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人权理事会
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2020年6月30日至7月17日
议程项目2
联合国人权事务高级专员的年度报告以及
高级专员办事处的报告和秘书长的报告

厄立特里亚常驻联合国日内瓦办事处代表团2020年6月8日致联合国人权事务高级专员办事处的普通照会

厄立特里亚国常驻日内瓦联合国和其他国际组织代表团向人权理事会秘书处致意，谨随函提交厄立特里亚国外交部对厄立特里亚人权状况特别报告员的报告(A/HRC/44/23)的答复(见附件)。常驻代表团谨请秘书处将本普通照会及其附件*作为政府来文分发。

* 附件不译，原文照发。

Annex to the note verbale dated 8 June 2020 from the Permanent Mission of Eritrea to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Eritrea's Response to the report of the Special Rapporteur (SR)

The UNHRC Special Rapporteur issued, on 17th April this year, a 20- page annual report on Eritrea. Sadly, the report is replete with the same presumptive and offensive allegations that have characterized the annual reports since 2012.

Eritrea has duly and comprehensively addressed the fallacies and flaws of these distorted and recycled narratives in its previous official statements and communications to the UNHRC. The fact is these reports are mostly collated as is from publications of, and in some instances worked out in cahoots with, Eritrea's arch-enemies. In the event, we will focus, in this brief statement, on the most egregious sections of the current report.

1. **The report states: "….** ***two years on, the dividends of peace have yet to materialize for the Eritrean people…progress towards full normalization of relations has been slow… no demonstrated reform to the national/military service…….*****"**

The shallowness apparent in these sweeping, utterly negative, and presumptive conclusions is appalling. Ethiopia and Eritrea went into a vicious border war from May 1998 until June 2000. The destructive war claimed, in aggregate, more than 150,000 lives. Peace remained elusive for the subsequent 20 years until PM Abiy Ahmed took historic and bold steps, in June 2018, to accept and fully implement the final and binding Arbitral Ruling of the Eritrea-Ethiopia Boundary Commission (EEBC).

Against this backdrop, the Peace and Friendship Agreement signed between the two countries in Asmara on 9 July 2018, is of immense significance; both for the message of optimism, hope and enduring reconciliation that it evoked for the two peoples who were at war for two long decades, and also for the tangible and multi-faceted programmes of bilateral cooperation that it envisages.

These precepts are enshrined in five pillars of the Agreement. The first article reads: "The state of war between Ethiopia and Eritrea has come to an end. A new era of peace and friendship has been opened". The remaining pillars underscore a wide scope of cooperation on political, economic, social and security sectors, as well as joint endeavours to ensure "regional peace, development and cooperation". The Agreement has a specific chapter on the unequivocal implementation of the EEBC decision. The two governments have further established a High Level Joint Commission for periodic consultation on, and expeditious implementation of, the Agreement.

In this respect, what has been accomplished in the past two years is substantial by any standards. Full normalization of bilateral ties has progressed beyond expectations - not only in terms of its nominal diplomatic features but also in terms of structured, periodic and comprehensive bilateral consultations, including Summits that have and continue to take place. In the economic and trade sectors, what has begun in all earnestness is being bolstered through the requisite infrastructural as well as administrative/legal frameworks and investment. Normalized Eritrea-Ethiopia ties have further spurred and catalyzed new or supplemental multi-lateral agreements with Somalia, the Sudan and Kenya.

But in spite of all the manifest political goodwill, building durable peace is not a simple undertaking that will materialize overnight with the stroke of a pen. There are vested interests – local and otherwise – bent on derailing or impeding the process in motion. Consequently, progress in the implementation of some of the pillars – and notably the EEBC decision – has yet to be realized. Still, the tempo, overall direction and future prospects of the peace process is overly positive and much more advanced in comparative terms with other analogous and contemporaneous peace processes underway elsewhere in the world.

The report alludes to dividends that "have yet to materialize for the Eritrean people". Here again, this sweeping statement is tenuous and devoid of any substantive discourse. First off, how do you measure these dividends and who sets the parameters and metrics?

With peace on the horizon, Eritrea is better placed to funnel all its material and human capital towards meaningful and sustainable development. The track record of the past 29 years illustrates that Eritrea has and can achieve inclusive and rapid economic growth predicated on social justice under conducive conditions of internal and regional peace. Removal of existential threats will eliminate, once and for all, the diversion of much-needed resources to defense. As it happens, Eritrea's ambitious programmes of development are being recalibrated and pursued within this positive mindset and energy. The fruits of this purposeful and resolute endeavour will surely be reaped in the years ahead.

On National Service, the report misses again the larger picture. National Service was conceived originally – when it was enacted in 1994 – as a residual instrument within the framework of a small professional army. Its duration in peace time is limited to 18 months in statutory terms. The legal provisions are therefore explicit and unambiguous. They do not require new legislation or reform.

National Service was prolonged in the past years because the previous Ethiopian regime refused to respect international law. The regime continued to occupy sovereign Eritrean lands and pursued a policy of belligerence and aggression with impunity – indeed with the tacit support of certain powers.

With peace, the duration of the National Service will be limited to its statutory provisions in purely legal terms. The actual modalities of demobilization will of course be worked out in due time as it was the case for previous similar programmes that the GOE implemented in the aftermath of the long liberation war as well as after the signature of the Algiers Peace Agreement on the palpable presumption that lasting peace was guaranteed by this "iron-clad" international treaty. In the meantime, the Government has implemented a raft of measures in the past years. In terms of salaries, National Services members are today the first beneficiaries of the upwardly revised Civil Service and Military Salary Scale. Demobilization of married women and other segments of society continue to take place in the interim period too.

2. The report claims that *the national service remains one of the main drivers of migration from Eritrea*".

This is another wholesale resuscitation, without independent validation, of a worn-out and distorted narrative by Eritrea's detractors. The real reason for "disproportionate" migration of Eritrea's youth to Europe in past years, which does not also reflect current realities, lies in misguided policies of certain powers to wean the youth from the National Service and thereby degrade Eritrea's defense capabilities. UNHCR was used as convenient umbrella to this end. UNHCR's so-called Eligibility Guidelines – issued in 2009 and 2011 and that remain in force to-date – extend automatic asylum to all Eritrean National Service members. This misguided policy is the primary pull factor that has prompted Eritrean youth to seek asylum in Europe and elsewhere. In many European countries, around 60% of the asylum seekers are actually citizens of neighbouring countries who pose as Eritreans due to this preferential treatment. Eritrea's efforts to rectify this situation remain unsuccessful in spite of various meetings and communications with the UNHCR and early promises to do so by the latter. It is clear that this instrument still remains a useful component in the tool box of certain countries in their relentless harassment of Eritrea.

3. The report recommends, wrongly and audaciously, "*to separate high school education from military conscription… stop using the education system to recruit new conscripts…. that final year of high school does not negatively affect the right to access for education of any social group, nor create restrictive environment*".

This unsolicited advice basically stems from wrong perception of the National Service that we have clarified in very broad terms in previous paragraphs above. What can be added are the enormous educational and cultural benefits that accrue from creation of a well-equipped facility to accommodate all final-year High School Students in one place. True, the four-

month military training is carried out in the same place after the students sit for the standardized, nation-wide, High School Certificate Examination (or University Entrance Exams) at the end of the academic year. But the central purpose of the Institution is to better standardize delivery of education and to create a level-playing field to all students by enhancing uniform access – with the best teachers and lab equipment – as they prepare for the national exam. This is borne out by final exam results which compare much more positively against the previous format. Another vital consideration is cultivation of cultural cohesion within a multi-religious and multi-ethnic societal setting. Indeed, as young, high-school students from all over the country congregate and mingle in the Institution (Sawa) for their final year, the exposure has its own unique contributions to the consolidation of Eritrea's vivacious culture of ethnic and religious harmony within diversity.

4. The report dwells on the usual vitriol: "*religious persecution, widespread repression, government sanctioned rape of women, torture, etc*" to portray a very bleak picture of the country and to demonize the GOE. We will not waste time to respond to these baseless allegations here that are mendaciously peddled by Eritrea's detractors for ulterior objectives as we have addressed them fully in previous communications to the UNHRC.

To sum up: the current SR Report, and the previous SR and COI reports, are products of apparently incorrigible attitudinal and methodological flaws.

The attitudinal problem stems, in many instances, from close, almost militant, association of certain Rapporteurs with Eritrea's arch-enemies. The previous SR was an active member of Amnesty International which openly pursued a policy of regime-change and tried to illegally infiltrate agents to that end in Eritrea in 2011. As it will be remembered, the Commission of Inquiry relied exclusively on testimonies of 250 individuals, due to connections with this entity and some subversive networks, while ignoring petitions of over 250,000 Eritreans in the Diaspora. Unfortunately, the current SR also fell into the trap when she issued an ill-advised Press Statement against Eritrea on COVID-19 in February this year, by recycling the sinister accusation of a notorious subversive clique without checking the actual facts or the underlying motive and agenda of this outfit.

The methodological flaw is intertwined with the attitudinal deficit. As illustrated, perhaps inadvertently, in the references of the various reports, they rarely collect objective and reliable information from a wide range of primary and secondary sources. They rely, almost exclusively, on "reports" and/or innuendos churned out by the narrow network of Eritrea's arch-enemies, including from hostile countries. In the process, they have jettisoned normative procedural rules and standards of neutrality, objectivity and reliability. In effect, they have become "mouthpieces" of these elements to indict Eritrea at the UNHRC forum. This pattern of behavior is ludicrous and should not be tolerated anymore.

As we have pointed out in earlier submissions, Eritrea has its own challenges and shortcomings in various areas, including in the area of human rights. It is a young nation which has faced formidable existential threats for the most part of its formative years. Several planks in its developmental aspirations and objectives thus remain unfulfilled ideals which will require more vigorous efforts, time, and hard work. In the area of human rights, Eritrea is earnestly and seriously engaged in the UPR mechanism to address comprehensively shortcomings and deficits that must be rectified in due time.

However, the shortcomings referred above have no semblance whatsoever with the defamatory portrayal of the country by its arch-enemies. The events in the last two months when the country was confronted with the COVID-19 pandemic illustrate and reinforce one indelible truth. A "repressive government that is at loggerheads with its people" can hardly galvanize massive and voluntary participation and substantial contributions from all segments of society both inside the country and in the Diaspora. All the preventive guidelines issued by the Government were implemented seamlessly, without resort to stringent punitive measures as was the case in many countries, due to consensual support of civil society groups, religious institutions, the private sector and the citizens at large.

In the event, it is high time for the UNHRC to break with inertia and terminate the unwarranted ritual of annual harassment of Eritrea. We must also recall that the first

resolution was railroaded in 2012, at the peak of hostility against Eritrea by powerful powers as a fallback position to the unwarranted sanctions imposed under the umbrella of the UNSC. This much was openly admitted by some of the African Member States who were prodded to sponsor the resolution to give it “an African face”.

Ministry of Foreign Affairs
State of Eritrea
Asmara, 3rd June 2020