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Home Office

Country Information and Guidance

Eritrea: National (incl. Military) Service

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

1. Introduction

1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm by the state because:

- (a) of the treatment and/or conditions likely to be faced by person during national/military service; and/or
- (b) of the open-ended nature of national service; and/or
- (c) of the penalties likely to be faced by the person's refusal to undertake or their evasion or desertion from, national/military service.

1.2 National/Military Service: Terminology

1.2.1 By way of explanation and differentiation between terms used in this document:

- (a) 'national service' means the complete requirement that an Eritrean will serve in line with Article 2 of National Service Proclamation 82/1995 – i.e. the compulsory six months' military training followed by either military service and/or a civilian posting (see [Legal Framework](#) and [Duration of National Service](#)).
- (b) 'military service' means a posting to the military upon completion of the compulsory six months' military training.
- (c) 'military training' means the initial compulsory six months' that all Eritreans are required to undertake as part of national service.

1.2.2 However it should be noted that not all sources use these distinctions. Reports often refer to 'conscripts' in general without differentiating between the types of service. Similarly, for example, the UN Commission on Inquiry noted that witnesses did not differentiate between military service and national service.

1.2.3 Decision makers must also note that compulsory national service is often linked to illegal exit from Eritrea. Therefore, this should be read alongside the country information and guidance on [Eritrea: Illegal Exit](#).

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2. Consideration of Issues

2.1 Is the person's account a credible one?

2.1.1 For information on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also ensure that each asylum application has been checked to establish if there has been a previous UK visa or other application for leave. Asylum applications matched to visas should be investigated prior to the asylum interview: see [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)

- 2.1.3 Decision makers should also consider the need to conduct language analysis testing: see [Asylum Instruction on Language Analysis](#).

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2.2 Does the requirement to undertake national service put the person at risk of persecution or serious harm?

- 2.2.1 National service is compulsory for all persons aged 18 to 50 in Eritrea. There are limited exemptions (see [Exemptions and Alternatives](#)).
- 2.2.2 Compulsory national service is a prerogative of sovereign states. Draft evasion and desertion may reasonably be criminal offences and punishable by law: see [UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status](#) (paras 167-174), confirmed by the House of Lords in the case of [Sepet & Another v. SSHD \[2003\] UKHL 15](#).
- 2.2.3 A requirement to undergo compulsory national service – or punishment for failing to complete this duty – does not, in itself, constitute persecution. It will only do so where it:
- (a) national service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct,
 - (b) the conditions of national service would be so harsh as to amount to persecution or serious harm; or
 - (c) where the punishment for draft evasion or desertion is disproportionately harsh or severe or applied in a discriminatory way which amounts to persecution.
- 2.2.4 For further information on this, see the [Asylum Instruction on Military Service and Conscientious Objection](#). For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Will the person be required to undertake national service on return?

- 2.3.1 Decision makers must make an assessment based on the individual facts of a person's specific case.
- 2.3.2 Those who are **not likely** to be required to undertake national service include:
- a. those who have already completed (and been demobilized from) national service.
 - b. those who are above national service age.
 - c. highly trusted government officials or their families or those who are members of ministerial staff recommended by the department to attend studies abroad.
 - d. those who are disabled or medically unfit and therefore may have been or are reasonably likely to be exempted from national service.

- e. women over 27 who are married and/or have children and/or are pregnant and therefore may have been or are reasonably likely to be exempted from national service.

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2.4 **Would national service in Eritrea involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct?**

- 2.4.1 “Acts ... which are contrary to the basic rules of human conduct” means being required to act in a way that would bring that person within the scope of Article 1F of the Refugee Convention and/or Article 12 of Council Directive 2004/83/EC (‘the Qualification Directive’). For further information on this, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#).
- 2.4.2 Although Eritrea remains in a state of combat-readiness and relations with neighbouring countries remain tense, there is not a real risk that a person would be required to engage in actual military conflict, or be involved in acts which are contrary to the basic rules of human conduct.
- 2.4.3 Similarly, whilst there is some evidence to suggest that the Eritrean government is using or has used recruits to carry out round-ups (see [Round-Ups \(Giffas\)](#)), the evidence does not suggest that there is a real risk a person would be required to act in a way, or that national service would involve acts, which is/are contrary to the basic rules of human conduct.

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2.5 **Are the conditions of national service so harsh as to amount to persecution or serious harm?**

- 2.5.1 For the purposes of this question, ‘conditions’ includes the general physical conditions and potential for mistreatment as well as the length of service.

Physical Conditions and Potential for Mistreatment

- 2.5.2 Conditions during national service, including military training, are generally harsh, irrespective of whether a person performs military or non-military tasks.
- 2.5.3 Dissent, attempted escape and disobedience can be punished severely. Even minor transgressions against military discipline or any form of criticism may attract severe punishments including ill-treatment and torture. Punishments appear to be meted out on an arbitrary basis.
- 2.5.4 In general, living conditions are described as harsh but there are conflicting reports about how poor conditions are. Some sources report a lack of food and medicine and conscripts falling ill and dying or committing suicide due to the conditions. However, some sources report that conscripts are not overworked or ill-treated and that conditions vary.
- 2.5.5 This variation appears to depend on the location and the person’s skills/education, which influence whether they are posted to a military or civilian role following the six months’ initial military training (see [Conditions](#) and [Note on Limitations of Sources](#)).
- 2.5.6 Conditions are generally better for those who are posted to civilian posts, such as the civil service. However, a person appears to have no choice or

ability to directly influence where they are deployed. Also, unlike those undertaking military service in the army, those in civil service are not provided with any food or accommodation by the Government. As their salaries are below the subsistence level, they face severe financial difficulties. However, this is unlikely to be sufficient to constitute persecution or serious harm (see [National Service: Roles and Assignments](#)).

- 2.5.7 Between 200,000 and 600,000 persons (out of a current population eligible for national service of approximately 2 million) have undertaken national service in recent years and the evidence does not support a conclusion that all these persons have been subject to conditions which amount to systematic and widespread serious harm (see [Size of the Military](#)).
- 2.5.8 It cannot, therefore, be said that every person undertaking national service would face a real risk of serious harm on account of the conditions (including during military training). The onus is on a person to demonstrate that there is a real risk that they will be subjected to such treatment based on their particular individual circumstances.
- 2.5.9 A person who demonstrates they are at real risk of serious harm may qualify for Humanitarian Protection, unless they can demonstrate they are at a real risk of being disproportionately punished/penalised as a result of their political or religious beliefs or for another Refugee Convention ground, in which case they may qualify for asylum. See the section on **conscientious objection**.

Length of Service

- 2.5.10 The national service proclamation stipulates that active national service is 18 months, but may be extended in case of general mobilisation. The Eritrean Government extended this indefinitely as part of the Warsai Yikealo Development Campaign and this general mobilisation remains in place today.
- 2.5.11 National Service involves six months' basic military training. The remaining time is spent either in the military (which may include non-military work) or in a civilian post, such as in the civil service or as a teacher (see [Duration of National Service](#) and [National Service: Roles and Assignments](#)).
- 2.5.12 In practice, the length of national service appears to be variable and arbitrary. Sources are not consistent on how long national service is likely to be or the factors that may affect that in any individual case. Interlocutors interviewed by the Danish FFM in August 2014 reported periods of service from two years to over a decade; EASO refers to two studies of Eritrean migrants where the persons were conscripted for an average of 5 and 5.8 years respectively; while the UN Commission of Inquiry does not provide an average but refers to an indefinite period (or at least until the person left Eritrea, which frequently exceeded a decade) (see [Note on Limitations of Sources](#)).
- 2.5.13 The Eritrean government has stated that from November 2014, national service will revert/has reverted to 18 months only and be based in the military (i.e. no civic/government postings). There is evidence that this has been communicated to some conscripts. The new approach will reportedly

include those who have not yet reported for national service, but it is unclear as to whether it does/will apply to deserters, existing conscripts or returnees (see [Moves to Time-Limit National Service](#)).

- 2.5.14 National service, even if it is for several years, is not of itself persecution or serious harm. However, the conditions of national service coupled with its duration may in some cases amount to forced labour.

Forced Labour

- 2.5.15 Article 4 of the ECHR prohibits slavery and servitude, as well as forced or compulsory labour.
- 2.5.16 Based on paragraphs 122–124 of the 2005 European Court of Human Rights (ECtHR) ruling in [Siliadin v. France](#), national service in Eritrea does not constitute slavery or servitude.
- 2.5.17 Article 4 does not define what is meant by “forced or compulsory labour” and no guidance on this point is to be found in the various Council of Europe documents relating to the preparatory work of the European Convention.
- 2.5.18 Article 4(3)(b) also states that forced or compulsory labour does not include: ‘any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service’.
- 2.5.19 Whilst the conditions for those undertaking military or civilian service are unlikely, in themselves, to put the person at real risk of serious harm, decision makers must consider whether the fact that they may have to be endured for a significant and in some cases open-ended period changes that and/or whether this amounts to a form of ‘forced labour’.
- 2.5.20 A person who demonstrates that, as a result of the open-ended nature of their national service, there is a flagrant denial of their right not to be required to perform ‘forced labour’ may be entitled to a grant of discretionary leave. See the [Asylum Instruction on Discretionary Leave](#).

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2.6 Is the punishment for draft evasion or desertion disproportionately harsh or severe?

- 2.6.1 A person claiming a fear of punishment for draft evasion/desertion is also highly likely to raise issues related to the punishment or penalties imposed for leaving Eritrea illegally. Therefore, this section must be read alongside the country information and guidance on [Eritrea: Illegal Exit](#).
- 2.6.2 The [Asylum Instruction on Military Service and Conscientious Objection](#) explains that in order for a punishment for conscientious objection to be considered disproportionately harsh or severe, it would need to be of a particularly serious nature. Long prison sentences will not normally be enough to engage the protection of the Convention.
- 2.6.3 Historically, persons who have evaded national service, particularly those who have repeatedly deserted or evaded, or have deserted or evaded a ‘critical’ post, may be detained/imprisoned in harsh conditions and subject to torture or other ill treatment. If detained, the length of detention may vary

from a matter of days or weeks to, in some cases, years. Upon release from prison, national service conscripts are sent back to their military unit where they may be subjected to additional punishment.

- 2.6.4 However, sources interviewed in Asmara by the Danish Immigration Service in August 2014 indicate that the Eritrean government recognises that the impact of national service is leading a large number of Eritreans to leave the country, with an estimated 5,000 leaving each month. This is having a negative impact on Eritrea's economy and society leading, for example, to the army being under-manned. The UN Commission of Inquiry indirectly supports this, reporting that teachers who desert from national service are not punished but are reassigned because of the shortage of teachers.
- 2.6.5 It appears, therefore, that the Eritrean Government is adopting an increasingly pragmatic approach to draft evasion and desertion – simply reassigning some people, in particular those who may have skills that are in short supply, to national service. This may include subjecting them to brief periods of detention before reassignment (see [Desertion and Evasion in Practice](#)).
- 2.6.6 Those who are likely to be at risk of harsher punishment for draft evasion include those who have previously evaded or deserted from national service more than once; and/or deserted a 'critical post'.

Conscientious Objection

- 2.6.7 There is no civilian alternative to national service. However, the Asylum Instruction on [Military Service and Conscientious Objection](#), based on the House of Lords ruling in [Sepet & Another](#), sets out that there is no internationally recognised right to conscientious objection, such that failure to recognise this (by exempting a conscientious objector from punishment for draft evasion) would itself amount to persecution.
- 2.6.8 It is not sufficient for a person to show they would be penalised/punished for failing to comply with the law and that they happen to have particular religious, moral or other convictions.
- 2.6.9 Decision makers must determine whether a person would be reasonably likely to face a disproportionate penalty/punishment for draft evasion/desertion as a direct result of their deeply held convictions.
- 2.6.10 This is likely to be particularly true for Jehovah's Witnesses as well as evangelical and Pentecostal Christians (see [Conscientious Objection](#)).
- 2.6.11 Whilst the law provides that people will be detained for up to two years for desertion or evasion (see [Law on Desertion and Evasion](#)), there is some evidence that suggests Jehovah's Witnesses in particular have been detained/imprisoned for far longer than that in harsh conditions where they are at risk of torture (see [Desertion and Evasion in Practice](#)).
- 2.6.12 In addition, the rationale of the decision in [HJ \(Iran\) v Secretary of State for the Home Department \(Rev 1\) \[2010\] UKSC 31](#) (7 July 2010) applies and the person cannot be expected to conceal or modify their beliefs in order to avoid punishment or persecution.

- 2.6.13 The lack of a civilian alternative (or the compulsory requirement to perform military training) and the disproportionate penalties for those who refuse to undertake military service means that conscientious objectors – in particular Jehovah's Witnesses and Pentecostal Christians – are likely to be at risk of persecution for a Refugee Convention reason.
- 2.6.14 For further information on this, see the country information and guidance on [Eritrea: Religious Groups](#).

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2.7 Are draft evaders/deserters regarded as traitors?

- 2.7.1 Where a person is considered to be at risk of persecution or serious harm, decision makers must consider whether this is for a Refugee Convention (or other) reason.
- 2.7.2 The [Asylum Instruction on Military Service and Conscientious Objection](#) and paragraph 22 of the House of Lords judgment in the case of [Sepet & Another](#) explains that it is necessary to carefully examine the real reason for the persecution, looking at the real reason in the mind of the persecutor rather than the reason which the victim believes to be the reason for the persecution.
- 2.7.3 Sources disagree on whether a person who refuses to undertake or abscond from military/national service is viewed as a traitor (or political opponent). The UN Commission of Inquiry, academics and international human rights organisations suggest that draft evaders and deserters are seen as traitors. This is based on the testimonies of Eritrean migrants who have left the country in recent years. However interlocutors interviewed by the Danish FFM in Asmara and statements made by the Eritrean government suggest that evaders/deserters are not seen as traitors and, if punished, it is for the criminal offence of evading/deserting national service (see [Perception as 'Traitors'](#)).
- 2.7.4 A person who demonstrates they are at real risk of punishment that amounts to serious harm will qualify for Humanitarian Protection, unless they can demonstrate they are at a real risk of being disproportionately punished / penalised as a result of their political or religious beliefs or for another Refugee Convention ground.

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2.8 Are those at risk able to seek effective protection?

- 2.8.1 As the person's fear is of ill treatment/persecution at the hands of the state they would not be able to avail themselves of the protection of the authorities.
- 2.8.2 For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.9 Are those at risk able to internally relocate?

- 2.9.1 As the person's fear is of ill treatment/persecution at the hands of the state they are not able to relocate to escape that risk.
- 2.9.2 For further information on the factors to consider and considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Internal Relocation](#).

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2.10 If refused, is the claim likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002?

- 2.10.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.10.2 For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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3. Policy Summary

- 3.1.1 National service is compulsory for Eritreans aged between 18 and 50. There are limited exemptions and no exemption on the grounds of conscientious objection.
- 3.1.2 A requirement to undertake national/military service does not, in itself, constitute persecution or inhuman or degrading treatment. It will only do so where:
- military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct,
 - the conditions of military service would be so harsh as to amount to inhuman or degrading treatment or persecution; or
 - where the punishment for draft evasion or desertion is disproportionately harsh or severe.
- 3.1.3 Despite the highly militarised nature of Eritrean society and tense relations with several of its neighbours, a person is unlikely to be involved in armed conflict or acts contrary to the basic rules of human conduct.
- 3.1.4 The physical conditions during national service, including military training, are generally harsh, irrespective of whether a person performs military or non-military tasks. There are reports of torture and mistreatment, often for very minor infractions.
- 3.1.5 However, some sources report that conscripts are not overworked or ill-treated and that conditions vary. Punishments also appear to be meted out on an arbitrary basis.
- 3.1.6 Conditions are generally better for those who are posted to civilian posts, such as the civil service, after the initial 6 months' military training. Being required to perform national service in a non-military post would not, in general, put a person at real risk of persecution or serious harm on account of the physical conditions. However, a person appears to have no choice and no direct influence over where they are posted.
- 3.1.7 It is for the person to set out in their particular case why they are at real risk of persecution or inhuman and degrading treatment. Their history and experience of national service may be relevant. Skills and education may also play a part in terms of a likely posting after the initial 6 months' military training.
- 3.1.8 Where a person is at real risk, they should be granted Humanitarian Protection rather than asylum unless they can demonstrate they would be singled out as a direct result of their political or religious beliefs or for another Convention reason.

The conditions of national service also include the length of service. The average time a person spends doing national service is between 4 and 6 years, although some spend longer. This appears to be arbitrary.

- 3.1.9 Where a person can demonstrate that there would be a flagrant denial of their right not to be required to perform forced labour, in particular beyond the 4–6 year average period of national service, then they may be entitled to a grant of Discretionary Leave.
- 3.1.10 The evidence suggests that whilst some deserters/evaders may be detained/imprisoned (with the length of time appearing to vary), some are fined, others are simply re-assigned to national service. In order for a punishment to be considered disproportionately harsh or severe, it would need to be of a particularly serious nature. Long prison sentences will not normally be enough. However, the physical conditions of detention and potential for mistreatment may be such that a person can demonstrate that they are at real risk of persecution or serious harm.
- 3.1.11 The risk may be higher for those who have, e.g. deserted more than once and/or deserted a critical post. However, there are other ‘critical’ posts, such as teachers, which the Eritrean Government is keen to retain.
- 3.1.12 Where a person is at real risk of serious harm, they should be granted Humanitarian Protection rather than asylum unless they can demonstrate they would be singled out as a direct result of their political or religious beliefs or for another Convention reason.
- 3.1.13 The lack of a civilian alternative to national service and the disproportionate penalties for those who refuse to undertake it means that conscientious objectors – in particular Jehovah’s Witnesses and Pentecostals – are likely to be at risk and may qualify for asylum.

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Country Information

4. Note on Limitations of Sources

- 4.1.1 The European Asylum Support Office (EASO), in its focus report on Eritrea dated May 2015, explained the difficulties in obtaining accurate and reliable information about human rights in Eritrea. These observations apply in general to all country information on Eritrea:

‘Access to relevant country of origin information (COI) about Eritrea, especially linked to human rights issues, is generally difficult. This is mainly due to the fact that human rights monitors have no access to the country, research options for scholars are very restricted and there is no free press. Furthermore, the authorities generally do not release information on topics such as the national service. Hence, reports on sensitive issues have to rely largely on sources outside Eritrea. The few available reports based on research in Eritrea mainly draw on government statements and anecdotal knowledge of international representatives, and not on first-hand information.’

‘Due to limited direct access to relevant information in Eritrea and the fact that some well-established sources (such as US Department of State, Human Rights Watch and Amnesty International) do not always quote the origin of their information, there is some risk of roundtripping [i.e. different sources repeating a fact or facts which originate(s) from a single source] and false confirmation of information.’⁽¹⁾

- 4.1.2 The Independent Advisory Group on Country Information (IAGCI) published a report on the COI contained in an earlier version of the Eritrea CIGs on illegal exit and national service. This noted concerns about the sources of information. That report and the HO response can be found at:

<http://icinspector.independent.gov.uk/wp-content/uploads/2015/06/HO-Response-to-IAGCI-Commentary-on-Eritrea-CIGs-2015-06-08.pdf>

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5. Legal Framework

5.1 The National Service Proclamation

- 5.1.1 The National Service Proclamation No 82/1995 (hereafter referred to as ‘the Proclamation’) issued by the Eritrean government on 23 October 1995 sets out the national service requirements in full.

- 5.1.2 The table below sets out a note of the key requirements or provisions⁽²⁾.

² Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR’s RefWorld website, <http://www.unhcr.org/refworld/country.LEGAL.LEGISLATION.ERI.3dd8d3af4.0.html>. Date Accessed: 19 November 2014.

Article (of Proclamation)	Requirement/Provision
Article 2	“National Service” will mean the general service that a citizen will give in active national service and in reserve military service, under the present proclamation ... “Active National Service” will mean the training and service that a citizen [referred to as a “Trainee”] fit for national service under Article 8 of this proclamation will undergo for 18 months.’
Article 6	‘...any Eritrean citizen from 18 to 50 years of age has the obligation of carrying out national service.’
Article 8	‘...all Eritrean citizens from the age of 18 to 40 years have the compulsory duty of performing Active National Service. Active National Service consists of six months of training in the National Service Training Center and 12 months of active military service and development tasks in military forces for a total of 18 months.’ The use of the term ‘active national service’ in the National Service Proclamation refers to military training and national service duties but does not include reserve military service
Article 9	‘...any Eritrean citizen from the age of 18 to 40 years called upon to undertake active national service has the compulsory duty of undertaking military training for six months in the National Service Military Training Center’.
Article 16	the Ministry of Defence decides what type of national service individuals have to complete.
Article 18	the Ministry of Defence has the responsibility to resolve problems individuals may have with the length and nature of national service they have to undergo.
Article 21(1)	‘during a mobilization or war period anyone in Active National Service is under the obligation of remaining even beyond the prescribed period unless the concerned Authority allows him to leave officially.’

Article 22	provides details of the rights and privileges of the individuals in national service. These include food, lodging, transport, uniform, medical services, and payment. Individuals who have completed active national service have the right to return to their previous employment - whether this is in the public sector or private sector.
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5.2 The Aim of National Service

5.2.1 The EASO Eritrea Country Focus report on Eritrea of May 2015 ('the May 2015 EASO Report') stated:

'Eritrea's national service (Hagerawi Agelglot) differs from the defence forces of other countries in that its overall aim is not only to defend the country, but also to rebuild it following the war of independence and to propagate the national ideology. National service is regarded as the 'school of the nation' in Eritrea.

According to the National Service Proclamation of 1995 its aims are:

- To establish a strong defence force ... [to] ensure a free and sovereign Eritrea.
- To preserve and entrust future generations with the courage, resoluteness and heroic episodes shown by our people in the past thirty years.
- To create a new generation characterised by love of work, discipline and a willingness to participate and serve in the reconstruction of the nation.
- To develop [...] the economy of the nation by investing in the development of our people as a potential wealth.
- To foster national unity among our people by eliminating sub-national feelings.

'Information on the national service by the Eritrean authorities is extremely scarce. Therefore, this chapter is based mainly on information from academic research and human rights monitors.'⁽³⁾

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6. Size of the Military

6.1.1 The CIA World Factbook estimated Eritrea's population (as of July 2014) at just over 6.3 million⁽⁴⁾ and that, the 'manpower reaching militarily significant age annually' is around 66,800 males and 66,700 females.⁽⁵⁾

³ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3). Date Accessed: 16 June 2015.

6.1.2 The Advance Version of the UN Report of the Commission of Inquiry on Human Rights in Eritrea, published 5 June 2015 ('the UN Commission of Inquiry') observed that:

'According to estimates, the majority of the estimated 201,750 current active members of the armed forces are national service conscripts. Exact figures are not available and it is unclear how many of these are women.'⁽⁶⁾

6.1.3 The May 2015 EASO Report stated:

'No official data is available regarding the number of people engaged in national service but various estimates place the figure at between 200,000 and 600,000 in recent years, approximately half of whom are assigned to active military service. Deserters have reported that many army units are seriously undermanned and that the whole force numbers only 100,000.'⁽⁷⁾

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7. Exemptions and Alternatives

7.1 General

7.1.1 Article 12 of the Proclamation covers the categories of people who are exempt from 'Active National Service'. These are: "(1) The citizens who have performed National Service before the promulgation of this proclamation; (2) All Fighters and Armed peasants who have proved to have spent all their time in the liberation struggle".⁽⁸⁾

7.1.2 The British Embassy in Asmara, in a letter dated 11 October 2010, obtained the following information from Eritrean sources about exemptions:

'Normally, married women or women with young children are exempt from military service as are those registered disabled. The elderly have usually completed their national service, but if conflict ensues they could be expected to take up arms. Military commanders are able to authorise medical exemptions, with a report from a military medical officer. There are no exemptions for those from a poor background or those who have family members dependent on them through age or illness.'⁽⁹⁾

⁴ CIA Factbook, Eritrea, People and Society, Population, regularly updated, <https://www.cia.gov/library/publications/the-world-factbook/geos/er.html>. Date Accessed: 16 June 2015.

⁵ CIA Factbook, Eritrea, Military. Date Accessed: 23 June 2015.

⁶ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1178). Date Accessed: 19 June 2015.

⁷ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.1). Date Accessed: 16 June 2015.

⁸ Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR's RefWorld website, http://www.unhcr.org/refworld/country_LEGAL Legislation_ERI_3dd8d3af4.0.html. Date Accessed: 19 November 2014.

⁹ Letter from the British Embassy in Asmara, 11 October 2010, See [Eritrea: Illegal Exit](#), Annex C

7.1.3 The May 2015 EASO report notes that ‘All of these exemptions (with the exception of that applying to former freedom fighters) apply only on a temporary basis and can be withdrawn at any time’.⁽¹⁰⁾

7.2 Medical

7.2.1 Article 13 of the Proclamation covers individuals who are unfit for military service. It states that: ‘(1) Those citizens who have been declared unfit for military [service] by the Board composed of the Ministry of Regional Administration of other Government Organs under the directives given by the Ministry of Defence will undertake 18 months of National Service in any public and Government organ according to their capacity and profession. (2) After completing 18 months of service they will have the compulsory duty of serving according to their capacity until the expiry of 50 years of age under mobilization or emergency situation directives given by the Government.’⁽¹¹⁾

7.2.2 Article 15 of the Proclamation deals with medical exemptions and states that individuals who are disabled, blind or suffer from psychological derangement, can be given official exemption from all types of national service - not just military service.⁽¹²⁾

7.2.3 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources: ‘People who are disabled or medically unfit for military/national service, and pregnant women can and have been exempted from military/national service. To be exempted, these individuals have to be medically certified by a doctor at a military base as disabled/medically unfit... doctors produce the medical reports needed and then make a recommendation as to whether a particular individual should be exempted from military/national service. The military authorities make the decision regarding exemption and issue the relevant exemption documents.’⁽¹³⁾

7.2.4 The Human Rights Watch ‘Service for Life - State Repression and Indefinite Conscription in Eritrea’ report, published in April 2009, stated: “‘Psychological derangement’ (article 14, 5.1[of the National Service Proclamation]) is also a ground for exemption from military service, and this appears to be a popular way to try and evade service.’⁽¹⁴⁾

7.2.5 The June 2015 UN Report of the Commission of Inquiry on Human Rights in Eritrea, observed that:

¹⁰ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.2). Date Accessed: 16 June 2015.

¹¹ National Service Proclamation No 82/1995 (via RefWorld). Date Accessed: 19 November 2014.

¹² Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR’s RefWorld website, <http://www.unhcr.org/refworld/country/LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date Accessed: 19 November 2014.

¹³ Letter from the British Embassy in Asmara, 1 April 2010, Letter from the British Embassy in Asmara, 11 October 2010. See [Eritrea: Illegal Exit](#), Annex A.

¹⁴ Human Rights Watch, ‘Service for Life - State Repression and Indefinite Conscription in Eritrea’, 16 April 2009, No right of conscientious objection p.48 <http://www.hrw.org/node/82284>. Date Accessed: 19 November 2014.

'The Commission documented cases of conscripts who had to participate in military training and subsequent service in the army despite severe injuries sustained during the military training or disabilities sustained during torture inflicted by prison guards or interrogators. The Commission is concerned that exemptions on health grounds are rarely granted, even though the state of health of the persons concerned prevents them from serving in the military.'⁽¹⁵⁾

7.3 Women

7.3.1 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources: '... pregnant women can and have been exempted from military/national service ... Married women and women with children are exempt from military/national service. Single women who become formally engaged are also exempt.'⁽¹⁶⁾

7.3.2 The British Embassy in Asmara, in a letter dated 3 October 2011, provided the following information, obtained from Eritrean sources:

7.3.3 'Women are able to marry whilst on a national service work programme, but not during military service, which normally is the first six months of the national service programme.

'Following her marriage, a woman may apply for demobilisation, a decision on whether to grant lies with the relevant dept/ministry. It is not standard practice for a woman to be demobilised on marriage, some are expected to continue their national service for various reasons ... Women are not automatically exempt on marriage. They have to formally apply for demobilisation, if on national service, or exemption if national service has not yet started. Women who are discharged from national service duties are ... issued with a certificate releasing them from duty, followed by a demobilisation card.'⁽¹⁷⁾

7.3.4 The Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated: 'Women with children are reportedly exempt from military service, but are required to undertake various duties in the civil sector within the framework of national service. However, this policy is unwritten, and, as with all aspects of written and unwritten national service policy, appears to be arbitrarily implemented (based on the testimonies of former conscripts and other refugees).'(18)

¹⁵ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1196). Date Accessed: 19 June 2015.

¹⁶ Letter from the British Embassy in Asmara, 1 April 2010, See [Eritrea: Illegal Exit](#), Annex A.

¹⁷ Letter from the British Embassy in Asmara, 3 October 2011, See [Eritrea: Illegal Exit](#), Annex C.

¹⁸ Amnesty International, 'Eritrea - 20 years of independence, but still no freedom', 9 May 2013, <https://www.amnesty.org/download/Documents/12000/afr640012013en.pdf> (p.25). Date Accessed: 29 June 2015

- 7.3.5 A presentation by Dr David Bozzini, given to the Swiss Federal Office for Migration on 16 February 2012, entitled 'National Service and State Structures in Eritrea', noted that:

'Women who left school and avoided the National Service are often in [a] clandestine situation. There are two main strategies for these objectors: Either they stay at home and work as housekeepers in their own families, or they search [for] employment in commerce (shops, bars, cafes)

... After the age of 27 years, women in clandestine situations can regularize their status, i.e. they're demobilized without ever having joined the National Service. This possibility was introduced around 2005.

... Women are able to travel more freely than men in Eritrea. They can often set up small businesses or even be active in the black market trade of items coming from Sudan to the western lowlands. However, it happens sometimes that they're recruited after a round-up. In some cases, people claimed that certain round ups were targeting young women. They believe that this happens when leaders of military units require new domestic workers.

... Another way to avoid conscription is marriage or pregnancy. Many marriages are arranged for this goal. Especially in Sawa, women often get pregnant in order to be demobilized. In both cases, such demobilizations, are fragile: Women aren't promptly issued a demobilization paper, which makes them vulnerable during police controls. Mothers usually aren't remobilized, but given the general arbitrariness in Eritrea, such cases can't be categorically excluded. Some women with children were in the National Service. But there's certainly no systematic practice to remobilize mothers.¹⁹

- 7.3.6 The May 2015 EASO Report stated:

'In practice, women who are married or engaged and those who have children or are pregnant, as well as Muslim women from rural areas, are normally also granted an exemption from the military part of national service. They are, however, occasionally conscripted during a giffa (round-up), for example, or assigned to civilian service. Conscripts may marry during national service (with the exception of the six-month military training period) and apply for demobilisation, although this is not always granted. 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.'

¹⁹ Dr. David Bozzini, 'National Service and State Structures in Eritrea' (agreed minutes of presentation at the Federal Office for Migration, Bern), 16 February 2012, <http://www.ejpd.admin.ch/dam/data/bfm/internationales/herkunftslander/afrika/eri/ERI-agreed-minutes-bozzini-e.pdf> (p.8-9). Date Accessed: 29 June 2015.

'Women frequently marry or get pregnant in order to avoid national service, not least because they are afraid of being sexually assaulted.'⁽²⁰⁾

7.3.7 The UN Commission of Inquiry stated:

'Proclamation No.11/1991, which regulated the national service prior to the promulgation of the National Service Proclamation (No. 82/1995), provided for married women and single mothers to be exempt from national service. Although the 1995 National Service Proclamation removed these exemptions de jure for married women and mothers, many married women and single mothers continue to be de facto exempted, at the discretion of recruiting officers.

... Reportedly, the exemption is, however, applied on an ad hoc basis, and women who are married or had children have been taken to national service against their will.

... The Commission received recent reports indicating the Government of Eritrea is trying to restrict girls and women who have not completed national service from marrying. One report suggests the Government is prohibiting churches and mosques from officiating marriages of women and girls of conscription age without permission from the Government, which is only issued if the woman has completed national service. Such a prohibition would amount to a violation of the right to form a family.

... Some women marry while in national service in order to be able to leave with the permission of the officers in charge. Women who become pregnant (by choice or otherwise) are also able to obtain permission to leave. Leaving the national service early due to marriage or motherhood, however, does not guarantee a woman will be officially discharged. The provision of a certificate of completion to a woman who is leaving national service also appears to be a non-standardised practice that is effectively at the discretion of a conscript's leader. The timing of release is also at the leader's discretion and women are not always permitted to leave directly after marrying, rather many must serve until they are visibly pregnant.'⁽²¹⁾

7.4 Religious Grounds

- 7.4.1 A letter from the British Embassy in Asmara, dated 1 April 2010, containing information obtained from Eritrean sources, stated that: 'Full-time religious clerics/nuns can be required to do military/national service although in previous years they have been exempt. It is believed that some churches or mosques are limited to having a minimum of serving religious members who are exempt from military/national service.'⁽²²⁾

²⁰ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.2). Date Accessed: 16 June 2015.

²¹ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1201,1203, 1205 and 1256). Date Accessed: 19 June 2015.

²² Letter from the British Embassy in Asmara, 1 April 2010. See [Eritrea: Illegal Exit](#), Annex A.

7.4.2 The United States Commission on International Religious Freedom 'Annual Report 2014: Eritrea', published on 30 April 2015, repeated its note from the previous year that: 'In a reversal of policy, in 2010 the Eritrean government began requiring all clergy, including those from registered religious communities, to participate in national military service regardless of their conscientious objections to such service.'⁽²³⁾⁽²⁴⁾

7.4.3 See also [Conscientious Objection](#).

7.5 Time-Limited Exemptions (Students)

7.5.1 Article 14 of the Proclamation covers exemptions that are only valid for a limited period, and mainly affects students⁽²⁵⁾.

7.5.2 The UN Commission of Inquiry stated:

'By law, temporary exemptions to the military service may be granted to students with a view to allowing them to complete their studies. Since the establishment of the 12th grade of high school in the Warsai Yikealo school in Sawa, the temporary exemption regime for students has been rendered irrelevant, as all students have to pass through active military training in Sawa for their final year of high school.

'According to the National Service Proclamation, students who are temporarily exempted only get their diplomas once they have completed their active military service at the end of their studies. The principle of withholding diplomas is still being applied to students of higher education, who only receive their final diplomas once they have been formally released from national service, which does not happen as national service is indefinite. Those who have graduated are thus unable to apply for jobs for which they would require their diploma.'⁽²⁶⁾

7.6 Recall for Reserve Duties

7.6.1 The UN Commission of Inquiry stated:

'In theory, the holder of a certificate of completion of national service should not be subjected to call-up or arrest for service evasion. However, information received by the Commission indicates that people who have been formally released were recalled at a later point in time. For example,

²³ United States State Department, 'International Religious Freedom Report for 2013 - Eritrea', 28 July 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>. Date Accessed: 26 November 2014..

²⁴ United States Commission on International Religious Freedom, 'Annual Report 2015: Eritrea', covering period 31 January 2014 to 31 January 2015, 30 April 2015, <http://www.uscifr.gov/countries/eritrea>. Date Accessed: 16 June 2015.

²⁵ Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR's RefWorld website, http://www.unhcr.org/refworld/country_LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html. Date Accessed: 19 November 2014.

²⁶ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1198-1199). Date Accessed: 19 June 2015.

conscripts of the 1st to 4th rounds, who completed the statutory 18-months national service before 1997, were initially released and provided with certificates of completion. However, they were recalled ahead of the first round or during the border war with Ethiopia, without being discharged from national service once the war was over and indefinitely retained in the national service ...

Reportedly, even persons who have documentary evidence that they have completed their active military service find themselves at risk of punishment as evaders of reserve responsibilities if they leave the country while still of military age.⁽²⁷⁾

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8. Conscientious Objection

- 8.1.1 The Proclamation contains no explicit provision for conscientious objection⁽²⁸⁾ and various sources, for example the May 2013 Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom'⁽²⁹⁾, the May 2015 United States State Department 'International Religious Freedom Report for 2014'⁽³⁰⁾ and Freedom House's 2015 'Freedom in the World' report on Eritrea⁽³¹⁾ report that this remains the case in practice.
- 8.1.2 In its 2015 report on Eritrea, the US Commission on International Religious Freedom made the following key findings:
- 'Systematic, ongoing, and egregious religious freedom violations continue in Eritrea under the regime of President Isaias Afwerki. Violations include torture or other ill-treatment of religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities, and interference in the internal affairs of registered religious groups. The religious freedom situation is particularly grave for Evangelical and Pentecostal Christians and Jehovah's Witnesses.'⁽³²⁾
- 8.1.3 While the UN Commission of Inquiry stated 'Eritrea does not recognise the right of conscientious objection to military service, neither in law nor in

²⁷ UN, Report Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1257 and 1261). Date Accessed: 19 June 2015.

²⁸ Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date Accessed: 19 November 2014.

²⁹ Amnesty International, 'Eritrea - 20 years of independence, but still no freedom', 9 May 2013. <https://www.amnesty.org/download/Documents/12000/afr640012013en.pdf> (p.25). Date Accessed: 26 November 2014.

³⁰ United States State Department, 'International Religious Freedom Report for 2014 - Eritrea', 30 April 2015, <http://www.uscifr.gov/sites/default/files/Eritrea%202015.pdf>. Date Accessed: 1 July 2015.

³¹ Freedom House, 'Freedom in the World – Eritrea – 2015', 28 January 2015. https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB_IViko (section G). Date accessed: 29 June 2015.

³² US Commission on International Religious Freedom, '2015 Report: Eritrea', 30 April 2015, <http://www.uscifr.gov/sites/default/files/Eritrea%202015.pdf>. Date Accessed: 1 July 2015.

practice. Jehovah's Witnesses have been arrested and detained with [sic] a judicial process for their declared conscientious objection to military service.⁽³³⁾

- 8.1.4 According to an April 2015 article by JW.org, there are at least 16 Jehovah's Witnesses imprisoned in Eritrea on the grounds of conscientious objection. Three have allegedly been held since September 1994, with the most recent being in May 2014.⁽³⁴⁾
- 8.1.5 According to the Belgian website, Agir Pour La Paix, in a document entitled 'Prisoners for Peace' there were at least 16 Jehovah's Witnesses imprisoned in Eritrea on the grounds of conscientious objection as of April 2014. The most recent arrest coming in May 2013.⁽³⁵⁾
- 8.1.6 Corroborating information could not be found to determine the number of Pentecostals or others detained specifically on the grounds of conscientious objection.
- 8.1.7 See also the country information and guidance on [Eritrea: Religious Groups](#).

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9. Duration of National Service

- 9.1.1 The UN Commission of Inquiry concluded that:

'The National Service Proclamation stipulates that the 18-month long active national service may be extended in case of general mobilisation. With the Warsai Yikealo Development Campaign, the Government extended the statutory national service of 18 months to an indefinite period, effectively leading to a constant state of general mobilisation.'⁽³⁶⁾

The Government argues that the so-called "no war, no peace" situation with Ethiopia justifies the period of conscription be indefinitely extended. In this context, it is important to note that the Government of Eritrea has never declared a state of emergency. The so-called "no war, no peace" situation does not fulfil the criteria required under international law for a state of emergency. The so-called "no war, no peace" situation is used by the Government to describe the risk of war during peace time, which has no

³³ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1208). Date Accessed: 19 June 2015.

³⁴ Jehovah's Witnesses, 'Imprisoned for their faith – Eritrea', April 2015, <http://www.jw.org/download/?docid=1012732&output=html&fileformat=PDF&alllangs=0&track=1&lang-written=E&txtCMSLang=E&isBible=0>. Date accessed: 22 June 2015.

³⁵ Agir Pour La Paix, 'Imprisoned for their faith – Eritrea', 30 April 2014, http://agirpourlapaix.be/wp-content/uploads/Prisonniers-for-peace_ENG.pdf. Date accessed: 26 January 2015.

³⁶ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1181). Date Accessed: 19 June 2015.

legal ground or effect on the application of the international obligations of Eritrea.⁽³⁷⁾

- 9.1.2 The United States' State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated: 'Despite the 18-month limit on active duty national service under the 1995 proclamation, many persons are not demobilized from government work units as scheduled after their mandatory periods of service ended, and some are forced to serve indefinitely in the military under threats of detention, torture, or punishment of their families'.⁽³⁸⁾
- 9.1.3 In an Africa Today article by Tekle M. Woldemikael in winter 2013, entitled 'Introduction to Special Issue: Postliberation Eritrea', the author explains that: 'National service began in 1995, drafting teenagers over the age of sixteen and adults under the age of forty. It initially entailed six months of training and one year of service; however, it soon developed into two years or more in military service. Since the border war with Ethiopia, it has turned into unending military service.'⁽³⁹⁾
- 9.1.4 The Human Rights Watch 'World Report 2015: Eritrea' (covering events in 2014), stated that: '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 work projects, prompting some to flee.'⁽⁴⁰⁾
- 9.1.5 Amnesty International similarly notes that 'The initial 18-month period of service continued to be frequently extended indefinitely, with minimal salaries and no choice over the nature of work assigned – a system that amounted to forced labour.'⁽⁴¹⁾
- 9.1.6 Human Rights Concern Eritrea (HRCE) submitted to the UN Human Rights Council in November 2013 that 'despite the official length of service being 18 months, most have served 17 years or more' and JS3 [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.⁽⁴²⁾

³⁷ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1257 and 1261). Date Accessed: 19 June 2015.

³⁸ United States State Department, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

³⁹ Africa Today, Vol. 60, No. 2, Special Issue: Postliberation Eritrea (Winter 2013), pp. v–xix, taken from Indiana University Press, <http://www.chapman.edu/our-faculty/files/publications/africatoday.pdf>. Date accessed: 5 January 2015.

⁴⁰ Human Rights Watch, 'World Report 2015: Eritrea', 24 February 2015, <https://www.hrw.org/world-report/2015/country-chapters/eritrea>. Date accessed: 22 June 2015.

⁴¹ Amnesty International, Amnesty International Report 2014/15, 25 February 2015, <https://www.amnesty.org/en/countries/africa/eritrea/report-eritrea/> Date Accessed: 30 June 2015.

⁴² UN Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and

9.1.7 According to its 2015 'Freedom in the World' report on Eritrea, Freedom House repeated its conclusion from its 2014 report by stating 'In reality, a conscription system ties most able-bodied men and women – even those under age 18 – to obligatory military service and can also entail compulsory labor for enterprises controlled by the political elite. The official 18-month service period is frequently open-ended in practice....'⁽⁴³⁾

9.1.8 The UN Commission of Inquiry concluded that:

'The Commission documented a pattern of conscription into the national service at an early age without any prospect of being formally discharged or otherwise released. There is a clear pattern of conscription beyond the statutory period of 18 months of national service. Conscripts are not informed about the length of time they are expected to serve beyond the statutory 18 months and have to remain in the national service when the mandatory period of active national service has lapsed.

The Commission heard testimonies of Eritreans who were drafted into the army at the beginning of adulthood and remained national service conscripts, being deprived of a civilian life. Many witnesses interviewed by the Commission highlighted the length of time they had spent in the national service, which frequently exceeded a decade, amounting to a quarter of the average period of adulthood in Eritrea. It should be noted that these people were not formally released from national service but at one point in their life decided to escape from national service to put an end to it. Had they stayed, presumably they would still be serving.'⁽⁴⁴⁾

9.1.9 The sources consulted by Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, reported the following :

'International Organisation (A) said 'Normally you will have to work for the National Service when you become 18 years of age. The age of enrolment into the National Service is not clearly defined and some are working for the National Service for up to ten years and more before being "demobilized" ...'⁽⁴⁵⁾

paragraph 5 of the annex to Council resolution 16/21 : Eritrea, 1 November 2013, A/HRC/WG.6/18/ERI/3

<http://www.refworld.org/docid/52f0fd354.html> date accessed 1 July 2015

⁴³ Freedom House, 'Freedom in the World – Eritrea – 2015' (section G), <https://freedomhouse.org/report/freedom-world/2014/eritrea-0#.VMBfcEesV8E>. Date Accessed: 22 June 2015.

⁴⁴ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1250-1251). Date Accessed: 19 June 2015.

⁴⁵ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898->

'International Organisation (B) said 'There is lack of clarity on timeframes of different components of National Service or whether rules and procedures are applied in a uniform manner to all recruits. Although the timeframes are not clear, anyone may be demobilised, i.e. released from National Service, and free to take up whatever jobs available to them Information suggests that, although demobilized, one may at any time be called in for service in what is referred to as the People's Army.... An international organisation in Eritrea explained that the main problem with the National Service is that in some cases it may be 'open-ended', i.e. people can never be certain that they will be released after the obligatory 18 months service.'⁽⁴⁶⁾

A Western embassy (B) explained that '... the few years spent in National Service may imply that it is very difficult for many people to plan for their lives. It would be a great step in the right direction if the Eritrean government would clarify precisely how long time one has to serve in the National Service. So far this has not happened.... there are no written laws regulating this. National Service is a very 'foggy' issue, and when one will be released from National Service, i.e. demobilized, depends very much on one's specific skills and the individual employer. However, there are indications that young people are now released from National Service after a shorter period of service than was previously the case.'⁽⁴⁷⁾

A Western embassy (C) stated that 'it seems to be arbitrary when people are released or demobilized from National Service, whether from a military or civilian role, after serving the obligatory 18 months. In practice people would apply to their employer or military commander for demobilization. If he or she approves the recommendation to demobilize a person, the recommendation would be sent to the central authorities for final approval. But the guidance on what reasons would justify a recommendation for demobilisation are internal only and in reality a large part of the decision to demobilize people is left to the individual employer or military commander. It was added that National Service is not really indefinite, but when it ends is arbitrary... [the same source] heard of people in their forties who were still in National Service, but in general three to four years of National Service seemed to be norm today.'⁽⁴⁸⁾

A representative of a regional NGO explained 'The government and the ruling party have to some degree realized that something has to be done regarding the exodus of people from Eritrea. In the last three years there has been recognition that young people are needed for in Eritrea and that the

[AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf](http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf) (page 24). Date accessed: 6 January 2015.

⁴⁶ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014,

<http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 28). Date Accessed: 6 January 2015.

⁴⁷ Danish FFM Report, (page 44). Date Accessed: 22 June 2015.

⁴⁸ Danish FFM Report, (page 48). Date Accessed: 6 January 2015.

exodus has reached a level that could threaten the economy of the country. Since last year there has been consent within the ruling party to deal with the problem and rumor has it that the government is considering returning to the original and 18 months of National Service that is stipulated by the law. The problem is both the open-ended service within the National Service, and the general belief among youngsters that the 'pasture is greener' on the other side of the fence. In some cases people have been working in the National Service in the ministries, in government garages or as technicians for eight or more years for a petty salary of 600 Nakfa per month (about 28 Euros). 'The source of information explained that he has an employee who was released from National Service after six years. The employee had worked in a government owned garage as a mechanical for those years. His monthly salary was 500 Nakfa. He is now free to take up whatever job he may find, and he can apply for a passport and an exit-visa should he wish to go abroad. Theoretically, the National Service is 18 months, but in reality it could be much longer.'⁽⁴⁹⁾

9.1.10 '[A Western embassy (D) stated that] The National Service is unpredictable and in principle indefinite. There are reports of recruitment into National Service of 40 to 50 years old people for military drills or temporary service. Some cases they are rounded up and taken to some military barracks. In principle, National Service cannot exceed 18 months, but in reality it stretches far beyond that period of time.... '[but] Today it is easier to be released from the service and to young people today National Service seems to be limited to a couple of years.'⁽⁵⁰⁾

9.1.11 The Foreign and Commonwealth Office (FCO) report, covering events in 2014, noted in March 2015 that 'some individuals have continued to perform national service for several years'.⁽⁵¹⁾

9.1.12 In the May 2015 EASO Report, it highlighted '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. Women surveyed for another study had served an average of five years...'⁽⁵²⁾

9.2 Discharge and Dismissal

9.2.1 In its May 2015 EASO Report, it was highlighted that:

'A distinction should be made between demobilisations and dismissals; demobilisations follow wartime mobilisations, and dismissals take place on an individual basis after the discharge of national service obligations.

After the end of the border war in 2000, the Eritrean authorities announced the demobilisation of 200,000 soldiers in three phases. However, only about

⁴⁹ Danish FFM Report, (page 37). Date Accessed: 6 January 2015.

⁵⁰ Danish FFM Report, (page 52). Date Accessed: 6 January 2015.

⁵¹ Foreign and Commonwealth Office, 2014 Human Rights and Democracy Report, Countries of Concern – Eritrea, 12 March 2015, <https://www.gov.uk/government/publications/eritrea-country-of-concern--2/eritrea-country-of-concern#military-service>. Date Accessed: 16 June 2015.

⁵² EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.7.1). Date Accessed: 16 June 2015.

5,000 people were demobilised. Others received their demobilisation papers but were reassigned from military to civilian national service. No large-scale demobilisations have occurred since then and many national service conscripts have been serving indefinite terms for many years. The Eritrean authorities claim that 70% of those who served in the army during the border war have been dismissed.

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. ... Many employees of ministries do not know whether they are still engaged in national service or have been dismissed.⁵³

9.2.2 The UN Commission of Inquiry concluded that 'The procedure for discharge from national service is unclear, as is the terminology to describe a conscript's separation from the military. The Commission has not been able to access official documentation outlining rules and procedures in place guiding the process of release. Testimonies reveal a pattern of arbitrariness in this regard.'⁵⁴

9.2.3 The Commission also reported that:

'It appears from testimonies that conscript first needs to get released from their direct employer, which is certified a release paper. The release paper serves as a travel permit but not as a work permit. It is the precondition for getting a certificate of completion of national service, which is issued by the Ministry of Defence. This certificate indicates that the holders are discharged from national service and permits them to move around and to choose work freely. The Commission found that release was extremely rare and difficult to obtain. It can usually only be obtained through bribery or for medical reasons not on the basis of the number of years of service.'⁵⁵

The Commission went on to quote two 'witnesses' from which it had obtained testimonies. The first stated 'a certificate of completion of national service was extremely difficult to get without facilitation by a high-ranking employee of the Ministry of Defence', while another witness 'explained that those who could afford it were paying from 100,000 to 200,000 Nakfa [circa £6-12,000] for the much-sought after certificate of completion. He also noted that certificates were occasionally issued until the 13th round, i.e. around 2000.'⁵⁶

⁵³ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.7.1). Date Accessed: 16 June 2015.

⁵⁴ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea (para 1252). Date Accessed: 19 June 2015.

⁵⁵ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1254). Date Accessed: 16 June 2015.

⁵⁶ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015 <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1254). Date

1.1.1 The same source added:

‘Some conscripts assigned to civil service get discharged from active national service without being entirely free as they have to continue performing the civilian job they were assigned to during their service. They may receive a salary, which is higher than the previous one, and be allowed to move freely within the country. However, they are not permitted to choose where to work freely.’⁽⁵⁷⁾

9.3 Moves to time-limit national service

- 9.3.1 The Danish Immigration Service’s Fact-Finding Mission (FFM) Report, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published in November 2014 and updated in December 2014, stated: ‘The Eritrean Ministry of Foreign Affairs admitted that “Eritrea has some human rights issues and that one of the real issues is the open-ended National Service”. The ministry added that the National Service is being discussed in the government but no specific information about whether or when it would undergo change was provided. Finally the ministry stated that “the Eritrean government and the EU and the embassies of the European countries are in an ongoing and constructive dialogue”’⁽⁵⁸⁾
- 9.3.2 On 24 November 2014, Asmarino Independent reported that ‘an Eritrean website, reputed for pushing propaganda for the Eritrean regime has today announced that the Eritrean national service will be reinstated to its legally sanctioned 18 months limit. The website says the news comes from a meeting conducted by Mr Berhane Gebrehiwet, Head of public affairs at the Eritrean Embassy in Washington DC.’⁽⁵⁹⁾
- 9.3.3 During a meeting with the UK delegation from the Foreign and Commonwealth Office and the Home Office during its 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

Accessed: 16 June 2015.

⁵⁷ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015

<http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1255). Date Accessed: 16 June 2015.

⁵⁸ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 21). Date Accessed: 22 June 2015.

⁵⁹ Asmarino independent, ‘An Eritrean official ‘promises’ policy changes on the indefinite national service’, 24 November 2014, <http://asmarino.com/news/4078-an-eritrean-official-promises-policy-changes-on-the-indefinite-national-service#2>. Date Accessed: 10 December 2014.

added that ‘Everyone still in education will benefit from this along with anyone who has not yet reported for national service.’⁽⁶⁰⁾

9.3.4 During a separate meeting with the UK delegation from the Foreign and Commonwealth Office and the Home Office during its visit to Asmara, 9–11 December 2014, the Eritrean Foreign Minister Osman Saleh, confirmed that ‘We have 18 months’ military service now. Meetings have been held in the governorates to inform the whole population throughout the country.’⁽⁶¹⁾

9.3.5 The Foreign and Commonwealth Office report on Eritrea covering 2014 stated:

‘... the Eritrean government reports that it has informed members of the most recent intake that their period of service will not extend beyond eighteen months. Civilian national service has often included work for government and state-owned 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. Obligatory national service continues to be a major driver for emigration and illegal migration’.⁽⁶²⁾

9.3.6 Yemane Ghebreab, Presidential Adviser and Head of Political Affairs for the ruling PFDJ, during an extensive presentation in April 2015 at the Bruno Kreisky Forum for International Dialogue, on the topic of Eritrea’s political situation and its policy in the Horn of Africa, also reaffirmed that

‘... We have been reforming and bringing change to that National Service program. But now, after reviewing our situation and the situation in our region as a whole, we have decided to go back to 18 months. The implementation of that policy will start on the current bunch of National Service recruits finish their National Service in 14 months time.

But we face lots of challenges. For us, people will be released in 14 months time. We expect something like 10,000 people will be released in that time. And the challenge for us is to be able to find jobs, skills, training, and business opportunities for them when they are released. This [is] a challenge for us, we are working on it as I said and we are asking for cooperation from European Union countries.’⁽⁶³⁾

9.3.7 The May 2015 EASO report on Eritrea stated:

⁶⁰ Meeting with Eritrean President’s Adviser Yemane Gebreab, Joint Home Office-Foreign and Commonwealth Office visit to Asmara, 9–11 December 2014.

⁶¹ Meeting with Eritrean Foreign Minister Osman Saleh, Joint Home Office-Foreign and Commonwealth Office visit to Asmara, 9–11 December 2014.

⁶² Foreign and Commonwealth Office, 2014 Human Rights and Democracy Report Eritrea – Country of concern, 12 March 2015, <https://www.gov.uk/government/publications/eritrea-country-of-concern-2/eritrea-country-of-concern#military-service>. Date Accessed: 11 June 2015.

⁶³ Madote, ‘Yemeane Ghebreab speaks on Eritrea Limiting National Service to 18 months’, April 2015, <http://www.madote.com/2015/04/yemeane-ghebreab-speaks-on-limiting.html#ixzz3Y3MHJzz>. Date Accessed: 22 June 2015.

‘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. According to one report, the soldiers concerned have been informed 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.’⁽⁶⁴⁾

9.3.8 The UN Commission of Inquiry observed:

‘In 2014, the Government announced that the duration of the national service of future conscripts would be limited to 18 months. Reportedly, similar announcements were made previously, including in 2001, when the Government ordered that the maximum 18-month term of national service be adhered to, and that conscripts be allowed to complete their period of service in their own districts, allowing access to families. The announcement was reportedly not made public in Eritrea.

The Commission collected testimonies from Eritreans who left the country, as recently as February 2015, but only two of them had heard that conscripts of the 27th round had been informed in November 2014 about the Government’s intention to respect the statutory 18-months maximum duration of national service when they were assigned to their military units. None of the other witnesses who had left the country recently, were aware of such an announcement. There is a lot of scepticism as to whether the Government will this time fulfil its promise, as it has made similar announcements in the past that were never followed through.

‘A witness, who fled the country at the end of 2014, had heard about the announcement. “They told us in meeting in early November 2014 that every national service conscript as of the 27th round would be released after 18 months. We old ones did not take it seriously, because they had made promises before, regarding salary raises and that those above age or ill would be released. The announcement was also made to the rest of our division and other divisions nearby. We had conscripts of the 27th in our division, who were hopeful.” ‘This was confirmed by a witness who fled the country in early 2015. “Soldiers of the 27th were told by the officers about the new 18 months maximum duration that would be respected when they were assigned to their military units, however nobody believes it for the moment.”’⁽⁶⁵⁾

9.3.9 The EASO focus reported that: ‘The Eritrean government has announced to representatives of the international community that starting with the 28th recruitment round in the autumn of 2014, conscripts would not be transferred

⁶⁴ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.7). Date Accessed: 16 June 2015.

⁶⁵ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1262-1264). Date Accessed: 16 June 2015.

to the civilian national service anymore. Those currently engaged in civilian service will be dismissed over the next few years, according to the government.'⁽⁶⁶⁾

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10. National Service: Roles and Assignments

10.1 From School to Sawa

- 10.1.1 The United States' State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated that: 'All 12th-grade students, including some younger than 18, are required to complete their final year of education at the Sawa military and educational camp; those who refuse to attend cannot receive high school graduation certificates, go on to higher education, or be offered some types of jobs. The first six months consist of military training prior to military service.'⁽⁶⁷⁾
- 10.1.2 An Africa Today article by Tekle M. Woldemikael in Winter 2013, entitled 'Introduction to Special Issue: Postliberation Eritrea' explains that: 'Even boys and girls are mandated to enter military-training camps for at least one year when they reach the age of sixteen. If they have finished tenth grade, they are required to finish their eleventh grade in a military camp called Sawa, where they receive military training in addition to their formal, nonmilitary education.'⁽⁶⁸⁾
- 10.1.3 The United States' State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, stated that: 'Though the government made an effort to ensure that no persons under 18 engaged in military training at Sawa, it was difficult to determine whether all those performing the military training component had reached 18 years of age.'⁽⁶⁹⁾
- 10.1.4 Professor Gaim Kibreab, in a paper prepared for the October 2014 EASO Practical Cooperation Meeting on Eritrea, explained that: 'Currently, the main mechanism of conscription is through the Warsai School at Sawa in which all secondary school students at the end of 11th grade are automatically transferred to Sawa to complete 12th grade under military discipline in combination with military training.'⁽⁷⁰⁾
- 10.1.5 The May 2015 EASO report noted that:

⁶⁶ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.6). Date Accessed: 16 June 2015.

⁶⁷ United States State Department, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

⁶⁸ Africa Today, Vol. 60, No. 2, Special Issue: Postliberation Eritrea (Winter 2013), pp. v–xix, taken from Indiana University Press, <http://www.chapman.edu/our-faculty/files/publications/africatoday.pdf>. Date accessed: 5 January 2015.

⁶⁹ USSD 'Trafficking in Persons Report 2014'. 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

⁷⁰ Kibreab, Gaim. 'The Open-Ended Eritrean National Service: The Driver of Forced Migration - Paper for the European Asylum Support Office Practical Cooperation Meeting on Eritrea', 15 October 2014, http://www.ecoi.net/file_upload/90_1416473628_gaim-kibreab-the-open-ended-eritrean-national-service-the-driver-of-forced-migration.pdf (page 5). Date Accessed: 19 January 2015.

'The official recruitment age in Eritrea is 18. Between 1994 and 2002, two recruitment rounds were carried out each year (one in winter and one in summer). The system was changed in 2003, and a 12th school year at the military training camp of Sawa, now officially known as the Warsay-Yikealo School, was introduced for all Eritrean pupils. Most of the pupils are assigned directly to national service after the final examinations which take place in Sawa. This means that there is now only one recruitment round for secondary school pupils each year, in late July/early August. Between 10,000 and 25,000 pupils are conscripted for the 12th school year in each recruitment round... Eritrean pupils are called to register for the 12th school year by their local (kebab) administration during their 11th school year. Following registration, they are sent a letter telling them the time and location of their departure for Sawa.

Recruitment via the 12th school year is primarily carried out in the Eritrean highlands, where the education system is on a significantly stronger footing than in the lowlands. This means that the Tigrinya are over-represented at Sawa.⁽⁷¹⁾

10.1.6 The same source stated:

'There are many Eritrean teenagers who do not attend secondary school and accordingly fail to complete their 12th school year at Sawa. Other methods of recruitment are therefore used, particularly in rural areas. Anyone who drops out of school before their 11th school year can be conscripted for national service directly by the kebab administration once they reach the age of 18. Young people over the age of 18 who are still attending school are also sometimes conscripted by the administration, in particular if there are suspicions that they are delaying leaving school in order to avoid being recruited. This has a particularly strong impact on the children of poor families in lowland areas who rely on them to herd animals and assist with seasonal farming at locations remote from their homes.'⁽⁷²⁾

10.1.7 The EASO report noted with regards to the recruitment of minors that

'Standard recruitment procedures operate on the basis of the education system, which means that pupils are called up to Sawa as soon as they have finished their 11th year at school, regardless of their age. Conscripts may therefore be 17 years old or even younger. According to a leaked Eritrean military report, one-third of those drafted during the 21st recruitment round in 2010 were under 18. The Eritrean government claimed that the under-age pupils attending Warsay-Yikealo school did not belong to the army. The conscription of minors for national service during giffas is also a frequent occurrence and age is often judged merely by appearance. Parents who submit identity papers proving their child's real age are often ignored. One report claims that kebab administrations conscript minors for national

⁷¹ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.3.1). Date Accessed: 16 June 2015.

⁷² EASO Eritrea Country Focus, May 2015 <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.3.2). Date Accessed: 16 June 2015.

service partly to make up numbers but also for arbitrary reasons or as a reprisal against the child's family.⁽⁷³⁾

10.1.8 The same source stated that

'The 12th school year at the Sawa-based Warsay-Yikealo school involves a combination of academic and military training and labour deployments. The Ministry of Education is responsible for the academic session, which begins after the conscripts are recruited in July or August, lasts seven or eight months and focuses on the propagation of national values, i.e. the PFDJ's ideology. Pupils are subjected to military discipline during this period and can be mobilised repeatedly for military training events. According to several sources of a Norwegian fact-finding mission, however, it is likely that the Warsay-Yikealo school has become less military in nature in recent years, since it is now primarily an educational institution.

'The academic session ends in February or March with tests in five different subjects (two of which must be English and Mathematics) held over a period of several days, known as the Eritrean School Leaving Certificate Examination (or the Eritrean Secondary Education Certificate Examination). All tested pupils receive a certificate, regardless of their marks. The precise length of the military training which then begins differs from year to year; the sources refer to periods of between six weeks and six months. A few sources state that part of the military training takes place before the academic session, which again suggests that the arrangements are not identical every year.

'The pupils who score best in the final examination can continue their education at one of the country's nine colleges after completing their 12th school year. Since 2007, those who fare less well have been able to start vocational training at Sawa or elsewhere, and the remainder are transferred immediately to proper national service. Most are sent to the army but some are assigned to civilian duties within administrative structures or to other tasks e.g. within agricultural or construction companies.

'The training camp is located near Forto Sawa in zoba Gash-Barka, around 30 kilometres from the Sudanese border... It consists of a training complex and a military exercise ground, as well as a number of shops and accommodation for parents visiting children during their stay at Sawa.'⁽⁷⁴⁾

10.1.9 The UN Commission of Inquiry stated in June 2015 that: '.... The first round of military training started after independence in Sawa in 1994. Since the establishment of the Warsai Yikealo Secondary School in Sawa in 2003, high-school students undertake military training in Sawa while studying during 12th grade for their Eritrean High School Leaving Certificate examination, also referred to as "the matriculation".

⁷³ EASO Eritrea Country Focus, May 2015 <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.3.3). Date Accessed: 16 June 2015.

⁷⁴ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.4). Date Accessed: 16 June 2015.

‘However, not all conscripts participate in the academic part of the programme in Sawa. The Commission learned that conscripts are also sent to Sawa for military training only, most of them having been taken there after a round-up.’⁽⁷⁵⁾

10.1.10 The UN Commission of Inquiry concluded that:

‘Conscripts are drafted into the national service through the official call-up system, which is facilitated by the formalised militarisation of the last year of secondary education. In 2003, the Government added a 12th grade to high school, requiring students to go to the Warsai Yikealo Secondary School at the military training camp in Sawa for their final year of schooling and sit the exam for the Eritrean High School Leaving Certificate there. In addition, 12th grade students have to undergo military training during that last year of school. This change was introduced to reduce increasing numbers of draft evaders and facilitate the mobilisation of the youth. Before 2003, many high school students, particularly girls, deliberately repeated classes and dropped out of school to avoid going to the training centre in Sawa. Until today, a large number of draftees do not respond to national service calls by trying to hide. Frequent round-ups by the military target those who try to avoid the regular conscription.’⁽⁷⁶⁾

10.2 After Military Training at Sawa

10.2.1 A Canadian Immigration and Refugee Board Research Directorate response to an information request, dated 4 September 2012, stated that:

10.2.2 ‘After the mandatory six-month military training period, conscripts are assigned to a year of military or civil work as part of their national service ... Civil service may include labour for the state or for private firms owned and operated by military or political officials (Human Rights Watch 16 Apr. 2009, 25; AI 2 Nov. 2011; US June 2012). It may also include community work (Human Rights Watch 16 Apr. 2009, 47), work in the fields of health and education (ibid.; Bozzini 2011, 96), or office work (ibid.). Sources indicate that conscripts must work in any position or location assigned by the government (US June 2012; Bozzini 16 Feb. 2012, 4) and cannot choose between military and civil work (UK 17 Aug. 2011, para. 9.8).’⁽⁷⁷⁾

10.2.3 The Amnesty International report, ‘Eritrea - 20 years of Independence but still no freedom’, published on 9 May 2013, stated:

⁷⁵ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1265-1266). Date Accessed: 16 June 2015.

⁷⁶ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1185). Date Accessed: 16 June 2015.

⁷⁷ Immigration and Refugee Board of Canada, ‘Response to Information Requests: Eritrea ERI104179.E’, 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014.

‘According to the testimonies of former conscripts, within the national service framework conscripts are assigned to a wide variety of roles, without any choice as to the nature of the work they are assigned to. Some conscripts are reportedly assigned as labour in state and private projects and enterprises, such as construction projects and road building; testimonies of former conscripts suggest that large numbers are assigned to work as agricultural labourers on large-scale farms; some reportedly work for companies owned and operated by the military or ruling party elites. Other conscripts are reportedly assigned to work in the civil service, in government departments or various roles in the military administrative infrastructure. A significant portion of conscripts are assigned to remain as soldiers after the initial six months’ military service.’⁽⁷⁸⁾

- 10.2.4 International Crisis Group, in a briefing paper entitled ‘Eritrea: Ending the Exodus?’, stated that ‘From 2002, national service was tied to the “Wefri Warsai Yika’alo”, a development campaign. Many national servicemen and women were deployed in parastatal companies controlled by senior army and party officers. To ensure compliance, travel within the country and beyond was restricted and severely regulated.’⁽⁷⁹⁾
- 10.2.5 The United States’ State Department ‘Trafficking in Persons Report 2014’, published on 20 June 2014, stated that
‘Those performing national service in the Eritrean military carry out standard patrols and border-monitoring, in addition to public works projects such as agricultural terracing, road maintenance, and laying power lines.’⁽⁸⁰⁾
- 10.2.6 The same report also stated that
‘Persons performing national service are prohibited from resigning from their jobs or taking new employment, generally receive no promotions or salary increases, and often cannot leave the country legally because they are denied passports or exit visas.’⁽⁸¹⁾
- 10.2.7 The Human Rights Watch ‘World Report 2015: Eritrea’ (covering events in 2014), noted that
‘While some conscripts work in civil service jobs at conscript pay, others are used as forced labor on construction sites and government-owned farms. The Eritrean construction industry is a government monopoly that uses forced conscript labor. In 2013, Human Rights Watch found that several hundred conscripts had been used by state-owned Segen Construction Co.

⁷⁸ Amnesty International, ‘Eritrea - 20 years of Independence but still no freedom’, 9 May 2013, <https://www.amnesty.org/download/Documents/12000/afr640012013en.pdf> (pages 25-26). Date Accessed: 19 November 2014.

⁷⁹ International Crisis Group, ‘Eritrea: Ending the Exodus?’, 8 August 2014, <http://www.crisisgroup.org/~media/files/africa/horn-of-africa/ethiopia-eritrea/b100-eritrea-ending-the-exodus.pdf> (page 5). Date accessed: 5 January 2015.

⁸⁰ United States State Department, ‘Trafficking in Persons Report 2014’, 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

⁸¹ USSD ‘Trafficking in Persons Report 2014’, 20 June 2014 <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

to build infrastructure at the Bisha mine, Eritrea's only operating mineral mine. Bisha is majority-owned by Nevsun Resources, a Canadian mining company. Nevsun has expressed "regret if certain employees of Segen were conscripts" during the mine's construction, but insists there are no ongoing abuses. Segen remains a contractor at Bisha. 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.⁽⁸²⁾

- 10.2.8 On 17 June 2015, a Nevsun Press Release 'provided an update on its human rights record in response to recent media speculation'⁽⁸³⁾. It pointed to 'The independent HRIA (Human Rights Impact Assessment) which was completed in April 2014 [which] can be found on the Company's website'⁽⁸⁴⁾.
- 10.2.9 In a June 2015 presentation at Chatham House, London, Todd Romaine, Vice President Corporate Social Responsibility at Nevsun Resources Ltd, stated in a speech that the use of workers in national service is against the law, that this had been made clear to them by the government and they do not use workers who are still in national service.
- 10.2.10 In a follow-up question and answer session, it was established that over 1,000 employees at the mine were Eritrean, making up 90% of the work force and that the relevant documentation with regard to national service along with ID numbers are verified by their [Nevsun's] HR department with the government. Full company ID badges are given to workers so there is no possibility of identity fraud.⁽⁸⁵⁾
- 10.2.11 An advertisement for a job at Bisha mine, in the Eritrea Profile newspaper, lists a requirement for Eritrean nationals as 'Having fulfilled his/her National Service obligation and provide evidence of release paper from the Ministry of Defense'⁽⁸⁶⁾
- 10.2.12 A Canadian Immigration and Refugee Board Research Directorate response to an information request, dated 4 September 2012, stated that: 'Additionally, conscripts assigned civil work are reportedly considered soldiers and can be mobilized to serve in the army at any time (Bozzini 2011, 96)'.⁽⁸⁷⁾
- 10.2.13 The sources consulted by Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration,

⁸² Human Rights Watch, 'World Report 2015: Eritrea', 24 February 2015, <https://www.hrw.org/world-report/2015/country-chapters/eritrea>. Date accessed: 22 June 2015.

⁸³ Nevsun Resources Ltd, 'Nevsun Provides Update on Human Rights' 17 June 2015, <http://www.nevsun.com/news/2015/june17/>. Date Accessed: 23 June 2015.

⁸⁴ Nevsun Resources Ltd, 'Human Rights Impact Assessment of the Bisha Mine in Eritrea', April 2014, <http://www.nevsun.com/responsibility/human-rights/Nevsun-HRIA-Summary-April-2014.pdf>. Date Accessed: 23 June 2015.

⁸⁵ Home Office Notes of Chatham House Presentation, 17 June 2015.

⁸⁶ Eritrea Profile, 17 June 2015, http://50.7.16.234/hadas-eritrea/eritrea_profile_17062015.pdf (page 6). Date Accessed: 23 June 2015.

⁸⁷ Immigration and Refugee Board of Canada, 'Response to Information Requests: Eritrea ERI104179.E', 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014.

National Service and the Possibility of Return', published in November 2014 and updated in December 2014, recorded the following observations on the recruitment into national service:

- 10.2.14 'International organisation (A) stated that "All young men and women are sent to the Sawa training center at completion of 11th grade in school. Based on the exam results, it is decided who qualifies and is allowed into the various institutions of higher education, or Military service. Others may be found more suitable for physical work, such as construction and farming, and attributed accordingly."⁽⁸⁸⁾
- 10.2.15 International organisation (B) stated that "The Mission was able to establish, from generally available information, that all students go to Sawa to complete the last grade of secondary school. The students who successfully pass the matriculation exam in Sawa continue their education in various higher education institutions. Those who do not qualify for further education enter the National Service, unless they are exempted for other reasons, and they begin with approximately six months of military training. After the military training, some are selected for continuation of military-related duties in various parts of Eritrea and others continue to perform National Service as civilians"⁽⁸⁹⁾
- 10.2.16 A regional NGO in Asmara stated "Initially, everyone who is recruited to the National Service will be after attending Sawa camp." It was emphasized that "Sawa is not a military camp, but is basically the final two years of high school for students from all over the country with about 22 thousand students. The students receive academic classes, some physical training and they learn to march in formation, but they receive no training in using arms as such. Those who graduate with merits from the Sawa camp may take up university studies and they are exempted from National Service. Those who do less well in school continue with National Service and they will do their services at various government institutions, hotels, factories, garages, and as teachers in schools etc. or in the military."⁽⁹⁰⁾
- 10.2.17 'A Western embassy (C) stated that all Eritreans at the age of 17 years go to Sawa for the 11th and final year of schooling. For six months they receive some physical and military training as an integral part of the final year in school.' The same source went on to explain that 'when the exam results are

⁸⁸ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 24). Date Accessed: 6 January 2015.

⁸⁹ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 28). Date Accessed: 6 January 2015.

⁹⁰ Danish FFM Report (page 37). Date Accessed: 6 January 2015.

ready after 11th grade in Sawa it is decided which students have qualified for tertiary education. These students do not perform additional military training apart from the six months of physical and military training that is an integral part of the 11th year in school in Sawa. Instead, on completion of their higher or further education, they perform national service in a civilian capacity in a profession linked to their qualification – for example an engineer might work in the Department of Public Works, an accountant in a state-owned bank or financial institution.”⁽⁹¹⁾

10.2.18 The May 2015 EASO Report on Eritrea observed that, ‘National service is divided into two parts: active national service (military service) and civilian national service which officially involves development projects. In reality, however, civilian service conscripts work in administrative structures, schools, hospitals, agriculture and construction companies. An estimated 200,000 to 600,000 were conscripted into national service in recent years, ... approximately half of whom are assigned to active military service.’⁽⁹²⁾

10.2.19 The same report also stated that:

‘Conscripts engaged in civilian national service are deployed as follows:

- ‘Ministries’: this category covers work within national, regional or local administrative structures and in schools (Ministry of Education), hospitals (Ministry of Health), courts (Ministry of Justice) or hotels and restaurants (Ministry of Tourism), for example:

- ‘Work on national development projects in one of the construction companies or agricultural companies under the control of the PFDJ or the army;

- ‘According to reports, national service recruits are also sometimes deployed for the private benefit of army commanders and assigned to tasks in private-sector companies such as gold mines. ‘Civilian national service is predominantly reserved for those with special skills, post-school education or particular privileges. Academy (college) graduates are assigned to tasks appropriate to their area of specialty, and often initially sent to Sawa to work as 12th year teachers. Anyone who drops out of academy is conscripted for military service.’⁽⁹³⁾

10.2.20 The UN Commission of Inquiry concluded that:

‘According to article 8 of the National Service Proclamation, on completing their military training conscripts have the duty to undertake active military service and developmental works in a combat force for 12 months. In practice, after their initial military training, the Government assigns conscripts to continue higher education, to vocational training, to jobs outside of the

⁹¹ Danish FFM Report (page 48). Date Accessed: 6 January 2015.

⁹² EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.1). Date Accessed: 16 June 2015.

⁹³ EASO Report on Eritrea, May 2015, (section 3.6). Date Accessed: 16 June 2015.

army or positions within the army, without taking into account the choice of conscripts when making decisions concerning the rest of their adult life.⁽⁹⁴⁾

10.2.21 It continued:

‘Conscripts who fail the exam in Sawa or undertake military training elsewhere, and who do not have any specific skills, are assigned to a military unit, such as the naval force or Mekanayz units, military units for heavy artillery. Generally, they are neither given the possibility to repeat the exam or finish high-school if they were recruited prior to the final school year. Reportedly, illiterate soldiers get assigned to remote areas.’⁽⁹⁵⁾

10.2.22 Paragraphs 1335 to 1350 of the UN report provides information, based on testimonies of witnesses, of the roles undertaken by conscripts following completion of their military/educational training at Sawa and other camps..

10.3 People’s Army

10.3.1 The United States’ State Department, both in its Eritrean ‘Trafficking in Persons Report 2014’ published on 20 June 2014⁽⁹⁶⁾, and the ‘Country Reports on Human Rights Practices for 2014’, published on 26 June 2015⁽⁹⁷⁾ reported that: ‘In 2012 the government instituted a compulsory citizen militia, requiring persons not already in the military or being trained at Sawa military and educational camp, including many who had been demobilized or exempted from military service in the past, to carry firearms and attend military training.’

10.3.2 The United States’ State Department ‘Country Reports on Human Rights Practices for 2013,’ published on 27 February 2014, also stated that: ‘The civilian militia program requires that some units carry out public works projects such as dam building, planting trees, and other activities deemed necessary by the government.’⁽⁹⁸⁾

10.3.3 The May 2015 EASO Report, citing sources, stated:

‘The Eritrean government began to establish a civil militia known as the ‘People’s Army’ (Tigrinya: “Hizbawi Serawit”) in March 2012, which exists in

⁹⁴ UN, Advance version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1334). Date Accessed: 16 June 2015.

⁹⁵ UN, Advance version of the Report of the detailed findings of the Commission on Inquiry Report on Eritrea, (para 1346), 5 June 2015. <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> Date Accessed: 16 June 2015.

⁹⁶ United States State Department, ‘Trafficking in Persons Report 2014’, 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf> (pages 168–169). Date Accessed: 19 November 2014.

⁹⁷ United States State Department, ‘Country Reports on Human Rights Practices 2014’, 26 June 2015 (section 7b). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> Date Accessed: 30 June 2015

⁹⁸ USSD, ‘Country Reports on Human Rights Practices 2013’. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220111> (section 7b) Date Accessed: 19 November 2014.

parallel to the national service troops. This move was prompted by the Ethiopian army's advances into Eritrean territory. Eritreans between the ages of 18 and about 70 who are not currently engaged in national service must complete weapons training and accept the weapons and uniforms issued to them by the government. Members of the People's Army must also carry out unpaid tasks as patrols, guards or workers on national development projects. Recruitment for the People's Army has so far taken place primarily in Asmara and Keren. It is not clear exactly how recruits are selected but conscription takes place through the hanging of posters on house walls and street lamps.

'Those who ignore the People's Army conscription notices are at risk of losing their food coupons and identity documents or face imprisonment. Many people were nevertheless still ignoring them in late 2014 and early 2015. Reportedly, round-ups and detentions of such evaders occurred.'⁽⁹⁹⁾

10.3.4 The UN Commission of Inquiry Report reported that:

The most frequent tasks that members of the People's Army are requested to perform are security and police duties, such as patrolling the streets, guarding buildings, neighbourhoods or the border. These assignments are imposed on conscripts in civil service in addition to their official work. The members of the People's Army do not receive any remuneration for their work, let alone compensation for the work they are prevented from doing on their own fields.

... There is no doubt for the Commission that the enrolment in the People's Army and the work and service done are not provided voluntarily by the members but under the threat of a penalty. People who do not respond to the call are picked up individually and forced to join. Those who resist risk being sent to prison. Those who refuse to join are punished by being imprisoned, or through the cancellation of their coupons or the withdrawal of their business licences.

... Under international human rights law, such kind of compulsory work exacted from any person is a form of forced labour, which is prohibited unless it falls within one of the few recognised exceptions⁽¹⁰⁰⁾

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11. Conditions During National Service

11.1 General

11.1.1 The UN Commission of Inquiry Report concluded that:

⁹⁹ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.9). Date Accessed: 16 June 2015.

¹⁰⁰ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1460, 1463, 1465). Date Accessed: 16 June 2015.

'Torture is widespread throughout Eritrea. It is inflicted on detainees – in police stations, civil and military prisons, and in secret and unofficial detention facilities – but also on national service conscripts during their military training and throughout their life in the army. Testimonies and confidential submissions collected by the Commission indicate that torture has been employed during the past twenty years and that the objectives, means and methods of torture employed throughout the country have not changed much during that period. Information also points to the fact that the same torture and punishment methods are applied in military training camps and in detention facilities. The Commission finds that the recurrence and prevalence of certain torture methods constitute strong indications that torture is systemic and inflicted in a routine manner.

Based on testimonies and confidential submissions received, the Commission finds that torture is used as a means to subjugate national service conscripts, instil fear among the population and silence opposition...'⁽¹⁰¹⁾

11.2 Treatment during military training

- 11.2.1 The Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated: '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.'⁽¹⁰²⁾
- 11.2.2 The Human Rights Watch 'World Report 2015: Eritrea' (covering events in 2014), similarly noted that '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'. It also repeated its conclusion from the previous year that 'children as young as 15 are sometimes conscripted'.⁽¹⁰³⁾
- 11.2.3 The United States State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, reported: 'The media reported that male and female recruits at the Sawa military training camp were beaten, and female recruits reported being sexually abused and raped; however, the number of

¹⁰¹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1006-7). Date Accessed: 16 June 2015.

¹⁰² Amnesty International, 'Eritrea - 20 years of Independence but still no freedom', 9 May 2013, <https://www.amnesty.org/download/Documents/12000/af640012013en.pdf> (page 27). Date Accessed: 26 November 2014.

¹⁰³ Human Rights Watch, 'World Report 2015: Eritrea', 24 February 2015, <https://www.hrw.org/world-report/2015/country-chapters/eritrea>. Date accessed: 22 June 2015.

claims of abuse reportedly declined in the last year as parents put pressure on school administrators to correct abusive practices.’⁽¹⁰⁴⁾

11.2.4 However, the Danish Immigration Service’s Fact-Finding Mission (FFM) Report, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published in November 2014 and updated in December 2014, cited a regional NGO based in Asmara which suggested that ‘The information in human right reports about ill-treatment in the National Service is more often than not exaggerated. People in National Service are not overworked or working under slave-like conditions, they are not beaten, subjected to torture or suffer from malnutrition.’⁽¹⁰⁵⁾

11.2.5 Sources from the same report also made the following observations:

‘A well-known Eritrean intellectual also interviewed by the Danish delegation believed that ‘...reporting by international NGOs on National Service has been exaggerated.’⁽¹⁰⁶⁾

A Western embassy (A) suggested that “the public available human rights reporting regarding Eritrea is rather old. The more recent reports seem to recycle outdated information.” and that “The mainstream human rights reports are describing a situation in Eritrea facing National Service evaders and deserters that is no longer representing the real situation. The situation has changed to the better. Evaders and deserters are not imprisoned for a protracted period of time and they are not exposed to physical harm.”⁽¹⁰⁷⁾

A Western embassy (B) suggested that “the human rights situation in Eritrea is not as bad as it has been described. It was added that reports from Human Rights Watch and Amnesty International are mostly based on sources outside of Eritrea, especially parts of the Diaspora including asylum seekers and refugees.”⁽¹⁰⁸⁾

11.2.6 The May 2015 EASO Report on Eritrea pointed out that:

‘Human rights monitors describe the conditions in the Eritrean military as highly problematic. 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. Dissent, attempted escape and disobedience are punished severely and even minor transgressions against military discipline may attract draconian punishments including beatings and torture. The absence of functioning military courts means that punishments are meted out by military superiors on an arbitrary basis. Soldiers’ living

¹⁰⁴ United States State Department, ‘Trafficking in Persons Report 2014’, 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

¹⁰⁵ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf> (page 37). Date Accessed: 6 January 2015.

¹⁰⁶ Danish FFM Report (page 40). Date Accessed: 6 January 2015.

¹⁰⁷ Danish FFM Report (page 41). Date Accessed: 6 January 2015.

¹⁰⁸ Danish FFM Report (page 44). Date Accessed: 6 January 2015.

conditions are described as ‘harsh’; neither their clothes nor their living quarters are adequate for the weather conditions and they lack food and medicine.⁽¹⁰⁹⁾

- 11.2.7 The UN Commission of Inquiry stated in June 2015 that: ‘....’ Torture is widespread, routine and deliberate in the military. 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.... 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. ...⁽¹¹⁰⁾
- 11.2.8 Further details of conditions at Sawa are set out in paras 1274-1293 of the Commission’s report.
- 11.2.9 Military training is also reportedly undertaken at other camps, including Wi’a details about which are reported in paras 1294-1309 of the Commission’s report.

11.3 Treatment of conscripts undertaking active military service

- 11.3.1 The UN Commission of Inquiry concluded that:

‘During active military service, conscripts perform various tasks, some of a purely military character, others related to prison management, policing and internal security. Often, conscripts also have to perform civil tasks, such as working in construction and agriculture. It is very common for Eritreans, who spend their life in the military, to perform both sets of tasks, military and non-military assignments, either interchangeably during the same period of time, or during alternating periods. Very few conscripts serving in the army perform purely military tasks, such as serving in the logistics department of the army, transportation staff or guarding the borders with neighbouring countries.

Irrespective of whether conscripts perform purely military functions or a mix of military and non-military assignments they generally have little prospect of a career in the army and remain without ranks. Initially, after independence former freedom fighters, tagelay in Tigrinya, were appointed as officers, colonels and other ranks. Only these people have been able to climb the steps. Since then, only new recruits have reportedly been selected for a career in the military.

It appears that the Government subjects conscripts to deliberately harsh conditions aimed at transmitting the values and the conditions experienced during the struggle. The various aspects of these conditions in the national

¹⁰⁹ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.5). Date Accessed: 16 June 2015.

¹¹⁰ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1078-1080). Date Accessed: 16 June 2015.

service are described below, with the exception of severe forms of punishment to which conscripts are regularly subjected, as these are referred to in a separate chapter. ...⁽¹¹¹⁾

11.3.2 In paragraphs 1354 to 1382 of the Commission's report, it also documents conditions in the Eritrean military based on testimonies of Eritrean migrants.

11.3.3 The UN Committee on the Elimination of Discrimination against Women concluded in March 2015 that it is particularly concerned about:

- (a) Women and girls being forcibly recruited into the national service for an indefinite period of time and without formal pay, under conditions which amount to forced labour;
- (b) Reports that women in national service are frequently victims of sexual violence, including rape, committed by officers and male recruits and that those refusing sexual advances are often severely punished ...⁽¹¹²⁾

11.3.4 Human Rights Watch reported in its annual report covering 2014 that

'Conscripts receive inadequate pay to support family members, a financial plight exacerbated by food-price inflation in 2014. 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.'⁽¹¹³⁾

11.3.5 The International Labour Organization's Committee of Experts concluded in its review of Eritrea in 2014 that

'the large-scale and systematic practice of imposing compulsory labour on the population for an indefinite period of time within the framework of the national service programme goes well beyond the exceptions provided for in the (Forced Labour) Convention. The extended obligations imposed on the population – as well as conscripts' lack of freedom to leave national service, as stated by the Government – are incompatible both with Conventions Nos 29 and 105, which prohibit the use of forced or compulsory labour as a method of mobilizing and using labour for purposes of economic development.'⁽¹¹⁴⁾

¹¹¹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1351-1353). Date Accessed: 16 June 2015.

¹¹² UN, Committee on the Elimination of Discrimination against Women, Concluding observations on the fourth and fifth periodic reports of Eritrea, 12 March 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ERI/CO/5&Lang=En. Date Accessed: 1 July 2015.

¹¹³ Human Rights Watch: World Report 2015 - Eritrea, 29 January 2015, <https://www.hrw.org/world-report/2015/country-chapters/eritrea>. Date Accessed: 1 July 2015.

¹¹⁴ ILO, Forced Labour Convention, 1930 (No. 29) - Eritrea (Ratification: 2000) Observation (CEACR), adopted 2014, published 104th ILC session (2015). Available at

11.4 Treatment of conscripts in non-military roles

- 11.4.1 The Amnesty International report, 'Eritrea - 20 years of Independence, but still no freedom', published on 9 May 2013, stated:

'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 spent four months in detention without charge in a detention centre in Keren.'⁽¹¹⁵⁾

- 11.4.2 The United States State Department 'Trafficking in Persons Report 2014', published on 20 June 2014, reported: 'Working conditions are often harsh and sometimes involve physical abuse. In the past, there were reports that some Eritrean conscripts were forced to build private homes for army officers, perform agricultural labor on farms owned by the ruling party, or work in privately-owned mines, functions that fall outside the scope of the proclamation.'⁽¹¹⁶⁾

- 11.4.3 In a January 2013 paper entitled 'Hear No Evil – Forced Labor and Corporate Responsibility in Eritrea's Mining Sector': Human Rights Watch noted

'Some national service conscripts are assigned to state-owned construction companies who exercise a complete monopoly in the field. International mining firms operating in the country face intense government pressure to engage these contractors to develop some of their project infrastructure. If they do so, they run a pronounced risk of at least indirect involvement in the use—and harsh mistreatment—of forced laborers. ... Human Rights Watch interviewed some Eritreans who worked at Nevsun's Bisha project in various capacities—including two who said they were conscripts forced by Segen to carry out construction work at the mine site during its initial development.

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3179325.
Date Accessed: 1 July 2015.

¹¹⁵ Amnesty International, 'Eritrea - 20 years of Independence but still no freedom', 9 May 2013, <https://www.amnesty.org/download/Documents/12000/afr640012013en.pdf> (page 27). Date Accessed: 26 November 2014.

¹¹⁶ United States State Department, 'Trafficking in Persons Report 2014', 20 June 2014, <http://www.state.gov/documents/organization/226846.pdf>. Date Accessed: 19 November 2014.

There is also clear evidence that many of Segen's workers at Bisha during that period faced terrible conditions, from inadequate food supplies to unsafe housing. The workers we interviewed said that national service conscripts and other Eritrean workers lived in fear and were ordered not to complain about their plight. One former conscript told Human Rights Watch that he was captured and imprisoned after leaving the mine site without permission in order to attend a relative's funeral.¹¹⁷

11.4.4 According to a November 2014 press release, the Canadian Centre for International Justice reported that: 'three Eritrean men filed a civil lawsuit today in a Vancouver court against Nevsun Resources Limited over the use of slave labour at Nevsun's Bisha Mine in Eritrea. The men allege that Nevsun's local contractor, Segen Construction Company, which is owned by the Eritrean government's ruling party, forced them to work on projects at the mine under abhorrent conditions and that Nevsun expressly or implicitly approved the use of slave labour, a practice alleged to be so widespread and inhumane that it constitutes crimes against humanity.'¹¹⁸

11.4.5 See After Sawa for the Nevsun response.

11.4.6 Paragraphs 1398 to 1506 of the UN Commission of Inquiry report provides information on the nature and treatment of 'forced labour' in non-military national service. It states that the following areas of work may not be considered to be of purely military character and that conscripts should not be forced to work in any of these fields:

- Construction (including at Bisha mine); [however, see After Sawa for the Nevsun response]
- Industries connected with the production or extraction of raw materials
- Agriculture
- Manufacturing industries
- Transport, public works and building operations and public utility services that are not primarily or exclusively for military purposes
- 'Specialising fields', i.e. conscripts with specialist technical skills who undertake their national service in non military work at for, example, Bisha mine
- Military teachers and nurses
- Police and national security officers
- Civil service
- Domestic work

¹¹⁷ Human Rights Watch, 'Hear No Evil – Forced Labor and Corporate Responsibility in Eritrea's Mining Sector', January 2013, <http://www.hrw.org/sites/default/files/reports/eritrea01134Upload.pdf> (p2). Date accessed: 26 January 2015.

¹¹⁸ Canadian Centre for International Justice, 'Eritreans file lawsuit against Canadian mining company for slave labour and crimes against humanity', 20 November 2014, http://www.ccij.ca/media/news-releases/index.php?DOC_INST=6. Date accessed: 6 January 2015.

- Development programmes.⁽¹¹⁹⁾

11.4.7 It observed that:

‘The working and living conditions of conscripts assigned to perform non-military work within military units, such as military nurses and teachers, are usually similar to the conditions of conscripts performing military tasks. ... The Commission finds that working conditions of conscripts assigned to construction and agricultural works are often harsh, similar to the conditions in the army General conditions for conscripts assigned to perform work of a civil nature are quite different from those of national service in the army. Shortly after finishing their studies, graduates get their first civil assignment, which can last up to two years. It is referred to as the “university service” or “pre-national service.” During the university service, they are paid on average 450 Nakfa per month. ..⁽¹²⁰⁾

11.4.8 And that

‘Conditions in civil service are perceived to be far better than in the army because conscripts may lead a civilian life. They have regular office working hours. Outside working hours, their time is free and they usually have at least part of the weekend off. Only those conscripts assigned to certain public companies or ministries are reportedly requested to work during weekends. However, it seems that it is the exception rather than the rule. Conscripts are free to live with their families, may attend religious services outside of working hours and can get married without restriction or prior authorisation. Some may get annual leave, but others have none. Conscripts in civil service are, however, subjected to the same restrictions on movement as those in the army. Their travel permits are limited to their area of service. They must obtain special permits to travel outside their areas, for example to visit relatives.

Unlike conscripts in the army, those in civil service are not provided with any food or accommodation by the Government. As their salaries are below the subsistence level, they face severe financial difficulties. This is particularly difficult for those assigned in Asmara, where a single room costs a minimum of 500 Nakfa per month. Some conscripts raised this issue directly with the Government, but it fell on deaf ears. The Government only provides accommodation for conscripts in civil service based in remote areas or for those who are former freedom fighters. Consequently, conscripts have to rely on accommodation or financial support from relatives, find a second job

¹¹⁹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1498). Date Accessed: 16 June 2015

¹²⁰ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1427-1428, 1440). Date Accessed: 16 June 2015.

or “just need to be creative.” Former conscripts assigned to civil service told the Commission about their difficulties.’⁽¹²¹⁾

11.4.9 And that ‘Conscripts in the army are frequently subjected to punishment in connection with the labour exacted from them, that amounts to torture.’⁽¹²²⁾

‘Unlike those in the army, conscripts in civil service are usually not subjected to harsh punishment in the course of their work. When they leave work without authorisation, they are treated differently from conscripts in the army. Frequently, conscripts in civil service just stop going to work or are regularly absent because they are engaged in side activities to earn some income. The level of conscript absenteeism in civil service is high, particularly in public administrations and certain ministries, where only Ministers are reportedly present. It usually takes a few months before the missing conscripts are chased down by the administration. This might be due to the lack of capacity within the bureaucracy, as well as a certain tolerance by supervisors who allow conscripts to earn some extra money. During the first months of absence, the absentees’ salaries are withheld. If only absent for a few months, conscripts generally receive only light punishment, or none at all when they resume work. However, if they are absent for more than a few months, they are usually sent to prison for some time before resuming work.’⁽¹²³⁾

11.5 Conditions in detention and ill-treatment: general

11.5.1 The UN Commission of Inquiry observed:

... The Commission notes that women are generally kept separated from men, in accordance with international standards, but that they are not generally under the responsibility or attention of women officers. The Commission considers that lack of female officers responsible for and attending to female detainees puts them at increased risk of sexual and gender-based violence and causes unnecessary humiliation for the women detainees, who do not have their special needs taken care of.

... the rights of children in detention are systematically violated. Children are detained together with adults in the same inhumane conditions and without any specific care for their needs. As for the others, children are often held incommunicado, without any possibility to contact their parents or a legal guardian.

The Commission finds that disciplinary sanctions and measures of punishment of detainees are usually carried out arbitrarily, without due

¹²¹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1443-4). Date Accessed: 16 June 2015.

¹²² UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1446). Date Accessed: 16 June 2015.

¹²³ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1447). Date Accessed: 16 June 2015.

procedure and safeguards and that the forms of sanctions amount to cruel, inhuman or degrading punishment and in some cases torture...⁽¹²⁴⁾

11.5.2 The May 2015 EASO Report noted that:

‘Human rights reports describe the conditions of detention in Eritrean prisons as precarious. Given the lack of access to Eritrea, the quoted human rights reports are based on a range of sources abroad. International observers such as the ICRC have not been allowed to visit Eritrean prisons since 2009. Therefore the information cannot be verified on-site.’

The following problems are mentioned in human rights reports:

- Some prisons are located underground or in shipping containers, which can become extremely hot due to the climate in Eritrea.
- Prison cells are often overcrowded to the point that prisoners can only lie down in turns, if at all.
- Hygiene conditions are poor. Some prisons have only a hole in the ground or a bucket instead of a toilet. The prisoners are often not let out to exercise and medical care is limited.
- Food rations are small and non-nutritious, and access to drinking water is scarce.
- Some prisoners are mistreated or tortured or used for forced labour.
- Relatives are frequently unable to visit.
- Women are usually kept in cells separate from men but there are still reports of sexual assaults and rape, for example by guards
- Deaths have been reported a frequent occurrence due to the mentioned difficult circumstances.

Many prisoners (in particular those imprisoned on political, religious or military grounds, including draft evaders or deserters) are kept in incommunicado detention; no criminal proceedings are initiated, no end date is set for their detention and their relatives are not informed. These prisoners are often mistreated or tortured. Prisoners are kept in incommunicado detention at Aderser and Tesseney prisons and in Track B at Asmara prison.⁽¹²⁵⁾

11.5.3 And that:

‘Reports on torture in Eritrea are based on the same mainly abroad-based sources as the reports on prison conditions, since visits to Eritrean prisons have not been possible for international observers such as ICRC since 2009.

¹²⁴ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 963-969). Date Accessed: 16 June 2015.

¹²⁵ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 4.1). Date Accessed: 16 June 2015.

Torture is used for various purposes in Eritrean prisons, for example to force confessions, obtain information or as a means of punishment. There are reports of prisoners being tortured for criticising the government, for lack of discipline during national service, for insubordination and in case of other prisoners' escape. Members of religious minorities (including members of Pentecostal churches and Jehovah's Witnesses) have also been tortured as punishment for practising their faith or in an attempt to force them to abandon their religion.

Methods of torture include being chained at the hands and feet for days or even weeks with ropes and handcuffs ('Helicopter', 'Ferro', 'Otto' or 'Jesus Christ' methods) and being kept in a lorry tyre ('Goma'). Prisoners have also been waterboarded or forced to walk barefoot over sharp objects or the scalding desert floor. Prisoners are also beaten.

Eritrea acceded to the Convention against Torture in September 2014.⁽¹²⁶⁾

11.6 Pay / Salary

- 11.6.1 The United States State Department 'Country Reports on Human Rights Practices for 2014,' published on 26 June 2015, stated that: 'The national minimum wage for employees of PFDJ-owned enterprises and government employees was 360 nakfa (\$24) per month. There was no national minimum wage for private sector workers. The government paid national service recruits according to a fixed scale, and the most common salary was 500 nakfa (\$33) per month.'⁽¹²⁷⁾
- 11.6.2 The Human Rights Watch 'World Report 2014: Eritrea' (covering events in 2013), stated that 'Former conscripts [at Segen Construction Co.] described working long hours for minimal food rations, primitive lodging, and wages too low to sustain themselves, much less their families. They were not allowed to leave the work site'⁽¹²⁸⁾
- 11.6.3 In its 2015 update, HRW note that 'Nevsun has expressed "regret if certain employees of Segen were conscripts" during the mine's construction, but insists there are no ongoing abuses.'⁽¹²⁹⁾
- 11.6.4 See [After Sawa](#) for the Nevsun response.
- 11.6.5 In describing the reasons people emigrate from Eritrea, a UN Agency consulted as part of the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, stated:

¹²⁶ EASO Country Report, May 2015, (section 4.2). Date Accessed: 16 June 2015.

¹²⁷ United States State Department, 'Country Reports on Human Rights Practices for 2014', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236356> (section 7e). Date Accessed: 30 June 2015

¹²⁸ Human Rights Watch, 'World Report 2014: Eritrea', 21 January 2014, http://www.hrw.org/sites/default/files/wr2014_web_0.pdf (page 113). Date accessed: 6 January 2015.

¹²⁹ Human Rights Watch, 'World Report 2015: Eritrea', 24 February 2015, <https://www.hrw.org/world-report/2015/country-chapters/eritrea>. Date accessed: 23 June 2015.

‘Basically, the vast majority of the people who leave Eritrea do so for two reasons. The first reason is that the poor economic situation in Eritrea has led many to look to Europe for a better life. The second reason is the National Service program in Eritrea. The uncertainty concerning the duration of the service together with the low salary make many young people look for alternatives to spending several years working for a meager pay. Hardly anyone leaves Eritrea for political reasons.’⁽¹³⁰⁾

11.6.6 The May 2015 EASO Report considered that:

‘Military service conscripts are paid very little. Exact figures vary but most sources agree that soldiers earn a monthly salary of about 500 nakfa after completing their training and much less (less than 100 nakfa per month) during the training. According to most sources, this is too little to live on or support a family, and is referred to as ‘pocket money’ in Proclamation 82/1995. Former fighters (tegadelti) and higher-ranking officers have better salaries of up to 3,000 nakfa per month. Soldiers engaged in military service sometimes carry out agricultural or industrial tasks or are deployed for the private benefit of their commanding officers.’⁽¹³¹⁾

11.6.7 The same sources stated that, in regard to conscripts who work in civilian roles:

‘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. The minimum monthly wage is 360 nakfa. Critics often refer to civilian national service as forced labour; conscripts are subordinate to their civilian employers but must remain mobilisation-ready and can be re-conscripted to the military.’⁽¹³²⁾

See www.xe.com for currency conversion.

11.6.8 The UN Commission of Inquiry reported that:

‘All conscripts in the army are paid between 150 and 500 Nakfas per month. Conscripts assigned to physical tasks do not get additional remuneration for their work, including when the work is undertaken for the benefit of a private individual, or a foreign company that pays the Government for providing manpower. The exact terms for the use of conscripts provided by the Government to foreign companies or other private entities are not known. However, the Commission collected testimonies showing that the amounts disbursed by foreign companies through the Government to remunerate

¹³⁰ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 33). Date accessed: 6 January 2015.

¹³¹ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.5). Date Accessed: 16 June 2015.

¹³² EASO Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.5). Date Accessed: 16 June 2015.

workers are kept by the Government, which continues paying low wages to conscripts.¹³³

11.6.9 In a footnote to its report, the UN Commission of Inquiry observed that:

‘The Commission understands that since 2002, during their military training, conscripts get officially remunerated 100 Nakfa as wages, plus 45 Nakfa as food-related allowance for a total of 145 Nakfa per month (around 9.5 USD). During their national service, Conscripts in the army officially get remunerated 450 Nakfa as wages and 45 Nakfa as food-related allowance, for a total of 495 per month (33 USD approximately). Before 2002, they were officially remunerated 95 Nakfa (50+45) per month (6 USD) and 195 Nakfa (150+45) per month (13 USD), respectively. For the remuneration of conscripts in civil service see infra.¹³⁴

11.7 Redress for Mistreatment

11.7.1 A Canadian IRB response to an information request, dated 4 September 2012, stated that: ‘Bozzini also indicates that conscripts do not have recourse to any outside authority if they are mistreated during their service (16 Feb. 2012, 5).¹³⁵

11.7.2 Human Rights Watch’s World Report 2014 also concluded that, ‘no mechanisms for redress [against alleged mistreatment in military training] exist.¹³⁶

11.7.3 The UN Commission of Inquiry observed that

‘The Commission has received numerous reports regarding the inability of victims of all types of violence, particularly sexual violence, to report the abuse within the national service structure. The first barrier faced by victims of sexual violence in the military training camps (and Eritrea generally) is cultural. According to cultural norms, it is not acceptable for a woman or girl to be known to be a victim of sexual violence. Such knowledge could lead to ostracism, inability to marry and other stigma related consequences for the victim. The second challenge to reporting the sexual and gender-based violence is the involvement of many, including high-ranking officials in the military camps in the abuse. Victims of the sexual and gender-based violence have reported that there is no one to whom they can complain as it is their direct superior abusing them. The third and most pressing barrier to

¹³³ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1431). Date Accessed: 16 June 2015.

¹³⁴ UN, Advance version of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015 <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (footnote 1965, p 420), 5 June 2015. Date Accessed: 16 June 2015.

¹³⁵ Immigration and Refugee Board of Canada, Response to Information Requests: Eritrea ERI104179.E, 4 September 2012, <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454152&pls=1>. Date Accessed: 19 November 2014.

¹³⁶ Human Rights Watch, ‘World Report 2014: Eritrea’, 21 January 2014, http://www.hrw.org/sites/default/files/wr2014_web_0.pdf (page 113). Date accessed: 6 January 2015.

reporting sexual and gender-based violence within the training camps is the lack of gender-sensitive, effective reporting mechanisms that can trigger impartial investigations of the complaints. Reporting sexual and gender based violence perpetrated by officials can lead to severe punishment for the complainants, as described above.⁽¹³⁷⁾

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12. Law on Desertion and Evasion

12.1.1 Article 17 of the Proclamation sets out the regulations that relate to exit from the country when either being eligible for the draft or performing national service. According to this Article, an Eritrean citizen eligible for national service may travel abroad ‘upon giving evidence that he is exempted from National Service or that he has completed his service by producing a Certificate of Service’ or, alternatively, by ‘producing a registration card and entering into a bond of 60,000 Birr as security that he will return to resume his duty when called upon to do so.’⁽¹³⁸⁾

12.1.2 Article 37 (Penalties) of the National Service Proclamation 82/1995 lists a range of sanctions which exist for evading national service, and is sub-divided into four sections.

Article 37(1) states that any violation of the Proclamation is punishable by two years imprisonment or a fine, or both.

Article 37(2) states that avoidance of national service by deceit or self-inflicted injury is punishable by up to two years imprisonment or a fine, followed by national service. If the self-inflicted injury precludes national service, the prison term is three years.

Article 37(3) states that individuals who travel abroad to avoid national service and return before they are 40 years of age must undertake national service. The penalty for individuals who return after the age of 40, but are under 50, is imprisonment for five years; and they also lose the right to employment, to own a business licence, to be issued with an exit visa, and to own land.

Article 37(4) states that the punishment for deliberately delaying being registered for national service or avoiding national service by deceit or the use of obstructive methods is two years imprisonment or a fine, or both.⁽¹³⁹⁾

¹³⁷ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1326). Date Accessed: 16 June 2015.

¹³⁸ Government of Eritrea Proclamation No 82/1995 - National Service Proclamation of 23 October 1995, available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date Accessed: 19 November 2014.

¹³⁹ Government of Eritrea Proclamation No 82/1995. - National Service Proclamation of 23 October 1995, available via UNHCR's RefWorld website, <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,ERI,,3dd8d3af4,0.html>. Date Accessed: 19 November 2014.

12.1.3 The UN Commission of Inquiry expanded on this to explain that: ‘Article 37 of National Service Proclamation provides for punishments for the non-performance of military service, without prejudice to more rigorous punishment under the 1991 Transitional Penal Code of Eritrea. Avoiding national service by mischief, deliberate infliction of bodily injury or by any other means (para 1); absconding from national service by leaving the country (para 2); and assisting to avoid national service or registration (para 3) are punishable with payment of a fine or imprisonment of up to five years. Under the Transitional Penal Code, these statutory offences can lead to imprisonment of longer periods of time, in the case of desertion in times of emergency, general mobilisation or war up to life imprisonment. Desertion from active service can be punished with the death penalty.’⁽¹⁴⁰⁾

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13. Desertion and Evasion in Practice

13.1 Round-ups (Giffas)

13.1.1 The British Embassy in Asmara, in a letter dated 1 April 2010, provided the following information, obtained from Eritrean sources:

‘Officially, the Eritrean Ministry of Defence runs the military/national service programme. However, in practice other ministries are involved in the assignment of people to national service positions in ministerial dependencies. It is impossible to confirm who decides when and where military service round-ups occur. However, it is assumed that the Eritrean Ministry of Defence decides this, possibly on instructions from the president ... It is important to note that there are no set government policies or standard procedures regarding how round-ups are organised. Military service round-ups take place usually around 4 to 5 times a year but can occur more frequently or less frequently, and usually coincide with public holidays when large numbers of people are out and about. They can occur in various parts of Eritrea and are not confined to one particular part of it. Once rounded up, people are sent from Asmara to the Adi Abeto camp for processing and onward assignment ...’⁽¹⁴¹⁾

13.1.2 Freedom House reports that ‘The police frequently conduct round-ups of people thought to be evading national service; those who resist can be executed on the spot.’⁽¹⁴²⁾

13.1.3 The 2015 U.S. State Department report notes that ‘Round-ups of persons suspected of evading national service or militia duty occurred. Security personnel entered markets or towns and picked up men who could not prove

¹⁴⁰ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1234). Date Accessed: 16 June 2015.

¹⁴¹ Letter from the British Embassy in Asmara, 1 April 2010. See [Eritrea: Illegal Exit](#), Annex A.

¹⁴² Freedom House, Freedom in the World – Eritrea – 2015, 28 January 2015. https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB_IViko. Date Accessed: 29 June 2015.

they had completed or were excused from national service. There was a report that on August 30 [2014] that the army's 22 Kefle-Serawit conducted a round-up in Enda-Kebti. Authorities reportedly took such persons to remote camps for training. Authorities sometimes arrested persons whose papers were not in order and detained them until they were able to provide evidence of their militia status or demobilization from national service. The government contacted places of employment and used informers to attempt to identify those unwilling to participate in the militia.¹⁴³

- 13.1.4 In describing round-ups, sources consulted during the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, made the following observations:
- 13.1.5 International Organisation (B) stated that "In recent months, there was no visible evidence during day time of round-ups of suspected National Service evaders or deserters in Asmara. Due to travel restrictions on international organisations in the country, the International Organisation in Eritrea was unable to comment on round-ups outside of Asmara. There was also no verifiable information available on whether round-ups take place in the evenings or during the night."¹⁴⁴
- 13.1.6 A Regional NGO based in Asmara stated that "one does not see soldiers undertaking round-ups of people into National Service any longer."¹⁴⁵
- 13.1.7 Western embassy (A) stated that it '... had heard of such round-ups in villages out in the country.'¹⁴⁶
- 13.1.8 Western embassy (E) stated that "the government needs the cheap national service work force, and rather than imprison evaders and deserters, the government choose to occasionally round them up and put them back to work."¹⁴⁷
- 13.1.9 The May 2015 EASO Report, citing various sources, stated: '... 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

¹⁴³ United States State Department, 'Country Reports on Human Rights Practices 2014', 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> (section 1d). Date Accessed: 30 June 2015.

¹⁴⁴ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 28). Date accessed: 6 January 2015.

¹⁴⁵ Danish FFM Report (page 37). Date accessed: 6 January 2015.

¹⁴⁶ Danish FFM Report (page 41). Date accessed: 6 January 2015.

¹⁴⁷ Danish FFM Report (page 56). Date accessed: 6 January 2015.

these raids and demands proof of completed military service from anyone within the relevant area. According to some reports, giffas are now taking place less frequently than before but in October 2013 and January 2015 there were large-scale giffas in Asmara.¹⁴⁸

13.1.10 The UN Commission of Inquiry provides information on giffas, and provides quotes from witnesses of their experiences up to 2011. However it is not clear from the data if the frequency and location of giffas has changed over time and by location (see paras 1211 to 1233):

13.1.11 'Members of the Eritrean Defence Forces regularly conduct round-ups in search of citizens who have failed to respond to a national service call by the Government to report for national service, have absented themselves from the army without leave or have otherwise attempted to evade conscription. In Eritrea, these round-ups are known as giffas in Tigrinya or raffs in Afari. While many people reported voluntarily to conscription calls in the early years of independence, the Commission has collected testimonies indicating that people have been forcefully recruited during round-ups from as early as 1995.

Usually, round-ups are conducted by soldiers in cities and villages where draft evaders or deserters are suspected to be hiding. The number of soldiers participating in a giffa depends on the size of the village or the city. Often soldiers are deployed in regions far from their home town to avoid them coming across relatives and friends when conducting giffas. As a result, they do not know the age of people and arrest everyone without distinction...'¹⁴⁹

13.1.12 It continued ...

'The order for a giffa is taken by the higher ranking officers, sometimes in coordination with the village administration. Soldiers refusing to participate in a round-up risk being arrested and detained or are threatened to be assigned to another military unit further away from their home town. The conduct of the soldiers during the round-up is controlled by their superiors and trainers.

Giffas target almost everyone who is found on the streets and places of public gathering such as markets, weddings and classrooms. Soldiers arrive in a village and surround it so that no one can escape. Often, the round-ups take place at crossings during the times of the day when many people are moving around, namely in the morning or during market days. The soldiers gather the people they have arrested at the local police station, in a schoolyard, a town hall or in an open-space area where they are screened by the officers in charge.... In addition to giffas targeting everyone passing

¹⁴⁸ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.3.2). Date Accessed: 16 June 2015.

¹⁴⁹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1211-1212). Date Accessed: 16 June 2015.

by, there are also house-to-house searches, as well as targeted round-ups, when soldiers receive a list with names of children who have dropped out of school or deserters who are suspected to be hiding at home... Round-ups are also conducted at schools, with armed soldiers searching school buildings and indiscriminately rounding up students, often without checking the age.¹⁵⁰

13.1.13 The same report also determined that:

Giffas can also involve house-to-house searches during which soldiers enter houses without search warrants. If they suspect someone is hiding, they search each room, looking for possible hide-outs. The Commission heard many accounts of witnesses stating that giffas involving house searches are often conducted very early in the morning or at night, when people are sleeping...¹⁵¹

13.1.14 The Commission collected a large number of testimonies regarding the round-up of children, both boys and girls. In some instances, the soldiers examined the student identification cards or birth certificates on the spot and refrained from arresting those who had a valid document. However, it is very common for soldiers to initially arrest any young persons who look tall and strong and in good physical condition for national service, without taking into account the fact that the children can prove they are going to school. Later, when their student cards are verified, these children may be released... On many occasions, however, children are rounded up and sent for military training despite the fact that they can produce a document indicating that they are under-age, such as a student card or a birth certificate¹⁵²

13.1.15 It also concluded that:

‘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.

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

¹⁵⁰ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1214-1215, 1220, 1221). Date Accessed: 16 June 2015.

¹⁵¹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1223). Date Accessed: 16 June 2015.

¹⁵² UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1226-1227). Date Accessed: 16 June 2015.

without any resistance. The Commission did not hear of any of these cases being investigated...⁽¹⁵³⁾

13.1.16 And that: ‘

During these round-ups, every man and woman who appears to be of conscription age is a potential target. Soldiers round up people without distinction and irrespective of whether they are in possession of an identification paper. Once people are collected in a place, a screening takes place and those who can present a valid permit may get released. This applies to those with a menkesakesi, a travel permit, students with a valid documentation, children who can prove they are underage and serving military officers on leave, as well as occasionally married women and mothers. However, many remain in custody despite being able to present a document that shows they are either below conscription age or have already been discharged.

Reportedly, some people who are rounded up manage to get released after bribing the officers...

While the screening takes place, the people who have been rounded up remain under arrest. Once the process is finalised, those who are not released are loaded on trucks and taken to one of the military training centres, such as Sawa, Wi’a or Me’eter. Civilians are sent for military training, while deserters or recruits who were otherwise absent are sent back to their military unit or assignment. Depending on the number of people rounded up, they might be taken to a detention facility first, where they spend time in detention before onward transportation to the final destination is arranged. Frequently, people are detained for a longer period of time, be it for punishment or simply because the next round of military training has not yet started.⁽¹⁵⁴⁾

13.1.17 Western embassy (E), discussing the issue with the Danish delegation stated ‘Just a week [prior to the interview in October 2014] a number of people in Asmara receive a notice to appear for some military training. The majority did not show up as requested by the authorities and the ones who did show up were told to go home because they were too few to go ahead with the training.’⁽¹⁵⁵⁾

¹⁵³ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1229-30). Date Accessed: 16 June 2015.

¹⁵⁴ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1231-1233). Date Accessed: 16 June 2015.

¹⁵⁵ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 56). Date accessed: 6 January 2015.

13.1.18 An article on the Horn Affairs website, dated 26 October 2014, based on interviews with activists inside Eritrea the preceding day noted that: ‘... in recent weeks, many high-school graduates called for national service are no longer obe[y]ing the notices posted on the walls of the city ordering them to report to the barracks. Furthermore numerous members of the so-called “People’s Army”, civilians over 50 years who have been given a Kalashnikov and a basic military training by the government, no longer go out at night, as they are ordered by the government.’⁽¹⁵⁶⁾

13.1.19 The same article suggested that ‘Civil disobedience is gaining ground and the arrival of “Demhit” around Asmara is raising concern: the city is preparing for a massive “giffa”, these raids that have been terrorizing ordinary citizens for years.’⁽¹⁵⁷⁾

13.1.20 On 17 January 2015, the Asmarino website reported that

‘Asmara was this afternoon in the grips of the worst giffa (raids) that the city had seen for a long time. The raids weren’t carried out by Demhit (TPDM) but by Eritrean forces who mounted a well coordinated surprise attack at a time when many residents were out and about. There were power cuts for most of the evening, and power was restored only after the raids ended.

However there was a lot of cooperation among residents who were informing each other of the various hot spots and hiding places. The young people named the armed forces ‘the gunners’ or ‘Arsenal’ and were using footballing codes to keep each other informed.

The raids were targeting young men who should be at the National Service as well as older men between the ages of 40 and 60.’⁽¹⁵⁸⁾

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13.2 Treatment of Draft Evaders

13.2.1 The UN Commission of Inquiry also stated:

‘National service conscripts may be detained for a variety of reasons, including for desertion, unauthorised movement or absence, insubordination or for asking questions. The Commission documented many cases of detention in military training camps’ prisons and others for the reasons mentioned above, often accompanied by torture and ill-treatment. Upon release from prison, national service conscripts are sent back to their military unit where they may be subjected to additional punishment.

The Commission finds that detention of national service conscripts is more often accompanied with the use of constraints methods (i.e. tied up in

¹⁵⁶ Horn Affairs, ‘Eritrea: Conversation with the resistance mov’t inside Asmara’, 26 October 2014, <http://hornaffairs.com/en/2014/10/26/eritrea-interview-resistance-activists/>. Date accessed: 19 January 2015.

¹⁵⁷ Horn Affairs. ‘Eritrea: Conversation with the resistance mov’t inside Asmara’. Date accessed: 19 January 2015.

¹⁵⁸ Asmarino Independent, ‘Eritrea: Amazing solidarity against gifa in Asmara’, 17 January 2015, <http://www.asmarino.com/news/155-breaking-news/4243-eritrea-amazing-solidarity-against-gifa-in-asmara>. Date Accessed: 13 July 2015.

various positions) than other detainees tortured and ill-treated in the course of their detention. ⁽¹⁵⁹⁾

13.2.2 Further material on the reported use of torture is included at paragraphs 1006 to 1131 of its report.

13.2.3 The UN Commission of Inquiry report also stated that ‘If caught, draft evaders and deserters are severely punished... Reportedly, people who have fled from the military several times may risk execution...’ ⁽¹⁶⁰⁾

13.2.4 However, it also added that

‘Despite the regular round-ups and tight controls, it appears that some Eritreans manage to slip under the radar screen and live outside of the national service without being detected by the Government. However, life outside of the system comes with a lot of sacrifices and is dominated by the fear of being reported by one of the numerous spies or uncovered during a military control. Moving from one place to the other becomes almost impossible and most people’s daily routines are limited to trying to cope with the situation.’ ⁽¹⁶¹⁾

13.2.5 And that ‘Reportedly, teachers who surrender after having deserted from the Ministry of Education can be reinstated as a teacher within the national service, without being punished. This is reportedly due to the shortage of teachers.’ ⁽¹⁶²⁾

13.2.6 The United States State Department ‘Country Reports on Human Rights Practices for 2013’, published on 27 February 2014, stated that: ‘Failure to participate in the [civilian] militia and its uncompensated public works efforts could result in detention or the government’s withholding of a person’s national identification card.’ ⁽¹⁶³⁾ The 2014 report adds that ‘Failure to participate in the militia or national service could result in detention.’ ⁽¹⁶⁴⁾ Amnesty International similarly notes that ‘Conscripts faced harsh penalties

¹⁵⁹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1072-1073). Date Accessed: 16 June 2015.

¹⁶⁰ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1241). Date Accessed: 16 June 2015.

¹⁶¹ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1242). Date Accessed: 16 June 2015.

¹⁶² UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1243). Date Accessed: 16 June 2015.

¹⁶³ United States State Department, ‘Country Reports on Human Rights Practices for 2013’, 27 February 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date Accessed: 19 November 2014.

¹⁶⁴ United States State Department, ‘Country Reports on Human Rights Practices 2014’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> (section 7b). Date Accessed: 30 June 2015.

for evasion, including arbitrary detention and torture and other ill-treatment.¹⁶⁵

13.2.7 The United States' State Department 'Country Reports on Human Rights Practices for 2014,' published on 26 June 2015, also stated that:

'Disappeared persons included those ... individuals suspected of evading national service and militia duties. ... Security forces tortured and beat army deserters, national service and militia evaders, persons attempting to flee the country without travel documents, and members of certain religious groups. ... Data on the prevalence of death in prison and detention facilities were not available ...'¹⁶⁶

13.2.8 The same report reported that 'Former detainees and other sources reported harsh detention center conditions, in police stations, and prisons for persons held for evading national service and militia duties. For example, the UN special rapporteur on the situation of human rights in Eritrea noted Wi'a prison camp as notoriously harsh. Authorities placed political prisoners in solitary confinement more often than other detainees.'¹⁶⁷

13.2.9 Sources from the Danish Immigration Service's Fact-Finding Mission (FFM) Report made the following observations:

13.2.10 'A Western embassy (B) stated that "It is a fact that Eritrea has no capacity to take care of 10,000 prisoners irrespective of whether they are imprisoned for political or criminal reasons, not to mention draft evaders and deserters."¹⁶⁸

13.2.11 'International Organisation (A) said "It is very difficult to conclude anything about detention conditions in Eritrea. Currently, it is not possible to judge whether the prisons are bad or not as conditions are undocumented. No international observers have been granted access to prisons since 2009."¹⁶⁹

13.2.12 'Western embassy (E) also stated that "The judicial system is not well functioning and people are imprisoned and released without any announcements making it difficult to monitor the human rights situation in the country."¹⁷⁰

¹⁶⁵ Amnesty International, Amnesty International Report 2014/15, 25 February 2015, <https://www.amnesty.org/en/countries/africa/eritrea/report-eritrea/>. Date Accessed: 30 June 2015.

¹⁶⁶ USSD 'Country Reports on Human Rights Practices 2014', 26 June 2015 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> (section 1c). Date Accessed: 30 June 2015.

¹⁶⁷ USSD 'Country Reports on Human Rights Practices 2014'. Date Accessed: 30 June 2015.

¹⁶⁸ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 44-45). Date accessed: 6 January 2015.

¹⁶⁹ Danish FFM Report, (page 25). Date accessed: 6 January 2015.

¹⁷⁰ Danish FFM Report (page 56). Date accessed: 6 January 2015.

- 13.2.13 'A Western embassy based in Khartoum stated that "There is a significant number of political prisoners in Eritrea but it is difficult to ascertain how many they are or under what conditions they are kept."⁽¹⁷¹⁾
- 13.2.14 Sources referred to in the Danish Immigration Service's Fact-Finding Mission (FFM) Report, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published in November 2014 and updated in December 2014, when discussing penalties for evasion and desertion made the following observations:
- 13.2.15 'International Organisation (C) stated that "Lack of cooperation with the National Service will now and then be punished" and that "non-compliance with the recruitment process is considered a sign of disobedience. The punishment could be more serious depending on the specific circumstances, e.g. if a person has deserted from more important work in National Service"⁽¹⁷²⁾
- 13.2.16 The same source added that "If a National Service evader or a deserter who has left Eritrea illegally returned to Eritrea, he or she would be detained for a short period of time, i.e. a couple of days or one week, and then re-enrolled in National Service. As an additional punishment, they could be sent off to duties at military posts near the Ethiopian border."⁽¹⁷³⁾
- 13.2.17 'A UN Agency suggested that "National Service evaders and deserters are maybe penalized if apprehended but it was doubted that they are actually imprisoned. It was added that the government does not consider emigrants as traitors."⁽¹⁷⁴⁾
- 13.2.18 'A Regional NGO based in Asmara cautioned that "The penalty for desertion and evasion from National Service is not well documented, and there is no clear code of procedure or jurisprudence. The penalty may vary depending on who you are and where you are serving your National Service, i.e. desertion from critical sectors such as the fire brigade would probably be considered a more serious offence than deserting from work in a government run garage or the Ministry of Agriculture." The same source added that "No-one will be killed or punished physically by beatings, rape or other forms of human rights violations. In recent years the most likely penalty for desertion from National Service would be detention for three to four months particularly for women."⁽¹⁷⁵⁾
- 13.2.19 'A well-known Eritrean intellectual noted that "There are examples of deserters who have been arrested and imprisoned in Eritrea, but in general

¹⁷¹ Danish FFM Report (page 59). Date accessed: 6 January 2015.

¹⁷² Danish FFM Report (page 30). Date accessed: 6 January 2015.

¹⁷³ Danish FFM Report (page 31). Date accessed: 6 January 2015.

¹⁷⁴ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, 'Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return', published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 33). Date accessed: 6 January 2015.

¹⁷⁵ Danish FFM Report (page 38). Date accessed: 6 January 2015.

everyone knows what to do and not to do when it comes to National Service. The source added that he knows of a student who deserted the National Service and was arrested. The student was transferred to the Sawa camp to complete his National Service. After that he returned to his studies. Many government officials, teachers, nurses etc. are returning to their jobs after having served at the National Service.”⁽¹⁷⁶⁾

13.2.20 ‘Western embassy (A) stated that “Evaders and deserters are not imprisoned for a protracted period of time and they are not exposed to physical harm”. The same source added that “Ordinary people who evade the National Service or desert from the service are not being prosecuted and imprisoned and they are not at risk of disappearances. That kind of treatment is reserved for people who have had some kind of oppositional activities i.e. political prisoners. It was emphasized that the government does not consider National Service evaders or deserters as political opponents”⁽¹⁷⁷⁾

13.2.21 ‘Western embassy (B) would not exclude that a National Service evader or deserter would be detained, but this would be for symbolic reasons rather than for legal reasons. The authorities would prefer to state an example rather than detain evaders and deserters systematically. It was added that the authorities are turning a blind eye to many of those who for various reasons evade or desert National Service because they are needed during harvest time or for other reasons. Detention of individual National Service evaders and deserters is purely to show the people who is in charge in Eritrea, i.e. the ruling party. Detained evaders and deserters are normally released after a few days, and as an additional punishment they are sent off to duties at military posts near the Ethiopian border. It was added that many evaders and deserters would most likely have preferred to stay in detention rather than be deployed to the border areas. It was added that even if the government wanted to arrest and prosecute evaders and deserter, it does not have the capacity to do so.”⁽¹⁷⁸⁾

The same source also added that “The government’s interest is not to imprison evaders or deserters but to have them work for the country.”⁽¹⁷⁹⁾

13.2.22 ‘Western embassy (D) stated that “People who have evaded National Service are at risk of being identified as such. In that case, they could be picked up and taken to the barracks to be enrolled in National Service. However, there is no information about severe penalties for trying to evade National Service.”⁽¹⁸⁰⁾

¹⁷⁶ Danish FFM Report (page 40). Date accessed: 6 January 2015.

¹⁷⁷ Danish FFM Report (page 41). Date accessed: 6 January 2015.

¹⁷⁸ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/rdonlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 45). Date accessed: 6 January 2015.

¹⁷⁹ Danish FFM Report (page 45). Date accessed: 6 January 2015.

¹⁸⁰ Danish FFM Report (page 52). Date accessed: 6 January 2015.

13.2.23 The May 2015 EASO Report, citing various sources, stated:

‘According to Proclamation 82/1995, a deserter must pay a fine of 3,000 birr 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. 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.

‘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. According to one report, punishments are more severe in the case of deserters who have dropped out of military national service. 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.’⁽¹⁸¹⁾

13.2.24 The same report also highlighted that:

‘The information on the treatment of returning deserters and draft evaders is based primarily on the experiences of failed asylum seekers repatriated to Eritrea between 2002 and 2008. There have been no new empirical findings since then on the treatment of repatriated deserters and draft evaders. Therefore, the punishment currently imposed on deserters and draft evaders is difficult to establish. However, most sources state that punishment is imposed arbitrarily on an extra-judicial basis without regard for the laws.

‘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. 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 weeks or months and were then reassigned to national service. 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. Since human rights monitors have no access to Eritrea and the International Committee of the Red Cross (ICRC) is not allowed to visit prisons, it is impossible to verify such statements.’⁽¹⁸²⁾

¹⁸¹ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.8.1). Date Accessed: 16 June 2015.

¹⁸² EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.8.2). Date Accessed: 16 June 2015.

13.3 Perception as ‘Traitors’

13.3.1 The May 2015 EASO Report, citing various sources, stated:

‘Individuals who leave national service (military and civilian) without permission are regarded as deserters. Most deserters leave either the training centre at Sawa or other military bases without authorisation or fail to return from leave. They then either hide or attempt to leave the country illegally (cf. Chapter 6.4.3). Due to the political and ideological nature of national service, most sources claim that desertion or draft evasion may be regarded by the authorities as an expression of political opposition or treason. Due to the lack of empirical information on the punishment of deserters and draft evaders in the recent years (cf. Chapter 3.8.2), there is no recent information if this is still the case.

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 but it has not yet been made clear whether desertion, draft evasion or illegal exits are regarded as offences. No amendments have been made to the country’s laws and no other documents have been issued to substantiate these announcements.

According to recent observations, however, it has apparently been possible for exiled Eritreans to enter the country for holidays and to visit family without suffering any consequences. In order to do so, they need to rehabilitate themselves vis-a-vis the Eritrean state by paying the diaspora tax (also known as ‘reconstruction tax’ or ‘2% tax’) and signing a letter of repentance as well as abstain from any anti-government activities while abroad. These measures provide no guarantee against punishment, however; signing the letter of repentance implies directly confessing to an offence and declaring a willingness to accept the relevant punishment. It is important to note that most of those who have returned to Eritrea have visited the country rather than relocated for good.

‘Also individuals of draft age, who have left Eritrea illegally, may be perceived as draft evaders upon return.’⁽¹⁸³⁾

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13.4 Punishment of family members

13.4.1 The United States State Department ‘Country Reports on Human Rights Practices for 2013’, published on 27 February 2014, stated that: ‘There were occasional reports, particularly from rural areas, that security forces detained and interrogated the parents, spouses, or siblings of individuals who evaded national service or fled the country.’⁽¹⁸⁴⁾

¹⁸³ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.8 and 3.8.2). Date Accessed: 16 June 2015.

¹⁸⁴ United States State Department, ‘Country Reports on Human Rights Practices for 2014’, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236356> Date Accessed: 30 June 2015.

- 13.4.2 Freedom House reports that ‘The government imposes collective punishment on the families of deserters, forcing them to pay heavy fines (approximately \$3,350) and putting them in prison if they cannot pay.’¹⁸⁵
- 13.4.3 The UN Commission of Inquiry stated that: ‘Family members of draft evaders and deserters have been severely punished, by being arbitrarily detained without formal charges. In detention, they risk being tortured and only get released when the wanted person surrenders or a fine of up to 50,000 Nakfa is paid.’⁽¹⁸⁶⁾
- 13.4.4 However, regarding reprisals against family members, the sources consulted as part of the Danish Immigration Service’s FFM Report, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’ made the following observations:
- 13.4.5 ‘A regional NGO based in Asmara noted that “There have been reports by international NGOs on relatives of National Service deserters or evaders having been forced to undertake National Service on behalf of deserters or evaders. However, such incidents are not documented and it is definitely not a government stand or policy to retaliate against parents or other family members of National Service evaders or deserters. If such treatment occurred relatives would tell about it.”’⁽¹⁸⁷⁾
- 13.4.6 ‘A Western embassy (B) stated that “the authorities could apply some pressure on the family of a deserter in order to persuade him or her to return to his work. This pressure applied could be too close the family’s shop or rejection of some license e.g. to keep a shop.”’⁽¹⁸⁸⁾
- 13.4.7 ‘A Western embassy (C) had never heard of any sort of retributions or reprisals by the Eritrean authorities against family members of National Service evaders or deserters.’⁽¹⁸⁹⁾
- 13.4.8 ‘Western embassy (D) stated that “For at least one year there have been no reports about relatives of National Service evaders or deserters being exposed to reprisals by the authorities. Before that there were reports that relatives of evaders and deserters were imprisoned or enrolled in National Service instead of the evader or deserter. This change could be attributed to either a policy change or because of the government’s declining capacity to

¹⁸⁵ Freedom House, Freedom in the World – Eritrea – 201’, 28 January 2015 .

https://freedomhouse.org/report/freedom-world/2015/eritrea#.VZEtB_IViko. Date Accessed: 29 June 2015.

¹⁸⁶ UN, Advance Version of the Report of the detailed findings of the Commission of Inquiry on Human Rights in Eritrea, 5 June 2015, <http://www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx> (para 1244). Date Accessed: 16 June 2015.

¹⁸⁷ Danish Immigration Service report of a fact-finding mission to Ethiopia and Eritrea in August and October 2014, ‘Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return’, published November 2014 and updated December 2014, <http://www.nyidanmark.dk/NR/ronlyres/744EA210-A4F1-4D7B-8898-AB792907769C/0/EritreareportAnnexABFINAL15122014.pdf>, (page 38). Date accessed: 6 January 2015.

¹⁸⁸ Danish FFM Report (page 45). Date accessed: 6 January 2015.

¹⁸⁹ Danish FFM Report (page 49). Date accessed: 6 January 2015.

enforce the service. It would be technically difficult and politically unsustainable for the government to carry out reprisals in massive numbers against relatives of National Service evaders or deserters.⁽¹⁹⁰⁾

13.4.9 The May 2015 EASO Report, citing various sources, concluded that:

‘In 2005, the Eritrean authorities began to impose a fine of 50,000 nakfa on the family members of deserters and draft evaders who had left the country illegally. Those who were unable to pay may have been imprisoned for a period and/or conscripted for national service in the place of the deserter. Business licences were also revoked and property seized. These punishments are not imposed consistently, however, and depend on the region (most instances have been reported in the city of Asmara and zoba Debub), the current situation and possibly also whether the deserter dropped out of civilian or military national service.

Reports about the persecution of family members have become much less common in recent years, probably in part because the Eritrean army no longer has sufficient capacities given the high numbers of deserters. There is no more systematic persecution of family members. But, according to observers, it can still happen for a variety of reasons, particularly in rural areas, especially in the regions of zoba Debub which are close to the border.⁽¹⁹¹⁾

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¹⁹⁰ Danish FFM Report (page 52). Date accessed: 6 January 2015..

¹⁹¹ EASO, Eritrea Country Focus, May 2015, <https://easo.europa.eu/wp-content/uploads/Eritrea-Report-Final.pdf> (section 3.8.3). Date Accessed: 16 June 2015.

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

- version **2.0**
- valid from **September 2015**
- approved on: **7 September 2015**

Changes from last version of this guidance

1. Inclusion of relevant extracts from updated reports, in particular: the UN Report of the Commission of Inquiry on Human Rights in Eritrea, published 4 June 2015 ('the UN Commission of Inquiry Report') and the EASO Eritrea Country Focus Report of May 2015 ('the May 2015 EASO Report').
2. Removal of 'Summary of Issues to Consider' list at the outset.
3. Updated numbering to reflect revised template.
4. Inclusion of pointers to relevant Asylum Instructions, rather than overlapping or repeating text, guidance or instructions contained within them.

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