



# General Assembly

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## Human Rights Council

### Twentieth session

#### Agenda item 4

#### Human rights situations that require the Council's attention

**Djibouti, Nigeria, Somalia<sup>\*</sup> : draft resolution**

### **20/... Situation of human rights in Eritrea**

*The Human Rights Council,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant international human rights instruments,*

*Recalling* resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

*Recalling also* Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Expressing deep concern* at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, including violations of civil and political rights, as well as economic, social and cultural rights, and the alarming number of civilians fleeing Eritrea as a result of those violations,

*Expressing grave concern* at the use of forced labour, including of conscripts and minors in the mining industry,

*Reaffirming* that everyone has the right to leave any country, including his or her own, and to return to his or her country,

*Noting* the participation of Eritrea in its universal periodic review,

*Reaffirming* that all States are bound to respect all the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights and international human rights treaties to which they are party,

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<sup>\*</sup> Non-Member State of the Human Rights Council.

1. *Strongly condemns:*

(a) The continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary and extrajudicial executions, enforced disappearances, use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions;

(b) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, including the detention of journalists, human rights defenders, political actors, religious leaders and practitioners;

(c) The forced conscription of citizens for indefinite periods of national service, which could amount to forced labour, the alleged coercion of minors into the military and the mining industry, as well as the intimidation and detention of family members of those suspected of evading national service;

(d) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(e) The failure of the Government of Eritrea to comply with Security Council resolution 2023 (2011) of 5 December 2011, in which the Council condemned the use of the “Diaspora tax” on the Eritrean diaspora by the Government of Eritrea to destabilize the Horn of Africa, and the Government’s use of extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent;

(f) The lack of cooperation with international and regional human rights mechanisms;

2. *Calls upon* the Government of Eritrea, without delay:

(a) To end its use of arbitrary detention of its citizens, and to end the use of torture and inhumane and degrading treatment and punishments;

(b) To account for and release all political prisoners, including the “G-11”;

(c) To ensure free and fair access to an independent judicial system for those detained to improve prison conditions and to allow regular access to prisoners for relatives, legal advocates, medical care, and other competent and legally authorized authorities and institutions ;

(d) To put an end to the policy of indefinite military service;

(e) To allow human rights and humanitarian organizations to operate in Eritrea without fear or intimidation;

(f) To respect everyone’s right to freedom of expression and freedom of thought, conscience and religion or belief, and freedom of peaceful assembly and association;

(g) To promote and protect women’s rights, including by taking measures to combat negative practices;

(h) To implement the recommendations accepted during its universal periodic review and to report on progress made;

(i) To end “guilt-by-association” policies that target family members of those who evade national service or seek to flee Eritrea;

(j) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights by, inter alia, allowing access to a mission by the Office as requested by

the High Commissioner, the human rights treaty bodies, all mechanisms of the Human Rights Council and with all international and regional human rights mechanisms;

(k) To fulfil its international obligations, honour its commitments and abide by the terms of all relevant resolutions of the Security Council, including resolutions 1907 (2009) of 23 December 2009 and 2023 (2011);

(l) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including journalists and Djiboutian combatants;

(m) To implement fully the Constitution of Eritrea adopted in 1997;

3. *Urges* Eritrea to make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

4. *Decides* to appoint a special rapporteur on the situation of human rights in Eritrea for a period of one year, who will submit a report to the Human Rights Council at its twenty-third session;

5. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit access to visit the country and to provide the information necessary for the fulfilment of his or her mandate;

6. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil the mandate;

7. *Decides* to remain seized of the matter.

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