



COUNTRY RESOLUTIONS ADOPTED AT THE NGOs FORUM PRECEDING THE
77th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS

16TH -18th OCTOBER, 2023

CRES/001/10/23: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN
ERITREA

We, the participants at the Forum on the Participation of NGOs in the 77th Ordinary Session of the African Commission on Human and Peoples' Rights held in Arusha, Tanzania 16th – 18th October 2023 are,

Recalling the Commission's mandate to promote and protect human and peoples' rights pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Considering the Constitutive Act of the African Union and the provisions of the African Charter;

Considering that the State of Eritrea is a State Party to the African Charter;

Recalling its previous resolutions addressing the human rights situation in Eritrea, including Resolution 91 (ACHPR/Res.91 (XXXVIII)05) on the Human Rights Situation in Eritrea and Resolution 207 (ACHPR/Res.207 (L)2011) on the General Human Rights Situation in Africa;

Recalling also that in these resolutions, the Commission, inter alia, emphasized that the State of Eritrea is legally bound to fully and effectively implement international instruments it has ratified, including fundamental rights these instruments have

enshrined, such as freedom of opinion and expression, the right to peaceful assembly, and the right to a fair trial;

Further recalling that the Government of Eritrea bears the primary responsibility for the promotion and protection of human rights and has the responsibility to protect its population from crimes under international law and from human rights violations;

Reiterating its deep concern about and condemnation of severe infringements on rights and freedoms, including arbitrary arrests and protracted detentions without trial of former cabinet members and government officials, members of Parliament, members of opposition parties, journalists and media

Recalling its decisions under Communications no. 250/2002, 275/2003 and 428/12, including its call on the Government of Eritrea to comply with the recommendation to release the detainees, and reiterating its call on the Government to guarantee, at all times, the right to a fair trial, freedom of opinion and expression and the right to peaceful assembly, and to immediately release those detained without trial for many years,

Concerned that the 1997 Constitution remains unimplemented;

Concerned also about reports of the use of extortion, fraud, threats and violence to collect taxes outside Eritrea from its nationals, as well as about the practice of demanding that Eritreans in the diaspora sign the so-called "regret form to be entitled to consular services from Eritrean diplomatic missions:

Welcoming Eritrea's submission of its initial report to the Commission at its 62nd Ordinary Session and of its second report to the Commission at its 77 Ordinary Session;

Encouraging the Government of Eritrea to implement recommendations by the Commission and to meaningfully cooperate with African and international human rights bodies and mechanisms, including the Commission, the United Nations (UN) Human Rights Council, the UN Special Rapporteur on the situation of human rights in Eritrea, and the Office of the UN High Commissioner for Human Rights;

Further encouraging the Government of Eritrea to commit to making progress on the Special Rapporteur's benchmarks for progress in improving the situation of human rights and to implement recommendations accepted within the framework of the Human Rights Council's Universal Periodic Review;

Recognizing Eritrea's efforts to combat harmful traditional practices, including child, early and forced marriage and female genital mutilation,

Expressing its deep concern about ongoing violations and abuses of both civil and political rights and economic, social and cultural rights, committed in a context of generalized impunity, which include arbitrary arrests and detention, incommunicado detention of at least 11 journalists, violations of the rights to a fair trial, access to justice and due process, enforced disappearances, extrajudicial executions, and conscription into the national service system, including for indefinite periods of national service, involving torture, sexual violence against women and girls and forced labour;

Further concerned about the compulsory practice of children undertaking their final year of schooling in a military training camp;

Alarmed by severe restrictions on civic space, including on the media and media workers and on the enjoyment of the rights to freedom of opinion and expression, peaceful assembly and association, and freedom of movement, as well as severe restrictions to the enjoyment of freedom of conscience, religion or belief and persecution of members of non-authorized religious denominations;

Deeply concerned about the number of civilians attempting to flee Eritrea as a result of human rights violations and abuses, as well as about reports of forced conscription and waves of roundups ("giffa") conducted to identify citizens the Government considers draft evaders or deserters, involving punishment of family members through arbitrary detentions and home expulsions, which amounts to a policy of "guilt-by-association":

Stressing the vital role played by human rights defenders, including women human rights defenders, civil society organizations, journalists and media workers, including in the diaspora given the severe restrictions on civic space within the country:

Further stressing the need to respect land rights in relation to traditional ownership and property rights, including of Eritrean Kunama and Afar persons;

Deeply concerned about the complete impunity for past and ongoing human rights violations, including findings of the UN Special Rapporteur on the situation of human rights in Eritrea that violations are gross, widespread and systematic and of the Commission of Inquiry on Eritrea that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991, including the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape, and murder;

Alarmed that Eritrean force have been credibly accused of grave violations of international law in Ethiopia's Tigray region, some of which may amount to war crimes and crimes against humanity, since the conflict started in November 2020;

Highlighting the importance of full accountability for all human rights violations and violations of international humanitarian law, including at the command responsibility level, and the need for truth, reconciliation, healing reparations, guarantees of non-recurrence, and support to and rehabilitation of victims and survivors.

The Commission:

1. **Strongly condemns** past and ongoing human rights violations and abuses committed in Eritrea in a context of generalized impunity;
2. **Urges** the Government of Eritrea to fulfil its obligations under the African Charter on Human and Peoples' Rights, the Constitutive Act of the African Union, and relevant African and international human rights instruments to which Eritrea is a party;
3. **Calls on** the Government of Eritrea to give effect to the Commission's recommendations under Communications no. 250/2002, 275/2003 and 428/12, in previous resolutions, and during the Government's dialogues with the Commission on the basis of its initial and second reports to the Commission, at its 62 and 77 Ordinary Sessions, respectively;
4. **Urges** the Government of Eritrea to put an end to violations and abuses committed in the country, including by immediately and unconditionally releasing all persons detained arbitrarily and for prolonged periods of time, including incommunicado, to reveal their fate and whereabouts, and to conduct transparent and impartial investigations against those responsible for the crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape, and murder with a view to bringing them to justice in fair trials;
5. **Urges** the Government of Eritrea to uphold the rights to freedom of opinion and expression, peaceful assembly, association, movement, and conscience, religion or belief, as well as the right to a fair trial, and to take immediate steps in this regard, such as authorizing independent media outlets to operate, allowing the

formation of associations and political parties, lifting requirements for associations, such as the annual registration process, and authorizing the holding of public gatherings of over seven persons on the basis of a mere notification, as opposed to an authorization regime;

6. **Calls upon** the Government of Eritrea to allow independent human rights bodies, mechanisms and organizations to access the country and to fully cooperate with regional and international mechanisms mandated to investigate the human rights situation in Eritrea;
7. **Calls upon** the Government of Eritrea to extend an invitation to the Commission to undertake a general human rights promotion mission in Eritrea, in collaboration with the government authorities;
8. **Urges** the international community to continue to monitor the human rights situation in Eritrea and to strengthen efforts to ensure the protection of those fleeing Eritrea, including by meeting the special protection needs of unaccompanied minors, and to guarantee the safety and non-refoulement of all Eritrean asylum-seekers and refugees.

Done in Arusha, Tanzania. 18th October, 2023

CRES/002/10/23: Résolution de suivi

Le Forum des ONG, réuni en marge de la 77^{ème} session de la Commission Africaine des Droits de l'Homme et des Peuples, à Arusha, Tanzanie les 16, 17 et 18 octobre 2023, Demande à la Commission d'adopter une résolution sur le suivi des résolutions déjà adoptées sur la situation des droits humains dans les pays suivants :

- Burundi
- Cameroon
- Egypte
- Ethhiopie
- Eswatini
- Guinee
- Sudan
- Zimbabwe

De même que sur la crise sociopolitique dans les régions du Nord-Ouest et du Sud-Ouest qui oppose les séparatistes anglophones et la République du Cameroun.

Fait à Arusha, le 18 octobre 2023

CRES/002/10/23: FOLLOW UP ON THE COUNTRY RESOLUTIONS SUBMITTED

TO ACHPR:

The NGO Forum, meeting on the sidelines of the 77th session of the African Commission on Human and Peoples' Rights, in Arusha, Tanzania on 16, 17 and 18 October 2023,

Requests the Commission to adopt a resolution on the follow-up to the resolutions already adopted on the human rights situation in the following countries:

- Burundi
- Cameroon
- Egypte
- Ethiopia
- Eswatini
- Guinea
- Sudan
- Zimbabwe

The same applies to the socio-political crisis in the North-West and South-West regions between the Anglophone separatists and the Republic of Cameroon.

Done in Arusha, Tanzania. 18th October, 2023

