Legal framework

The ruling People's Front for Democracy and Justice (PFDJ) continues to violate every provision articulated in the country's ratified but unimplemented constitution.

Article 19 of the constitution, ratified in 1997, states that 'no person may be discriminated against on account of… religion', while Article 16 of the constitution proscribes the use of torture or cruel, inhuman or degrading treatment or punishment, slavery, forced labour and servitude.

Article 17 prohibits arrest and detention without due process, stating that individuals should be informed of the grounds for their arrest or detention, be brought before a court within 48 hours of their arrest, or as soon as possible thereafter, and should not be held beyond this period without authorisation from a court. It also stresses the presumption of innocence and that anyone charged with an offence 'is entitled to a fair, speedy and public' court hearing, and should not be punished until found guilty by a court.

Finally, Article 26:2 states that any law limiting the enjoyment of the fundamental rights and freedoms articulated in the constitution must be 'consistent with the principles of democracy and justice.'

Article 18:1 of Eritrea's 1996 Press Proclamation prohibits the publication of anything that 'vilifies or belittles humanitarian and religious beliefs'. Article 195 of the 2015 Criminal Code penalises casting 'disparagement upon any religion', while Article 196 stipulates between six and 12 months' imprisonment or a fine for 'intentionally and publicly' disparaging a ceremony or rite 'of any lawful religious group', or profaning 'a place, image or object' used for religious ceremonies, and Article 302 penalises 'distastefully touching upon' a person's religious background with between one to six months' imprisonment.

In addition, Eritrea has ratified or acceded to several international treaties, including the African Charter on Human and Peoples' Rights (ACHPR, or the African Charter), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) the Convention on the Rights of the Child (CRC), and its Optional Protocol on the involvement of children in armed conflict (CRC-OP-AC).

Detention of religious adherents

An October 1994 a directive from President Afewerki revoked the citizenship rights of members of the Jehovah's Witness movement for their refusal to participate in the 1993 Independence Referendum and in the military aspects of national service. Since then, Jehovah's Witnesses have experienced severe mistreatment. For example, three men who had declined active military service and were detained in 1998 were only released in 2021, and any caught meeting clandestinely face detention and harassment, including children and the elderly. Seven have died in prison since 2011, and in 2018 three elderly men died soon after being released, following harsh imprisonment. As of January 2025, 67 members of the Jehovah's Witness movement were detained arbitrarily.

In May 2002 Eritrea effectively outlawed religious practices not affiliated with the Catholic, Evangelical Lutheran or Orthodox Christian denominations, or Sunni Islam. Other religious groups must register in order to practise their faith. However, the registration process is onerous, intrusive, and ultimately inconclusive. In a subsequent, and ongoing campaign of arbitrary arrests, thousands of adherents of non-recognised religious communities were detained in inhumane, often life-threatening conditions, in more than 300 sites across the country where torture is practised routinely. None have been formally charged or brought to trial, and many are held pending a denial of their religious belief. Some are released once deliberate privations and severe mistreatment render them close to death. An unknown number have died, either while in detention, or as a result of mistreatment endured while detained.

An exact figure on imprisoned Christians is difficult to ascertain, as numbers fluctuate due to a continuous series of arbitrary arrests and releases. However, by August 2024 at least 400 Christians from every denomination were estimated to be detained arbitrarily, including several children and a significant number of women. Some of the detainees have been held for extensive periods of time. In 2024 five religious leaders began their second decade in arbitrary detention.

Members of the four government-sanctioned religious communities also experience harassment, repression, arbitrary detention and property seizures. For example, Abune Antonios, the legitimate Orthodox patriarch, died in February 2022, having endured 16 years of arbitrary detention in the form of house arrest after being removed from office in violation of the Church's canon. The government subsequently tightened its control over the Church at home, approving its highest officials, administering its finances by proxy, and selling off its assets. Priests seen as loyal to the late patriarch were detained, harassed, conscripted, and even killed. In February 2023 Yeneta Ezra, 47, a strong supporter of the Patriarch Antonios, was found dead in his room in Debre Kemah Abune Merkoreos Monastery in the Debub region. Despite suffering multiple knife wounds, government agents declared his death a suicide, and at their insistence he was buried within 24 hours without receiving the appropriate religious rites.

In 2019 the seizure and closure of all 22 health facilities owned by the Catholic Church rendered nuns and priests who lived in these premises homeless, and deprived rural communities of accessible healthcare. In October 2022 three Catholic clergymen, including Bishop Fikremariam Hagos of the Catholic Eparchy of Segheneity, were detained arbitrarily in separate incidents, but were released between November and December 2022 following increased international attention.

On 30 January 2019 Haji Ibrahim Younus, a septuagenarian, died after an extended period in detention during which he did not receive adequate medical attention. Then, in June 2019, Mr Said Mohamed died following harsh imprisonment and delayed medical attention while indefinitely detained in connection with the government's attempted seizure of the Al Dia'a Islamic School in Asmara. In May 2021 security agents closed the historic Al Mahad al Islami private school in Assab two days before Eid el Fitr.

In April 2023, 103 Christian students were arrested while uploading music to YouTube, most of whom were members of the Evangelical Lutheran Church. Those who were released months later were not allowed to resume their studies, and their ID cards were confiscated, effectively confining them to their homes as they risked rearrest if found in public without them.

Compulsory military service

Eritrean society is heavily militarised. By law, military service is meant to last for 18 months, but in reality it remains indefinite. Recruits receive minimal wages and are regularly mistreated or subjected to forced labour in development projects, farms owned by officials, and even in foreign-owned enterprises, amid a lack of transparency regarding monies paid to the government for their services.

Senior officers regularly subject young female recruits to sexual harassment and other gender-based violations. Random military roundups continue to occur amid credible reports, both in the lead up to and during the war on Ethiopia's Tigray region, of young people, including minors, being seized from homes, streets and marketplaces and forcibly conscripted. The families of those deemed to be evading military service were evicted from their homes, which are boarded up, and anyone found to be assisting them risked similar mistreatment.

In its second report, released in June 2016, the UN Commission of Inquiry on Human Rights in Eritrea (COIE) 'found reasonable grounds to believe' crimes against humanity, 'namely enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder' have been committed in a 'widespread and systematic manner' since 1991. These crimes were deemed to have been committed largely but not exclusively within the context of the military service regime.

Transnational repression (TNR) and international crimes

The comprehensive repression has generated a significant refugee exodus, with citizens risking a shoot-to-kill border policy among other dangers, to flee their country. By the end of 2023, over 623,000 Eritreans,[1] around 17% of the population, were registered refugees or asylum-seekers.

Eritrea also exports repression, committing extraterritorial crimes to control and extort its diaspora. In his June 2024 report the UN Special Rapporteur on Eritrea highlighted 'evolving patterns of transnational repression' designed to 'counter the work of pro-democracy activists, journalists, political opponents and human rights defenders, including by resorting to kidnappings and enforced disappearances, unlawful removals, surveillance, violence, intimidation, harassment, smear campaigns, social isolation and the refusal of consular service.'[2] Following decades during which Eritrean diplomatic missions have been able to organise 'festivals' reportedly utilised to extort, intimidate and radicalise the diaspora, violence now occurs between government supporters and opponents 'in dozens of cities across the globe', with some resulting in deaths, injuries, arrests and destruction of property. Worryingly, in March 2025 the government of Germany designated Brigade N'hamedu, a decentralised grassroots movement of Eritrean refugees and activists created in response to TNR due to the absence of effective action by host nations, a terrorist organisation.

In its final report to the HRC, the International Commission of Human Rights Experts on Ethiopia (ICHREE) found that the Eritrean Defence Forces, Ethiopian National Defence Force, regional forces, and affiliated militias had 'perpetrated violations and abuses in Tigray on a staggering scale,' including mass killings, widespread and systematic rape and sexual violence against women and girls, deliberate starvation, forced displacement, and large-scale arbitrary detentions, which 'amount to war crimes and crimes against humanity.'[3] The experts stressed the need for further independent investigation to ascertain if the crimes of extermination and/or of genocide were also committed.

Eritrean soldiers are also implicated in the murders of Eritrean refugees, the destruction of two camps and the forced return of thousands who sought refuge in Ethiopia, some of whom were forcibly conscripted. In addition, they embarked on the extensive destruction of infrastructure, the pillaging of monasteries and places of worship, forcibly depriving civilians of money and jewellery, and comprehensively looting homes, hospitals, factory equipment and shops. Anything not transported to Eritrea was destroyed, including livestock and crops, while farmers were prevented from preparing fields for the rains, facilitating starvation.

Eritrean soldiers continue to occupy the Irob region, which the nation insists was assigned to it at the end of the border war with Ethiopia by the Treaty of Algiers of 2000. Members of the predominantly Catholic Irob community report ongoing human rights violations, including looting, enforced disappearances, and being forced to choose between compulsory assimilation and forced relocation by troops who have imposed the Eritrean language and

1 Statistics from the Office of the United Nations High Commissioner for Refugees (UNHCR).
2 UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker, 7 May 2024 https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F56%2F24&Language=E&DeviceType=Desktop&LangRequested=False
3 UN Human Rights Council, International Commission of Human Rights Experts on Ethiopia, 'Comprehensive investigative findings and legal determinations', 13 October 2023 https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/chreetiopia/a-hrc-54-crp-3.pdf

identification cards on them, conscripted individuals, and targeted Catholic priests.

Recommendations

To the government of Eritrea:

- Implement the ratified constitution and facilitate all rights enshrined within it, and bring all decrees, legislation, policies and practices into compliance with international and standards and Eritrea's regional and international legal obligations.
- Release all prisoners of conscience, including those detained on account of their religion or belief, immediately and without precondition, returning property expropriated from religious communities, and compensating government officials and journalists detained since September 2001 in accordance with two African Commission for Human and Peoples' Rights (ACHPR) decisions.[4]
- Protect the rights of incarcerated persons by adopting and implementing the Nelson Mandela Rules, and adhering to the ACHPR Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa.
- End the practices of enforced disappearance, arbitrary arrests, and incommunicado indefinite detention, ratify the International Convention for the Protection of All Persons from Enforced Disappearances, and release without precondition all who have been detained arbitrarily for excessive periods of time.
- Respect the legally stipulated 18-month term of military service, demobilise of those who have served excessive tours of duty, end underage conscription, stop the use of conscripts as forced labour, end the collective punishment of families of individuals deemed to have avoided military service, and recognise the right to conscientious objection in law and practice, formulating civil service alternatives.
- Engage fully and constructively with the Special Rapporteur and issue a standing invitation to UN Special Procedures, granting them unhindered access, including to the contested Irob region.
- Permit international verification, demarcation and delineation of the border with Ethiopia.

To the United Nations and Member States:

- Prioritise justice by implementing the recommendations of the 2016 report of the UN Commission of inquiry on Eritrea (COIE), including to:

  (a) Determine that the situation of human rights in Eritrea poses a threat to international peace and security;

  (b) Refer the situation in Eritrea to the Prosecutor of the International Criminal Court;

  (c) Impose targeted sanctions, namely travel bans and asset freezes, on persons where there are reasonable grounds to believe that the said persons are responsible for crimes against humanity or other gross violations of human rights.
- Establish judicial mechanisms to hold identified perpetrators of severe human rights violations and atrocity crimes committed in both Eritrea and Tigray to account.
- Urge Eritrea to engage fully and constructively with the Special Rapporteur on Eritrea and to issue a standing invitation to UN Special Procedures, granting them unhindered access to all parts of the country, as well as to the Irob region.
- Continue supporting the work of the UN Special Rapporteur on Eritrea, ensuring the mandate is fully resourced.
- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Eritrea.
- 'Refrain from committing, co-opting or condoning acts of transnational repression, online or offline, and ensure that all acts of transnational repression on their territory are investigated and prosecuted promptly, fully and effectively. Where applicable, review and revise national laws or adopt new laws to allow for the prosecution of the perpetrators and facilitators of transnational repression. Foreign State immunity laws should also be revised to enable individuals affected by transnational repression to seek legal remedies in national courts.'[5]
- Urge the government of Eritrea, at every appropriate opportunity, to make the reforms highlighted in the recommendation section above 'To the government of Eritrea'.

4 Zegveld and Another v Eritrea (Communication 250 of 2002) [2003] ACHPR 52 (20 November 2003) https://africanlii.org/akn/aa-au/judgment/achpr/2003/52/eng@2003-11-20; and Article 19 v State of Eritrea (Communication 275 of 2003) [2007] ACHPR 79 (30 May 2007) https://africanlii.org/akn/aa-au/judgment/achpr/2007/79/eng@2007-05-30

5 Report of the Special Rapporteur on the promotion and protection of the right to freedom of expression, Human Rights Council, 56th Session, Agenda Item 3, 18 June–12 July 2024, https://docs.un.org/en/A/HRC/56/53

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