

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 one and six 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 and 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

In October 1994 a directive from President Isaias 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, having endured privations, beatings and mock executions. In a significant legal development, on 20 August 2025 the African Commission on Human and Peoples' Rights (ACHPR) concluded that Eritrea violated multiple articles of the African Charter in the case of these men, including with regard to arbitrary detention, denial of legal status and judicial proceedings, and inhumane treatment, ordering that they be compensated. ¹Eritrea has not responded.

Any Jehovah's Witnesses caught meeting clandestinely or even gathering socially can 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 from harsh imprisonment. As of September 2025, 64 members of the Jehovah's Witness movement were detained arbitrarily, including two women aged 85 and 87 respectively.

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 are 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. Since 2025 the Eritrean government has released over 400 detained Christians, including the remaining students who were arrested while recording worship music for YouTube in April 2023.² However, the overwhelming majority of these releases were reportedly conditional, with prisoners obliged to sign a document confessing to having committed a crime by joining a proscribed denomination, promising not to return to it, and accepting full responsibility for any punishment they may face if they disobey.

Those released constitute a mere fraction of Eritrea's arbitrarily detained prisoners of conscience, among them senior church leaders, prominent pro-democracy government officials and journalists held incommunicado and without trial for over 20 years.

1 African Commission on Human and Peoples' Rights, 'Communication 716/19 – Three Jehovah's Witnesses (Represented by Lawyers Associated for Human Rights in Africa) v. The State of Eritrea (merit)', 4 November 2025 <https://achpr.au.int/en/decisions-communications/three-jehovahs-witnesses-v-eritrea>

2 CSW, 'HRC58: Oral Statement during the enhanced ID on Eritrea, 27 February 2025 <https://www.csw.org.uk/2025/02/27/report/6459/article.htm>

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 appropriate religious rites. In April 2025 Rev Gebremeskel Hagos, an Orthodox priest based in Switzerland who travelled to Eritrea following the death of his father, was detained incommunicado.

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 al-Fitr. In July 2025 Sheikh Adam Shaban, a respected Muslim cleric and the director of the Quran Memorisation Centre in Ghinda, was detained arbitrarily, reportedly after honouring a summons from the authorities. Days later, the authorities reportedly detained Sheikh Omar Yahya Haji and two of his aides, after he objected to the closure of a Quran Memorisation centre in Qenda'a city.

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 December 2025 the Office of the United Nations High Commissioner for Refugees (UNHCR) was aware of over 679,000 Eritrean refugees and asylum-seekers around the world.³

Eritrea also exports repression, committing extraterritorial crimes to control and extort its diaspora. In his June 2026 report the UN Special Rapporteur on Eritrea highlighted an elaborate strategy of transnational repression involving 'surveillance, threats, intimidation, harassment, coercion, economic pressure, physical attacks, smear campaigns, social isolation, censorship, reprisals against families of dissenters inside Eritrea, and ongoing denial of consular services.'⁴ Eritreans who interacted with the special rapporteur 'observed that the system of overseas repression served several interconnected goals, including preventing the build-up of political opposition abroad, silencing dissent within Eritrea by punishing family members, and maintaining ideological influence over Eritrean community structures.'

In spite of this, 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.

3 Office of the United Nations High Commissioner for Refugees (UNHCR), Guidance Note on Eritrea, April 2026 <https://martinplaut.com/wp-content/uploads/2026/05/ert-guidance-note-final-april-2026.pdf>

4 UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker, 7 May 2026 <https://docs.un.org/en/A/HRC/62/20>

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.’⁵ 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 were also implicated in the murders of Eritrean refugees, the destruction of two camps and the forced return of thousands who had sought refuge in Ethiopia, some of whom were forcibly conscripted upon return. In addition, they embarked on extensive destruction of infrastructure, 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 parts of Tigray, including 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 identification cards on them, conscripted individuals, and targeted Catholic priests.

As relations between the two states deteriorated, Ethiopia, which continues to pursue Red Sea access, sent a letter to UN Secretary General António Guterres in October 2025 accusing Eritrea of colluding with a faction of the Tigray People’s Liberation Front (TPLF) to fund, mobilise and direct anti-government militia in the Amhara region, which borders Tigray.⁶ On a regional level the two nations support opposing factions in the Sudan conflict, with Ethiopia supporting the Rapid Support Forces (RSF) and drawing closer to the United Arab Emirates, while Eritrea has sided with the Sudanese Armed Forces (SAF) and has strengthened relations with Egypt and Saudi Arabia.

Recommendations

To the government of Eritrea:

- Implement the ratified constitution and facilitate all rights enshrined within it, bringing all decrees, legislation, policies and practices into compliance with international 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 and the arbitrarily detained Jehovah’s Witnesses, in accordance with African Commission for Human and Peoples’ Rights (ACHPR) decisions.⁷
- 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 indefinite incommunicado 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 those who have served excessive tours of duty, end underage conscription, stop the use of conscripts as forced labour, cease 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 on Eritrea and issue a standing invitation to UN Special Procedures, granting them unhindered access, including to the contested Irob region, and permit international verification, demarcation and delineation of the border with Ethiopia.
- Refrain from transnational repression online or offline.

To the European Union and Member States:

- Urgently consider widening targeted sanctions on individuals identified as being responsible for violations in Ethiopia and Eritrea.
- Lead international efforts to implement the recommendations of the 2016 report of the UN Commission of inquiry on Eritrea (COIE), in particular, referral to the ICC.

5 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>

6 BBC, ‘Ethiopia accuses Eritrea of preparing for war as Red Sea tensions rise’, 8 October 2025 <https://www.bbc.co.uk/news/articles/cyv6r6e6800e>

7 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>

- ‘Exercise universal jurisdiction over alleged international crimes, including crimes against humanity and war crimes, and initiate legal proceedings against individuals responsible for the commission of international crimes, including grave breaches of international humanitarian law.’⁸
 - Urge Eritrea to permit international verification, demarcation and delineation of the border with Ethiopia, and unimpeded access to the Irob region for local and international aid agencies, and independent human rights investigators.
 - Continue supporting the work of the UN Special Rapporteur on Eritrea, ensuring that the mandate is renewed and fully resourced.
 - Recognise, thoroughly investigate, and adopt an interdepartmental approach to TNR by the government of Eritrea, addressing every instance immediately, offering effective protection for victims, and ensuring accountability for perpetrators, including through arrests, prosecutions and sanctions.
 - Urge the government of Eritrea, at every appropriate opportunity, to enact the reforms highlighted in the recommendation section above ‘To the government of Eritrea’.
- 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 (FoRB) in their reporting on Eritrea.
 - Utilise the Universal Periodic Review process to raise the violations and recommendations raised in this briefing.
 - Where possible, provide financial support and platforms for Eritrean human rights defenders to share their experiences, including facilitating their participation in relevant UN dialogues.
 - Publicly condemn all reprisals against members of civil society who engage with the UN and other international organisations on matters relating to human rights in Eritrea and support the establishment of a safe environment for human rights lawyers, civil society actors and human rights defenders to carry out their work.
 - ‘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.’⁹
 - Urge the government of Eritrea, at every appropriate opportunity, to enact the reforms highlighted in the recommendation section above ‘To the government of Eritrea’.

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

⁸ 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>

⁹ 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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