



# UNIVERSITÀ DEGLI STUDI DI PADOVA

**Military Service in Eritrea: Why is it considered the primary push factor for Eritreans to leave their country and how the international community has reacted to the violations committed by Eritrean officials in the military service?**

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## **Abstract**

This study aims to analyse the human rights violations in the military service in Eritrea in details and to investigate how the international community as major power countries and international organisations as the United Nations react in response to these violations committed by the Eritrean government. The thesis starts with providing a country overview about Eritrea and the history of the country and its demographic distribution, then it is followed with a brief history of military service laws in different countries during the world wars and afterwards.

After the brief introduction about Eritrea and military service, the thesis examines in details military service in Eritrea by discussing the history of the military service in Eritrea, and the laws that regulate the military service. Afterwards, a detailed description of the reality of the military service in Eritrea is found, and a description of the experiences of those conscripted, the draft evaders and the draft deserters and also their families. In addition, the experiences of vulnerable people as women and children is also assessed. Further in the thesis, the journey of Eritreans to flee their country and seek asylum elsewhere due to the military service is also analysed.

After an analysis of the current situation of the military service in Eritrea is done, the thesis investigates how the current reality in Eritrea is far from being in line with the country's international obligations and how the international community has reacted in the face of these ongoing violations. The study eventually suggests international tools and laws that could be used by the international community in order to hold the Eritrean government responsible for these violations and sanction the decision-makers responsible.

## **Introduction**

### **Chapter 1: Country Profile**

- 1.1 Geographical information and demographics
- 1.2 History of State independence
- 1.3 Current Economic and political state.

### **Chapter 2: Military Service Worldwide**

- 2.1 History of military service
- 2.2 Different views on Military Service
- 2.3 Military Service and Forced Labour

### **Chapter 3: Military Service in Eritrea**

- 3.1 History of military service in Eritrea
- 3.2 Current Laws that Regulate Military Service in Eritrea
- 3.3 Reality of the Military Service in Eritrea
  1. Recruitment
  2. National Service after Completion of Military Training
  3. Camps
  4. Demobilisation
- 3.4 Experiences of National Service Conscripts
- 3.5 Penalties of Draft Evasion and Desertion in law Vs in Practice
- 3.6 Illegal exit of Draft Evaders and Deserters and Treatment of Returnees
  1. Illegal Exit
  2. Asylum Seekers and Refugees
  3. Treatment of Returnees
- 3.7 Country's Diaspora
- 3.8 Family Members of Draft Evaders and Draft Deserters

### **Chapter 4: Vulnerable Groups and Minorities in the National Service**

- 4.1 Women
- 4.2 Children
- 4.3 religion in the national service
- 4.4 Conscientious Objectors

### **Chapter 5: Eritrea and its legal Obligations**

- 5.1 National Laws in Eritrea
- 5.2 Eritrea's International Obligations
  1. Eritrea and the United Nations Conventions
  2. Eritrea and the Treaty Bodies
  3. Eritrea and the Universal Periodic Review
  4. Eritrea and the International Labour Organisation
- 5.3 Eritrea's Regional Obligations
- 5.4 Violations of the National, International and Regional Obligations in the National Service
  1. Forced Labour
  2. Restriction of Freedom of Movement
  3. Restriction of Freedom of Religion
  4. Arbitrary Arrest and Detention
  5. Cruel and Inhumane Treatment
  6. Denial of Fair Trials

7. Child Abuse
8. Right to Education
9. Other Violations

## **Chapter 6: Eritrea and the International Community**

### 6.1 Eritrea's Relationship with Neighbouring Countries

### 6.2 Eritrea and Major Powers

1. The United States
2. China
3. Russia
4. France
5. The United Kingdom
6. United Nations
7. African Union
8. European Union
9. Intergovernmental Authority on Development

### 6.3 International Instruments to Pressure the Eritrean Government

## **Conclusion**

## **Bibliography**

## **Introduction**

A small country in the horn of Africa not known to many has caught my attention a few years ago while working with the United Nations High Commissioner for Refugees back in Egypt as a Refugee Status Determination Eligibility Officer. This country is Eritrea. I have not known this country, nor have I heard of Eritrea even though Eritreans were considered to be one of the common nationalities that seek asylum and Egypt and have a high acceptance rate.

Almost all applicants that I had interviewed personally had the same claim, which was related to the military service, either they have fled the military service, they were sent conscription letters, or they were threatened because one of their family members has evaded or deserted national service. I heard different experiences of different applicants in who joined the national service and how they suffered during this period, and how their flight to Egypt was far from easy yet they rather risk their lives in this journey than stay in their home country.

I was very intrigued to know more about this country and the national service and why most Eritreans decide to flee the country in order to start a new life in another country, this is why I chose the topic of national service in Eritrea as my research topic, to be able to have a better understanding of the situation in the country and how the country is perceived by the international community.

I decided to research why the national service in Eritrea is considered to be one of the primary push factors to Eritrean citizens and go deeper into how the international community as major power countries and international and regional organisations react to the human rights violations committed by Eritrean officials and government in the national service.



For writing this paper I have conducted first a literature review about the national service, and the national service in Eritrea and it was obvious that not much information was found on Eritrea as the government does not publish much information online, so most of the research was done based on the information in reports published by the United Nations and other credible international Non-Governmental Organisations as Amnesty International and Human Rights Watch and other less known sources.

The literature review showed that military service can be controversial as to whether it should be considered forced labour or not. Countries as the United Kingdom and Australia have an All-Volunteer Force, while other countries as Israel and North Korea impose mandatory military service on its citizens (Maysel, 2004). Conscription is also seen by some researchers as a helpful strategy and other researchers view it as an obstacle in the face of development. For example, Ballou views military service as a way to unify the country by bridging the gap between the different classes (Ballou, 1918). Researchers as Poutvaara and Wagner believe that military conscription adversely affect the level and growth of GDP per working-age person in Organization for Economic Co-operation and Development (OECD) countries (Poutvaara and Wagener, 2007).

It also showed that military service in Eritrea is different as it is considered to be the longest in the world, with the conscription period being indefinite in practice. Eritrea is a highly militarized country with most of the countries budget allocated to military spending and almost all the population are conscripted in the indefinite military service.

The aim of my thesis is to explain why national service in Eritrea is not a mean to strengthen the national unity, but rather can be considered as forced labour instead. The thesis structure is as follows:

Chapter I is an overview about Eritrea, it focuses mainly on the history of the country and its struggle for independence in a long border war with Ethiopia. The chapter also discusses some demographic information about the country and the population. Moving to chapter II, it is mainly about the evolution of the military service worldwide in different countries as the United States, and United Kingdom and how different scholars have different opinions regarding compulsory military service.

Chapter III is dedicated to the national service in Eritrea and its evolution. It lays out the laws and provisions in the country that govern the national service vis-à-vis the reality of the national service and the differences between the laws and their application. The chapter goes further in explaining how conscripts are assigned their roles, the military camps, the demobilisation policy in the country. Testimonies of ex-conscripts is also found in this chapter to support the findings of reality of the national service. Chapter IV is related to the experiences of the vulnerable groups in the national service in Eritrea as women, children and conscientious objectors.

In Chapter V, Eritrea's legal obligations are laid out as the national constitution, the regional and international instruments signed by the country and how these obligations are violated is explained in more details. And lastly chapter VI, discusses how the international community has been reacting to the violations committed by the Eritrean government internally and some instruments are discussed that can be used to pressure the Eritrean Government.

## **Chapter 1: Country Profile**

To start with this research, it is crucial to have some background about Eritrea and its history to be able to understand how the country has reached where it currently stands. This chapter will provide a full country profile of Eritrea. The chapter will discuss geographical information, population and ethnic diversity, the history of the country and finally the current political and economic situation of Eritrea. Firstly, we will start with the geographical information.

### 1.1 Geographical Information and Demographics:

Eritrea is a country in northern eastern Africa, located on the coast of the red sea with total area 117,600 km. The country is bordered by Djibouti on the south-east, Ethiopia on the south and Sudan on the west and northern-west and has a 2234 km coastline (Eritrea Geography, n.d). Eritrea is divided into six regions also known as “Zoba”, they are: Ansaba, Northern Red Sea, Southern Red Sea, Debub, Gash Barka and Maekel, with the capital Asmara being located in Maekel region (Eritrea: Country Data and Statistics, n.d).

The Country has a population of more than 3.7 million Eritreans, that are divided according to their language and religion. Birth rate in Eritrea is 28.7% and the death rate is 6.4%. The male to female ratio is 49.3% to 50.7% (World Bank, n.d).

There are nine ethnicities that reside in Eritrea, Tigrinya being the majority (U.S. Department of State, 2009) having their language as the official language of the country. Tigrinyans are mostly Catholic or Protestant Christians and work as farmers, Tigre is another ethnicity that cover northern Eritrea and they are Muslims and Christians. Saho reside in the southern eastern slopes and like Tigre they are Muslims and Christians Rashaida are nomadic people that come from the Arabian Peninsula, they are Muslims and live in the Northern Red Sea Coast. Nara

and Kunama tribes are similar as they are both found near the Gash River and are nilotic. Hedareb are semi nomadic tribes that specialise in raising cattle. Belin is another tribe found in Eritrea, mainly in the city of Keren and the surroundings and finally Afar is a tribe that is organised in string clans and live in the Southern Red Sea region (Eritrea's 9 ethnic groups, 2014).

### 1.2 History of State Independence:

In this section, the evolution of the Eritrean state will be examined. Eritrea gained its independence in 1991 after the independence war with Ethiopia that started in 1961. However, the country's journey for its independence starts earlier.

Eritrea was an Italian colony during the 1880s. During this period, Britain also supported the Italian colonisation of Eritrea. During the late 1880s the Italian rule started development projects in Eritrea as the railway, building ports, factories and police stations. During this period, many Eritreans were enrolled as soldiers in the Italian colonial army, who took part in two wars against Ethiopia, one against Turkey in Libya (Federal Research Division, 2005). After Mussolini came to power, the colony became the base for his expansionist project in Africa. He invaded Ethiopia as well as Somaliland and it was called the Italian East Africa Empire. At that time Eritrea was the industrial centre of the empire. The Italian colonisation remained until 1941 when Britain defeated Italy and took over Eritrea. Britain started allowing trade unions, political parties and publications (Commission of Inquiry on Human Rights in Eritrea, 2015).

The Patriotic Society was a political group that was formed to end the Italian colonisation of Eritrea, so after the British victory, the group split into two factions, one led by Mr Ibrahim

Sultan, representing Muslims and calling for the independence of Eritrea, the other faction was led by Mr Telda Bairu, a Tigrinya intellectual that called for Eritrea being united with Ethiopia. Another group was formed that was calling for the formation of an autonomous federation with Ethiopia, and it was led by Mr Wolde-Ab Wolde-Mariam and it represented both Muslims and Christians. Later on, the three factions turned into political parties, the Muslim league, the Unionist Party and the pro-independence Party, respectively (Commission of Inquiry on Human Rights in Eritrea, 2015).

After World War II, there had been many plans concerning the Future of Eritrea, however it ended in December 1950, after the UN General Assembly adopted Resolution 390 A (V) that placed Eritrea under the control of the Ethiopian Emperor, but keeping its own administration, judiciary, flag, official languages and control over its domestic affairs. The British left and a National Assembly consisting of 68 members was formed and a new constitution was accepted on 11 September 1952 (Commission of Inquiry on Human Rights in Eritrea, 2015).

From 1952, the Ethiopian Emperor Haile Selassie tried to suppress the Eritrean autonomy by suppressing Eritrean political movements and forcing elected community leaders to resign. He also changed the Eritrean flag to the Ethiopian one and changed the official language from Tigrinya to Amharic. In 1957, students organised demonstrations to protest, and in this was followed the next year by a four-day general strike, however, the Ethiopian army reacted to these strikes using force (Commission of Inquiry on Human Rights in Eritrea, 2015).

In 1958, the Eritrean Liberation Movement was founded by Eritreans in exile in Sudan and the movement started pushing against the Ethiopian rule. Another party was also formed in Cairo called the Eritrean Liberation Front in 1960. In 1962, the Eritrean parliament was dissolved,

and Eritrea was annexed as Ethiopia's additional province (Chronology for Afars in Eritrea, 2004).

Hamid Idris Awate was a former soldier in the Italian army, and he was a major reason behind the start of the 30 years fight for independence after he became a guerrilla leader. He was forced in 1961 to seek refuge in a mountain in Eritrea to escape arrest by the Ethiopian forces and while he was there, he along with his followers fired the first shots. After Awate's death in 1962, his followers joined the Eritrean Liberation Front, and this was the army that was formed and fought the Ethiopian forces for 30 years. They were provided with arms by Syria, Iran and China. Women also took part in the Front by cooking and nursing and the number of fighters rose from 250 to 2000 fighters among which were Christian and Muslim fighters (Commission of Inquiry on Human Rights in Eritrea, 2015).

Ethiopia on the other hand was backed by the United States and Israel and their strategy was to divide the Muslim and Christian soldiers in the ELF and their plan succeeded, and the ELF was divided and in 1971 a new group was founded by Mr Abraham Tewolde and Mr Isaias Afwerki and those who were not satisfied with the ELF started joining this group. The group formed was called the Eritrean Liberation Forces – People's Liberation Forces and later in 1973 it was called the Eritrean People's Liberation Front with Mr Isaias Afwerki as its military commander. In 1972, war was declared by ELF on ELF – PLF and in October 1974 a cease fire was negotiated between both groups. EPLF has to reorganise and create new policies in 1975 which led them to create a vanguard unit called Fitwari, that recruited 14- to 16-year-olds and gave them military training and education. Women at that time also joined the military training (Commission of Inquiry on Human Rights in Eritrea, 2015).

In 1975, the new communist regime in Ethiopia led by Mengistu Haile Mariam was provided by massive military support from the Soviet Union and in December 1977 the EPLF suffered from defeat against the Ethiopian Army. Both EPLF and ELF signed a unity agreement, but they were defeated by the Ethiopian military forces. From 1978 until 1981, Ethiopia led six offensives with the support of the Soviet Union that caused thousands of Eritreans and Ethiopians to lose their lives (Commission of Inquiry on Human Rights in Eritrea, 2015).

ELF was weakened and both ELF and EPLF put the blame on one another, and this was the cause of the second fight between the two Fronts, however this time EPLF initiated the fight. In late 1981, EPLF was the only fighting army in Eritrea (Commission of Inquiry on Human Rights in Eritrea, 2015).

In 1987, the EPLF held its Second Congress, and soon former members of the ELF were attracted to the EPLF. In 1988, EPLF was able to take over some parts of Eritrea and this made EPLF attractive to new recruits and to the international scene as the United States started dialogue with the Front and the Soviet Union stopped their military support to Ethiopia at that time. By May 1991, EPLF had taken control over several critical areas in Eritrea and on 24 May, EPLF was able to capture Asmara. In June 1991 the Eritrean Provisional Government was formed and an Advisory Council was created in 1992 that represented the heads of the EPLF and the military. The Ethiopian Government at that time recognised the right of Eritrean to self-determination and a Referendum Commission was set up by the Provisional Government (Commission of Inquiry on Human Rights in Eritrea, 2015).

In 1993, the referendum took place and Eritrea gained its independence officially on 24 May 1993 (Key Events in the history of modern Eritrea, n.d), and joined the United Nations as its 182<sup>nd</sup> member. The Provisional Government also issued Proclamation 37/1993 that created a new government to observe the transition to constitutional rule for four years. Isaias Afwerki became president of the country, and since then he started to suppress opposition starting with veterans who protested their mobilisation for additional years to rebuild the country after the war, although Afwerki met with them and convinced them to end the protests by promising demobilisation benefits, the next days after the meeting, protestors were arrested and detained for several years (Commission of Inquiry on Human Rights in Eritrea, 2015).

On 16 March 1994, registration for the national service started and Proclamation that was adopted by the Provisional Government in November 1991 was implemented. The Proclamation called all Eritrean citizens aged 18 to 40 to take 18 months national service. The goal of the national service was to form a strong military reserve and rebuild the country. Starting 1994, Jehovah Witnesses were arrested for refusing to perform the military service due to their religious beliefs and even a presidential decree was announced revoking the citizenships of Jehovah Witnesses for refusing to vote in the 1993 referendum (Federal Research Division, 2005).

In 1998, another war broke out between Eritrea and neighbouring Ethiopia after Eritrea adopted its own national currency, Nakfa, which led to tensions between both countries. The war was a border war that continued until June 2000 when both countries agreed to cease the hostilities and a peace agreement was reached in December 2000 and a UN Eritrea-Ethiopia Boundary



Commission was formed that ruled in favour of Eritrea in 2002. As the relationship between Eritrea and Ethiopia remained tense even after the peace agreement, in mid 2005, the UN sent 3,300 peacekeepers to a demilitarised zone in Eritrea to monitor the cease-fire. The UN Security Council sanctioned Eritrea in 2009 and these sanctions were reimposed in 2011. In mid 2018, Ethiopia accepted the Eritrea-Ethiopia Boundary Commission decision, and another peace treaty was signed in July 2018 and in November 2018, the UN removed its sanctions on Eritrea (World Bank, 2021).

Eritrea was isolated from its neighbouring countries due to the tensions with Sudan and Yemen as well (Federal Research Division 2005).

### 1.3 Current Economic and Political State:

Currently, Eritrea is considered to be one of the least developed countries of the world, with GDP in US dollars 2.07 billion in 2011 according to the World Bank. The country's economy is reliant on agriculture, which employs 80% of the population. The government has full control over the market and the economy in Eritrea (U.S. Department of State, 2009). The country remains to be a member of the United Nations, UNESCO, African Union, International Criminal Court and Non-Aligned Movement. The president remains Isaias Afwerki as there has been no presidential elections since 1993, there is no independent civil society nor independent judiciary (World Report, 2022). For the political parties, there is only one party, The People's Front for Democracy and Justice that is headed by the president that was formerly known as The Eritrean People's Liberation Front. The country remains under a militarised authoritarian regime (Freedom House, 2022).

The situation of human rights in the country is also critical, as there is no freedom of expression as there is no independent media in Eritrea, the government has shut down eight independent newspapers and arrested journalists. There is only one newspaper agency that operate which is owned by the state, and radio and television broadcasts are also controlled by the government (Federal Research Division, 2005). There is also no freedom of assembly in the country. Adding to that when it comes to religious freedom there are only four recognised religions, the Eritrean Orthodox Tewahedo Church, Sunni Islam, the Catholic Church, and the Evangelical Lutheran Church of Eritrea. Adherents to other religious groups are arrested and detained and sometimes forced to renounce their faith (U.S. Department of State, 2023).

## **Chapter 2: Military Service worldwide**

This chapter aims to examine the national or military service in different countries and across different eras. The chapter will also analyse the different views of scholars on military service whether it is seen to be beneficial or not.

Conscription is defined in various dictionaries as a compulsory enrolment of citizens to the army force or any other form of activities drafted by the government. Conscription has different terminologies in different places. Some of the interchangeable terminologies used for Conscriptions are: Compulsory National Service, Military-Draft, and Compulsory Military Service. It is also stated as “Conscription—a personnel procurement method wherein a ruling authority selects individual for compulsory military service—is a longstanding and wide-spread phenomenon” (Hadass, 2004).

Conscription is a service required by a state as an obligation or a duty to be done by citizens. Conscription is set by government authorities or concerned government bodies; it is set as a policy, national law or strategy. In some cases, refusing to be conscripted is considered to be a national crime, and it could be punishable by the state law. In most countries, it is common to have young conscripts aged between 18 and 40 depending on the individual’s state policy on the age of the conscription.

### 2.1 History of military Service

Historically, military service was a common practice in ancient civilisations, such as Ancient Greece, the Roman Empire, the Napoleonic-Era and the Prussian Empire. These civilisations were known for drafting young conscripts in order to strengthen their military power (Konstantinidis, 2011). In the United States, George Washington was the first president to

proclaim a mandatory military service to all citizens who were aged 18 and above (Ruschmann, 2003).

During the major wars in the 20<sup>th</sup> Century, conscription was used more frequently. For instance, the United States had a conscription policy from 1946-1973 but stopped the practice in 1973 after the war with Vietnam (Hadass, 2004). Data shows that around 24% of men born between 1950 and 1952 served in the Vietnamese war (Angris and Chen, 2007).

Not only the United States use compulsory military service through its history, during the 19<sup>th</sup> and 20<sup>th</sup> century, European countries and Russia had conscripted millions of young people to boost their military strength as well (Aron, 2005). Scholar Leon Aron believes that in the Second World War Russia was able to survive the Nazi threat because of its conscripts.

However, after the end of the Cold war, many democratic countries decided to end from compulsory military draft and they substituted their army with professional and volunteer recruits instead of mandatory drafted one (Poutvaara and Wagener, 2007).

Currently, countries with Russian and French ties are more likely to use conscript armies than the commonwealth countries (Mulligan and Shleifer, 2005). According to scholars, in the 21<sup>st</sup> century 25% of the NATO members, many Asian countries including China, most former USSR countries, and many countries in Latin America, Africa, and the Middle East depend on conscripts to establish their military power (Poutvaara and Wagner, 2009). In most cases, the average conscription time for these countries is between one and two years. However, this is not always the case, for example conscription for young men in Israel is three years (Maysel, 2004) and as we will see later on in this paper, conscription in Eritrea also exceeds two years.

In some countries, women are also forced to do their national service as in Israel, Libya, Malaysia, North Korea, Taiwan, and Tunisia (Poutvaara and Wagener, 2009). Eritrea is also a country that conscripts women; however, it is worth noting that Eritrea is not mentioned in their report for conscripting women. In countries like Israel, women are exempted from military service in some circumstances as religious active enrolment, immigrant women above 20, pregnancy, marriage or having children (Woolf, 2011). According to the same author, all citizens aged 30 and above are exempted from military services and women stay only two years unlike men who have to stay for three years.

## 2.2 Different views on Military service

Conscription can be controversial when assessing its benefits vis-à-vis its downsides. Politicians and government can see that it is beneficial for the overall national security as they form strong big armies. But, unlike politicians, many researchers show that conscription has a negative effect on the country and on conscripts. However, some researchers still believe it has some positive effects on the conscripts. The following are some of the controversial viewpoints expressed by scholars and researchers.

Compulsory conscription is seen by some researchers as a helpful strategy and other researchers view it as an obstacle in the face of development. For example, Ballou views military service as a way to unify the country by bridging the gap between the different classes (Ballou, 1918). Ballou also noted that mandatory national service can be considered as a positive move because it breaks the bridge between different classes. Authors like Ballou states “Nothing could be more democratic than compulsory training and service. Rich man and poor man alike share the common lot. Class distinctions based on wealth or inheritance are for a time

abolished!” (Ballou, 1918: 19). Compulsory military service was also seen by researchers as a mean that indirectly promotes education, as young citizens in the United States during the Vietnam war chose to continue their education so they avoid conscription (Angris and Chen, 2007). However, the same authors also argue that conscription distorts the pattern of investment in human Capital and family planning decisions by encouraging young people to enrol in college or marry and have children to avoid military services (Angris and Chen, 2007).

Other researchers as Cinar and Usterci state that conscription is justified as a helpful policy and strategy by politicians; and in most cases, it is mentioned as a way out of poverty, creating an opportunity to contribute to the broader good of society (Cinar and Usterci, 2009). Similarly, Poutvaara, and Wagener, agree that compulsory national service has also been justified as a way to educate young citizens, to teach them national and civic values, and to foster national unity (poutvaara and Wagener, 2007).

On the other hand, researchers as Poutvaara and Wagener also believed that military conscription adversely affect the level and growth of GDP per working-age person in Organization for Economic Co-operation and Development (OECD) countries (Poutvaara and Wagener, 2007). Another negative view of military service is that it requires high expenditure and that can add more pressure in the country’s budget (Mulligan and Shleifer, 2005).

Another point of view is that compulsory military service negatively affects the conscripts socially, educationally and in their career after they finish their service as it might leave ex-conscripts in trauma due to their experiences in the military (Buonanno, 2006). Buonanno highlights that “After the military life the transition to civilian life was problematic for most of

National Servicemen. Going back into jobs or to study or even finding an occupation to suit them was very difficult.” (Buonanno, 2006)

A study revealed that non-professional army and scantily skilled draftees are likely to face more casualties and injuries than the professional and experienced soldiers in time of war and conflict. Therefore, the larger number of injuries or deaths could even become financially more costly than a professional army would have been in the first place (Keller, Poutvaara and Wagener, 2007). Wagner and his fellow researchers argued that Economic theory predicts that military conscription is associated with static inefficiencies as well as with dynamic distortions of the accumulation of human and physical capital (Keller, Poutvaara and Wagener 2006).

Another negative perspective suggests that when the nation builds its military by recruiting conscripts, other sectors are suffering and as a result, the country suffers from economic stagnation and lack of labour as individuals are recruited instead of working and that leads to poverty and crisis (Robinson, 1990). Another view is that forced conscripts are more vulnerable to psychological and social crisis than those not conscripted because unlike professional army, they are not prepared to be soldiers or military personnel (Robinson, 1990).

Social researchers note that there is a direct relation between conscription and criminal behaviour. Human atrocities witnessed in war and conflicts are likely to affect the capability to exercise common sense, sound ethics and judgment ability. Recent studies, shows that conscription is likely to increase crime rates; and participation in military service increased the likelihood of developing a criminal record in adulthood (Poutvaara and Wagener, 2011).

The rights of women under military service are another issue in countries where the conscription of women is widely used. Research has shown that there are human rights abuses occurring on women conscripts in Eritrea, Israel and the USA (Cecelia, 2007). Another study showed that more than 75% of American women had experienced sexual harassment during their military service and 30% of these had been raped at least once while they were doing their military service (Sadler et al, 2003).

Refusing to perform mandatory military service and how governments deal with those who refuse to perform it for religious or moral reasons could also be seen as another negative side of forced conscription. In some countries, conscientious objection to conscription results in many years imprisonment as the case in South Africa where the sentence is four years of imprisonment and another example is Greece, where the first objector in 1886 was imprisoned for six years (Cinar and Usterci, 2009). Conscientious objectors, or those who refuse to perform military service for religious reasons are not a new phenomenon. Historically, religious based military objection was recorded back in the Roman empire BC; during this period the Jewish community was exempt from military service for their that “You shall not kill” (Moskos and, Chambers, 1993)

### 2.3 Military Service and Forced Labour:

According Article 2 of the Forced Labour Convention 1930, the term forced or compulsory labour “ shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. However, Article 2 also stated that compulsory military service laws for work of a purely military character is not considered to be forced labour. In addition, according to Article 1 of the



Abolition of Forced Labour Convention 1957, countries that ratify this convention should suppress forced labour that is in the form of using labour for purposes of economic development. According to the International Covenant on Civil and Political Rights also states that no one shall be required to perform forced or compulsory labour, however it also states that it does not include any service of a military service. In addition, the ILO's Committee of Experts on the Application of Conventions and Recommendations explains the conditions for the military service so it is not considered as forced or compulsory labour, as it explains that military service should only be limited to military activities. Nevertheless, for conscientious objectors performing activities other than military ones is not considered to be compulsory labour according to the ILO Committee.

According to the ILO conventions, those drafted in the military service cannot be used for economic development as in that case it can be considered as exploitation as in that case the individual is not working voluntarily and is not remunerated accordingly. To sum up, according to the ILO, military service is not considered to be forced labour if it upholds certain criteria.

Military service in countries as Eritrea are considered to be forced labour and slavery is practiced according to the International Labour Organization. In Eritrea conscripts are assigned to activities other than military activities.

Countries as the United Kingdom and Australia have an All Volunteer Force, while other countries as Israel and North Korea impose mandatory military service on its citizens.

### **Chapter 3: Military service in Eritrea**

Currently, military service differs from one country to another. Some countries have mandatory service as Egypt (Home Office, 2017), and Russia (Immigration and Refugee Board of Canada, 2015) and others have voluntary military service as the United States (Staine-Pyne, 2023) and United Kingdom (Dietz and Stone, 1975). However, even countries with mandatory military service have different laws and rules that regulate the military service, as the period of conscription for example in Russia military service is set to be 12 months, while in Egypt military service ranges from 12 to 36 months depending on the educational background (Home Office, 2017). Another difference in conscription between countries is whether males only are conscripted or males and females, and exemption laws also differ.

This chapter will focus on the military service in Eritrea. The chapter will discuss in details the history of the evolution of military service in Eritrea, and the laws that currently regulate the military service. The chapter will also analyse the reality of the military service vis-à-vis the laws, and it will highlight the difficulties faced by vulnerable group as women, children and the elderly in the military service. In addition, the chapter will go in depth about the experience of draft evaders and draft deserters, and the experience of their family members in Eritrea and why they are forced to flee their country and how they exit their country illegally in order to escape being conscripted in the military service.

#### **3.1 History of Military Service in Eritrea:**

Eritrea is known to be a highly militarised country. The country's ideology found to be a militaristic one due to the long struggle for independence from Ethiopia that led to a long war (Bozzini, 2012). After the country gained its independence in 1993, soldiers who fought in the liberation war were demobilised, however in 1994 military training was introduced that

required men and women aged between 18 and 40 to serve in the national service (Land Info, 2015). National service was then formally introduced in 1995 through the 1995 Proclamation of National Service.

The preface of the proclamation states that present and future generations have the duty to fight for a sovereign Eritrea after the 30-year war and therefore the proclamation on National Service is issued. Article 8 of the proclamation states that all Eritreans aged 18 to 40 have compulsory duty of performing Active National Service which consists of six months of training in the National Service Training Centre and 12 months of active military service for a total of 18 months. After the 6 months military training, conscripts are either assigned in the military branch of the national service or the civilian branch (European Asylum Support Office, 2016). The goal of the national service in Eritrea is reconstruction of the country and the development of the economy (Land Info, 2015).

From 1994 until the border war in 1998, 25,000 conscripts were called for national service in 6 months intervals (Land Info, 2015). However, since the border war started in 1998 the military service was no longer limited in time, it got extended and mobilisation became permanent, and since then there had been no demobilisation program in Eritrea (Bozzini, 2012), and by mid 2000, there was around 300,000 conscripts (Mehreteab, 2001).

The war affected Eritrea drastically, the economy was negatively affected due to the large number of people recruited in the military and also due to the war, the country's infrastructure was also destroyed. The government decided after the war to prepare for demobilisation and The National Commission for Demobilisation and Reintegration Programs was established to help ex-soldiers return to the civilian life (Mehreteab, 2001).

According to a representative of the Eritrean government in an ILO discussion, national service was introduced in 1995 with the aim of maintaining a small regular army that would be mobilised in case of threat. According to the representative, the national service was affected by the country's relationship with Ethiopia and the continued occupation of Eritrea by Ethiopia. The representative added that the Commission for Demobilisation was established, and more than 105,000 soldiers were demobilised during the period from 2001 to 2005. The representative also added that a full demobilisation failed due to the Ethiopian refusal of the decision of the Eritrea Ethiopia Boundary Commission (International Labour Organization, 2018).

In 2002, a campaign was launched by the government, the "Warsay Yikealo Development Campaign". Warsay yikealo means the bearer of the legacy where warsay alone means inheritor and Yikealo means a wise elder. The idea that the campaign was promoting was that the younger generation should follow the footsteps of the former fighters in the form of unlimited reconstruction and development work (Hirt and Mohammad, 2013). The government through this campaign launched the indefinite national military service program which turned limited conscription into permanent conscription. Through this campaign as well, the military was given the power to intervene in ministerial affairs and as a result, all higher education became under military control (Haile, 2013). Although there is no official written document that describes the Warsay Yikealo Development Campaign, however experts conclude that it is considered to be unlimited extension of the national service (Land Info, 2015). Exemptions at that time were only for married women, mothers and those with serious health conditions, and those who were recruited would work on infrastructure projects or agricultural work in farms

owned by the army. Salaries during this period were as low as \$25 or 500 Nakfa (Hirtand Mohammad, 2013).

The government in 2002 started facing a large number of Eritreans evading the national service and so, the government decided to adopt some measures to ensure that all those eligible are conscripted, those measures included private home visits by the police. During the following years, arrests had increased in number and there were no guidelines for these arrests, as any individual with no demobilisation document was sent to either training camps or detention centres (Land Info, 2015).

Since 2002, the situation in the military service has not changed. Military service up until 2023 remains to be indefinite and round ups and arrests have been ongoing in order to capture those who desert their service or those avoiding conscription (Amnesty International, 2023).

### 3.2 Current Laws that Regulate Military Service in Eritrea:

Eritrea issues laws and regulations in the form of proclamations (Bozzini, 2012) and in October 1995, the Proclamation of National Service was published in the Eritrean Gazette under the name Proclamation No. 82/1995. The proclamation consists of 39 Articles. The preface of the proclamation explains the objective of the military service and the duty of future generations. The first 7 articles are general articles that explain the title of the proclamation, the definitions of the terms being used, the objectives of the national service which includes according to Article 5: establishing a strong defence force to ensure free sovereign Eritrea, to develop professional capacity and physical fitness and to foster national unity among the Eritrean people. Article 6 states that any Eritrean ages between 18 and 50 years old has the obligation

of carrying out national service, and finally the last article in the first chapter explains the budget for the national service which is authorised by the Ministry of Defence.

The second chapter in the Proclamation is named “Basic Provisions of active National Service” which includes articles 8 to 22. Article 8 explains that the national service includes six months training in the National Service Training Centre, and 12 months of active military service and development tasks, totalling 18 months. Article 10 explains that registration for the national service is done by administrations in regions, sub-regions, and villages. Article 11 is related to the registration and the issuance of the National Service Registration Card. Article 12 and 13 explain the conditions for exemption from military service. Articles 14 and 15 however discuss the situations of those exempt from the military service temporarily.

Article 17 lays out the conditions for travel outside of Eritrea, which includes either being exempt from the national service or entering a bond of 60.000 Birr as security to ensure the return of the citizen. Article 18 states that the period of service is 18 months . Article 20 explains when can an individual exit the national service and Article 21 explains the mobilisation during special measures as war. Finally, the last article in chapter 2 explains the rights and privileges of active National Service Trainees. There rights include food, medical service, and free travel by transportation provided by Ministry of Defence. In addition, citizens also have the right to return to their previous work. Another right provided to the trainees is that in case a citizen called for National Service who has their family fully depending on him for living expenses, will have his family supported by the government with social assistance.

Chapter 3 in the Proclamation includes Articles 23 to 32 and it includes the basic provisions of service in the reserve army. Article 23 explains those eligible for the compulsory service in

reserve army and Article 24 explains those exempt from the reserve army. Article 25 states the functions of the reserve army which includes enforcing the regular army in the defence against attacks, or invasions launched by foreign countries. Article 26 states the three grades of the reserve army. Article 27 states that those in the reserve army have to undergo military training in the time and place prescribed by the Ministry of Defence. Article 31 explains the conditions for leaving the reserve army, which includes anyone over the age of 50. Lastly, Article 32 explains the rights and privileges of the reserve army.

The last chapter of the proclamation is named Various Provisions. Article 34 lays down the twelve responsibilities of the Ministry of Defence which includes that the Ministry of Defence controls that the rights of active national service trainees and the reserve army are respected, issuing calls for military training mobilisation and appointing reserve army leaders. Article 35 states the responsibilities of the Ministry of Regional Administration that includes registering and selecting the required number of conscripts to be sent to the training centre. Article 37 includes the penalties for violating the proclamation and Article 39 states that the proclamation enters into force as of the date of its publication in the Gazette of Eritrean laws.<sup>1</sup>

The current reality of the military service in Eritrea shows that the rule of law is non-existent in the country and the current reality of the military service is far away from the articles of the proclamation that regulate the national service.

### 3.3 Reality of the Military Service in Eritrea:

#### 1. Recruitment:

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<sup>1</sup> The Proclamation can be found on the ILO's website translated to English.

Usually, students that continue their education until the 12<sup>th</sup> grade are recruited in the National Service at that time. Students are forced to complete their last year in school in Sawa Camp to receive their six months of military training (Amnesty International, 2015). Sawa Military Camp is the only place that students can obtain their secondary school certificate from (Gebrehiwet, 2013).

Students spend one year in Sawa Camp which include six months of military training and also preparation for secondary school exam classes (Human Rights Watch, 2019). According to reports from students that went to Sawa Camp, some stated that military training started before the school year, while the majority stated that it was after (Land Info, 2015). Grade 12 students are usually older than 18 years old, however, the government does not take into consideration the age of students as sometimes those under 18 are also being recruited (Human Rights Watch, 2019).

Students follow different schemes in order to avoid recruitment in the national service. Some may fail their classes to avoid reaching the 12<sup>th</sup> grade and others drop out of school, but this does not mean they are not recruited as they are considered in this case evaders (Human Rights Watch, 2019). Local administration keeps a record of school dropouts and their age and is responsible for recruiting these dropouts in the National Service. The local administration calls up citizens through radio announcements, house visits or letters, and then gathers the citizens in an area where the army decides and are sent to smaller training camps as Kiloma, Wia, Afabet or others (Home Office, 2021).

The government has been conducting extensive house-to-house searches looking for deserters or new young recruits as those not enrolled in schools (Kibreab, 2009). The government has



also traced down evaders and deserters through roundups, also known in Eritrea as Giffa. During roundups or giffas, the government cordon off parts of a neighbourhood or village and stops the individuals asking for a proof on why they are not performing national service. If anyone fails to prove why they are not in the national service, they are arrested for draft evasion. However, it is reported that these roundups are rare in rural areas and evaders communicate to each other when there is a round-up in their area (European Asylum Support Office, 2016).

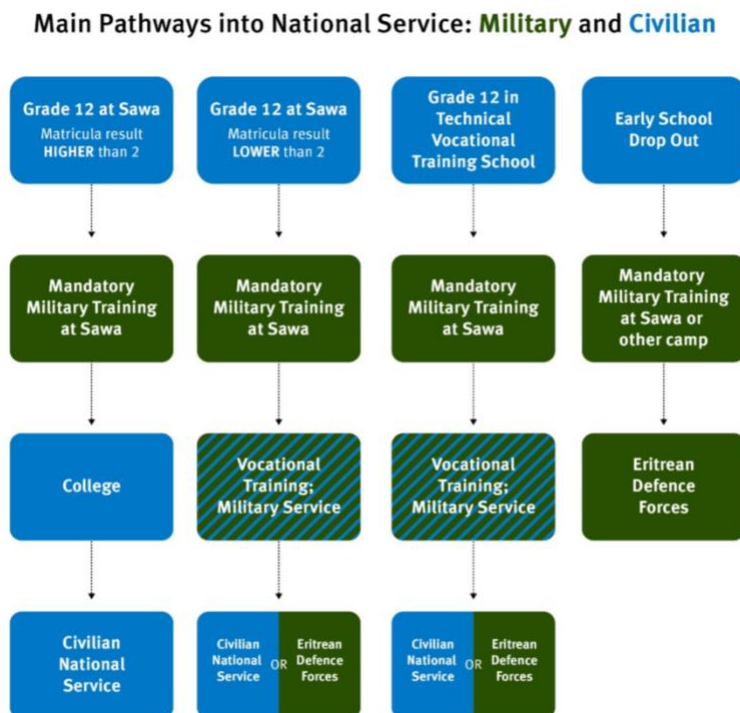
In a study conducted in 2012 by Giam Kibreab among 190 Eritrean asylum seekers and refugees in the UK, Switzerland, Sweden, Norway, South Africa and Sudan who deserted their military service and fled Eritrea after serving for a while, it showed that there are four methods for recruitment for national service. Firstly, some of the population in the study went to Sawa voluntarily before receiving call up papers, others joined Sawa after receiving their papers. 20% were recruited through Warsay School at Sawa at the end of their 11<sup>th</sup> grade and the remaining of the population were taken during round ups (Kibreab, 2014).

Students who do not agree to perform the military training in Sawa Camp do not receive their high school graduation certificate. After graduation from Sawa Camp, students perform their national service which is either civilian or military service.

Some citizens are exempt from National Service, however, the exemption is not done in a consistent manner. The most common exemption is for pregnant women, or women who have children, although there had been reports that mothers are exempt from the military service not civil service. In addition, at times, married women who are not mothers are also exempt. Exemptions could also be done on medical basis, where a medical board decides (Home Office, 2021).

## 2. National Service After Completion of Military Training:

Upon completion of the 12<sup>th</sup> grade in Sawa Military Camp, students are assigned to their national service which is either military or civilian service depending on their grades in the exams. Those who are assigned in the military service serve in the Eritrean army, navy or airforce. They are also assigned for projects related to the country's infrastructure. While those assigned for civilian service, they are sent to work in different ministries and usually those assigned civilian service are the well-educated (European Asylum Support Office, 2016). They are assigned to work in courts, hospitals, local administrations, schools or party owned companies. Conscripts do not get to choose where they are assigned, this is done by the Ministries of Defence and Education (Bozzini, 2012).



(Human Rights Watch, 2019)

## 3. Camps:

Sawa Camp is not the only Camp where military training is performed. Other camps have been established in order for those who are not grade 12 students to perform their military trainings in. The most known military training camps aside from Sawa are Wia Camp and Kiloma.

Kiloma Camp is located in South of Assab. Military training in Kiloma is around eight months and it consists of long marches in difficult weather. However, for Wia Camp, it is located in Massawa, and it includes several camps inside and a detention centre. This camp is known for refresher trainings for the reserve army. Although, students who drop out of school before the 12<sup>th</sup> grade are sent to this camp (Land Info, 2015).

#### 4. Demobilisation

Demobilisation means conscripts return to their normal civilian lives. However, in Eritrea citizens are not demobilised after completing their 18 months National Service. They continue to remain under the control of the Defence authorities. The government justifies this by stating that the country is in an unresolved border conflict with Ethiopia. Demobilisation in Eritrea is done by one office in Asmara that issues demobilisation cards (Land Info, 2015). This card grants its holder some freedom of movement, yet it does not mean that the holder is fully demobilised, they are still assigned to their position and do not have the right to change their jobs (Bozzini, 2012).

#### 3.4 Experiences of National Service Conscripts:

National Service in Eritrea is one of the main reasons why citizens flee their home country. Aside from being unlimited national service, the experience of the conscripts is extremely difficult. Conscripts are not given their basic rights and face several human rights abuses. In

this section, it will be discussed in detail what happens inside the National Service that forces individuals to decide to desert their service or even flee out of their country.

One of the hardest aspects in National Service in Eritrea is that it is indefinite. Conscripts spend a long time performing their national service without having a choice in where they are assigned. Conscripts can serve up to 15 years and more and thousands of them decide to flee their country in order to leave the military.

Human rights violations that conscripts face starts once they enter Sawa military Camp. Students are subjected to regular physical punishment, military-style discipline and forced labour and military training is conducted in extreme heat. The environment in Sawa Camp is not suitable for studying as it is highly militarised (Human Rights Watch, 2019).

According to available information, conscripts are also forced to work 72 hours per week in harsh conditions and they are given low pay that is not sufficient for conscripts to support themselves or their families. Conscripts have also reported that they were not allowed to take leaves for years (Maclean, 2018). In addition, old men, over 60 years, are also re-recruited into a civilian militia known in Eritrea as People's Army and are sent for refresher training and then assigned to duties, however they are not even paid (Amnesty International, 2015).

In an interview done by Amnesty International with 72 Eritrean refugees and asylum seekers in September 2015, it is concluded that national service includes work beyond military roles as many conscripts are assigned duties in agriculture, and construction. In the same interviews, a woman called Danait stated that her husband has been in service since 1994 and his salary is

450 Nakfa which at that time was equivalent to \$43 according to the official exchange rate, and they had 4 children (Amnesty International, 2015).

Another man aged 23 explained that his brothers are all in service and one of his brothers had been detained for eight years while in the army. According to this interview, all interviewees were not told how long their service would be and they were unable to leave the National Service (Amnesty International, 2015).

In an article posted by The Guardian in 2018 about an Eritrean National called Dawit who was assigned as a schoolteacher, he was denied an exit visa to the US to study. Dawit attempted to flee his country illegally twice, in the first attempt he was caught by the authorities and detained for seven months then he was reassigned to another school in a rural area, then he attempted to flee his country again through Ethiopia and he was successful (Maclean, 2018).

Exempt individuals do not get to live peacefully in the country, on the contrary according to a diplomatic source, exemptions are difficult to obtain. In an EASO Report in 2019, it was concluded that those exempt from the national service in Eritrea do not get their exemption letters all the time and so this puts them at risk of being caught during round ups, as they do not have proof of exemption. In case they were not caught in round ups, it is difficult for them to find any formal job opportunity as exemption documents are needed for employment (Home Office, 2021).

The UK government reported in 2016 that due to the teachers shortages, the Ministry of Education in Eritrea is unlikely to release teachers from National Service. Teachers like other conscripts as well also receive low pay (Human Rights Watch, 2019).

All these testimonies are examples of experiences of different people in the National Service in Eritrea and although every individual has a different story and experience in the National Service, all experiences had led those individuals to flee their countries in order to evade the national service, yet not everyone is able to successfully leave the country and desert their national service. In the next section, we will examine in details the penalties for those who desert or evade their service according to the written laws versus in reality.

### 3.5 Penalties of Draft Evasion and Desertion in law Vs in Practice

According to Article 37 of the Eritrean National Service Proclamation of 1995, anyone that violates the provisions of this proclamation is subjected to two years in prison or a fine of 3000 Bir or to both sentences. According to the same article, evading the national service is also a crime with the same sentence, two years of imprisonment and 3000 Bir, adding to that recruitment to the National Service.

The article also notes that anyone escaping the country to evade the national service will have his name recorded in the Ministry of Regional Administration and Ministry of Interior, and if this citizen did not return before the age of 40 to perform his or her national service, he will be subject to imprisonment up to five years and his rights to land tenure, licence, visa and the right to work will be suspended.

According to Article 300 of the Eritrean Penal Code, desertion is punishable by up to five years imprisonment, during wartime the punishment could reach life sentence and in other serious cases it could be death penalty.<sup>2</sup>

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<sup>2</sup> Eritrean Transitional Penal Code (Penal Code of Ethiopia 1957)

Although there is limited information available about sanctions against draft evaders and deserters, however, according to testimonies from different individuals that fled Eritrea and reports by international organisations it shows that, in reality those caught trying to escape the country or those who are caught after deserting their service face far more aggravated punishment. Human Rights Watch in a 2015 report claimed that border guards are ordered to shoot to kill those who cross the borders illegally and according to a recommendation by UNHCR in 2011 detention for those who commit military offences is for long periods of time and in inhuman conditions, and detainees face torture (Land Info, 2015).

Punishment for draft evasion and desertion amounts to persecution and is not proportionate to the crime. For example, some citizens have lost their lives while resisting being taken during the round ups (Kibreab, 2014). In addition, several sources confirm that detainment in metal shipping containers is used as a form of punishment (Amnesty International, 2013).

Secondary school students who refuse to go to Sawa Camp voluntarily and are caught during round ups, are sent to Sawa Camp, however they are deprived from taking their grade 12 exams (Human Rights Watch 2019).

According to a 20-year-old male from Anseba Region who was interviewed by Human Rights Watch in 2017, he stated that he was dismissed from the 10<sup>th</sup> grade for being overage and was sent a letter calling him for military service the next day (Human Rights Watch, 2019).

Another student who dropped out of school to support his family was interviewed by Human Rights Watch claimed that he was hiding for eight months after he know that the military were searching for him and he was also not allowed to return to school by the school director.

A student who was 14 years old while trying to flee his country illegally to Ethiopia but was caught and detained in Gergera Prison stated that he was beaten by the military during the arrest and his arm broke as a result and he also added that during his six months in this prison, he was detained in a small cell that was overcrowded and there was no window or light in the cell. He also added that he was not allowed to leave the cell except for using the bathroom and eating. He explained that he was released after six months due to his age and his injury, but others were sent to military camps after the detention (Human Rights Watch, 2019).

These testimonies show again that there is no rule of law in Eritrea and that draft evaders or deserters who are caught suffer from grave human rights violations as inhuman and cruel treatment, detention in unsanitary conditions or even death.

### 3.6 Illegal Exit from Eritrea of Draft Evaders and Deserters and Treatment of Returnees

#### 1. Illegal Exit:

Draft evaders and deserters are not able to live freely in the country as they are in constant fear of being arrested during round ups and detained or even sent to the military, so they only option they have is to flee their country in order to be able to live freely. However, this is not done easily as exiting Eritrea is not a simple matter. According to Article 11 of Proclamation 24/1992, in order to exit Eritrea legally, citizens should have a valid passport, a valid exit visa and a valid international health certificate (European Asylum Support Office, 2016). The difficulty lies in obtaining the exit visa. In addition, according to Article 29 of the same



Proclamation, anyone who attempts to leave Eritrea illegally or helps another person leave illegally will be sentenced up to 5 years of imprisonment or fined up to 10,000 Birr (Home Office, 2021).

Exit visas are issued to those who can prove that they have completed their national service or that they are exempt from it. The reason for travel should also be provided, whether it is for medical treatment or for education, or any other reason. Since national service is indefinite in Eritrea, therefore citizens are unable to provide documents that state they have completed the national service (European Asylum Support Office, 2016).

Draft evaders and deserters choose to flee their country illegally, which is a dangerous journey for them, yet it is the only way out. Those caught while trying to illegally cross the borders out of Eritrea are subjected to arbitrary arrest (U.S. Department of State 2023). Those arrested are detained for a while in a border detention facility then transferred to another prison. Most commonly Barentu Prison, Hashferay Prison, Adi Abeito Prison and others. Detainees are interrogated there and subjected to torture as beatings (Home Office, 2021).

Draft evaders and deserters need to be in contact with a smuggler in order to be able to flee their country. Although they know the risks that comes with this decision as being victims of trafficking or being kidnapped by the smuggler who later asks for more money (Haile, 2013), however they are aware that it is the only way they can leave the country. Draft evaders and deserters leave their country looking for a fresh start, and they all aspire to reach Europe and settle there. They firstly cross the borders to Ethiopia or Sudan. In 2013, 100,000 Eritrean refugees were located in East Sudan. It is also considered a transit region where Eritreans continue their journey to Egypt.

According to available information, some of the Rashaida ethnic group act as smugglers. Reports show that there are many brokers all over Eritrea, so it is easy to find a smuggler. An Eritrean youth that fled Eritrea in 2010 stated in an interview that the smugglers took him from Asmara and dropped him off a few kilometres away from Massawa, then someone from the Rashaida tribe took him at 10:00 pm and he walked for almost 12 hours (United Nations High Commissioner for Refugees, 2013).

According to a report by the UNODC, smuggling in the East African Side costs of a journey through the Sahara ranges between \$60 to \$1000. Italian police also reported that Eritreans pay extra hundreds dollars to middlemen in Sudan to help them enter Egypt and then Libya. The money is usually paid in cash (United Nations Office on Drugs and Crime, 2010).

During my personal experience in UNHCR in Egypt, I had the chance to interview asylum seekers who fled Eritrea due to the national service. Most of them shared the same experience when it comes to how they left their country. Draft evaders and deserters have no option but to resort to smugglers in order to help them leave the country illegally. They cross the borders to Ethiopia, and Sudan until they reach Egypt and others cross to Libya with the hope of crossing the sea to reach Europe. This journey is expensive as smugglers ask for large amounts of money and it is also dangerous. Smugglers in some cases are also human traffickers and other times kidnap those who want to cross the borders and ask their families for more money.

## 2. Asylum Seekers and Refugees:

The prime reason why Eritreans flee their country and seek asylum is the indefinite military service and the human rights violations they face while serving in it. According to UNHCR

37,537 Eritrean citizens fled Eritrea in 2022 and sought asylum in mainly Sudan, Egypt and Libya. The acceptance rate of the asylum applications in those three countries ranges from 98% to 100% (World Data, 2022). Another UNHCR Report states that as of 31 January 2022, there had been 127,959 Eritrean Asylum seekers and Refugees in Sudan, with 31% being adult females aged between 18 and 59 years old, while 29% are males of the same age. 78% of the refugee and asylum-seeking population reside in Kassala, while only 7% reside in the capital Khartoum (United Nations High Commissioner for Refugees, 2022). The Eritrean refugees and asylum seekers population has reached over 580,000 as of end 2021 (Human Rights Watch, 2023a).

The Eritrean refugee population have reportedly faced abuse in their countries of asylum as well. In Tigray region for example in January 2022 an air strike near Mai Aini Refugee Camp killed three Eritreans (Human Rights Watch, 2023a). In Ethiopia, the situation of Eritreans remains worrying as there has been reports of arrests and arbitrary detention for Eritreans without charge and without access to judicial process (UN experts urge Ethiopia to halt mass deportation of Eritreans, 2023).

### 3. Treatment of Returnees:

Not all Eritreans unfortunately are granted refugee status, some of the asylum-seeking applications are rejected as some countries do not see this reason enough for asylum, especially for young minors who are below the age of conscription (Human Rights Watch, 2023a).

Returnees are not always welcomed with open arms in the country. In Egypt, although the acceptance rate for Eritrean refugees is high, however, in March 2022 Egypt forcibly returned 31 Eritrean refugees (Human Rights Watch, 2023a). The UN Commission of Inquiry on Eritrea

and the UN Special Rapporteur on the Situation of human rights in Eritrea have documented patterns of human rights violations against those forcibly returned to Eritrea. They reported torture, enforced disappearance, arbitrary detention and trafficking (UN experts urge Ethiopia to halt mass deportation of Eritreans, 2023).

### 3.7 Country's Diaspora:

Eritreans abroad are not excluded from the National Service of supporting their country in rebuilding and the development of the economy. After independence a new tax system was introduced to the country by the People's Front for Democracy and Justice Party.

Until 1991, Eritreans abroad used to send 20% of their salaries as contributions to the Eritrean People's Liberation Front who were fighting for independence, yet after the new tax system was introduced, Eritreans abroad were obliged to pay 2% tax at Eritrean embassies and consulates abroad. Refusing to pay this tax excluded the Eritreans abroad from accessing consular services as renewal of documents, legal returns to Eritrea, transferring money to Eritrea or other services offered by the embassy or consulate. These funds are a major contributor to the funding of state institutions; however, it is unknown how the government utilises the money being sent to them by their citizens abroad (Bozzini, 2012).

### 3.8 Family Members of Draft Evaders and Draft Deserters:

Draft evaders and deserters may successfully be able to leave their national service and hide or even flee their country illegally. However, the government has their own means in order to pressure these evaders and deserters to join the national service, which is through their family members.

Family members of draft deserters and evaders are targeted by the government, even if the family members have already been conscripted or exempt. Family members of draft evaders and deserters have reportedly been punished instead of the evaders or deserters, punishments included arbitrary arrest and home expulsions. Those punished included women with young children, and older parents. A son testified that his 71-year-old mother was evicted from her house when she was unable to identify the location of one of her sons who was wanted by the authorities (Human Rights Watch, 2023b).

Family members are not only detained or evicted from their homes, but they are also sometimes taken for conscription instead of the family member that evaded or drafted. Family members are also sometimes asked to pay a fine that could reach 50.000 Eritrean Nakfa (Immigration and Refugee Board of Canada, 2012).

There is no clear pattern on how the Eritrean government has been targeting family members of draft evaders and deserters, which shows that there is no formal law in place that states that family members are to be punished for the action of their relatives.

## **Chapter 4: Vulnerable Groups and Minorities in the National Service**

In this chapter, the experience of vulnerable groups and minorities in the national service will be analysed based on research and testimonies from ex-conscripts.

### 4.1 Women:

Women also face the same challenges that men face in the national service. Women are also obligated to join the national service once they reach the 12<sup>th</sup> grade and their national service is also indefinite. However, married women and women with children usually are exempt, but there had been cases of married women who were not. Yet, this is not the only challenge that women face while in the national service. Females have a higher percentage of seeking asylum for a reason.

Women are often assigned as cooks, cleaners, launders, personal assistants of military officials or office workers in the national service. Working in such positions make women more vulnerable to sexual exploitation from their superiors.

Females have been subjected to sexual exploitation and harassment by the military official, this starts since the female recruits join Sawa and if females refuse sexual advances they are punished harshly. According to UN Commission of Inquiry into the Human Rights Situation in Eritrea, females face sexual abuse in all military camps, especially Wi'a Camp. Military officials sometimes promise females better treatment in exchange of sexual favours (Human Rights Watch, 2019).

Females are not only subjected to sexual violence, but there have also been reports that females are requested to do domestic chores. During an interview with Human Rights Watch, a female

who was in Sawa claimed that on Sundays female students were asked to prepare coffee and another girl testified that military officials asked her to go to their house to cook for them and when she refused, she was punished, and she was forced to cook and clean for them for two weeks (Human Rights Watch, 2019).

Another young woman who was recruited in the national service explained during an interview that women are divided into teams and each team has to clean, wash clothes, and cook for military officials, and that the officers take advantage of this and rape these females (Human Rights Watch, 2019).

In order to escape from this traumatic experience, parents sometimes refuse to send their daughters to the national service by not enrolling them in a school, or as another mean to escape the national service young females choose to marry and have children at a very young age in order to be exempt (Human Rights Council, 2019b).

Women are unable to report the incidents of gender-based violence they face, as most of the superiors are men and therefore there is a culture of impunity. In addition, there have been no official statistics of how systematically sexual violence exists in the national service as the Eritrean government denies these allegations.

#### 4.2 Children:

Although the minimum age of recruitment in the national service according to the Proclamation of National Service is 18 years old, however there had been reports of children being recruited below that age. Some students reach the 12<sup>th</sup> grade while still below 18 years old, but this is

not taken into consideration and the student is sent to Sawa Military Camp, even though he/she are below the minimum age (U.S. Department of Labour, 2015).

Human Rights Watch has interviewed three graduates from Sawa that stated that they were sent to Sawa while they were 17, a student even stated that in his class there were two students were 16 years old and around five students were 17 years, and they were all sent to Sawa at the same time (Human Rights Watch, 2019).

There is not procedure set by the Eritrean government in which age of students is recognised before sending them to Sawa Camp. Not only do students enrolled in schools face this issue, but also those who dropped out of school and are caught during round up, are sent to military training without any verification of their age.

Most recently, during the conflict in Tigray region in Ethiopia in 2022, Eritrean government had been forcibly recruiting children in order to fight in Ethiopia (Babiker, 2023). Adding to that, children are not only recruited in national service, but also under a national program called Maetot, children in grades from 9 to 11 are asked to engage in agricultural, environmental or hygiene related public projects during their summer holiday from school (U.S. Department of Labour, 2015).

Due to these circumstances, children are forced to drop out of school to avoid being recruited in the national service and choose to live in hiding or they choose to flee their country which of mostly done with the help of a smuggler. This puts children at greater risk of being victims of trafficking either during their journey to another country or in the host country they crossed to if they are with no family members.



#### 4.3 Religion in the National Service:

In Eritrea, freedom of religion is restricted. There are only four recognised religions in the country that are allowed to be practiced, Eritrea Orthodox Tewahedo Church, Sunni Islam, Catholic Church and the Evangelical Lutheran Church of Eritrea. According to NGOs, individuals belonging to other religions are detained as Jehovah's Witnesses (U.S. Department of State, 2023). Places of worship that do not belong to the four recognised religions are not open for the public and so people who belong to these religions need to practice it in secret.

It has been reported that the government has been raiding worship locations as churches in order to round up worshippers to serve their military duty. This incident happened in a village called Akrur in September 2022, and according to the church priest, the soldiers came during a Mass and took young individuals present in the Mass, including boys in the choir (U.S. Department of State, 2023).

In the military service, religious practice is not allowed, and conscripts are not allowed to practice their religion or have any religious material with them (US Commission on International Religious Freedom, 2018). This is another form of abuse that conscripts are subjected to while in the national service.

#### 4.4 Conscientious Objectors:

Conscientious Objectors are who are unwilling to perform military service based on conscience, or based on moral grounds. Conscientious objection started as early as the year 295, when Maximilianus, the son of a Roman army veteran, refused to serve as a soldier due to his religious convictions (Office of the United Nations High Commission of Human Rights,

2012). In countries where military service is mandatory, conscientious objectors are given the choice to serve in non-military duties or are exempt from military service. Taiwan is an example of how conscientious objectors are respected as they have an alternative service program (Office of Public Information, 2022).

In Eritrea, conscientious objectors are not given these options and are forced to join the national service. In 1994 president Isias Afwerki decided to revoke the nationality of Jehovah's Witnesses who refused to join the national service. To this day, conscientious objectors who refuse to join the national service are arrested and detained, and they are subjected to torture if they expressed their objection to the military service (Office of Public Information, 2022).

Jehovah's Witnesses who due to religious grounds refuse to join military forces are an example of how conscientious objectors are treated in Eritrea. In a USSD report in 2020, it reported that the Eritrean government released 28 members of Jehovah's Witnesses after they had been detained between five to 26 years and 24 more were detained for refusing to join the military service and refusing to renounce their faith (Home Office, 2021).

## **Chapter 5: Eritrea and its Legal Obligations**

Although multiple human rights violations are committed by the Eritrean Government in the national service, however as any country in the world, Eritrea has a written constitution that includes many rights for citizens. Not only that, but also Eritrea is a signatory to multiple international conventions and treaties as the International Covenant on Civil and Political Rights and the International Labour Organisation conventions related to forced labour.

In this chapter, we will analyse in details the Eritrean constitution currently in force and the rights it is supposed to guarantee for its citizens, and the international instruments that Eritrea had ratified and acceded. Later in the chapter, the violations of the Eritrean government will be discussed and how they violate the countries national and international obligations.

### 5.1 National laws in Eritrea

Eritrea currently has a constitution that was ratified by the Constituent Assembly on 23 May 1997. The main authority that supervised the drafting of the constitution was the transitional National Assembly that consisted of members of the Eritrean People's Liberation Front (EPLF), and representatives elected by regional assemblies (The Trustees of Princeton University, n.d). The constitution consists of seven chapters and 59 Articles. According to the constitution, Eritrea is founded on principles of democracy, social justice and rule of law (Article 1). The same article also explains that the government of Eritrea is to be chosen to represent the people. According to Article 6 in the constitution, the government shall be guided by the principle of "unity in diversity".

Article 7 in the constitution is named "Democratic Principles" which includes prohibiting any activity that violates the human rights of women or limits their role and participation. In

addition, the article also guarantees equal opportunities to all citizens without discrimination. It also adds that the government need to transparent and accountable.

Moving on to Article 8 that is related to the Economic and social development, it states that the state should ensure that citizens have the rights to social justice and economic development and should enable citizens to improve their livelihood. In Article 9, it guarantees the right to citizens to work in freedom and manifest creativity and innovation. According to Article 10 the justice system should be independent and should lack corruption and discrimination.

Chapter 3 in the constitution is related to the fundamental rights, freedoms and duties and it consists of 16 Articles. First article in the chapter, which is Article 14 in the constitution, highlights the equality of all citizens under the law and prohibits discrimination based on religion, race, political affiliation, gender, and other criteria. The following article, article 15, in the chapter is the right to life and that no individual shall be deprived of his life or liberty without due process. The next article, article 16, prohibits torture or inhuman or degrading treatment.

Going further in chapter 3 of the constitution, we will find that according to Article 17, no person shall be arrested or detained without due process and that all those arrested or detained shall be informed of their crime and persons detained shall be brought to a court within 48 hours of their arrest. A fair speedy trial is also a right in the Eritrean constitution along with the right to appeal.

Article 18 guarantees the right to privacy to all citizens and Article 19 guarantees freedom of conscience, religion, expression of opinion, movement, assembly and organization. Under

article 19 citizens are allowed to leave and return to Eritrea and be provided with passport and travel documents, citizens are allowed to practice any profession and engage in any occupation or trade, and also have the freedom to practice any religion and manifest such practice.

Article 21 addresses the economic, social and cultural rights and responsibilities which includes equal access to all citizens to social services. Article 24 gives the citizens the right to seek administrative redress. Article 25 lists the duties of citizens which includes the duty to complete the national service. According to Article 26 the fundamental rights listed in the constitution can be limited in cases of threat to the national interest, however there are conditions that are laid down for the limitation, which includes being consistent with the principles of democracy, and specify the extent of the limitations and that Articles as 14 (1) and (2), 15, 16, 17(2), 95), (7) and (8) and 19 (1) shall not be limited.

Article 27 is related to the state of emergency however it states that the state of emergency shall not suspend articles 14 (1), and (2), 16, 17 (2) and 19 (1). Article 28 highlights that the government shall not legislate any laws to take any actions that abolishes the fundamental rights and freedoms of individuals set out in this constitution.

Further chapters go on to explain the establishment of the national assembly and the voting rules, the powers and duties of the national assembly, the executive as the president and the qualifications to run as president of the country, and the duties of the president. The constitution also addresses the administration of justice, which includes the supreme court and lower courts and finally the last chapter of the constitution is regarding miscellaneous provisions as the National Bank and the amendments of the constitution.

The constitution has been drafted to guarantee the full protection of human rights in the country and to guarantee that citizens are able to live in an environment where their rights are protected by the government, however as seen in earlier chapters, the situation in reality is contradictory to the provisions of the constitution. Later on in this chapter, we will discuss how current situation in the national service, violates all these articles in the constitution.

## 5.2 Eritrea's International Obligations:

Eritrea has also been open to ratifying international and regional instruments that protect and support human rights in the country as well. This section will go into details about the history of Eritrea with the United Nations, the international conventions and treaties signed by the country and the reporting of Eritrea to the UN. We will also examine Eritrea's relationship with the ILO and its conventions and the latest Universal Periodic Review to Eritrea.

### 1. Eritrea and the United Nations Conventions:

Eritrea was officially recognised as an independent country and became a member of the United Nations on 28 May 1993. During the 104<sup>th</sup> Plenary meeting of the General Assembly a resolution was adopted that formally accepted Eritrea as a member of the United Nations (United Nations General Assembly, 1993a). In 1952, Eritrea was a member of the United Nations, however it was a member as part of the Ethiopian Federation.

In 1993, the United Nations sent an observer mission to verify the referendum in Eritrea. The mission was established under resolution 47/114 in 1992 by the General Assembly to ensure impartiality of the referendum (United Nations General Assembly, 1993b).

The United Nations has been cooperating with the government of Eritrea in several areas as social services, disaster risk management, public sector capacity development and food security under a Strategic Partnership Cooperation Framework that went on from 2017 to 2021 (United Nations Sustainable Development Group, n.d). After this framework was done a new one was introduced, the UN Sustainable Development Cooperation Framework for the years 2022 to 2026. The Framework has four outcomes that include having more people benefit from equal access to quality essential social services and having the public sector more accountable and efficient (UN Eritrea Cooperation Framework (2022-26) results framework , n.d). All these programs aim to help Eritrea achieve the UN sustainable development goals.

Eritrea is a signatory to many important human rights covenants and treaties. Eritrea has ratified both UN Covenants, the International Covenant on Civil and Political Rights (ICCPR) in January 2002, however the country did not ratify the Second Optional Protocol to the ICCPR aiming to the abolition of the death penalty. Regarding the second covenant, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) Eritrea has ratified it in April 2001. Eritrea has also acceded the Convention on the Elimination on All Forms of Discrimination against Women (CEDAW) on 5 September 1995 and has also acceded the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in July 2001. The Convention on the Rights of the Child (CRC) and its Optional Protocols, Optional Protocol on the involvement of children in armed conflict and optional Protocol on the sale of children, child prostitution and child pornography were all signed by Eritrea. Eritrea also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) but has not signed its optional protocol. Eritrea has not accepted the individual complaint procedures of the ICCPR, the CEDAW, the ICESCR, or the CRC (UN Treaty Body Database, n.d).

## 2. Eritrea and the Treaty Bodies:

As each country that ratified a human rights treaty has the obligation to report to the treaty body responsible about the actions taken by the government in order to achieve the provisions of the treaty.

Eritrea has not been up to date with its reporting duty. Regarding reporting to the CERD, in the last annual report by the committee in 2022, it shows that Eritrea is overdue with its initial report since 2002 (Committee on the Elimination of all Forms of Racial Discrimination, 2020). Eritrea is also more than 10 years overdue for its report to the Committee on Economic, Social and Cultural Rights (Committee on Economic, Social and Cultural Rights, 2023). Regarding reporting to the Human Rights Committee, the committee responsible for the ICCPR, Eritrea has not sent any reports, all reports sent to the committee were from civil society organisations. For the CEDAW, the last state report was in 2019 (Committee on the Elimination of all forms of Discrimination Against Women, 2020). And regarding the CRC, the last state report submitted was in 2012 (Committee on the Rights of the Child, 2014).

## 3. Eritrea and the Universal Periodic Review:

Eritrea has been under review in the Universal Periodic Review (UPR) three times. First cycle was in 2009, second cycle in 2014 and finally the third and last cycle was in 2019. During the third cycle a set of recommendations was concluded, and Eritrean representatives have accepted some of them. Most noticeable recommendations that were accepted by Eritrea were ratifying the Worst Forms of Child Labour Convention of the International Labour Organisation that was proposed by Kenya, and to Ratify the Convention on the Rights of Persons with Disabilities proposed by Portugal and Hungary.



Another recommendation done by Haiti was for Eritrea to set up a national mechanism to follow up on the implementation of the accepted UPR recommendations, and Senegal recommended that Eritrea continues cooperating with mandate holders. Pakistan recommended that Eritrea achieve gender parity in all sectors including decision-making positions.

Several recommendations came from different countries regarding fighting trafficking especially of children and women, and promoting religious freedom and freedom of expression. Many other recommendations were accepted by Eritrea relating to violence against women, education, fair trial, juvenile justice and more (Human Rights Council, 2019a).

However, Eritrea did not accept all the recommendations, some recommendations were not accepted as ratifying the Rome Statute of the International Criminal Court, withdrawing the reservations made to the CAT, abolishing the death penalty, ensuring due process to all detainees and ending arbitrary arrests. Also, other recommendations were not accepted by Eritrea (Human Rights Council, 2019a).

Looking at most of the recommendations that were accepted by Eritrea in 2019, there has been no noticeable improvement in the human rights situation in the country except ratifying Worst Forms of Child Labour Convention in 2019. The Eritrean government has not taken any prominent steps towards implementing these recommendations, and since there is no body or mechanism that ensures that these recommendations are implemented before the next review, the Eritrean government is not pressured to put more effort into the realisation of these recommendations that they accepted.

#### 4. Eritrea and the International Labour Organisation:

Eritrea has a long relationship with the International Labour Organisation (ILO) as well as it has been a member since 1993. In February 2000, the country ratified seven ILO conventions which are: the Forced Labour Convention, the Freedom of Association and Protection of the Rights to Organise Convention, the Right to Organise and Collective Bargaining Convention, the Equal Remuneration Convention, the Abolition of Forced Labour Convention, the Discrimination Convention and the Minimum Age Convention. Later on in 2019, Eritrea ratified the Worst Forms of Child Labour Convention (International Labour Organization, n.d.a)

For the reporting duty of Eritrea to the ILO, in 2022 Eritrea had sent reports for the Equal Remuneration Convention, and the Discrimination Convention only. Four other reports were requested but not submitted by Eritrea (International Labour Organization, n.d.b).

#### 6 Eritrea's Regional Obligations

Eritrea is not only a member of the United Nations and a signatory to some of the international human rights instruments, but Eritrea also has presence in its region as it is a member of the African Union since 1993 (African Union, n.d). Eritrea has ratified the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child; however, the country did not accept the jurisdiction of the African Court on Human and Peoples' Rights (International Justice Resource Center, 2017).

#### 5.4 Violations of the National, International and Regional Obligations in the National Service

As seen above, Eritrea is a country with a constitution that protects the human rights of its citizens, and the country is also a signatory to different human rights instruments that guarantee that people in Eritrea will live a civilised decent life. However, looking at the current reality in the country, this is not the case, especially in the national service. In Chapter 3, the experiences of conscripts was examined in details, in this section it will be analysed how the current practices in the national service, violate the constitution of the country and the country's regional and international obligations.

#### 1. Forced Labour:

As mentioned before, Eritrea is a member of the ILO and has ratified the Forced Labour Convention. The Forced Labour Convention defines forced or compulsory labour as the work or service done by a person under the menace of any penalty and for which this person has not offered himself voluntarily (article 2 of the convention), however the article excludes military service from being compulsory work, yet the work has to be of a purely military character (Forced Labour Convention, 1930). But is this the case in Eritrea?

Some researchers as former Attorney General Adhanom Gebremariam, a senior EPLF official, called the indefinite national service in Eritrea as slave labour, due to the slavery like practices in the national service. In the Abolition of Forced Labour Convention and the Forced Labour Convention, forced labour is defined as modern form of slavery. In the Eritrean Proclamation 82 of 1995 one of the objectives of the national service is using labour for national reconstruction and economic development, however the Abolition of Forced Labour Convention explicitly prohibits the use of forced labour for economic purposes (Kibreab, 2009).

In Eritrea national service can be considered as forced labour because the current practices are not consistent with the ILO conventions that Eritrea ratified. In Eritrea conscripts are assigned duties that are not of military character but are supporting the development of the country and the growth of the economy, which is considered in that case forced labour, as conscripts are not given a choice to where they are assigned. Adding to that, conscripts are also assigned to private companies and these companies pay the Ministry of Defence not the workers directly, and so workers receive lower wages.

Assigning conscripts to work other than military duties is not the only violation in the national service in Eritrea, but also labour protection laws as limiting the working hours, prohibiting harsh work conditions do not apply to conscripts of the national service, in addition to low wages especially to those conscripts that did not have an education or a vocational training (U.S. Department of State, 2023).

In addition to the ILO conventions, also the International Covenant on Civil and Political Rights prohibits forced labour in Article 8.3 (a) which states that no one shall be required to perform forced or compulsory labour.

However, the case of conscientious objectors is different. If individuals refuse to perform compulsory military duties due to moral or religious beliefs, in this case assigning them alternative duties is not considered to be forced labour this is according to article 8.3 in the ICCPR and also according to the ILO's 108<sup>th</sup> International Labour Convention where in Kyrgyzstan alternative service was allowed instead of military service for those who refuse to perform military service due to religious belief, family status, criminal record or state of health (International Labour Organization, 2019).

According Article 7 of the International Covenant on Economic, Social and Cultural Rights, everyone has the right to earn their living through the work they freely choose, and the right to employment of just and favourable work conditions, which ensure remuneration that is enough for individuals to live a decent life. In Eritrea national service salaries have not been proportional with the prices of basic goods and services. According to a report by Amnesty International in 2015, the basic salary ranges from 450-500 Nakfa per month which is equivalent to 43-48 US dollars (Amnesty International, 2015). This is also a violation to Article 15 of the African Charter on Human and Peoples' Rights that guarantees the right to right to work under equitable and satisfactory conditions and receive equal pay for equal work (African Charter on Human and Peoples' Rights, 1981).

Eritrea's current objectives and regulations of the national service has not only violated the ILO conventions, the Forced Labour Convention and the Abolition of Forced Labour Convention but has also violated the ICCPR which prohibits forced labour and the ICESCR. The ILO has highlighted that the compulsory labour of the Eritrean population under the framework of National Service in Eritrea is not in line with the ILO conventions (International Labour Organization, 2018).

## 2. Restriction of Freedom of Movement

Freedom of movement is a right for all Eritrean individuals as it is written in Article 19 of the Eritrean Constitution, however in reality, the government restricts the movement of citizens internally and externally.

For travelling abroad as discussed in the previous chapter, citizens are required to obtain exit visas, which is almost impossible to get due to the national service, and that is why most citizens resort to smugglers for illegal exit. However, the issue is not only for traveling abroad, but moving internally within Eritrea is not easy well. For conscripts to move from town to town or region to region in Eritrea, they must always have a movement pass (Amnesty International 2015).

Roundups and check points are everywhere in Eritrea, in order to arrest those evading the national service. In order to pass check points or round ups, individuals need to show their papers and movement passes. This is one of the struggles that those who flee illegally encounter. In 2015, Amnesty International interviewed several individuals who fled the country illegally about their experiences with the check points. Woldu, a 25-year-old male who fled the country illegally explained that during his escape from the country while approaching Barentu, there was a check point and those fleeing had to get off the bus and and went on foot, however they were seen by the soldier and soldiers started firing at them, but he was able to get away (Amnesty International, 2015).

Restriction on travel before completion of national service per se is not a violation to the right of freedom which every individual is entitled to. However, in Eritrea, since national service is indefinite, individuals are unable to leave the country most of their lives. Individuals are subjected to severe punishments as discussed in chapter 3 in case they are caught leaving the country.

Restriction of movement in Eritrea is not only a violation to the constitution, but also to international law. Article 12 in the International Covenant on Civil and Political Rights states

that everyone has the freedom of movement and freedom to choose his residence within the territory of a state and shall be free to leave any country including his own (International Covenant on Civil and Political Rights, 1966). In addition, Article 12 of the African's Charter on Human and People's Right also states that individuals have the right to freedom of movement and residence within a state and the freedom to leave any country including their own (African Charter on Human and Peoples' Rights , 1981).

It is clear that Eritrea also violates Article 12 of the International Covenant on Civil and Political Rights by restricting the movement of its citizens in order to ensure that no one evades the indefinite national service (International Covenant on Civil and Political Rights, 1966).

### 3. Restriction of Freedom of Religion

Freedom of religion is also another right that is violated by the Eritrea government. Although the country is signatory to several conventions that protect the freedom of religion, and the constitution prohibits discrimination based on religion, however this is not the case in reality.

Eritrean Proclamation 73 of 1995 is the guideline on religious affairs in the country. It states that there is separation of the state and religion, and it also lays down the rules for religious organisations that includes for example religious institutions not interfering in politics. It also states the establishment of a Religious Affairs Department in the Ministry of Internal Affairs.

Freedom of religion is a right guaranteed to every individual under the International Covenant on Civil and Political Rights under Article 18 (International Covenant on Civil and Political Rights, 1966), and the African Charter on Human and Peoples' Rights under Article 8 (African Charter on Human and Peoples' Rights, 1981).

Firstly, the concept of having only four recognised religions by the Religious Affairs office and only allowing these religions to be practiced in the country, is a violation to international law. In addition, as mentioned in the last chapter, not allowing conscripts to practice their religion during their service is also a violation to the International Covenant on Civil and Political Rights and the African Charter.

Conscientious objectors are unable to live freely in Eritrea and are being targeted by the government for refusing to join the military and not giving them alternative service that is inline with their religious or moral beliefs in a violation to the country's international obligations under the ICCPR and the African Charter. Jehovah's Witnesses in Eritrea are the most suffering faction due to their religious beliefs.

In 2022, 20 Jehovah's Witnesses were detained for refusing to perform their military service, or renounce their faith, some of them had been detained for more than 20 years according to the Jehovah's Witnesses Religious Freedom Report (U.S. Department of State, 2023).

Eritrea has not been able to protect the religious freedom of its citizens and remains restricting this right and the capacity for citizens to practice their religions freely.

#### 4. Arbitrary Arrest and Detention

According to the Eritrea constitution, arbitrary arrest and detention is prohibited. In addition, Article 9 of the ICCPR states that everyone has the right to liberty and no one shall be subjected to arbitrary arrest or detention. According to the same article, anyone arrested has the right to



be brought before a judge and shall be informed immediately of his charge. The right to not be arbitrary arrested is also written in the African Charter, Article 6.

According to the Eritrean law, arrests must be done with warrants except in cases of national security and detainees must be brought before a judge within 48 hours of their arrest and cannot be detained for more than 28 days without being charged. However, the practice in reality is not consistent with these laws (U.S. Department of State, 2023).

In Eritrea, arbitrary arrest is prevalent in general according to the UN Special Rapporteur on the situation of human rights on Eritrea (Eritrea: UN expert says more arrests, detentions after elderly school chief dies in custody, 2018). In the national service specifically, many conscripts face arbitrary arrest and detention, if they suspected to be evading their national service or if they refuse to follow orders of their superiors, or if they are caught while trying to flee the country. Also, those returned to Eritrea that are within the age of conscription face the risk of being arbitrary arrested and detained. Conscientious objectors also face arbitrary arrest and detention (Babiker, 2023).

The Eritrean government not only fails to comply with its constitution, laws and international obligations related to arbitrary arrest, but they also refuse to allow the mandate of the Special Rapporteur and to give him access to the country (Babiker, 2023).

## 5. Cruel and Inhumane Treatment

Arbitrary arrest and detention is not the only violation committed by the Eritrean government. Detainees whether religious detainees, evaders or deserters, or political detainees they all face a traumatising experience while in custody.

Those arrested for evasion, desertion or attempting to illegally leave the country are detained in official and unofficial places of detention as military camps, detention facilities, police stations or prisons (Amnesty International, 2015). Conditions in locations where detainees are kept are harsh and life-threatening. Firstly, due to overcrowding in the juvenile detention centre in Asmara, teenagers are kept with adults in the same detention locations. Overcrowding is an issue in most of detention facilities. Some facilities are extremely crowded to the extent that detainees take turn in sleeping as there is not enough space. Secondly, detainees are also kept incommunicado, detained in metal shipping containers, and underground cells. Reports have shown that individuals had passed away during their detention due to lack of medical care and the use of excessive force. In addition, shortage of food was also reported by some former detainees (U.S. Department of State, 2023).

No reports found were able to provide statistics about number of people detained or cases that were seriously injured or cases of death in prison due to the lack of independent access and lack of government transparency.

Prohibition of cruel, degrading and inhumane treatment is a fundamental right protected under the Convention Against Torture, the International Covenant on Civil and Political Rights, the African Charter and Human and People's lives as well as the Eritrea constitution. Even though Eritrea has ratified all those instruments and has their constitution written down including this right, yet the government has taken no steps to ensure that this right is protected and that individuals are treated with dignity. On the contrary, the government has been the number one reason why this rights is violated and why individuals flee their country fearing being tortured if caught by the government. The culture of impunity is widespread in the country and the

government continue to refuse to allow the monitoring of prisoner conditions by international bodies.

## 6. Denial of Fair Trials

Article 14 of the International Covenant on Civil and Political Rights lays down the Standards for a fair trial that includes, the right to all individuals to a fair and public hearing by a competent tribunal, the right to be informed in details of the nature and cause of the charge, to be tried with no delay, to have legal assistance and to not be compelled to confess guilt (International Covenant on Civil and Political Rights, 1966). The same right is also stated in Article 7 of the African Charter (African Charter on Human and Peoples' Rights, 1981).

Just like the previous rights, the right to a fair trial is also violated by the Eritrean government. Detainees are reportedly detained for years with no trial without being informed of their charge. Defendants are not often allowed to have lawyers especially in national security cases (U.S. Department, 2023).

Draft evaders or deserters that are caught are often subjected to arbitrary arrest and detention, without charge or trial and are held incommunicado without being allowed to have a lawyer or visits from family member. A 22-year-old male from Eritrea was interviewed by Amnesty International and he claimed that he was arrested after he dropped out of school to avoid conscription and he was detained in an underground prison for one month and he added that there were other detainees who are there for the same reason (Amnesty International, 2015).

## 7. Child Abuse

Eritrea is a signatory to the Children Rights Convention and its two optional protocols, including the Optional Protocol on the Involvement of Children in Armed Conflicts which prohibits forced conscription of minors below the age of 18, but in practice none of their provisions is being applied in the country. As seen in the previous chapter, children under 18 are recruited in the national service which is a violation to the Children Rights Convention and its optional protocols. According to the report by the Human Rights Council, Eritrea has recruited children for the fight in Tigray region (Babiker, 2023).

Children due to the indefinite national service either drop out of school or leave the country illegally, which puts them at great risk of being victims of trafficking. Girls sometimes are forced to marry young in order to avoid conscription as well (Amnesty International, 2015). In addition, some children grow up without their fathers as their fathers are conscripted in the indefinite military service, which might put pressure on them to bear the economic burden of the house, and so children drop out of school and start working informally which puts them at risk of being conscripted in the military if caught during a round up.

Children caught during round ups and suspected of being evaders are detained in harsh conditions, in over-crowded cells with adults, and are sometimes subjected to torture, deprivation of food and water and other inhumane treatment (Amnesty International, 2015).

Eritrea has not only violated the provisions of the CRC and its optional protocols by recruiting children under the age of 18 in the military service, but also for being responsible of the circumstances that push children to drop out of school and put them at risk of young marriage or being trafficked. In addition, Eritrea also violated the provisions of the African Charter on

the Rights and Welfare of the Child that it ratified that prohibits states from recruiting children into the military (African Charter on the Rights and Welfare of the Child, 1990).

#### 8. Right to Education:

In order to evade the national service and evade being sent to Sawa Military Camp, students usually resort to either dropping out of school, failing to avoid being promoted to the next grade and avoid reaching the 12<sup>th</sup> grade or fleeing the country. Due to this reason, the number of schools dropouts is high in Eritrea (UN Committee on the rights of the child, 2015). Eritrean government has not given any attention to how the completion of the 12<sup>th</sup> grade in a military camp has affected students and the educational system in the country (Human Rights Watch, 2019).

Another factor affecting the education in Eritrea is the teachers, as teachers are conscripts in the military who have been assigned as teachers and as their Salaries are low and as they did not have a choice in their assignment, therefore they have low motivation and so they also opt for fleeing the country (Human Rights Watch, 2019).

The right to education is a right enshrined in the International Covenant on Economic, Social and Cultural Rights under Article 13. Article 13 clearly states that primary education should be obligatory and secondary education, in its different forms shall be made available and accessible to everyone (International Covenant on Economic, Social, and Cultural Rights, 1966). Although education is available in Eritrea, however government rules regarding the completion of the 12<sup>th</sup> grade in Sawa Military Camp is a factor that is affecting the number of enrolled students in school.

## 9. Other Violations

The above-mentioned rights are not the only rights being violated by the Eritrean government. Many other rights are also violated as the right to marry and found a family. According to General Comment 19 by the Human Rights Committee, the right to find a family includes also the right to live together as a family and that the state should ensure the unity of families especially when families are separated for political, or economic reasons (Office of the United Nations High Commissioner for Human Rights, 1990). The National Service in Eritrea is indefinite, and members of the same household may be all conscripted at the same time in different locations, and therefore it could be impossible for them to be reunited.

Another right that is violated by the Eritrean government is the right to privacy, as many reports have shown that the security forces in Eritrea raided houses without warrants and searched the house, in addition administration offices hire individuals to spy on neighbourhoods to confirm that absence of draft evaders (U.S. department of State, 2023).

As discussed in the previous chapter, females experience gender-based violence while serving their national service. Reports show that females are sexually harassed by their superiors and if they refuse, they are punished. Not only this, but women are not treated equally as men as women are not appointed in high-level positions as well. Eritrea is a signatory to the CEDAW Convention that protected the rights of women against discrimination. Yet, the government has not taken steps towards bridging the gap between men and women and to end the sexual abuse of women.

Gathering information and statistics related to Eritrea is quite difficult as the information made available by the Eritrean Government is extremely limited and the media in the country is controlled by the government.

Although freedom of expression is a right in the Eritrean constitution and a right in the ICCPR that is ratified by Eritrea, however there is zero freedom of media and press in Eritrea. Not just nationally, but also international media is not allowed in the country. There is limited internet access in the country which limits the capacity of Eritreans to seek and receive information (Babiker, 2023).

## **Chapter 6: Eritrea and the International Community**

As seen in the previous chapters, the military service is the primary reason why Eritreans flee their country, whether they fear being recruited, or they are being targeted because of a family member's evasion or desertion of the national service. Citizens fear the national service due to the ongoing human rights violations as forced labour and cruel, and inhuman treatment. But the question that arises now is how do other countries receive the Eritrean asylum seekers, and how are they treated in those countries? Another question is although the Eritrean government does not share much information and statistics about the national service and the situation of citizens in the national service, it is still known that citizens go through traumatic experiences while performing the mandatory indefinite military service, what has the international community done to the Eritrean citizens to help them? How can the situation be improved in Eritrea? What international instruments can be used by international organisations and major power countries to put pressure on the Eritrean government for stop all these violations and adhere to the international obligations they had signed?

This chapter will attempt to answer all these questions by first searching about the experiences of asylum seekers in the host countries and the percentage of applications accepted and number of recognised Eritrean refugees. Then we will go further into the country's relationship with other major countries as the United States, Russia, China, and other countries where there is strong either political or economic ties with Eritrea. We will also go through Eritrea's relationship with neighbouring countries as Ethiopia, Sudan and Egypt since almost all those who flee Eritrea have to pass by at least one of these countries.

Moving further in this chapter we will analyse Eritrea's relationship with the European Union, and how the European Union has reacted to the Eritrean refugee population and if any steps



were taken by the EU to improve the situation in the country. The United Nation and the African Union's stance towards Eritrea will also be examined. The Magnitsky Act as an international instrument will also be discussed as a mean to pressure the Eritrean government, and other international instruments will also be discussed.

The objective of this chapter is to see how the international community reacts to a country where human rights violations are prevalent and caused waves of refugees all over the world.

### 6.1 Eritrea's Relationship with neighbouring countries

Eritrea is bordered by Ethiopia, Sudan and Djibouti. In this section, the country's relationship with each country will be analysed and since the national service is considered to be the main reason why Eritreans seek refuge, how the refugee population treatment in each of these countries will also be discussed. .

Ethiopia:

After the long history of rivalry between the two countries. In 2018 the first high-level diplomatic mission was dispatched by Isias Afwerki, Eritrea's President (Woldemariam, 2019). In addition, In July 2018, Prime Minister Abiye Ahmed visited Eritrea to officially declare the end of war between both countries by signing The Joint Declaration of Peace and Friendship between Eritrea and Ethiopia. This Declaration had five articles that discussed economic, social, cultural and security cooperation between both countries. Another Comprehensive Agreement was signed between both countries in September 2018 in Saudi Arabia under the observation of the UN Secretary General (Picard and Yihdego, n.d).

Regarding those seeking asylum in Ethiopia, most of those who decide to flee Eritrea illegally, cross the borders to Ethiopia to seek refuge. Ethiopia as of March 2022 had around 149,000 Eritrean refugees. Asylum seekers and refugees in Ethiopia are hosted in camps that are under both United Nations High Commissioner of Refugees (UNHCR) and the Ethiopian Refugee and Returnees Services (RSS). For Eritreans, they mostly reside in Tigray region due to its closeness with Eritrean borders and the cultural similarities with the area. There are four camps where Eritreans reside: Hitsats, Shimelba, Mai Aini and Adi Harush (Miller, 2023).

In 2017, Eritreans were prima facie recognised in Ethiopia as refugees. The camps were mainly filled with youth and unaccompanied minors. Although Eritreans had limited access to services in the camp, but there were protection risks related to smuggling and trafficking outside the camp, and women were at risk of sexual and gender-based violence (United Nations High Commissioner for Refugees, 2017).

However, refugees are not always welcomed with open arms in Ethiopia. During the war in Tigray region in Ethiopia, Eritrean forces and Tigrayans have been targeting the Eritrean refugee population, the Eritrean forces are targeting them due to their flight from Eritrea and the Tigrayans are targeting them as revenge for the crimes of the Eritrean forces in the region. Both forces have committed killings, rape and other abuses. One Eritrean refugee woman stated that her husband was killed by the Tigrayan militias while trying to seek shelter in a church (Human Rights Watch, 2021). In 2021, the two Eritrean camps Hitsats and Shimelba were destroyed. Eritreans are not only targeted when in Tigray region, but also those who make it to Addis Ababa are forcibly returned to Tigray (Miller, 2023).

In July 2023, the United Nations condemned Ethiopia's expulsion of hundreds of Eritreans which is a violation to international law and the "non-refoulement" principle. Adding to that, in March 2020 Ethiopia stopped registering new asylum seekers denying them access to international protection (Office of the United Nations High Commissioner for Human Rights, 2023b).

Even though both countries had signed Declarations and Agreements that calls for peaceful relationship between them, yet Eritrean refugees in Ethiopia have continued to suffer and face deportation back to Eritrea being denied international protection.

Sudan:

Out of despair in Ethiopia, Eritrean refugees sometimes flee to Sudan, hoping for better living conditions in the country. As of 28 February 2023, 136,466 individuals have been registered as asylum seekers and refugees by UNHCR in Sudan, with 83% of the population living in camps mostly concentrated in Kassala. The highest percentage of this population are adult males and females (United Nations High Commissioner for Refugees, 2023). The situation in Sudan is not ideal, especially after the coup in October 2021 which deteriorated the economic and political situation in the country, making it even harder to the refugee population in the country.

The Sudanese authorities have also not been very welcoming to the Eritrean refugee population as there had been reports of deportation by the Sudanese authorities to Eritreans even if they are registered as refugees and has denied access to international protection for those who were still not registered (Human Rights Watch, 2016).

Djibouti:

Ethiopia is not the only country in dispute with Eritrea over land, Djibouti also has tensed relations with Eritrea for the same reason. However, the number of Eritreans seeking refuge in Djibouti is not as high as in Ethiopia or Sudan. UNHCR shared that as of January 2023, 1038, Eritreans were seeking asylum in Djibouti (United Nations High Commissioner for Refugees, 2023a).

Djibouti has expressed its concern over the Eritrean human rights through several diplomatic means. One of these means was through the United Nations Interactive Dialogues last one being in March 2023 (Human Rights Council, 2023).

## 6.2 Eritrea and Major Powers:

Eritrea although a very small country, however, the country has a strategic location along the Red Sea and that makes it appealing to major power countries for military and economic reasons. How do major power countries as the United States (US), Russia, China and other countries react to the human rights violations committed by the Eritrean government while also trying to maintain a strong relation with the country?

### 1. The United States:

The United States and Eritrea started their diplomatic relations in 1993 after Eritrea's independence. The relationship between both countries has been tensed due to the human rights violations in Eritrea as detainment of political prisoners and limited freedom of press and violations of religious freedoms. The US does not provide any assistance to Eritrea and there is no military cooperation between both countries. Regarding trade, there is little bilateral trade between both countries (U.S. Department of State 2022). In a report issued in 2018, the US raised the issue of religious freedom in the country.

In 2021, the United States decided to sanction Eritrea after the crimes committed in Ethiopia during the Tigray conflict. In May 2021, visa restrictions were announced for Eritrean military personnel and officials, however no specific names were announced. In addition, Executive Order 14046 was announced by President Joe Biden which sanctioned all those responsible for the human rights atrocities committed in Ethiopia, but again no specific names were announced (U.S. Department of State, 2019).

In addition, in November 2021 the US financially sanctioned Eritrea's ruling party, EPFDJ and its affiliate companies, the Eritrean Defense Forces and two Senior Eritrean officials. The sanction was due to the presence of the Eritrean Defence Force in Ethiopia and the actions committed by them in Ethiopia under the supervision of the People's Front for Democracy and Justice. The two individuals sanctioned were Abraha Kassa Nemariam who was the head of the Eritrean national Security Office and Hagos Ghebrehiwet W Kidan who was the economic advisor of the PFDJ, who was sanctioned for being responsible for providing support to the PFDJ. This sanction meant that all property of the persons named that are in the United States or in the control of US persons are blocked (Treasury sanctions four entities and two individuals in connection with the crisis in Ethiopia, 2021).

Although the United States spoke against the human rights violations committed in Ethiopia on the hands of Eritrean forces, and sanctioned them for these acts, there was no available information that states that the United States had condemned or spoke against the human rights violations committed against civilians in the indefinite national service. The US remained silent long ago in around 2002 as it viewed Eritrea as a military ally as at the time there were plans

to create a naval bombardment and gunnery range along the Southern Red Sea Coast in Eritrea.<sup>3</sup> In 2021, The US spoke only out against Eritrea when Ethiopia was involved and looking at the relationship between the US and Ethiopia, it is considered a long-standing strong relationship with the US being the largest bilateral donor in Ethiopia.

The US Department of State has issued reports criticising the human rights situation in Eritrea and the national service in specific and its impact on the citizens and the country. Last report was issued on the year 2022 (U.S. Department of State, 2023).

## 2. China:

Eritrea and China had always been close ties since the independence of Eritrea. The two countries are considered to have a long-standing bilateral relationship. In a visit by President Isias Afwerki to China, the Chinese President Xi Jinping has highlighted that he opposes external interference in Eritrea's internal affairs and the imposition of unilateral sanctions (Meservey, 2023). Eritrea's President is an admirer of the Chinese Communist Party, and he had several visits to China since 1994 (Ministry of Foreign Affairs of the people's Republic of China, 2023).

Due to this ongoing strong relationship between the two countries and the recent visit of the Eritrean president to China in 2023, it is not expected that China would be the country to condemn or sanction Eritrea for the human rights violations committed in the national service, and since the human rights situation in China similar and the government is considered to be a repressive government, they are not expected to interfere in the internal affairs of Eritrea as they would not allow another country to interfere in their internal affairs as well.

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<sup>3</sup> <https://www.hrw.org/legacy/wr2k3/africa4.html>

### 3. Russia:

The Eritrean-Russian relationship goes back to when the Soviet Union was backing-up Ethiopia militarily during the war for independence (Commission of Inquiry on Human Rights in Eritrea, 2015). However, after the collapse of the Soviet Union in 1991, Russia's relationship with Africa was weakened (Meservey, 2023).

Recently, Russia has been strengthening its ties with Eritrea. There have been multiple visits between both countries in 2023. First, Russian Foreign Minister Sergei Lavrov made a visit to Eritrea, and then after president Afewerki's visit to China, he then met with President Vladimir Putin. In addition, Russia has invited the Eritrean President to attend the Russia-Africa Summit in Saint Petersburg. Eritrea has also chosen to side with Russia in relation to the invasion of Ukraine by voting against two United Nations Resolutions condemning Russia, making Eritrea the only African Country to vote against the Resolutions.

Russia has also been supporting Eritrea with military equipment as Russian helicopters, missile vessels and small arms. In 2020, Russia and Eritrea signed the first defense cooperation deal (Plaut, 2020). In addition, economically both countries have been cooperating. In the last 20 years, the exports of Eritrea to Russia have increased at an annual rate of 19.5% to reach \$131,000 in 2021 (Eritrea and Russia Trade, n.d).

It is clear to see that Russia and Eritrea have been backing each other, and after Eritrea voted against the resolutions condemning Russia, and the military and economic relations between both countries it is not expected that Russia would condemn Eritrea for the human rights violations committed in the country as Russia needs Eritrea as an ally (Meservey, 2023).

#### 4. France:

France was one of the country's that recognised Eritrea's independence and sovereignty. In August 1992, right after independence the French Minister of Health and Humanitarian Action was the first European Minister to visit Eritrea and then in May 1994, President Afwerki made his first European visit to France (Ministère de l'Europe et des Affaires étrangères, 2019).

Economic relation between both countries is very limited, with the only French investment in Eritrea is Total which was established in Eritrea in 1994 and is considered to be the second largest operator with a market share of 46% (Ministère de l'Europe et des Affaires étrangères, 2019).

#### 5. The United Kingdom:

As France, the United Kingdom also welcomed the independence of Eritrea in 1993. However, due to the human rights violations committed by the Eritrean government, the UK has voiced out these violations on several occasions.

In 2014, the UK published that Eritrea was a country of concern and listed down some of the human rights violations committed as the torture, and cruel treatment, the military service, freedom of religion restrictions and other violations (foreign, Commonwealth and Development Office, 2015).

The UK has had Eritrea on its Human Rights Priority Countries list. In 2021, the UK published that there were no improvements in the human rights situation in Eritrea, and it called out



arbitrary detention, indefinite national service and restrictions on freedom of expression (Foreign, Commonwealth and Development Office, 2021).

In March 2023 during the 52<sup>nd</sup> session of the UN Human Rights Council, the UK gave a statement on Eritrea. The statement expressed the UK's concern about the human rights situation in Eritrea and highlighted the indefinite national service (UK Government, 2023).

It is evident that the UK has expressed concern over the human rights violations in Eritrea and has limited relations with the country.

#### 6. United Nations:

As mentioned in the previous chapter, Eritrea is a member of the United Nations and is a signatory to some of the most important conventions of the UN. In this section, we will explore how the United Nations have reacted to the human rights situation in Eritrea, and what steps were taken by the UN of any to alleviate the situation.

Eritrea was sanctioned by the United Nations twice. The first sanction was in 2009 by the Security Council, however this was not due to the human rights violations that were ongoing in the country, but due to the support that was given to armed groups in Somalia by the Eritrean Government and therefore undermining the peace of the region. The sanction was also due to the refusal of the Eritrean government to withdraw their forces from Djibouti. The sanction included arms embargo, travel restrictions and freeze of assets of some political and military leaders. This sanction was passed through resolution 1907, noting that China abstained from voting on the resolution (United Nations Security Council, 2009).

The second sanction by the UN was in 2011, through resolution 2023, which both China and Russia abstained from voting on. The Security Council called out Eritrea for using the diaspora tax to destabilise the African region and for violating the sanctions regime and procuring arms to send them to armed groups (United Nations Security Council, 2011). None of the sanctions were due to the the human rights violations committed in the military service. In 2018 however, these sanctions were removed in 2018 through a resolution was that drafted by the UK (UN News, n.d).

In addition to the sanctions, the United Nations also had been documenting the situation in Eritrea through different reports that were drafted by different bodies. Firstly, the Commission of Inquiry on Human Rights in Eritrea was established in 2014 through resolution 26/24, and the Commission's mandate was renewed until 2016 (Human Rights Council, 2014). On 8 June 2016, the Commission published its final report. The report explained that Eritrea refused to cooperate with the Commission and permit access to the country, so the Commission gathered information through confidential interviews. The Report explained the human rights violations ongoing within the country's borders (Human Rights Council, 2015).

The United Nations also established in 2012 the Special Rapporteur on the Human Rights Situation in Eritrea through Resolution 20/20. In this Resolution, the Human Rights Council condemned the systematic human rights violations committed by the Eritrean government (Human Rights Council, 2012). In 2018, the mandate of the Special Rapporteur was extended through Resolution 38/15 (Human Rights Council, 2018).

## 7. African Union:

Eritrea has been a member of the AU since its independence, however relations with other AU members as Ethiopia and Djibouti has been tense due to border conflicts. Eritrea has not been very present in this regional organ. The African Union on the other hand has not taken any prominent steps in holding the Eritrean Government accountable to the human rights violations in the country and has retained a policy of non-interference. However, in 2009, the African Union also called the United Nations to sanction Eritrea for supporting armed groups in Somalia and when sanctions were imposed by the UN, the AU welcomed these sanctions (Bogale, 2014).

After a peace agreement was signed between Ethiopia and Eritrea in 2018, the relationship between Eritrea and AU member somehow improved.

In 2018, when sanctions were lifted by the United Nations on Eritrea, the Chairperson of the African Union Commission, welcomed the decision and described this step as an improvement of the bilateral relations between the countries in the region (Statement of the Chairperson of the Commission on the Lifting of Sanctions Against Eritrea, 2018).

## 8. European Union

The European Union has a long relationship with Eritrea since its independence. European Commission Delegation was set up in Asmara in 1995. EU has been supporting the development of Eritrea after independence through voluntary funding by EU member states. In addition, other projects that tackle irregular migration are also part of the EU- Eritrean Relationship (European External Action Service, 2021).

In 2016 and 2017, the European Parliament issued resolutions about the human rights situation in Eritrea and described it to be repressive. However, the EU has continued to work on projects in Eritrea as construction projects that makes the EU implicitly a part of the forced labour ongoing in Eritrea, as construction is considered to be one of the abusive sectors in Eritrea (Human Rights Watch, 2020).

#### 9. Intergovernmental Authority on Development (IGAD):

IGAD was created in 1996 in Eastern Africa with its headquarters currently in Djibouti. The aim of the organisation is to promote joint development strategies, promote peace and stability in the region, along with other objectives (IGAD, n.d). The organisation consists of 8 member states Uganda, Ethiopia, Sudan, South Sudan, Somalia, Kenya, Djibouti and Eritrea.

In 2007, Eritrea withdrew its membership from the IGAD due to the conflicts with Ethiopia and Djibouti, yet 16 years later, Eritrea rejoined the organisation again (Agence France-Presse, 2023). The organisation has only been interested in Eritrea's relationship with its neighbours as Ethiopia, Somalia and Djibouti and all statements concerning Eritrea were only about these matters and not internal matters. The organisation has also welcomed the lift of sanctions of Eritrea by the UN.

#### 6.3 International Instruments to Pressure the Eritrean Government:

As seen in the previous section, Eritrea has not been sanctioned explicitly for the dire human rights situation in the country, or the human rights violations committed during national service. In this section, some tools will be discussed that could be used by major power countries and international and regional organisations that might add pressure on Eritrea to improve their

human rights in the country. Firstly, is a tool already used by the United States before which is the Magnitsky Act.

- Magnitsky Act:

The Magnitsky Act first came into force in 2012. Sergei Magnitsky was a Russian tax lawyer who discovered a million dollars of fraud had been committed by tax officials in the Russian Ministry of Interior in 2007 and as a result he was detained and charged with tax evasion and in 2009 died in prison after suffering from human rights violations by the Russians. Magnitsky Act was then announced by the US in 2012 that imposed sanctions on those responsible for the death of Magnitsky by blocking 18 Russian officials and businessmen from entering the US, froze their assets in the US and banned their use of US banking systems (Newson, 2021).

In 2016, the US decided to expand the Act into the Global Human Rights Magnitsky Act to sanction human rights violators worldwide, following these expansions other countries have also adopted their own Magnitsky legislation as Canada in 2017, and the European Union in 2020 (Newson, 2021).

- Magnitsky Act in the US

The United States was the first country to implement the Magnitsky Act in 2012 under President Barack Obama's government to punish those affiliated with the death of Sergei Magnitsky. However, the law was found to be limited, and therefore in 2016 the Global Magnitsky Human Rights Accountability Act or the Global Magnitsky Act bill was passed that allows the president to sanction violators of human rights worldwide (Human Rights Watch, 2017).

The United States has sanctioned many government officials and entities under this act after investigations into human rights violations. For example, former Gambian President Yahya Jammeh was one of the first people designated by this law after he was accused of forming an armed forces unit to kill Gambian citizens that he believed threatened his reign. The United States has been using this law since 2017 where the Department of State and the Treasury would publish press releases with the names of those sanctioned under the Global Magnitsky Act for violating human rights. These sanctions entail a prohibition of access to the US financial system (United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe, 2017).

The US as stated above has applied this sanction on military personnels in Eritrea, however not for the human rights violations committed in the national service.

- Magnitsky Act in the United Kingdom

In the United Kingdom, the Sanctions and Anti-Money Laundering Act imposed in 2018 first provided a framework to support Magnitsky-style sanctions by allowing a minister to impose sanctions on entities and individuals through sanctions regulations if considered appropriate. Sanctions regulations are imposed with the sole intent of acting according to their UN obligations of providing accountability for gross violations for human rights. In June 2020 legislation similar to the Magnitsky sanctions was passed called, entitled the Global Human Rights Sanctions that target human rights violations relating to the right to life, torture, cruel treatment and forced or compulsory labour. Later in April 2021 the UK also adopted the Global Anti-Corruption Sanctions Regulations. Sanctions for the Global Human Rights law include financial sanctions, which include freezing the funds of the sanctioned or denying them

financial services and immigration sanctions, which include denying someone entry in the UK (Russell, 2021).

- Magnitsky Act in the European Union

The European Union in December 2020 adopted the Global Human Rights Sanction Regime that acts as the Magnitsky law, that allows the Union to target individuals and entities that violate human rights internationally. The same as in the UK and the US, the sanctions involve travel bans and freezing of funds (Eu adopts a global human rights sanction regime, 2020). The EU furthermore distinguishes between human rights abuses, those which are serious enough to warrant sanctions even if not repeated such as torture, and those which are only sanctioned if they become systematic, for example restricting civil liberties (Russell, 2021).

Overall, Magnitsky Act is an impactful tool, that has been legislated and used by major powers for situations similar to the the Eritrean Case, however, no Eritrean official has been sanctioned for his actions within the country, even though using this tool could exert pressure on the government to change their policies and respect human rights more.

- International Isolation:

Another mean that major powers could use to pressure the Eritrean government to improve the human rights situation in the country is through cutting diplomatic, economic and all types of relations with the country, along with travel restrictions to Eritrean officials. This way, the leaders of the country may feel pressured to alter their policies in order to be on the international arena.

For example, in 2017, Saudi Arabia, Egypt, United Arab Emirates and Bahrain had cut diplomatic ties with Qatar for supporting terrorism and destabilising the region. This cut included suspending all flights to Qatar, and all land and sea traffic as well, expelling Qatari diplomats on their lands and forcing Qatari citizens to leave. This caused fear in Qatar as they relied heavily on imports from their neighbours. This cut has also encouraged other countries to also cut ties with Qatar as Maldives and Yemen's internationally backed government (Wintour, 2017). Three years later, in 2021, diplomatic ties with Qatar were restored, however this step taken by the Arab Countries has affected Qatar, even though Qatar is considered to be a wealthy country (BBC, 2021).

If countries were to do the same with Eritrea, a country not as advanced or as wealthy as Qatar, this would definitely put extreme pressure on the Eritrean government to reconsider the human rights in the country. Yet, as long as powerful countries as China and Russia are backing up Eritrea, no action will be powerful enough as both countries support Eritrea even militarily.

#### - Public Shaming

Another strategy that could be used by countries and international and regional organisations to put pressure on the Eritrean government is through publicly shaming the country for the bad human rights record. Through releasing resolutions, statements or press releases that condemn these actions and call out the government for their bad policies. This might put pressure on the government as they would fear for their reputation and their public image. Historically, the United Nations High Commissioner for Refugees was the international organ used to publicly shame heads of states for their human rights record (Lebovic and Voeten, 2006). However, my personal view is that countries might fear publicly shaming another country as it might backfire, and other countries might monitor their situation and publicly shame them as well.



Other tools might be used as well as arms embargo as the United Nations did when Eritrea backed armed groups in Somalia, however as seen this sanction was removed although UN reports show that the human rights situation in the country remains the same and no progress was seen. I believe that it is all in the hands of major power countries and as long as Eritrea is backed by Russia and China, it would be quite difficult to pressure the Eritrean government to change their national service policies and their human right situation in the country.

### Conclusion

The aim of this research was to analyse the current national service situation in Eritrea, which is considered to be one of the most highly militarised countries in the world and to analyse the human rights violations that are committed by Eritrean officials that push Eritreans citizens to decide to flee the country in the most dangerous ways in order to have a chance to live a better life. This research also aimed at examining how the international community as major power countries and international organisations react and respond to these violations that result in thousands of individuals seeking asylum worldwide.

In order to understand the national service and its context in Eritrea, a brief history about the country was needed in order to understand why having a strong army was obviously one of the main focuses of the Eritrean Government and that was due to the long border war with Ethiopia, the government always wanted to be ready with a strong army to fight for its land. However, since multiple peace agreements have been signed between both countries and the situation has become more peaceful, yet the indefinite national service in Eritrea remains as it is. There has been no demobilisation of conscripts and conscripts have been assigned duties outside of the military scope to help with the development of the country's infrastructure and economy and so turning national service into forced labour.

Forced labour is not the only issue conscripts face while in the national service, many other violations make it even more difficult for them to continue, there is also poor wages, inhumane and degrading treatment, sexual and gender-based violence for women, conscription of minors and other violations as mentioned in chapter 5. Studying the situation in Eritrea has not been easy as the government does not share any information or statistics related to the national service and the information gathered was only through testimonies of those who were able to flee the country and were interviewed by international non-governmental organisations as Human Rights Watch or Amnesty International.

However, it can be concluded that the Eritrean government does not respect their obligations, whether national as the constitution, regional as the African Charter or international as the different international conventions signed by Eritrea. The country does not allow any free media and all media is controlled by the government. Special Rapporteurs and other missions are unable to access the country in order to analyse the situation in the country as the government never grants them access and also the government has not been very active in its reporting duties to the treaty bodies as well.

Looking at how the international community has been reacting to the situation in Eritrea, seemed as if internal affairs are not commented on by other countries, as Eritrea has been sanctioned and publicly criticised for their actions in Tigray region in Ethiopia in 2021 but the country was never condemned by another country for their national service regulations. Internal affairs are sensitive matters and countries might fear that in case they comment on the human rights situation in one country, that can open doors to other countries to do the same for them, so they usually remain silent.

In addition, Eritrea is being supported by two major power countries, China and Russia and Russia is even supporting Eritrea militarily with equipment and it is known that both China and Russia do not have a clean human rights record either and so they have not been calling out Eritrea for any of its human rights violations neither internally nor internationally.

In conclusion, Eritrea although is considered to be a small country in the horn of Africa, yet the country holds a strategic location on the coast of the red sea and so it might be interesting for major power countries to have it as an ally for purposes as having a naval base in the region or for economic reasons as well and therefore will not take part in sanctioning the country or calling out its government for their human rights violations.

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