEACR\) - adopted 2017, published 107th ILC session \(2018\), Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\) - Eritrea \(Ratification: 2000\), May-June 2018](#)

[...] Articles 1 and 2 of the Convention. Protection against anti-union discrimination and interference.

The Committee had hoped that the Government would take the necessary measures without delay to amend the 2001 Labour Proclamation to strengthen the protection against anti-union discrimination. In its last report, the Government again indicates that the Ministry of Labour and Human Welfare has currently engaged in a drafting process to amend section 23 of the Labour Proclamation with a view to broadening the protection by covering all acts of anti-union discrimination and by protecting workers against dismissal linked to trade union membership or activity, the best solution being considered to be reinstatement. The Committee requests the Government to expedite the process in order to guarantee in the very near future the protection against anti-union discrimination of both trade union officials and members (it being understood that reinstatement remains the best redress) through adequate compensation both in financial and occupational terms and its extension to recruitment and any other prejudicial acts during the course of employment including dismissal, transfer, relocation or demotion.

Applicable sanctions in cases of anti-union discrimination or acts of interference.

The Committee had previously recalled that the fine of 1,200 Eritrean nakfa (ERN) (approximately US\$80), established in section 156 of the Labour Proclamation as a penalty for anti-union discrimination or acts of interference, is not severe enough and requested the Government to provide information on any progress made in amending that provision. The Government reiterates that sections 703 and 721 of the Transitional Penal Code would prevail in the event of repeated violations of the right to organize established in the national legislation, though to date no sentences have been handed down for such violations, and that it is currently involved in the drafting process to amend section 156 of the Labour Proclamation. The Committee requests the Government to take necessary measures without delay to provide for sufficiently dissuasive sanctions for anti-union dismissals and other acts of anti-union discrimination as well as acts of interference.

[...] Articles 4 and 6. Collective bargaining in practice.

The Committee notes the Government's comments in reply to the 2012 observations of the International Trade Union Confederation (ITUC). It once again requests the Government to indicate any measures taken

or contemplated to promote the development of collective bargaining in the private and public sectors.
[...]

❖ [International Labour Organization, Direct Request \(CEACR\) - adopted 2017, published 107th ILC session \(2018\): Abolition of Forced Labour Convention, 1957 \(No. 105\) - Eritrea \(Ratification: 2000\), May-June 2018](#)

[...] Article 1(d) of the Convention. Penalties involving compulsory labour for participating in strikes.

The Committee previously noted that, pursuant to Labour Proclamation No. 118/2001, participation in unlawful strikes is considered an unfair labour practice (Article 119(8)) and is punishable with fines (Article 156), unless, in certain cases, the provisions of the Penal Code provide for more severe penalties (Article 154). Under Articles 412 and 413 of the Transitional Penal Code of 1991, participation in strikes by public servants with the intention of disturbing public order or the public interest is punishable with imprisonment. Moreover, under Article 110 of the Transitional Penal Code, persons who are convicted to imprisonment are subject to the obligation to work in prison. While noting the Government's indication that Article 413 of the Transitional Penal Code is only applicable in cases of participation in unlawful strikes, the Committee recalls that, in all cases and regardless of the legality of the strike action in question, any sanctions imposed should not be disproportionate to the seriousness of the violations committed, and that the authorities should not have recourse to measures of imprisonment against persons peacefully organizing or participating in a strike (see General Survey on the fundamental Conventions, 2012, paragraph 315).

In its report, the Government once again indicates that Article 413 of the Transitional Penal Code is only applicable to persons who participate in unlawful strikes and that it does not concern workers organizing a peaceful strike. The Government considers that the right to strike is one of the essential means available to workers and their organizations to further their interests. It adds that no civil servant in Eritrea can be punished with imprisonment involving an obligation to work under Articles 412 and 413 of the Transitional Penal Code. However, the participation in strikes by public servants with the intention of disturbing public order or the public interest may be punishable by simple imprisonment or a fine.

The Committee notes this information and the fact that none of the provisions referred to above has been applied in practice as no strike has been declared. The Committee nevertheless draws the Government's attention to the fact that a strike may be declared unlawful for reasons relating to lack of compliance with certain procedural requirements, without those organizing it and participating in it jeopardizing public order or the strike losing its peaceful nature. Furthermore, the provisions of Article 413 (disorganization of the service by striking), by referring to disturbing public order or state services, may be broadly interpreted and serve as a basis for the imposition, for participation in a strike, of sentences of imprisonment under which, in accordance with Article 110 of the Transitional Penal Code, work may be imposed. The Committee therefore expresses the firm hope that the Government will take the necessary measures, particularly in the context of the new Penal Code, to ensure that the legislation does not contain provisions which could be used by the courts to convict persons organizing or participating peacefully in a strike to sentences of imprisonment. [...]

❖ [International Trade Union Confederation \(ITUC\), Report, Global Rights Index 2018, 6 June 2018](#)

[...] The 2018 Country Rankings

Rating 5+

No guarantee of rights due to the breakdown of the law : [...] Eritrea

[...] Africa

[...] With ever more deteriorating humanitarian situations and deeply entrenched conflicts Burundi, Central African Republic, Eritrea, Somalia and South Sudan struggled to uphold the rule of law in their territories.

[...] Violations of workers' rights

[...] 84% of countries exclude workers from the labour law

[...] 36 out of 37 countries violated the right to strike

[...] All 37 violated collective bargaining rights [...]

❖ [United National General Assembly, Human Rights Council, Summary of Stakeholders' submissions on Eritrea: Report of the Office of the United Nations High Commissioner for Human Rights, Thirty-second session, 21 January-February 2019, 7 November 2018](#)

[...] 3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

43. While noting that the Labour Proclamation No 118/2001 guarantees the rights of citizens, employers and employees to form associations and to participate in their activities, JS2 [Civicus, Johannesburg, South Africa, Eritrean Movement for Democracy and Human Rights and Eritrea Focus (Joint Submission 2)] stated that in practice there were no independent associations and unions. It added that the National Confederation of Eritrean Workers, which was the only operational union in Eritrea, was controlled by the state.⁶⁹ [...]

69 JS2, para. 2.4. JS2 made recommendations (para. 5.1).

7.3.3. Omissions in 2019 (compared to 2018)

The government had a national action plan to protect children from exploitation in the workplace, the implementation process was not clear, and reports were not published in 2019.

❖ [United Nations General Assembly, Report of the Working Group on the Universal Periodic Review: Eritrea, 18 April 2019](#)

[...] A. Presentation by the State under review

[...] 17. The Ministry of Labour and Human Welfare had implemented policies aimed at ensuring that no person under the age of 18 years was engaged in an occupation that jeopardized his or her physical, mental, spiritual, moral or social development. The Government continued to strengthen monitoring and inspection of the prevalence of child labour in workplaces.

[...] 128. The delegation of Eritrea stated that there were children who supported or participated in the agricultural activities of their respective families, such as herding livestock, but that child labour did not exist in Eritrea. Inspections and monitoring were rigorously conducted by the Ministry of Labour and Human Welfare. [...]