

To Permanent Representatives of Member and Observer States of the United Nations Human Rights Council (Geneva, Switzerland)

20 May 2022

***Eritrea: Extend the UN Special Rapporteur mandate and enshrine his “benchmarks for progress”***

Excellencies,

**Ahead of the UN Human Rights Council’s 50<sup>th</sup> session (13 June-8 July 2022), we, the undersigned non-governmental organisations, are writing to urge your delegation to support the adoption of a resolution that extends the mandate of the Special Rapporteur on the situation of human rights in Eritrea. Moreover, we highlight the need for the Council to move beyond merely procedural resolutions and to enshrine the “benchmarks for progress in improving the situation of human rights” by incorporating them into Eritrea-focused resolutions.**

In July 2021, the UN Human Rights Council maintained its scrutiny of Eritrea’s human rights situation. Considering that monitoring of and reporting on the situation was still needed, the Council extended the Special Rapporteur’s mandate. This was vital to address both Eritrea’s domestic human rights violations and atrocities Eritrean forces have committed in the neighbouring Tigray region of Ethiopia.

In October 2021, Eritrea was re-elected for a second term as a Member of the Council (2022-2024). Yet the Government shows no willingness to address the grave human rights violations and abuses UN bodies and mechanisms have documented or to engage in a serious dialogue with the international community, including on the basis of the benchmarks for progress the Special Rapporteur identified in 2019. Despite its obligations as a Council Member to “uphold the highest standards in the promotion and protection of human rights” and to “fully cooperate with the Council,” the Government refuses to cooperate with the Special Rapporteur or other special procedure mandate holders. As of 2022, Eritrea remains among the very few countries that have never received any visit by a special procedure.<sup>1</sup>

Furthermore, Eritrean forces have been credibly accused of grave violations of international law in Tigray, some of which may amount to war crimes and crimes against humanity, since the conflict started in November 2020.

The concerns expressed in joint civil society letters released in 2020 and 2021 remain valid. Key human rights issues in Eritrea include<sup>2</sup>:

- Widespread impunity for past and ongoing human rights violations;
- Arbitrary arrests and incommunicado detention;
- Violations of the rights to a fair trial, access to justice, and due process;
- Enforced disappearances and lack of information on disappeared persons;
- Conscription into the country’s abusive national service system, including indefinite national service, involving torture, sexual violence against women and girls, and forced labour; and

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<sup>1</sup> See <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&Lang=en>. The Special Rapporteur on Eritrea has conducted official visits to neighbouring countries, namely Ethiopia and Djibouti, as well as to other countries, and met with members of the Eritrean diaspora, including refugees, in these countries. All visit requests to Eritrea have been denied. Other special procedure mandate holders have requested, but were systematically denied, visits to Eritrea. They include special procedures on extrajudicial executions, freedom of opinion and expression, the right to education, the right to health, arbitrary detention, torture, freedoms of peaceful assembly and association, freedom of religion or belief, and the right to food (data as of 7 April 2022).

<sup>2</sup> See DefendDefenders *et al.*, “Eritrea: maintain Human Rights Council scrutiny and engagement,” 5 May 2020, <https://defenddefenders.org/eritrea-maintain-human-rights-council-scrutiny-and-engagement/>; DefendDefenders *et al.*, “Eritrea: renew vital mandate of UN Special Rapporteur,” 10 May 2021, <https://defenddefenders.org/eritrea-renew-vital-mandate-of-un-special-rapporteur/>; CSW (Christian Solidarity Worldwide), “Eritrea: General Briefing,” 22 March 2022, <https://www.csw.org.uk/2022/03/22/report/5629/article.htm> (accessed on 7 April 2022).

- Restrictions on the media and media workers, as well as severe restrictions on civic space.

In 2019, when the former sponsors of Eritrea-focused resolutions, Djibouti and Somalia, discontinued their leadership, civil society welcomed the initiative a group of six States took to maintain multilateral scrutiny of Eritrea's human rights situation. However, while welcoming the adoption of Human Rights Council resolutions 41/1 (2019), 44/1 (2020), and 47/2 (2021),<sup>3</sup> many civil society organisations cautioned that any shifts in the Council's approach should reflect corresponding changes in the human rights situation on the ground. Civil society also emphasised the need for the new core group, and for the European Union (which subsequently took over sponsorship of these resolutions), to be ambitious.

We believe that it is time for the Council to move beyond merely procedural resolutions that extend the Special Rapporteur's mandate, and to clearly describe and condemn violations Eritrean authorities commit at home and abroad.

We also believe that the benchmarks for progress in improving the situation of human rights,<sup>4</sup> which form a comprehensive road map for human rights reforms, should be incorporated into this year's resolution. These benchmarks<sup>5</sup> include:

- Benchmark 1: Improvement in the promotion of the rule of law and strengthening of national justice and law enforcement institutions;
- Benchmark 2: Demonstrated commitment to introducing reforms to the national/military service;
- Benchmark 3: Extended efforts to guarantee freedoms of religion, association, expression and the press, and extended efforts to end religious and ethnic discrimination;
- Benchmark 4: Demonstrated commitment to addressing all forms of gender-based violence and to promoting the rights of women and gender equality; and
- Benchmark 5: Strengthened cooperation with the United Nations country team.
- Associated indicators outlined in paragraphs 78-82 of UN Doc. A/HRC/41/53, as well as all recommendations pertaining to the benchmarks formulated in successive reports of the Special Rapporteur, should also be referenced in the resolution.

**The Human Rights Council should allow the Special Rapporteur to pursue his work and the Office of the UN High Commissioner for Human Rights (OHCHR) to deepen its engagement with Eritrea.**

**At its upcoming 50<sup>th</sup> session, the Council should adopt a resolution:**

- Extending the mandate of the Special Rapporteur on Eritrea;**
- Urging Eritrea to cooperate fully with the Special Rapporteur by granting him access to the country, in accordance with its obligations as a Council Member;**
- Welcoming the benchmarks for progress in improving the situation of human rights and associated indicators and recommendations, and emphasising the need for Eritrea to incorporate these benchmarks in its institutional, legal, and policy framework. The resolution should enshrine the five benchmarks and associated indicators;**
- Calling on Eritrea to develop an implementation plan to meet the benchmarks for progress, in consultation with the Special Rapporteur and OHCHR; and**
- Requesting the High Commissioner and the Special Rapporteur to present updates on the human rights situation in Eritrea at the Council's 52<sup>nd</sup> session in an enhanced interactive dialogue, and requesting the Special Rapporteur to present a comprehensive written report at the Council's 53<sup>rd</sup> session and to the General Assembly at its 77<sup>th</sup> session.**

<sup>3</sup> Resolutions available at: <https://undocs.org/en/A/HRC/RES/41/1>; <https://undocs.org/en/A/HRC/RES/44/1> and <https://undocs.org/en/A/HRC/RES/47/2>

<sup>4</sup> See Human Rights Council resolution 38/15, available at: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/38/15](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/38/15)

<sup>5</sup> See reports of the Special Rapporteur to the Council, UN Docs. [A/HRC/41/53](https://undocs.org/en/A/HRC/41/53), [A/HRC/44/23](https://undocs.org/en/A/HRC/44/23), and [A/HRC/47/21](https://undocs.org/en/A/HRC/47/21).

We thank you for your attention to these pressing issues and stand ready to provide your delegation with further information as needed.

Sincerely,

1. African Centre for Democracy and Human Rights Studies (ACDHRS)
2. AfricanDefenders (Pan-African Human Rights Defenders Network)
3. The America Team for Displaced Eritreans
4. Amnesty International
5. Asian Forum for Human Rights and Development (FORUM-ASIA)
6. Cairo Institute for Human Rights Studies (CIHRS)
7. Cercle des Droits de l'Homme et de Développement – DRC
8. CIVICUS
9. Civil Society Human Rights Advocacy Platform – Liberia
10. Coalition Burundaise des Défenseurs des Droits de l'Homme (CBDDH)
11. Coalition des Défenseurs des Droits Humains (CDDH-Bénin)
12. Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDDH)
13. Coalition Togolaise des Défenseurs des Droits Humains (CTDDH)
14. Commonwealth Human Rights Initiative (CHRI)
15. CSW (Christian Solidarity Worldwide)
16. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
17. Egyptian Initiative for Personal Rights (EIPR)
18. Eritrea Focus
19. Eritrean Law Society
20. Eritrean Movement for Democracy and Human Rights (EMDHR)
21. Eritrean National Council for Democratic Change (ENCDC)
22. Eritrean Political Forces Coordination Committee (EPFCC)
23. Forum pour le Renforcement de la Société Civile (FORSC) – Burundi
24. Freedom United
25. Geneva for Human Rights / Genève pour les Droits de l'Homme (GHR)
26. Global Centre for the Responsibility to Protect (GCR2P)
27. Human Rights Concern – Eritrea (HRCE)
28. Human Rights Defenders Network – Sierra Leone (HRDN-SL)
29. Human Rights Defenders Solidarity Network – HRDS-NET
30. Human Rights Watch
31. Independent Human Rights Investigators – Liberia
32. Information Forum for Eritrea (IFE)
33. Institut des Médias pour la Démocratie et les Droits de l'Homme (IM2DH)
34. International Commission of Jurists (ICJ)
35. Lawyers' Rights Watch Canada
36. Network of Human Rights Journalists – The Gambia
37. Network of the Independent Commission for Human Rights in North Africa (CIDH AFRICA)
38. One Day Seyoum
39. Protection International Africa
40. Réseau des Citoyens Probes (RCP) – Burundi
41. Réseau Nigérien des Défenseurs des Droits Humains (RNDDH)
42. Southern Africa Human Rights Defenders Network (Southern Defenders)
43. West African Human Rights Defenders Network (ROADDH/WAHRDN)
44. World Organisation Against Torture (OMCT)