

**Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the situation of human rights in Eritrea; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

Ref.: AL ERI 2/2022  
(Please use this reference in your reply)

11 May 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the situation of human rights in Eritrea; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and Special Rapporteur on contemporary forms of slavery, including its causes and consequences, pursuant to Human Rights Council resolutions 44/4, 44/10, 47/2, 42/16, 41/15, 43/22 and 42/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received which indicates the **occurrence of trafficking in persons, especially women and girls, for purposes of sexual exploitation, including sexual slavery, by members of the Ethiopian National Defense Force, the Eritrean Defense Forces, the Amhara Regional/Special Forces, Tigrayan forces, and militia groups, in the context of the armed conflict in the Tigray region of Ethiopia since November 2020, and later in neighbouring Ahmara and Afar regions.**

According to the information received:

Sexual violence against women and girls in the Tigray, Afar, and Amhara regions of Ethiopia, has reportedly included abductions of women and girls, who have been arbitrarily detained, held in captivity for short periods (several days) and long periods of time (one or two months), and subjected to sexual exploitation including sexual slavery.

Women and girls have been held captive, and subjected to sexual exploitation, including sexual slavery, in military camps, in houses and in remote locations in rural areas. It is alleged that the acts of trafficking include the transfer and harbouring of women and girls, by means such as the use of force, abduction, coercion or abuse of a position of vulnerability, for purposes of sexual exploitation including sexual slavery.

There is a lack of effective action by the State to prevent such trafficking in persons for purposes of sexual exploitation, or to assist and protect victims of trafficking and persons at risk of trafficking.

Information received indicates that internally displaced women and girls and refugee women and girls in the Tigray, Afar and Amhara regions of Ethiopia, have been particularly at risk of trafficking for purposes of sexual exploitation by armed forces and armed groups. Further, it is alleged that displaced women and girls have been abducted while attempting to move to places of greater safety, and have been subjected to sexual exploitation, including sexual slavery.

Refugee women and girls in Mai Aini, Adi Harush, Shimelba, Hitsats and Barahle camps may have been trafficked for purposes of sexual exploitation by armed groups and armed forces. Several Eritrean refugee women have reportedly been abducted from the Barahle refugee camp on 3 February 2022, following an attack on the refugee camp, and may be at risk of trafficking for purposes of sexual exploitation. There are serious concerns that missing Eritrean refugee women and children, may also be at risk of trafficking for purposes of sexual exploitation and other forms of exploitation including labour exploitation.

Information received indicates that children, particularly in the Tigray region, may have been victims of trafficking for purposes of sexual exploitation by armed groups and armed forces. Further it is alleged that the high number of separated and unaccompanied children may be at particular risk of trafficking and have been provided with limited support or assistance to ensure a protective environment. It is alleged that there is a failure to take action to prevent the trafficking and other forms of exploitation and abuse of children, or to ensure assistance and protection of child victims of trafficking. The continuing lack of humanitarian access heightens risks of trafficking and other forms of exploitation and abuse of children, as children are forced into riskier situations or forced to move and leave areas where insufficient aid is provided, increasing risks of exploitation during displacement.

It is reported that victims of trafficking for purposes of sexual exploitation, who are pregnant as a result of being trafficked and raped, are not receiving specialized and adequate assistance or protection.

Information received further indicates that women and girls with disabilities may have been trafficked for purposes of sexual exploitation, and that effective protection of persons with disabilities, or prevention of trafficking of persons with disabilities, including in particular children with disabilities, is not ensured.

Men and boys may have also been victims of trafficking for purposes of sexual exploitation, and that unaccompanied and separated boys, may be particularly at risk. It is feared that men and boys may not be identified as victims of trafficking, or at risk of trafficking, for purposes of sexual exploitation, due to cultural and social barriers to reporting and to identification as victims of trafficking, particularly for purposes of sexual exploitation.

It is further alleged that commanders of armed forces, or other superiors knew or ought to have known that such violations of international human rights law, international humanitarian law and international criminal law, were being or

were about to be committed, and failed to take all necessary and reasonable measures to prevent or punish these acts.

There are reportedly no effective investigations into allegations of trafficking in persons for purposes of sexual exploitation or other forms of exploitation.

Without pre-judging the allegations raised, we express our grave concerns regarding the risks of trafficking for the purposes of sexual exploitation, including sexual slavery, and the urgency of ensuring effective prevention of trafficking, and assistance and protection of victims of trafficking. We are similarly concerned that the reported failure to ensure accountability for these serious human rights violations and serious crimes creates a climate of impunity and contributes to the persistence of trafficking and risks of re-trafficking of persons. We also highlight the importance of ensuring that a survivor-centered approach in the prevention and response to trafficking in persons, is ensured, without discrimination on any ground, including race or ethnicity, nationality, disability, age or gender.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations, including steps taken to investigate the alleged incidents of trafficking of women and girls for purposes of sexual exploitation, by means of abductions and kidnapping.
2. Please provide information on any policies in place and/or the orders given to armed and security forces prohibiting sexual and gender-based violence, including trafficking for purposes of sexual exploitation, and prohibiting all forms of trafficking in persons, and any other violations of international human rights law, international humanitarian law and international criminal law.
3. Please provide details, and where available the results, of any investigations, prosecution or criminal charges, and other inquiries carried out in relation to the allegations of trafficking in persons and/or allegations of conflict related sexual violence including rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys.
4. Please provide information on what measures are being taken to ensure prompt identification of and assistance of victims of trafficking, including access to health care services and specific health care for victims of sexual violence and referral for protection.

5. Please provide information on what specific measures are being taken to prevent and combat trafficking in persons of refugees, and to provide assistance and protection to displaced persons and refugees, who are victims of trafficking.
6. Please provide information on what measures are being taken to ensure prompt identification and assistance to all child victims of trafficking, including access to health care services and specific health care for victims of sexual violence and to ensure a protective environment for children, particularly unaccompanied and separated children, and children with disabilities. Please also provide information on what measures are being taken to prevent trafficking of children for all forms of exploitation.
7. Please provide detailed information on any measures taken to ensure that affected victims and their families have effective access to remedies, legal assistance and to compensation.
8. Please provide information on all measures taken to prevent trafficking in persons for all forms of exploitation, and to prevent re-trafficking or further risks of trafficking.
9. Please provide information on measures taken to prevent trafficking of men and boys and to ensure prompt identification and assistance of men and boys who are victims of trafficking.
10. Please provide information on measures being taken to ensure prevention of trafficking of persons with disabilities and to ensure prompt identification and assistance of persons with disabilities who are victims of trafficking, and on measures being taken to ensure that access to information and to services aimed at preventing trafficking in persons, including assistance to victims of trafficking with disabilities and access to justice, is inclusive and ensures persons with disabilities can access these services on an equal basis with others, including by providing reasonable accommodation.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your

Excellency's Government's to clarify the issue/s in question.

Kindly be informed that we also expressed our concerns to the State of Ethiopia with regard to the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Siobhán Mullally  
Special Rapporteur on trafficking in persons, especially women and children

Gerard Quinn  
Special Rapporteur on the rights of persons with disabilities

Mohamed Abdelsalam Babiker  
Special Rapporteur on the situation of human rights in Eritrea

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Cecilia Jimenez-Damary  
Special Rapporteur on the human rights of internally displaced persons

Mama Fatima Singhateh  
Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Tomoya Obokata  
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the obligations set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, which your Excellency's Government acceded in 2014.

Specifically, we highlight the definition of trafficking in persons, and the elements of the crime outlined in article 3 of the Palermo Protocol. We remind your Excellency's Government of the obligations to identify, assist and protect victims of trafficking as stated in article 6 of the Palermo Protocol, and to take into account, "the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care." We remind your Excellency's Government of the obligation to ensure that victims of trafficking in persons have the possibility of obtaining compensation for damage suffered.

We also remind your Excellency's Government of the obligation to prevent and combat trafficking in persons, as stated in article 9 of the Palermo Protocol, and to protect victims of trafficking in persons, especially women and children, from revictimization. We remind your Excellency's Government of the obligation to criminalize trafficking in persons, and to ensure effective investigation and prosecutions to combat impunity for trafficking in persons.

We wish to draw your attention also to the applicable treaty and customary norms of international humanitarian law. Common article 3 to the Four Geneva Convention of 1949, to which Eritrea is party, prohibits "violence to life and person, in particular ... cruel treatment and torture", and "outrages on personal dignity, in particular humiliating and degrading treatment."

We recall Security Council resolution 2331 (2016): "Recognizing that trafficking in persons in areas affected by armed conflict and post-conflict situations can be for the purpose of various forms of exploitation; [...] further recognizing that trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict and that children in situations of armed conflict and persons displaced by armed conflict, including refugees, can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation."

Further, SC Resolution 2331 (2016) recognizes that, "trafficking in persons entails the violation or abuse of human rights, and underscoring that certain acts or offences associated with trafficking in persons in the context of armed conflict may constitute war crimes". Security Council Resolution 2331 (2016) further, "Condemns in the strongest terms all instances of trafficking in persons in areas affected by armed conflicts, and stresses that trafficking in persons undermines the rule of law and contributes to other forms of transnational organized crime, which can exacerbate conflict and foster insecurity and instability and undermine development".

We recall Security Council Resolution 2388 (2017), which “stresses the need to prevent and identify instances of trafficking in persons among those forcibly displaced or otherwise affected by armed conflict”, expresses “grave concern over the high numbers of women and children subjected to trafficking in armed conflicts”, and recognizes that “acts of trafficking in persons are often associated with other violations of applicable international law and other abuses, including those involving recruitment and use, abduction and sexual violence including, inter alia, rape, sexual slavery, forced prostitution and forced pregnancy; and calling on all Member States to hold perpetrators accountable and to assist victims in their recovery and reintegration”. Further SC Res 2388 (2017), reiterates the condemnation of “all acts of trafficking, [...] and underscores the importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible can be held accountable” (para.10).

We recall Security Council resolution 2467 (2019), on the need to adopt a survivor-centered approach in the prevention and response to all forms of conflict-related sexual violence. Further, Security Council Resolution 2467 (2019) recognizes that “men and boys are also targets of sexual violence in conflict and post-conflict settings, including in the context of detention settings and those associated with armed groups”, and urges Member States “to protect victims who are men and boys through the strengthening of policies that offer appropriate responses to male survivors and challenge cultural assumptions about male invulnerability to such violence” (para.32).

Additionally, we recall that Security Council resolution 2475 (2019) on the impact of armed conflict on persons with disabilities, urges all parties to armed conflict to take measures, in accordance with applicable international law obligations, to protect the rights of persons with disabilities in situations of armed conflict; to prevent all forms of violence and abuse against persons with disabilities in conflict and post-conflict situations; and to ensure their equal access to humanitarian assistance.

International criminal law is also of relevance to the allegations of trafficking in persons raised. While Eritrea is not a State Party to the Rome Statute of the International Criminal Court, many of the provisions of the Rome Statute reflect customary international law and, as such, are binding on the State. The Rome Statute explicitly states that trafficking can amount to an international crime in the form of enslavement, and sexual slavery, as crimes against humanity, and/or sexual slavery as a war crime. In the context of an attack on a civilian population, or an armed conflict, the Statute expressly permits and foresees the prosecution of trafficking in persons. Article 7(2)(c) of the Rome Statute states that: “[E]nslavement means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.”

We remind your Excellency’s Government of the Convention on the Elimination of All Forms of Discrimination against Women, which your Excellent Government acceded in 1995. Article 6 requires States Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women”.

We recall the General Recommendation no. 30 on women in conflict prevention, conflict and post-conflict situations of the UN Committee on the

Elimination of All Forms of Discrimination against Women (CEDAW), which states: “Trafficking in women and girls which constitutes gender-based discrimination, is exacerbated during and after the conflict, owing to the breakdown of political, economic and social structures, high levels of violence and increased militarism. Conflict and post-conflict situations develop particular war related demand structures for women’s sexual, economic and military exploitation. [...] Women and girls living in or returning from camps for internally displaced persons or refugees or searching for livelihoods are particularly at risk of trafficking” (para. 39).

Further CEDAW General Recommendation no. 30 provides that, “Under the Convention, States parties’ obligations to prevent, investigate and punish trafficking and sexual and gender based violence are reinforced by international criminal law”,(para 23), and recommends that States parties, “Prevent, prosecute and punish trafficking and related human rights violations that occur under their jurisdiction, whether perpetrated by public authorities or private actors, and adopt specific protection measures for women and girls , including those internally displaced and refugees” (para 41(a)).

CEDAW General Recommendation no.30 also highlights the obligation of States to respect, protect and fulfil the rights of women throughout the displacement cycle, noting that in conflict affected areas, women and girls are especially vulnerable to forced displacement and the persistence of forms of exploitation, such as trafficking for purposes of sexual or labour exploitation, slavery and servitude. (para.14) Specifically, the Committee highlights that women and girls are, “often subjected to gross human rights violations during flight and in the displacement phase, as well as within and outside camp settings, including risks relating to sexual violence, trafficking”. It is recommended that States Parties “Adopt practical measures for the protection and prevention of gender-based violence, as well as mechanisms for accountability, in all displacement settings (whether in camps, settlements or out of camp settings)” (para 57).

In its General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, the Committee reiterated its general recommendation No. 28 “to the effect that the obligations of States parties also apply extraterritorially to persons within their effective control, even if not situated within their territory, and that States parties are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory. (...) In conflict and post-conflict situations, States parties are bound to apply the Convention and other international human rights and humanitarian law when they exercise territorial or extraterritorial jurisdiction (...) The Convention applies to a wide range of situations, including (...) to persons detained by agents of a State, such as the military or mercenaries, outside its territory; to lawful or unlawful military actions in another State” (CEDAW/C/GC/30, paras. 8 and 9).

In its General Recommendation no.38 on trafficking in women and girls in the context of global migration (2020),<sup>1</sup> CEDAW states: “Obligations flowing to non-State actors to respect the prohibition of trafficking also arise from the peremptory norm (jus cogens) prohibiting slavery, the slave trade and torture, noting that in certain cases trafficking in women and girls may amount to such rights violations.”

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<sup>1</sup> Committee on the Elimination of Discrimination against Women, ‘General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration’ (20 November 2020) UN Doc CEDAW/C/GC/38.



(CEDAW/C/GC/38 para 15). Further, we recall CEDAW GR no.38, which states: “Trafficking in women and girls is exacerbated during and after conflict and humanitarian emergencies owing to displacement, the breakdown of political, economic and social structures, instability and insufficient governance, [...] and the “normalization” of gender-based violence, including conflict-related sexual violence, as an aggravating factor of pre-existing structural gender discrimination against women and girls” (CEDAW/C/GC/38 para. 34).

Further, we recall that States Parties to CEDAW, “bear a legal obligation to respect and ensure the rights laid down in the Convention to anyone within the power or effective control of that State party, even if not situated within its territory. The direct obligation of States parties to prevent, investigate, prosecute and punish acts of trafficking in women and girls and offer redress to victims extends to the acts or omissions of all perpetrators.” (CEDAW/C/GC/38, para 17) Further, we recall that specific risks of trafficking arise for persons who are, “displaced, stateless or at risk of statelessness, refugees, asylum-seekers (...), living in or coming from conflict or post-conflict settings” (CEDAW/C/GC/38, para 20).

Further, recalling CEDAW General Recommendations no.38, we remind your Excellency’s Government that victims of trafficking: “[...] must be ensured access to justice on the basis of equality and non-discrimination, including the prosecution of their perpetrators and the provision of remedies” (CEDAW/C/GC/38 para. 42). States parties must: “provide appropriate and effective remedies, including restitution, recovery, compensation, satisfaction and guarantees of non-repetition, to women whose rights under the Convention have been violated” (CEDAW/C/GC/38 para. 43).

We also remind your Excellency’s Government of the obligations to prevent trafficking of children, and to protect children in conflict situations. SC Res 2388 (2017). “Condemning all violations and abuses against children in armed conflict, including trafficking in persons all violations and abuses against children in armed conflict, including trafficking in persons”, highlights the “heightened vulnerability to exploitation and abuse of children forcibly displaced by armed conflict, particularly when separated from their families or caregivers”. States are called upon to, “ensure protection of all unaccompanied children who are victims of or those vulnerable to trafficking in persons through their prompt identification and immediate assistance taking into account their specific needs”. Security Council resolution S/RES/2427 (2018), states that, “all parties to armed conflict must comply strictly with the obligations applicable to them under international law for the protection of children in armed conflict, including those contained in the Convention on the Rights of the Child and its Optional Protocol on the involvement of Children in armed conflict, as well as the Geneva Conventions of 12th August 1949 and the Additional Protocols of 1977, “recognizing the link between abductions, recruitment, sexual violence and trafficking and that children in situations of armed conflict can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation” (para. 39).

We also recall article 34 of the Convention on the Rights of the Child (CRC), which your Excellency’s Government ratified in 1994, which provides that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. Moreover, article 35 provides that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

We recall General Comment no. 16 of the Committee on the Rights of the Child (2013), which provides: “Under the Convention, States have the obligation to respect and ensure children’s rights within their jurisdiction. The Convention does not limit a State’s jurisdiction to “territory”. In accordance with international law, the Committee has previously urged States to protect the rights of children who may be beyond their territorial borders. It has also emphasized that State obligations under the Convention and the Optional Protocols thereto apply to each child within a State’s territory and to all children subject to a State’s jurisdiction.” (para.39.) Further we recall that in a decision on admissibility in *L.H., L.H., D.A, C.D. and A.F. v France* (30 September 2020) the Committee on the Rights of the Child specifically addressed the issue of whether the State Party (France) (UN Doc. CRC/C/85/D/79/2019–CRC/C/85/D/109/2019), has competence *ratione personae* over the children detained in the camps in north-eastern Syrian Arab Republic. In its decision, upholding admissibility, the Committee recalled that, under the Convention, States have the obligation to respect and ensure the rights of the children within their jurisdiction, but the Convention does not limit a State’s jurisdiction to “territory” (para.9.6). Territorial jurisdiction was deliberately left out of article 2 (1) of the Convention. The Committee concluded that a State may also have jurisdiction in respect of acts that are performed, or that produce effects, outside its national borders.

Noting the State’s obligations under international humanitarian and international human rights law to prevent grave violations against children in armed conflict, it is critical to ensure that prevention measures are in place to ensure protection against trafficking of children for use by armed forces or armed groups, or for purposes of sexual or labour exploitation. We remind your Excellency’s Government the positive obligation on the State to identify, assist and protect child victims or potential victims and ensure effective prevention of trafficking or re-trafficking of children for all purposes of exploitation, including sexual exploitation.

We also highlight the State’s obligations arising under the Optional Protocols to the CRC on the sale of children, child prostitution and child pornography, and on children and armed conflict ratified by your Excellency’s Government 2005. The Committee on the Rights of the Child, in its General Comment No. 16 (2013), indicates that “Extraterritorial obligations are also explicitly referred to in the Optional Protocol on the sale of children, child prostitution and child pornography. Article 3, paragraph 1, provides that each State shall ensure that, as a minimum, offences under it are fully covered by its criminal or penal law, whether such offences are committed domestically or transnationally.”

The Reports of the Special Rapporteur on Trafficking in Persons, especially women and children, have highlighted the impact on children of the denial of humanitarian access, in particular the impact on unaccompanied and separated children. Specifically, the Special Rapporteur has highlighted that, “Denial of humanitarian access leaves children more vulnerable to trafficking, as they are forced into riskier situations or to move and leave areas where insufficient aid is provided.” (A/76/263, para.35) Effective prevention and protection for children from grave violations, and trafficking requires, “safe child-friendly spaces in places where migrants or refugees reside, including reception centres, refugee camps or informal settlements that host children and offer them space for recreation, study and rest, separated from other facilities, and [...] family-based and family-like, whenever possible” (A/72/164), para. 81 (e).

Trafficking in persons may also amount to torture or cruel, inhuman or degrading treatment in certain circumstances. The UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment has noted: “[...] whenever States fail to exercise due diligence to protect trafficking victims from the actions of private actors, punish perpetrators or provide remedies, they are acquiescent or complicit in torture or ill- treatment”. (A/HRC/26/18, para 41). In this respect, we would like to recall the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment and punishment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Eritrea ratified in 2014xxx, and in article 4(2) read in conjunction with articles 7 and 8 of the International Covenant on civil and political rights (ICCPR), which was acceded to by Eritrea on 22 January 2002. xx. We highlight that article 2 of the CAT specifically provides for the obligation of States parties to prevent acts of torture. The Committee against Torture has also highlighted the positive obligations of States regarding access to remedy for victim of an act of torture (General Comment n°3, CAT/C/GC/3, para. 5).

We recall the international law prohibition of torture, a peremptory norm of international law. We would like to recall the duty of the State to respect, monitor and prevent violations of human rights committed, in any territory under their jurisdiction, whether by State actors or by non-State actors, in addition to the obligation to properly and impartially investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment, to prosecute and punish perpetrators, and to ensure adequate reparation and redress to victims, in full compliance international human rights law and standards, and international humanitarian law.

We also wish to refer to article s 1, 2 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by your Excellency’s Government in 2001. We would also like to bring to your Excellency’s Government’s attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

We also reiterate the obligation of non-discrimination in ensuring protection of all victims of trafficking and persons at risk of trafficking, as stated in the Report of the Special Rapporteur on Trafficking in Persons, especially women and children, recalling that states must ensure that: “All victims of trafficking are identified and receive assistance and protection without discrimination on grounds such as race or ethnicity, religion, gender, disability or migration status” (A/76/263, para.59).

We would like to recall that article 12.1 of the International Covenant on Economic, Social and Cultural Rights acceded to by Eritrea on 17 April 2001, recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In this connection, we would like to refer your Excellency's Government to General Comment 14 and 22 of the Committee on Economic, Social and Cultural Rights. As clarified by the Committee, the right to health includes the right to sexual and reproductive health and extends to the

underlying determinants of health, as well as to effective protection from all forms of violence. Furthermore, under the right to health States are obliged to take measures to protect all vulnerable or marginalized groups of society, in particular women and girls, in the light of gender-based expressions of violence, including trafficking for purposes of sexual exploitation. States must guarantee physical and mental health care for survivors of trafficking for purposes of sexual exploitation, including access to post-exposure prevention, emergency contraception, and safe abortion services, and recalling (article 6(3) of the Palermo Protocol), states must ensure the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society. In 2015, the CEDAW Committee recommended to Eritrea to “[p]rovide adequate access to affordable, modern methods of contraception, including emergency contraception to all women and girls” (CEDAW Committee, Concluding Observations: Eritrea, para. 35(f)). In addition, General Comment N° 36 adopted by the Human Rights Committee, states that “States parties must provide safe, legal and effective access to abortion ... where the pregnancy is the result of rape”, among others (para. 8). In relation to abortion, the CEDAW Committee expressed concern about “[t]he persistently high rate of maternal mortality [... and] the lack of access to safe legal abortion and post-abortion services” (para. 39 (a)) and recommended to “[e]nsure the full and effective implementation of article 534 [...] of the Transitional Penal Code, which decriminalizes three conditions for abortion (rape, incest and threat to the health or life of the woman) (para. 40 (d)).

We recall Principle 2 of the OHCHR Principles and Guidelines on Human Rights and Human Trafficking, which states the obligation of due diligence on States: “States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.”

We recall the 2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/76/7), in which Member States expressed “deep concern about the increasing links between armed groups, including terrorist groups, and trafficking in persons” (A/RES/76/7, para.25).

The violence experienced by women and girls with disabilities remains largely invisible, and current legislative, administrative and policy efforts often fail to link gender and disability in a meaningful way and to address adequately specific risk and vulnerability factors. In a thematic study of OHCHR on the issue of violence against women and girls and disability (A/HRC/20/5) it is recognized that women and girls with disabilities may be targeted for exploitation because of their disability, which can in turn expose them to further violence, and this includes patterns of trafficking (para. 25). Additionally, policies and programmes addressing gender-based violence often fail to take women and girls with disabilities into consideration and, in addition, services are either unavailable or inaccessible, while many obstacles seriously hinder their access to justice. On this matter, we wish to bring to Your attention the [International Principles and Guidelines on Access to justice for persons with disabilities](#).

We wish to remind your Excellency’s Government of the provisions of the 1998 Guiding Principles on Internal Displacement, which reflect international human rights law and international humanitarian law. Principle 11(2) sets out that internally

displaced persons shall be protected, including against rape, forced prostitution, slavery or any contemporary form of slavery such as sale into marriage, sexual exploitation, or forced labour of children, and any other acts of gender-based violence as well as acts of violence intended to spread terror among internally displaced persons. Principle 4 establishes that children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and older persons shall be entitled to protection and assistance required by their condition.

We remind your Excellency's Government of article 5 of the African Charter on Human and Peoples' Rights, which provides that "All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

We would like to also recall that article 3(4) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), ratified in 1999, requires States Parties to take appropriate and effective measures to: "prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk" (article 4(1)(g)). Recalling that victims of trafficking for purposes of sexual exploitation, may be pregnant, we would like to recall that article 14 (2) (c) of Maputo Protocol requires States Parties to, "protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus".

Further, we highlight the obligations of the State arising under the African Charter on the Rights and Welfare of the Child, ratified by your Excellency's Government in 1999, to ensure the protection and care of children who are affected by armed conflicts, including in situations of internal armed conflicts, tension and strife (article 22(3)), to ensure the protection of refugee and internally displaced children, (article 23), and to "take appropriate measures to prevent (a) the abduction, the sale of, or traffic in children for any purpose or in any form, by any person" (article 29).

The prevalence of trafficking in persons during armed conflict has been highlighted in reports of the Special Rapporteur on Trafficking in Persons, especially women and children.<sup>2</sup>

Specifically, the Special Rapporteur on Trafficking in Persons has highlighted that: "the general breakdown of the rule of law and political, economic and social structures, including community protection systems, higher levels of violence and increased militarism, as well as the lack of access to safe and legal migratory routes, foster conditions in which trafficking flourishes, including after hostilities have ceased." (A/73/171, para.5.) Further the Special Rapporteur has highlighted that: "The trafficking of women and girls for sexual exploitation, including sexual slavery, forced marriage, forced prostitution and forced pregnancy, features within the broader

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<sup>2</sup> *Report of the Special Rapporteur on trafficking in persons, especially women and children, on the gender dimension of trafficking in persons in conflict and post-conflict settings and the importance of integrating a human rights-based approach to trafficking in persons into the women and peace and security agenda of the Security Council* (17 July 2018) A/73/171; *Report of the Special Rapporteur on trafficking in persons, especially women and children, on trafficking in persons in conflict and post-conflict situations: protecting victims of trafficking and people at risk of trafficking, especially women and children* (5 August 2016) A/71/303; *Report of the Special Rapporteur on trafficking in persons, especially women and children, on the intersections of trafficking and terrorism* (3 August 2021) A/76/263.

picture of sexual violence perpetrated against the civilian population during and in the wake of conflicts” (A/71/303, para.33).

The Special Rapporteur has also highlighted the obligation to ensure that humanitarian access is maintained so as to ensure specialized assistance to and protection of victims of trafficking, in order to enable timely identification and prevent re-trafficking. (A/76/263, para. 67). Further, the Special Rapporteur has highlighted the positive obligation on States to ensure timely identification of, assistance to and protection of victims, and: “(a) Ensure that trafficking in persons for all purposes of exploitation are recognized, including for the purposes of forced labour, servitude, slavery or practices similar to slavery, forced marriage and forced criminality [...]; (d) Give due consideration to early warning signs, including indicators of vulnerabilities to trafficking for all purposes of exploitation, especially in refugee and internally displaced persons camps and host communities affected by conflict; (e) Ensure effective access to legal assistance and specialized psychological, medical and counselling support, especially on migration routes, in all situations of forced displacement and in conflict settings” (A/76/263, para 58).

The Special Rapporteur has highlighted that the, “perpetuation of gender stereotypes in anti-trafficking responses hinders the timely and correct identification of victims, and reinforces the invisibility of certain categories of trafficked persons, including men and boys.” Further, the Special Rapporteur has highlighted that, “This invisibility not only contributes to the further stigmatization of men and boys, but it also results in the deprioritization of programmes and services dedicated to male victims” (A/76/263, para 46).

We remind your Excellency’s Government of the obligation, to ensure the protection of the rights of all persons with disabilities, as highlighted by the Special Rapporteur on Trafficking in Persons, especially women and children, and to ensure that measures to combat trafficking in persons are disability-inclusive and comply with Security Council resolution 2475 (2019) on the protection of persons with disabilities in conflict, in order to ensure effective access to justice, assistance and protection, and effective remedies (A/76/263, para 60).

We recall that successive annual reports of the Secretary-General on conflict related sexual violence since 2009, have identified incidents and patterns of sexual violence in conflict-affected countries employed by parties to armed conflict, (S/2022/272 29 March 2022), and called on states to ensure protection from conflict-driven trafficking, including for the purposes of sexual exploitation, by providing adequate documentation and comprehensive services, [...] to safeguard the rights of victims.