



Eritrea

Joint Submission to the UN Universal Periodic Review
46th Session of the UPR Working Group

Submitted 11 October 2023

**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC
And
Surbana Vision Media and Community Services**

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2** Surbana Vision Media and Community Services is a nonprofit organization, who is dedicated and committed to promoting human rights, democratic values and principles in all spheres of Eritrean society and dedicated to assist desperate Eritreans across the world. SVMCS was founded in 2019 and its programmes are aimed at assisting Eritreans in the country who lack all forms of liberties and to those who left the country and outside who seeks protection and security. SVMCS has a media to raise awareness and promote the value of Democracy.
- 1.3** In this submission, CIVICUS and Surbana Vision Media and Community Services examine the Government of Eritrea's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the Government of Eritrea's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2019. We assess Eritrea's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4** During the 3rd UPR cycle, the Government of Eritrea received 21 recommendations relating to the space for civil society (civic space). Of these recommendations, it accepted 14 and noted seven. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Eritrea has not implemented any of the recommendations relating to civic space.
- 1.5** The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination. There have been no processes to implement the recommendations received and act on issues relating to civic space.
- 1.6** We are deeply concerned by Eritrea's restrictions on basic fundamental freedoms and persistent and violent suppression of civil society and HRDs.
- 1.7** We are further alarmed by the deliberate and continued refusal of the government to cooperate with UN Special Procedures and other international mechanisms and institutions, as well as its lack of commitment to comply with its international human rights commitments.
- 1.8** As a result of these issues, civic space in Eritrea is currently classified as 'closed' by the CIVICUS Monitor, the most serious category, indicating the existence of severe civic space restrictions.¹

¹ CIVICUS Monitor: Eritrea, <https://monitor.civicus.org/country/eritrea>.

- Section 2 of this submission examines Eritrea’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 3 examines Eritrea’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Eritrea’s implementation of UPR recommendations and compliance with international human rights standards concerning freedoms of expression and opinion and media freedom.
- Section 5 examines Eritrea’s implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Section 7 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

- 2.1** During Eritrea’s examination under the 3rd UPR cycle, the government received four recommendations on the right to freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government was urged to ensure that ‘all human rights defenders and civil society organizations exercise their rights to freedom of association without threat or harassment’ and ‘adopt measures guaranteeing the fundamental freedoms of civil society organizations and political parties’. The government accepted three recommendations and noted one. However, as evidenced below, the government has not implemented any of the recommendations.
- 2.2** Article 19 of Eritrea’s Constitution guarantees the right to freedom of association.² Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Eritrea is a state party, also guarantees freedom of association. However, despite these commitments, the government has refused to implement the constitution.³ With no constitutional provisions in place, Eritrea is governed by fear and people have no protection, particularly when crimes are committed. The government rules by decree and there are no independent mechanisms or processes through which citizens can voice their grievances on issues affecting them.
- 2.3** In practice, independent CSOs are not able to operate in Eritrea. The 2005 Proclamation Determining the Administration of Non-Governmental Organisations censors CSOs heavily, imposes onerous reporting guidelines and empowers the

² ‘Eritrea Constitution’, Constitute Project, https://www.constituteproject.org/constitution/Eritrea_1997.pdf.

³ ‘The Constitution of Eritrea’, World Intellectual Property Organization, <https://www.wipo.int/wipolex/en/legislation/details/8937>.

authorities to exert control over the activities of CSOs.⁴ For instance, article 3 gives the minister to approve and coordinate activities funded and implemented by CSOs, audit the financial accounts of CSOs, approve the importation of goods of CSOs and suspend and terminate the work of CSOs that expand their work without government permission.⁵ Article 7 limits the activities of CSOs to relief and humanitarian work only, and CSOs must prove they have at their disposal US\$1 million (for local organisations) and US\$2 million (for international organisations) before starting their relief and humanitarian work. The law requires all donor funds to be passed through government ministries, permitting funds to go through domestic CSOs only if the capacity of the ministries is insufficient. Domestic CSOs cannot receive funds from the United Nations or its agencies (articles 8.5 and 9.1) to do their work.⁶ Because of these restrictions, all independent CSOs operate from abroad, run by Eritreans in exile.

2.4 The Labour Proclamation No. 118/2001 of 2001 guarantees the rights of citizens, employers and employees to form associations and participate in their activities. The Proclamation states that no measures shall be taken by the authorities to refuse or cancel the registration of an association, in accordance with articles 94 to 97 of the Proclamation. While the government has ratified the International Labour Organization's eight fundamental conventions, no independent trade unions function in Eritrea. The only union umbrella group, the National Confederation of Eritrean Workers, is affiliated with the People's Front for Democracy and Justice, the political party headed by President Isaias Afwerki.⁷ Accordingly, the government has prevented new unions being formed, particularly by some professions that the government classifies as providing essential services, such as the military and the police. Workers have no rights to assemble peacefully.

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Eritrea's previous UPR examination, the government received five recommendations on the protection of HRDs, civil society activists and journalists. The government was urged 'to ensure that journalists, civic society activists, and human rights defenders can exercise their rights and fundamental freedoms, including freedom of expression, opinion and association and that appropriate follow-up is given to cases of intimidation and harassment against them' and 'ensure that journalists, human rights defenders and independent civil society organizations

⁴ 'Gazette of Eritrean Laws Proclamation No. 145/ 2005', Food and Agriculture Organization of the United Nations, <https://faolex.fao.org/docs/pdf/eri151852.pdf>.

⁵ 'A Proclamation to Determine the Administration of Non-Government Organizations 145/2005,' US Library of Congress, <https://tile.loc.gov/storage-services/service/l1/leritrea/eritrea-proc-145-2005/eritrea-proc-145-2005.pdf>.

⁶ 'Eritrea: New NGO Law Threatens Existence of Civil Society', International Center for Not-for-Profit Law, 31 August 2005, <https://www.icnl.org/post/in-the-news/eritrea-new-ngo-law-threatens-existence-of-civil-society>.

⁷ 'Freedom in The World 2023: Eritrea', Freedom House, 2023, <https://freedomhouse.org/country/eritrea/freedom-world/2023>.

operate in a free and safe environment'. The government accepted four recommendations and noted one. However, the government has not implemented any of the recommendations.

- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, peaceful assembly and expression. However, in spite of these protections the government has not taken steps to protect HRDs, civil society activists and journalists.
- 3.3** Despite being a member of the UN Human Rights Council, Eritrea persistently failed to engage with international human rights mechanisms. Since March 2019, the government has deliberately refused to respond to requests for country visits from the UN Special Rapporteur on the situation of human rights in Eritrea or legislate for the protection of human rights in line with the human rights treaties it has ratified.⁸
- 3.4** HRDs who are perceived to be critical of the authorities are subjected to arbitrary arrest, torture, prolonged detention and disappearances. Many die in prison and many more are unaccounted for as a result of indefinite and arbitrary detention and enforced disappearance to suppress dissent, punish perceived opponents and restrict civil liberties.⁹
- 3.5** Many journalists remain in illegal detention without access to their families or lawyers. Dawit Isaak, a journalist with Eritrean and Swedish dual nationality, has been held incommunicado in appalling conditions for the past 20 years. The regime has vowed never to release him; President Afwerki has been quoted as saying, 'We won't release him and he won't have a trial'.¹⁰
- 3.6** State agencies, including diplomatic missions abroad, persistently disrupt the work of civil society groups and HRDs in the diaspora.¹¹ HRDs operating outside Eritrea are subjected to threats, intimidation and harassment on social media. Diaspora civil society groups report that the Eritrean government infiltrates groups with the aim of secretly collecting information and using this to destroy the groups. HRDs note that the government has mobilised and uses the ruling party's youth wing, which is active abroad, notably in Kenya, the Netherlands, Norway, Sweden, Switzerland and the UK,

⁸ 'Human rights situation in Eritrea 2022', UN Human Rights Council, 2022, <https://eritreahub.org/report-by-un-human-rights-rapporteur-on-eritrea-to-the-human-rights-council>.

⁹ UN Human Rights Council, 2022, op. cit.

¹⁰ 'Eritrea', Reporters Without Borders, <https://rsf.org/en/country/eritrea>.

¹¹ 'Eritrea's Diplomatic Missions are Instruments of Extortion and Intimidation', Human Rights Concern Eritrea, 7 September 2023, <https://hrc-eritrea.org/eritreas-diplomatic-missions-are-instruments-of-extortion-and-intimidation>.

to harass, intimidate and threaten people and organisations that criticise the Eritrean government's human rights record.¹²

3.7 All Eritreans in the diaspora are required to sign form B4/4.2 (the so-called 'regret form'), in which they accept responsibility for any crime, if committed, before leaving the country, in order to access consular services from Eritrean diplomatic missions. This serves as a deterrent against Eritreans in exile mobilising and criticising the state overtly, as they fear being unable to access consular services.¹³

4. Freedoms of expression and opinion, freedom of religion, and media freedom

4.1 Under the 3rd UPR cycle, the government received 10 recommendations relating to freedoms of expression and opinion and media freedom. For example, the government was called upon to 'adopt measures guaranteeing the fundamental freedoms of journalists, civil society organizations and political parties' and 'adopt all the necessary measures to ensure a safe environment for the exercise of freedom of expression for those who work to promote and protect human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them'. The government accepted six recommendations and noted four. However, as discussed below, the government has not implemented any of the recommendations.

4.2 Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 19 of the Constitution of Eritrea also guarantees the right to freedom of expression. However, the Constitution is not in operation and the state continues to exercise total control of the media. The government shut down all independent media in 2001 and they remain closed.¹⁴

4.3 The Press Proclamation No 90/1996, part II, section 4(c) gives the government the power and open discretion to censor all media outlets based on broad criteria.¹⁵ Foreigners are not allowed to own or register any media outlet in Eritrea (section 6(1)). Eritreans wishing to establish media organisations are mandated to undergo an onerous licensing exercise that includes them revealing financial sources and submitting financial reports annually to the Minister of Information (section 7). Media are also required to submit copies of every publication to the Minister of Information. The Proclamation subjects the publication of some content to prior authorisation from

¹² 'Eritrea: Repression Without Borders. Threats to Human Rights Defenders Abroad', Amnesty International, 2019, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR6405422019ENGLISH.pdf>.

¹³ 'Country of Origin Information Report: Eritrea National Service and Illegal Exit', European Asylum Support Office, November 2016, https://euaa.europa.eu/sites/default/files/publications/COI-%20Eritrea-Dec2016_LR.pdf.

¹⁴ Freedom House, 2022, op. cit.

¹⁵ 'Eritrea: Press Proclamation No. 90/1996', Refworld, <https://www.refworld.org/pdfid/48512e992.pdf>.

the government. For instance, the Proclamation makes it illegal to publish maps of Eritrea without the approval of relevant state agencies (section 12.10).¹⁶

- 4.4** In addition, the 2015 Penal Code contains provisions that have been used to restrict freedom of expression and media freedoms. Penal Code article 172 states that a person who makes public a report or any document or information of a judicial proceeding that has been lawfully declared and conducted as a closed judicial proceeding is guilty of a violation.¹⁷ The Penal Code articles 580(1) and 580 (2) criminalise defamation and insult ('defamation or malicious injury to honour or reputation'). The Penal Code states that it is a criminal offence for citizens to engage in insulting behaviour and outrage. It also defines actions that attack the independence of the state and impair the defence of powers of the state as treasonable acts.¹⁸ These provisions are regularly used by the authorities to undermine the rights of citizens to express themselves.
- 4.5** For over a decade, Eritrea has ranked in the bottom five out of 180 countries in the World Press Freedom Index,¹⁹ while Reporters Without Borders designated Eritrea as the most censored country in the world in 2023.²⁰ Information considered to be sensitive is suppressed and attempts to document or expose the human rights situation are repressed heavily. A group of 16 journalists who disappeared over 20 years ago, including Dawit Isaak, have become the journalists detained for the longest period in the world.²¹
- 4.6** With no independent or foreign media allowed, the only Eritrean media are those directly controlled by the Ministry of Information, amounting to a news agency, a few publications and Eri TV. They are subject to strict oversight and must relay the regime's propaganda. Online access to news and information is very limited.²²
- 4.7** The only ray of hope for those who want to know what is happening in Eritrea is Radio Erena, an independent and apolitical radio station run by exiled journalists in Paris,

¹⁶ 'Press Proclamation, No 90/1996', Centre for Human Rights, http://www1.chr.up.ac.za/chr_old/indigenous/documents/Eritrea/Legislation/Section%2010%20Information.pdf.

¹⁷ 'Penal Code of the State Eritrea, 2015' [unofficial English translation], ILO, <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101051/121587/F567697075/ERI101051%20Eng.pdf>.

¹⁸ 'Eritrea', Media Law Handbook for Eastern Africa – Volume One, Konrad Adenauer Stiftung, https://www.kas.de/c/document_library/get_file?uuid=a1c14533-cbf1-85a9-84c6-35947cfd7180&groupId=285576.

¹⁹ Reporters Without Borders, op. cit.

²⁰ Ibid.

²¹ 'Human Rights Organisations Call for Release of World's Longest Detained Journalists', CIVICUS Monitor, 25 April 2023, <https://monitor.civicus.org/explore/human-rights-organisations-call-for-release-of-worlds-longest-detained-journalists>.

²² Reporters Without Borders, op. cit.

which celebrated its 10th anniversary in 2019. However, its radio broadcasts are often jammed and interrupted.²³

4.8 Dissenting voices are subjected to systematic repression and silencing, including through the detention or enforced disappearance of thousands of leaders and members of religious groups, members of the political opposition and sympathisers, activists, journalists and those evading mandatory military service. The widespread arbitrary arrest and incommunicado detention of people and groups perceived as critical of the authorities continue to instil fear, effectively suppressing freedom of expression.²⁴

4.9 Freedoms of expression and private discussion are severely inhibited by fear of government informants, who are placed in many institutions, and the likelihood of arrest and arbitrary detention.²⁵ The internet, social media platforms and internet cafés are often shut down by government authorities. Surveillance is permanent and ubiquitous. In internet cafés everyone, including journalists, must identify themselves before being allowed to connect to the internet.²⁶ Members of the Eritrean diaspora are better able to express dissent online but are also subject to government surveillance and harassment.²⁷

4.10 Proclamation No. 73/1995 of 15 July 1995, known as the Proclamation to Provide for the Activities of Religions and Religious Institutions (Religious Proclamation), has been used to stifle and restrict freedom of religion and religious activities.

4.11 The Eritrean government restricts the exercise of freedom of religion and only recognises four faiths: Evangelical Lutheranism, Orthodox Christianity, Roman Catholicism and Sunni Islam. The authorities consistently interfere in the practice and operation of faiths.²⁸ Followers of other denominations are subject to arrest, imprisonment and the loss of property. Jehovah's Witnesses face severe persecution, including detention and denial of citizenship.

4.12 Since May 2019, the Eritrean authorities have carried out a crackdown on 'non-recognised' Christian congregations. For example, between May and June 2019, around 140 Christians were reportedly arrested in Asmara.²⁹ While some of those arrested have since been released, the location of many remains unknown. It is reported that at least 400 members of Christian congregations remain in detention at prisons and police stations around the country, and some are held at military facilities

²³ Ibid.

²⁴ UN Human Rights Council, 2022, op. cit.

²⁵ Freedom House, 2022, op. cit.

²⁶ Reporters Without Borders, op. cit.

²⁷ UN Human Rights Council, 2022, op. cit.

²⁸ 'Eritrea: Events of 2022', Human Rights Watch, 2023, <https://www.hrw.org/world-report/2023/country-chapters/eritrea#ada87c>.

²⁹ UN Human Rights Council, 2022, op. cit.

without any charges brought against them.³⁰ Two pastors – Kiflu Gebremeskel, chair of the Eritrean Evangelical Alliance, and Haile Naigzhi, leader of the Full Gospel Church – have been held in detention since 2004.

4.13 The government released several groups of religious prisoners in 2020 and 2021. Those released included 70 Evangelical and Orthodox Christians and four Jehovah's Witnesses. However, this was a short-lived exercise that was quickly reversed with the arrest of more than 47 Christians.³¹

4.14 On 23 March 2021, 35 Christians were arrested in Asmara for conducting prayer meetings. The arrests took place when the army raided a prayer meeting held by 23 women in the Asmara. Another 12 were arrested in Assab, near the border with Djibouti.³²

4.15 On 25 July 2021, two evangelical Christian pastors, Ghirmay Araya and Samuel Okbamichael, were taken from their homes in the middle of the night to an unknown location. They were reportedly taken to Wengel Mermera interrogation centre, where several other pastors have been imprisoned for years.³³ A third, Georgio, who has previously spent five years in prison, was placed under house arrest in Asmara.

4.16 In September 2021, the authorities rearrested 15 Christians who had been released from prison in mid-2020 after periods of detention ranging from five to 16 years. They were reportedly rearrested following the discovery of a list of Christian contacts and incarcerated in the notorious Mai Serwa prison.

4.17 Between 11 and October 2021, the government detained three high-ranking Catholic priests, Abba Abraham Habtom Gebremariam, Bishop Abune Fikremariam Hagos and Father Mihretab Stefanos.³⁴ Abune Hagos, who was arrested at Asmara International Airport as he returned to Eritrea from Italy, was one of the authors of a 2019 pastoral letter calling for justice and reform. They were detained without charge in Adi-Abieto prison. Bishop Fikremariam and Abba Mihretab were released from detention on 28 December.³⁵

³⁰ 'Eritrea: 103 Young Christians Arrested for Trying to Record Christian Music on YouTube', Human Rights Without Frontiers, 23 April 2023, <https://hrwf.eu/eritrea-103-young-christians-arrested-for-trying-to-record-christian-music-on-youtube>.

³¹ UN Human Rights Council, 2022, op. cit.

³² 'Ethiopia: Religious Freedom Hopes Dashed in Eritrea as 35 More Christians Arrested', Release International, 31 March 2021, <https://releaseinternational.org/religious-freedom-hopes-dashed-in-eritrea-as-35-more-christians-arrested>.

³³ 'Two Elderly Pastors Arrested in Eritrea and a Third Placed on House Arrest', Open Doors, 26 July 2021, <https://www.opendoorsuk.org/news/latest-news/pastors-arrested-eritrea>.

³⁴ 'Eritrea 2022', Amnesty International, 2023, <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/eritrea/report-eritrea>.

³⁵ Ibid.

- 4.18** In February 2022, Abune Antonios, the deposed Eritrean Orthodox Church patriarch, died while under house arrest, to which he had been subjected since 2006.³⁶
- 4.19** In March 2022, 29 Evangelical Christians (12 men and 17 women) were reportedly arrested in Asmara while they were praying in a private home and also taken to Mai Serwa.³⁷
- 4.20** On 14 March 2023, police arrested 30 Christians who had gathered to worship in a home in the town of Keren, 60 miles northwest of Asmara. On 7 April 2023, Eritrean authorities arrested 103 young Christians for trying to record Christian music on YouTube. Some were young people, including students from Mai-Nefhi technical college. They are said to be detained in Mai Serwa prison.³⁸
- 4.21** It has been reported that the conditions of detention are unsanitary and cramped, and that some detained Christian leaders are subjected to mistreatment and forced labour. In the first half of 2019, one Christian man died at Mai Serwa prison and one Christian man died at Dahlak Kebir prison, both leaving behind young families.³⁹
- 4.22** The authorities have also imposed restrictions on the activities of the Catholic Church, negatively affecting access to education and healthcare. In June 2019, using Proclamation No. 73/1995 of 15 July 1995, the Eritrean authorities seized 21 health facilities belonging to the Catholic Church.⁴⁰ Many facilities provided services to remote, rural communities, including essential services aimed at reducing mother and infant malnutrition and mortality rates.
- 4.23** In September 2019, the authorities seized three secondary schools run by the Catholic Church in Keren, Massawa and an area near Mendefera. Although some Catholic health facilities and schools have since reopened, they are now under government control and are being run at a more limited capacity with national service personnel who lack the same levels of training as those they have replaced.⁴¹
- 4.24** On 22 February 2020, Catholic Cardinal Berhaneyesus Demerew of Ethiopia and his delegation were prevented from attending the jubilee of the Cathedral of Mary Kidane

³⁶ Human Rights Watch, 2023, op. cit.

³⁷ 'Report: Two Pastors Have Been Imprisoned for Over 7,000 days in Eritrea', Christian Headlines, 9 August 2023, <https://www.christianheadlines.com/contributors/amanda-casanova/report-two-pastors-have-been-captive-for-over-7000-days-in-eritrea.html>.

³⁸ Human Rights Without Frontiers, 23 April 2023, op. cit.

³⁹ UN Human Rights Council, 2022, op. cit.

⁴⁰ 'Human rights situation in Eritrea: Report of the Special Rapporteur on the situation of human rights in Eritrea', UN Human Rights Council, 11 May 2020, <https://eritreahub.org/wp-content/uploads/2020/06/UN-Special-Rapporteurs-Report-2020.pdf>.

⁴¹ Ibid.

Mehret in Asmara. The delegation was held overnight at Asmara airport, despite having appropriate entry visas, and was forced to return to Ethiopia the next day.⁴²

5. Freedom of peaceful assembly

- 5.1** During Eritrea's examination under the 3rd UPR cycle, the government received two recommendations on the right to freedom of peaceful assembly. These called on the government to 'protect freedom of expression, peaceful assembly' and 'implement constitutional provisions and international obligations that protect the rights to freedom of peaceful assembly'. The government accepted one recommendation and noted one. However, as evidenced below, the government has not implemented either recommendation.
- 5.2** Article 19 of the non-operational constitution guarantees the right to freedom of peaceful assembly. It states that 'all persons shall have the right to assembly and to demonstrate peaceably together with others.' Article 21 of the ICCPR also guarantees this right. However, in practice enjoyment of the right remains limited in practice. Protests and gatherings are severely restricted.
- 5.3** Freedom of assembly is not recognised by the authorities. Public gatherings of more than seven people require a permit. Law enforcement officials routinely use excessive force to disperse protests. Those who protest face the threat of deadly force or prolonged periods of arbitrary detention.
- 5.4** Since May 2019, the authorities have tightened their restrictions on the right to assembly. The wave of arrests of non-recognised Christian congregations during prayer gatherings illustrates this. In June 2019, Said Mohammed, a Muslim man who was arrested in March 2018 at the funeral of Haji Musa Mohamednur, at which some Muslims protested against government restrictions, died in prison. He was reportedly tortured and denied proper medical attention.

6. Recommendations to the Government of Eritrea

CIVICUS and Surbana Vision Media and Community Services call on the Government of Eritrea to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly, expression and opinion, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the

⁴² 'Head of Ethiopian Catholic Church Barred from Entering Eritrea', Catholic News Agency, 27 February 2020, <https://www.catholicnewsagency.com/news/43696/head-of-ethiopian-catholic-church-barred-from-entering-eritrea>.

right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Amend Proclamation No. 73/1995 to bring it into compliance with ICCPR articles 21 and 22 and remove undue restrictions on the freedom of association.

6.2 Protection of human rights defenders

- Provide HRDs, civil society members and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to freedoms of association, peaceful assembly, expression and opinion, and review their cases to prevent further harassment.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs.
- Ensure that journalists and HRDs can exercise their rights to freedom of association, expression and opinion and that appropriate follow-up is given to cases of intimidation and harassment against them.

6.3 Freedom of expression and opinion and media freedom

- Ensure freedoms of expression and opinion and media freedom by all bringing national legislation into line with international standards.
- Review the Press Proclamation No. 90/1996 in order to bring it into line with best practices and international standards in the area of freedom of expression.

- Amend the Penal Code in conformity with the provisions of the ICCPR.
- Reinstate all media outlets that have unwarrantedly been closed.
- Cease any practices of censoring media and refrain from adopting any laws providing for censorship or undue control over social and conventional media content.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee freedoms of expression and opinion and media freedom, including by ensuring free access to electronic media, ceasing censorship and surveillance, liberalising electronic media ownership rules and enabling journalists, bloggers and other internet users to play a full and active role in promoting and protecting human rights.
- Take the necessary measures to improve the protection of religious and faith-based communities and ensure their protection from persecution by ending interference in religious practices and releasing all prisoners detained for their convictions and their religious practices.

6.4 Freedom of peaceful assembly

- Adopt all the necessary measures to ensure a safe environment for the exercise of freedom of peaceful assembly, as put forward by the 2020 report of the UN High Commissioner for Human Rights, reports of the Office of the High Commissioner and the Secretary-General, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020, which call for simple processes for the notification of assemblies being held rather than permission being required.
- Unconditionally and immediately release all protesters and members of religious communities detained for exercising their right to assembly and review their cases to prevent further harassment.

6.5 Access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 4) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Annex: Assessment of Eritrea's implementation of civic space recommendations under the 3rd cycle

<p>131.188 Review and amend legal and procedural barriers that may hinder the enjoyment of the rights of freedom of expression and access to information (Seychelles); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 4 - para. 4.3</p>
<p>131.185 Protect freedom of expression, peaceful assembly and association, as well as freedom of religion (Luxembourg); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Sections 2; 5, and 4</p>
<p>131.194 Adopt measures guaranteeing the fundamental freedoms of journalists, civil society organizations and political parties (Spain); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Sections 2, 3, and 4</p>
<p>131.186 Take concrete measures to ensure full respect for the rights to freedom of expression and opinion, as well as freedom of religion or belief, including as they pertain to the press and other media (Sweden); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 2 – para 2.5 Section 4 - para. 4.3;</p>
<p>131.192 Ensure that journalists and human rights defenders can exercise their rights to freedom of expression, opinion and association and that appropriate follow-up is given to cases of intimidation and harassment against them (Belgium); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3 - para. 3.6</p>
<p>131.197 Allow all human rights defenders and civil society organizations to exercise their rights to freedom of expression, opinion and association without threat or harassment (Slovenia); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Sections 3 and 4</p>
<p>131.193 Adopt all the necessary measures to ensure a safe environment for the exercise of freedom of expression for those who work to promote and protect human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them (Argentina); Source of position: A/HRC/41/14/Add.1</p>	Supported	<p>Status: Not implemented</p> <p>Source: Sections 2, 3, and 4</p>

131.196 Ensure that journalists, human rights defenders and independent civil society organizations operate in a free and safe environment (Greece); Source of position: A/HRC/41/14/Add.1	Supported	Status: Not implemented Source: Sections 2 and 3
131.187 Bring the legislation on freedom of expression into compliance with the International Covenant on Civil and Political Rights and enable independent, diverse and pluralistic media (Estonia); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 4 - para. 4.3
131.189 Undertake comprehensive reforms, such as repeal of Press Proclamation No. 90/1996, to allow for an independent media and a safe and enabling environment for journalists and human rights defenders, including by ensuring their protection against arbitrary arrest, harassment and intimidation (Ireland); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 4 - para. 4.3
131.190 Remove severe restrictions placed on the freedom of press, in accordance with article 19 (2) of the Constitution (Republic of Korea); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 4 - para. 4.3
131.191 Allow plurality of the media and genuine freedom of expression (Costa Rica); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 4 - paras. 4.5 and 4.6
131.195 Protect freedom of expression, lift the media censorship, release imprisoned journalists and protect journalists and media workers from unlawful arbitrary detention (Czechia); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 4 - paras. 4.5 and 4.6
131.198 Release without further delay all journalists detained arbitrarily, allow independent media to resume operation and let foreign media visit the country (Iceland); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 4 - para. 4.5
131.180 Ensure the full enjoyment of the right to freedom of religion or belief for all citizens in accordance with the Constitution and international obligations (Italy); Source of position: A/HRC/41/14/Add.1	Noted	Status: Not implemented Source: Section 2 - paras. 2.5 – 2-10

<p>131.183 Repeal administrative measures that restrict the freedom of worship of minority religions (Angola); Source of position: A/HRC/41/14/Add.1</p>	<p>Noted</p>	<p>Status: Not implemented Source: Section 2</p>
<p>131.181 Implement constitutional provisions and international obligations that protect the rights to freedom of expression, peaceful assembly, association and religion or belief, and expand opportunities for citizens to participate in their government (United States of America); Source of position: A/HRC/41/14/Add.1</p>	<p>Noted</p>	<p>Status: Not implemented Source: Section 2, 3, 4 and 5</p>
<p>131.199 Release political prisoners, including journalists and members of religious groups held on account of their beliefs or affiliations, and allow greater transparency in legal proceedings for those arrested (United States of America); Source of position: A/HRC/41/14/Add.1</p>	<p>Noted</p>	<p>Status: Not implemented Source: Sections 3 and 4</p>
<p>131.184 Take the necessary measures to improve the protection of religious and faith-based communities and ensure their protection from persecution by ending interference in religious practices and releasing all prisoners detained for their convictions and their religious practices (Canada); Source of position: A/HRC/41/14/Add.1</p>	<p>Noted</p>	<p>Status: Not implemented Source: Section 2 - paras. 2.5 – 2-10</p>