

Forum: Social, Humanitarian and Cultural Committee (GA3)

Issue: Preventing the violation of Human Rights in Eritrea

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INTRODUCTION

The State of Eritrea is a nation located in the Eastern African hemisphere with its coastline spanning along the Red Sea, it shares borders with Sudan in the West, Ethiopia in the South and Djibouti in the Southeast. Eritrea also shares maritime borders with Saudi Arabia and Yemen.

Given how close Ethiopia is to the nation of Eritrea, it is natural for the two to have disagreements and disputes concerning the borders. The Eritrean-Ethiopian War of 1998-2000 was a devastating and catastrophic conflict that led to extensive fatalities, along with additional multiple injuries and damage, for these two underdeveloped nations. The formation of an Eritrea-Ethiopia Claims Commission, which was tasked with assessing complaints for loss, damage, or harm originating from a breach of international law was perpetrated by either country, making it a unique element of this conflict. One of Ethiopia's allegations was that Eritrea commenced the armed conflict by using unlawful force. Consequently, the evidence and legal views offered by the two parties were formally argued before and resolved by a five-member arbitral panel of arbitrators of third-country nationalities, who ruled that Eritrea's behavior at the commencement of the armed conflict constituted a breach of Article 2(4) of the UN Charter.

Since the reaching and signing of a peace agreement in 2018 with Ethiopia, the government has expanded its regional and international diplomatic involvement, however, no measures were taken whatsoever in order to improve the plight of Eritreans. The Eritrean-Ethiopian border dispute was a brutal confrontation between Eritrea and Ethiopia. A series of incidents that occurred on the then-disputed frontier includes the 1998–2000 Eritrean–Ethiopian War.

Eritrea, being a one-man dictatorship led by President Isaias Afewerki, lacks a legislature, autonomous nongovernmental organizations, media networks, and an independent judiciary. The government of Eritrea is an extremely repressive one, subjecting its people to systematic forced labor and compulsory military service. Freedom of speech, conscience, and religion are severely suppressed, but most notably any and all forms of independent and

impartial scrutiny by foreign monitors is strictly prohibited. Constitutional provisions guaranteeing human rights have yet to be completely enforced.

Human rights in Eritrea are regarded as among the worst in the world, especially in terms of press freedom, as of the 2010s, as provided by the Human Rights Watch World Report 2010 on Eritrea. Since the country's independence in 1993, democratic elections have never taken place, and the government has never enforced the 1997 constitution, which guarantees basic human rights and limits executive authority.



Figure 1: Political Map of Eritrea ¹

DEFINITION OF KEY-TERMS

One-party state

A one-party state, also known as a single-party state, one-party system, or single-party system, is a unitary state in which only one political party has the authority to form the government, commonly based on the prevailing system of laws. All the other parties are either outlawed or permitted to participate in elections in a restricted and regulated manner.

Centralized government

¹ Nationsonline.org, Klaus Kästle -. "Political Map of Eritrea." Political Map of Eritrea - Nations Online Project, www.nationsonline.org/oneworld/map/eritrea-political-map.htm.

A type of government that is under the jurisdiction and complete and utter control of a single authority. In the case of Eritrea, the President, along with his political party, namely the People's Front for Democracy and Justice (PFDJ), which is the state's dominant party, has a decisive role over everything. This means that the President is technically both the head of state and the head of government.

Authoritarian government

When a government endorses or enforces rigid adherence to authority over personal freedom. Individual freedom of thought and action is challenged by authoritarianism, which is the notion of unconditional subordination to authority. In governance, authoritarianism refers to any political system that concentrates power in the hands of a leader or a small elite that are not legally accountable to the general public.

Authoritarian leaders frequently use power unilaterally, often without concern for established bodies of law, and they are seldom ousted by citizens voting democratically among numerous candidates in elections. In authoritarian regimes, the ability to form opposition political parties or other alternative political groups to vie for power with the governing party is either limited or nonexistent.

Conscientious objection

Conscientious objection to serving in the military can be found in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establishes the right to freedom of expression, conscience, and religion. The right to conscientious objection to military service is not a right in and of itself, since no explicit reference to such a right is made in United Nations international treaties but is instead regarded as a secondary right; a right which is rather a direct result of the right to freedom of speech, opinion, and religion and the understanding of further basic human rights. Conscientious objection includes statutory limitations.

Conscription

Conscription, also known as draft, is the mandatory enrollment in a country's military forces. It is quite common for this to be the case in countries - such as Eritrea - with oppressive governments and given that it is being abused by officials, it severely violates the rights of the people of Eritrea.

Detainee

A person who has been legally compelled to remain in a jail or similar facility, usually for political reasons.

BACKGROUND INFORMATION

Ethiopia-Eritrea Border Conflict (1998 - 2001)

The causes of the border dispute are debatable. However, what plays an unquestionable role in the conflict between the two nations, is their territorial and colonial backgrounds. The conflict amongst Ethiopia and Eritrea, two of the world's poorest nations, started in 1998. Eritrea used to be a member of the Ethiopian empire, however in 1869 the region of Eritrea shifted hands from an Ethiopian control to an Italian one which lasted until 1941. After Italy's defeat in World War II, the United Nations decided that Eritrea would be incorporated into Ethiopia, however Eritrea would retain significant autonomy.

Ethiopia abolished Eritrea's independence in 1961, and thus Eritrea became one of Ethiopia's provinces. The nation of Eritrea achieved independence in 1991, after an Ethiopian rebellion. The borders separating Ethiopia and Eritrea, on the other hand, have not yet been clearly identified nor set. Following disagreements and rivalries, Eritrea conquered the territory of Ethiopia it considered to be its own. Ever since, trench warfare has escalated, resulting in the deaths of numerous troops and civilians.

All parties to the dispute have decided that the demarcation of the boundary would be determined by the United Nations. Despite the fact that the final outcome has been determined, barriers to a formal agreement exist. The major challenges in the process's completion and an Ethiopian/Eritrean agreement include the precise recognition of all areas now occupied and agreement on troop movement out of conflict areas; the substitution of a United Nations Peacekeeping Force by a narrower observer mission; and the return of civilian control of all regions from which soldiers retreat.



Figure 2: Eritrea - Ethiopia claimed ²

However, even after Eritrea restored ties with its former arch-enemy Ethiopia, thousands of people proceeded to flee abroad as persecution and prolonged mandatory military service persisted.

The aforementioned conflict had a major influence over the political instability which can easily be seen in the region, and which still prevails to this day. Since the peace agreement between the two nations, Eritrea has not been able to restore the integrity of its government, thus giving the chance to a dictator to rise to power. The assertion of the immediate establishment of a tangible and rigid border between Ethiopia and Eritrea, negotiated by the two administrations, creates a component of extra instability in the region.

Current situation

President Isaias Afwerki has enforced a strictly centralized, one-man authoritarian regime. Even though a constitution was drafted in 1997, it has never seen the light of day adopted and yet to be implemented. The president's People's Front for Democracy and Justice (PFDJ) rules the country of Eritrea as the only political party. Since the 1993 referendum on the nation's independence, there have been no democratic elections held. The whereabouts of political rivals and pro-democracy activists illegally arrested in the last 2 decades still remain unknown.

Despite the existence of the Eritrean Police Force (EPF) and the Eritrean military, the government has been using armed forces, militias, demobilized troops, and civilian paramilitary in order to fulfill both domestic and international requirements. Officials of the national security service, a distinct department that reports to the President's Office, are enabled through their mandate to detain anyone accused of threatening national security whether the accusations are true or not. Likewise, the Eritrean military has the power to apprehend and imprison citizens for similar causes. Most security personnel are effectively controlled by civilian authorities, yet multiple irregularities were perpetrated by members of such security forces.

Human rights violation

Among the numerous human rights violations that the Eritrean citizens have undergone, the ones with the most detrimental effects are mostly related to violations such as the right of freedom of expression and speech, arbitrary detention and enforced disappearances, right to health, forced labor, freedom of movement, as well as the rights of refugees and asylum

² "Weekly Conflict Brief: The Eritrean-Ethiopian War." *Pax Et Bellum*, 2 Feb. 2020, www.paxetbellum.org/2020/01/29/weekly-conflict-brief-the-eritrean-ethiopian-war/.

seekers. Some of the aforementioned abuses are rampant especially in prisons and detention centers.

Freedom of expression

Ever since the government officials outlawed all non-state media in 2020, there has been no autonomous press. The Commission to Protect Journalists reported Eritrea to be among the most censored countries in the world in 2020, with more journalists imprisoned than any other country. In the international rankings, Eritrea is ranked as the country with the worst protection of individual freedom and press freedom.

The government shut down all independent media outlets in 2001. Several outlets provide coverage to Eritreans from outside the country, including the British Broadcasting Corporation (BBC), Paris-based Radio Erena and satellite station Asena TV.³

Arbitrary detention and enforced disappearances

Hundreds of officials, religious figures, journalists, and other government adversaries remained in indefinite incarceration, often for more than a decade without indictment or trial and were refused access to their families and attorneys.

Right to health - prisons and detention centers

Prisons and detention facilities are overwhelmingly overcrowded, with unsanitary and quite unsafe living conditions being the norm. Detainees are not supplied with sufficient water, food, or sanitation products such as soap, which also poses a direct threat to the right to health.

Forced Labor

Conscripts in the obligatory national service program were required to serve for unspecified periods far above the legal limit of 18 months. There was no allowance for conscientious objection, and thousands of people were enlisted in open-ended compulsory military service, many of whom had already served for decades.

Freedom of movement

People's ability to leave the country was heavily limited, and they were barred from traveling overseas without legal authorization from the government. Eritreans

³ "Eritrea: Freedom in the World 2021 Country Report." Freedom House, freedomhouse.org/country/eritrea/freedom-world/2021.

aged 5 to 50 are not permitted to leave the country. The government declines passport and exit visa applications improperly and unjustly. According to Amnesty International, Eritreans who seek to flee are subjected to "arbitrary detention". Many people strive to escape Eritrea in order to evade military conscription, religious persecution, and other types of state-sanctioned human rights violations; nevertheless, their ability to leave the nation is "severely restricted" by authorities. The government has occasionally imposed a "shoot to kill" policy against anyone attempting to flee the nation, particularly those attempting to cross the border with Ethiopia.

Refugees and asylum seekers

Multitudes of Eritreans fled the country, mainly to escape mandatory national service, and obtained refuge in other countries. As they worked their way to Europe, Eritrean refugees and asylum seekers continued to encounter severe human rights violations, even in their destination countries, especially Libya, where many were subject to interrogation and incarceration, kidnapping, sexual assault, torture, and other ill-treatment.

Certainly, a large number of protests fighting for the rights of the people of Eritrea have taken place over the years. People all around the world are striving to make a change and help the innocent people suffering from the dictatorship and the harsh and cruel living conditions currently occurring in the nation of Eritrea.



Figure 3: Protesters standing up for Eritrea and its people

The situation during the pandemic

Eritrean authorities enhanced systematic restraints and movement limitations on its population in response to Covid-19. People have been barred from leaving their homes since the beginning of the pandemic, with the exception of those involved in “essential developmental and security” activities, rather than, if it were not for the sole purpose of purchasing essentials and medical necessities, leaving your home was prohibited.

Given the ongoing pandemic, resources and initiatives were focused on limiting and reacting to COVID-19 in Eritrea. The lockdown and movement restrictions placed in order to prevent and control the spread of COVID-19, along with the United Nations International Children's Emergency Fund (UNICEF), had an impact on several regular operations. Nevertheless, necessary key services such as nutrition, vaccinations, and health care were given high priority and implemented accordingly. Changes to the implementation process were required to assure the continuation of critical services and their adaptation to the new circumstances caused by the pandemic.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Ethiopia

The current situation has been aggravated by the border war between Ethiopia and Eritrea, which commenced in May 1998 and has been characterized by frequent outbreaks of violence. On May 12, 2000, the latest incident of warfare erupted. As a consequence of the violence, large populations in both nations have been displaced. Peace negotiations and a truce of hostilities are now arranged.

United States of America (USA)

The United States' main goals in Eritrea are democracy and human rights, stability in the region, and counter-terrorism. However, the U.S. government's ability to progress these objectives through international aid programs was greatly constrained. This is due to the departure of the United States Agency for International Development (USAID) on the order of the Government of the State of Eritrea (GSE) in late 2005, as well as limits imposed on the movement of all foreign people, such as diplomats, within the region.

China

China has pledged its massive support for Eritrea's economic development. China formed ties with Eritrea on the day it was founded, and the two nations have maintained a "fruitful cooperation." Chinese Foreign Minister Tang Jiaxuan, who visited Eritrea's capital, Asmara, emphasized the need of strengthening cooperation with Eritrea, stressing that his nation was economically powerful and would provide political as well as financial assistance to emerging African countries.

European Union (EU)

The nation of Eritrea, after being sued by a European human rights organization and criticized by the European Parliament for financing the purchase of materials for the building of a road within the country, that uses conscripted forced labor, the European Union declared that it would not finance the further construction of roads. The European Union also stated that it would reconsider its "dual-track" approach towards Eritrea, which separated political and economic policies, with its development arm focusing on employment generation and its political arm allegedly addressing human rights concerns. The European Union is spending millions on programs constructed by citizens in forced conscription in order to stop the influx of refugees from Africa and bring about reform in a dictatorship.

Eritrean Liberation Front (ELF)

The Ethiopian government's continuous erosion of Eritrean self-government was causing frustrations and discontent among the general populace. Disappointed with the system, numerous Eritreans formed secret organizations to decide what to do regarding the Eritrean situation. As organizing and agitating within Eritrea grew increasingly challenging, the burden of forming a movement to advocate the Eritrean cause fell to the Diaspora.

As a result, a new generation of Eritrean nationalists formed the Eritrean Liberation Movement, an underground organization (ELM) in 1958. They took the initiative to organize political actions focused on overthrowing Ethiopian authority by a coup d'état. However, before the ELM could attempt a coup, the Eritrean armed struggle was initiated in 1961 under the auspices of the Eritrean Liberation Front (ELF). In the three decades that followed, the country devolved into a cycle of political turmoil, violent warfare, and devastation.

Eritrean People's Liberation Front (EPLF)

The Eritrean People's Liberation Front (EPLF), subsequently known as the People's Front for Democracy and Justice (PFDDJ) from 1994, was an independence movement that effectively

advocated for the formation of an autonomous Eritrean nation out of Ethiopia's northernmost region in 1993. The EPLF seized command of Eritrea and established a provisional government in 1991. The EPLF became Eritrea's dominant party, and its leader, Isaias Afewerki, was elected president. The EPLF was renamed the People's Front for Democracy and Justice in 1994. (PFDJ). The PFDJ and Isaias Afewerki have remained in power since 2006.

When the EPLF took over Eritrea in 1991, it purportedly imprisoned hundreds of former government officials, troops, and governing party leaders, many of whom were illegally kept without conviction. According to the 1992 Country Reports on Human Rights Practices, human rights organizations received reports of the disappearance of many people detained while in EPLF custody. Numerous sources indicate that the EPLF assassinated political rivals and Eritreans suspected of supporting or cooperating with the Ethiopian government between 1990 and 1992. It was claimed in 1992 that the EPLF had killed hundreds of accused offenders without prosecution.

Commission of Inquiry (Col)

Eritrea's government is accountable for systemic and pervasive abuses of human rights that could amount to crimes against humanity and atrocities. As per the 8 June 2016 report of the UN Human Rights Council (HRC) - mandated Commission of Inquiry (Col) on Eritrea, the government and dominant party, the People's Front for Democracy and Justice (PFDJ), committed crimes of enslavement, imprisonment, torture, forcible disappearances, persecution, oppression, and execution are also examples of state-sanctioned atrocities. The Col also stated that high-level authorities endorsed sexual harassment as a means of punishment in compulsory military service camps, where conscripts are sentenced to extended terms of national service, claiming that these offences amounted to sexual slavery and abuse.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
October 24, 1945	UN's official establishment.
July 10, 1952	The United Nations General Assembly votes to make Eritrea a federal component of Ethiopia. ⁴
July 1960	The Eritrean Liberation Front (ELF) was established.

⁴ "Eritrea Profile - Timeline." BBC News, BBC, 15 Nov. 2018, www.bbc.com/news/world-africa-13349395.

1970	The Eritrean People's Liberation Front (EPLF) was founded, after the ELF split, advocating for a social revolution.
December 17, 1979	Code of Conduct for Law Enforcement Officials was adopted by General Assembly resolution 34/169.
February 4, 1985	The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) was signed.
May 24, 1993	Eritrea managed to achieve its independence from Ethiopia.
1998 - 2000	Border Conflict between Ethiopia and Eritrea.
2009	A new movement named Citizens for Democratic Rights in Eritrea (CDRIE) was initiated with the main objective of getting the government and opposition together in dialogue.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Universal Declaration of Human Rights 1948

The Universal Declaration of Human Rights (UDHR) is a defining moment in human rights history. The Declaration, drafted by representatives from various regions around the globe with diverse legal and cultural backgrounds, was declared by the United Nations General Assembly in Paris on December 10, 1948 in the GA resolution 217A as a shared norm of accomplishment for all communities and all nations.

It ensures that essential human rights are universally guaranteed and protected for the first time. The Universal Declaration of Human Rights is widely credited with having influenced and laid the groundwork for the ratification of more than seventy human rights treaties, which are still in force on a permanent basis both at a regional, as well as an international level today.

Even though fundamental human rights is an inalienable necessity, not all countries seem to value them. This happens to be the case in Eritrea, where people are denied their basic human rights, which are also constantly abused and violated.

International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is a 1966 international human rights agreement. It enables the enjoyment of economic, social, and cultural rights, such as the right to a sufficient standard of living, the best achievable quality of health, and social security. As previously mentioned, Eritreans do not have access to such rights, resulting from the authoritarianism of the government, as well as the constant oppression they are subject to.

United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)

The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) mandates signatory countries to take steps to eliminate torture within their borders and to prosecute all acts of torture. In March 2014, the governments of Chile, Denmark, Ghana, Indonesia, and Morocco commemorated the 30th anniversary of the United Nations Convention Against Torture by establishing a ten-year worldwide initiative to achieve universal adoption and implementation of the Convention. The Convention Against Torture Initiative (CTI) seeks to promote advice and guidance, assistance, and collaboration among State Parties along with non-State Parties to the Convention – with the aim of assisting States in overcoming technical and capacity-related barriers to ratifying and implementing of the Convention.

Convention on the Worst Forms of Child Labor, 1999 (No. 182)

Child labor, as statistics clearly show, is a universal challenge which exceeds enormous proportions. Following a thorough investigation of the subject, the International Labor Organization (ILO) found that existing Conventions on child labor needed to be enhanced. Convention No. 182 aided in focusing the international spotlight on the need of action to eradicate the worst types of child labor as a priority, without losing sight of the long-term aim of successful elimination of all child labor. Convention No. 182 mandates ratifying nations to take prompt, substantial, and time-bound steps to eradicate the worst kinds of child labor as soon as possible.

International Convention for the Protection of All Persons from Enforced Disappearance

The International Convention for the Protection of All Persons from Enforced Disappearance (2010) mandates states to combat enforced disappearance on their own territory. It specifically upholds people's right to know the fate of their missing relatives and to seek justice and retribution. Enforced disappearances is a phenomenon that is frequently

reported in the country of Eritrea. Families have been torn apart, because of relatives that have been abducted and held in captivity by the government itself, without any explanation.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The African Commission on Human and Peoples' Rights adopted Resolution 91 on the human rights situation in Eritrea in 2005, urging the government to uphold its duties under all human rights treaties to which Eritrea is a signatory. The Human Rights Council (HRC) approved the appointment of a Special Rapporteur on the status of human rights in Eritrea in July 2012 and has continuously renewed their mandate.

Notwithstanding the government's severe human rights violations, Eritrea was appointed to the Human Rights Council (HRC) for the 2019-2021 term on October 12, 2018.

Multiple international organizations have assembled to support Eritrea. In 2009, the European Union, the United States, and the African Union collaborated to provide development assistance. Despite "concerns that construction programs in Eritrea are conducted by conscript or prison labor in breach of international law," the EU provided Eritrea with 122 million euros in assistance.

POSSIBLE SOLUTIONS

Prohibiting children from being subject to military recruitment

A vital step towards ameliorating and possibly putting an end to the human rights violations situation concerning children and adolescents in Eritrea is the allocation of measures to uphold the regulation that raises the minimum age for military service. This ensures that children will not be subject to any punishment that breaches fundamental human rights, as well as the right to refuse military service. Another important action related to that involves taking proactive measures to eliminate underage recruiting (those under the age of 18), developing programs to protect children from torture, cruel, inhuman, or abusive treatment, and giving independent access to physical and psychological rehab, societal reintegration, and justice for victims of military conflicts.

Improving the humanitarian crisis in prisons

Adopting policies to increase accessibility to detention centers for domestic and foreign humanitarian organizations, as well as ensuring that detained people have sufficient access to

legal counselling and that proper judicial supervision of police and security forces is established, is a significant measure that could tackle the ongoing humanitarian crisis inside of Eritrean prisons. Charging all detainees with an identifiable crime and ensuring that they are prosecuted in compliance with international law is also very important in order to ensure that they are not deprived of the rights they are entitled to.

Dealing with the practice of prolonging military service indefinitely

A crucial measure that needs to be taken in order to solve the issue of compulsory military service forced by the Eritrean government is recognizing the right to conscientious objection to military service, as well as respecting the terms of the National Service Proclamation, by promptly putting an end to the practice of indefinitely extending military service. Some other recommendations could include amending Article 119 of Eritrea's Penal Code to legalize refusal to serve in the military, as well as establishing and implementing independent accountability methods to assure that no one is forced to serve longer than is legally required.

Limiting the arbitrary arrests and detainment without due process

Reforming Eritrea's Penal Code to ban arbitrary arrest and imprisonment without due process, ensuring that people detained have access to legal counsel from the moment they are detained and at all times throughout interrogation, and ensuring the right to a fair trial, are significant measures that need to be taken in order to combat the issue at hand. Furthermore, another key aspect is ensuring that no one is imprisoned or jailed because of their political beliefs or involvement with people who are accused of committing crimes. Something that also needs to be done is to ensure that the sections of the Penal Code that allow for the application of the death sentence confine it to crimes that constitute intentional murders, in accordance with Article 6(2) of the Covenant.

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