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## الجمعية العامة



### مجلس حقوق الإنسان

الدورة السابعة والأربعون

21 حزيران/يونيه - 9 تموز/يوليه 2021

البند 2 من جدول الأعمال

التقرير السنوي لمفوضة الأمم المتحدة السامية لحقوق الإنسان

وتقارير المفوضية السامية والأمين العام

### رسالة استُلمت في 22 حزيران/يونيه 2021، من القائم بالأعمال في البعثة الدائمة لإريتريا لدى مكتب الأمم المتحدة في جنيف إلى رئيسة مجلس حقوق الإنسان

أُورِدَ طَيِّه رد وزارة خارجية دولة إريتريا على تقرير المقرر الخاص الذي سيقدمه في 21 حزيران/يونيه 2021 إلى مجلس حقوق الإنسان في دورته السابعة والأربعين (المرفق).

وسأكون ممتناً جداً لو أمكن توزيع هذه الرسالة والوثيقة المرفقة بها باعتبارهما وثيقة من وثائق مجلس حقوق الإنسان، لكي تُنشر على نطاق أوسع حتى يطلع عليها الجمهور.\*

(توقيع) آدم غ. إدريس

القائم بالأعمال

\* استُسخِ المرفق كما ورد، وباللغة التي قُدم بها فقط.



الرجاء إعادة الاستعمال

# **Annex to the letter received on 22 June 2021 from the Chargé d'affaires of the Permanent Mission of Eritrea to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

## **Report dated June 2021 from the Ministry of Foreign Affairs of Eritrea on the UN Special Rapporteur's Report on Eritrea: Rumors cannot be presented as Facts**

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## I. Background

### The Politicized Approach Against Eritrea

1. The Human Rights Council (HRC) is once again presented with a flawed report from a Special Rapporteur (SR) on Eritrea. Unfortunately, the report repeats many of the same unsubstantiated allegations that have characterized previously published reports following the establishment of the SR's mandate in 2012. The first HRC resolution was pushed at the peak of existential external threats against Eritrea and as a fallback option to the unwarranted sanctions imposed by certain western powers under the umbrella of the United Nations Security Council. Eritrea was also subjected to a parallel mandate through the COI. The first SR on Eritrea, Sheila Keetharuth, formerly of Amnesty International, which has long pushed for "regime change" and stood against the country's independence, again participated as a member of the COI to maximize the damage on the people and the Government of the State of Eritrea.
2. The original Resolution against Eritrea was sponsored by three African countries presumably to imbue it an African "face". With time, however, many Member States had come to realize the hollowness of the charges leveled against Eritrea. As it happened, recent Resolutions in the last two years that called for renewal of the mandate and appointment of a new SR were not sponsored by a single African country. In the event, Western countries who were the original architects of the scheme had no choice but to come out of the closet.
3. Eritrea has thus been targeted through politically-motivated, country specific, resolutions and mechanisms of the HRC for almost a decade. The flawed reports ignored key contextual factors and downplayed Eritrea's earnest progress and achievements in many areas. Most of the information was collated in TPLF-dominated Ethiopia, often in cahoots with the intelligence chief – later a fugitive from the law – and a narrow network of Eritrea's archenemies, including some hostile countries. As we pleaded on multiple occasions, this conduct is in breach of accepted principles and norms of objectivity, neutrality and professionalism which must characterize the ethical standards of those entrusted with the task.
4. In a nutshell, there has never been a "human right crisis" in Eritrea that warrants the targeting of the country through any Human Rights Council agenda. As such, the present SR report is another attempt to portray a bleak picture of the nation on the basis of the same flawed pattern and methodology.

### The Present Report and Its Flawed Methodology

5. Special Procedures were established by the broad mandate given to the Human Rights Council in General Assembly Resolution 60/251. The Code of Conduct outlined thereof stipulates the indispensable qualities of personal integrity, independence, impartiality, and objectivity of Rapporteurs in the dispensation of their tasks. Unfortunately, the report on Eritrea relies on sensational and unverified claims from dubious sources and others who have a long history of advocating for "regime change". The following examples amplify the visceral flaws of the current report:

- recycled allegations raised as "**concerns**" (Summary section)
- based upon "**observations**" (summary section, L4)
- information gathered from a variety of "**unidentified sources**" (summary section, L5)
- **remote monitoring** (introduction section, P3)
- Information through "**alternative means**" including Eritrean refugees
- "**Selected other sources**" – "diplomats in Khartoum", "core group" of members of HRC, engagement in the UK (Activities section – P 8)

6. Furthermore, a critical observation on the Code of Conduct of the special procedures stipulated in Article 6, exposes the absence of responsibility and failure of the methodology. The Code of Conduct demands obligations including "*facts, based on objective, reliable information emanating from relevant credible sources,.. duly cross-checked to the best extent*

*possible*". Article 8 on the sources of information also demands that the SR *"be guided by the principles of discretion, transparency, impartiality, and even-handedness"* and further *"Rely on objective and dependable facts"*.

7. As with previous SR reports on Eritrea, the lack of reliable data, heavy dependence on biased sources, non-verifiable approach, and ignorance of Eritrea's ground realities renders the methodology and the essence of the allegations tenuous and unacceptable.

## II. A Futile Exercise: Searching for a Human Rights "Crisis" in Eritrea

8. Like every other country in the world, Eritrea faces challenges. However, the GoSE continuously works to address these challenges and improve human rights standards in the country. Accordingly, there is no "crisis" that warrants the targeting of the nation through HRC agendas and mandates.

9. Eritrea's progress in all sectors, including the mainstreaming of human rights, embodies peace, stability, equal rights and opportunities, emerging legal trends, and a governance system that capitalizes on popular participation. Having said that, however, the GoSE recognizes the need for continuous consolidation and improvement remains central to the process of nation-building.

10. The progress outlined above should not be understated. It is the result of the resilience, sacrifices, and efforts of the population. What is more, the progress and achievements were registered in spite of numerous challenges and existential threats. Most importantly, the GoSE is committed to addressing all remaining challenges and achieving its human rights targets so as to reach its key objective which is creating a socially just society. It is incumbent upon the HRC and the mandate on Eritrea to acknowledge the significant points discussed above and correct its misguided, wrong position suggesting a systemic failure in Eritrea.

11. The baseless charges in the current Report are numerous and are carefully crafted so as to maintain the image of a "fragile and failed state". These allegations have been addressed repeatedly in all past GoSE reports including in the UPR, statements and responses. The present response focuses specifically on the allegations relating to the absence of the rule of law; Gender-based violence (GBV); non-fulfillment of reforms; national service and forced labor; and international cooperation.

### The Rule of Law

12. Contrary to the allegations in the current Report, Eritrea is governed by the rule of law. The following national instruments are worthy highlighting here:

- The Transitional Code (*new codes have been published in 2015 and are under continuous public campaigns and discussion*) is complemented by 178 proclamations and 125 legal notices. These are enforced as the source of law reflecting relevant internationally accepted norms. The judiciary, composed of hierarchical courts and public prosecution, upholds the administration of justice and maintains the rule of law in the society.
- An active and vibrant public participation at all levels of local governance is symbolic of the overall people-driven political process of nation-building inherent to Eritrea. Local governance in 2862 villages and 751 localities serves as the base for governance and responsible participation.
- Elected regional and local assemblies serve as the basis for exercising rights and carry the responsibility of administering public affairs. This has ensured State viability and a people-power nexus.
- Regional Administrations (six regions) shoulder governance responsibilities reflecting a decentralized system and are responsible for organization and implementation of local developmental projects.

- The commitment to strengthen the State through viable governance is thus apparent in the rule of law while functional responsibilities on policy, monitoring, training, and human resources, is promoted and regulated by sector ministries.

### **Gender-Based Violence (GBV)**

13. Eritrean women's revered role in society has been the subject of many objective studies and books examining both their inimitable contribution to the struggle for liberation as well as their equal participation in national service and national development projects. This has established a fundamental basis for women's equality and empowerment and a strong rejection of any type of GBV.

14. The political, social, and cultural basis for fighting GBV in Eritrea is enshrined in law. Eritrea's customary laws and traditions do not tolerate any form of sexual harassment, violence, or rape, and these laws have been reinforced in the Penal and Civil Codes enacted after independence. Anyone committing a crime related to violence against girls and women, such as rape (Art 589), sexual outrages accompanied by violence at various levels (Art 590-599), physical assault (Art 537), grave injury (Art 538/539), FGM-C (Art 4) is brought to the court by public prosecution and all criminal cases are duly adjudicated by the criminal courts only.

15. In general, an overwhelming focus and effort by the Government is to consolidate the substantial progress and achievements in gender equality, mainstreaming, and empowerment. The essence has focused on promoting human dignity, improving standards of living, and supporting inclusive development as sanctioned by national laws. It is therefore safe to say that the allegations related to GBV are unwarranted and Eritrea has regularly reported on this issue. The prevalence of small and stubborn pockets in society is minimal and dealt with through appropriate legal measures.

### **Non-Fulfillment of Reforms**

16. The SR incorrectly asserts (*paragraph 9 line 4-6*) that “*most of the recommendations made on Eritrea during its review for the third cycle in January 2019, including on the long-awaited reforms, are still largely unimplemented*”.

#### *Eritrea's development orientation and post-COVID-19 prospects*

17. After 20 years of a state of war, the Peace and Cooperation Declaration between Eritrea and Ethiopia, signed on July 2018, ushered in a new era of stability in the Horn of Africa. In light of this new atmosphere and the attendant regional dynamics, Eritrea has been working to recalibrate its development-orientation and remains committed to maximizing on agreements that are beneficial to all sides. Obviously, this is a work in progress and can only be assessed through objective measures taking into account the national context of each country in the region and without undue external dictations and pressure.

18. The new state of relative stability was seized to strengthen two dimensions: internal dynamics of development and international cooperation and engagement. Eritrea's ambitious national development programmes are being reorganized and pursued with this new positive outlook in sight. Accordingly, Eritrea redoubled its efforts to achieve a qualitative leap in the near future. Unfortunately, Eritrea, along with the rest of the world, was impacted by the global COVID-19 pandemic. This has led to the scaling down of a number of the country's development projects, initiatives, and programmes.

19. The new national development roadmap articulates the pertinent priorities that befit the new context, needs, and human betterment ideals of the society. The 9 strategic programs in the road-map aim at creating macro-economic growth and stability, effective reorganization through institutional, organizational and administrative consolidation, and the strengthening of the political process of nation-building. The development paradigm is driven by Eritrea's long held commitment to asserting local ownership, priorities, and implementation. Furthermore, the overall strategy is to rely on the extended mobilization, higher organization, and effective harnessing of the national capacity of the people.

20. Despite the prevailing situation and dynamics outlined above, Eritrea is better placed to funnel all its material and human capital towards meaningful and sustainable development. Its track record of the past 30 years illustrates that the country has and can achieve inclusive and rapid economic growth predicated on social justice, promotion of equal rights and opportunities sanctioned by national law while focusing on human dignity, betterment of life, and development under favorable conditions of internal and regional peace. A central dimension in this respect is the ongoing effort to strengthen the mainstreaming of human rights in Eritrea's nation-building.

21. The detrimental effect of the pandemic on the pace of progress in achieving developmental goals, and the economic impact of the protective measures notwithstanding, the people and Government of Eritrea have rededicated their energy and resources to laying the foundation for economic development and improving the standard of living by focusing on key productive sectors in accordance with the new national development roadmap. The fruits of this purposeful and resolute endeavour will surely be reaped in the years ahead and extensive work is going in sectors of comparative advantage as a ground for a post-COVID-19 recovery plan.

### **National Service and Forced Labor**

22. Eritrea's National Service was established through Proclamation No. 82 of 1995 with a commitment to human dignity, empowering of new generations critical to nation-building and all-round development, national unity and citizenship, and national interests predicated on social justice and the promotion of a viable future.

23. By law, every Eritrean, 18yrs of age and above, is required to complete National Service, which includes 6 months of training and education and 12 months of participation in development activities. National Service was introduced immediately after Independence as the government embarked on a massive demobilization programme at the time. In times of peace, National Service members do not have any other obligations once they fulfill their duty of service for 18 months. They remain in theory part of the reserve army eligible for recall if and when necessary. In the above context, National Service does not require reform as stipulated in paragraphs 39 to 43 of the present report, in relation to lack of improvement in conditions, systemic and widespread violations including forced labour, lack of free choice, etc. Furthermore, it is not the mandate of this body to demand National Service reform without due consideration given to the national context.

24. It is important to note here that when the "border" war ended and Ethiopia and Eritrea signed the Algiers Peace Agreement, the Government of Eritrea launched the second demobilization programme where 105,000 soldiers were demobilized. But when the then TPLF-led Government of Ethiopia rejected the final and binding arbitral ruling and continued its policies of occupation and hostility, the government had no option but to prolong the National Service.

25. The causality inference (paragraph 40) suggested in the present report between national service and migration from Eritrea is unjustified and unacceptable. In line with the new development drive, as well as the emerging prospects of viable peace and cooperation in the Horn of Africa, efforts will gradually be made to return National Service to its original duration. Moreover, a significant number of national service members have been integrated into the new remuneration system which improved the salary scale of the civil service.

26. Eritrea again rejects the allegations on forced labor in the context of National Service (paragraph 42) cited from the COI Report on Eritrea. Forced labor is not practiced and National Service members are not employed in private enterprises unless they are formally discharged. Their participation in development programs only reflects the provisions stipulated in the Proclamation.

27. The allegation that returnees face imprisonment (paragraph 52) is contrary to the measures of amnesty introduced and the facts on the ground. A simple fact-check can tell how much citizens who were victims of the politicization of migration through human trafficking networks, perpetuated as part of the existential external threats on Eritrea to drain the youth from national defense, national service and development have become participants in national development and visit their country and family regularly without any problems.

## Fundamental Freedoms

28. The present report has focused on recycling the usual allegations on religion and the rights to association, assembly, and expression (paragraphs 44 to 51) and are addressed here briefly as a reminder of Eritrea's national context.

### *Religious Freedom*

29. Eritrea is a secular state and freedom of religion is protected by law. The country's rich history of religious tolerance, peaceful co-existence, and general harmony in a turbulent region that is often wracked by acute religious polarization and strife remains a positive, unique example. Contrary to the allegations in the report (paragraph 45 and 47), continuous efforts are being made to strengthen religious coexistence, mutual respect, and tolerance.

30. Even within the confines of secularism, the Government has shouldered the obligations to ensure that this centuries-old religious tolerance and harmony is not perturbed by externally-induced new trends of Islamic or Christian fundamentalism that corrode the social fabric. The operation of new faiths, with funding from external sources is, however, a matter seen in the context of *Proclamation 73/1995*. Religious affairs, including registration, declaration of funding, etc. are regulated by *Proclamation 73/1995* and failure to comply with the requirements is faced with legal measures. The SR needed to check the objective facts on the ground so as not to follow the same deliberate attempts to tarnish Eritrea's image in the name of religious freedom.

### *Freedom of Association and Assembly*

31. Freedom of association and assembly is respected by law and the allegation that "*public gatherings of more than seven people without permit are still prohibited*" (paragraph 51) is completely false. Legal Notice No 5 of 1992 on "Registration of non-government national organizations and associations" sets the conditions for their establishment and operation. Presently, all national organizations are operational. Eritrea's labor proclamation also upholds workers' rights and trade unions are fully functional. The organizations, associations, trade unions, and interest groups have their own constitutions, elected leaders, and members, and they conduct regular meetings, conferences, and activities. Furthermore, veterans of the liberation struggle, local communities, social and cultural groups have also formed associations and are active in local communities. They play a significant role in creating platforms to discuss and address social, economic, cultural, and administrative issues. All associations are autonomous bodies and once registered function and work independently.

### *Freedom of Expression*

32. Eritrean citizens have the right for lawful expression and opinion without interference and are both participants and beneficiaries of information and ideas. At the same time, however, this demands responsibility from every citizen to promote collective interest of the nation and the society. In this regard, public media has been strengthened and reflects the reality of national development. It has cultivated progressive thinking, transformational culture, and reliable information instrumental to a knowledge-based society. Furthermore, it has helped to consolidate the responsible participation of citizens. Importantly, regional and international issues and developments are covered on a daily basis. Hence, the contribution of Eritrea's media establishment to the freedom of expression is ascertained by its democratic nature. To promote free expression through cultural works, the government encourages the production and distribution of various cultural and artistic contributions.

## III. Regional peace, security, and development dynamics

### Emerging prospects of regional dynamics

33. The present Report fails to objectively assess and portray the significant threat to regional peace and security posed by the TPLF after the implementation of the 2018 Peace, Friendship and Cooperation declaration between Eritrea and Ethiopia. Moreover, the

continued occupation of sovereign Eritrean territories in defiance of international law, its right to live in peace without any threats, and the right to development have always been ignored by the SR's reports.

34. In this regard, the recent futile campaign to scapegoat Eritrea in matters concerning Ethiopia, notably the enforcement of rule of law operation successfully undertaken by the Government of Prime Minister Abiy, deserves special mention. Much of the attempt to tarnish Eritrea's image (*paragraphs 15 to 19*) is reminiscent of old patterns levied at the country for almost two decades. This time the intention is clearly to give life to the decadent group rejected by the vast majority of its own population. There is no mention in the current report of TPLF's damaging role in the region over 27 years and its declared animosity towards the recent efforts of peace, security and development. This is unfortunate and exhibits clear bias.

### **The Tigray Crisis**

#### *The hard fact – TPLF Incited the Crisis*

35. Until its removal from power, the TPLF governed Ethiopia with an iron fist, corruption, and the politics of ethnicity. With the seemingly unconditional support of some western powers, it served as the main agent for the destabilization of the Horn of Africa. The same western countries continued to support the TPLF even as it was weakened and forced to retreat from central government.

36. Emboldened by some governments, the Western media, and NGOs, the TPLF, by its own admission, unleashed an insurrectionist war in November 2020 after it was ousted from power in 2018 after 27 years of despotic rule in Ethiopia. The objective of this massive, premeditated and unprovoked attack that the TPLF launched on all the contingents of the Ethiopian army in the north was to totally neutralize the Northern Command which possessed around 80% of the EDF's total arsenal. The TPLF killed several hundred non-Tigrayan soldiers within the Northern Command and its overall plan was to topple the central government once it had pacified the Northern Command. Subsequent plans included military action against Eritrea to advance its avowed "regime change" agenda as well as incorporation of Eritrean sovereign territories for its long-term, multi-layered, aims and aspirations.

37. The TPLF took these decisions at the highest levels of its leadership; in the meetings of its Central Committee days prior to the attack. Confident as it was on the "inevitable success of its preparations and plans" – the TPLF had trained around 250,000 militias and Special Forces in previous years while also infiltrating the ENDF to secretly enroll senior officers and soldiers of Tigrayan ethnic origin – the TPLF went as far as publicly and audaciously announcing the rationale and objectives of its military adventure in the early days of the war.

38. In the early days after it attacked Ethiopia's Northern Command, the TPLF also launched missile attacks on adjacent regions in Ethiopia, as well as multiple civilian targets in several cities of Eritrea.

39. All these incontrovertible information is in the public domain. Indeed, only two weeks ago, General Tsadkan, who is leading the remnants of the TPLF army – acknowledged with some remorse that had it not been for the Drone strikes, the TPLF's early successes and meticulous plans would have been implemented fully.

#### *The disinformation campaign and wild allegations*

40. As TPLF's original plan failed, it resorted to a propaganda campaign of defaming Eritrea (*paragraphs 17–20 of the report*) and cyber disinformation became its most potent tool. Desperate fabrications, recycling of fake news, photoshopped images were all employed in this massive and coordinated crusade to scapegoat Eritrea. Shamelessly, some mainstream media organizations, hired by the TPLF during its reign over in Ethiopia, amplified this without scrutiny and due journalistic diligence.

41. Allegations singling out and defaming the Eritrean army, an institution anchored on ethics, values of humanity and respect for human dignity in any situation, are an insult to the



history and culture of Eritreans. The country's strong advocacy and practice of adherence to human rights during its 30-year national liberation struggle is well-documented. The same is true of the experience during the so-called border war. This commitment to human dignity, even of POWs, emanates from the strong ethical values of the society. The allegations are meant to deflect attention from the war launched and atrocities committed by the defunct TPLF and merit independent investigation and accountability.

42. Needless to say, all other allegations of sexual violence, looting, and crimes are baseless and devoid of credibility. Similarly, claims of mass killings and executions in Axum (paragraph 18) and Mekele (paragraph 1), as well as indiscriminate shelling in Humera and Adigrat are all false.

#### *The TPLF's Culpability*

43. Crimes of aggression, ethnic cleansing, and other acts of injustice committed by the TPLF span three decades and go much farther than Ethiopia's borders to neighboring countries, including Eritrea. The fact is that no amount of historical revision can absolve the clique of the crimes it committed throughout the Horn of Africa region. It is therefore unfortunate that the same external entities that aided and abetted TPLF's murderous reign for almost three decades are now desperately working to cover up its crimes, offer it a lifeline, and scapegoat Eritrea.

44. Any attempt to deflect attention from the high crimes perpetrated by the TPLF clique and downplaying its culpability will not, indeed, serve the cause of peace and security in the region. Instead, such an attempt will entail a historic betrayal to the ongoing efforts of pursuing genuine peace, security, and development in the Horn of Africa. Any party motivated by peace, security and development in the region, shoulders the responsibility to condemn the TPLF's crimes and should call for it to be held accountable without delay.

#### *Allegations relating to Eritrean refugees in Tigray*

45. Paragraphs 64 to 68 (as well as 75) stipulate the unwarranted and outrageous allegations mentioning violations of human and international humanitarian law and refugee law by the Eritrean army. The SR could have provided a more accurate reflection of the dreadful situation that the Eritrean refugees were faced with inside refugee camps hosting Tigray Special Forces and militia. The persistent question that has yet to be answered is in regard to the management of the camps and the eventual spontaneous scattering of the refugees to different parts of Ethiopia risking their life after being threatened, leaving those remaining to be rescued by Ethiopian federal forces.

#### **Eritrea - Djibouti Relations and the facts**

46. In paragraph 14 of the Advance Report, the SR indicated that "Eritrea-Djibouti border dispute persists", and mention has been made of the alleged "...missing Djiboutian prisoners of war". As mentioned above, the rapprochement between Eritrea and Ethiopia ushered in a new era of peace and cooperation leading to the revitalization of regional dynamics. Djibouti is an integral and important element in this revitalized vision and praxis. In this regard,

- the joint visit and meeting of the Foreign Ministers of Eritrea, Ethiopia and Somalia with the President of the Republic of Djibouti was an important development.
- This was followed by the subsequent meeting between the Presidents of Eritrea and Djibouti in Jeddah under the auspices of the King of Saudi Arabia. Accordingly, both Presidents agreed to continue the process of bilateral dialogue on any outstanding issues.
- The promising way forward is to consider the further development of the agreement made by the two presidents to gradually push the bilateral engagement and dialogue on any real, outstanding issue.

47. Eritrea presently does not have Djiboutian prisoners of war (POWs) in its custody. In accordance with the 2010 Mediation Agreement signed with the Republic of Djibouti under the auspices of the Emir of Qatar, Eritrea released 4 Djiboutian POWs. At the time, the international community, including the Republic of Djibouti through an official statement of

its Ministry of Foreign Affairs, expressed their satisfaction with the action taken. Note is to be made that previously 2 Djiboutian POWs escaped and one died as a result of illness while in custody. Eritrea again declares that it does not have any Djiboutian POWs in its custody at present.

## IV. Engagement and International Cooperation

### The Principles of Engagement

48. Eritrea has earnestly worked to promote dignified engagement and cooperation predicated on mutual respect, understanding, and benefit and in line with its effort of consolidating of human rights mainstreaming that also gradually fulfills its international and regional commitments. The reality is that the confrontational HRC mandate and mechanisms have not created any dividend in the promotion of human rights. In fact, they have attempted to undermine its engagement and international cooperation. The situation bestows responsibility and demands on the HRC to consider the objective situation articulated to further consolidate the effort and output.

### Progress and Recent Accomplishments

#### *The Centrality of the UPR and Progress*

49. Eritrea believes that the UPR is an effective mechanism for dignified engagement and cooperation based on the accepted recommendations by the State party. Eritrea has taken the UPR process and the attendant measures as epicenter for the follow-up and coordination infrastructure regarding Eritrea's international and regional commitments and reporting. It is committed to further strengthening the institutional and organizational basis, capabilities, and experiences so far developed to continuously implement the UPR's accepted recommendations.

50. Accordingly, measures are being taken to further consolidate the integrated and coordinated implementation and mainstreaming of the 3<sup>rd</sup> Cycle UPR accepted recommendations in development programmes. The Government has again developed the Framework for Action and an overall plan has been developed on the basis of sector goals and targets to mainstream human rights and implement the accepted recommendations of the Working Group in the 3<sup>rd</sup> UPR Cycle.

#### *Treaty bodies reporting*

51. Eritrea has been engaged in fulfilling certain obligations related to treaties of which it is a party to. The following are mentioned in this regard:

- Eritrea's 6<sup>th</sup> CEDAW Report was considered during the 75<sup>th</sup> Session of the Committee on February 14, 2020. The observations and conclusions of the Committee are being evaluated to develop a Framework for Action.
- Similarly, the combined 5<sup>th</sup> and 6<sup>th</sup> CRC report has been submitted and is awaiting review. Eritrea will engage constructively in the upcoming review.
- In the absence of the initial report, the Committee considered the situation of civil and political rights under the Covenant in Eritrea at its 3582<sup>nd</sup> and 3583<sup>rd</sup> meetings (CCPR/C/SR.3582 and 3583), held in public sessions on March 12-13, 2019. At its 3599<sup>th</sup> meeting, held on March 25, 2019, the Committee adopted concluding observations. The committee had frank discussions with the Eritrean delegation. Regrettably, none of Eritrea's important inputs or clarifications were included in the observations and conclusions of the Committee (of May 3, 2019), except for a brief solitary sentence recognizing the presence of the delegation.

#### *Thematic and treaty body invitations made by Eritrea*

52. As was mentioned in previous reports and statements during HRC sessions, as an initial step the Government of Eritrea took the initiative to further strengthen engagement,

broaden cooperation, and deepen understanding of Eritrea's context and objective realities by inviting certain thematic mandates and Treaty bodies (*Ref OM/2/028 of 14 April 2016 sent to Chief a.i. Special Procedures Branch – OHCHR*). While it was hoped that the initiative would lay the groundwork for further invitations, broader engagement, and deeper cooperation, the OHCHR failed to respond to the request. The invitations included:

- Initial invitations for 2016
  - Thematic mandates – SR on the right to health, SR on the right to education
  - Treaty Bodies – Committee on the Rights of the Child
- Initial Follow-up Invitations after 2016
  - Thematic mandates – Independent expert on access to safe drinking water and sanitation, SR on the rights to food
  - Treaty Bodies – Committee on the Elimination of Discrimination Against Women

#### *Cooperation with the OHCHR and the HRC*

53. Eritrea has earnestly engaged and worked to partner with the OHCHR and its various divisions at different levels, including through the High Commissioners at the time. In this vein, Eritrea presented its own initial priorities for technical capacity-building in the administration of justice, right of the disabled, and rights related to water security. To this effect, four OHCHR technical missions were conducted. The OHCHR technical missions and the attendant reports neither reflected the efforts and the outcomes adequately nor did they appear with a balanced view of Eritrea's reality in all reports of the High Commissioner. In substance and intent, they seemed to blindly endorse or recycle the biased, sensationalized approach of the SR's reports on Eritrea. This serves as further confirmation that the OHCHR is not genuinely willing or prepared to work as a sincere partner to promote technical capacities vital to the promotion and protection of human rights in Eritrea.

54. Eritrea remains committed to the technical assistance in capacity-building, institutional links, and mobilizing resources to mainstream the pertinent rights under the identified areas and benefit from the experiences and comparative advantage of the Office. Nonetheless, the outcome of the visits and exchange of letters should have been transformed to concrete actions in those areas already identified before the cooperation is expanded in depth and scope as submitted in the OHCHR latest roadmap. This does not reflect Eritrea's internal dynamics driven by national ownership, priorities, and local capacity.

55. The integrity and effectiveness of the HRC continues to be endangered by the politicization of human rights, which aims to vilify, isolate, and destabilize targeted sovereign countries. Eritrea opposes the misuse of the Council's mechanisms to make groundless indictments of intimidation. As a member of the Council (2019-2021), Eritrea continues to make its modest contributions and has again been slotted for the election taking place in New York in October 2021.

56. Eritrea's experience in the last 8 years is symbolic of the aforementioned political ill-intent perpetuated by the core group of western countries with hard-line position against the nation. We oppose the futile campaign to use the HRC as a mechanism to continue the unfair and unjust treatment, including using the unwarranted allegations to scapegoat Eritrea in the pretext of the recent events in the Tigray Region of Ethiopia.

57. Eritrea reaffirms its commitment to improve human rights in the country, while strengthening its modest contribution to depoliticize the Council and advance dignified engagement and cooperation predicated on partnership, in particular through the UPR, to address human right challenges that befit our collective effort to the ideals of humanity. In general, it will continue to expand and consolidate dignified engagement and international cooperation based on partnership.

*Eritrea's engagement and Cooperation with the ACHPR*

58. Eritrea is continuously engaged with the ACHPR. It regularly participates in all sessions of the organization and contributes to the functioning and consolidation of the ongoing implementation of the African Charter. Efforts to fulfill regional obligations are also ongoing. In this respect, Eritrea has submitted its Initial and Combined National Report to the African Commission on Human and Peoples' Rights in May 2018. The 2<sup>nd</sup> Report on ACRWC has been submitted recently and is awaiting discussion, while the preparation of the 2<sup>nd</sup> Periodic Report on the Africa Charter is underway.

59. Eritrea acknowledges and respects the African Commission's efforts and contributions in the promotion of human rights and the implementation of the African Charter. Moreover, it engages with the Commission on numerous matters. This is based on the continuous effort to mainstream human rights in nation-building and is pursued with proper consideration to the African Charter and will be consolidated further. Nevertheless, it opposes any effort to use human rights as a pretext to implement other politically-related aims that threaten its security, sovereignty, and independence.

*Other areas of cooperation*

60. Eritrea's fundamental principle on development, including in international and regional development cooperation, is guided by its independent political stance predicated on national ownership, priorities, and implementation. Accordingly, it emphasizes dignified engagement and cooperation based on genuine partnership. Recently, Eritrea embarked on the process of recalibrating its development programmes. Any cooperation, including with the UN through the UNCT (raised in *paragraph 12*), will be objectively and critically assessed and decided upon in due time.

61. Mention has also been made regarding EU sanctions on Eritrea amid the ongoing discussion to withhold development support in particular in the pretext of the unwarranted and worn-out allegations surrounding National Service and forced labor (*paragraph 24*) as well as other baseless human rights allegations. Any such pre-condition on development cooperation is unacceptable. Eritrea remains committed to the effective mobilization, higher organization, and creation of national capacity in the implementation of its development programmes. It is, however, equally committed to cooperation predicated on partnership, involving mutual respect and understanding. Thus, it rejects any attempts at intimidation, coercion, or harassment under the veil of human rights and development cooperation.

## V. Conclusion and Way Forward

62. The flawed approach, erroneous data, and consequent bleak depiction of the country has led the SR to deliver a poor report filled with unacceptable blanket recommendations. Eritrea requests that the HRC refrain from making decisions based on the unverified allegations emanating from the present report.

63. Moreover, Eritrea cannot accept continued injustices and harassment by the UNHRC. Eritrea remains committed to the full respect and upholding of human rights. In this spirit, it remains committed to the UPR process and to assess its practices and drawbacks with its development partners and to take necessary remedial measures in areas and instances where its practices have avoidable shortcomings.

64. It is time for the HRC to break with its 8-years long unproductive approach by terminating the mandate imposed on Eritrea. On its part, Eritrea will continue to expand and consolidate dignified engagement and international cooperation based on partnership and will continue its modest contribution to improve the efficiency and effectiveness of the Council, while working together with other members to depoliticize the Council and its agendas.

65. Eritrea reiterates its position that continuation of the unfair and unjust treatment through the mandate is unproductive, unacceptable, and will not cooperate with the mechanism. Politicization, selectivity, and double standards led to the failure of the Human Rights Commission, predecessor to the current HRC. Eritrea is greatly concerned that this

systemic malaise will once again cast its dark shadow on the HRC as exclusive power blocs continue to undermine the fundamental principles of law and fairness to advance their narrow, political interests under the pretext of human rights. Nevertheless, Eritrea will continue to collaborate with other like-minded countries to address the unjustified state of affairs perpetuated to fulfill the geopolitical agendas and vested interests of certain powers under the mantle of human rights.

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