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ARC and DCR comments on the EASO Country of Origin Information Report Eritrea Country Focus, May 2015 (published 11 June 2015)

12 August 2015

Asylum Research Consultancy (ARC) and the Dutch Council for Refugees (DCR) welcome the publication of the Country of Origin Information (COI) report: Eritrea Country Focus.

As our previous responses to EASO consultations and comments on EASO Work Plans have indicated, we are particularly interested in the EASO COI methodology and await the formal consultation on its proposed revision later this year.[1] With this in mind, we are pleased to note that the EASO COI report on Eritrea (from now on referred to as the EASO Eritrea report) does not 'draw conclusions' (as provided for in the COI Methodology report), or include distinct 'summary' or 'analysis' sections as for example the previous COI report on Afghanistan 'Insurgent strategies —intimidation and targeted violence against Afghans' (December 2012) did.

As active members of the Consultative Forum, we would have welcomed the opportunity to input into the Terms of Reference of the report or to have been able to provide the following comments in advance of the report's final publication, which are based on an initial reading of the report, first making some general observations and recommendations and further focusing on Chapter 3. 'National service' and Section 6.4 of Chapter 6 'Exit'.

General methodological observations and recommendations

1. We welcome the following improvements:

Disclaimer

This is the same wording as in the EASO report on Afghanistan: Security Situation, January 2015 (hereafter Afghanistan EASO report). That is, most of the same improvements as observed in comparison to the EASO report on Somalia: South and Central Somalia Country overview, August 2014 (published in October 2014) continue to apply:

- The majority of paragraphs are now referenced and more footnotes cite multiple sources
- The report cites all sources consulted (emphasis added):

> Disclaimer
> […] This report was written according to the EASO COI Report Methodology (2012). The report is based on carefully selected sources of information. **All sources used are referenced.** To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross−checked.

[1] See ARC and Dutch Council for Refugees (DCR), Comments on the EASO Country of Origin Information report methodology, November 2012

- No key information such as further information on anonymous sources is included in the footnotes where it might have been overlooked
- The press release does not refer to the report as providing "a comprehensive overview of facts", which would imply that the content of the report would be indisputable.
- The disclaimer continues to note with regards to risk that its usage is not related to judicial assessments (emphasis added):

> Disclaimer
> […] Refugee, **risk** and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

However, the term is not referred to in inverted commas ("risk") within the body of the report as it was in the Afghanistan EASO report. For example the following sections use the term (emphasis added):

> 3. National service
> […] 3.2 Exemptions
> […] Women who give birth during national service are generally demobilised, however. Women who have not been issued with demobilisation papers frequently work either at home or in shops, **although there is an element of risk that they will be recruited during a giffa.** Women over the age of 27 can 'regularise' their status, i.e. be officially demobilised (245).
> […] 3.9 People's Army
> […] Those who ignore the People's Army conscription notices **are at risk of losing their food coupons** and identity documents or face imprisonment (369). Many people were nevertheless still ignoring them in late 2014 and early 2015 (370). Reportedly, round-ups and detentions of such evaders occurred (371).
> […] 6.4.3 Illegal exits
> […] **People who exit the country illegally are also subject to the additional risks of kidnapping, sexual assault and forced labour** (464).
>
> (245) Bozzini, D., National Service and State Structures in Eritrea, 28 June 2012, p. 8-9.
>
> (369) Awate, Is This The Beginning Of The End For The Eritrean Regime, 11 October 2012; Schweizerische Flüchtlingshilfe, Eritrea: Rekrutierung von Minderjährigen, 21 January 2015, p. 5; US Department of State, Country Reports on Human Rights Practices for 2013 — Eritrea, 27 February 2014, pp. 23-24.
> (370) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, p. 22; Plaut, M. Eritrea: the retribution begins, as defiance of military service grows, 15 January 2015; Plaut, M., Eritrea — the open defiance of ordinary people, 5 January 2015; Horn Affairs, Eritrea: Conversation with the resistance mov't inside Asmara, 26 October 2014; Asmarino, Eritrea: Regime calls off new calls for military training, 3 January 2015
> (371) US Department of State, Country Reports on Human Rights Practices for 2013 — Eritrea, 27 February 2014, pp. 2, 6
> (464) Van Reisen, M., Estefanos, M. and Rijken, C., The Human Trafficking Cycle: Sinai and Beyond, 4 December 2013; HRW, 'I Wanted to Lie Down and Die'. Trafficking and Torture in Sudan and Egypt, February 2014; IRB, Eritrea and Sudan: Situation of the border region between the two countries, including military and police patrols, as well as legal crossing points; information on physical obstacles to prevent crossing, such as fences and mines; number of people legally and irregularly crossing the border (2013-May 2014), 20 December 2014.

We suggest to refer to risk in inverted commas ("risk") within the body of the report as it was in the Afghanistan EASO report.

2. In comparison to the EASO report on Afghanistan, very little information is presented in the EASO report on Eritrea as direct quotes; inverted commas and indented text are hardly used. It is presumed that this is because the report heavily relies on summaries, but it is considered better practice to directly cite source material where possible. Furthermore, as the report often summarises several reports in one sentence, whilst it is appreciated that this makes it more user friendly and the report more succinct, it could be made clearer what information is EASO analysis, and what is a summary of COI.

3. We also recommend to be more clear about the origin of the information throughout the whole report.

To illustrate, only one reference is provided for the following section of the report:

> **6 Identity documents and exit**
> **[…] 6.4.4 Punishment for illegal exits**
> […] The Eritrean authorities claim that people who have left the country illegally may return without fear of punishment after they have paid the diaspora tax and signed the repentance form (471) but they may be sent to a six-week training course to 'enforce their patriotic feelings" (472). […]
>
> (471) Home Office (United Kingdom), Country of Origin Information (COI) Report — Eritrea, 17 August 2012, p. 142; Udlændingestyrelsen (Danish Immigration Service), Eritrea — Drivers and Root Causes of Emigration, National Service and the Possibility of Return, Appendix edition, December 2014, pp. 25-26, 29, 32, 40; Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs, Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 59; Schweizer Radio und Fernsehen, Rundschau: Homo-Segnungen, Eritrea-Flüchtlinge, D. Fiala, Sperma-Schmuggel [video], 11 March 2015; Landinfo, Respons Eritrea: Utstedelse av utreisetillatelse og ulovlig utreise, 15 April 2015, pp. 6-7.
> (472) Landinfo, Respons Eritrea: Utstedelse av utreisetillatelse og ulovlig utreise, 15 April 2015, p. 6.

Introduction and source assessment

We think it's useful that the report gives context on information from Eritrea. This section is generally reasonably clear however it is considered that the implied source assessment in the following paragraphs is problematic:

> Introduction and source assessment
> Some core topics of this report are particularly affected by the problematic access to reliable sources. These include national service, prison conditions, torture and treatment of deserters and draft evaders; the respective chapters are explicitly marked. On these topics, the reporting human rights organisations **rely mostly on information from persons who are familiar with the human rights situation in Eritrea but who live abroad**. These include refugees, journalists, political activists and former high-ranking officials in exile, diplomats and international aid workers formerly based in Eritrea, academics, government officials as well as representatives of international organisations.
> **On other topics unrelated to the human-rights situation in Eritrea, information is less disputed and thus more reliable.** On these topics, information given by the Eritrean authorities has been used as well as other publications, which generally are not contradictory (with a few exceptions e.g. regarding the issuance of exit visas). On some topics, there are relatively few current publications available. The older sources used in the report are still reliable.

This could be read to imply that information on e.g. prison conditions is less reliable because it is based on information from persons who live abroad. It is not clear from the EASO report that such information is 'disputed' either. Arguably, given a lack of access to Eritrea, particularly to Sawa military training camp/detention facilities, this renders testimonies of Eritreans in exile collected by reputable international organisations employing a transparent methodology that much more valuable.

We rather suggest to point at the general need for source assessments (e.g. as every source has its own bias/ the need to check methodology used for writing specific reports/ what does a lack of information mean). The following section refers to the need for human rights related sources to be assessed (emphasis added):

> **6.4.4 Punishment for illegal exits**
> In reality, however, punishment for illegal exits is generally imposed on an extrajudicial and arbitrary basis. **Human rights organisations (see Chapter 'Introduction and source assessment')** state that people who are caught attempting to leave the country illegally are detained without charge and without being told the grounds for, or duration of, their imprisonment. The reported detention periods vary, but are generally between one and two years according to Amnesty International (466), whereas Human Rights Watch states that they are between three and five years (467). Minors are sometimes also recruited for military service (468). The British embassy in Asmara reported in 2011 that returnees who had left the country illegally are recruited into military units, detained, fined or not punished at all (469).
>
> (466) Amnesty International, Eritrea: 20 years of independence, but still no freedom, 9 May 2013, p. 28.
> (467) HRW, 'I Wanted to Lie Down and Die'. Trafficking and Torture in Sudan and Egypt, February 2014.
> (468) US Department of State, Trafficking in Persons Report 2014. Eritrea, 20 June 2014, p. 168.
> (469) Upper Tribunal (Immigration and Asylum Chamber) (United Kingdom), MO (Illegal exit — risk on return) Eritrea, CG [2011] UKUT 00190, 27 May 2011.

However, source assessments should be undertaken for all reports, not only human rights organisations, and the need to do so should not be emphasised only in particular sections of the report. Indeed, it is surprising that human rights organisations' reports have been singled out for particular scrutiny when it is a state COI Unit report by the Danish Immigration Service that has come under the fiercest criticism.[2]

Methodology

1. In comparison to the EASO Afghanistan report, the methodology section is disappointingly far less detailed. In particular, very limited details of the 'information-gathering missions' undertaken by the Swiss State Secretary for Migration (SEM) [formerly the Federal Office for Migration] are provided:

> Introduction and source assessment
> Therefore this report uses a wide variety of sources as possible. Information from a wide range of scholars, human rights monitors, aid agencies, non-governmental organisations and governmental agencies has been used in order to provide as balanced a picture as possible under the circumstances described above. […]
> Methodology
> Collecting information
> The report is based on publicly available reports of COI units, UN agencies, human rights organisations, scholars, official and NGO papers, government and diaspora media; it has been completed with information obtained from **interviews e.g. during information-gathering missions.** For security reasons, not all contacts were named; the choice had to be made between not interviewing them at all and referring to them as 'anonymous sources'. Considering the value of the information provided, the latter approach was preferred.

[2] For an overview, see: Still Human Still Here, A Commentary on the March 2015 Country Information and Guidance reports issued on Eritrea, 1 May 2015 Criticism of the 2014 Danish Immigration Service Fact-Finding Mission Report

Specifically no information on the methodology employed during the information-gathering missions is provided. It is considered relevant to have included details on: the number of interviewees; location of interviews; whether they were conducted in person or over the phone; the dates or date range of interviews; how the interlocutors were selected; how the mission in country was facilitated (i.e. whether there was state involvement, which may affect interlocutors' independence). It would have also been interesting to note: the phrasing of the questions posed to the interlocutors; whether all interlocutors were asked the same set of questions; how structured the interviews were; whether the interviews were recorded and whether their responses are presented verbatim in the EASO report, or are summaries. Also it is recommended to make clear if the persons conducting the interviews also drafted the report, as their observations/impressions may have a bearing on analysis they provided.

2. It is noted that a list of 'Anonymous sources, contacted by the Federal Office for Migration (FOM), now State Secretary for Migration (SEM)' is provided in the *Annex: Bibliography* which notes the date of the interview along with a brief description of the source's expertise, but it is considered that by placing this key information here, it may be overlooked. It appears from that list that numerous information gathering exercises were conducted as some of these were interviewed in 2012, others in November 2013 during a 'technical mission conducted by Federal Office for Migration FOM Switzerland' and one source during a September 2014 'fact-finding mission conducted by Federal Office for Migration FOM Switzerland to Ethiopia'. However is not made clear if any of the missions referred to were actually conducted in Eritrea and it is noteworthy that only one source is cited from the September 2014 mission. It is not clear if other sources were consulted on this mission but not included in the EASO report, or how other information gathered on that mission was referenced in the EASO report.

3. In relation to the other sources cited in the EASO report, no time period for data collection of source material is provided.

For future reports we propose to provide more detailed information on the methodology employed, especially providing a time period for data collection.

4. We await the proposed evaluation of the EASO COI methodology in 2015 and hope that these comments will be taken into account.[3]

Consultative/review process

> Methodology
> Defining the content
> The terms of reference for the report were developed by the Swiss State Secretariat for Migration (SEM), based on the needs for COI on specific issues relevant for PSD in Switzerland. Additional input was provided by the EASO-COI Specialist network on Eritrea in February, 2015.
> This Country Focus, after introductory chapters on general country information and the political system, describes the following topics: national service, prisons, religion, identity documents, and (illegal) exit.

1. We would welcome the opportunity if Consultative Forum members were invited to input in to the terms of reference.

> Quality control
> In order to ensure that the writer respected the EASO-COI Report Methodology, a review was carried out by COI specialists from the countries listed as reviewers in the Acknowledgements section.

[3] EASO Work programme 2015, 2.3. Country of Origin Information (COI)

> Furthermore, the external expert, Dan Connell, was contracted to review the report from an academic point of view. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

2. It is considered a positive development that a country expert reviewed the report in addition to Austrian, Belgium, Danish state COI units. Our recommendation on this as was submitted with regards to EASO's 2015 work plan[4] remains:

> We would propose that production or updating of existing EASO COI products should be undertaken in consultation with civil society, especially regarding the Terms of Reference and the proposed methodology (also see our recommendation below on EASO's COI methodology). Quality control mechanisms should be publicly defined and established. It is recommended that EASO sets up a review committee comprising of State COI Unit experts and NGO COI researchers, UNHCR, country experts, academics, and other relevant civil society organisations to review existing and future COI products. In this regard, the structure, working methods and outputs of the UK-based Independent Advisory Group on Country Information (IAGCI) is recommended for consultation. (Please also see our comments on the 2014 Work Programme referring to ECRE's strategy paper[5]).

We would gladly give our time to such a review committee.

Observations on use of sources

1. As set out in the 'Introduction and source assessment', given the report "aims to provide information on a selection of topics relevant for international protection status determination (…) uses a wide variety of sources as possible" and given that "Access to relevant country of origin information (COI) about Eritrea, especially linked to human rights issues, is generally difficult", it would have been useful to include COI from the June 2015 UN Commission Enquiry report. Where we examine the content of the EASO report below we provide examples where the UN report provides useful additional information.

2. It is suggested that when citing sources the section heading and paragraph number (where available) of the original report be provided to improve user-friendliness.

3. The UK Home Office Country Information and Guidance on military service cited as a source of COI at references [240], [242], [244], [263], [266], [270], [286], [326], [327], [434], [435], [442], [449], [452]. This is a policy document which compiles sources of COI, so at best EASO citing excerpts from it is roundtripping, at worst, is presenting policy guidance as COI.

Note our previously published COI Methodology comments on this point: COI is not policy/ policy is not COI.[6]

4. Several other missions are referred to which resulted in non-English language publications, so it is not possible to assess the methodology of their missions e.g.:

> 3.8.2 Punishment for returning deserters and draft evaders
> Some of the respondents contacted in Eritrea during Denmark's and **Norway's fact-finding missions** in late 2014 and early 2015 believed that deserters and draft evaders were held in prison for several

[4] ARC and the Dutch Council for Refugees responded to an EASO invitation for input into their work plan for 2014/2015. This was not made public.
[5] ECRE, Enhancing Intra-EU Solidarity Tools to improve quality and fundamental rights protection in the Common European Asylum System, January 2013
[6] ARC and DCR, Comments on the EASO Country of Origin Information report methodology, November 2012

> weeks or months and were then reassigned to national service. (349) However, several of the Eritrean experts consulted in 2013 and 2014 by Norway, **the Netherlands** and Denmark believed that repatriated deserters and draft evaders may still be subjected to interrogations, punishments and mistreatment. (350)
>
> (349)- Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, p. 18; Udlændingestyrelsen (Danish Immigration Service), Eritrea — Drivers and Root Causes of Emigration, National Service and the Possibility of Return, Appendix edition, December 2014, pp. 15, 17-18.
> (350) Landinfo, Repons Eritrea: Reaksjoner mot hjemvendte asylsøkere, 23 March 2015, p. 3-4; Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs,
> Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 59; Udlændingestyrelsen (Danish Immigration Service), Eritrea — Drivers and Root Causes of
> Emigration, National Service and the Possibility of Return, Appendix edition, December 2014, p. 15.

It would be interesting to note if EASO has considered translating these as part of its COI work.

Observations on content of chapter '3. National service'

1. No mention is made of the human rights abuses committed during *giffas*:

> 3.3 Recruitment
> […] 3.3.2 Other methods of recruitment
> In addition, giffas have taken place on a country-wide basis since approximately 2001. During these raids, checks are carried out to ascertain whether young people have completed their military service and those who have not are imprisoned (mostly in the Adi Abeito prison near Asmara) and then sent for military training. The army closes whole localities or urban districts for the purpose of these raids and demands proof of completed military service from anyone within the relevant area (266). According to some reports, giffas are now taking place less frequently than before (267) but in October 2013 and January 2015 there were large-scale giffas (268) in Asmara.
>
> (266) Bozzini, D., En état de siège. Ethnographie de la mobilisation nationale et de la surveillance en Érythrée, 23 May 2011, pp. 124-126; HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, pp. 48-49; Tesfagiorgis, M., Eritrea, 2010, p. 319; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, p. 8; Connell, D., 'From resistance to governance: Eritrea's trouble with transition', September 2011, pp. 422-423; Home Office (United Kingdom), Country Information and Guidance Eritrea: National (incl. Military) Service, 11 March 2015, p. 34; Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, p. 9; Human Rights Concern — Eritrea, Report on Child Rights Violations in Eritrea, 19 November 2013; Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs, Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 50.
> (267) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, p. 9; Udlændingestyrelsen (Danish Immigration Service), Eritrea — Drivers and Root Causes of Emigration, National Service and the Possibility of Return, Appendix edition, December 2014, pp. 14, 28, 37; Müller, Tanja R., 'Beyond the siege state — tracing hybridity during a recent visit to Eritrea', September 2012, p. 460.
> (268) Freedom House, Freedom in the World 2014: Eritrea, 2014; Plaut, M., Eritrea: Solidarity blocks raids, 17 January 2015; Plaut, M., Breaking: Eritrea — 'Thousands' detained in Asmara, 28 October 2013; Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs, Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 51.

The June 2015 UN Commission of Inquiry report for example reports that:

> […] 1229. Soldiers regularly apply excessive use of force when arresting people during the round-ups. When people try to escape during a round-up, soldiers frequently beat and handcuff them. Sometimes, the violence used is so severe that the victims need to be treated in hospital. […]
> 1230. In several instances, people have been fatally wounded or shot dead during the round-ups. According to testimonies received, soldiers who apply lethal force do so in line with an order from their superiors to shoot those who resist or try to escape. Some were killed while trying to resist the giffa or refusing to comply with the order. Reportedly, others have been killed without any resistance. The Commission did not hear of any of these cases being investigated. […]

2. It is considered that the following description understates the seriousness of abuses committed against military service conscripts:

> 3.5 Military service
> Human rights monitors describe the conditions in the Eritrean military as highly **problematic** (295). According to these reports, recruits and soldiers are mostly subjected to the arbitrary decisions of their superiors and learn first and foremost to be fearful and obedient (296). Dissent, attempted escape and disobedience are punished severely and even minor transgressions against military discipline may attract draconian punishments including beatings and torture (297). The absence of functioning military courts means that punishments are meted out by military superiors on an arbitrary basis (298). Soldiers' living conditions are described as 'harsh'; neither their clothes nor their living quarters are adequate for the weather conditions and they lack food and medicine (299).
>
> (295) UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, pp. 11-12; Amnesty International, Eritrea: 20 years of independence, but still no freedom, 9 May 2013, p. 27; HRW, World Report 2014 — Eritrea, 21 January 2014; Tronvoll, K., The lasting struggle for freedom in Eritrea, 2009, p. 94; HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, pp. 27-29; Kibreab, G., 'Forced Labour in Eritrea', March 2009, pp. 57-59.
> (296) EMDHR, Eritrea: Youth and Militarization, 1 July 2008, p. 2.
> (297) UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, pp. 11-12; Amnesty International, Eritrea: 20 years of independence, but still no freedom, 9 May 2013, p. 27; HRW, World Report 2014 — Eritrea, 21 January 2014; Tronvoll, K., The lasting struggle for freedom in Eritrea, 2009, p. 94; HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, pp. 27-29; Kibreab, G., 'Forced Labour in Eritrea', March 2009, pp. 57-59.
> (298) HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, p. 27; Warner, J., 'Eritrea's military unprofessionalism and US security assistance in the Horn of Africa', 27 February 2014, pp. 704-705.
> (299) UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, p. 13

Reference 295 cites six sources. In addition to oversimplifying the content of these reports and understating the severity of military service conditions by describing them only as 'problematic', this illustrates the point made above of the need to make clear what each source actually states on a particular issue (see point 3. under *General methodological observations and recommendations*).

3. No mention is made that the above documented punishments for dissent, attempted escape, disobedience, minor transgressions etc. may also include arbitrary arrest and detention in what are likely to be harsh conditions (cf. 4.1 Detention conditions). For example, on this issue the June 2015 UN Commission of Inquiry report notes that:

> 744. Numerous arrests and detentions for asking questions also take place in the context of the conduct of national service. In this context, arrests and detention are often ordered by trainers in military camps or leaders of military units. Conscripts are arrested and detained for asking questions,

expressing an opinion or making requests to superiors on various things including discharge from national service, remuneration and leave. […]

1079. Many witnesses trained in various military training camps described being subjected to harsh punishment amounting to torture during military training. Conscripts are regularly punished and humiliated, often in front of other conscripts. Already in the early years of military training after independence, conscripts were beaten, tied up in the helicopter position and left in the sun in the training camp of Sawa. Until today, punishment amounting to torture forms part of the conscripts' daily routine in Sawa and other military training camps. Punishment inflicted in Wi'a, however, seem to be applied with more cruelty, leading more frequently to death. An explanation shared with the Commission points to the fact that punishment there was inflicted by the para-commando trainees, who applied the techniques they had been taught during their training, such as aiming at the head and using martial arts, boxing and kicking. Torture and ill-treatment experienced by conscripts during their military training continues once they are assigned to serve in the army. Conscripts continue to be subjected to various forms of punishment amounting to torture, which resemble those applied during military training. […]

1080. Conscripts being trained and serving in the army are regularly subjected by the trainers and officers to torture and ill-treatment for a variety of reasons, namely insubordination; breach of army rules, such as unauthorised absence or movement; lack of performance, including during exercises; expression of an opinion; request for leave or release; and manifestation of religious beliefs.

The 2015 Human Rights Watch report states that:

> Indefinite Conscription and Forced Labor
> […] Conscripts are also subject to military discipline and are harshly treated throughout their long service. Perceived infractions result in incarceration and in physical abuse often amounting to torture. The length of incarceration and type of physical abuse inflicted is at the whim of military commanders and jailers. Female conscripts are frequently sexually abused by commanders. […]

A May 2013 Amnesty International report, 'Eritrea: Twenty years of Independence, but still no freedom' considers that:

> PEOPLE EVADING OR DESERTING NATIONAL SERVICE CONSCRIPTION
> […] Within the national service system, any form of criticism or insubordination is not tolerated. Conscripts in any role in the national service framework can be arrested and detained arbitrarily – with no charge, trial, judicial oversight or opportunity to challenge their detention– for minor infractions including questioning an order of a senior officer or post holder, being late for work, criticising levels of pay, questioning a commanding officer or allegedly not working to the best of their ability. One young man told Amnesty international that he had been arrested for expressing his opinion during a meeting in 2010. He had been assigned as a teacher as his national service post. He and other teachers were called to a meeting and encouraged to give feedback on the educational system. The man reported that he and a number of other participants suggested that standards would improve if the teachers' salary was increased, and were immediately arrested. He stated that he spend four months in detention without charge in a detention centre in Keren. […]

4. The particular focus on COI from the U.S. Department of State on 'women in military service' in the following paragraph is disproportionate. It could be read to imply that the source is more authoritative on the issue, and that contradictions between its various reports are more revealing of the current situation than the six sources cited in reference [300] which corroborate that sexual assaults are a regular occurrence:

> 3.5.1 Women in military service
> Men and women are provided with separate accommodation during training but human rights reports claim that sexual assaults are a regular occurrence during military service, most frequently perpetrated by military superiors. Anyone who attempts to resist such attacks may be punished (300). The US Department of State's Country Report on Human Rights Practices for 2012 mentions that

there were no reports of rape or sexual violence in national service (301), but the same report for 2013 states that it was a frequent occurrence (302). According to the Trafficking in Persons Report 2014, the number of sexual assaults have decreased (303).

(300) Amnesty International, Eritrea: 20 years of independence, but still no freedom, 9 May 2013, p. 26; HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, pp. 46-47; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, p. 11; HRW, World Report 2015 — Eritrea, 29 January 2015; US Department of State, Trafficking in Persons Report 2014. Eritrea, 20 June 2014, p. 168; Human Rights Concern — Eritrea, Report on Child Rights Violations in Eritrea, 19 November 2013.
(301) US Department of State, Country Reports on Human Rights Practices for 2012 — Eritrea, 19 April 2013, p. 18.
(302) US Department of State, Country Reports on Human Rights Practices for 2013 — Eritrea, 27 February 2014, p. 18.
(303) US Department of State, Trafficking in Persons Report 2014. Eritrea, 20 June 2014, p. 168.

5. It is considered a notable omission that limited COI is presented either in '3.5 Military service' or '3.6 Civilian national service' on the actual working conditions that conscripts are *compelled* to perform in within the open ended military or national service. That is, COI required to assess the risk of forced labour is not presented.

The June 2015 UN Commission of Inquiry report for example reports that

1355. Conditions of work are harsh, irrespective of whether the conscripts perform military or non-military tasks, with working hours from early in the morning until before dawn. On Sundays, some are able to take a break from their core tasks. However, they often have to fulfil other duties. […]
1356. Similarly to military training, soldiers receive only little and bad quality food. The diet mostly consists of bread, lentils and tea. Once conscripts receive a salary, they try to pool some money to supplement what they are given. […]
1357. Most military units move across the country, often being based at military camps that do not have permanent structures. Accordingly, the conscripts often stay in make-shift shelters or share tents. Officers often enjoy better living conditions, usually constructed by the conscripts. […]
1359. A very basic form of health care is available in some military camps. Some military units have someone, who has undergone some very basic medical training to render first aid and provide very basic medical care. In most camps, there is a shortage of medical supplies and drugs. Those who get seriously ill are often transferred to the nearest hospital. […]
1362. Conscripts serving in the army are subject to severe restrictions concerning all aspects of their life. Freedom of expression and access to information, freedom of religion and movement are severely curtailed, as well as contact with the family and other aspects of their private life. […]
1374. Conscripts have lost their lives because of harsh conditions during military training and national service in the army. Conscripts have also died due to exhaustion during military training, as well as to untreated diarrhoea. […]
1375. The Commission has collected testimony pointing to a pattern of suicides of conscripts during military training and in the army. […]
1397. The Commission concludes that the indefinite duration of national service; its terrible conditions and treatment including arbitrary detention, torture, sexual and gender-based violence, forced labour, absence of leave and the ludicrous pay; the implications this has on the possibility of any individual to form a family, have a family life and to have favourable conditions of work, make national service an institution where slavery-like practices occur.

The 2014 UK Foreign and Commonwealth Office report notes that:

[…] Civilian national service has often included work for government and stateowned companies on low salaries, exposing the government to the allegation of using forced labour. The government has also reported informally that current and future intakes of national service members will be required only to perform military and not civilian service. […]

A December 2014 Guardian article, Eritreans sue Canadian mining firm Nevsun over human rights abuses reports:

> […] Three Eritrean refugees have filed a lawsuit against a Canadian mining firm over claims that it conspired with the Eritrean government to force them and other conscripted workers to work at a copper mine for long hours while receiving little pay and living in squalid conditions.
> The men, who now live in an Ethiopian refugee camp, say they were conscripted into the Eritrean army before being made to work "unfairly long hours without enough salary, proper medical services, good shelter [or] enough food". They worked for the Bisha Mining Share Company (BMSC), which is operated jointly by Vancouver-based Nevsun Resources and Segen Construction, an Eritrean state-owned contractor.
> Eritrea's harsh national service programme, which requires all citizens over the age of 18 to enlist in the military or work for state-run companies, was linked to the exploitation of workers in the country's mining sector in a 2013 report by Human Rights Watch (HRW). The Eritrean government holds a 40% stake in Bisha mine (pdf).
> One of the refugees involved in the lawsuit, Gize Yebeyo Araya, said through his lawyers that he worked at Bisha until March 2011. He said Segen paid him less than 500 nakfa (£20) a month to dispose of dangerous chemicals, including sulphur, that were generated during the mining process. "[My] work consisted of laying a large plastic sheet on the ground to hold the toxic chemical waste," he said. "The heat was extreme when working. I got serious burns from the sun. I still have the scars from some of these burns on my face. Because of these conditions, and because of how little we were fed, I was always weak and exhausted." […]
> Despite the denials that conscripted labour is used at Bisha, Gize said it was "openly known" that Eritrean staff at the mine were soldiers. The Canadian company should have insisted on better working conditions for local workers, Gize said. "Nevsun … could have given us protection from such exploitation, but it never did. It is due to this reason that I felt I needed to sue Nevsun." […]

6. The 'critics' referred to in the following paragraph is an odd choice of word here; human rights organisations and the UN Special Rapporteur on the situation of human rights in Eritrea may be critical of forced labour but should not be referred to as critics of national service in general:

> 3.6 Civilian national service
> Salaries vary depending on the work involved, but are generally between 700 and 1,000 nakfa per month (up to 1,500 nakfa for doctors), which is not a living wage (310). The minimum monthly wage is 360 nakfa (311). **Critics often refer to civilian national service as forced labour (312);** conscripts are subordinate to their civilian employers but must remain mobilisation-ready and can be re-conscripted to the military (313).
>
> (310) Connell, D., Eritrea: Take me to prison — they have food, 6 March 2015; Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, p. 14; Müller, Tanja R., 'Beyond the siege state — tracing hybridity during a recent visit to Eritrea', September 2012, p. 457; Landinfo, Temanotat Eritrea: Helse — hiv/aids, tuberkulose og diabetes, 7 June 2013, p. 8.
> (311) US Department of State, Country Reports on Human Rights Practices for 2013 — Eritrea, 27 February 2014, p. 25.
> (312) HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, pp. 51-56, 81-83; Kibreab, G., 'Forced Labour in Eritrea', March 2009, pp. 49-67; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, pp. 14-15; Connell, D., 'Eritrean Refugees at Risk', 11 April 2014.
> (313) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, p. 14

7. It is considered important that the following section should have made clear that the Eritrean government's informal statements that national service may be limited to 18 months only appears to relate to new recruits who are yet to report for military service, i.e. not to those currently in

military or national service, nor those that have deserted either in country, or perceived as having deserted on return to Eritrea:

> 3.7 Duration
> In 2014 and 2015, representatives of the Eritrean authorities told foreign visitors that national service would be limited again to 18 months from the 28th recruitment round held in August 2014. National service would consist only of military training rather than civilian projects (326). According to one report, the soldiers concerned have been informed (327) but there has been no official announcement. It remains to be seen whether these announced concrete reforms will be implemented, as similar announcements have already been made in the past (328).
>
> (326) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, pp. 7-8; Schweizer Radio und Fernsehen, Rundschau: Homo-Segnungen, Eritrea-Flüchtlinge, D. Fiala, Sperma-Schmuggel [video], 11 March 2015; Home Office (United Kingdom), Country Information and Guidance Eritrea: National (incl. Military) Service, 11 March 2015, pp. 17-18; Plaut, M., The Eritrean regime promises — no more than 18 months of military service, 13 February 2015; Asmarino, An Eritrean official 'promises' policy changes on the indefinite national service, 24 November 2014.
> (327) Home Office (United Kingdom), Country Information and Guidance Eritrea: National (incl Military) Service, 11 March 2015, pp. 17-18.
> (328) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015; pp. 7-8; Arnone, A. and 21 other signatories, Statement on EU Asylum and Aid Policy to Eritrea, 31 March 2015.

For example the March 2015 UK Home Office Country Information and Guidance Eritrea: National (incl. Military) report referenced in footnotes 326 and 327 above provides the following notes of a meeting with Eritrean President's Adviser Yemane Gebreab [in section 2 of the report which cites country information, not policy guidance] (emphasis added):

> 2.5.8 During a meeting with the UK delegation from the Foreign and Commonwealth Office and the Home Office during it's visit to Asmara, 9–11 December 2014, the Eritrean President's Adviser Yemane Gebreab, confirmed that 'from November 2014 national service is reverting to a duration of 18 months. This will now be all based in the military (although there are some civilian type jobs within the military). This has started with the 27th round and people have been informed. We have had meetings with students and families at Sawa. We do not want to publicise this by a presidential announcement – this is not how we wish to do things.'. He also added that '**Everyone still in education will benefit from this along with anyone who has not yet reported for national service**.'48
>
> 48 Meeting with Eritrean President's Adviser Yemane Gebreab, Joint Home Office-Foreign and Commonwealth Office visit to Asmara, 9–11 December 2014.

8. It is considered that excerpts from sources included elsewhere in the EASO report could have been included in the following section of the EASO report which indicate that many Eritrean conscripts are forced to provide over a decade of service and that persons over the age of 50 have been forced to perform militia duty:

> 3.7.1 Demobilisation and dismissal
> Dismissals of national service conscripts take place to a limited extent but it is easier to be dismissed from civilian national service than from military national service. Good relations with superiors may also make the process easier (334). A study carried out in 2008 and 2012 among Eritrean migrants in European and African countries revealed an average service time of 5.8 years (335). Women surveyed for another study had served an average of five years (336). Many employees of ministries do not know whether they are still engaged in national service or have been dismissed (337).
>
> (334) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, pp. 20-21.

(335) Kibreab, G., 'The national service/Warsai-Yikealo Development Campaign in post-independence Eritrea', 7 November 2013, p. 635.
(336) SIHA, Letters from Eritrea. Refugee women tell their story, 2013, p. 10.
(337) Riggan, J., 'Debating National Duty in Eritrean Classrooms', Winter 2013, p. 89.

For example the 2015 Human Rights Watch report notes that:

> Indefinite Conscription and Forced Labor
> […] By law, each Eritrean is compelled to serve 18 months in national service starting at age 18 but in practice conscripts serve indefinitely, many for over a decade. […]
> Able-bodied men older than 50 have been forced to perform militia duty several times a week without pay since 2012. They are used as armed guards and as labor on public workprojects, prompting some to flee. […]

The November 2013 summary of Stakeholder's information prepared by the Office of the High Commissioner for Human Rights states:

> […] 7.Right to work and to just and favourable conditions of work
> 58. HRCE [Human Rights Concern Eritrea] stated despite the official length of service being 18 months, most have served 17 years or more. JS 3 [Eritreans for Human and Democratic Rights and Release Eritrea] stated that the perpetual military service of all young men and women aged between 18 and 50 has been extended to those between 50 and 70. Elderly men and women were made to train and carry Kalashnikov rifles with a view to be militias protecting the cities. HRCE recommended that the Government of Eritrea end the practice of indefinitely extending military service, initiate demobilization for those who have completed 18 months of service, and offer the option of civilian national service. HRW made a similar call. […]

9. Whilst a distinct section is included on 'Punishment for returning deserters and draft evaders', it is considered that the report could have made it clearer when information it presents under 'Punishment for desertion and draft evasion' relates to the treatment *in country* of deserters/draft evaders and/or when it relates to deserters/draft evaders *on return*. Also see the points made in this regard in relation to section 6.4 'Exit'. For example information on the incommunicado detention of returning deserters and draft evaders is included in the following section where it may be overlooked:

> 3.8.1 Punishment for desertion and draft evasion
> According to Proclamation 82/1995, a deserter must pay a fine of 3,000 birr (340) and/or serve a two-year prison sentence. The prison sentence rises to five years for those who leave the country after deserting. Deserters also lose their right to be employed or own land (341). Article 300 of the Criminal Code also stipulates that wartime desertions are punishable by prison sentences ranging in length from five years to life imprisonment, or even the death penalty in particularly severe cases. According to Article 297, wartime draft evasion is punishable by imprisonment of up to five years (342).
> In practice, according to most sources, **deserters and draft evaders are imprisoned** if they are caught within the country before being able to leave, or **at the airport after returning**. They are frequently kept in incommunicado detention without charges, proceedings or fixed sentence, and sometimes even tortured. Periods of detention vary between several days and several years (343). According to one report, punishments are more severe in the case of deserters who have dropped out of military national service (344). However, for the punishment, it does not make a difference whether the desertion has taken place during the legally prescribed service period of 18 months or afterwards (345).

(340) The Eritrean currency nakfa was only introduced in 1997 in a 1:1 rate with the Ethiopian birr. (cf. Chapter 1.9).
(341) Eritrea, Proclamation on National Service No 82/1995, 23 October 1995, Art. 37.

(342) Ethiopia, Penal Code of Ethiopia 1957 (Eritrean Transitional Penal Code), 23 July 1957, Arts. 297, 300.
(343) HRW, Service for Life. State Repression and Indefinite Conscription in Eritrea, 16 April 2009, pp. 27-29, 68, 70, 72, 74; Amnesty International, Eritrea: 20 years of independence, but still no freedom, 9 May 2013, pp. 30-31; Kibreab, G., The Open-Ended Eritrean National Service: The Driver of Forced Migration, 15-16 October 2014, pp. 12-14; UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea, 20 April 2011, p. 11; UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth, 13 May 2014, p. 10.
(344) Landinfo, Temanotat Eritrea: Nasjonaltjeneste, 23 March 2015, pp. 18-19.
(345) Kibreab, G., The Open-Ended Eritrean National Service: The Driver of Forced Migration, 15-16 October 2014, p. 14

10. Whilst the section above notes the link between illegal exit and perceived evasion/desertion from military service, neither sections in the EASO Eritrea report specifically address the particular situation for refused asylums seekers (see subsequent section).

Observations on content of section 6.4 'Exit'

It is observed that despite the relevance of this issue to many claimants from Eritrea, this section is particularly brief compared to other, arguably less pertinent sections such as section 1.5.1 Public schools. We recommend that in future the key issues be given due weight in an EASO COI report and that more detailed information from consulted sources is presented, especially on topics where limited or contested information is available such as on '6.4.4 Punishment for illegal exits'.

1. It is considered a notable omission that no COI is presented on the return of failed asylum seekers to Eritrea or forced return in section 6.4 'Exit' of the EASO report. In our opinion, this information should have been included in a paragraph on Exit and return. Sources included elsewhere in the EASO report contain the relevant information. According to a May 2013 Amnesty International report for instance (emphasis added):

> RETURNED ASYLUM SEEKERS
> […] Testimonies of returned asylum-seekers indicate that the act of claiming asylum is perceived by the authorities as involving a criticism of the government and – as with all other forms of dissent – is therefore not tolerated. **Forcibly-returned asylum-seekers interviewed by Amnesty International were tortured both as a form of punishment for perceived criticism of the government, and for the purposes of interrogation.** According to accounts given by escaped detainees, Eritrean security officials were particularly interested in how asylum seekers fled the country, who assisted them, and what they said against the Eritrean government during their asylum application process. Returnees have reported that under torture, or threat of torture, they were forced to state that they have committed treason by falsely claiming persecution in asylum applications.64
>
> 64 See p.36 – Torture and other ill-treatment

More recent sources confirm this information. The Immigration and Refugee Board of Canada, for instance, includes the following in a September 2014 Query response on the situation of people returning to Eritrea after they spent time abroad, claimed refugee status, or sought asylum (emphasis added):

> […] In correspondence with the Research Directorate, a professor of African studies and political science at Pennsylvania State University, who has published books and articles about Eritrea and the Horn of Africa, indicated that Eritreans who were authorized by the Eritrean government to leave the country do not face problems when they return, **unless they engaged in anti-government activities**

while abroad (Professor 26 Aug. 2014). Amnesty International (AI) also indicates that "[s]uspected or actual" government opponents are "at risk of detention" upon their return (AI May 2013, 30). **The Professor said that Eritreans who left the country irregularly were at a "very high risk of persecution" upon return to Eritrea, and that they face imprisonment and are closely monitored "if released from prison" (26 Aug. 2014). The Professor added that they would be considered "disloyal and unpatriotic," which is a "big mark on someone's ability to live a normal life" in Eritrea (ibid.). Similarly, a paper published by van Reisen et al. [1] indicates that Eritreans who left the country irregularly face prosecution, persecution, imprisonment, or torture upon their return (4 Dec. 2013, 49, 55).** For additional information on the irregular crossing of Eritrean borders, consult the Response to Information Request ZZZ104862. [...]
A Human Rights Watch researcher who conducts research on Eritrea and was interviewed by The Guardian indicated that "[t]orture is widespread in Eritrea and any dissenters are dealt with in the harshest of manners" (quoted in The Guardian 27 June 2014). **Sources indicate that torture and illtreatment is inflicted on many returned asylum-seekers (AI May 2013, 30; Berhane 1 Sept. 2014). According to Berhane, "[s]ince the Eritrean government sees returnees as spies and defectors, officials torture them in every way to find something" (ibid.).** […]
Methods of torture include:

- long periods of time in controlled positions (Berhane 1 Sept. 2014; AI June 2013, 5; UN 28 May 2013, para. 55);
- pistols pointed at detainees during interrogations, exposure to insects (ibid.);
- beatings with sticks, whipping with electric wires, being forced to "walk on sharp objects barefoot," or to "roll on the ground over sharp stones" (AI June 2013, 5). […]

The UN Human Rights Council states in the Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth of May 2013:

> B. Enforced disappearances and incommunicado detention
> 45. […] Eritrean nationals who are repatriated after a failed refugee or asylum application usually disappear upon their return. The practice of enforced disappearance is used to intimidate people, to install a climate of fear and to deter people from claiming their rights.

2. The EASO report briefly mentions the repatriation of Eritreans from Egypt in 2009 and 2011 and the many instances of overland repatriation from Sudan in recent years. This information is somewhat surprisingly included in paragraph 3.8.2 on 'Punishment for returning deserters and draft evaders'. Only from information in the footnotes, one can conclude that this information might relate to failed asylum seekers (emphasis added):

> **3.8.2 Punishment for returning deserters and draft evaders**
> […] Eritreans were repatriated from Egypt in 2009 and 2011 and there have been many instances of overland repatriations from Sudan in recent years. No information is available on the fate of those repatriated after their return, however (348).
>
> (348) Landinfo, Repons Eritrea: Reaksjoner mot hjemvendte asylsøkere, 23 March 2015, p. 2-3; Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs, Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 59; HRW, Sudan: End Mass Summary Deportations of Eritreans, 25 October 2011; Amnesty International, Sudan must end **forced returns of asylum seekers t**o Eritrea, 15 August 2012; HRW, Sudan: Stop Deporting Eritreans, 8 May 2014; UN News Centre, UN refugee agency warns Sudan over **forced return of Eritrean asylum seekers**, 4 July 2014.

It is considered that by placing this information in the footnote it may be overlooked. Furthermore, it would have been useful to refer to this information in paragraph 6.4.3 Illegal exit.

3. Furthermore, the last sentence in the quote above, that 'no information is available on the fate of those repatriated after their return' is inconsistent with Human Rights Watch World Report 2014:

> Eritreans who were forcibly repatriated to Eritrea from Middle Eastern countries and then fled again told Human Rights Watch in 2012 they had been incarcerated in crammed cells and beaten shortly after their return. They displayed scars from beatings and electric shocks. One escapee reported that several prisoners in his group of returnees died from their beatings.

4. As noted in our observations on the use of sources, no mention is made of the UN Commission of Inquiry Report that was published in June 2015. Though we understand it might have been difficult to postpone the publication of the EASO report until after this date, in the section on Exit the information of the UN Commission could have shed a different light. On forced returns, for instance, the June 2015 UN Commission of Inquiry report includes important new COI (emphasis added):

> 431. Individuals forcefully repatriated are inevitably considered as having left the country unlawfully, and are consequently regarded as serious offenders, but also as "traitors." A common pattern of treatment of returnees is their arrest upon arrival in Eritrea. They are questioned about the circumstances of their escape, whether they received help to leave the country, how the flight was funded, whether they contact with opposition groups based abroad, etc. **Returnees are systematically ill-treated to the point of torture during the interrogation phase.494**
>
> 432. After interrogation, they are detained in particularly harsh conditions, often to ensure that they will not escape again. Returnees who spoke to the Commission were held in prison between eight months to three years. Male returnees from [country A] were held on Dhalak Island after a few months of detention at Adi Abeito. Deportees from other countries were held in prisons such as Prima Country and Wi'a.
>
> 494 TAM012, TSH077, S077e. For further details, see chapter VI, B, 3, Detention.

5. Information on the punishment for illegal exits is included in the following paragraph:

> **3.8.2 Punishment for returning deserters and draft evaders**
> […] The Eritrean leadership has stated on several occasions that those returning to the country will not be punished as long as they have not committed any offences (352) but it has not yet been made clear whether desertion, draft evasion or illegal exits (cf. Chapter 6.4.3) are regarded as offences. […]
>
> Also individuals of draft age, who have left Eritrea illegally, may be perceived as draft evaders upon return (357). For more information on the punishment of illegal exit, see Chapter 6.4.4.
>
> (352) Home Office (United Kingdom), Country of Origin Information (COI) Report — Eritrea, 17 August 2012, p. 142; Udlændingestyrelsen (Danish Immigration Service), Eritrea — Drivers and Root Causes of Emigration, National Service and the Possibility of Return, Appendix edition, December 2014, pp. 25, 29, 32, 40; Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs, Netherlands), Algemeen Ambtsbericht Eritrea, 5 May 2014, p. 59; Schweizer Radio und Fernsehen, Rundschau: Homo-Segnungen, Eritrea-Flüchtlinge, D. Fiala, Sperma-Schmuggel [video], 11 March 2015. […]
> (357) UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea, 20 April 2011, p. 16.

It is suggested that it would be useful to also include this information in the section on Illegal exits, because it might be overlooked if only included in the section on returning deserters and draft evaders. Furthermore, the paragraph on 'Punishment for illegal exits' refers readers to consult paragraph 3.8.1, whilst the relevant information is actually included in paragraph 3.8.2.

On the other hand, the following sentence seems more appropriate in paragraph 3.3.3 Recruitment of minors:

6.4.4 Punishment for illegal exits
[…] Minors are sometimes also recruited for military service (468).

(468) US Department of State, Trafficking in Persons Report 2014. Eritrea, 20 June 2014, p. 168.

6. As noted above, no mention is made of the UN Commission of Inquiry Report that was published in June 2015. In the section on detention periods for illegal exits, again, the information from the UN Report again would have provided useful context. The following information is included in the EASO report (emphasis added):

6.4.4 Punishment for illegal exits
In reality, however, punishment for illegal exits is generally imposed on an extrajudicial and arbitrary basis. Human rights organisations (see Chapter 'Introduction and source assessment') state that people who are caught attempting to leave the country illegally are detained without charge and without being told the grounds for, or duration of, their imprisonment. **The reported detention periods vary, but are generally between one and two years according to Amnesty International (466), whereas Human Rights Watch states that they are between three and five years (467).** Minors are sometimes also recruited for military service (468). The British embassy in Asmara reported in 2011 that returnees who had left the country illegally are recruited into military units, detained, fined or not punished at all (469).

In the reported cases of punishment, it is generally unclear if the punishment was meted out for the illegal exit of the person or due to other circumstances.

(466) Amnesty International, Eritrea: 20 years of independence, but still no freedom, 9 May 2013, p. 28.
(467) HRW, 'I Wanted to Lie Down and Die'. Trafficking and Torture in Sudan and Egypt, February 2014.
(468) US Department of State, Trafficking in Persons Report 2014. Eritrea, 20 June 2014, p. 168.
(469) Upper Tribunal (Immigration and Asylum Chamber) (United Kingdom), MO (Illegal exit — risk on return) Eritrea, CG [2011] UKUT 00190, 27 May 2011.

The June 2015 UN Commission of Inquiry report adds important new information to this (emphasis added):

421. Individuals interviewed by the Commission who were caught crossing the border before 2010 were detained on average between two and seven years. **After 2010, the length of detention appears to have decreased to between six months and two years for conscripts or men at draft age caught crossing the border. Upon release, detainees are usually made to sign that they would be executed if they attempt another escape.** However, the Commission did not document execution of escapees other than one case of an individual caught fleeing to Sudan in 2004.481 Rather, repeat offenders reportedly receive longer 'sentences.' After his first attempt, for instance, a witness was detained for five months before escaping prison. His 'sentence' increased three years after being caught a second time.482

422. This flexibility in the sentencing may be explained by the reportedly general shortage of conscripts at camps which often prompts the release of detainees when manpower is needed.483

481 TCDP076.
482 TLA025.
483 See chapter VI, B, 3, Detention.

7. The EASO report continues:

6.4.4 Punishment for illegal exits

There are no reports on the treatment of people who merely have left the country illegally without having deserted or evaded conscription (470).

(470) Landinfo, Respons Eritrea: Utstedelse av utreisetillatelse og ulovlig utreise, 15 April 2015, pp. 6-7.

Here, the report refers to one non-English source. It is considered that in this section, excerpts from sources included elsewhere in the EASO report could have been included to clarify the reason why these reports may be missing. Compare, for instance, the May 2013 Amnesty International report:

PEOPLE FLEEING THE COUNTRY

[…] Because of the restrictions on reporting and exchange of information in Eritrea, most of the information obtained by Amnesty International on the arbitrary arrest and detention without charge of people caught trying to flee the country, comes from the testimonies of individuals who were arrested and detained trying to flee the country and who then had successfully made another attempt to flee.56 None of those arrested while trying to flee the country, interviewed by Amnesty International, had been charged with a crime, brought before a court or provided with access to a lawyer. None were told the reason for their arrest or informed of the duration of their detention. The periods of detention reported by people arrested on this basis vary, but many former detainees reported a period of between one and two years' detention. In addition to the arbitrary nature of the detention itself, its duration appears to be decided by senior commanders and prison authorities.

56 Amnesty International has interviewed asylum-seekers and refugees in, inter alia, Egypt, Kenya, Israel and Uganda, who had succeeded in fleeing the country on the second, or even third, attempt, but in earlier attempts had been caught and subjected to arbitrary arrest and detention without charge

The statement in the EASO report could be read to imply that people who have 'merely' left the country illegally stand a lesser chance of maltreatment upon return which is inconsistent with the position of the UN Commission of Inquiry report which as cited above details that returnees in general "are systematically ill-treated to the point of torture during the interrogation phase".