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Human rights situations that require the Council's attention

## Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth\*

### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 20/20. It is based upon the initial observations of the Special Rapporteur on the situation of human rights in Eritrea and information gathered from a variety of other sources, including Eritrean refugees interviewed during a field mission to neighbouring countries from 30 April to 9 May 2013. In the report, the Special Rapporteur provides an overview of the most serious human rights concerns in Eritrea, including cases of extrajudicial killing, enforced disappearance and incommunicado detention, arbitrary arrest and detention, torture, inhumane prison conditions, indefinite national service, and lack of freedom of expression and opinion, assembly, association, religious belief and movement. She addresses a number of recommendations to Eritrea and the international community aimed at improving respect for human rights in the country.

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\* Late submission.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–3	3
II. Approach to the mandate.....	4–7	3
III. Methodology .....	8–16	4
IV. Overall context.....	17–41	5
A. Overview of historical, political and economic contexts .....	17–22	5
B. International and regional context .....	23–26	6
C. Cooperation with human rights mechanisms .....	27–33	7
D. Brief comments on the rule of law.....	34–41	8
V. Human rights violations .....	42–94	9
A. Right to life, extrajudicial killings, the shoot-to-kill policy, and death in custody .....	43–44	9
B. Enforced disappearances and incommunicado detention .....	45–48	10
C. Arbitrary arrest and detention, torture and prison conditions .....	49–56	10
D. Guilt by association .....	57	12
E. Freedom of expression and opinion.....	58–60	12
F. Freedom of association and assembly.....	61–63	12
G. Freedom of religious belief.....	64–66	13
H. Freedom of movement.....	67	13
I. Gender equality issues and women’s rights.....	68–71	14
J. Rights of the child.....	72–73	14
K. Minority rights.....	74–82	15
L. Economic, social and cultural rights.....	83–90	16
M. Refugees and trafficking.....	91–94	17
VI. Conclusions and recommendations .....	95–108	18
A. Conclusions .....	95–106	18
B. Recommendations.....	107–108	19

## I. Introduction

1. In its resolution 20/20, the Human Rights Council expressed deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, and decided to appoint a special rapporteur on the situation of human rights in Eritrea for a period of one year. The Council requested the Special Rapporteur to submit a report at its twenty-third session. It also called upon the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit access to visit the country and to provide the information necessary for the fulfilment of the mandate. The Special Rapporteur on the situation of human rights in Eritrea took up her mandate on 1 November 2012.

2. In its resolution 21/1, the Human Rights Council decided that documentation considered by the Council under its complaint procedure relating to the situation of human rights in Eritrea should be transmitted to the Special Rapporteur. The Council invited the Special Rapporteur to investigate further the allegations contained in the submitted complaints and the circumstances of the individuals mentioned in the submitted communications and to report thereon to the Council at its twenty-third session.

3. The present report is submitted in accordance with Human Rights Council resolutions 20/20 and 21/1, and is based upon the initial observations made by the Special Rapporteur.

## II. Approach to the mandate

4. In the view of the Special Rapporteur, the mandate offers the potential for Eritrea to be closely involved in efforts to ensure that long-lasting solutions compliant with international standards are found for the respect and observance of human rights in the country, a message that she reiterated in her meetings with all interlocutors, including Eritrean officials.

5. The Special Rapporteur endeavoured to implement the mandate in a constructive, transparent, independent and impartial manner, aiming at contributing to strengthening the respect for the human rights of all Eritreans.

6. Despite the lack of access to Eritrea, as well as other obstacles and challenges, the Special Rapporteur reached out to a broad range of stakeholders in the preparation of the present report. In the implementation of her mandate, she is committed to giving a voice to Eritreans who have experienced violations directly or indirectly and whose fundamental freedoms and human rights have been breached.

7. The approach adopted by the Special Rapporteur was prudently optimistic, in that she refused to be daunted by the non-cooperation of the Government of Eritrea with the mandate and the difficulties in obtaining information from and about Eritrea. She has also endeavoured to make the mandate firm and bold, addressing squarely the issues that were raised by the Human Rights Council in its resolution 20/20. Lastly, the Special Rapporteur views the mandate as incremental, setting down the foundations and then the building blocks aiming at the full respect of international human rights law, with each small step being celebrated as an achievement. In her concluding remarks, the Special Rapporteur identifies specific areas to be addressed in the medium term, as well as recommendations for the Government of Eritrea and the international community.

### III. Methodology

8. Since the appointment of the Special Rapporteur, she has repeatedly expressed her wish to engage with the Government of Eritrea. In December 2012, she wrote to the President of Eritrea, explaining her intention to be guided by the international human rights norms and standards to which Eritrea is a party in the implementation of her mandate. In the hope that the Government of Eritrea would seize the opportunity to engage in a fresh and constructive dialogue on human rights issues brought to the fore by an array of stakeholders, the Special Rapporteur requested to visit Eritrea for consultations with relevant officials from the Government as well as a range of actors. Her aim was to assess the human rights situation on the ground first-hand and to explore jointly future avenues for the protection and promotion of human rights in the country. At the time of writing, a reply to her request was still pending.

9. The Special Rapporteur welcomed the opportunity of a meeting with a representative of the Government of Eritrea in Geneva in January 2013, during which she reiterated her request to be allowed access to the country. In addition, she met with the delegation of Eritrea attending the fifty-third ordinary session of the African Commission on Human and Peoples' Rights in Banjul, on 10 April 2013, where she reiterated her request for an invitation to visit Eritrea. Again, she regrets to report that, at the time of writing, the Government of Eritrea had not responded to her requests.

10. Owing to the lack of access, the Special Rapporteur decided to collect first-hand information from Eritreans who had recently left the country with a view to inform her assessment of the situation of human rights in Eritrea, by means of interviews with victims of human rights violations. Initially, she submitted visit requests to all neighbouring countries with a sizable Eritrean refugee population. Of the 11 requests sent, three positive responses were obtained, two Governments responded negatively and six Governments have not yet replied.

11. In view of the pressing deadlines for submission of the present report and the challenges faced in obtaining first-hand information, the Special Rapporteur accepted the invitations granted by the Governments of Djibouti and of Ethiopia to interview Eritrean refugees on their territory.

12. A positive reply from an additional country was much appreciated; however, as it was received when other arrangements had already been made, the Special Rapporteur would like to explore the possibility of rescheduling a visit at a later date. She also addressed a request to visit one European country to meet with the Eritrean diaspora there, a request that will be explored for a future report.

13. From 30 April to 9 May 2013, the Special Rapporteur carried out a mission to Djibouti and Ethiopia. In Ethiopia, she visited the main reception centre administered by the Administration for Refugee and Returnee Affairs in Endabaguna, and the Adi-Harush and Mai-Aini refugee camps in the Tigray region. In Djibouti, she met with urban refugees and those based in the Ali Addeh refugee camp, as well as military deserters detained at the Nagad Police Academy. The Special Rapporteur paid courtesy calls to the authorities in both countries. She would like to thank the Governments of Djibouti and of Ethiopia for their invitation and the cooperation and flexibility shown during her visit to their countries.

14. The Special Rapporteur also participated in the fifty-third ordinary session of the African Commission on Human and Peoples' Rights in Banjul, from 9 to 12 April 2013. She was able to present her vision of and approach to the mandate during a briefing with the members of the Commission. While in Banjul, she also addressed the NGO Forum preceding the session, and was invited to attend a side event, held on 10 April 2013, on the

situation of human rights in Eritrea organized by human rights defenders. Interaction in Banjul was useful for the collection of information from various stakeholders.

15. The present report was also based on information gathered from a variety of other sources, including governmental, non-governmental and intergovernmental sources. The information contained in the submissions forwarded to the Special Rapporteur pursuant to Human Rights Council resolution 21/1 was also an important source. The Special Rapporteur held meetings with a broad range of actors, such as government representatives, human rights defenders, civil society representatives and academics.

16. In addition, the Special Rapporteur developed a questionnaire aimed at gathering information about allegations of specific human rights violations in Eritrea. The questionnaire was uploaded to the website of the Office of the United Nations High Commissioner for Human Rights, and is available as a tool for those who wish to inform the Special Rapporteur about specific human rights violations. Since the beginning of April 2013, she has received more than 200 e-mails and letters with requests for meetings, mainly from Eritreans in the diaspora in Europe, Canada and the United States of America. The Special Rapporteur continues to encourage those requesting meetings to provide written submissions. She expresses her gratitude to all interlocutors for their support in the implementation of her mandate.

## **IV. Overall context**

### **A. Overview of historical, political and economic contexts**

17. Eritrea declared its de jure independence in 1993 after 30 years of liberation struggle against Ethiopian rule and following a referendum monitored by the United Nations, in which Eritreans voted overwhelmingly (more than 98 per cent) for independence. The country occupies a significant geostrategic space in eastern Africa. Located along the Red Sea coastline, just north of the Horn of Africa, it consists of a central plateau referred to as the highlands and the lowlands in the north, west and along the coast.

18. The Eritrean People's Liberation Front (EPLF) took control of Eritrea in 1991 and issued proclamation 23/1992 the following year, in which it recognized its obligation to establish a transitional Government while awaiting the formation of a constitutional Government. Proclamation 37/1993 restricted the duration of the tenure of the transitional Government to four years. The EPLF has, however, remained in power, in the form of the Popular Front for Democracy and Justice (PFDJ), with the structure established by proclamation 37/1993.

19. Since independence, the PFDJ has remained the only legal political party in Eritrea. Political space is restricted and limited, with no alternative voice allowed. The Constitution, which was ratified in 1997 by the Constituent Assembly but never formally implemented, provides for an elected legislature with the power to choose a President from among its members by a majority vote. To date, however, no national elections have been held and President Isaias Afwerki has remained in office since independence.

20. Reliable and up-to-date data on the Eritrean economy are difficult to obtain. The United Nations Development Fund (UNDP) has classified the human development index of Eritrea at 0.351, ranking the country at 181st of 187 countries with comparable data. Furthermore, UNDP indicates that the index for sub-Saharan Africa as a region has risen from 0.366 in 1980 to 0.475, placing Eritrea below the regional average. Military expenditure, including the huge costs of military mobilization, is one major factor contributing to the country's economic decline.

21. With regard to the Millennium Development Goals, Eritrea is reportedly poised to meet six of the eight Goals, namely Goals 2 to 7 (regarding universal primary education, the promotion of gender equality and empowerment of women, the reduction of child mortality, improvement in maternal health, combating HIV/AIDS, malaria and other diseases, and ensuring environmental sustainability). Eritrea is not on track with regard to Goals 1 (on the eradication of extreme hunger and poverty) and 8 (developing a global partnership for development).

22. Based on its rigorous national policy of self-reliance, the Government of Eritrea restricts humanitarian and development assistance by international actors. To support development efforts, the United Nations country team signed the four-year Strategic Partnership Cooperation Framework for 2013-2016 with the Government.<sup>1</sup> The Framework focuses on five strategic areas for intervention and cooperation: (a) basic social services; (b) national capacity development; (c) food security and sustainable livelihood; (d) environmental sustainability; and (e) gender equity and the advancement of women.

## **B. International and regional context**

23. Eritrea and some of its immediate neighbours (Djibouti, Ethiopia, the Sudan and Yemen) have had troubled relations over border issues. While some issues have been resolved, others persist, spawning a set of circumstances qualified by the Eritrean authorities as a “no war no peace” state of affairs. A case in point was the war of 1998-2000 with Ethiopia, and the non-implementation of the ruling issued by the Eritrea-Ethiopia Boundary Commission in 2002. These unresolved issues contribute to the country’s regional and international isolation, its internal political situation and, more importantly, it has a negative impact on the enjoyment of human rights in the country. The State’s foreign and security policy should be viewed historically and in the context of these unresolved border issues.

24. Since 2009, the Security Council has adopted a number of key resolutions regarding Eritrea: resolution 1862 (2009), on the country’s border dispute with Djibouti; resolution 1907 (2009), in which the Council imposed a targeted sanctions regime, including an arms embargo on both imports and exports, on Eritrea for its failure to comply with resolution 1862 (2009); and resolution 2033 (2011), in which the Council expanded restrictive measures in the area of the diaspora taxes and the State’s mining sector and financial services.

25. In an attempt to strengthen its regional engagement, in 2011, Eritrea reopened its mission to the African Union, which had been closed after the outbreak of the conflict with Ethiopia. Eritrea is also seeking re-admission to the Intergovernmental Authority on Development (IGAD). Furthermore, since 2012 it has resumed attending the ordinary sessions of the African Commission on Human and Peoples’ Rights. All these initiatives may be construed as efforts to end a largely self-imposed isolation.

26. While acknowledging the seriousness of border issues, it is the humble view of the Special Rapporteur that these should not serve as an excuse for the appalling human rights situation in Eritrea, which in one way or another touches the life of almost every family. Most Eritreans that the Special Rapporteur met reported that there is no family in the country that has not known death, arrest, detention or exile.

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<sup>1</sup> Available from [www.er.undp.org/docs/eri\\_spcf-2013-2016.pdf](http://www.er.undp.org/docs/eri_spcf-2013-2016.pdf).

### C. Cooperation with human rights mechanisms

27. Eritrea has a mixed record of engagement with United Nations and African Union human rights mechanisms. It has ratified and/or acceded to a significant number of international human rights instruments, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

28. The core treaties to which Eritrea is not a party include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

29. Eritrea participated actively in the sixth session of the universal periodic review, in November 2009. A high-level delegation from Eritrea attended the session in Geneva and provided responses to the 131 recommendations in writing prior to the consideration of the review outcome by the Human Rights Council at its thirteenth session, in March 2010, accepting almost 50 per cent of all recommendations made. The Government has reportedly taken steps for follow-up to the review, including by sending all recommendations made at its review to relevant ministries, calling for their implementation, while the United Nations country team is engaging with the Government with regard to follow-up.

30. Eritrea is due to undergo its second universal periodic review in January 2014, an opportune platform to engage positively on the situation of human rights and for the country to illustrate the concrete steps that it has taken to improve its human rights record.

31. Eritrea has not issued a standing invitation and has not agreed to any of the pending visit requests made by five special procedures mandate holders of the Human Rights Council. These include the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (invitation requested in 2003, renewed in 2005); the Special Rapporteur on freedom of religion or belief (2004); the Special Rapporteur on the right to food (2003); the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2005, 2007 and 2010); and the Special Rapporteur on extrajudicial, summary or arbitrary executions (2010).

32. Eritrea is a party to the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child, both ratified in 1999. In 2003, the African Commission made a pronouncement on the case of 11 former officials of the Government of Eritrea detained in 2011, stating that Eritrea had violated articles 2 (freedom from discrimination), 6 (right to personal liberty and protection from arbitrary arrest), 7(1) (right to have one's cause heard) and 9(2) (right to express and disseminate one's opinion within the law) of the African Charter on Human and Peoples' Rights. The Commission urged the Government to release immediately and to compensate the detainees. Also in 2007, the African Commission reviewed the case of 18 journalists detained without trial since 2001. It ruled that Eritrea was violating articles 1 (obligations of Member States), 5 (prohibition of torture and cruel, inhuman and degrading treatment), 6 (right to personal liberty and protection from arbitrary arrest), 7(1) (right to have one's cause heard), 9 (right to information and free expression) and 18 (protection of the family and vulnerable groups) of the African Charter on Human and Peoples' Rights. The Commission called for a fair trial for the detainees and called on the Government to lift the ban on freedom of the press. Eritrea has yet to implement either ruling.

33. Recommendations by the United Nations and African Union human rights mechanisms were taken into account in the preparation of the present report.

#### **D. Brief comments on the rule of law**

34. The all-encompassing definition of the rule of law given in the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies was taken as a basis to enquire about the rule of law in Eritrea.<sup>2</sup>

35. The basic tenets of the rule of law are not respected in Eritrea owing to a centralized system of Government where decision-making powers are concentrated in the hands of the President and his close collaborators. The separation of powers among the various arms of the State is inexistent. The failure to implement the Constitution adopted in 1997 is another reason for the breakdown of the rule of law, although there are other contributory factors, such as arbitrariness, lack of transparency and accountability, all of which have a negative impact on the enjoyment of human rights and fundamental freedoms.

36. A constitutional commission was established by proclamation 55/1994 in March 1994. Following broad consultations, public debate and drafting, the National Assembly ratified the Constitution in 1997. A brief document apparently destined to evolve with time, it provides for the separation of powers, with checks and balances, the independence of institutions, including of the judiciary, and human rights guarantees. As the fundamental law, the Constitution is based on democratic principles and has the authority to declare invalid any law or proclamation inconsistent with it.

37. The Constitution was meant to come into effect following the National Assembly elections, scheduled for 1997. The elections were, however, postponed indefinitely; Eritrea therefore continues to operate on pre-constitutional transitional powers. In the addendum to the report of the Working Group on the Universal Periodic Review, the State under review remarked that the Constitution was “the supreme law of the land”, and that the Government was implementing it, “including the holding of democratic elections at the local, subregional and regional levels”. Some of the institutions provided for in the Constitution had “yet to be constituted”. The representative added that national elections would be held “once the threat to national security and the country’s sovereignty is irrevocably removed”.<sup>3</sup>

38. Even though the Constitution includes a Bill of Rights (chap. three), the Government of Eritrea continues to systematically violate these very fundamental rights. Systematic human rights violations stem from the absence of due process and a lack of credible institutions through which affected individuals can take their complaints to be examined and have their rights upheld. Attempts have also been made to silence dissent over the failure to implement the Constitution.

39. Legislative functions accorded to the National Assembly by the unimplemented Constitution have been assumed entirely by the Government. The Ministry of Justice drafts and publishes laws in collaboration with other relevant ministries and the Office of the President; Eritrea is thus a country ruled by decree. The National Assembly has not convened since 2002.

40. Despite the guarantee regarding the independence of the judiciary stipulated in article 7 of proclamation 37/1993, which provides for the structure, powers and responsibilities of the Government of Eritrea, the court system is weak and prone to

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<sup>2</sup> S/2004/616, para. 6.

<sup>3</sup> A/HRC/13/2/Add.1, para. 11.



interference. In July 2001, the Chief Judge of the High Court was removed from office after having expressed his disapproval of executive interference in judicial proceedings and called for the dismantling of the Special Court. The Special Court has jurisdiction over cases involving corruption and related crimes; its decisions are final. It has the power to re-open and adjudicate cases already processed through the regular criminal justice system, disregarding the basic principle of protection from double jeopardy and other fair trial guarantees. A high percentage of those serving in the Special Court do not have formal legal training and are not bound to apply prevailing laws. Civil courts comprise the community court, the Zoba Court and the High Court. The Military Court has jurisdiction over penal cases brought against members of the armed forces.

41. The Constitution, supporting laws and adherence to international conventions have no enforceable value as long as the authorities do not implement them in practice. Most governmental functions, including the creation of courts, are conducted on a de facto rather than a de jure basis, thereby completely undermining the rule of law.

## **V. Human rights violations**

42. In accordance with Human Rights Council resolution 20/20, in which the Council cited widespread and systematic violations of human rights in Eritrea, the Special Rapporteur endeavoured to corroborate patterns of human rights violations through the collection of first-hand testimonies and interviews. According to the information collected, human rights violations committed in Eritrea include, but are not limited to, extrajudicial killings; the ruthless implementation of a shoot-to-kill policy of persons attempting to cross borders; enforced disappearances and incommunicado detention; arbitrary arrests and detentions; widespread torture, both physical and psychological, during interrogation by the police, military and security forces; inhumane prison conditions; compulsory national service of an unspecified and extended duration; no respect for civil liberties, including the freedoms of expression and opinion, assembly, association, religious belief and movement; discrimination against women, and sexual and gender-based violence; violation of child rights, including conscription, which has a profound impact on education; and precarious living conditions. These violations were cited as reasons pushing a constant stream of Eritreans to cross the borders.

### **A. Right to life, extrajudicial killings, the shoot-to-kill policy, and death in custody**

43. An unknown number of people have been shot near the Eritrean borders with Djibouti, Ethiopia and the Sudan, allegedly for attempting to cross illegally. Border military personnel have standing orders to implement a shoot-to-kill policy to those attempting to flee. The policy was confirmed in the discussions and interviews held by the Special Rapporteur with several former military personnel who had been required to implement it, as well as with those who had been victims of the practice. The account of a young woman who was shot while crossing the border in 2012 was particularly harrowing. After her first attempt to cross failed, she was imprisoned at Sawa detention centre for almost a year, without her family being informed. When she attempted to cross the border again, she was shot seven times, in the leg, foot, hand and breast, but still managed to escape. She had to be hospitalized for nine months.

44. Owing to the harsh conditions at the Sawa military training camp, students commit suicide or fall ill and die. In one year, two girls died. For having failed to clean the bathroom, a female student was punished by being forced to roll on the hot ground, thus sustaining severe burns to her body. Unable to bear the pain, she leaned on a live electric

wire and was electrocuted. Her friend, who was trying to rescue her, also died. When students die in Sawa, their bodies are buried in a graveyard with no tombstones. Parents are rarely informed about the death of a child.

## **B. Enforced disappearances and incommunicado detention**

45. Relatives of those who are arrested and detained are rarely informed, but tend to find out by chance through other detainees who have been released. In addition, Eritrean nationals who are repatriated after a failed refugee or asylum application usually disappear upon their return. The practice of enforced disappearance is used to intimidate people, to install a climate of fear and to deter people from claiming their rights.

46. While unknown numbers of Eritreans have disappeared, the most prominent cases include 11 political leaders, members of the “G-15”, and 10 journalists, all of whom were arrested in 2001. To date, the Government has refused to provide any information on their fate.

47. The reluctance to give any indication about the above group and about the thousands of others who have disappeared is distressing, and points to a total disregard for the principle of accountability and respect for international human rights law. The Government of Eritrea needs to tell family members and the international community whether they are still alive. In the meetings of the Special Rapporteur with Eritrean delegates, she endeavoured to ask, where (if the answer was yes) these persons were and about their current state of health. She asked whether they had access to medical care, if needed. Families should be allowed to meet them. In addition, she asked why, after 12 years, they had not been brought before an independent court of law to be charged with a crime recognized under international law. To date, the Special Rapporteur has not received any answer to her questions.

48. There have been thousands of victims of enforced disappearance or incommunicado detention in Eritrea. There are those who disappeared at one point in time and subsequently reappeared with stories of incommunicado incarceration and torture or who remain silent because of threats to their lives or their family if they were to speak. There are those who never return and about whom nothing is ever heard. And there are those who disappear and whose dead bodies are returned. The consequences of the absence of the disappeared person can have a serious impact on the whole family, with women and children bearing the brunt because of their vulnerable situations.

## **C. Arbitrary arrest and detention, torture and prison conditions**

49. Government officials, zonal administrators, community and religious leaders, businesspeople, journalists and teachers, as well as ordinary citizens expressing critical views or posing questions, have been jailed for explicit or inferred opposition to the Government or its policies. Mere suspicion appears to be enough for somebody to be subjected to interrogation and detention without charge or without being brought before a court of law. The number of Eritreans jailed for their perceived political opposition is difficult to confirm, but may be as high as 10,000.<sup>4</sup> They are often held indefinitely without access to family members or lawyers, and there are no court appearances or public trials.

50. From several accounts, it would appear that the modus operandi adopted involves detainees being arrested at night, or kidnapped, blindfolded and driven around before being

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<sup>4</sup> A/HRC/WG.6/6/ERI/3, para. 15.

subjected to interrogation by agents in civilian clothes. They are either dumped in a cell in an underground prison or in another secret place of detention. They do not know where they have been taken to (nor do their families), and are too afraid to ask. They are removed from their places of detention for interrogation at regular intervals. The identities of interrogators are kept secret, as they shroud their faces.

51. The number of people arrested and detained without charge or due process amounts to thousands. National service evaders or escapees, and those suspected of wanting to flee or caught during flight further swell detention figures and may reach tens of thousands.

52. Invariably, detainees are held without being informed about the reason for their arrest and without an arrest warrant. Prison conditions are life threatening, harsh, degrading and unhygienic. Food rations are generally poor, and the nutritional value and quality of the food and water supplies provided to detainees are inadequate. Those in underground prisons do not see daylight for months at a time.

53. Individuals arrested arbitrarily are subjected to physical and psychological torture, cruel, inhuman or degrading treatment. The information gathered confirmed that torture is regularly used in Eritrean prisons, military barracks and at Sawa – a one-stop service consisting of a school, a military training camp and a detention facility all in one, as well as other military training camps.

54. Political prisoners, other detainees, military deserters, “refouled” refugees, failed asylum seekers and students at Sawa are subjected to torture, cruel, inhuman and degrading treatment or punishment. Detainees are particularly vulnerable to abuse, as they are held incommunicado, without legal procedures or safeguards, while access by family, doctors or lawyers is denied, in blatant disregard for international human rights standards. Perpetrators are not prosecuted or punished, thus perpetuating a culture of impunity.

55. Former detainees described various types of torture and cruel, inhuman or degrading treatment inflicted upon them, which is still being used today, including:

(a) The helicopter: the victim is stripped, hands and feet tied at the back and then tied to a tree, hanging or raised above the ground just enough to force the victim to stand on their toes for long periods, with their hands tied to the tree; the victim is then made to lie face down on the ground in the hot sun, the rain or at night in the cold. The victim may be kept in this position for 24 hours, sometimes with two to three short meal or toilet breaks, at the whim of the person inflicting the punishment;

(b) “Otto” (Eight): the victim’s hands are tied behind their back and they are left to lie face down on the ground;

(c) Pistols are regularly pointed at detainees during interrogation;

(d) Detainees are beaten all over the body and on the soles of the feet with a thick metal chain or bar;

(e) Sugar is spread on the lips of the detainee, whose hands and feet are tied. The detainee is then left outside, where swarms of flies are drawn to the sugar, forcing the detainee to make a repetitious neck movement to dispel the flies, leading to severe neck strain; alternatively, the whole of the detainee’s body is smeared with milk and sugar, causing flies and other insects to attack.

56. Obtaining information from inside Eritrea poses severe challenges; it was therefore impossible for the Special Rapporteur to know how many secret detention centres, holding cells such as shipping containers or underground bunkers controlled by the military or internal security service exist. These are scattered throughout the country, at times in areas where temperatures soar to almost 48 degrees Celsius. Not all are officially designated prisons, and outsiders are not permitted access. Deaths in prison from torture,

overcrowding, disease, inadequate food and other harsh conditions are frequent, though no exact figures were available.

#### **D. Guilt by association**

57. Family members are frequently punished for the conduct of another family member, especially in the case of draft evasion and desertion. In accordance with the policy of “guilt by association”, families may be fined Nakfa 50,000 (\$3,333) for the evasion or desertion of a relative. Those who do not or cannot pay may have their property confiscated or be jailed, which adds to the already large number of arrests and cases of detention in Eritrea.

#### **E. Freedom of expression and opinion**

58. Private and independent press or media houses are non-existent in Eritrea. The Government destroyed the private press in September 2001 and arrested 10 journalists, who remain in incommunicado detention. In 2011, the detention of four more journalists was reported; they are still in custody. Journalists do not question policies and their implementation for fear of reprisal, arrest, torture or detention without due process.

59. Since 2001, propaganda channels run by the Ministry of Information have been the only domestic source of news. The content and flow of information are closely controlled by government sources. According to a former Eritrean media employee, independent sources of information are forbidden and alternative voices silenced or threatened. The widely reported coup attempt that was staged on 21 January 2013 illustrates how access to information is tightly controlled. Accurate information on the event is still not available and the fate of those involved is unknown, apart from unconfirmed reports of extrajudicial killings and disappearances.

60. Internet access is limited, with a penetration below four per cent, primarily through cyber cafés in Asmara and other main towns. Users are closely monitored, and some were reportedly arrested in early 2011. Telephone services and the Internet are unavailable in rural areas. To obtain a mobile telephone number, an application must be forwarded to a government-appointed committee, which vets the applicant before a decision is reached. Young people are denied their own mobile telephone numbers.

#### **F. Freedom of association and assembly**

61. While international law guarantees freedom of assembly and of association,<sup>5</sup> these are severely controlled in Eritrea. No political or civic organizations or independent non-governmental organizations are permitted, except those affiliated to the authorities. The Government of Eritrea does not allow the formation of any political parties or private associations. This has made it extremely difficult for external human rights defenders to monitor the human rights situation in Eritrea.

62. In the case of public gatherings, the Government requires those assembling to obtain a permit. Public gatherings of more than seven people without a permit are prohibited. According to interviewees, critical questions or challenges to policies at Government-convened meetings may constitute grounds for arrest.

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<sup>5</sup> International Covenant on Civil and Political Rights, arts. 21 and 22.

63. There is currently no single international non-governmental organization operating in Eritrea. Over time, the working environment for such organizations became increasingly restrictive, with no travel permits delivered allow them to leave the capital city to visit projects. While some non-governmental organizations were explicitly asked to leave, others faced severe restrictions on their operations, which eventually forced them to leave the country.

## **G. Freedom of religious belief**

64. The right to profess one's religion freely, to change it or to practice either alone or in community with others in public or in private is enshrined in international law.<sup>6</sup> Eritrea officially recognizes only four religions: the Evangelical Church of Eritrea, the Orthodox Church of Eritrea, the Roman Catholic Church, and Sunni Islam. Those interviewed reported that the Government interferes in the internal matters of recognized religions through controls and invasive policies, including the lack of provisions for exemption from military service for conscientious objection.

65. The followers of unrecognized religious denominations, such as the Jehovah's Witnesses, and Evangelical and Pentecostal Churches, among others, face draconian restrictions and are persecuted, and may be denied administrative services, such as the issuance of national identity cards, as this would require denouncing their religion on the application form. It was reported that followers of these religions are regularly arrested, detained and tortured, and submitted to severe pressure to renounce their faith. Worshipping in someone's home or possession of religious material, including Bibles, can be a reason for arrest. As at August 2012, there were 56 Jehovah's Witnesses in prison, including 21 who were older than 60 years of age.

66. Followers of unrecognized religions are often accused of being foreign agents who obtain money from external sources to spy on the regime. Reportedly, there are some 2,000 people currently in jail because of their religious belief, without any charge or trial. A woman from a minority religious group indicated that she had been released from jail only after having signed a document to the effect that she would no longer worship as part of a congregation. An elderly lady was released after four years in detention because of her faith; her health had deteriorated visibly. Eritrea does not provide for exemption from military service for conscientious objection, which leads to a large number of Jehovah's Witnesses being placed in detention, given that their religion does not permit them to carry a gun. Furthermore, Jehovah's Witnesses are unable to continue education beyond the eighth grade, as students who wish to register for ninth grade are required to register for national service at the same time, which is incompatible with their belief.

## **H. Freedom of movement**

67. Travel within the country is extremely restricted and requires a travel permit, which is difficult to obtain. Controls are frequent at checkpoints between cities. The freedom to leave the country is even more tightly controlled. Exit visas are required to travel abroad, and they are not granted to men between 18 to 54 years of age and women between 18 and 47. Reports have been received about children as young as 5 years of age being denied applications for exit visas. The payment of the "diaspora tax", a 2 per cent tax often levied

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<sup>6</sup> Universal Declaration of Human Rights, art. 18; International Covenant on Civil and Political Rights, art. 18. See also CCPR/C/21/Rev.1/Add.4.

by unofficial agents of the Government involving threats, harassment and intimidation, is a prerequisite for Eritreans abroad who wish to return home.<sup>7</sup>

## **I. Gender equality issues and women's rights**

68. The situation of women in Eritrea is a cause for concern. The role of women during liberation was well recognized. Eritrean society nonetheless remains patriarchal to a large extent, where women may have the same legal rights, but are not treated equally in practice.

69. Indefinite conscription affects women as much as men. It may reverse any progress made in women's reproductive rights. Young women are getting married and giving birth at a young age, often to avoid compulsory military service. However, without having completed military training, it is extremely difficult to take up gainful employment. Consequently, women are often unable to increase the family income, which is solely funded through their husbands' insufficient pay received as soldiers. The main source of income for these families appears to be remittances from relatives living abroad or through petty trade; a life that the interlocutors said was not sustainable in the long term.

70. Allegations of rape and sexual harassment, particularly in military and educational training camps or during interrogation, are frequent. The promulgation of proclamation No. 158/2007 to ban female genital mutilation/cutting and subsequent advocacy against the practice has resulted in the decrease in the practice, especially in girls under 15 (from 95 per cent in 1995 to 83 per cent in 2010), but remains high. The prevalence among girls under the age of 15 and 5 stands at 33 per cent and 12.9 per cent, respectively.<sup>8</sup> The sentence for persons found guilty of performing female genital mutilation is imprisonment for two to three years and a fine of 5,000 to 10,000 Nakfa. The number of prosecutions for female genital mutilation since the proclamation was made in 2007 remains, however, unknown.

71. Although domestic violence is prohibited under international law and criminalized under the Eritrean Penal Code, it is still prevalent. Cases of domestic violence are, however, rarely brought to trial, and hence no legal penalties are imposed. Furthermore, women seldom openly discuss domestic violence because of social pressure. According to some interlocutors, such incidents are more commonly addressed within families or by the clergy and other religious figures.

## **J. Rights of the child**

72. A worrying trend noted by the Special Rapporteur during the recent field mission was the high number of unaccompanied children crossing the border, often without the knowledge of their families. The children referred to their dysfunctional family circumstances and the difficulties faced in child-headed households owing to the long absence of their parents, who, as soldiers, were mostly in the military camps, detained or in exile. The children also cited lack of educational opportunities and fear of forced conscription into indefinite national service as the main reasons for their decision to flee. Such a situation poses major protection challenges in host countries and is indicative of the scale of despair these children face at home, with a bleak future ahead.

73. A teacher who used to work at an elementary school noted a circular issued by the Ministry of Defence and dated 15 October 2007, which called on the school administration

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<sup>7</sup> S/2012/545, para. 99.

<sup>8</sup> See Strategic Partnership Cooperation Framework (2013-2016), p. 22.

to round up a number of students who were physically fit for military training. He was afraid that this might mean that underage students were also being targeted for military service. The concluding observations made by the Committee on the Rights of the Child on the situation in Eritrea are indicative in this context. The Committee expressed its concern at reports of “forced underage recruitment and at the detention and ill-treatment of boys under the age when they were required to serve their compulsory military service”, and urged Eritrea to take all possible measures to prevent the recruitment of children.<sup>9</sup>

## **K. Minority rights**

74. Minority groups in Eritrea include the Afar, the Bilen, the Beni Amer, the Kunama, the Nara, the Saho and the Tigre. During her mission, the Special Rapporteur met with members of the Afar and the Kunama ethnic groups and was able to hold group discussions with them. While the human rights violations they described were not necessarily uniquely experienced by the groups, they have had a disparate impact on them.

75. The Afar are nomadic people living in the area spanning Ethiopia, Djibouti and Eritrea along the Red Sea coast. The population of Eritrean Afar has been estimated at between 600,000 and 800,000. A sizable proportion left after independence, and approximately 19,435 have registered as refugees in Ethiopia.

76. The Afar speak a distinct language and are pastoralists. Their wish is to continue their traditional way of life, which implies living off their land and its resources, while being involved in nomadic animal husbandry, salt mining and fishing.

77. The Afar are subjected to extrajudicial killings, enforced disappearances, torture and rape, as well as the destruction of their traditional means of subsistence and livelihood, and businesses. They have also been forced into displacement from their traditional territory. Forced military training and national service requiring young Afar women to leave their homes for long periods of time is met with criticism.

78. The Afar consider that they are targeted as a community and are discriminated against, given that the Afar region has suffered from lack of development and security for the past 20 years.

79. The Kunama populate the border areas between Eritrea and Ethiopia, and consider themselves the first inhabitants of those areas. Originally a nomadic people, they settled in the Gash Barka (formerly Gash Setit) region of Eritrea, one of the most fertile areas of the country. Their livelihood is based on farming and herding cattle. Kunama culture is rooted in the community and they carry out several tasks communally, such as building their huts, farming and harvesting. Some still practice their traditional religion, while others have embraced Islam and Christianity.

80. Since independence, many people from other regions of Eritrea, particularly from the highlands, have been encouraged to settle in areas traditionally populated by the Kunama. The Government’s policy, turning all land into State property, undermined the clan-based traditional land tenure system of the Kunama people. It led to competition between the Kunama agro-pastoralists and the new settlers for land and grazing grounds, resulting in encroachment until much of the land was taken over, forcing the population off it.

81. The Kunama assert that they have been marginalized, a situation that has brought about disparities in their access to such basic social services as health care and education.

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<sup>9</sup> CRC/C/ERI/CO/3, paras. 70-71.

They are subjected to extrajudicial killings, death in custody, arbitrary arrests and detention, expropriation leading to destruction of their traditional way of life, and displacement.

82. During the border dispute between Eritrea and Ethiopia, the Government of Eritrea accused the Kunama of being sympathetic to the Ethiopians, and persecuted them. As a result, some 4,000 crossed into Ethiopia in 2000, while others sought refuge in other parts of Eritrea. The numbers have since increased; today, the Kunama are scattered throughout Eritrea and in refugee camps in Ethiopia. They hope that a significant change in the political and human rights environment in the country would allow them to return to their homelands.

## **L. Economic, social and cultural rights**

83. As mentioned above, Eritrea is experiencing difficulties in meeting the Millennium Development Goal 1 target of eradicating extreme hunger and poverty. The reality of the difficult socioeconomic conditions was regularly noted during the field mission. Interlocutors referred to regular power cuts and severe shortages of fuel and of other basic commodities, including water.

84. Eritrea is one of the few countries in Africa that is making steady progress towards achieving the health-related Millennium Development Goals 4, 5 and 6 (namely, reductions in child mortality, reductions in maternal mortality, and combating HIV and AIDS).<sup>10</sup>

85. The United Nations Children's Fund, the World Health Organization, the United Nations Population Fund and UNDP worked with the State of Eritrea to improve women's health in an initiative targeting the reduction of maternal mortality rate.<sup>11</sup> Maternal mortality was reduced from 998/100,000 live births in 1995 to 486/100,000 live births in 2010.<sup>12</sup>

86. Medical facilities have nonetheless deteriorated over the years, with hospitals generally understaffed and underequipped. Despite the decision by the Government to launch a programme to decentralize health care and health-care facilities, the challenges of providing adequate staff and equipment continue, especially in rural areas.

87. Eritrea experiences food production shortages owing to recurrent drought and the country's exclusive dependence on unpredictable rainfall. Nearly two thirds of the population rely on rain-fed agriculture or are pastoralists. While the Government maintains there is no food shortage, market food prices have reportedly soared, making even basic commodities unaffordable and food rationing widespread. At the same time, farmers may sell their produce only to the Government, and at a very low price.

88. Several interviewees referred to a coupon system that was the only means of access to basic food items and which, they claimed, also served as yet another measure to control the population. In many villages, those fit for farming were serving in the military, which further contributed to food insecurity. In addition, as a result of the self-reliance policy, humanitarian aid organizations are not allowed to operate in Eritrea.

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<sup>10</sup> Eritrea is now quoted as one of only four countries (together with Cape Verde, Mauritius and Seychelles) of 46 in sub-Saharan Africa currently on track to attain Millennium Development Goal 4 (to reduce child mortality) by 2015; see Strategic Partnership Cooperation Framework (see footnote 8), pp.7-8.

<sup>11</sup> See UNDP, Reducing maternal death in Eritrea, available from [www.undp.org/content/undp/en/home/ourwork/womenempowerment/successstories/eritrea\\_reducingmaternaldeath/](http://www.undp.org/content/undp/en/home/ourwork/womenempowerment/successstories/eritrea_reducingmaternaldeath/).

<sup>12</sup> Strategic Partnership Cooperation Framework (see footnote 8), p. 11.



89. While basic education in the country is compulsory, free and universal, the Government has a tight control over the curriculum. School children, parents and teachers alike pointed out that a yearly amount for school material and uniforms had to be paid. For cash-strapped families, it was very difficult to gather the necessary amount at the beginning of the school year. The only university in the country, the University of Asmara, was closed in 2006. Regional colleges, which are administered by the military and linked closely to military training and political indoctrination, are the only option for post-secondary education. Children who do not pass the eighth grade are conscripted and sent for military training in Wi'a, including those who are underage. Those who pass tenth grade are transferred to Sawa for military training.

90. In addition to the unpaid work performed by national service conscripts, additional restrictions of the right to work were described in various interviews. Opportunities for private business activities are extremely limited and those who wish to undertake a self-sustaining activity are rarely granted the necessary license. Many interlocutors recounted how the Government assigned them to specific jobs, often in the context of the national service, neither respecting their individual choices nor taking into account their vocational training or degree. Furthermore, those working in public service may be dismissed or otherwise prevented from continued employment for any criticism perceived or actually made.

## **M. Refugees and trafficking**

91. While Eritrea is a refugee-producing country, it also hosts asylum seekers and refugees. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), in 2012, Eritrea hosted 2,645 refugees, mainly from Ethiopia, Somalia and the Sudan. The Government of Eritrea works to provide for the basic needs of refugees, such as education and health care.

92. Despite the deadly risks run while attempting to escape the country, large numbers of Eritrean citizens have fled over the past decade. In 2012, the total Eritrean population of concern to UNHCR amounted to 305,808 persons, including 247,868 refugees, 37,347 people in a refugee-like situation and 20,523 asylum seekers. According to UNHCR estimates, more than 4,000 Eritreans, including unaccompanied minors, flee the country every month, despite shoot-to-kill orders implemented by border guards and the extreme dangers along escape routes.

93. Not only ordinary citizens but also high-profile ones, including former ministers, pilots and the national football team, are fleeing and seeking asylum. The path taken by refugees may be fraught with obstacles and can be life-threatening, as many have fallen into the hands of traffickers and smugglers who demand high ransoms for their victims' freedom. The extensive militarization of all aspects of life in Eritrea, the fear and experience of national service, its policy of prolonged military conscription, arbitrary arrests, detention and torture and persecution on grounds of religious belief are among the main reasons causing people to flee.

94. Eritreans in flight have been victims of trafficking and human rights violations in countries of transit and where they have sought asylum. The forcible and supposedly voluntary return of Eritrean citizens to their country of origin or to third countries, despite warnings from UNHCR and other international organizations, is also a cause for grave concern. Returnees and failed asylum seekers face disappearance and detention.

## **VI. Conclusions and recommendations**

### **A. Conclusions**

95. While acknowledging the importance of finding a resolution to border disputes, Eritrea cannot use this as an excuse to continue to violate its human rights obligations. Giving effect to the State obligation to respect, protect and fulfil human rights domestically is not dependant on external factors.

96. Excessive militarization is affecting the very fabric of Eritrean society, and its core unit, the family. The open-ended nature of national service is depriving the women and men of Eritrea of their most productive years, forcing them to cross borders to take their destiny into their own hands.

97. Even children as young as 7 or 8 years of age are crossing borders unaccompanied, citing dysfunctional family circumstances caused by the absence of one parent or even both as a result of conscription, detention or exile or forced military training as the reasons for flight.

98. There is no rule of law to provide citizens with a transparent legal system to protect them from the arbitrary use of power by the State, other institutions and individuals.

99. There are no internal mechanisms or institutions to hold to account those responsible for the pervasive human rights violations committed on a daily basis in Eritrea. The State is obliged to investigate and prosecute those responsible for human rights violations. This legal obligation to punish those found guilty of having committed human rights violations is an important element of the rule of law. The State's failure to investigate, to punish perpetrators and to provide reparations for victims perpetuates a culture of impunity that undermines the credibility of the country's criminal justice system.

100. Extrajudicial killings, enforced disappearances, indefinite incommunicado detention, torture, cruel, inhuman or degrading treatment, all of which are prevalent in Eritrea, undermine the deepest values of any society committed to respect for human rights and fundamental freedoms.

101. Freedom of expression and opinion, of assembly and association, the very cornerstones of an open society respecting the democratic principles of governance, are severely curtailed, creating a climate of fear fuelled by rumours, propaganda and suspicion. The result is an all-encompassing feeling of fear and distrust, even within families, reflecting a pervasive intelligence network that the Government of Eritrea has established throughout the country.

102. People cannot choose their profession and their remunerations are too low, causing them to rely on remittances from family and friends from abroad and pooling resources to be able to live in dignity.

103. While human rights violations are widespread and pervasive and affect all components of Eritrean society, minority ethnic groups suffer from a disparate impact, multiple forms of discrimination and marginalization, leading to exile.

104. Real change would require a fundamental reform process transforming the current culture of rights denial into one anchored in the rule of law and in respect for and the realization of all human rights and human dignity.

105. During the initial period of the mandate, the Special Rapporteur concentrated on ensuring access to Eritrea and opening up channels of communications with the Government, gathering information on the human rights violations, and engaging with a broad spectrum of interlocutors to gather information about the human rights situation in Eritrea, primarily with victims.

106. The Special Rapporteur would like to focus on three priority areas and relative action points in the delivery of the mandate in the medium term:

- (a) To respect, protect and fulfil internationally recognized human rights standards;
  - (i) To revoke the shoot-to-kill policy when people cross borders;
  - (ii) To release all prisoners detained without charge or trial, including those detained because of their political or religious beliefs;
  - (iii) To put a stop to torture, cruel, inhuman and degrading treatment;
  - (iv) To put an immediate end to indefinite national service;
  - (v) To give effect to the right to freedom of expression and opinion, and of assembly and association;
- (b) To restore and respect the rule of law;
  - (i) To strengthen democratic governance institutions;
  - (ii) To guarantee the independence and impartiality of the justice system to combat impunity;
  - (iii) To take legislative, administrative, institutional and practical measures to give effect to the rule of law;
- (c) To ratify international human rights standards and to cooperate with United Nations and regional human rights mechanisms;
  - (i) To ratify international human rights treaties (such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of All Persons from Enforced Disappearance) without further delay; and to give effect to the right to freedom of expression and opinion, and of assembly and association;
  - (ii) To cooperate with United Nations human rights treaty bodies and special procedures, including with the Special Rapporteur on the situation of human rights in Eritrea;
  - (iii) To cooperate with regional human rights mechanisms.

## **B. Recommendations**

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

- (a) Respect all obligations under international human rights treaties to which Eritrea is a party, and ratify and implement other international human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of All Persons from Enforced Disappearance;

- (b) Implement the Constitution ratified in 1997 by the Constituent Assembly and review the national legal framework to bring it into line with international human rights standards;
- (c) Allow the creation of political parties and hold free, fair and transparent democratic national elections;
- (d) Restore and respect the rule of law, in particular by institutionalizing an independent and transparent judiciary, checks and balances against the abuse of power, and by providing access to justice, especially for the accused and detainees;
- (e) Cease the shoot-to-kill policy implemented at the borders with immediate effect, as well as all other forms of extrajudicial executions;
- (f) Set up an effective mechanism to establish the whereabouts of those who have reportedly disappeared and provide information thereon to their families immediately;
- (g) Investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and bring perpetrators to justice in accordance with international standards;
- (h) Put an immediate end to State-sponsored violence, namely killings, disappearances and all cases of arbitrary arrest, torture and other ill-treatment;
- (i) Immediately release, or charge and bring before a court of law, the members of the “G-15” and the journalists arrested in 2001, and release all other political prisoners and those detained on the basis of their religious belief;
- (j) Put an immediate end to the practice of incommunicado detention, close all unofficial and secret places of detention and allow access to prisoners by family members, lawyers and judges;
- (k) Guarantee the physical integrity of all prisoners, ensure access to medical treatment of those in need, improve the conditions of detention in accordance with international standards, and allow unhindered access by international monitors to all detention facilities;
- (l) Stop use of torture, establish an adequate complaints mechanism, and ensure that prompt and effective investigations are conducted into all allegations of torture and ill-treatment with a view to bring perpetrators to justice;
- (m) End the practice of indefinite national service and initiate demobilization for those who have completed 18 months service; and stop the use of national service conscripts as forced labour, and the recruitment of children under the age of 18 years into military training;
- (n) Ensure accountability for past human rights violations by investigating promptly all allegations of violence committed by police and security personnel, as well as other government actors; by bringing perpetrators to justice, in particular those with command responsibility; and by providing adequate redress to victims;
- (o) Fully respect the freedoms of expression and opinion, of peaceful assembly and association as critical foundations for any democracy; put an end to harassment and intimidation of journalists; allow the creation of private media; and provide licenses to private radio and television stations;
- (p) Respect the substantive role that civil society actors play in democratic societies and ensure that human rights defenders and civil society organizations are

able to carry out their activities in an open, safe and secure environment, without fear of retribution or curtailment of their activities;

(q) Respect the religious freedom of all faiths, and ensure that people of all faiths can practice their religion without fear;

(r) Put an end to restrictions to the freedom of movement within Eritrea and to travel outside the country;

(s) Address the alarming living conditions and, at a minimum, ensure the enjoyment of the minimum essential level of economic, social and cultural rights for all, in particular the rights to food, water and health, through sustainable livelihood, especially in rural communities;

(t) Ensure access to education, including higher and academic education, by reopening the University of Asmara to provide Eritrean students with access to higher-level education that is internationally recognized;

(u) Cooperate with the international community to allow those providing international humanitarian assistance unhindered access throughout the country;

(v) Collaborate with the Special Rapporteur in implementing her mandate and respond positively to her requests for an invitation to visit Eritrea;

(w) Cooperate with other international human rights mechanisms and respond positively to pending visit requests by special procedures mandate holders; ensure an inclusive and comprehensive follow-up process to the universal periodic review; implement the recommendations made by treaty bodies; and submit overdue reports;

(x) Seek technical assistance from the Office of the United Nations High Commissioner for Human Rights and other agencies, as appropriate, with a view to facilitate the promotion and protection of human rights.

108. The Special Rapporteur recommends that the international community:

(a) Keep Eritrea under close scrutiny until meaningful change is evident in the country, while increasing efforts to constructively engage with Eritrea and neighbouring countries with a view to improve the situation of human rights in the country;

(b) Strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing numbers of unaccompanied children, including by respecting the principle of non-refoulement and by granting at least temporary refuge or protection, and end bilateral and other arrangements between Eritrea and third countries that jeopardize the lives of those who seek asylum;

(c) Promote channels of migration from Eritrea to reduce clandestine channels and promote intercountry cooperation to counter human smuggling and trafficking, while treating victims humanely;

(d) Provide space for long-term solutions to help refugees, including local integration in the first-asylum country and resettlement in third countries, and strengthen international solidarity in sharing the responsibility to care for refugees and migrants.