

**Human Rights Council****Forty-first session**

24 June–12 July 2019

Agenda item 4

Human rights situations that require the Council's attention**Situation of human rights in Eritrea****Report of the Special Rapporteur on the situation of human rights in Eritrea****Summary*

The present report is submitted pursuant to Human Rights Council resolution 38/15, in which the Council decided to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for one year and requested the mandate holder to present a written report to the Council at its forty-first session.

During the period under review, the Special Rapporteur was not given access to Eritrea to conduct in-country visits. She has monitored the human rights situation in the country by conducting field missions to other countries and by engaging with a broad range of stakeholders. While the Special Rapporteur welcomed the opportunity to meet with the delegation of Eritrea in the margins of the fortieth session of the Human Rights Council in March 2019, she notes that the Government remains opposed to cooperating with her mandate on substantive issues and to granting her access to the country.

Since the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia was signed in July 2018, the two countries have continued to make progress towards achieving sustainable peace. Eritrea has also improved its relations with its neighbours in the region, engaged in efforts to promote integration and economic ties in East Africa and shown an increased willingness to normalize bilateral relations with various countries. In November 2018, the Security Council lifted its sanctions against Eritrea.

The positive momentum for peace and security in the region has raised expectations in Eritrea and in the international community that the Government of Eritrea will implement political and institutional reforms. However, the Eritrean authorities have not yet engaged in a process of domestic reforms and the human rights situation remains unchanged. In the present report, the Special Rapporteur identifies key areas that remain unaddressed and sets out benchmarks for achieving meaningful and lasting progress in human rights.

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



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 38/15, in which the Council decided to extend the mandate of the Special Rapporteur for one year and requested the mandate holder to present a written report to the Council at its forty-first session.
2. Since her appointment in October 2018, the Special Rapporteur has endeavoured to implement her mandate in an independent, impartial and constructive manner. In the present report, she provides information about her activities. She also notes relevant regional developments and describes the extent to which the Government of Eritrea has cooperated with her mandate and its engagement with international human rights bodies. She provides an overview of the human rights situation in Eritrea, focusing on priority areas, and benchmarks for improving the situation of human rights in Eritrea. The present report covers the period from 1 November 2018 to 6 May 2019.
3. During the period under review, the Special Rapporteur was not given access to Eritrea to conduct in-country visits. She monitored the human rights situation in the country by conducting field missions to a number of other countries and by engaging with a broad range of stakeholders, including officials of the Government of Eritrea in Geneva, representatives of United Nations and other international agencies, members of the diplomatic corps, government agencies and ministries in various countries, civil society organizations, academics, researchers, local community leaders, representatives of religious institutions, members of the Eritrean diaspora and private citizens. The present report draws on the findings of her missions as well as on the information received in interviews conducted throughout the reporting period.

II. Activities

4. Since November 2018, the Special Rapporteur has undertaken four missions. In November 2018, she travelled to Geneva to participate in a week-long event for the induction of new special procedure mandate holders organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR). In the week following that event, she also met with members of the diplomatic corps, representatives of different United Nations agencies and members of the Eritrean diaspora. In January 2019, the Special Rapporteur travelled to Sweden and the United Kingdom of Great Britain and Northern Ireland to participate in a wide range of meetings and consultations on issues relevant to her mandate. In March 2019, the Special Rapporteur participated in the enhanced interactive dialogue on the situation of human rights in Eritrea held during the fortieth session of the Human Rights Council. During that mission, she also participated in bilateral meetings with members of the diplomatic corps and in meetings with the representatives of various international agencies and civil society organizations. In early April 2019, the Special Rapporteur travelled to Germany and Belgium to meet with different stakeholders and discuss the human rights situation in Eritrea and the protection of refugees.
5. The Special Rapporteur appreciates the cooperation provided by the Governments of Belgium, Germany, Sweden, Switzerland and the United Kingdom during her missions.
6. Given her lack of access to Eritrea, on 25 January 2019 the Special Rapporteur submitted a request to the Government of Ethiopia to conduct a country visit with the purpose of visiting the region and discussing issues relevant to her mandate with, among others, officials of the Government of Ethiopia, officials of the Government of Eritrea in Addis Ababa and representatives of the African Union. The Government of Ethiopia has yet to provide an official response to the request.

III. Regional developments

7. The reporting period was marked by significant developments in the Horn of Africa. Since the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia was signed in July 2018, the two countries have continued to work towards improving their diplomatic ties and strengthened their efforts to achieve sustainable peace.¹ Eritrea has also improved its relations with Djibouti and Somalia, and Eritrean officials have participated in efforts to boost regional integration and increase economic ties in the wider East Africa region. The Government of Eritrea has shown an increased willingness to normalize its bilateral relations with a number of other countries. Several high-level delegates, envoys, diplomats and parliamentarians from various countries have visited Asmara in recent months. Acknowledging those positive developments, in November 2018 the Security Council unanimously voted to lift sanctions against Eritrea.² In March 2019, the Secretary-General appointed a Special Envoy for the Horn of Africa to work with the Intergovernmental Authority on Development and relevant subregional and regional organizations in consolidating recent gains in peace and security (S/2019/227 and S/2018/955).³

8. After the signature of the above-mentioned Joint Declaration, air and land transport between Eritrea and Ethiopia resumed, allowing the free movement of people and goods. That development has brought new trade opportunities and economic exchanges, resulted in basic food and household items becoming more accessible in the main cities of Eritrea and led to a reduction in the prices of such items. At the grass-roots level, communities and families straddling the border have been able to reconnect. However, since December 2018 the Eritrean authorities have unilaterally closed various land border crossings with Ethiopia⁴ and reinstated the exit visa requirement for Eritrean nationals.

9. While this new political climate represents a pivotal time for the region, and for Eritrea in particular, there are various outstanding issues. At the time of writing, the peace process between Eritrea and Ethiopia has yet to be institutionalized through the adoption of a formal bilateral framework. Additionally, bilateral agreements regulating trade, tariffs and currencies have not yet been concluded. Importantly, both countries still have to officially demarcate the border and resolve their long-standing border dispute.⁵

10. Djibouti and Eritrea too have unresolved tensions, over a 2008 border dispute. In addition, Eritrea has yet to release information about Djiboutian prisoners of war who have been unaccounted for since the June 2008 clashes between the two countries.⁶ After it lifted sanctions against Eritrea in November 2018, the Security Council invited the Secretary-General to keep the Council informed on the normalization of relations between the two countries.⁷ In February 2019, the Secretary-General indicated that Djibouti wished to have its border dispute with Eritrea resolved through a binding international arbitration (S/2019/154).

¹ In September 2018, both countries signed the Agreement on Peace, Friendship and Comprehensive Cooperation in Jeddah, Saudi Arabia.

² Security Council resolution 2444 (2018).

³ In October 2018, the Secretary-General expanded the remit of the Special Envoy for the Sudan and South Sudan to cover the Horn of Africa region.

⁴ For example, in April 2019 the Eritrean authorities unilaterally closed the Oum Hajer-Humera border post, which connects Eritrea to the Tigray region of Ethiopia.

⁵ In that respect, the implementation of the 2002 decision of the Eritrea-Ethiopia Boundary Commission on border demarcation is still pending. See decision regarding delimitation of the border between Eritrea and Ethiopia, 13 April 2002, United Nations, *Reports of International Arbitral Awards*, vol. XXV, pp. 83–195.

⁶ Security Council 2444 (2018), paras. 6 and 57. See also paras. 60–61 below.

⁷ Security Council resolution 2444 (2018), para. 57.

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

11. Since the beginning of her mandate, the Special Rapporteur has sought to engage in a constructive dialogue with the Government of Eritrea. The Special Rapporteur welcomed the opportunity to meet with the delegation of Eritrea on the margins of the fortieth session of the Human Rights Council. While that meeting was productive, the head of the delegation made clear that the Government of Eritrea remained opposed to the country-specific mandate and would not grant the Special Rapporteur access to the country. The Special Rapporteur regrets that, despite giving signals of cooperation, the Government will not grant her access for a country visit.

12. Since the beginning of 2019, Eritrea has actively engaged with international human rights bodies. On 28 January, Eritrea participated in the third cycle of the universal periodic review and presented a country report (A/HRC/WG.6/32/ERI/1).⁸ Also in January, Eritrea joined the Human Rights Council, and in March it participated in the fortieth session of the Council. On 11 March, the head of the delegation of Eritrea intervened during the enhanced interactive dialogue on the situation of human rights in Eritrea held by the Council. On 12 and 13 March, that delegation participated in the 125th session of the Human Rights Committee, during which the situation of civil and political rights in Eritrea was examined (CCPR/C/ERI/CO/1).

13. The Special Rapporteur welcomes those developments because they suggest that Eritrea recognizes the central role and core mission of the above-mentioned human rights bodies and acknowledges the importance of participating in those forums. However, for its engagement to be meaningful and substantive, tangible improvements need to be made in terms of Eritrean nationals' enjoyment of their basic rights, especially their civil and political rights. As noted in paragraphs 16–63 below, urgent government action is needed to address persistent human rights violations in the country.

14. To promote progress in developing and implementing the human rights agenda of Eritrea, the Special Rapporteur encourages the Government to strengthen its cooperation with OHCHR, the special procedure mandate holders of the Human Rights Council and specialized human rights bodies, including by allowing regular country visits. The Special Rapporteur also encourages the Government to strengthen its cooperation with the African Commission on Human and Peoples' Rights and invite the Commission's rapporteur on Eritrea to conduct a country visit.

15. As a Human Rights Council member, Eritrea must uphold the highest standards in the promotion and protection of human rights and it must fully cooperate with the Council and its mechanisms. At the time of writing, Eritrea had yet to sign the pledge by which new members commit to strengthening the work of the Council through good practice and by promoting a safe and enabling environment for human rights.

V. Main human rights challenges

16. While welcoming the positive developments noted above, the Special Rapporteur remains concerned about persistent human rights violations in Eritrea and highlights the following priority areas, which remain unaddressed and in respect of which urgent reforms and government action are needed:

- (a) Ending the practices of indefinite and arbitrary detention and enforced disappearance;
- (b) Reforming the national/military service;

⁸ The Special Rapporteur notes that, in 2016, Eritrea reported to the African Committee of Experts on the Rights and Welfare of the Child and that, in 2017, it submitted its initial and combined report to the African Commission for Human and Peoples' Rights, covering the period from 1999 to 2016.

- (c) Implementing a constitutional and legal framework for the promotion and protection of human rights;
- (d) Strengthening respect for freedom of religion and belief;
- (e) Addressing gender-based violence and promoting the rights of women and gender equality;
- (f) Strengthening respect for the rights of ethnic minorities;
- (g) Promoting freedom of association and peaceful assembly;
- (h) Promoting freedom of expression and the press;
- (i) Resolving the situation of Djiboutian prisoners of war in Eritrea;
- (j) Improving freedom of movement and access for international agencies operating in the country.

The Special Rapporteur takes note of the observations regarding the present report made by the Permanent Mission of Eritrea to the United Nations Office and other international organizations in Geneva in a letter dated 3 May 2019. In the letter, the Permanent Mission wrote that the report was unbalanced and failed to recognize the apparent progress made and the real challenges faced by Eritrea, that it repeated the assumptions of previous mandate holders, that it was based on selective information that reinforced those assumptions and that it made recommendations that were at variance with the principles of non-interference in domestic affairs and the sovereign rights of States by dictating specific priorities and benchmarks. The Permanent Mission maintained that the Government of Eritrea continued to work to build the human and institutional capacities needed to ensure that every Eritrean enjoyed a dignified life without deprivation and fear. While appreciating those observations, the Special Rapporteur notes that the Permanent Mission did not address the substantive matters raised in the present report.

A. Ending the practices of indefinite and arbitrary detention and enforced disappearance

17. The Special Rapporteur is concerned about reports of arbitrary arrest, indefinite detention, death in detention and enforced disappearance in Eritrea. She notes that Eritrea continues to hold political prisoners and prisoners of conscience. She is concerned that individuals continue to be held incommunicado and to be detained indefinitely, in violation of their basic due process rights, including the rights to be informed of the charges against them, to be brought promptly before a judge, to have their detention put to judicial review, to have access to counsel and medical attention and to receive family visits. A common feature in these cases is the lack of access to effective legal remedy for the victims and for their families. Such violations continue to be committed with impunity, despite repeated calls for respect of due process and for accountability from various United Nations bodies and mechanisms (e.g. CCPR/C/ERI/CO/1, paras. 27–28; Human Rights Council resolution 38/15, para. 6; A/HRC/35/39, para. 78; and A/HRC/32/47, para. 122), and despite the concrete recommendations made by Member States during the second cycle of the universal periodic review (A/HRC/26/13, paras. 122.134–122.137, 122.139–122.140, 122.142 and 122.144–122.150). At its sixty-third ordinary session, held in late 2018, the African Commission on Human and Peoples' Rights too expressed concern regarding the absence of information on a range of basic guarantees for persons in detention in Eritrea.⁹

18. Indefinite and arbitrary detention and enforced disappearance are contrary to the Government's binding obligations contained in international human rights instruments,¹⁰

⁹ See www.achpr.org/files/sessions/63rd_os/conc-obs/1st-1999-2016/concluding_observations_and_recommendations_on_the_initial_and_combined_periodic.pdf.

¹⁰ Including the International Covenant on Civil and Political Rights (arts. 6–7, 9–10 and 14) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (arts. 2 and 4).

nor are they in line with the its stated intention to actively promote respect for human rights.

19. Throughout the reporting period, the Special Rapporteur received numerous reports from Eritreans searching for individuals imprisoned in Eritrea. It is difficult to ascertain the precise number of those arbitrarily and unlawfully detained. The authorities do not release information about detainees. It is equally difficult to determine the number of civilian and military official and unofficial detention centres currently in operation. Independent humanitarian organizations, including the International Committee of the Red Cross, are not allowed access to detention centres to monitor conditions of detention.

20. Some of those in prison were arrested at a young age. One case is that of Ciham Ali Abdu, a national of both Eritrea and the United States of America who was born in the United States and who has been held incommunicado in Eritrea for over six years. She was 15 years old when she was arrested for trying to leave Eritrea without an exit visa in December 2012. Her father, the former information minister Ali Abdu Ahmed, fled the country in late 2012. Ciham, who is now 22 years old, remains in prison at an unknown location, without charge or trial.

21. A number of perceived political dissidents remain in indefinite detention. An emblematic case is that of the 11 former top members of government known as the G-15, whose whereabouts are unknown since their arrest in September 2001. A more recent case is that of Berhane Abrehe, the former finance minister, who was arrested in Asmara in September 2018 after publishing a book critical of the Government. He is 74 years old and is said to be in poor health. His 60-year-old wife, Almaz Habtemariam, was arrested in Asmara in January 2018, after a family member left the country without government permission. At the time of writing, both remain in custody without charge and the authorities have not released information about their places of detention. The African Commission on Human and Peoples' Rights is currently examining the case of Berhane Abrehe and has issued provisional measures regarding his detention in October 2018, which the Eritrean authorities have not complied with.

22. Countless individuals have disappeared since being arrested by the security forces. Many of them have left behind relatives who continue to suffer great emotional trauma and are unable to find closure. For example, Teklebrhan Ghebresadick (also known as Wedi Bashai) and Woldemariam Bahlibi, who were reportedly arrested by Eritrean security forces in the Sudan and taken to Eritrea in April 1992, have not been seen since. At the time, both were members of the Eritrean Liberation Front–Revolutionary Council. Family members have searched for them in Eritrea for many years, without success. In a separate case, family members of two brothers, aged 20 and 22 at the time of their arrest, have been waiting for information about their whereabouts since the security forces arrested them 18 years ago. One of the brothers was taken from his family home in Asmara, the other from Sawa military training camp. Ahmedsheik Faras was arrested in Massawa in May 2007 at the age of 80, and died in prison three years later. To date, his family has received no information on the reasons for his arrest, the circumstances of his subsequent death or his place of burial. Many other families continue to wait for the authorities to release information about the fate and whereabouts of their loved ones, and for those responsible for their disappearance to be held to account.

23. The Special Rapporteur strongly urges the Government of Eritrea to comply fully with its international obligations and end the use of indefinite and arbitrary detention and enforced disappearance. She calls on the Government to, at a minimum:

- (a) Provide information to relatives about the whereabouts of victims of arbitrary and indefinite detention;
- (b) Promptly release political prisoners and prisoners of conscience;
- (c) Provide legal safeguards and effective legal remedy to those held in detention;
- (d) Allow prisoners to contact their family members and allow regular family visits;

(e) Adopt and implement the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);¹¹

(f) Promptly and impartially investigate cases of enforced disappearance and hold perpetrators to account;

(g) Ensure that relatives are informed about the fate and whereabouts of their loved ones and are provided reparations, where appropriate.

24. She further recommends that the Government sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and incorporate its provisions into domestic law.

25. By respecting due process standards and immediately releasing those unlawfully and arbitrarily detained, the Government will send a clear signal of its commitment to upholding human rights.

B. Reforming national/military service

26. The recent developments in regional peace and security were expected to lead to the introduction of reforms to the national/military service and to the demobilization of conscripts in Eritrea. However, to date, there have been no official announcements of a reduction in the duration of the national/military service or of any demobilization plans.

27. Eritrean officials maintain that the national/military service has been misrepresented and misunderstood, and claim that it is a system for providing a new generation of young people with equality in education.¹² However, the accounts of former and current conscripts paint a different picture.

28. The national/military service continues to be involuntary in nature and of open-ended duration. Although the statutory duration of the national/military service is 18 months,¹³ in practice, many Eritreans remain conscripted well beyond that period.¹⁴ Students continue to be required to carry out their final year of secondary education at Sawa military training camp and must participate in mandatory military training.¹⁵ Those allowed to pursue higher education after their military training are tasked with performing national service duties after graduation. Others are assigned directly from military training to national service duties. Conscripts carry out their national service duties in all sectors of Eritrean society, including public institutions such as schools and hospitals, as well as in construction, mining¹⁶ and the private sector. The wages they receive are insufficient to cover basic living costs or support their families,¹⁷ and conscripts are not provided adequate housing. Some are forced to work without pay. There are reports that national/military service conscripts are subjected to abuse and ill-treatment. Evading conscription can lead to

¹¹ General Assembly resolution 70/175, annex.

¹² Meeting with the delegation of Eritrea held in Geneva in March 2019.

¹³ Proclamation of National Service (No. 82/1995), arts. 2 (7) and 8.

¹⁴ During the reporting period, the Special Rapporteur received various testimonies of Eritreans whose relatives were still national/military service conscripts after more than two decades.

¹⁵ In January 2017, the African Committee of Experts on the Rights and Welfare of the Child noted reports of forced conscription of children into the army in Eritrea and recommended that the educational system not be used for the military training of children prior to full military service “Concluding recommendations by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the State of Eritrea’s report on the status of implementation of the African Charter on the Rights and Welfare of the Child” (Addis Ababa, 2017), para. 22.

¹⁶ A case against Nevsun Resources Ltd., a Canadian mining company based in British Columbia, is currently pending before the Supreme Court of Canada. A group of Eritreans have filed a lawsuit against the company alleging it was complicit in forced labour, slavery and torture at Bisha mine in Eritrea. They claim that they were forced to work in the mine as part of their national/military service programme. The Supreme Court of Canada is expected to decide on whether the Canadian courts have jurisdiction to hear this case.

¹⁷ Several Eritreans in the diaspora have recounted that they routinely send remittances to relatives conscripted in the national/military service, as they are unable to support themselves.

arrest and detention. Additionally, as noted in paragraph 40 below, the Eritrean authorities penalize conscientious objectors with prison sentences and do not offer alternative civilian options to military service.

29. The national/military service has a particularly negative impact on the lives of women and girls. The Special Rapporteur has received testimonies of former female conscripts who were abused by their superior officers – including by being subjected to physical and verbal abuse and being forced to work as domestic servants – and who recounted that sexual harassment and sexual abuse of female conscripts were common, in particular at Sawa military training camp. The Special Rapporteur has also received reports that some parents have chosen to stop sending their daughters to school to avoid their mandatory conscription. Some teenage girls and young women have chosen to marry and have children to avoid conscription into the national/military service.

30. The national/military service remains one of the main drivers of migration from Eritrea.¹⁸ It is also an important factor leading young people to abandon school early and not complete their education. The inability to plan the future, the lack of prospects to pursue higher education, the low pay (which makes it impossible to support a family) and the fact that the national/military service is of open-ended duration continue to drive many Eritreans out of their country.

31. During the meeting with the Special Rapporteur held in March 2019, Eritrean officials indicated that reforms to the national/military service would begin when the Government had the resources to create job opportunities for conscripts and that demobilization would be progressive.¹⁹ They also stated that the country's economic situation did not allow for an increase in wages for conscripts. Recognizing those challenges, the Special Rapporteur urges the Government to seek technical assistance from international donors, including from international financial institutions, and other partners, and to put in place a multi-year plan to reform the national/military service. Such a plan should seek to:

- (a) Progressively demobilize conscripts, starting with those who have already completed their 18 months of service;
- (b) Strengthen institutional capacity to promote economic growth strategies;
- (c) Professionalize the military;
- (d) Create public service career options;
- (e) Support investment in job creation that directly benefits national/military service conscripts.

The Special Rapporteur also urges the Government to seek technical assistance from specialized agencies, such as the International Labour Organization, to develop adequate labour guidelines and regulations for workers in all public and private sectors, embedded in the principles of decent work and fair working conditions.

32. The Special Rapporteur calls on the Government to separate secondary education from military training and put in place monitoring mechanisms to prevent and punish abuse and ill-treatment at national/military service training camps. She urges the Government to release conscientious objectors and offer alternative civilian services.

33. Finally, the Special Rapporteur stresses that until reforms to the national/military service are implemented, international organizations and business enterprises seeking to implement projects in Eritrea must carry out appropriate human rights due diligence and put in place measures to ensure that the basic rights of those employed in such projects are respected, the labour force participates on a voluntarily basis and workers receive adequate financial compensation.

¹⁸ Based on interviews conducted with representatives of international organizations, researchers, Eritrean refugees and Eritrean nationals.

¹⁹ Meeting with the Eritrean delegation held in Geneva in March 2019.

C. Implementing a constitutional and legal framework for the promotion and protection of human rights

34. The Special Rapporteur is concerned that Eritrea continues to have no constitution to outline the country's system of government, provide a system of institutional checks and balances and set out the rights of its citizens. The Constitution ratified in 1997 did not enter into force, and the authorities have not yet adopted a new constitution. Additionally, the country does not have a legislative body to discuss and adopt legislation to promote and protect basic rights. The National Assembly has been suspended since 2002.

35. During the meeting with the Special Rapporteur held in March 2019, Eritrean officials indicated that, in 2015, a body was set up to draft a new constitution. The Special Rapporteur notes the lack of transparency and information regarding the composition of that body, the time frame of that process and the relevant modalities. She urges the Government to release information about the constitution-drafting process, make the process inclusive by seeking public participation and involve all key constituencies, including women. The Special Rapporteur recommends that the Government of Eritrea prioritize, as a matter of urgency, the drafting of a new constitution and provisionally implement the 1997 Constitution.

36. The Special Rapporteur notes that Eritrea lacks an independent judiciary to enforce the protection of and respect for basic rights and has no operational system of public defence lawyers. As indicated above, basic due process rights are systematically violated. In order to re-establish the foundations of rule of law, rebuild trust in judicial institutions and improve access to justice, the Special Rapporteur encourages the Government to strengthen legal education. Specifically, she urges the authorities to re-establish a school of law and create a school for judicial training. She further encourages the Government to provide capacity-building training on human rights to police officers, prosecutors, judges, lawyers and traditional leaders as a means of promoting and protecting the enjoyment of those rights.

37. The Special Rapporteur notes that, in 2015, the Eritrean authorities issued the Civil Code, the Penal Code, the Civil Procedure Code and the Criminal Procedure Code. However, the Codes were promulgated in a constitutional void and in the absence of a national legislature. Although the authorities maintain that the new Codes have entered into force, the extent to which they are being implemented is unclear and prior transitional laws appear to remain in force.

38. Finally, the Special Rapporteur notes that Eritrea lacks a national institution to monitor the human rights situation in the country. She encourages the Government to establish an independent national human rights body in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a broad human rights mandate and sufficient staffing and financial resources to promote and protect human rights in the country.

D. Strengthening respect for freedom of religion and belief

39. During the reporting period, the Special Rapporteur continued to receive reports of severe restrictions to freedom of religion and belief in Eritrea. The Government only recognizes four religious groups – Coptic Orthodox, Roman Catholic, Evangelical Lutheran and Sunni Islam – and members of other, unregistered, denominations are not allowed to freely practice their faith or to participate in religious gatherings. Evangelical Christian and Pentecostal communities continue to face serious restrictions to the practice of their faith. Followers of both registered and unregistered groups are arbitrarily arrested and detained for their religious beliefs. Several members of religious groups have recently died in detention.

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

At present, 53 members²⁰ of this congregation are imprisoned at Mai Serwa prison, in the outskirts of Asmara. Among them are 11 women, as well as 15 men older than 60 years of age. Since June 2018, these detainees have not been allowed family visits. Three men – Paulos Eyasu, Negede Teklemariam and Isaac Mogos – have been in prison for more than 24 years without charge or trial, and 10 others have been detained for more than 10 years. Some members of this congregation have fled Eritrea and those who remain in the country must practice their faith in hiding. Like many others imprisoned in Eritrea, detained Jehovah’s Witnesses have no legal recourse and so cannot challenge their indefinite detention. The Special Rapporteur urges the Government of Eritrea to engage in dialogue with this congregation and release those in prison. She also urges the Government to provide members of this congregation with the opportunity to participate in a form of civil service that is consistent with their religious beliefs.

41. Leaders of registered religions also face arbitrary arrest and prolonged detention. For example, the Eritrean Orthodox Church Patriarch, Abune Antonios, who is over 90 years old, has been under house arrest since 2007, after opposing State interference in his church and asking for the release of imprisoned Orthodox priests. In July 2017, he was brought under escort to Enda Mariam Cathedral in Asmara during a liturgical service, and has remained in detention since. Forty ethnic Saho Muslim clerics and scholars have been arbitrarily detained since 2008. As noted in paragraph 54 below, community leaders of Al Daa Islamic School in Asmara were arrested in October 2017, after protesting State interference in school affairs and attempts to ban religious teachings. Two elderly leaders of this Muslim community have since died in custody.

42. In July 2018, 35 Christians – 11 women and 24 men – were released on bail from Mai Serwa prison. They had been held for belonging to unregistered Christian denominations.

43. The Special Rapporteur recalls that the right to freedom of religion is enshrined in article 18 of the International Covenant on Civil and Political Rights, to which Eritrea is a State party. She calls upon the Government of Eritrea to allow the Eritrean people to exercise their right to freedom of religion and to release those imprisoned for their religious beliefs.

44. By immediately releasing those imprisoned for practicing their faith, the Government will demonstrate its commitment to upholding its international human rights obligations.

E. Addressing gender-based violence and promoting the rights of women and gender equality

45. The Special Rapporteur takes note of the efforts of the Government to address gender-based violence. She welcomes its efforts to ban harmful practices, such as female genital mutilation, and to end child marriage. She notes, however, that gender-based discrimination and violence against women remain widespread in Eritrea. She highlights that Eritrea lacks a comprehensive framework to address violence against women, including criminal provisions addressing all forms of sexual and gender-based violence and providing adequate legal remedy to victims. She also notes that the Government has not yet adopted a national action plan to implement Security Council resolution 1325 (2000). The Special Rapporteur further notes that the 2015 Criminal Code bans same-sex relations, which fails to respect and protect the rights of individuals with diverse sexual orientations, gender identities and expressions. The Special Rapporteur encourages the Government to adopt a comprehensive policy and appropriate legislation to criminalize and eradicate all forms of gender-based violence and promote gender equality.

46. The Special Rapporteur is concerned that Eritrean women and girls continue to be exposed to trafficking in persons and sexual exploitation, in particular by Eritrean-led networks operating in the country and abroad. The Special Rapporteur notes that, while

²⁰ Between 2011 and 2018, four more Jehovah’s Witnesses died in prison.

having ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Government of Eritrea has not yet put in place an adequate legal framework and a comprehensive policy to address trafficking in persons. She encourages the Government to: enhance its efforts to combat trafficking in persons by strengthening cooperation with authorities in neighbouring States; take measures to investigate and prosecute perpetrators; and develop anti-trafficking legislation that adequately protects the rights of victims.

47. The Special Rapporteur has received information about the obstacles that women and girls continue to face in gaining access to justice. She is concerned that measures are not being taken to ensure the independence and gender sensitivity of the judiciary. According to the information received, women in detention face different forms of gender-based violence and there are gaps in the regulations governing the treatment and protection of female detainees, in particular regarding access to health care, conditions of detention and humane treatment. The Special Rapporteur has received testimonies indicating that female detainees are at risk of rape, sexual abuse and humiliation, in particular from prison guards. She encourages the Government to develop a comprehensive policy to eliminate barriers to justice, ensure adequate redress and provide access to legal aid for women. She also encourages the Government to take steps to implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).²¹

48. The Special Rapporteur takes note of the Government's efforts to increase women's participation in all aspects of public life and to promote gender parity. She notes, however, that women have been absent from the Government's current initiatives to promote regional peace and security. Women remain underrepresented in senior cabinet positions, in the senior ranks of the military and in the judiciary. Only women aligned with the ruling People's Front for Democracy and Justice are appointed to government positions, and women are not allowed to independently organize to advocate for their interests or to form or participate in grass-roots organizations not sanctioned by the authorities. As highlighted in paragraph 29 above, the Special Rapporteur also draws attention to the negative impact that participating in the national/military service has on the lives of women and girls, in particular regarding their access to education and dignified employment and their exposure to violence and early marriage.

49. Women's participation in economic activities can play a key role in fostering productivity and economic growth in Eritrea. The Special Rapporteur takes note of the Government's efforts to support women entrepreneurs to help grow and sustain their businesses. She encourages the Government to enhance women's participation in economic activities by reducing legal barriers to their participation, such as onerous licence fees for businesses and restrictions on monthly cash withdrawals. She highlights that, while internal regulations in Eritrea²² guarantee the rights of inheritance and access to land for women, in practice women are not guaranteed equal treatment regarding inheritance and property rights in certain local communities, in particular after marriage. The Special Rapporteur recalls that supporting women's economic empowerment can boost productivity and reduce income inequality.

F. Strengthening respect for the rights of ethnic minorities

50. The Special Rapporteur continues to receive reports that ethnic minority groups in Eritrea face discrimination, exclusion and denial of basic rights, and are exposed to violence. She notes that certain minority groups, including the Afar and Kunama ethnic

²¹ General Assembly resolution 65/229, annex.

²² Proclamation to Reform the System of Land Tenure in Eritrea, to Determine the Manner of Expropriating Land for Purposes of Development and National Reconstruction, and to Determine the Powers and Duties of the Land Commission (No. 58/1994) and the transitional civil code.

groups, are excluded from the Government's efforts to alleviate poverty and achieve economic development.

51. According to information received, the situation of Afar communities in the coastal regions of Eritrea remains precarious. Since the establishment of the United Arab Emirates base in Assab, the rights of Afar communities to conduct traditional livelihood activities, such as salt production and fishing, have been seriously curtailed. In addition, current projects to redevelop the port of Assab and expand road infrastructure in the area are having an impact on the ancestral lands of this community. As the authorities do not recognize the land rights of the Afar, these projects are reportedly being carried out without involving or consulting them. Additionally, the Special Rapporteur has received various reports of attacks on Afar fishermen in Eritrean coastal waters. In separate incidents between October 2016 and August 2018, at least 10 Afar fishermen were reportedly killed and several others injured after United Arab Emirates helicopters fired on their boats at sea. In one incident in February 2018, 10 fishermen from the coast of Bori, close to Massawa, went missing after they set off to sea. In early February 2019, three fishermen from the coast of Makkaka, near Assab, reportedly went missing while fishing and, in March, relatives are said to have found the bodies of two other fishermen at sea. Over the years, many Eritrean Afar have fled. Some 20,000 Eritrean Afar currently live as refugees in Ethiopia.

52. The Special Rapporteur urges the Government to promote the rights of ethnic minorities, including through policies of equitable development and social inclusion. She calls on the Government to ensure respect for the rights of ethnic minorities by guaranteeing their participation in decision-making that will affect them and their integration in strategies for economic development and poverty reduction.

G. Promoting freedom of association and peaceful assembly

53. The Special Rapporteur expresses concern about the restrictions placed by the Eritrean authorities on the freedom of association and peaceful assembly of independent human rights defenders and civil society organizations. The Government maintains that civil society organizations can operate freely in Eritrea. However, in practice, existing regulations²³ limit the activities of civil society organizations and of relief and rehabilitation organizations. Civil society organizations can only implement projects in partnership with government ministries and only those aligned with the Government are allowed to operate. The sole legally recognized political party is the People's Front for Democracy and Justice.

54. Civil society actors who express dissent are subjected to arbitrary arrest, ill-treatment and prolonged detention. For example, in October 2017 the security forces arrested the board members and community leaders of Al Diaa Islamic School in Asmara after they protested against the Government's decision to take control of the school. In January 2019, one of the board members and an elder, Haji Ibrahim Younis, who was in his seventies, died in prison. He had been arbitrarily held, without charge, at Mai Serwa prison. His death followed that of Haji Musa Mohamednur, the 93-year-old chairman of the school, who had died in custody in March 2018. The Special Rapporteur is following up on reports that several parents and students from the school remain at Adi Abeito prison, having been arrested after taking part in Haji Musa Mohamednur's funeral procession. The Special Rapporteur is of the view that all those in custody deserve due process, that deaths in custody must be investigated promptly and that the families of those who have died in custody must be informed about the cause of death.

55. The Special Rapporteur urges the Government of Eritrea to create and maintain a space for civil society, in particular for organizations promoting freedom of opinion and expression and the protection of human rights. She also urges the Government to support diversity in civil society and to prevent threats, attacks, arbitrary arrests and detention and any other form of reprisals. She recalls that creating and maintaining a safe environment in which civil society can operate free from hindrance and insecurity will assist the

²³ Proclamation to Determine the Administration of Non-Governmental Organizations (No. 145/2005).

Government in fulfilling its existing international human rights obligations and commitments.

H. Promoting freedom of expression and the press

56. The Special Rapporteur remains concerned about reports of severe restrictions to the enjoyment of freedom of expression and the press. She notes that the Government has the power to censor all mass media, impose onerous licensing requirements and prescribe content.²⁴ In addition, criminal provisions regulating defamation have been used to restrict freedom of expression and media freedom and undermine the rights of citizens to express their opinions. The only media outlets allowed inside Eritrea are the government television station and newspapers, which are heavily monitored. The private press has been shut down since 2001. Only a small percentage of the population has access to the Internet inside the country. A few private satellite television channels have recently begun broadcasting into Eritrea from outside the country, allowing local residents with satellite dishes to follow recent developments in other countries.

57. According to various sources, at least 16 journalists remain in custody in Eritrea. One case is that of Dawit Isaak, a national of both Eritrea and Sweden, who was arrested in Asmara on 23 September 2001 during a government crackdown on the independent press – in which other journalists were also arrested – and has been held incommunicado ever since. In a 2016 decision,²⁵ the African Commission on Human and Peoples' Rights held that Eritrea should release or bring to speedy trial the journalists detained since September 2001, grant the detainees immediate access to their families and to legal counsel, and ensure payment of compensation to the detainees. The Government of Eritrea has yet to comply with the decision.

58. The Special Rapporteur has received various testimonies about the restrictions imposed on journalists and the abuse they are subjected to in detention. One journalist recounted that she was held for almost six years at Mai Serwa prison. Security forces arrested her and 25 colleagues in February 2009, after the radio station where she worked was shut down. During her detention, she was subjected to periods of solitary confinement, to beatings and to torture, during which she was questioned about her ties to Ethiopian media outlets. As a result of the mistreatment she endured, she spent several months at a local hospital before being re-incarcerated. She was finally released in 2015. The colleagues detained with her were reportedly also released.

59. The Special Rapporteur calls on the Government to put an end to the harassment, arrest and detention of persons for expressing their opinion, including for criticizing the Government, and immediately release all persons detained for exercising their right to freedom of opinion. She further urges the Government to allow journalists and others employed in the media, including private outlets, to operate freely and independently in the country.

I. Resolving the situation of Djiboutian prisoners of war in Eritrea

60. The Special Rapporteur expresses concern about the situation of the remaining 13²⁶ Djiboutian prisoners of war in Eritrea who have been unaccounted for since 12 June 2008. Both the Security Council and the Human Rights Council have repeatedly raised this issue.²⁷ The families of these prisoners have been waiting for over a decade for information

²⁴ Press Proclamation (No. 90/1996).

²⁵ African Commission on Human and Peoples' Rights communication No. 428/12 (*Dawit Isaak v. Eritrea*).

²⁶ The Permanent Mission of Djibouti to the United Nations Office and other organizations in Geneva informed the Special Rapporteur that the number of missing prisoners of war was 13.

²⁷ Security Council resolutions 2444 (2018), para. 6, 2385 (2017), para. 39, and 1907 (2009), para. 4; and Human Rights Council resolutions 38/15, para. 10, and 35/35, para. 11. See also S/2018/1003, paras. 44–46.

about their fate and whereabouts. The Special Rapporteur notes that a good offices process facilitated by the Secretary-General aims to resolve outstanding matters between Eritrea and Djibouti, including that of the Djiboutian prisoners of war missing in action (S/2019/154).²⁸

61. In a letter dated 3 May 2019 (see para. 16 above), the Permanent Mission of Eritrea to the United Nations Office and other organizations in Geneva indicated that Eritrea had no Djiboutian prisoners of war in its custody, that it was not aware of the whereabouts of the above-mentioned persons and that it had released all Djiboutian prisoners of war in March 2016. The Special Rapporteur notes that the letter does not respond to the concern about the missing Djiboutian prisoners of war and invites the Government to investigate the matter and provide information on the outcome of such an inquiry.

J. Improving freedom of movement and access for international agencies operating in Eritrea

62. The Special Rapporteur notes that in-country movement restrictions remain in effect for staff of international humanitarian and United Nations agencies in Eritrea. All international humanitarian workers, United Nations staff, diplomats and foreigners continue to be required to request permission from the authorities to travel beyond a 25-kilometre radius of Asmara city centre. These restrictions of movement and access hamper the ability of international agencies to implement their mandates.

63. The Special Rapporteur notes that Eritrea can benefit from strengthened technical assistance from relevant international humanitarian and United Nations specialized agencies, including OHCHR. Various international organizations and international partners are seeking to enhance their technical cooperation with the Government of Eritrea to promote development and strengthen national institutions. To achieve sustainable progress and development, including in human rights, the Eritrean authorities must establish an environment for international agencies, donors and other partners that is conducive to their operation in the country and that allows them unhindered freedom of movement and access.

VI. Situation of Eritrean migrants and refugees

A. Migrants and refugees on the move

64. During the reporting period, Eritreans have continued to flee the country. The opening of the border between Eritrea and Ethiopia in September 2018 resulted in a surge in the number of Eritrean migrants and refugees crossing into Ethiopia. Between September and December 2018, an estimated 45,000 Eritrean refugees crossed into Ethiopia, mainly into the Tigray region. The actual number of those who left Eritrea during that period is estimated to be higher, as many travelled directly to various Ethiopian cities without registering with border or refugee authorities. The vast majority of refugees during that period were women and children, many of whom were seeking to be reunited with their relatives living abroad. A high number of unaccompanied and separated children were among those who fled.²⁹

65. In late December 2018, the Eritrean authorities reinstated the requirement for exit permits for Eritreans. The Special Rapporteur is concerned that the requirement forces

²⁸ See also Security Council resolution 2444 (2018), paras. 6 and 57.

²⁹ According to several sources, the reasons for departure of unaccompanied and separated children are varied. Many teenagers, in particular boys, drop out of school early and flee to avoid military conscription. Hopelessness and lack of prospects drive others to leave the country. Some children leave with their classmates after their schoolteachers, who are conscripts, desert the national/military service. Others have parents or older relatives already outside the country who send for them, or are encouraged by their families to seek employment abroad.

Eritreans who cannot obtain an exit visa to resort to smuggling networks, exposing them to trafficking, exploitation and abuse.

66. According to various sources, in February and March 2019 a daily average of 250–300 persons crossed into Ethiopia from Eritrea. Based on the information received, approximately 30 per cent of those who crossed during that period were national/military service conscripts. Many of those attempting to cross without an exit visa rely on “escorts” or smugglers to evade border control and avoid formal border crossings.³⁰

67. Ethiopia has maintained an open-door policy for hosting refugees. The Special Rapporteur welcomes the adoption by Ethiopia of a new refugee proclamation in February 2019, which strengthens the rights of refugees in the country and facilitates their local integration.³¹ Among other things, the new regulations seek to expand the country’s “out-of-camp” policy, allowing refugees to secure work permits and business licences, have access to land, pursue studies and live outside camps. As of the end of December 2018, Ethiopia was hosting approximately 173,000 Eritrean refugees.

68. In late January 2019, the Sudan announced the reopening of its border with Eritrea. However, Eritrean nationals seeking to cross into the Sudan still require exit permits. The flow of migrants and refugees into the Sudan has continued during the reporting period, although the number of those crossing has decreased. The Special Rapporteur has received reports that smuggling and trafficking networks remain active along the Eritrea-Sudan border. In November 2018, the Sudanese authorities indicated that a joint force had freed over 80 Eritrean victims of human trafficking in eastern Kassala State, including around 50 women, who had been held for several weeks and subjected to abuse and extortion.

69. The Special Rapporteur remains deeply concerned about the situation of Eritrean migrants and refugees stranded in Libya. In a joint report issued in December 2018, the United Nations Support Mission in Libya and OHCHR described the desperate conditions experienced by migrants and refugees during their transit through and stay in Libya and the “unimaginable horrors” to which they are subjected, in particular while in captivity.³² After clashes erupted around Tripoli in early April 2019, many refugees and migrants were trapped in detention centres without access to food, water or basic supplies. Humanitarian agencies intervened to secure their urgent relocation away from the areas of active fighting.

70. During the reporting period, the Special Rapporteur received testimonies of Eritreans who were held captive by various armed groups and militias in Libya and who reported being subjected to forced labour, torture and beatings while in captivity. The Special Rapporteur also received information about cases of Eritrean women and girls who were subjected to sexual exploitation and forced prostitution by armed elements; some had children as a result of rape. Several sources indicated that unaccompanied boys and girls making their way through Libya are at a heightened risk of sexual violence and exploitation by different armed actors, in particular while in detention.

71. Eritreans also risk being kidnapped by traffickers and armed elements, who then torture them to extort money from relatives or sell them to other groups. This practice has become systematic and, in recent years, has been documented in various countries in the Sahel.³³ Traffickers and armed elements prey on Eritrean migrants and refugees because they expect to receive large ransoms through diaspora networks. The Special Rapporteur

³⁰ The testimonies of individuals who have left Eritrea in recent months suggest that the costs paid for these smuggling services vary widely. Some who arranged to travel from Asmara with the aid of smuggling networks have reported paying several thousand United States dollars. In some cases, family members in the diaspora have paid the smuggler once their relative has securely exited the country. In other cases, individuals have made their own way to the border and hired local “escorts” to help them cross over, reportedly paying them sums ranging from 50 to 80 United States dollars.

³¹ Refugees Proclamation (No. 1110/2019).

³² United Nations Support Mission in Libya and OHCHR, “Desperate and dangerous: report on the human rights situation of migrants and refugees in Libya”.

³³ For example, in Chad, Egypt, Libya and the Sudan. Between 2009 and 2014, Bedouin tribes regularly kidnapped and tortured Eritreans at prison camps in the Sinai desert in Egypt to extract a ransom from relatives.

received reports of recent cases where Eritrean families living in Western Europe had received demands for ransom from trafficking networks in Libya to secure the release of relatives. Some families were repeatedly forced to pay large sums of money to free their relatives. In a positive development, in June 2018, for the first time, the Security Council³⁴ and the European Union imposed sanctions on six human traffickers in Libya, two of whom were Eritreans.

72. The ongoing conflict in Libya and the interceptions by the Libyan coast guard of migrants and refugees in the Mediterranean have led to an important decrease in the number of those reaching Europe through the central Mediterranean route.³⁵ However, Eritreans continue to face life-threatening situations in their attempts to seek refuge in third countries. According to reports, Eritrean migrants and refugees are using alternative routes through Turkey to reach Greece³⁶ and through Algeria and Tunisia to reach southern Europe. Others have been heading south across Ethiopia and then onward to Kenya and Uganda.

B. Asylum policies applicable to Eritrean asylum seekers

73. The Special Rapporteur is concerned that some Governments are tightening their asylum regulations applicable to Eritrean asylum seekers. In previous reports the Special Rapporteur has documented changes in the protection policies for Eritrean asylum seekers in several countries (e.g., A/HRC/35/39, paras. 39–40; and A/HRC/38/50, paras. 99–104).

74. Eritrea is among the top countries of origin of asylum seekers in Switzerland. In recent years, the Swiss migration authorities have applied stricter admission criteria in assessing the protection provided to Eritrean asylum seekers. In January 2017, the Federal Administrative Court of Switzerland ruled that illegally exiting Eritrea could no longer, in itself, justify the granting of refugee status; additional factors must also exist.³⁷ This more restrictive approach was confirmed in an August 2017 decision in which the Court found that Eritreans who had served in the national service would not necessarily face the risk of being recalled back into service or punished if they returned.³⁸ In July 2018, the Court ruled that having to face forced military conscription upon return to Eritrea was, in itself, insufficient grounds for obtaining asylum.³⁹ Since early 2018, the State Secretariat for Migration has been reassessing the temporary admission of Eritreans and, as of September 2018, temporary admission permits have been cancelled in 9 per cent of the 250 cases reviewed.⁴⁰ The State Secretariat for Migration plans to reassess some 2,800 additional cases by mid-2019. The Special Rapporteur notes that the cancellation of temporary admission permits has serious consequences, as holders of cancelled permits no longer benefit from the right to work, access to education or social assistance, which leaves them with limited options for subsistence. Returning to Eritrea would expose many of them to arrest, harassment and violence. In December 2018, examining the situation of an Eritrean asylum seeker in Switzerland, the Committee against Torture found that deporting the

³⁴ United Nations, “Security Council Committee concerning Libya adds six individuals to its sanctions list”, press release, 7 June 2018.

³⁵ Eritreans represented 2.2 per cent of the approximately 520 refugees and migrants reaching Italy by sea during the period between January and March 2019. The number of Eritreans making the sea crossing decreased from over 1,550 during the period between January and March 2018 to 11 during the same three-month period in 2019. Office of the United Nations High Commissioner for Refugees, Operational Portal: Refugee Situations, “Mediterranean situation”.

³⁶ In February 2019, Eritreans were among the top 10 nationalities of migrants and refugees apprehended or rescued in the Aegean Sea by the Turkish coast guard. International Organization for Migration, “Migrants’ Presence Monitoring: Turkey”, situation report, February 2019, p. 2.

³⁷ Decision D-7898 (30 January 2017).

³⁸ Decision D-2311/2016 (17 August 2017).

³⁹ Decision E-5022/2017 (10 July 2018). See also decision E-5762/2015 (2 October 2018).

⁴⁰ State Secretariat for Migration, “Fin du projet pilote d’examen des admissions provisoires des ressortissants érythréens”, available in French at: www.sem.admin.ch/sem/fr/home/aktuell/news/2018/2018-09-03.html.

complainant to Eritrea would constitute a violation of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴¹

VII. Conclusions and benchmarks for progress in improving the situation of human rights

75. The positive momentum for peace and security in the region created expectations in the international community, and within Eritrea, that the Government of Eritrea would implement wider political and institutional reforms. However, as described in the present report, significant human rights concerns remain unaddressed. The opportunities created by peace are far-reaching and the Eritrean authorities should capitalize on their new engagement in the region to implement much-needed domestic reforms. The Eritrean people should be the primary beneficiaries of the dividends of peace.

76. In its resolution 38/15, the Human Rights Council invited the Special Rapporteur to develop benchmarks for progress in improving the situation of human rights and a time-bound action plan for their implementation. The Special Rapporteur understands these benchmarks to be minimum human rights standards required to address human rights concerns in Eritrea. She has conducted extensive consultations in developing them and has taken note of previous recommendations made by various United Nations human rights bodies and mechanisms. The Special Rapporteur considers that the benchmarks should be translated into policies and measures that define and facilitate the implementation of human rights in Eritrea and, with this aim, has included specific indicators of progress in the list below. She notes that the list is not intended to be comprehensive, and encourages the Government to develop additional benchmarks that it considers necessary for making progress in human rights.

77. Based on the findings and recommendations contained in the present report, and guided by international human rights norms and principles, the five benchmarks and related indicators set out below are required to achieve meaningful and lasting progress in human rights.

78. Benchmark 1: improvement in the promotion of the rule of law and strengthening of national justice and law enforcement institutions (see paras. 23–25, 35–38 and 61 above). The associated indicators are:

- (a) **The release of political prisoners, prisoners of conscience and persons unlawfully and arbitrarily detained;**
- (b) **An improved environment for the protection of civil and political rights, including through the development of sustainable foundations for democratic policing and law enforcement;**
- (c) **The launch of a participatory constitution-drafting process and the introduction of legal reforms to guarantee the exercise of civil and political rights;**
- (d) **Progress in the establishment of the rule of law and democratic institutions, including a national human rights institution, a school of law and a judicial academy, and progress in ensuring access to justice for all;**
- (e) **Steps taken for the re-establishment of the National Assembly.**

79. Benchmark 2: a demonstrated commitment to introducing reforms to the national/military service (see paras. 31–32 above). The associated indicators are:

- (a) **A reduction in the duration of the national/military service to 18 months;**
- (b) **The development of a multi-year plan to progressively demobilize conscripts, promote job creation and introduce fair working conditions.**

⁴¹ The Committee considered that the Swiss authorities were required to reassess the applicant's asylum application (CAT/C/65/D/811/2017, paras. 7.1–9).

80. **Benchmark 3: extended efforts to guarantee freedoms of religion, association, expression and the press, and extended efforts to end religious and ethnic discrimination (see paras. 40, 43–44, 48, 52, 55 and 59 above). The associated indicators are:**

(a) **The release of journalists and civil society activists from prison, and the release of those imprisoned because of their faith;**

(b) **An improvement in the working environment for human rights defenders, members of the political opposition, journalists and civil society actors, and the creation of a space for civil society;**

(c) **The establishment of independent civil society, religious and political organizations;**

(d) **The issuance of licences to private broadcasting radio and television stations;**

(e) **The development of policies for the equitable development and social inclusion of ethnic minorities, in particular in relation to economic development and poverty reduction.**

81. **Benchmark 4: a demonstrated commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality (see paras. 45–49 above). The associated indicators are:**

(a) **The adoption of a comprehensive policy and legislation to address all forms of gender-based violence;**

(b) **The adoption of a national action plan to implement Security Council resolution 1325 (2000);**

(c) **Progress in ensuring women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.**

82. **Benchmark 5: strengthened cooperation with specialized United Nations human rights bodies, international agencies and the African Commission for Human and Peoples’ Rights (see paras. 14 and 63 above). The associated indicators are:**

(a) **The lifting of movement and access restrictions for international agencies in the country;**

(b) **The issuance of a standing invitation for country visits to the special procedure mandate holders of the Human Rights Council and to the members of the African Commission for Human and Peoples’ Rights;**

(c) **The development of a multi-year technical cooperation plan with OHCHR.**

83. In her report, the Special Rapporteur has made several recommendations for immediate action that the Government of Eritrea could take to build confidence in its stated commitment to promoting and protecting human rights. These include the release of all categories of arbitrarily and unlawfully detained persons and the lifting of access and movement restrictions for international agencies operating or wishing to operate in the country. The Special Rapporteur has also highlighted specific areas requiring broader consultations, technical cooperation, financial investment and capacity-building, including the following: reforming the national/military service, strengthening the rule of law, developing adequate labour guidelines and regulations for workers in both the public and the private sectors and developing a national plan to implement reforms for the promotion of women’s rights. She urges the Government to begin work on tackling these issues.

84. Finally, the Special Rapporteur notes that, during the remainder of her mandate, she will continue to monitor the progress made in relation to the aforementioned benchmarks and will provide an oral update to the Human Rights Council at its forty-first session on those issues.