

**Human Rights Council****Fifty-sixth session**

18 June–12 July 2024

Agenda item 2

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

The present report is submitted pursuant to Human Rights Council resolution 53/2, in which the Council extended the mandate of Special Rapporteur on the situation of human rights in Eritrea for one year and requested the mandate holder to present a report to the Council at its fifty-sixth session.

In the report, the Special Rapporteur provides an overview of the human rights situation in Eritrea, with a focus on the persistent violations in the context of the indefinite and compulsory national service, the repression of freedom of religion or belief, the state of the rule of law and the administration of justice, and violations of civil and political rights, including prolonged and arbitrary detention and enforced disappearances. The Special Rapporteur highlights the lack of civic space in Eritrea and evolving patterns of transnational repression. He expresses concern over the continued presence and involvement of Eritrean forces in the commission of human rights violations in the Tigray region of Ethiopia. The Special Rapporteur stresses the serious challenges faced in the protection of Eritrean refugees and asylum-seekers. Throughout the report, he assesses the level of implementation by Eritrea of the recommendations of human rights mechanisms, noting that they remain largely unimplemented. The report concludes with recommendations to the Government of Eritrea and the international community.

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



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## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 53/2, in which the Council extended the mandate of Special Rapporteur on the situation of human rights in Eritrea for one year and requested the mandate holder to present a report to the Council at its fifty-sixth session. The report covers the period from 25 April 2023 to 16 April 2024.
2. The human rights situation in Eritrea continues to be dire. In the present report, the Special Rapporteur highlights the continued violations committed against Eritrean citizens in the context of the indefinite compulsory national service, the escalation of the repression of freedom of religion or belief, the situation of individuals subjected to enforced disappearance and arbitrary detention for prolonged periods and the evolving patterns of transnational repression by the Eritrean authorities. The Special Rapporteur denounces the situation of Eritrean refugees and asylum-seekers and calls upon States to exercise solidarity, adequately protect them and ensure their access to and enjoyment of human rights.
3. The Eritrean armed forces continued to be present and involved in serious human rights and humanitarian law violations in parts of the Tigray region of Ethiopia (see paras. 24–26 below). Eritrea remained in a state of permanent mobilization, with severe impacts on the human rights of the population, including through the individual persecution of draft evaders and deserters and the collective punishment of their families and communities.
4. In the report, the Special Rapporteur also assesses the level of implementation by Eritrea of the recommendations of international human rights mechanisms. He notes that the recommendations of the various regional and international human rights mechanisms, including his mandate, the commission of inquiry on human rights in Eritrea and the universal periodic review process, remain largely unimplemented.

## II. Methodology

5. The Government of Eritrea continued to refuse to engage with the mandate and to deny the Special Rapporteur access to the country. This policy of non-engagement has been extended to all Special Rapporteurs since the inception of the mandate. As a result, the Special Rapporteur could not conduct an official visit to Eritrea to gather information or exchange views with the Eritrean authorities.
6. The present report is based on first-hand information gathered by the Special Rapporteur through interviews with victims, witnesses of human rights violations, Eritrean refugees, Eritreans in the diaspora and other confidential sources and the analysis of documents, photographs, videos and other materials. The Special Rapporteur received valuable information and support from civil society organizations, United Nations agencies, members of the diplomatic community, human rights defenders, academics, researchers and other experts. The Special Rapporteur is grateful to the individuals and organizations that cooperated with his mandate and provided vital information.
7. The findings presented in the report have been documented and corroborated in strict compliance with the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council and the Manual of Operations of the Special Procedures of the Human Rights Council. The Special Rapporteur exercised due diligence in assessing the reliability of sources and carried out an independent verification and impartial and objective analysis of the information collected.
8. A draft report was shared with the Permanent Mission of Eritrea to the United Nations Office and other international organizations in Geneva on 18 April 2024, in order to provide the Government with the opportunity to comment on the observations and findings of the Special Rapporteur. However, no response or comments on the report were received.

### III. Activities

9. During the reporting period, the Special Rapporteur held numerous meetings with victims, families of victims, witnesses, Eritrean human rights defenders and members of civil society, diplomatic staff, public officials representing a variety of Governments and institutions and representatives of United Nations agencies and other international organizations. The Special Rapporteur also gave briefings to parliamentarians from Canada, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the European Parliament on the ongoing situation in Eritrea and the evolving patterns of cross-border repression by the Eritrean authorities. The Special Rapporteur continued to work and advocate with a wide range of actors for specific steps to be taken to support human rights progress in Eritrea and enhance the protection of Eritrean refugees and asylum-seekers globally.

10. The Special Rapporteur held meetings and collaborated with several special procedure mandate holders and treaty bodies. On 16 November 2023, he met with the Committee against Torture, during its seventy-eighth session, to discuss issues of common interest. He also continued to provide support to national judicial bodies through *amici curiae* briefs and expert submissions.

11. The Special Rapporteur visited Switzerland from 17 to 27 June 2023 and Canada from 25 September to 4 October 2023. During his visits, the Special Rapporteur met with a variety of stakeholders, organizations and institutions to discuss the human rights situation in Eritrea and the protection of refugees. The Special Rapporteur thanks the Governments of Canada and Switzerland for extending invitations and for the cooperation and support provided during his visits.

12. The Special Rapporteur is concerned, however, about the lack of response to various requests made to visit third countries to collect information in support of his reporting obligations to the Council. These visits are key to his mandate, in particular in the context of the policy of non-cooperation by the Eritrean authorities.

13. On 25 October 2023, during the seventy-eighth session of the General Assembly, the Special Rapporteur participated in an interactive dialogue of the Third Committee. On 28 February 2024, during the fifty-fifth session of the Human Rights Council, he participated in an enhanced interactive dialogue with the Assistant Secretary-General for Human Rights, the Special Rapporteur on the situation of human rights defenders and a civil society activist representing victims from Eritrea, as well as representatives of Member States and civil society. The representative of the Government of Eritrea, as the country concerned, chose to participate from the floor.

14. On 12 October 2023 and 13 February 2024, the Special Rapporteur submitted letters to the Government of Eritrea requesting meetings with its representatives in Geneva and New York. On 20 September 2023, he submitted another request to visit the country. However, as at 16 April 2024, he had not received a response.

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

15. The Government of Eritrea has continuously rejected the findings of the Special Rapporteur and those of other mechanisms and stated that its preferred mechanism to address human rights issues is the universal periodic review. In January 2024, Eritrea submitted its national report in the context of its examination under the fourth cycle of the universal periodic review.<sup>1</sup> During the third cycle, Eritrea accepted 131 of the 261 recommendations issued, including important recommendations on a wide range of topics.<sup>2</sup> However, the majority of the recommendations remain largely unimplemented. Particularly significant gaps remain in the areas of acceptance of international human rights treaties; cooperation and

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<sup>1</sup> [A/HRC/WG.6/46/ERI/1](#).

<sup>2</sup> See [A/HRC/41/14/Add.1](#).

follow-up with special procedures; cooperation with other international institutions and mechanisms; the constitutional and legislative framework; institutions and policies; impunity; business and human rights; conditions of detention; the prohibition of slavery and trafficking; freedom of thought, conscience and religion; freedom of opinion and expression; and administration of justice and fair trial.

16. While Eritrea supported all the recommendations regarding acceptance of international human rights treaties, they have not been implemented and, as of April 2024, Eritrea had yet not acceded to three of the core international human rights treaties and seven of the optional protocols thereto. As a result, Eritreans have limited access to the human rights treaty bodies.<sup>3</sup> Further, Eritrea did not support recommendations regarding key issues such as arbitrary detention, enforced disappearances and national service reform. Most of the recommendations issued by other human rights mechanisms, including the Human Rights Committee in 2019<sup>4</sup> and the Committee on the Elimination of Discrimination against Women in February 2020,<sup>5</sup> are also yet to be implemented.

17. Beyond its participation in the universal periodic review, there was no new engagement or cooperation with international human rights mechanisms during the reporting period. In its national report submitted in the framework of the fourth cycle of the universal periodic review, Eritrea stated that it had not cooperated with the special procedures or with the Office of the United Nations High Commissioner for Human Rights (OHCHR) due to a number of challenges.<sup>6</sup>

18. On 14 March 2024, through its Permanent Mission to the United Nations, Eritrea rejected the statement of the Assistant Secretary-General for Human Rights during the enhanced interactive dialogue on Eritrea at the fifty-fifth session of the Human Rights Council. In a statement published by the Ministry of Information of Eritrea, the Government accused the Assistant Secretary-General of, among other things, “parroting [Tigray People’s Liberation Front] disinformation” and seeking to “add to the negative campaign against the State of Eritrea.”<sup>7</sup>

19. In March 2023, the Working Group on Arbitrary Detention concluded that the continued detention of Dawit Isaak since 2001 was arbitrary. In its decision, the Working Group found that the Government of Eritrea had failed to establish any legal basis for Mr. Isaak’s detention; that Mr. Isaak’s detention resulted from the peaceful exercise of his right to freedom of opinion and expression, freedom of association and peaceful assembly and his right to take part in the conduct of public affairs; that the violations of the right to a fair trial of Mr. Isaak were of such gravity as to render his detention arbitrary; and that Mr. Isaak was deprived of his liberty owing to his status as a human rights defender, and on the basis of his political or other opinion in seeking to hold the authorities to account. The Working Group transmitted a communication on this case to Eritrea in 2022, but the Government did not respond. The Working Group called upon the Eritrean authorities to reveal the whereabouts of Mr. Isaak, provide information about his state of health and immediately release him.<sup>8</sup>

<sup>3</sup> Eritrea has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the two Optional Protocol to the International Covenant on Civil and Political Rights; or the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

<sup>4</sup> See [CCPR/C/ERI/CO/1](#).

<sup>5</sup> See [CEDAW/C/ERI/CO/6](#).

<sup>6</sup> [A/HRC/WG.6/46/ERI/1](#), para. 109.

<sup>7</sup> See <https://shabait.com/2024/03/15/eritrea-rejects-the-statement-made-by-the-un-assistant-secretary-general-for-human-rights/>.

<sup>8</sup> Opinion No. 10/2023.

20. In October 2023, the African Commission on Human and Peoples' Rights considered the report submitted by Eritrea for the period 2017–2020 under the African Charter on Human and Peoples' Rights. In its concluding observations, the Commission highlighted a number of areas in which Eritrea had failed to make progress or to provide information, including the lack of ratification of African and other international human rights instruments; its failure to incorporate the provisions of the Charter into national legislation; the absence of specific legislation on the prohibition of discrimination; the failure to provide updates on the legal framework for elections and on elections expected to take place in forthcoming years; the lack of a national human rights institution; the failure to provide information on concerns raised regarding torture and inhuman or degrading treatment; the lack of information on conditions of detention; and concerns related to human rights defenders. The Commission also regretted that Eritrea had not implemented the provisional measures contained in communication No. 716/19 (*Three Jehovah's Witnesses v. State of Eritrea*).<sup>9</sup>

21. The Government of Eritrea has continued to refuse to engage with and has rejected the various findings of the Special Rapporteur, the commission of inquiry on human rights in Eritrea and other international and regional human rights mechanisms. Together with its failure to address human rights concerns, this signals the Government's disregard for its obligations under international law.

22. The Special Rapporteur urges Eritrea to strengthen cooperation and engage in meaningful exchange with the treaty bodies, the special procedure mandate holders and the African Commission on Human and Peoples' Rights. He also urges Eritrea to comply with the decisions of the Working Group on Arbitrary Detention<sup>10</sup> and the African Commission on Human and Peoples' Rights<sup>11</sup> regarding the incommunicado detention of Eritrean journalists and members of the political opposition.

23. The Special Rapporteur regrets the continued position of the Government of Eritrea regarding his mandate and also regrets that he has not been allowed to visit the country or engage with its authorities. Under these circumstances, the Government's public assertions about its adherence to human rights standards could not be verified. The Special Rapporteur urges the Government to reconsider its stance, open a genuine and constructive dialogue with his mandate and extend an invitation for him to visit the country. This would enable the Special Rapporteur to assess the situation first hand and engage with relevant stakeholders regarding the significant human rights issues facing Eritrea in an impartial and constructive manner. The Special Rapporteur reaffirms his commitment to seeking opportunities for dialogue with the Government of Eritrea.

## V. Regional developments

24. In June 2023, Eritrea rejoined the Intergovernmental Authority on Development, almost 16 years after withdrawing from it in protest at the Ethiopian intervention in Somalia.

25. Despite the efforts made towards the normalization of relations between Djibouti and Eritrea since 2018, and despite repeated requests by Djibouti and international mediators, Eritrea has not revealed the whereabouts of 13 Djiboutian prisoners of war who have remained unaccounted for since June 2008.

26. Following reports by international media outlets on the continued presence of Eritrean troops in parts of the Tigray region, the Embassy of Eritrea to Ireland and the United Kingdom issued a statement in February 2024 indicating that Eritrean forces were present in Eritrean territories, with no presence in Ethiopia. The statement contained mention of, in particular, "Badme and other Eritrean sovereign territories".<sup>12</sup> The Special Rapporteur emphasizes that, in the peace agreement signed in 2018, Eritrea and Ethiopia recommitted

<sup>9</sup> See <https://achpr.au.int/index.php/en/state-reports/combined-2nd-and-3rd-periodic-eritrea>.

<sup>10</sup> Opinions No. 3/2002, No. 23/2007 and No. 80/2018.

<sup>11</sup> *Liesbeth Zegveld and Mussie Ephrem v. Eritrea*, Communication No. 250/02, Decision, 20 November 2003; *Article 19 v. Eritrea*, Communication No. 275/03, Decision, 30 May 2007; and *Isaak v. Eritrea*, Communication No. 428/12, Decision, February 2016.

<sup>12</sup> See <https://shabait.com/2024/02/28/65606/>.

themselves to respecting the border demarcation as established in the Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia (Algiers Agreement) and the Eritrea-Ethiopia Boundary Commission and calls upon all parties to respect their commitments. He stresses that the rights of the residents of and original peoples from contested areas must also be duly protected and prioritized. The Special Rapporteur has received information regarding the continued presence of Eritrean forces in territories that were recognized as Ethiopian by the Boundary Commission, including the towns of Zalambessa and Irob and the Gemhalo, Waela Nihbi and Tahtay Adiyabo areas. Further, the Special Rapporteur continued to receive alarming reports regarding the commission of human rights violations by Eritrean Defence Forces in those areas during the reporting period, including arbitrary detention and enforced disappearance of individuals thought to be associated with the Tigray People's Liberation Front and their family members; abduction and enforced disappearance; forced conscription of young Tigrayans; and the looting and destruction of property. This situation has caused the displacement of local residents, in particular of young people who have fled due to fear of conscription and enforced disappearance. The Special Rapporteur stresses that the continued presence of Eritrean Defence Forces in Ethiopian territory heightens volatility in the region, threatens the sustainability of peace and the cessation of hostilities, impedes access to vital humanitarian assistance and hinders the ability of victims of conflict and human rights violations to rebuild their lives.

## VI. National/military service

27. No measures were taken during the reporting period to reform the national service, as recommended by international human rights mechanisms, including the Human Rights Committee,<sup>13</sup> the Committee on the Rights of the Child,<sup>14</sup> the Committee on the Elimination of Discrimination against Women,<sup>15</sup> the commission of inquiry on human rights in Eritrea<sup>16</sup> and the Special Rapporteur.<sup>17</sup> Eritrea received 21 recommendations regarding the national service during its universal periodic review in 2019; however, these were not accepted by the State.

28. The duration of the national/military service continued to be indefinite, and the Special Rapporteur received no indication of any improvement in the conditions of service. While Eritrean legislation stipulates an 18-month duration for national service, in practice, ever since the Government declared a state of emergency in 1998, the duration of the mandatory national service has been extended indefinitely, creating a permanent and de facto state of general mobilization.<sup>18</sup> As a result, most Eritreans serve for periods ranging from several years to over two decades. The duration of individuals' national service is arbitrary, with no clear criteria defining the length of service. This situation is further exacerbated by the absence of independent rule of law institutions or judicial mechanisms for Eritreans to challenge or review the legality of indefinite national service.

29. Despite the signing of a peace agreement between Eritrea and Ethiopia in 2018, and a cessation of hostilities agreement between the Government of Ethiopia and the Tigray People's Liberation Front in November 2022, forced conscription continued unabated during the reporting period. The authorities continued to conduct *giffa*, or mass round-ups, in towns and villages across the country, with the purpose of identifying and gathering draft evaders.

<sup>13</sup> [CCPR/C/ERI/CO/1](#), para. 38.

<sup>14</sup> [CRC/C/ERI/CO/4](#), para. 48.

<sup>15</sup> [CEDAW/C/ERI/CO/6](#), paras. 11, 42 and 52.

<sup>16</sup> [A/HRC/29/42](#), paras. 92 and 93; and [A/HRC/32/47](#), para. 121.

<sup>17</sup> [A/HRC/47/21](#), para. 82.

<sup>18</sup> Under article 8 of National Service Proclamation No. 82/1995, Eritrean nationals between the ages of 18 and 40 have a duty to participate in active national service, comprising six months of military training and 12 months of active military service and developmental work in a combating force. Eritreans aged between 18 and 50 who have completed their active national service must provide reserve military service as part of the reserve army and respond to periodic calls if needed. The duration of the national service and age limit for the reserve army may be extended in case of general mobilization.

The authorities have not indicated their intention to demobilize the nation or to limit the duration of national service to the statutory 18 months. The Special Rapporteur calls upon the Government to outline a schedule for demobilization and reform of the national service.

30. The Special Rapporteur continued to receive numerous and credible reports regarding violations of the rights of conscripts in the military/national service. Living and working conditions during military service may amount to inhuman or degrading treatment. Severe punishments, including arbitrary detention and torture, are also commonplace. Conscripts are also subjected to forced labour in a variety of economic activities, without choice over the nature or conditions of work, for meagre pay. They often conduct arduous work in very harsh conditions.<sup>19</sup> The circumstances under which Eritreans are forced to work as part of the national service amount to forced labour and slavery, as documented by the commission of inquiry on human rights in Eritrea.<sup>20</sup> Female conscripts suffer sexual harassment and sexual violence, especially, but not limited to, during military training and service. Conscripts in the military service are often denied permission to visit their families, sometimes for years, thereby infringing on their right to family life.

31. The Special Rapporteur found no evidence or indication of any measures taken to address the human rights violations, including sexual violence, committed against conscripts in the national service, to investigate the alleged violations or to bring the perpetrators of such abuse to justice.

32. It is estimated that thousands of Eritrean conscripts have perished or sustained severe injuries in Tigray since the conflict broke out in November 2020. However, the Government of Eritrea has not released any official information regarding the identities of the deceased, the missing or the disappeared, causing great anxiety and uncertainty among their families.

33. Persons who evade or desert military service are considered disloyal to the Government and to Eritrea and regarded as traitors. They face harsh punishments, including prolonged arbitrary detention, torture and inhuman or degrading treatment. The families and communities of draft evaders continued to be subjected to proxy punishment as well. As reported by the Special Rapporteur, during organized operations, the Eritrean army has stormed towns and villages, searching for draft evaders, punishing their families and threatening them to force draft evaders to report for duty. When they failed to do so, the relatives of draft evaders were imprisoned, their families were evicted and, in several cases, their family homes were demolished, their crops destroyed and their cattle starved.<sup>21</sup>

## VII. Rule of law and the administration of justice

### A. Institutional framework

34. The institutional and legal framework in Eritrea for the administration of justice remains inadequate to protect and uphold fundamental human rights. The absence of the rule of law and the lack of accountability for past and ongoing human rights violations continues to result in the entrenchment of impunity, lack of access to justice for victims and their families and the perpetuation of human rights violations. The Special Rapporteur encourages the Government to create efficient, responsive and transparent institutions that are governed by the rule of law.

35. Despite the adoption of a constitution in 1997 outlining a framework for a multiparty democracy grounded in the rule of law and the separation of powers, the constitution has never been implemented. The President, Isaias Afwerki, has ruled the country since the formal recognition of Eritrea as an independent State, in 1993, without ever holding national

<sup>19</sup> See the conference room papers containing the detailed findings of the commission of inquiry on human rights in Eritrea, available on the web page of the commission, at <https://www.ohchr.org/en/hr-bodies/hrc/co-i-eritrea/commissioninquiryonhrin-eritrea>.

<sup>20</sup> [A/HRC/32/47](#), paras. 32–36. See also the conference room papers containing the detailed findings of the commission of inquiry.

<sup>21</sup> [A/HRC/53/20](#), paras. 32–34.



elections, without an effective legislative body and without an independent judiciary. The judiciary lacks independence from the executive branch. Judges are appointed and removed by the President and follow the instructions of the Government. There are no constraints and no institutional checks and balances on the President's power.

36. The Special Rapporteur notes that, in the context of the third cycle of the universal periodic review of Eritrea, in 2019, the Government accepted recommendations aimed at enhancing the administration of justice through the implementation of national laws and institutional capacity-building, as well as addressing impunity for human rights violations.<sup>22</sup> However, there has been no tangible progress in this area. The Special Rapporteur stresses that failure to provide effective access to justice for victims and to review the policies and practices that lead to the commission of human rights violations inevitably results in the recurrence of violations and the silencing of victims. As a result, the patterns of gross violations identified by regional and international human rights mechanisms continue unabated.

## **B. Arbitrary detention and enforced disappearance**

37. The Government of Eritrea has continued to consistently deny persons deprived of their liberty the fundamental right to liberty and security of the person, the right not to be subjected to torture, the right to health, the right to food, the right to a fair trial and the right to freedom of expression and opinion, among others. The Special Rapporteur notes that Eritrea has consistently failed to observe its international obligations under the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Further, Eritrea has not accepted any of the individual complaint procedures under international human rights treaties, therefore denying Eritreans access to important mechanisms of the universal human rights system. In the Eritrean context, this is particularly relevant for cases of arbitrary detention, enforced disappearances and torture.

38. Due process rights continue to be systematically violated. Political cases, including the detention of dissidents, government critics, human rights defenders, religious leaders, journalists and draft evaders, are handled extrajudicially. Thousands of detainees continue to be arbitrarily detained for indefinite and prolonged periods without ever being charged or tried and without access to basic due process of law, including judicial review of the legality of their detention (*habeas corpus*). People are routinely detained without an arrest warrant and without being informed of the reasons for their arrest.

39. The Special Rapporteur is particularly concerned about the situation of many Eritreans subjected to enforced disappearance for years or even decades. Some of them are believed to be held incommunicado in solitary confinement in undisclosed or secret locations, while others are believed to have been killed or to have died in detention. Eritrean authorities refuse to disclose their whereabouts, to allow any communication or to inform their families about their state of health, placing victims of enforced disappearance outside the protection of the law.

40. To date, there is still no information regarding the whereabouts of the 11 former senior members of the Government known as the G-15, or the 10 independent journalists, including Dawit Isaak, who were arrested and imprisoned without trial in September 2001 and have since been held incommunicado. Their family members have never been allowed to have contact with them. The Special Rapporteur emphasizes his continued request, echoing those of his predecessors, for specific information regarding their whereabouts and well-being, and calls upon Eritrea to comply with the decisions of the African Commission on Human and Peoples' Rights, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances (see also paras. 22 above and 59 below).

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<sup>22</sup> See [A/HRC/26/13/Add.1](#).

### C. Conditions of detention

41. Conditions of detention in Eritrea continue to violate human dignity, in breach of international human rights law. The Special Rapporteur continues to receive testimonies by former detainees who describe extreme overcrowding, unsanitary conditions, lack of potable water and sanitation, extreme heat and absence of ventilation, lack of access to health care and inadequate food. Torture and inhuman or degrading treatment remained widespread in the context of detention. Incommunicado detention is commonplace, in particular in cases considered of political relevance. Children who evade the draft or are caught during *giffa* are often detained with adults before being transferred to military training camps.

42. Eritrea should take all the steps necessary to ensure respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including by putting in place appropriate monitoring and inspection mechanisms. The Special Rapporteur stresses that ending the practice of mass arbitrary detention of persons considered to be “dissidents” would constitute an important step forward for human rights and the rule of law in Eritrea. It would also allow the Government to concentrate its resources on improving detention conditions and professionalizing the penitentiary system.

## VIII. Freedom of conscience, religion or belief

### A. Religious persecution

43. Religious repression continued to escalate during the reporting period, with renewed waves of arrests of religious leaders and people of faith, persistent violations of the right to worship and to manifest one’s religion or belief and ongoing actions to control all aspects of religious life in Eritrea and in the diaspora. Sunni Islam, Eritrean Orthodox Tewahedo, Roman Catholicism and Lutheranism remain the only four government-authorized religious denominations in the country.

44. Eritrean law, as well as the unimplemented constitution of 1997, prohibits religious discrimination and recognizes freedom of thought, conscience and belief and the right to practise any religion.<sup>23</sup> However, in practice, the Eritrean authorities continue to discriminate against non-recognized religious denominations and persecute the leaders and members thereof. Members of non-authorized religious groups are often detained during raids at places of worship or congregation. As a result, public or private acts of worship, practice or teaching of these faiths are dangerous activities. Adherents of these religious denominations also face difficulties in finding a burial ground for their loved ones and are reportedly often refused burial, causing significant distress to families.

45. Eritrea does not recognize the right to conscientious objection, and no provisions have been made to allow for an alternative civilian service for those who object to military service on religious, ethical or other conscientious grounds. During the reporting period, the Special Rapporteur received substantial evidence regarding the forcible enrolment of worshippers of non-authorized religions, including conscription in the military service of Jehovah Witnesses, as well as of religious leaders and clergy of registered denominations, including the Eritrean Orthodox Tewahedo faith, in contradiction with their religious beliefs and against the dogma of the church.

46. Jehovah’s Witnesses face severe and specific forms of persecution, including through arbitrary detention and the denial of citizenship, documents and the attached rights and services.<sup>24</sup> For example, families are denied access to food rationing coupons. Jehovah’s Witnesses are also prohibited from working in government offices or holding business licences and have difficulties finding employment. Further, children who are Jehovah’s

<sup>23</sup> Draft constitution of the State of Eritrea, arts. 14 and 19; and Proclamation 73/1995 to legally standardize and articulate religious institutions and activities, art. 2.

<sup>24</sup> The Government persists in targeting Jehovah’s Witnesses due to their collective refusal to vote in the 1993 referendum on independence and to participate in national service, for which the Government deprived them of citizenship in 1994.

Witnesses are discriminated against at school due to their refusal to participate in patriotic ceremonies or sing the national anthem; children are expelled from school and parents are intimidated or arrested. The requirement that all high school students finalize their studies at the Sawa Military Camp, where they receive military training, prevents Jehovah's Witnesses from completing their high school education, due to their conscientious objection to military service.

47. According to information from civil society sources, as at 1 April 2024, over 400 Christians remained arbitrarily imprisoned, without charge or trial. This estimate includes leaders and followers of non-authorized Christian churches, such as Evangelical Christians, but also members of authorized denominations, such as followers loyal to the late Patriarch of the Eritrean Orthodox Tewahedo Church Abune Antonios. In addition, 36 Jehovah's Witnesses remained in detention; some of whom had been detained since 2005. In April 2023, 103 Evangelical Christian students were arrested while recording a worship song for YouTube; 52 of them were released in September 2023. In May 2023, eight Evangelical Christians were reportedly arrested in Segheneyti and transferred to Mai Serwa prison. In July 2023, 13 Evangelical Christians (seven women and six men) were reportedly released from prison after a decade in detention. On 20 January 2024, 30 Evangelical Christians were arrested after an infant's birthday party in Asmara. An unknown number of Muslims are also imprisoned, and there is no clarity on the fate or condition of over 100 Muslim men who were detained in December 1994.

48. Several prominent religious leaders have remained arbitrarily imprisoned for extended periods, some for almost 20 years. In many cases, their whereabouts and state of health are unknown. Among them are Reverend Haile Naizghi, Chair of the Full Gospel Church; Kiflu Gebremeskel, Chair of the Eritrean Evangelical Alliance; Reverend Million Gebreselassie, a pastor of the Rhema Evangelical Church; Reverend Kidane Woldu, a pastor of the Full Gospel Church; Futsum Gebrenegus, Tekleab Menghisteb and Gebremedhin Gebregiorgis, senior priests of the Orthodox leadership; and Abba Habtemichael from the Tsaeda Emba Monastery.

49. Orthodox priests and leaders, in particular the followers of Abune Antonios, continued to be arrested during the reporting period.<sup>25</sup> According to information received, as at 1 April 2024, over 150 orthodox priests, monks and followers remained imprisoned.

## **B. Government interference in religious institutions**

50. The Government of Eritrea closely monitors the activities of authorized religious groups, which are subjected to constant surveillance and must obtain government approval for their activities. Efforts by the Government to control religious institutions and practices extend to all religious denominations, leading to interference in religious matters, including the appointment and removal of religious leaders and ownership and administration of property, as well to restrictions on the freedom of religious leaders and communities, both in Eritrea and in the diaspora.

51. The Special Rapporteur received information from numerous sources regarding interference in the affairs of the Eritrean Orthodox Tewahedo Church over the years, including attempts to control religious leadership, teachings and dogma, undermining the authenticity of the faith and contravening the right to freedom of religion or faith. Eritrean authorities are reportedly also directing the appointment of Orthodox Church leaders, bishops and priests without consideration of the established guidelines, which traditionally preclude individuals who have performed military service or taken a human life from becoming priests.

52. Further, the Government uses the Eritrean Orthodox Tewahedo Church to promote government-aligned views and silence dissent in communities. These practices extend to churches in the diaspora. The Special Rapporteur received information indicating that in several countries, including Canada, Norway, the United Kingdom and the United States of America, Orthodox religious leaders close to the Government of Eritrea threaten their

<sup>25</sup> A/HRC/50/20, para. 47.

congregation with expulsion from the Church. Individuals who express dissenting views or participate in protests against the Government of Eritrea in their countries of residence are subject to expulsion, social isolation, intimidation and harassment within the church community. This can include being denied access to religious rituals such as holy communion, baptism, marriage and burial.

53. The Eritrean authorities also reportedly raise funds and contributions through the Eritrean Orthodox Tewahedo Church in the diaspora. The Government does not recognize religious acts performed by diaspora churches that are not under State control or are led by exiled priests. This affects important cultural and burial practices, as some individuals might not be allowed to be buried in their homeland (see paras. 60–70 below for further information on patterns of transnational repression).

## **IX. Civic and democratic space**

### **A. Freedom of expression and association and the right to participate in public affairs**

54. Civic space continues to be closed in Eritrea, characterized by the severe curtailment of freedom of expression, association and assembly. The Government tightly controls all aspects of public life and Eritreans are denied the right to participate in public affairs. There is no independent media, no independent national or international civil society organizations and no political opposition operating within the country. The ruling party, the People's Front for Democracy and Justice, continues to be the only authorized political party in Eritrea.

55. Civil society participation, political opposition, critical expression and open dialogue are completely stifled, leaving no room for the free exchange of ideas or opinions and no avenues for the Eritrean people to participate in decision-making in their own country.

56. The Government continues to systematically suppress all forms of dissent, including through the arbitrary detention or enforced disappearance of real or perceived government critics. Any "divergent" behaviour that could be perceived to be against the Government or interpreted as a sign of disloyalty is repressed. This includes belonging to groups that are not under the control of the Government or expressing identities that are considered by the authorities to be divisive, such as by manifesting belief in one of the non-authorized faiths. Even within the Eritrean Orthodox Tewahedo Church, expressing support for Abune Antonios, who was considered to be critical of the Government, can result in arbitrary detention and inhuman or degrading treatment.

57. The Government controls all media outlets, including print, television and radio broadcasts. Independent media have been banned from operating since September 2001. Several media outlets run by Eritreans abroad provide alternative reporting; however, their reach in Eritrea is limited. Online access to news and information is also limited, largely due to the low Internet penetration. The Government also actively monitors and blocks websites, content and social media platforms, in particular those critical of the Government and those that disseminate politically sensitive information.

58. Sixteen journalists have remained disappeared since the 2001 crackdown on the free press, making them the longest-detained journalists in the world. For almost 23 years, they have been imprisoned without charges or trial, and their families have been denied information about their whereabouts or state of health. There are concerns that some of the detained individuals may have died in custody.

59. In March 2023, the Working Group on Arbitrary Detention issued an opinion on the case of detained writer and journalist Dawit Isaak (see para. 19 above). The Working Group determined that his detention was arbitrary and that Mr. Isaak and his colleagues had been held in circumstances amounting to enforced disappearance. International civil society organizations have also filed targeted sanctions recommendations in several jurisdictions against the President, Isaias Afwerki, and senior Eritrean officials on the grounds of the crimes against humanity committed against Mr. Isaak and his colleagues.

## B. Transnational repression

60. The stifling of civic engagement and suppression of critical voices by the Eritrean authorities is not confined to within the country's borders; it also extends to Eritrean communities worldwide. The replication of patterns of repression and mechanisms of control in third countries has had a chilling effect on the exercise of the freedoms of expression, association and assembly and the right to participation of Eritreans in the diaspora. It has also perpetuated fear, self-censorship and mistrust among diaspora members, hindering their ability to organize and act as a collective force for democracy and human rights. The imposition of the 2 per cent tax has also had an impact on access to a host of rights, including social and economic rights, freedom of movement and the right to family life. Ultimately, these measures have obstructed constructive dialogue and the free exchange of ideas in communities and have led to polarization in the diaspora.

### Methods of repression and control

61. Over the years, the Eritrean authorities have sought to control diaspora politics and counter the work of pro-democracy activists, journalists, political opponents and human rights defenders, including by resorting to kidnappings and enforced disappearances, unlawful removals, surveillance, violence, intimidation, harassment, smear campaigns, social isolation and the refusal of consular services. Human rights defenders and community organizers seen or perceived as speaking out against the Government have reported receiving threats from agents of the Government or government supporters against themselves and their families in Eritrea.

62. The use of digital technologies, including social media, to target and harass human rights defenders, activists and journalists in the diaspora has reached alarming levels. The Special Rapporteur is particularly concerned about online threats and attacks against women human rights defenders, which often feature gendered and sexualized abuse.

63. In order to access consular services, Eritrean embassies and consulates require the payment of the diaspora tax, which amounts to 2 per cent of the income earned abroad (whether the person is employed or receiving State benefits), the signature of a "regret" or "repentance" form and the completion of an interview at an Eritrean embassy. By signing the regret form, applicants admit in writing to having committed a criminal offence by failing to fulfil their national service or by leaving Eritrea illegally and declare their willingness to face any penalties or legal consequences for those actions. Further, during the interview, Eritreans are asked to provide information about their employment, finances, migratory situation and their relatives in Eritrea. They are often questioned about their allegiances and pressured into participating in the "right" political, cultural and social events. Failure to fulfil those requirements results in the denial of Eritrean documents, including passports, diplomas and birth and marriage certificates, as well as services such as the execution of wills, the protection of business, land and property rights and the denial of burial in their homeland.<sup>26</sup>

64. Further, Eritrean embassies and consular representations, as well as individuals linked to those diplomatic outposts, actively encourage support for the Government of Eritrea, such as through purported community organizations and cultural activities, including for children and young persons, and through providing support to structures of the People's Front for Democracy and Justice in the diaspora. The Special Rapporteur has received hundreds of testimonies regarding the coercion and pressure that Eritreans are subjected to in order to support the Government by participating in celebrations, festivals and activities; paying the 2 per cent tax and contributing financially to a variety of calls for funding; and volunteering in organizations or carrying out tasks. Those who refuse to contribute are considered government opponents and face intimidation and social isolation.

65. Critical voices are ostracized from the community. Individuals and their families – including children – are excluded from meetings, events and celebrations and expelled from the church. Community members face demands to sever their ties and avoid socializing with

<sup>26</sup> A/HRC/53/20, para. 74.

such individuals. Church leadership – both clergy and elected representatives – who express views critical of the Government are removed and, in some cases, expelled from the church.

### **Polarization in the diaspora**

66. The Special Rapporteur is gravely concerned about the increasing polarization in the Eritrean diaspora that, over the past year, has precipitated violent incidents and clashes between government supporters and detractors registered in dozens of cities across the globe and has resulted in hundreds of Eritreans being injured, dozens being arrested and public property being destroyed. The Special Rapporteur has not been able to investigate the reported incidents individually due to resource and time constraints.

67. The Special Rapporteur emphasizes that the recent demonstrations must be understood in the context of a complete lack of civic space and any avenues for Eritreans to participate in decision-making in their own country, and of growing tensions in the diaspora. Following the large flow of Eritrean refugees and asylum-seekers over the past decade, Eritreans in the diaspora, a large percentage of whom are victims of human rights violations, have become increasingly active and have been organizing, protesting and engaging in activism and mobilization. These efforts have been met with increased pressure from the Eritrean diplomatic and consular services and from structures linked to the governing party, in an effort to retain control over diaspora communities.

68. The holding of purportedly cultural “festivals” in third countries has become a point of contention, with a growing movement of young Eritreans seeking to disrupt these events, which they view as propaganda and fundraising events for the Government of Eritrea.<sup>27</sup> Regrettably, demonstrations to protest against such festivals have at times degenerated into violence, rioting and clashes between demonstrators and pro-government groups and with law enforcement entities.

69. The Special Rapporteur condemns any and all forms of violence, and stresses that demonstrations and rallies must be peaceful in order to be protected by international human rights law. He encourages protestors to express their views peacefully and urges Member States to ensure the protection of the rights of demonstrators, as well as those of festivalgoers. He calls upon host countries to conduct thorough investigations into these events, including by investigating the role of the Eritrean authorities in organizing counterprotests, deploying organized groups to confront protestors and inciting violence. Officials of the Government of Eritrea have also openly stigmatized protesters, referring to them as “vandals” and “terrorists” and using racial slurs used to denote Tigrayan provenance.

70. The Special Rapporteur urges Eritrea to refrain from exercising undue interference in the lives of Eritreans in the diaspora and to respect their rights to freedom of expression, association and assembly. He urges Member States to take specific measures to address transnational repression and protect Eritrean refugees and asylum-seekers, including by examining how their respective asylum and migratory processes may contribute to their vulnerability to pressure by Eritrean consular and diplomatic outposts (see para. 81 below).

## **X. Situation of Eritrean refugees and asylum-seekers**

71. As at mid-2023, the Office of the United Nations High Commissioner for Refugees (UNHCR) had registered over 623,000 Eritrean refugees and asylum-seekers worldwide. Eritrea has an estimated population of 3.7 million people, according to the United Nations Population Fund; the number of Eritreans to have fled their country amounts to 17 per cent of its population, making Eritrea one of the countries of origin with the largest number of refugees and asylum-seekers relative to its population.<sup>28</sup> Ethiopia and the Sudan

<sup>27</sup> These are not public events: only Eritreans paying the 2 per cent tax and perceived as aligned with the Government are invited. High-ranking officials and leaders of the ruling party regularly attend such events, and the Special Rapporteur has received evidence of the use of military displays and imagery, the chanting of songs and slogans glorifying war and the mobilization of inflammatory narratives and language inciting hatred, in particular against Tigrayans.

<sup>28</sup> See <https://www.unfpa.org/data/world-population/ER>.

continue to host the largest number of Eritrean refugees and asylum-seekers, followed by Germany, Switzerland and Uganda.<sup>29</sup>

72. Amid the overall deteriorating humanitarian and security situation in the Horn of Africa, in particular in Ethiopia and the Sudan, Eritrean refugees and asylum-seekers face additional challenges and dangers on their journeys to safety. Armed conflicts and insecurity in the region have forced Eritreans to shift from the traditional routes and transit through new and lesser-known areas. This situation has pushed an increasing number of asylum-seekers to resort to smuggling networks and has compounded their vulnerability to trafficking in persons and kidnapping. Further, Eritrean refugees, asylum-seekers and migrants have once again suffered violence, displacement, arbitrary detention, sexual violence and other violations as a result of conflict in host countries in the region.

73. The situation of Eritrean refugees in Ethiopia deteriorated severely during the reporting period, with round-ups targeting Eritreans in Addis Ababa and Afar, leading to the widespread detention of Eritreans and deportations to Eritrea. Further, Eritrean asylum-seekers have been denied access to asylum procedures since 2021, when Ethiopia suspended the registration of asylum claims, the provision of documentation and refugee status determination.

74. On 23 June 2023, a group of approximately 400 Eritreans were collectively expelled from Ethiopia to Eritrea. The deportations were carried out without providing effective access to asylum procedures and without conducting an individual assessment of the risk that the returnees might be subjected to persecution or to human rights violations upon their return to Eritrea, in violation of the non-refoulement principle under international refugee law. The Special Rapporteur has received credible information from multiple sources indicating that the group included both unregistered and registered asylum-seekers and several persons who had been recognized as refugees. There is no official information about the fate or whereabouts of the deported persons following their arrival in Eritrea. Following the mass deportation, the Special Rapporteur was informed of multiple cases of family separation, with the parents being deported and the children left behind in Ethiopia.<sup>30</sup>

75. In August 2023, following the declaration of a state of emergency in response to the conflict in the Amhara region, there was a second round of mass arrests, resulting in the detention of an estimated more than 500 Eritreans across Addis Ababa and other towns. The Special Rapporteur recalls that, according to international human rights law, detention for immigration-related purposes should be a measure of last resort, only permissible for adults and for the shortest period of time, when no less restrictive measure is available. He emphasizes that the mass detention of individuals potentially in need of international protection places them at risk of arbitrary detention, and ultimately of refoulement. The Special Rapporteur urges the Government of Ethiopia to resume the registration, documentation and access to asylum procedures for Eritrean asylum-seekers. He calls upon the Government of Ethiopia to refrain from detaining and forcibly returning Eritrean asylum-seekers, refugees and migrants without considering the individual human rights risks and in breach of both domestic legislation and international human rights and refugee law.

76. Following the outbreak of the conflict in the Sudan in April 2023, Eritrean refugees and asylum-seekers who had taken refuge in the country were displaced once again. The conflict has therefore caused onwards displacement of Eritrean refugees and asylum-seekers to neighbouring countries, as well as internal displacement of refugees who had settled in the Sudan. It has also affected refugees who were seeking resettlement from the Sudan, or awaiting family reunification, and who no longer have access to those safe and legal avenues due to the closure of foreign embassies in the Sudan.

77. Eritrean refugees and migrant women and girls were also subjected to grave violations in Khartoum and in areas controlled by the Rapid Support Forces, including sexual violence,

<sup>29</sup> See <https://www.unhcr.org/refugee-statistics/>.

<sup>30</sup> See communication ETH 3/2023. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>; see also <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-ethiopia-halt-mass-deportation-eritreans>.

kidnapping, domestic servitude and sexual slavery.<sup>31</sup> Further, other forms of violence and atrocities attributed to the Rapid Support Forces were committed in areas controlled by them, including attacks on civilian infrastructure, the looting of property, pillage, torture and the summary execution of civilians, causing the forceful displacement of hundreds, including Eritrean refugees, asylum-seekers and migrants.<sup>32</sup>

78. The Special Rapporteur continued to receive calls for help from Eritrean asylum-seekers in Libya and testimonies of torture and cruel, inhuman and degrading treatment of Eritreans in Libyan prisons and camps run by traffickers. Eritreans in Libya are particularly targeted for trafficking in persons, kidnapping and extortion, as they are believed to have solvent families in the diaspora capable of paying large amounts as ransom. Eritrean families often receive threatening calls or videos of their relatives being brutally tortured, with demands for the payment of a ransom.

79. The Special Rapporteur stresses his concern over asylum and migratory policy trends in host countries that place Eritrean refugees and asylum-seekers under additional pressure, exacerbate their vulnerability and could potentially result in the infringement of their rights. In July 2023, the Parliament of the United Kingdom passed the Illegal Migration Act. The Act extinguishes access to asylum in the United Kingdom for any individuals who arrive in the country irregularly, having passed through a country where they did not face persecution. Under the Act, asylum or other protection claims made by such individuals are inadmissible. They also do not have access to the protections available to victims of modern slavery or trafficking in persons. The Act also allows for the detention of migrants and asylum-seekers, including children, on broad grounds and with significant executive discretion.

80. As cautioned by UNHCR and OHCHR, the Act is in breach of the country's obligations under international human rights and refugee law and significantly erodes the global framework for asylum and international protection.<sup>33</sup> Further, the Special Rapporteur is disturbed by the disproportionate impact of this legislation on Eritrean asylum-seekers, given that it is virtually impossible for Eritrean asylum-seekers to travel to the United Kingdom legally, or to travel directly from Eritrea, due to the requirement of an exit visa by the Government of Eritrea.

81. The Special Rapporteur is concerned about practices by host countries, in the context of the asylum and migratory systems, that place Eritreans at a heightened risk of being subjected to undue pressures by the Eritrean consulates and embassies. Such practices include, for example, requesting Eritreans, including individuals who may be in need of international protection, to present an Eritrean passport in order to access important procedures such as family reunification, access to humanitarian protection status or alternative migratory status in case of rejection of their asylum application; and access to private accommodation. As described in the present report, requiring Eritreans to obtain documentation from their diplomatic presence exposes them to harassment and coercion, placing an unreasonable burden on vulnerable individuals (see paras. 60–70 above).

82. Eritrean refugees and asylum-seekers have also consistently denounced the infiltration by government agents of interpretation services, including within the migratory and asylum systems, in several European countries. They shared their concerns with the Special Rapporteur regarding the confidentiality of the information provided and the accuracy of the interpretation, in particular in the context of asylum interviews.

83. The Special Rapporteur is gravely concerned about the negative rhetoric about Eritrean refugees in the media and in the public statements expressing support for deporting Eritreans made in recent months by government officials and legislators in several major host countries. The Special Rapporteur stresses that the acts of some cannot be extrapolated to the many and urges public authorities to consider recent events in the context of severe repression in Eritrea and across borders, and to conduct in-depth investigations into incidents of

<sup>31</sup> See <https://www.ohchr.org/en/press-releases/2023/08/un-experts-alarmed-reported-widespread-use-rape-and-sexual-violence-against>.

<sup>32</sup> See communication OTH 101/2023.

<sup>33</sup> See <https://www.unhcr.org/uk/news/speeches-and-statements/uk-illegal-migration-bill-un-refugee-agency-and-un-human-rights-office>.



intracommunity violence in the diaspora. Further, he calls upon Member States to uphold their obligations to respect the principle of non-refoulement and to ensure the protection of those at risk of persecution or of being subjected to human rights violations if returned to their country of origin.

## **XI. Conclusions and recommendations**

84. As outlined in the present report, the situation of human rights in Eritrea should remain a matter of serious concern for the international community.

85. The indefinite national/military service continues to be one of the main sources of human rights violations in the country. The conditions in the national/military service amount to inhuman or degrading treatment and conscripts are used as forced labour in circumstances analogous to slavery. Forced conscription continues unabated, and draft evaders, deserters and their families are severely punished.

86. Freedom of conscience, religion or belief is severely curtailed, with the suppression and persecution of members of non-authorized religious denominations and of supporters of Abune Antonios. The Government of Eritrea has made significant efforts to control and interfere in the Eritrean Orthodox Tewahedo Church, both in Eritrea and in the diaspora.

87. There continues to be an absence of the rule of law and of a minimum institutional framework to uphold human rights. Civic space remains completely closed and the repression of dissenting voices has a chilling effect on freedom of expression, association and assembly. The increased polarization in the diaspora and evolving patterns of transnational repression are causes for concern.

88. Hundreds of Eritreans continue to be arbitrarily detained for their real or perceived opposition to the Government, and dozens remain disappeared for years or even decades.

89. The Special Rapporteur notes that the vast majority of the recommendations made by regional and international human rights mechanisms, including the Special Rapporteur,<sup>34</sup> the commission of inquiry on human rights in Eritrea,<sup>35</sup> the African Commission on Human and Peoples' Rights, the Human Rights Committee,<sup>36</sup> the Committee on the Elimination of Discrimination against Women<sup>37</sup> and during the third cycle of the universal periodic review,<sup>38</sup> remain unimplemented. The Special Rapporteur emphasizes that the recommendations of the various mechanisms are complementary and aligned, and thus reiterates those recommendations. Multiple human rights bodies have raised similar and serious concerns, further reinforcing and confirming the findings and conclusions reached in the present report.

90. Efforts to address the human rights situation in Eritrea require sustained and collective pressure from the international community, including diplomatic engagement, targeted sanctions, the exercise of universal jurisdiction over grave human rights violations and support for civil society initiatives in the diaspora promoting accountability and human rights.

91. The Special Rapporteur recommends that the Government of Eritrea:

(a) Put an immediate end to human rights violations, as documented by the Special Rapporteur and the commission of inquiry on human rights in Eritrea, including the ongoing violations highlighted in the present report;

<sup>34</sup> See A/HRC/29/41; A/HRC/35/39; A/HRC/38/50; A/HRC/41/53; A/HRC/44/23; A/HRC/47/21; A/HRC/50/20; and A/HRC/53/20.

<sup>35</sup> See A/HRC/29/42; and A/HRC/32/47.

<sup>36</sup> See CCPR/C/ERI/CO/1.

<sup>37</sup> See CEDAW/C/ERI/CO/6.

<sup>38</sup> See A/HRC/41/14.

(b) Engage constructively with the mandate of the Special Rapporteur and with other human rights mechanisms and organizations;

(c) Discontinue the indefinite military/national service by respecting the legal duration of 18 months stipulated in the National Service Proclamation, prevent the recruitment of children by the Eritrean Defence Forces, ensure adequate living conditions for conscripts, prevent the use of conscripts and members of the military and reserve army for forced labour, cease the persecution of draft evaders and deserters, investigate allegations of human rights violations in the context of military/national service and bring perpetrators of such violations to justice;

(d) End the chronic and widespread practices of enforced disappearance and prolonged arbitrary detention, reveal the whereabouts and state of health of victims of enforced disappearance, facilitate regular communication between detainees and their families and establish an efficient and transparent system for the registration of detainees;

(e) Release immediately and unconditionally all those unlawfully and arbitrarily detained, including the 11 members of the G-15, members of the political opposition, journalists, prisoners of conscience, people of faith and draft evaders and their families;

(f) Put an end to the practice of arrests and detention carried out without legal basis and ensure that all detainees are held in official places of detention and are afforded due process rights, including access to a lawyer, the right to review the legality of their detention, the right to trial without undue delay and the right to a fair and public hearing by a competent, independent and impartial tribunal;

(g) Establish efficient, transparent mechanisms for the registration of detainees and introduce adequate monitoring mechanisms to prevent torture and inhuman or degrading treatment;

(h) Ensure that persons deprived of their liberty are treated with respect and dignity, in accordance with the Nelson Mandela Rules;

(i) Develop effective rule of law institutions and ensure the administration of justice by independent, qualified and professional individuals, including an independent judiciary, an attorney general and review bodies;

(j) Take specific steps to open up civic space in the country by lifting restrictions on freedom of expression, association and peaceful assembly and creating a safe and enabling environment for independent media, national and international civil society organizations and members of the political opposition to freely operate and participate in public affairs;

(k) Respect the freedom of religion, conscience and belief as protected by the unimplemented constitution of 1997 and the international and regional instruments to which Eritrea is a State party, halt the persecution of individuals based on their religious beliefs and refrain from interfering in religious activities and institutions in Eritrea and in the diaspora;

(l) Investigate the allegations of human rights and international humanitarian law violations by the Eritrean Defence Forces in Ethiopia in the context of the Tigray conflict and after the signature of the cessation of hostilities agreement in November 2022, and take measures to bring perpetrators of such violations to justice;

(m) Immediately and completely withdraw any remaining Eritrean troops from Ethiopian territory.

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

(a) Keep Eritrea under close scrutiny until consistent, verified and tangible improvements have been made with regard to the human rights situation;

- (b) **Ensure that human rights issues remain at the core of all engagement with the country and include human rights guarantees in the negotiation of development cooperation projects and investments in Eritrea,**
- (c) **Exercise universal jurisdiction over alleged international crimes, including crimes against humanity and war crimes, and initiate legal proceedings against individuals responsible for the commission of international crimes, including grave breaches of international humanitarian law, in accordance with the national legislation of Member States;**
- (d) **Actively engage in the upcoming review of Eritrea during the fourth cycle of the universal periodic review, with a view to promoting human rights in the country;**
- (e) **Exert maximum pressure on the Government of Eritrea to end all practices of enforced disappearance, torture and the arbitrary and incommunicado detention and persecution of thousands of political opponents, journalists, critical voices, prisoners of conscience and people of faith;**
- (f) **Urge the Government of Eritrea to develop and take specific steps to address the country's significant human rights challenges, with specific actions, timelines and benchmarks;**
- (g) **Provide protection and assistance to Eritrean nationals fleeing the country due to a risk of persecution or of being subjected to human rights violations, in accordance with the provisions of international law governing asylum, and respect the principle of non-refoulement;**
- (h) **Protect Eritrean refugees and asylum-seekers from the hostile migratory policies adopted by some host countries that place them under pressure, exacerbate their vulnerability and potentially infringe their rights under international human rights law and refugee law;**
- (i) **Support Eritrean human rights defenders and civil society organizations in their efforts to advocate for human rights in Eritrea, promote accountability and support Eritrean refugees and asylum-seekers in host countries and Eritrean victims of human rights violations;**
- (j) **Protect Eritrean refugees, asylum-seekers and migrants from transnational repression, including taking the measures necessary to prevent the extortion of Eritreans in the diaspora through the payment of the 2 per cent tax, investigating criminal complaints filed by members of the diaspora and investigating the role of Eritrean diplomatic missions in the intimidation and social control of Eritreans abroad;**
- (k) **Urge the Ethiopian and Eritrean authorities, as well as the Tigray People's Liberation Front, to take all steps necessary to ensure the consolidation of the cessation of hostilities agreement signed in November 2022 and to address impunity for the commission of grave violations of human rights and humanitarian law.**
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