

UN resolution on Eritrea's Human Rights Situation

Written by

Monday, 30 June 2014 00:02 - Last Updated Friday, 04 July 2014 08:46



United Nations A/HRC/26/L.6

General Assembly Distr.: Limited

23 June 2014

Human Rights Council Twenty-sixth session

Agenda item 4

Human rights situations that require the Council's attention

France, Somalia:* draft resolution

26/... Situation of human rights in Eritrea

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The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human

Rights, the International Covenants on Human Rights and other relevant international

human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African

Commission on Human and Peoples' Rights,

Recalling also Human Rights Council resolution 5/1, on institution-building of the

Council, and 5/2, on the code of conduct for special procedures mandate holders of the

Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her

duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolutions 20/20 of 6 July 2012 and 23/21

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of 14 June 2013,

Emphasizing that everyone has the right to take part in the government of his or her

country, directly or through freely chosen representatives, and expressing grave concern

that national elections in Eritrea have not been held since 1993,

Reiterating its deep concern at the ongoing reports of grave violations of human

rights by the Eritrean authorities against their own population and fellow citizens, including

violation of civil and political rights, as well as economic, social and cultural rights, and the

alarming number of civilians fleeing Eritrea as a result of those violations,

Noting the open letter issued by the four Catholic Bishops of Eritrea in May 2014

expressing concern about the lack of freedoms causing young Eritreans to flee and calling

on the Government of Eritrea to treat prisoners humanely and to assure that all are given

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prompt and fair trials, *

GE.14-06246 (E)

Non-member State of the Human Rights Council. A/HRC/26/L.6

Noting with grave concern the continued use by the Government of Eritrea of

arbitrary arrest and detention, including incommunicado detention and in life-threatening

conditions, of persons for suspected of evasion of national service, attempting to flee the

country or having a family member who has fled, inability to produce identity documents,

being a journalist, exercising the right to freedom of religion, being perceived as critical of

the Government, and of those who return to the country, as well as those detained in the

aftermath of the takeover on 21 January 2013 of the building housing the Ministry of

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Information,

Expressing grave concern at the widespread use of indefinite conscription into

national service, a system that constitutes forced labour, and the reported forced

conscription of children under the age of 18 into military service, and regretting that the

fear and experience of a lengthy national service incites causes large numbers of Eritreans

to leave the country,

Expressing grave concern also at reports that the Government of Eritrea is also

forcing persons to participate in its citizen militia,

Reaffirming that everyone has the right to leave any country, including his or her

own, and to return to his or her country,

Noting the participation of Eritrea in the second cycle of the universal periodic

review, while regretting the lack of implementation by Eritrea of the recommendations

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made at its first review,

Noting also the efforts of Eritrea to achieve the Millennium Development Goals and

to promote gender equality and progress on reducing and eliminating female genital

mutilation, while stressing that sustainable social changes are linked with the establishment

of a conducive political and legal environment,

Recalling the obligations of Eritrea under the International Covenant on Civil and

Political Rights, the Convention of the Rights of the Child and the African Charter on

Human and Peoples' Rights and the African Charter on the Rights and Welfare of the

Child,

Expressing continued concern at the failure of the Government of Eritrea to

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cooperate with the Special Rapporteur on the situation of human rights in Eritrea, including

its refusal to allow the Special Rapporteur to visit the country,

1. Welcomes the second report of the Special Rapporteur on the situation of

human rights in Eritrea¹

forced labour and arbitrary arrest and detention;

2. Strongly condemns:

(a) The continued widespread and systematic violations of human rights and

fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary

and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and

incommunicado detention without recourse to justice, and detention in inhumane and

degrading conditions;

(b) The severe restrictions on freedom of opinion and expression, freedom of

information, freedom of thought, conscience and religion, and freedom of peaceful

and its focus on indefinite national service constituting a form of

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assembly and association, including the detention of journalists, human rights defenders,

political actors, religious leaders and practitioners in Eritrea;

(c) The forced conscription of citizens for indefinite periods of national service,

a system that amounts to forced labour, the compulsory practice of all children undertaking

the final year of schooling in a military training camp as well as the intimidation and

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detention of those suspected of evading national service in Eritrea and their family

members;

(d) The forced participation of citizens in the militia, and the detention of those

suspected of not participating in it;

(e) The severe restrictions on freedom of movement, including, but not limited

to, the arbitrary detention of people caught attempting to flee the country or suspected of an

intention to do so;

(f) The violations of the rights of the child, including but not limited to reported

forced military conscription of children;

(g) The widespread use of torture and other cruel, inhuman or degrading

treatment or punishment and the use of places of detention that fall far short of international

standards, including underground cells and metal shipping containers;

(h) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean

citizens seeking to flee their country;

(i) Any violation by the Government of Eritrea of its international human rights

obligations in connection with the collection of taxes outside Eritrea from its nationals;

(j) The lack of cooperation with international and regional human rights

mechanisms by Eritrea;

3. Reiterates its call upon the Government of Eritrea, without delay:

(a) To end its use of arbitrary detention of its citizens, and to end the use of

torture or other cruel, inhumane and degrading treatment or punishment;

(b) To account for and release all political prisoners, including members of the

“G-15” and journalists;

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(c) To account for those detained in the aftermath of the takeover on 21 January

2013 of the building housing the Ministry of Information, and to release them or to ensure

that they are given a free and fair trial, with full respect for due process;

(d) To ensure free and fair access to an independent judicial system for those

detained, and to improve prison conditions, including by prohibiting the use of underground

cells and shipping containers to hold prisoners, ending the use of secret detention centres

and secret courts and the practice of incommunicado detention, and allowing regular access

to prisoners for relatives, legal advocates, medical care and other competent and legally

authorized authorities and institutions;

(e) To put an end to the system of indefinite national service by demobilizing the

national service conscripts who have completed their mandatory 18 months of service, and

by effectively ending the practice of engaging them in forced labour after such a period, to

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provide for conscientious objection to military service, and to end the compulsory practice

of all children undertaking the final year of schooling in a military training camp;

(f) To end the practice of forcing citizens to participate in the militia;

(g) To investigate promptly all allegations of extrajudicial killings, torture, rape

and sexual abuse within the national service, and to bring perpetrators to justice;

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(h) To allow human rights and humanitarian organizations to operate in Eritrea

without fear or intimidation, and to facilitate the full implementation of the Strategic

Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea

and the United Nations on 28 January 2013;

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(i) To respect everyone's right to freedom of expression and to freedom of

thought, conscience and religion or belief, and the rights to freedom of peaceful assembly

and of association;

(j) To enhance the promotion and protection of women's rights, including by

taking further measures to combat harmful practices, such as child, early and forced

marriage and female genital mutilation;

(k) To implement the recommendations made during its second universal

periodic review, to report on progress made and to cooperate fully with the Human Rights

Council and the universal periodic review during its third cycle;

(l) To end "guilt-by-association" policies that target family members of those

who evade national service or seek to flee Eritrea;

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(m) To cooperate fully with the Office of the United Nations High Commissioner

for Human Rights in accordance with its international human rights obligations by, inter

alia, allowing unhindered access to a further mission by the Office as requested by the High

Commissioner, the human rights treaty bodies and all mechanisms of the Human Rights

Council, and to cooperate with all international and regional human rights mechanisms;

(n) To provide the Office of the High Commissioner with all relevant

information on the identity, safety, well-being and whereabouts of all detained persons and

persons missing in action, including members of the G-15, journalists, those detained in the

aftermath of takeover on January 21 2013 of the building housing the Ministry of

Information, and the 19 Djiboutian combatants;

(o) To implement fully the Constitution of Eritrea adopted in 1997, and govern

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in accordance with the principles of the rule of law;

4. Urges Eritrea to make available information pertaining to Djiboutian

combatants missing in action since the clashes of 10 to 12 June 2008 so that those

concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. Decides to extend the mandate of the Special Rapporteur on the situation of

human rights in Eritrea for a period of one year, and requests the mandate holder to present

a report to the Human Rights Council at its twenty-ninth session and to address and engage

in an interactive dialogue with the General Assembly at its sixty-ninth session;

6. Invites the High Commissioner to report to the Human Rights Council on the

progress in cooperation between Eritrea and the Office of the High Commissioner;

7. Decides to establish, for a period of one year, a commission of inquiry

comprising three members, one of whom should be the Special Rapporteur, with the other

two members appointed by the President of the Human Rights Council;

8. Also decides that the commission of inquiry will investigate all alleged

violations of human rights in Eritrea, as outlined in the reports of the Special Rapporteur;

9. Calls upon the Government of Eritrea to cooperate fully with the Special

Rapporteur and the commission of inquiry, to permit them and their staff members

unrestricted access to visit the country, to give due consideration to the recommendations

contained in the reports of the Special Rapporteur, and to provide them with the

information necessary for the fulfilment of their mandates, and underlines the importance

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for all States to lend their support to the Special Rapporteur and the commission of inquiry

for the discharge of their mandates;

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10. Urges the international community to cooperate fully with the Special

Rapporteur and the commission of inquiry;

11. Also urges the international community to strengthen efforts to ensure the

protection of those fleeing from Eritrea, in particular the increasing number of

unaccompanied children;

12. Requests the Secretary-General to provide the Special Rapporteur and the

commission of inquiry with all information and the resources necessary to fulfil their

mandates;

13. Requests the commission of inquiry to present an oral update to the Human

Rights Council at its twenty-seventh eighth session and to the General Assembly at its

sixty-ninthseventieth session, and a written report to the Council at its twenty-eighth ninth

session;

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14. Decides to transmit all reports of the commission of inquiry to all relevant

bodies of the United Nations and to the Secretary-General for appropriate action;

15. Decides to remain seized of the matter.