

ERITREA: SEXUAL ABUSE OF WOMEN IN THE MILITARY
SUPPLEMENTAL LIST OF SUPPORTING DOCUMENTS

I. Government Resources

1. U.S. Department of State, *Country Report on Human Rights Practices in Eritrea (2008)*, Bureau of Democracy, Human Rights, and Labor, February 25, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119000.htm>.

According to the most recent report from the Department of State on human rights practices in Eritrea, “the government's human rights record remained poor, and authorities continued to commit numerous, serious abuses, including: abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders, some of whom reportedly died of their injuries while in detention; harsh and life threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement on privacy rights, including roundups of young men and women for national service and the arrest and detention of the family members of service evaders.” The report further states that “female genital mutilation (FGM) was widespread, and there was societal abuse and discrimination against women . . .”

The report raises concerns about the use of excessive force against individuals who attempt to resist or avoid mandatory national service. According to the report, “the government continued to authorize the use of lethal force against individuals resisting or attempting to flee during military searches for deserters and draft evaders.” There were numerous claims during the year that individuals were “severely beaten and killed during roundups of young men and women for national service,” and “[s]everal persons detained for evading national service died after harsh treatment by security forces.” Additionally, “there were reports of summary executions and of individuals shot on sight near the Djibouti border, allegedly for attempting to flee military service.” These reports were supported by subsequent interviews with Eritrean soldiers who deserted successfully.

The report also claims that “Eritrean refugees and asylum seekers who were repatriated from other countries during the year reportedly disappeared.” For example, “[i]n June the government of Egypt repatriated several hundred Eritrean refugees and asylum seekers, all of whom were returned to their families, according to the government. Nevertheless, there were numerous reports from family members of missing individuals, mostly young men and women who had not completed national service.”

The report also raises concerns regarding the treatment of prisoners who are not killed immediately. Although torture is illegal in Eritrea, “there were numerous reports that security forces resorted to torture and beatings of prisoners.” The report claims that security forces “severely mistreated and beat army deserters [and] draft evaders” and that there were “credible reports” that several individuals died from such abuses as

“prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit and the binding of hands, elbows, and feet for extended periods.” According to the report, “[n]o known action was taken during the year to punish perpetrators of torture and abuse.”

The report claims that “[t]here were credible reports that detention center conditions for persons temporarily held for evading military service were also harsh and life-threatening.” According to the report, “[d]raft evaders were reportedly sent to the Wi'a military camp, where typically they were beaten” and held, sometimes for as long as two years, in unsanitary and abusive conditions.

Regarding sexual abuse and harassment, the report states that, although rape is illegal, “[a]uthorities often responded to reports of rape by encouraging the perpetrator to marry the victim.” Similarly, even though sexual harassment is also illegal, “cultural norms prevented women from reporting these types of incidents, and no one was charged or prosecuted for sexual harassment.” The report also describes violence against women as “pervasive” and, like sexual abuse and harassment, the report claims that cases of domestic violence are rarely tried and that “there were no legal penalties enshrined into law.” According to the report, many women were prevented from bringing claims of violence by societal pressures, and these same pressures, along with a “lack of trained personnel” and “inadequate funding” prevented authorities from responding to the issue of domestic violence.

Regarding women soldiers, “[Eritrean] law requires that women from 18 to 47 years of age participate in national service.” The report claims that “the government continued efforts to detain female draft evaders and deserters” and that “some women drafted for national service were subject to sexual harassment and abuse.”

Many of these concerns have been raised in every report issued by the Department of State regarding human rights practices in Eritrea. Specifically, every report since 2002 refers to “reports that women drafted to the national service were subjected to sexual harassment and abuse.” The reports suggest that the government of Eritrea has been unable or unwilling to address these issues for at least seven years¹.

2. United Nations High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea*, (April 2009), available at http://www.unhcr.se/Pdf/Positionpaper_2009/Guidelines_Eritrea_April_09.pdf.

This report from the UNHCR identifies potential social groups among Eritrean asylum seekers, including women who avoid military service out of fear of sexual abuse. It states that “a pattern of sexual violence against female conscripts exists within the military. Some female conscripts are reportedly subjected to sexual harassment and

¹ Additional Country Reports on Human Rights for Eritrea from 2002 through 2007 are available via the U.S. Dept. of State’s website at <http://www.state.gov/g/drl/rls/hrrpt/>. Electronic copies of these reports are included with this report as supplemental documents Gov4 – Gov9; however, this list only cites the most recent (2008) report.

violence, including rape. There have been reports of female conscripts coerced into having sex with commanders, including through threats of heavy military duties, harsh postings, and denial of home leave. Refusal to submit to sexual exploitation and abuse is allegedly punished by detention, torture and ill-treatment, including exposure to extreme heat and limitation of food rations. No effective mechanism for redress or protection exists within or outside the military, and perpetrators generally go unpunished. Women, who become pregnant as a result, are decommissioned and are likely to experience social ostracism from their families and communities as unmarried mothers, and may resort to committing suicide to escape the cycle of abuse. In light of the pervasive gender-based violence within the military and its serious consequences, women draft evaders/deserters may be at risk of persecution as a particular social group.”

It also states that the “[f]amily members and relatives of draft evaders and deserters may also be at risk of persecution due to the practice of substitute service and/or punitive fines and imprisonment, and could be considered, in this respect, as a particular social group. Since 2005, the Government has instituted measures to address the widespread evasion of and desertion from military service, including: arrest of family members, mostly parents, of children who have not reported to the military training camp at Sawa for their final year of high school or have not reported for national service; imposition of fines on families of draft evaders; forced conscription of family members, particularly the father, of the draft evader; and withdrawal of trade licenses and closure of businesses held by members of the nuclear family of a deserter/draft evader.”

The UNHCR report also indicates that the Eritrean government “reportedly do[es] not grant exit visas to those of military age. Among those routinely denied exit visas are men up to the age of 54, regardless of whether they have completed national service, and women under the age of 47, as well as students wanting to study abroad. Individuals of, or approaching, draft age, who leave Eritrea illegally, will be at risk of persecution as a (perceived) deserter or draft evader upon return to Eritrea. This is equally true for those who have completed active national service or have been demobilized, given that all persons of draft age are subject to national service and, as such, are liable to be recalled.”

3. UN Committee on the Elimination of Discrimination Against Women, *Concluding Comments: Eritrea*, U.N. Doc. CEDAW/C/ERI/CO/3 (February 3, 2006), available at <http://www.unhcr.org/refworld/type,CONCOBSERVATIONS,,ERI,44118344c1,0.html>

In its comments regarding Eritrea’s progress in implementing the provisions of the Convention on the Elimination of Discrimination Against Women, the Committee expresses concern “about the absence of policies and programmes, including legislation, to address violence against women including marital rape. The Committee also expresses its concern about the lack of information and statistics on violence against women in the report.”

The Committee also finds it necessary to request that the government of Eritrea “ensure that women and girls who are victims of violence have access to immediate means of

redress and protection and that perpetrators are prosecuted and adequately punished.” This request suggests that Eritrea lacks the proper legislation or social mechanisms to adequately protect victims of sexual violence. Additionally, the Committee “requests [the government of Eritrea] to address the issue of rapists’ avoiding prosecution through subsequent marriage to their victims.”

II. Legal Resources

1. Cecilia M. Bailliet, *Examining Sexual Violence in the Military Within the Context of Eritrean Asylum Claims Presented in Norway*, International Journal of Refugee Law, September 24, 2007, <http://ijrl.oxfordjournals.org/cgi/content/abstract/eem052v1>.

This article states that “[r]ape and sexual violence have been recognized as a form of persecution by the International Criminal Tribunal for the former Yugoslavia (ICTY) in *Prosecutor v. Kvočka*, as well as within the Rome Statute Establishing the International Criminal Court. . . . As of 2005, the Norwegian Directorate of Immigration (*Utlendingsdirektoratet*, hereinafter UDI or Immigration Directorate) and the Norwegian Board of Immigration Appeals (*Utlendingsnemnda*, hereinafter UNE or Immigration Appeals Board) had determined a series of cases involving asylum claims from the Eritrean military citing fear of rape, and/or other forms of inhuman treatment or torture, as grounds for desertion or draft evasion. Although the Eritrean government presents its inclusion of women in the military as demonstrating egalitarian principles, the asylum cases paint a different picture. This is one in which the social constructs of the role of women remain traditional and permit sexual violence.”

The study finds that “Eritrean female asylum seekers in Norway attested to the rape of other women besides themselves, signalling the possibility of a systematic practice. They claimed abuses including detention (short and long term), beatings, forced abortions (and attempted abortions), forced heavy labour, forced ingestion of drugs, death threats, degrading treatment, continuous sexual violence and rape, as well as possible forced pregnancy and sexual enslavement. They also alleged that some women suffered sexual abuse by military leaders beyond the one they served directly. Refusal to submit to sexual abuse was punished by detention, torture, humiliation and illtreatment: including underground detention, binding of hands and feet and placement in stress positions, suspension from trees, limitation of food rations, exposure to extreme heat and insects, shaving of the head, etc. Furthermore, similar to the ICTY *Kunarac* case, they described being forced to perform domestic duties, including washing clothes, cooking, and preparing coffee, in addition to continuous sexual violation, thereby signalling a possible case of enslavement. Given the exclusive nature of the sexual slavery (pseudo-familial form), it may be more properly characterized as forced marriage. Some applicants feared forced marriage to third persons as a result of the rapes (in order to obscure the stigma of rape), forced marriage to the very commanders who abused them, or the inability to marry at all due to the trauma and stigma of being a victim of sexual violence. Applicants alleged that other women selected suicide as a mode of escape from the sexual violence.”

The report finds the inadequacy of Eritrea's governmental response to be an important factor in considering the asylum status of refugees. "Cases involving sexual violence within the military often contain testimonies which characterize the failure of the State to provide protection as a second violation of equal impact. For the refugee status determination, evaluation of the State's implementation of a prevention and response framework is the central aspect of the protection analysis."

As an analogical argument supporting Eritrean women who desert the military based on fear of sexual abuse, the article states that "[i]n comparison, UNHCR has provided guidance to immigration authorities in cases involving draft evaders and deserters from countries formerly under the Soviet Union who feared being subjected to '*dedovshchina*'. It stated that ill-treatment and torture, including violent hazing and bullying, would violate the individual's right to freedom from torture, inhuman or degrading treatment or punishment and threaten his right to life, liberty and security of person. Such treatment would amount to serious harm constituting persecution."

The author further states that "UNHCR recognizes that 'sex can be included within a social group', noting that 'women' are defined by innate, immutable characteristics, who are subject to different treatment and standards by society. In spite of Eritrean declarations noting commitment to equality between the sexes, it appears that enjoyment of such equality in practice is constrained both in traditional social segments and within the military itself. In terms of linking women soldiers seeking asylum to a protection category, a particular social group is applicable, such as 'women', 'women conscripts', 'women draft evaders or deserters', or 'Eritrean women opposed to male domination within the Army', identifying their common immutable characteristics of gender, the requirement to participate in the military, the act of having avoided compulsory service, or opposition to inequality of power between the sexes in the military. Such characteristics are also externally identifiable by the society and form a factor in their risk of persecution. Following Daly and Kelley's human rights analysis, Eritrean women may be deemed to oppose conscription due to their wish to enjoy security of the person, the right not to associate with military commanders who will exploit them, the right not to be held in sex servitude, and the right to an effective remedy. Hence, the desertion is evidence of an effort by the social group of Eritrean female conscripts to enjoy these fundamental rights and they should not be required to forsake them."

In addition to classifying Eritrean women as a social group, the article notes that "[s]everal women alleged additional grounds for fear of rape, ill treatment, or torture due to their identities: race (ethnic group), nationality (some had mixed Ethiopian background), or religion (Muslim or Christian). One woman additionally claimed that the military leaders would choose those they found beautiful to serve them. As noted by Kelly Askin, 'Gender very often overlaps with ethnicity, religion, race and other factors (such as age, attractiveness, vulnerability and virginity) in causing women and girls to be selected or targeted for sexual violence and each basis for the persecution should be highlighted.'"

Bailliet also notes that the reasoning behind the Norwegian Directorate of Immigration's decisions not to grant asylum to women claiming sexual abuse seems to be more stringent

than the 1951 Convention requires. “The Norwegian Directorate of Immigration admitted instances of sexual violence in the military, but contrary to the Eritrean Ethiopian Claims Commission’s willingness to accept the validity of a *prima facie* case in specific circumstances with a risk of opportunistic sexual violence, the immigration authorities considered the testimonies of the women and country reports addressing sexual violence in the military to be insufficient, instead referring to a need for ‘widespread occurrence or other (undefined) conditions’ in order to be considered as persecution. The reasoning appears more in keeping with an assessment for establishing crime against humanity, rather than persecution under the 1951 Convention on the Status of Refugees. There is no requirement that acts be widespread to be considered as persecution, although the testimonies of the applicants and country reports could be seen as constituting precisely such evidence they were not utilized as such.”

The article concludes that “[w]omen conscripts in Eritrea are at risk of persecution in the form of rape or sexual violence simply because they are women, as well as due to their race, nationality, political opinion, or religion. Given the severe nature of the violations, it is suggested that access to protection in the form of asylum, as opposed to humanitarian protection or protection on compassionate grounds is merited . . . The Eritrean case study highlights the importance of reassessing how refugee status determination functions with respect to cases involving sexual violence. This requires restructuring of the protection evaluation format. The focus of the protection analysis should be an assessment of whether the state of origin has fulfilled prevention and protection duties regarding sexual violence within its military.”

In recognition of the specific circumstances facing women in the Eritrean military, Norway changed how it handles these applicants. “In 2006, the Norwegian Immigration Directorate suspended return of Eritrean asylum seekers in light of the deterioration of the situation of human rights. The Directorate indicated a shift towards a grant of asylum, although the Appeals Board continues to primarily grant humanitarian protection. In 2007, the Norwegian Government proposed a new Aliens Law which calls for recognition of sexual violence and acts of a gender specific nature as persecution, and announced that new gender guidelines will be created.”

2. *VSAI v. Minister for Immigration & Multicultural & Indigenous Affairs*, [2004] FCA 1602, available at www.unhcr.org/refworld/docid/48abd57d0.html.

In this case, the Federal Court of Australia held that an immigration Tribunal had made an error when in it applied a test erroneously and determined that “incidence of rape and sexual abuse by military officers of female draftees did not occur on a sufficient scale to constitute persecution.” The petition, in which the facts of sexual abuse in the Eritrean military were established, was allowed to be appealed.

In its analysis, the court stated that “[t]he applicant claimed that she would face a real chance of persecution if forced to undertake military service on return to Eritrea by

reason of being a woman. This claim was made and considered separately from her claims to fear persecution based on draft evasion.”

The applicant provided evidence that “women who undertake military service are raped and abused sexually and left with children to cope with. She stated any woman with such a child will be shunned by her own family. She stated she had witnessed many cases of young girls returning home after becoming pregnant while in military training camps. She also stated it was widely known amongst the community that the girls had been subjected to sexual abuse by the officials at the training camp.” Furthermore, “a witness who visited Eritrea the previous year also gave evidence before the Tribunal. She gave evidence that on that occasion she had spoken with women who had become pregnant in Sawa (the military training camp to which the applicant would be assigned). She stated that the women to whom she spoke were unwilling to talk of their experiences apart from referring to the power and position of the officials at the camp.”

The court also indicated that during the Tribunal hearing, “the applicant also relied on an article published in ‘The Age’ newspaper on 12 May 2002 by Xavier La Canna entitled ‘When rape is a requirement of military service.’ That article noted that Sawa is 315 kilometres North-West of Eritrea’s capital, Asmara. It purported to report commentary from the former Eritrean ambassador to Sweden, Hebrat Berhe, and United Nations staff, all of whom were said to be aware of rape in military camps and the fact that it was not isolated but was in the words of the former Swedish ambassador ‘wholesale’. The article also purported to quote a former Eritrean diplomat who had been granted asylum in Australia as follows:

“Always beautiful girls are the target of officers . . . They (the women) are always pressured by punishment, and given privileges if they agree [to sexual relations].”

The court indicates that the Tribunal heard evidence “that the Eritrean ambassador to Australia said the article contained false information. The Tribunal noted that there was a rebuttal of the article by the Eritrean Embassy on 12 December 2002 and that The Age had subsequently withdrawn the article from its website ‘for bias’. There is no evidence before this Court as to what facts are covered by the Tribunal’s reference to bias. The Tribunal did not indicate whether it gave no, or any, weight to this article.”

The Tribunal “accepted the applicant was a member of a ‘particular social group’ as that phrase is used in Art 1A(2) of the Convention. In this case, the particular social group was female draftees identifiable by two characteristics common to the group, namely being female and liable to the draft. Those two common attributes were independent of any shared fear of persecution and distinguished the group from society at large. On the evidence, it was possible to treat female draftees as a social group by reference to the legal, social and cultural norms prevalent in Eritrean society. The Tribunal’s analysis of the facts was thus correct as they fell within the principles to be applied in determining a ‘particular social group’ . . .”

The federal court held that “[r]ape or sexual abuse by an official or a military superior and impregnation whilst on national service is distinguishable from rape occurring as a random incident of civil disturbance or unrest . . . Rape, sexual abuse and impregnation whilst on military service is capable of being characterised as “serious harm” . . . and depending on the evidence, such acts are also capable of constituting ‘systematic and discriminatory’ conduct . . . Any unwillingness by the State of Eritrea to protect young female draftees from rape, sexual abuse or impregnation by military superiors is relevant when determining whether a fear of persecution is well-founded . . .”

In Australian immigration law, “[t]he line of authority deals with the correct meaning of persecution by reference to conduct which is ‘systematic and discriminatory’.” This standard comes from “a decision of Wilcox J, in *Periannan Murugasu v Minister for Immigration and Ethnic Affairs* (unreported; Federal Court of Australia; 28 July 1987). His Honour went on to state at [95] and [99/100]:

“The use of the term “systematic conduct” has proved unfortunate. Tribunals have read it as meaning that there can be no persecution for the purpose of the Convention unless there was a systematic course of conduct by the oppressor. That was not what I meant by using that expression in Chan. I used it as a synonym for non-random, and I think in Murugasu Wilcox J intended its use in the same way . . .

It is an error to suggest that the use of the expression “systematic conduct” in either Murugasu or Chan was intended to require, as a matter of law, that an applicant had to fear organised or methodical conduct, akin to the atrocities committed by the Nazis in the Second World War. Selective harassment, which discriminates against a person for a Convention reason, is inherent in the notion of persecution. Unsystematic or random acts are non-selective. It is therefore not a prerequisite to obtaining refugee status that a person fears being persecuted on a number of occasions or “must show a series of co-ordinated acts directed at him or her which can be said to be not isolated but systematic.” The fear of a single act of harm done for a Convention reason will satisfy the Convention definition of persecution if it is so oppressive that the individual cannot be expected to tolerate it so that refusal to return to the country of the applicant’s nationality is the understandable choice of that person.

Given the misunderstanding that has arisen from using the term “systematic conduct”, it is probably better to refrain from using it in a Convention context. But if it is to be used, those who use it should make it clear that they are referring to “non-random” acts; otherwise, they run the risk of making a legal error.”

The court found that the Tribunal had improperly applied the test and allowed the applicant to appeal the judgment under the proper application of the Chan test.

3. *Tolosa v. Ashcroft*, 384 F.3d 906, 910 – 11 (7th Cir. 2004).

This case vacated and remanded a Board of Immigration Appeals' order upholding a denial of an Eritrean woman's asylum petition. Although the U.S. Court of Appeals for the Seventh Circuit remanded this case for reconsideration in light of the plaintiff's ethnic identity, the court stated that "we note that we have routinely recognized that the type of treatment Tolosa and her family endured—detentions, interrogations, beatings and rape—may qualify as persecution. See *Vladimirova v. Ashcroft*, 377 F.3d 690, 696 (7th Cir. 2004) (collecting cases); *Bace v. Ashcroft*, 352 F.3d 1133, 1138 (7th Cir. 2003)."

III. Non-governmental Organization Resources

1. Human Rights Watch, *Service for Life: State Repression and Indefinite Conscription in Eritrea* (April 16, 2009), <http://www.hrw.org/en/reports/2009/04/16/service-life-0>.

This report details the oppressive nature of national service in Eritrea. It explains that "most of the able-bodied adult population is on active, indefinite, compulsory national service or on reserve duty," for which conscripts are paid a "token wage." According to the report, "detention, torture, and forced labor await anyone who disagrees with the government, anyone who attempts to avoid military service or flee the country without permission." The government justifies these measures, the report notes, by claiming that "Eritrea is a victim of international interference and that this explains the suspension of human rights and democratic procedures and the mass militarization of society."

One section of the report specifically addresses abuse of female conscripts. While interviews that Human Rights Watch conducted with refugees have suggested that women are currently conscripted less than in previous years, "those who are recruited are more at risk of rights violations, rape, and sexual harassment in particular. . . . As one female recruit who served as a conscript for 10 years explained, 'First you do your military training then they hold you forever without your rights. The military leaders can ask you for anything and if you refuse their demands then you can be punished. Almost every woman in the military experiences this kind of problem.'"

The woman quoted above recalls that one commander tied her in the sun for hours and then forced her to work without break as punishment for refusing to have sex with him. Other conscripts were punished by being held in metal shipping containers. "The conditions were cruel, they beat you with a flex, a wire, they beat everyone, every night. They want to make us afraid, just enough beating not to die and not to live." Although prisoners were held in the containers for various reasons, resistance to sexual advances was typical among them. "One female soldier was held with 14 other women for 24 hours a day, some of whom had refused to have sexual relations with their commanding officers. The only time they were allowed outside was to go to the toilet, 'They can hold them there as long as they want, there's no fixed time,' she said. Helen Berhane, the gospel singer, was held with up to 24 other women in a shipping container for part of the two years she spent in detention in Mai Serwa prison, in unbearable heat."

2. Freedom House International, *Worst of the Worst: The World's Most Repressive Societies 2009* (June 3, 2009), <http://www.freedomhouse.org/template.cfm?page=383&report=81>.

Eritrea is listed as one of the twenty-one most repressive societies in the world, according to this selection of data from Freedom House's Annual Global Survey of Political Rights and Civil Liberties. The report "seeks to focus the attention of the United Nations Human Rights Council on states and territories that deserve investigation and condemnation for their widespread violations."

"The judiciary has never issued rulings significantly at variance with government positions, and constitutional guarantees are often ignored in cases related to state security. Torture, arbitrary detentions, and political arrests are common. The Kunama people, one of Eritrea's nine ethnic groups, reportedly face severe discrimination. The government has worked to improve the status of women, codifying equal educational opportunity, equal pay for equal work, and penalties for domestic violence. However, traditional societal discrimination against women persists in the largely rural and agricultural country."

3. War Resisters' International, *Eritrea: Conscientious Object and Desertion* (2005), <http://www.wri-irg.org/system/files/eritrea-en.pdf>.

This document compiled by War Resisters' International contains personal statements and interviews with Eritrean refugees. These interviews cover many areas of human rights abuses, but the sexual abuse of female conscripts is specifically mentioned.

Bisrat Habte Micael, a woman whose conscription began in 1996, said that "[m]any girls were raped. There were girls who adapted themselves to the situation and made advances to officers out of their own initiative, to avoid being raped. There were only male officers. Those who didn't comply, who rejected the men were given the worst work or sent into the war. The girls who had been raped but didn't want to comply were sent to the front too. The girls who were compliant and pretty were treated well. Often they got pregnant involuntarily."

Micael also said that "my superior wanted to prevent me from [taking leave]. He wanted me to cook for him and to be his puppet. I refused that. So I didn't get any holidays, and was sent to the front line instead. We were in Baka, in the area of Girmaik. Those girls who refused to play the housewife had to stand on guard service for 3-4 hours at night as a form of punishment. Those young men who wanted to help them were punished too v they were ordered to stand at attention in the sun for an entire day. The other girls, who played along with the game, were treated well. They got a good room, a nice bed, and got holidays every month to visit their families. But there were only very few who played along. Most refused. We always thought: we would do military service and then go back home."

Ruta Yosef-Tudla, a woman who was conscripted in 2003, said that “[e]specially for women the situation is difficult. Some were brought forcefully to Sawa for the basic training. There they were treated like slaves and also raped. Christians became pregnant from muslims - and vice versa. Some were disowned by their families. The women can hardly endure all this. So some killed themselves, others their child, and some became crazy.”

A male conscript, Saed Ibrahim, also described the abuses that occurred between leaders and women soldiers. “A leader of a section can get away with keeping a young woman to cook for him v and not only for cooking. At the same time, at home he might be a father of three sons and have a wife. The women had to accede to their every wish. Some accepted this in order to survive. Others defended themselves. ‘If I want to work, I could also do this for my family. As a female soldier I’m doing something else.’ These women gave us courage. However, after that, they were not doing very well because they were constantly being harassed. A leader of just a section has the authority to enforce his will on women.”

4. Amnesty International, *‘You have no right to ask’ – Government resists scrutiny on human rights* (May 18, 2004), <http://www.amnesty.org/en/library/info/AFR64/003/2004/en>.

In this report, Amnesty International lists sexual violence against women conscripts as one of its five main concerns about national service in Eritrea. “A former military detainee, conscripted from school in 1995, described to Amnesty International how he and a group of seven other conscripts had presented a petition to officers complaining about use of soldiers for officers’ private gain. As a result, they were detained for over a year in Tehadesso army prison near Mendefera and tortured. He said one soldier was arbitrarily executed and women conscripts were also detained there and their heads shaved for refusing to have sex with commanders.”

According to the report, “There have been allegations from former conscripts of a pattern of sexual violence against female conscripts. Female conscripts are reported to have been subjected to sexual abuse including rape. Amnesty International has received reports that some of the new female recruits were selected by commanders for sex under duress, through being threatened with heavy military duties or being sent to the battle-front during the war or to a remote and harsh posting, or being denied home leave. In some cases, this may be termed rape or possibly sexual slavery because, although it may not have consisted of physical violence, it was coercive within a command and discipline system where women had little or no opportunity to resist. There was no mechanism for complaining to the military or civilian authorities, and when complaints were made, no action was known to have been taken to stop and prevent this practice, which appears to have been widely known. In some cases the women became pregnant and were sent home to their families. They were then subject to extreme social dishonour in the community as unmarried mothers.”

5. Doctors Without Borders, *Liberia: "Sexual violence is a stain on our society"* (August 10, 2009), <http://doctorswithoutborders.org/news/article.cfm?id=3849&cat=voice-from%20the%20field&ref=tag-index>.

In this report "from the field," a Doctors Without Borders staff member shares experiences working with survivors of sexual violence in a post-conflict situation. The report states that sexual violence is "one of the enduring consequences... of Liberia's 14-year bloody civil war."

Because sexual abuse can have lasting psychological effects on victims, Doctors without Borders works with the Ministry of Health and the police force to "provide psychosocial and emotional support to victims of sexual violence and their parents. She and the MSF social workers help survivors and their relatives overcome the stress and trauma of sexual abuse and build confidence to seek the assistance that is available." However, the staff member must constantly be involved in "advocating to the government for free access to medical care for all victims of sexual abuse."

6. Physicians Committee for Human Rights, *Nowhere to Turn: Failure to Support, Protect, and Assure Justice for Darfuri Women* (May 2009), <http://physiciansforhumanrights.org/library/report-2009-05-31.html>.

This report discusses the profound psychological trauma suffered by Darfuri women who have undergone repeated sexual abuse. While the report focuses on Darfuri women in refugee camps, the prolonged nature of the assaults and the absence of mechanisms of justice parallels the experiences described by Eritrean women conscripts. "The cumulative emotional experience of previous attacks is now combined with the impact of current insecurity and ongoing fear of new assaults. Women express lack of trust in camp leadership, a sense of being trapped in a place that is not safe, and fear of speaking out lest they risk retaliation. This heavy psychological burden shows up in the high levels of depression and anxiety expressed in interviews and may explain their described deterioration in general health and constrained use of other services. The study revealed a general innate feeling of hopelessness in living under current camp conditions. The psychological consequences of such experiences are likely to have a marked, adverse impact on women's overall health and well-being, their family and social interaction, and potentially their capacity to work in the future if their time in Chad continues to be prolonged. In addition, the stigma of having been raped will likely have significant discriminatory effects for the women and their families and consequently exacerbate and prolong their psychological symptoms and disabilities in part because disclosure is so taboo."

7. Doctors Without Borders, *Shattered Lives: Immediate medical care vital for sexual violence victims* (March 5, 2009), <http://doctorswithoutborders.org/publications/article.cfm?id=3422&cat=special-report>.

According to this report, sexual violence is not only “exacerbated in war,” but also “affects millions of people living in post-conflict or stable contexts . . . In stable contexts, sexual violence can sometimes also be an activity condoned by governments, as in cases of forced sterilisation, or in rape in state prisons or psychiatric institutions. In 2007, an MSF emergency team in DRC provided medical and psychological care to Congolese women deported from Angola by the Angolan military for working illegally. While being deported, women were systematically beaten and raped. MSF collected 100 testimonies reporting the abuse.”

IV. Media Resources

1. Marie Vlachová & Lea Bion (eds), Geneva Centre for the Democratic Control of Armed Forces, Executive Summary of “*Women in an Insecure World: Violence against Women--Facts, Figures and Analysis*” (September 2005), available at www.dcaf.ch/women/pb_women_ex_sum.pdf.

This book investigates the concept of “gendercide” as an “epidemic” of violence against women on a global scale. “Globally, women aged between fifteen and forty-four are more likely to be injured or die as a result of male violence than through cancer, traffic accidents, malaria and war combined. For each girl and woman killed by mankind, there are scores who are physically or psychologically wounded, if not maimed for life: The World Health Organisation estimates that globally one woman in five will be the victim of rape or attempted rape in her lifetime.”

However, the book notes several situations in which women are particularly vulnerable to sexual violence and consequently more likely to suffer extreme emotional damage. One such situation is violence against women in custody. Although the book refers here to women in prisons, female conscripts in Eritrea are subject to the same denial of freedom as prisoners. The book notes that “women in custody are at risk of rape, sexual assault and torture. Women are placed at particular risk of sexual and physical abuse when male staff are employed in inappropriate capacities in women’s prisons, or when they are imprisoned with men. . . . Women who are abused or exploited by prison staff have little opportunity of escaping from their abuser. Those who file a complaint or take legal action are at risk of retaliation. Custodial violence against women is a particularly egregious violation of women’s rights. Where persons are deprived of their liberty by public authority, the state must protect the individual from violence.”

The book also identifies armed conflict and post-conflict situations as extremely high-risk for violence against women. “During armed conflicts, women are susceptible to marginalisation, poverty and suffering, with existing inequalities and patterns of discrimination tending to be exacerbated. Whilst the impact of armed conflict on women

differs considerably between contexts and between individual women, it is possible to identify common characteristics: widespread sexual violence, the extreme burden which war places on women to ensure their own survival and the care of children and the elderly, and the challenges that war brings to women who decide to take up arms.”

According to the book, the degree of emotional and physical trauma following such violence may be devastating. “Survivors of sexual violence may experience severe, ongoing physical injuries. The nature of physical injury after sexual torture (such as cutting off breasts) is an ever present, horrific reminder of the rape. Some of the most frequent psychological symptoms are anxiety, sleep disorders, nightmares, apathy, loss of self-confidence, depression and, in more severe cases, psychosis. Self-loathing and suicide are not uncommon responses.”

The book goes on to explain that “for the survivor of sexual violence in a post-conflict situation, there a pervading misconception is that their situation is ‘post-traumatic’. In fact, many of the traumatic circumstances that are experienced at the time of rape continue for months and often years after the assault. Post-conflict, chronic malfunction of state institutions and unremitting hardship for and displacement of the population often continues. Women remain the sole providers, family members remain missing, and medical facilities are little improved. Surrounded by such an array of shattering experiences, it is difficult to isolate the particular effects that ‘belong’ to the rape experience. The consequences of rape are inextricably linked to the consequences of a number of war and post-war experiences.”

Also at issue in post-conflict situations is the failure of security sector institutions such as the police. “There are commonly gaps in penal law, inefficient procedures for filing and pursuing complaints, and a lack of medical facilities to provide medical examinations and treatment. Post-conflict governments often have little interest in investigating and punishing perpetrators of violence against women. They may grant amnesties to groups that have perpetrated violence, in an attempt to secure peace. The international community tends to be reluctant to exert pressure on national governments to investigate and punish violence against women, either because such matters are seen as linked to peace processes, or not acknowledged as of international concern.”

2. Alex Last, *Eritrea cracks down on draft dodgers* BBC, July 18, 2002, available at <http://news.bbc.co.uk/2/hi/africa/2135860.stm>.

This article discusses the forceful military recruitment techniques used by the government. It alludes to the “experience of some women in the military” as contributing to community resistance to the drafting of women, particularly in Muslim communities.

3. Ian Fisher, *Like Mother, Like Daughter, Eritrean Women Wage War* N.Y. Times, August 26, 1999, available at <http://www.nytimes.com/1999/08/26/world/like-mother-like-daughter-eritrean-women-wage-war.html>.

This article, one of the few from the New York Times on the subject of the Eritrean military, briefly mentions sexual relations at the front during conflict. A male soldier interviewed admits that sexual relations do occur between male and female soldiers, but suggests that they are consensual. The reporter also notes women doing a larger share of camp work.

4. James C. McKinley, Jr., *Eritrea: African Success Story Being Written* N.Y. Times, April 30, 1996, available at <http://www.nytimes.com/1996/04/30/world/eritrea-african-success-story-being-written.html>.

This New York Times article alludes to reprisals carried out by the government against people who refused to fight in the Ethiopian war, and in particular Jehovah's witnesses. The article also discusses the limited political debate within the country about military issues. The author notes reluctance even by war veterans to criticize the executive branch.