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**DRAFT REPORT OF THE WORKING GROUP ON
THE UNIVERSAL PERIODIC REVIEW***

Eritrea

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Eritrea was held at the 1st meeting on 30 November 2009. The delegation of Eritrea was headed by Dr. Girmai Abraham, Economic Advisor in the Ministry of National Development. At its meeting held on 2 December 2009, the Working Group adopted the present report on Eritrea.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Eritrea: Angola, Italy and Saudi Arabia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Eritrea:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/ERI/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ERI/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ERI/3).
4. A list of questions prepared in advance by Germany, Sweden, the United Kingdom of Great Britain and Northern Ireland, Argentina, the Czech Republic, Latvia and the Netherlands was transmitted to Eritrea through the troika. These questions are available on the extranet of the Working Group.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the first meeting of the sixth session of the Working Group, on 30 November 2009, the delegation of Eritrea led by Dr. Girmai Abraham, Economic Advisor in the Ministry of National Development, introduced the report, indicating that Eritrea viewed this exercise as an important vehicle for presenting its record on human rights, both achievements and challenges.
6. The delegation underlined that the strong belief of both the people and the Government of Eritrea in, among other things, the right to life, liberty and security of the human person, were deeply rooted in the culture and history of the country. No people without such a belief would pay such a high price as the people of Eritrea had to secure that right for themselves. Even under the most trying and harshest of times during the independence struggle, the then Eritrean People's Liberation Front accorded humane treatment to Ethiopian prisoners of war. It did so out of its conviction in such humane act and with a compelling vision as to the future relations between the two neighbouring countries.
7. The delegation indicated that, notwithstanding the fact that Eritrea's independence was won through military victory, the then Transitional Government of Eritrea had chosen in 1991 not to

declare outright independence on account of that victory. Instead, it put the matter in the hands of the Eritrean people in the form of a free, open and internationally monitored referendum.

8. In 1995 the Government, out of its free-will and initiative, formed a commission to prepare a national constitution for Eritrea. The Commission, through a transparent and widely participatory process, drafted a constitution, which was subsequently ratified by a Constituent Assembly in 1997. Eritrea had every intention to fully implement the Constitution. Unfortunately, that intention was mired in the 1998-2000 war with Ethiopia. The full and undivided attention of the Government and the Eritrean people had to be redirected to the defence of the country's hard-won independence and sovereignty.

9. The delegation noted that in the view of some critics, the validity and usefulness of the Constitution solely depends on whether or not Eritrea held national elections. As important as national elections were, the Constitution also dealt with some other fundamental rights, freedoms and duties, including the protection of women's rights, the rights of the child, sustainable development, safeguarding the environment and the right to property. The delegation affirmed that Eritrea was for the most part implementing the Constitution.

10. Concerning the rights of women, the Eritrean Constitution and other pertinent laws, including the Transitional Civil Code, the Transitional Penal Code, the Land Proclamation, the Election of Regional Assemblies Proclamation and the Proclamation to Abolish Female Circumcision, protect and safeguard the rights of women.

11. With respect to the rights of the child, Eritrea signed and ratified the Convention on the Rights of the Child (CRC) in August 1994. In 2000, Eritrea also signed and ratified the African Charter on the Right and Welfare of Children, and in 2005 acceded to the Optional Protocol to CRC on the sale of children, child prostitution and child pornography and the Optional Protocol to CRC on the involvement of children in armed conflict. Various initiatives have been carried out to ensure the implementation of CRC.

12. The delegation indicated that the idea that Eritrea recruits underage children for military service, subjects them to detention or maltreats them was inconsistent both with the ideals of the Government and its practice on the ground. National service, as a legal requirement, begins at 18 years of age and there was no such a thing as forced recruitment. Students attending the twelfth grade and preparing for the school leaving certificate exam in Sawa should not be confused with national service conscripts.

13. Eritrea indicated that there were around 100, 000 persons with disabilities in the country, 20,000 of whom were veterans. The devastation brought about by a war affected not only the disabled war veterans but also the surviving families of martyrs. Social ills such as HIV/AIDS, poverty, parental death and family breakdowns had also contributed to the social welfare challenges Eritrea continued to face.

14. Regarding the right to development, Eritrea fully endorses the approach defined by General Assembly resolution 46/128 of 4 December 1986 and the 1993 Vienna Declaration and Programme of Action, and had acted accordingly since independence. As a result, the average Eritrean citizen enjoyed far greater access to education, health, water, sanitary, credit and microfinance facilities, transportation and electricity services and specialized capacity-building opportunities than ever before. The Government considers this as a more meaningful expression of its duty and responsibility of protecting the democratic and human rights of the Eritrean people.

15. Like all colonized nations, Eritrea had suffered from development dualism. Large parts of the country were marginalized during the European colonial period, in which period the modernization of Eritrea took root. The Government had long recognized the threat to national security, communal harmony and sustainable development that such dualism could have on the young State. Thus, the Government's development programmes after independence began from the periphery and deliberately moved towards the centre. The Government views the existing communal, ethnic and religious harmony as a cornerstone of Eritrea's sustainable and peaceful development. In this connection, it views any pressure on the country by outside forces to adopt practices, policies and models of development and governance that would in any way tamper with Eritrea's ethnic and communal harmony as counterproductive and contrary to the best interest of Eritrea.

16. Eritrea considers access to food for all citizens as a human right and has been, and still is, heavily investing in food security. At the moment, Eritrea is not self-sufficient in food production. It thus welcomed and appreciated food aid from donor agencies, provided the food aid modalities did not create dependency, introduce market distortions and above all, did not hamper the development of the agricultural sector. In the Government's view, it is not too much to ask that those interested in forming a meaningful partnership with Eritrea make adjustments in their food aid policies, distribution modalities and even legislation, in order to help the country make effective use of their support.

17. Eritrea prepared its first report on the Millennium Development Goals in November 2006. The report concluded that Eritrea was on track to achieve six of the eight goals. Eritrea was one of only 16 countries worldwide and one of four countries in Africa expected to achieve most, if not all, of the goals by the target year of 2015.

18. Concerning the right to education, Eritrea has since independence been expending large amounts of resources to implement its education policy and realize its vision. Consequently, significant progress has been made in all spheres of education.

19. On the right to health, Eritrea's long-term vision is the development of a health-care system in which all citizens have easy access to quality health services at affordable cost. During 1995-2009, life expectancy increased from 45 to 61.8 years; infant mortality decreased from 72 to 48 deaths per 1,000 live births; and the under-five mortality rate dropped from 136 to 93 deaths per 1000 live births. The malaria morbidity and mortality rate dropped by over 80 per cent since 1999, making Eritrea one of the few countries in sub-Saharan Africa to meet the Abuja Roll Back Malaria targets. HIV prevalence has been kept under control at below 2.4 per cent and Eritrea is projected to be on track to achieve the Millennium health targets by 2015.

20. Recognizing the corrosive impact that corruption could have on society and government, Eritrea established in 1995 a Special Court to implement its zero tolerance policy on corruption. In particular, the Special Court has been empowered to hear and decide cases involving corruption, fraud, theft and embezzlement pursuant to the relevant provisions of the Transitional Penal Code. Insinuations that the Special Court adjudicated matters outside its mandate have no validity.

21. The Eritrean Constitution and other pertinent laws expressly provide that citizens have the freedom to practice any religion and to manifest such practice. During the 30-year struggle for national independence, all nine Eritrean nationalities with different faiths, languages and cultures were united as one and built a secular State. Thus, the protection and guarantee of freedom of religion provided by Eritrean laws were only a confirmation of that tolerance. In 1995, the Government established the

Department of Religious Affairs entrusted with liaising between government and religious institutions. The Proclamation not only guarantees freedom of religion but also reaffirms that Eritrea is a secular State with a clear separation of religion and state.

22. The delegation indicated that Eritrea remained actively engaged with the OHCHR, the treaty bodies and special procedures of the Human Rights Council. Pursuant to its treaty commitments, Eritrea has submitted its periodic reports on the implementation of CRC and the Convention on the Elimination of All Forms of Discrimination against Women to the respective committees. Additional information has also been provided to the committees.

23. Upon liberation, Eritrea inherited a devastated economy and infrastructure, dysfunctional institutions and an empty treasury. Nevertheless, Eritrea has succeeded in building a strong and functional government; defending its independence and sovereignty; building a cohesive and harmonious and united people; laying the foundation for rapid future social, economic, political and cultural development of the country; investing heavily in the social sector and economic infrastructure; and establishing and enacting the necessary legal infrastructure to govern virtually all spheres of life by adopting, with necessary amendments, a body of transitional codified laws. In addition, Eritrea has acceded to most of the core international human rights instruments. National codes based on the Eritrean Constitution have been drafted and are in the final stage of editing and translation into local languages.

24. In carrying out its development programmes, Eritrea has adopted a number of best practices, including effective community-based social protection programmes. In recognition of the equality of Eritrea's ethnic communities, Eritrea, despite its limited resources, broadcasts radio and television programmes in nine and three local languages, respectively. The print media operate in three languages. The Universal Declaration of Human Rights has been translated into local languages and will be published shortly. Similarly, the text of CRC has been published in six Eritrean languages.

B. Interactive dialogue and responses by the State under review

25. During the interactive dialogue, 39 delegations made statements. A number of delegations commended Eritrea for its participation in the universal periodic review and the dialogue with the Human Rights Council. Statements were also made thanking Eritrea for the submission of its national report but regretting its very late submission. Recommendations made during the interactive dialogue are to be found in section II of the present report.

26. Algeria recalled that the universal periodic review was not a place for confrontations but rather a way to assess progress and challenges. Therefore, Algeria hoped that the two-week interactive dialogue would be constructive and help move forward the cause. Algeria encouraged Eritrea to establish a national human rights institution in conformity with the Paris Principles. It congratulated Eritrea for having adhered to the Convention on the Elimination of All Forms of Discrimination against Women without reservations and welcomed the fact that 22 per cent of the members of Parliament are women. Algeria also noted the existence of plans and programmes for children. Algeria welcomed efforts made by Eritrea to eradicate female genital mutilation. Algeria added that Eritrea was affected by severe drought which prevents its population from enjoying its right to food. Algeria made several recommendations.

27. Turkey stated that 1997 Constitution upholds the rule of law and provides a solid basis for the protection of human rights. It encouraged Eritrea to pursue its efforts to implement the Constitution and commended its cooperation with the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. It further encouraged Eritrea to accede to other international Conventions, and to cooperate with the Special Rapporteur on Freedom of Expression and Freedom of Religion. Turkey encouraged Eritrea to continue to combat female genital mutilation and wished to have Eritrea views on capacity building in human rights. Turkey made recommendations.

28. Sweden welcomed that the Constitution guarantees freedom of expression and allow persons deprived of their liberty to have their case heard by a court. It mentioned that widespread violations of freedom of expression are reported and that several journalists, among others, remain in detention without being heard by a court. Sweden stated that only the ruling party was able to act in Eritrea while persons involved in political issues are often harassed. Sweden commended Eritrea for having abolished female genital mutilation but expressed concerns, among others, regarding labour rights and women's and children's rights as well as freedom of religion or belief. Sweden made several recommendations.

29. Canada recognized Eritrea Government efforts to increase the level of representation of women in the national Parliament and its progress in increasing enrolment rates and gender equality in primary schools. Canada noted that Eritrea has adopted a Constitution in 1997, which grants various freedoms and human rights safeguards, and welcomed the passing of law banning FGM. Canada was also concerned about, inter alia, restrictions on freedom of expression, religion, belief and assembly; criminalization of sexual activity between consenting adults of the same sex; arbitrary detention, torture and deaths in custody; as well as detainees' lack of access to adequate food, health care and basic services. Canada made a number of recommendations.

30. Egypt thanked Eritrea for its national report which reflected both steps undertaken and challenges faced for the protection of human rights. Egypt commended Eritrea for its concrete results notably regarding the launch of the early childhood development programme, its commitment to combat female genital mutilation and the advocacy work carried out by the National Union of Eritrean Women and the initiatives to combat sexual exploitation of children. Egypt made several recommendations.

31. The United Arab Emirates noted that the Eritrean national report was drafted through a large national consultation. It also took note with satisfaction on the efforts made by Eritrea on the protection of children and women rights.

32. Brazil asked Eritrea to comment on the difficulties it faced to submit its national report in a timely manner and recalled that it was ready to collaborate with developing countries in this regard. Brazil acknowledged that Eritrea is party to the core human rights instruments and that the national legislation provides for the protection of human rights but noted with concern numerous accounts of human rights violations. It asked for comments on efforts being made to strengthen the rule of law. Brazil commended Eritrea for its positive actions relating to education but expressed concern on the fact that all graduate university courses have been virtually shut. Brazil commended Eritrea for its policy relating to HIV/AIDS and asked to further elaborate on the situation. Brazil made several recommendations.

33. The United Kingdom of Great Britain and Northern Ireland was interested to know how civil society was engaged during the drafting process of the national report and how the Government plans to engage with it in the follow-up to Eritrea's UPR. It welcomed the progress made on the Millennium Development Goals and noted that Eritrea is on schedule to meet important targets for 2015 in the areas of child health, maternal mortality, HIV/AIDS and other major diseases. The United Kingdom raised questions and made a number of recommendations.

34. Mexico recognized challenges faced by Eritrea for its development due to the recent armed conflict. It welcomed the progress made for the implementation of its human rights obligations and the Millennium Development Goals, notably its legal measures on gender equity, the reintegration of orphans in families and the community rehabilitation of disabled persons. Mexico asked how national service is compatible with the enjoyment of all human rights by the population. Mexico made several recommendations.

35. The Netherlands commended Eritrea for its focus in the reconstruction and development of its economy with the understanding that this will include the realization of economic, social and cultural rights as well as civil and political rights. Netherlands made a number of recommendations.

36. Morocco commended Eritrea for its institutional and legal framework relating to the human rights protection in spite of its development constraints. It noted difficulties encountered in the implementation of priority programmes and commended commitments made by Eritrea in the area of reconstruction and development. Morocco indicated that the actions undertaken towards poverty eradication and the reinforcement of the programme to reduce this plight raised its attention. Therefore Morocco asked more information on the integration of human rights protection in this programme. Morocco inquired how Eritrea intended to associate the civil society in programmes aimed at enhancing the situation of children and women. Morocco made several recommendations.

37. Austria welcomed the ratification by Eritrea of several core international human rights conventions, but expressed concerns regarding, inter alia, enforced disappearances, arrest without charges, torture and sometimes death in detention. It appreciated the adoption of a law abolishing female genital mutilation but remained concerned about the persistence of this phenomenon. It was also concerned about reports indicating rape and sexual slavery of female recruits to the armed forces. Austria made recommendations.

38. Cuba noted that the Eritrean national report present both progress made and challenges faced by the country. It added that Eritrea is a small developing country victim of the unjust international economic order. Cuba highlighted the progressive results made in the area of health and education. It noted the increasing school enrolment both in primary and secondary education in the recent years and the doubling of the public budget allocated to education between 2000 and 2005. Cuba noted the efforts aimed at guaranteeing quality and accessible health services to all citizens. Cuba stated that a strengthening of international cooperation will be a major contribution to the efforts being made by Eritrea. Cuba made several recommendations.

39. Spain encouraged Eritrea to strengthen the rule of law as a basic rule for protecting human rights and fundamental freedoms. It also addressed five issues, namely the cooperation with special

procedures of the Human Rights Council, the ratification of international instruments, death penalty, women rights and the implementation of the 1997 Constitution and made related recommendations.

40. Australia commended Eritrea for the adoption of the 2007 law abolishing female genital mutilation and its five-year strategic plan and the awareness-raising campaign in this regard. Australia was deeply concerned at the reported situation on the right to life, liberty and security of the person. It also noted the reported existence of secret detention facilities and shared concerns of United Nations special procedures at reports of detention and torture of religious minority groups; of journalists being arbitrarily arrested and detained; and at the situation of human rights defenders regarding restrictions placed on Eritrean and international NGOs. Australia made several recommendations.

41. France posed questions concerning invitations to Human Rights Council special procedures and Eritrea's intention to start real cooperation with them; the criminalization of female genital mutilation and means and action envisaged to implement relevant legislation; and freedom of movement at the borders and protection of the rights of Eritreans who are repatriated against their will. France made a number of recommendations.

42. Norway expressed his belief that civil society played an important role in fostering a culture of human rights. It appreciated that Eritrea is party to several human rights instruments but expressed concern at the lack of implementation of fundamental human rights, including freedom of opinion, expression, association and peaceful assembly. Norway expressed concerns at reports indicating that children are victims of torture, cruel and degrading treatment by the police and military and about the situation of political prisoners and journalists detained. While noting that gender equality is an issue of highest importance to be addressed in Eritrea, Norway commended its efforts in order to increase focus on gender issue. The promotion of a public stance against domestic violence and the work carried out by the National Union of Eritrean Women were mentioned. Norway made several recommendations.

43. Ireland welcomed Eritrea's commitment to abolishing FGM, the proclamation in 2007 which criminalises FGM and requested further information on progress which has been made to date. It asked whether Eritrea would be willing to extend a standing invitation to the Human Rights Council special procedures. Ireland made recommendations.

44. Qatar noted that Eritrea spared no efforts in order to respond to the urgent needs of the population and to ensure development of the country for the achievement of all human rights. Qatar made reference to the five-year plan aimed at accelerating economic development, combating poverty and providing education, health care and employment opportunities for every citizen. Qatar noted with satisfaction the doubling of the budget allocated to education between 2000 and 2005 and valued the Government decision to allow children to study in mother tongue in primary school. Qatar made a recommendation.

45. Chile welcomed Eritrea for the information provided on the measures adopted by the authorities in different areas with a view to improving the protection and promotion of human rights in a particularly complex context. Chile made a number of recommendations.

46. The delegation of Eritrea indicated that it has listened with great interest to the comments and recommendations made. It underlined that Eritrea's participation in the universal periodic review is a testimony to its commitment to the promotion and protection of human rights everywhere, including in Eritrea. Eritrea is interested in engaging in a constructive dialogue in order to further and advance all

the rights of its people. It was important to stress the context under which Eritrea is functioning. As a post-war society, Eritrea has been facing several challenges. Before independence, almost all of Eritrea's youth were engaged in the war. Their opportunity to go to school, to further their education and their skills were denied and, therefore, the country has little by way of finances, infrastructure and any investment in the social sector.

47. The delegation replied to questions raised. Eritrea was very open to considering visits by organizations interested in human rights as long as it was based on a dialogue, partnership and respect for relationships.

48. On the issue of the eleven Government officials who are detained in Eritrea, they are treated humanely but visits are limited. This was a highly sensitive issue to Eritrea involving national security and the sovereignty of the country.

49. Concerning the issue of freedom of expression, the delegation stated that no one was imprisoned in Eritrea for merely expressing their views. Press freedom, on the other hand, was another matter. The Government with its principle of establishing a democratic and open society had originally given freedom of the press to privately owned businesses. Those newspapers started chipping into the very fabric of the unity and harmony of the Eritrean society and the country had to take corrective measures. Eritrea recognized that this was an outstanding issue which it was very much interested in looking at.

50. On the question of national service, national service as previously mentioned is a legal requirement in Eritrea, like in many other countries. Failure to perform national service renders offenders liable to punishment or financial penalty.

51. On the issue of allegations of sexual violence against female conscripts, the delegation stated that it was not a generalised problem in the country, although certain cases may exist. Sexual violence was not an issue in the country, despite indications to the contrary in some reports. The delegation did not believe that rape was a widespread problem either. Criminal provisions relating to rape and sexual abuse are severe.

52. Responding to the question of religious freedom, the delegation stated that there was religious tolerance in Eritrea, and there were no communal or faith problems in the country. Problems arose when religion was used for other purposes, otherwise there was no religious persecution. Religious intolerance was inconsistent with the principles and practice of Eritrea, as a pluralistic country.

53. Germany noted concerns expressed regarding the right to participate in public and political life, especially regarding severe restrictions on the freedom of the press. Germany made reference to internet censorship and to journalists at risk of arbitrary arrest and detention. Germany asked how Eritrea addresses concerns about the prosecution of persons expressing dissenting views. Germany made several recommendations.

54. Switzerland recognized the efforts by Eritrea with the aim to developing the Millennium Development Goals objectives, in particular in the field of gender equality in primary education, child health, maternal mortality, HIV/AIDS, malaria and access to water. Through the stakeholders' summary, Switzerland learnt of the existence of thousands of detainees who cannot exercise their

rights in contravention of the judicial safeguards guaranteed by international law. Switzerland made recommendations.

55. Pakistan appreciated the inclusive process used for the preparation of the national report, including the participation of the civil society. While noting the challenges faced by Eritrea in rebuilding the country after 30 years of armed conflict, Pakistan stated that its aspiration to become a developed and democratic country is highly encouraging. Pakistan noted that women participation was ensured throughout the constitution making process and that 30 per cent of seats are reserved to women in Parliament. Pakistan asked for more information on the political participation of women notably at local and community levels. Pakistan made reference to the five-year development plan and hoped that its implementation will play a key role in ensuring human rights of the population. Pakistan made several recommendations.

56. Slovenia understood the sensitive political situation Eritrea was facing, but noted that political instability and unresolved border disputes could not be an excuse for human rights abuses and violations. Slovenia appreciated Eritrea's efforts to eradicate female genital mutilation through law, but remained concerned about numerous reports of sexual abuses of female conscripts. Slovenia made a number of recommendations.

57. Argentina made reference to reports regarding the violations of human rights of the civil society. It noted positive progress made related to raising the age for military service and made reference to the situation of minors in detention, among others, for not fulfilling military service. Argentina addressed the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Argentina recognized that Eritrea has prohibited female genital mutilation although it is still reportedly practiced. Argentina made several recommendations.

58. The Democratic Republic of the Congo noted that Eritrea had ratified the conventions under the competence of the International Labour Organization (ILO) and that the Constitution guaranteed a wide range of human rights. It appreciated Eritrea's efforts for the promotion of women's rights, in particular marriage rights. The Democratic Republic of the Congo posed questions concerning transitional justice and education of young girls, and made recommendations.

59. Azerbaijan noted the elaboration of the five-year indicative development plan and the achievements in the fields of health and education. It made reference to the remarks of the Committee on the Rights of the Child on the improved school enrolment rate and the growing education budget. Azerbaijan commended Eritrea for its efforts to promote gender equality and to increase women's participation in all aspects of the society and for the prohibition of female genital mutilation by law. It noted that Eritrea intends to accede to the remaining core international human rights treaties and asked for measures taken to combat human trafficking. Azerbaijan made several recommendations.

60. Poland noted with appreciation the ratification of the Optional Protocols to CRC on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography and encouraged Eritrea to ratify other core universal human rights treaties. Poland made recommendations.

61. Latvia noted that several requests by special procedures mandate-holders to visit Eritrea, an issue that it also addressed in a written question before the UPR session, have not been accepted yet. Latvia made a recommendation in this regard.

62. Malaysia noted the commitment of Eritrea to promote and protect human rights notably demonstrated by the accession to a number of international human rights instruments. It noted the remaining gaps in their implementation due to the recent conflict. Malaysia also noted the proactive measures undertaken by Eritrea aimed at ensuring respect for human rights and the rule of law in spite of limited financial and human resources. Malaysia made several recommendations.

63. China noted that, despite numerous difficulties, Eritrea made some major achievements, including the ratification in 2007 of the Convention on the Elimination of All Forms of Discrimination against Women, the adoption of a law on female genital mutilation and of actions plans for the protection of children rights and safe maternity. It is envisaged that, by 2015, Eritrea could realize the Millennium goal of gender equality in primary schools. Meanwhile, the country continues its efforts to meet goals in the area of child health, access to safe water, HIV/AIDS and malaria. All this progress is hard-won results because, as a developing country, Eritrea lacks of structures and financial means.

64. Saudi Arabia noted that the Constitution enshrines provisions for the protection of human rights and fundamental freedoms, including the principle of non-discrimination. The Committee on the Rights of the Child had welcomed the progress made to promote the rights of children. Saudi Arabia referred to the national report mentioning the active role of non-governmental organizations in various human rights fields. Saudi Arabia noted that Eritrea ratified various international human rights instruments and reported on their implementation. It added that OHCHR is involved in human rights activities in Eritrea. Saudi Arabia noted the commitments of Eritrea in promoting and protecting human rights and its efforts to meet the Millennium Development Goals, notably in the area of education or health for children.

65. The United States of America expressed concerns with regard to the existence of special courts which are not bound by the criminal code; allegations that Eritreans in military services are used as labourers for their commanding officers and are requested to continue their service indefinitely; the treatment of migrants and asylum seekers forcibly returned to the country; violations of the right to privacy as same-sex activity is considered as a crime dealt with by the Penal Code; and the postponement of political elections. The United States made a number of recommendations.

66. Slovakia noted efforts made by Eritrea to build a legal framework to safeguard human rights despite existing challenges. Slovakia stated that the new legislation should provide for freedom of expression, of assembly, movement and belief. Slovakia recalled the work of the civil society in promoting human rights. Slovakia regretted that no consultation or dialogue were organized with the civil society within the framework of the universal periodic review and hoped for an open and inclusive participation of the civil society in the implementation of the UPR recommendations. Slovakia stated that in spite of a prohibition by law, child labour is widely reported. Slovakia made several recommendations.

67. South Africa welcomed the ongoing efforts of the Government of Eritrea to reform its national laws such that they conform to its Constitution as well as its international obligations. South Africa

asked questions related to the timeline of the law reform process; to the training of law enforcement personnel and the judiciary; to allegations of enforced disappearances and torture by the police and the army. South Africa made recommendations.

68. Ghana noted the efforts made by Eritrea to improve human rights protection and promotion, notably some best practices, such as the participation of women in the Constitution making process. Ghana stated that the “no war no peace” situation constitutes a major constraint to the achievement of several objectives. Ghana encouraged Eritrea to implement its Constitution. Ghana looked forward to increased cooperation between the Human Rights Council and Eritrea and hoped that Eritrea will receive necessary assistance to report on the implementation of the instrument it has ratified. Ghana made several recommendations.

69. Nigeria welcomed the strides Eritrea has made to effectively cooperate with all stakeholders and to harmonize its domestic legislation with international human rights instruments. Nigeria also noted that it was important for the Council to appreciate the various constraints that stand on the way of Eritrea in its efforts toward the progressive realization of human rights, particularly economic, social and cultural rights for its citizens. Nigeria made recommendations.

70. Bangladesh stated that it understood the circumstances the challenges and prospects of Eritrea taking into account its situation. It noted with satisfaction what has been undertaken to improve the socio-economic condition of the population, notably the progress made relating to MDGs. Special mention was made to the progress reached regarding health and education. Bangladesh commended Eritrea for the adoption of the transitional civil code. Bangladesh made reference to the challenges faced by Eritrea, notably the lack of financial resources, which hinders enjoyment of economic and social rights in particular. Bangladesh referred to poverty and food insecurity and stated that international support would be essential for the poverty eradication programmes and to achieve food security. Bangladesh made several recommendations.

71. The Islamic Republic of Iran noted that Eritrea is currently elaborating a five-year development plan with a view of eradicating poverty and provide access to education, health care, job opportunity and social security for all its citizens. Iran also noted that the Government was developing a health care sector in order to address and reduce maternal and child mortality. Iran made recommendations.

72. The delegation stated that it had taken note of comments and recommendations made and would respond to some of them. Concerning questions raised about the exploitation of women, the delegation indicated that there are concerted efforts to promote the women’s agenda and rights in the country. On the related matter of female genital mutilation, the delegation referred to the extensive campaign by the Government to educate the public about this issue. It pointed out that, while the practice was rooted in a very traditional culture, which will take time to wipe out, the Government is committed to addressing this issue.

73. Regarding the issue of human trafficking, the delegation pointed out that there were two aspects to it: migration for economic reasons and illegal trafficking. On the issue of economic migrants, while there may have been some anomalies in the past, today Eritrean embassies are all under instructions to extend consular services to all Eritrean migrants wherever they are, regardless of how they have come to those countries. Returnees go straight to their homes upon return, no questions asked.

74. Regarding the question raised on Special court, the delegation indicated there is no evidence that this court actually adjudicates on issues or cases outside of its mandate. It was there to root out corruption and was a necessary tool for governance. Experience revealed that there may have been some anomalies at its establishment but it now had established procedures.

75. Replying to the question on non-governmental organizations, the delegation indicated that international non-governmental organizations were allowed to operate in the country. If they did not accept the national law under which they should operate then it was difficult for them to operate in the country. Local non-governmental organizations do fight for the human rights of their members and of society, such as for Eritrean women, students and workers, but they may not be called human rights organizations. Local non-governmental organizations may take a different form from those in other countries but that did not imply they did not exist in Eritrea.

76. On the issue of freedom of movement of citizens, the delegation stated that any one in Eritrea can move freely and work and live where they want, the exception being for those fulfilling national service.

77. The delegation understood it had not responded to all questions and would look at the written statements carefully and respond to them more fully during the plenary of the Council.

78. The delegation concluded by indicating that it had addressed many of the issues raised, and thanked all who participated in the dialogue, and provided assistance. The universal periodic review was a useful exercise. Its broad scope of issues had allowed different officials and experts to look at them in a more comprehensive way. Eritrea was ready to go further with the process of constructive engagement and building a partnership for the consolidation of human rights.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

79. In the course of the discussion, the following recommendations were made to Eritrea. These recommendations will be examined by Eritrea, which will provide responses in due time. The response of Eritrea to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:

1. Give favourable consideration to ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) as well as the Convention on the Rights of Persons with Disabilities (CRPD) (Mexico);
2. Accede to CAT (Azerbaijan);
3. Ratify CAT (Poland, Turkey, Austria, Norway);
4. Ratify CAT without delay (Netherlands);
5. Consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and accept the jurisdiction of the relevant committee (Argentina);

6. Ratify the Rome Statute of the International Criminal Court, including accession to the Agreement on the Privileges and Immunities (Slovakia);
7. Ratify CRPD as well the optional protocols to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (Austria);
8. Sign and ratify CAT, ICCPR, CED, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and CRPD and its Optional Protocol (Spain);
9. Abolish the death penalty once and for all, sign and ratify the second Optional Protocol to ICCPR (Spain);
10. Ratify ILO convention 182 on the worst forms of child labour following the relevant recommendation made by Committee on the Rights of the Child in 2008 (France);
11. Sign, ratify and implement CED as soon as possible and cooperate actively with the Working Group on enforced or involuntary disappearances (France);
12. Ratify CAT and its Optional Protocol, as well the two Optional Protocols to ICCPR, and the Rome Statute of the International Criminal Court (Chile);
13. Consider ratifying the Rome Statute, CAT and the second Optional Protocol to ICCPR (Switzerland);
14. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant workers and Members of their Families (Nigeria);
15. Implement the 1997 Constitution and the rights that this document enshrines, including freedom of expression (Australia);
16. Take the necessary steps to implement its Constitution (Canada);
17. Expeditiously and fully implement the Constitution adopted in 1997 and strive for earliest adoption of a penal and criminal procedure code as well as a civil and civil procedure code in accordance with international standards and provide clearly in new legislation for freedom of expression, assembly, movement and belief (Slovakia);
18. Apply the 1997 Constitution, approve a law on political parties and hold democratic elections (Spain);
19. Implement the 1997 Constitution and publicly affirm the right to freedom of expression, opinion, religion, association and movement (Slovenia);

20. Consider establishing an independent national human rights institution in conformity with the Paris Principles (Algeria, Egypt);
21. Consider establishing an independent national human rights institution (Nigeria) ;
22. Strengthen its human rights infrastructure (Pakistan);
23. Adopt a national action plan for children in order to cover all areas included in the Convention on the Rights of the Child (Algeria);
24. Consider issuing a standing invitation to all United Nations human rights special procedures (Brazil);
25. Grant the request made by the Special Rapporteur on torture in 2005 and 2007 to visit the country (Netherlands);
26. Invite the special procedures mandate-holders who requested to visit the country (Turkey);
27. Issue a standing invitation to the special procedures of the Human Rights Council (Poland, Argentina, Chile);
28. Extend a standing invitation to all special procedures and give a positive response to pending visits of Special Rapporteurs on freedom of expression, freedom of religion and the right to food and the Special Rapporteur on torture (Spain);
29. Respond positively to requests for visits by the United Nations Special Rapporteurs on torture and freedom of opinion and expression (Ireland);
30. Enhance the level of cooperation with different United Nations treaty bodies and special procedures (Azerbaijan);
31. Step up cooperation with the special procedures and consider extending a standing invitation to them (Latvia);
32. Improve its cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports to the Committee on the Elimination of Racial Discrimination and Committee on Economic, Social and Cultural Rights and, if need be, identify needs for assistance to that end (Norway);
33. Establish an effective and inclusive process to follow-up on recommendations of the Working Group on the Universal Periodic Review (Norway);
34. Repeal all legislative provisions which criminalize sexual activity between consenting adults of the same sex (Canada);

35. Bring its penal code into conformity with its international human rights obligations by repealing those provisions which criminalize same-sex activity between consenting adults (United States);
36. Implement the recommendations of the Committee on the Rights of the Child (Norway);
37. Fully implement the recommendations of the Committee on the Rights of the Child contained in paragraph 61 of document CRC/C/ERI/CO/3 (Slovenia);
38. Take necessary measures to ensure full enjoyment of the right to life, physical integrity and security of all persons (Argentina);
39. Make the promotion of gender equality an explicit component in all development policies (Spain);
40. Consider implementing an educational campaign aimed at the promotion of gender equity, as well as awareness-raising on harmful practices against women (South Africa);
41. Take all measures which may contribute to combat female genital mutilation () (Algeria);
42. Fully enforce the commitment to abolishing female genital mutilation (Ireland);
43. Implement in a comprehensive manner the national plan against female genital mutilation and allocate adequate resources to this end (Norway);
44. Continue and strengthen its efforts regarding the prohibition of female genital mutilation (Germany);
45. Continue to apply existing legislation and adopt measures to eradicate female genital mutilation (Chile);
46. Take all measures to ensure the prohibition of female genital mutilation and its effective criminalization (Argentina, Norway);
47. Implement a strategy to support the law banning female genital mutilation, including an awareness and education campaign (Canada);
48. Continue its efforts to raise awareness as well as effectively enforce the abolishment of female genital mutilation by providing adequate resources and bringing perpetrators of such cruelty to justice (Austria);
49. Strengthen its implementation of the laws to protect women and girls from rape and other forms of sexual violence and sexual exploitation and hold accountable those responsible for such crimes (Ghana);
50. Criminalize all acts of sexual violence and rape in marriage (Spain);

51. Criminalize rape in marriage (France);
52. Adopt a more comprehensive legislation to combat domestic violence and all forms of sexual abuse (France);
53. Take appropriate measures to guarantee that all legal provisions, and especially those of the Civil Code and customary practices, are in conformity with the minimum age for marriage which, under the Constitution, is 18 years (France);
54. Take all necessary measures to protect the human rights, dignity and physical integrity of female members of the armed forces through an awareness-raising campaign, and also by taking firm judicial and disciplinary action against perpetrators (Austria);
55. Undertake all necessary measures to stop sexual exploitation and violence against women in the armed forces (Slovenia);
56. Take all possible measures to prevent the recruitment and torture or cruel and degrading treatment by the police and military of children (Germany);
57. Make means available to give effect to the norm which raises the minimum age for military service and guarantees that minors not be subjected to any treatment that violates fundamental human rights and that they be ensured the right not to do their military service (Argentina);
58. Respect the provisions of the Proclamation on National Service and immediately end the practice of indefinitely extending military service (Canada);
59. Recognize the right to conscientious objection to military service and reinstate the alternative civilian national service (Slovenia);
60. Consider ending the practice of indefinite national service and begin a process of phased demobilization for those who have served for more than the statutory 18 months (United Kingdom);
61. Look to ensure the avoidance of national service conscripts being used as forced labour for private enterprises and to end the recruitment of children under the age of 18 into military service and training (United Kingdom);
62. Curb abuses of Eritrean citizens in the national service programme, pass and enforce a comprehensive anti-trafficking statute, and cease the conscription of children into military services (United States of America);
63. Take effective measures to eradicate underage recruitment (under 18), to elaborate programmes for protection of children from torture, cruel, inhuman or degrading treatment and to provide independent access to physical and psychological recovery, social reintegration and compensation for victims of armed conflicts (Poland);

64. Make a concerted effort to prevent the use of child soldiers in its recurrent armed conflict (Ghana);
65. Take effective measures to protect all children against torture, cruel, inhuman and degrading treatment as well as investigating and punishing those responsible (Argentina);
66. Issue clear public orders to the security forces to cease arbitrary arrest, detention and torture (Slovenia);
67. Fully cooperate with the competent humanitarian bodies in order to secure the protection of internally displaced children (Chile);
68. Strengthen its efforts to address the problems of street children and child labour (Azerbaijan);
69. Ban child corporal punishment, notably within the penal and the educational system (France);
70. Consider developing a comprehensive plan for the care and protection of children as recommended by the Committee on the Rights of the Child (South Africa);
71. Strengthen efforts in raising public awareness to eliminate child labour (Slovakia);
72. Put in place a separate system of juvenile justice which will provide for the creation of separate detention facilities for children and adults (France);
73. Adopt measures to improve the access for international and national humanitarian organizations to detention centres (Mexico);
74. Provide unlimited access to the International Committee of the Red Cross to all detention facilities in the country (Netherlands);
75. Allow independent monitors access to all known and secret detention facilities within one year (Slovenia);
76. Allow independent monitors to access all Eritrean detention facilities and ensure that international standards of law in the treatment of prisoners are respected in Eritrea (Australia);
77. Treat all detainees humanely and immediately release all prisoners detained without charge or trial or opportunity for appeal (Canada);
78. Respect international standards of law in the treatment of prisoners (Slovenia);
79. Ensure that arrested persons have adequate access to legal representation and to establish effective judicial oversight over police and security forces (Austria);

80. Charge all other prisoners with a recognizable criminal offence and ensure that they are tried in accordance with international standards (Canada);
81. Dismantle the “special courts” and transfer all cases to the criminal courts or high courts, to comply with human rights obligations regarding fair hearings and due process (United States);
82. Release anyone detained without charges (Switzerland);
83. Establish rules that limit preventive custody in the absence of formal criminal charges (Netherlands);
84. Continue its efforts in the area of human rights with regard to post-incarceration situations in order to ensure a better reintegration into society for prisoners (Morocco);
85. Investigate allegations of extrajudicial killings, torture and other cruel and inhuman or degrading treatment and bring perpetrators to justice (Australia);
86. Take the necessary measures to inquire into all allegations of human rights violations and bring to trial those responsible (Switzerland);
87. Cooperate fully with the Working Group on Enforced and Involuntary Disappearances (Netherlands);
88. Investigate all pending complaints about enforced or involuntary disappearances and have their perpetrators punished (Chile);
89. Take steps to ensure that freedom of religion is respected (Australia);
90. Respect the right of any individual to practice his or her religion of belief without any restriction (Netherlands);
91. Cease arbitrary arrest and detention of people based on their religious beliefs, and review the legal framework governing religious groups and organizations (Austria);
92. Issue immediate and clear public orders to security forces to cease arbitrary arrest, detention and torture on the basis of religion or belief (Ireland);
93. Adopt measures to secure the freedom of religion and belief (Chile);
94. Take further measures to ensure full respect for freedom of expression and of the press in accordance with its international obligations, including ICCPR, to which Eritrea is a party (Sweden);
95. Take measures to ensure the prompt release of persons detained for exercising their freedom of expression or as a result of their political views (Sweden);

96. Take the measures necessary to fully respect the right to freedom of opinion and expression, including by introducing a law to allow independent media and enable journalists to exercise their profession freely (Canada);
97. As a first step consider a broad amnesty of remaining political and religious prisoners (Brazil);
98. Unconditionally release all prisoners detained solely because of their political, religious or other conscientiously held beliefs (Norway);
99. Inform the international community of the conditions of the G11 and other political, media and religious detainees and grant access to them by an international organization to ascertain their conditions, and make clear the charges against them and the legal process to which they will be subjected (United Kingdom);
100. Conduct a national review to examine the need to maintain the national state of emergency that has denied the people their basic human rights (United States);
101. Not detain, persecute or prosecute returned migrants and asylum seekers and allow the international community, especially the Office of the United Nations High Commissioner for Refugees, access to returnees (United States of America);
102. Within the framework of a broad political dialogue, facilitate the participation of all sectors of the society in the political process, including through support for the independence of the judiciary and the press and freedom of expression and assembly (Ghana);
103. Review and ease restrictions on Eritrean and international non-governmental organizations (Australia);
104. Improve the working conditions and involvement of local and international NGOs (Norway);
105. Create a more favourable environment for a stronger civil society in the country, including guaranteeing the full legitimacy for human rights defenders to spare them from the harassment they had to face so far and establish closer links with international human rights non-governmental organizations (Slovakia);
106. Remove any legal and other difficulties that restrict the effectiveness and independence of the work of international non-governmental organizations (Germany);
107. Take all necessary steps to ensure the full enjoyment of the right of all persons to take part in the Government of his or her country (Sweden);
108. Adopt the necessary measures to facilitate the access to and distribution of international humanitarian assistance in the country so as to support the efforts made by the Government to meet the needs of the population (Mexico);

109. Continue and enhance the ongoing positive efforts aimed at increasing the quality and accessibility of health services for all its citizens (Cuba);
110. Intensify efforts aimed at achieving health-related Millennium Development Goals including child health, maternal mortality, HIV/AIDS, malaria and other major diseases and access to safe water (Malaysia);
111. Continue its efforts to promote human rights, above all the education of children and the provision of health services for children (Saudi Arabia);
112. Redouble its efforts in the area of poverty eradication, including by allocating adequate human and financial resources and providing support and material assistance to the most marginalised and disadvantage groups in the country (Malaysia);
113. Strengthen measures aimed at the alleviation of poverty as well as access to education and health services (South Africa);
114. Continue its efforts to eradicate poverty with the support and cooperation of the international community (Bangladesh);
115. Continue its efforts to eliminate poverty and reduce disparities in the standards of living in urban and rural areas (Democratic Republic of the Congo);
116. Continue and intensify efforts for further promotion of economic, social and cultural rights, including the right to development for better realization of the Millennium Development Goals (Islamic Republic of Iran);
117. Continue and strengthen the positive ongoing efforts aimed at increasing the school enrolment rate of its citizen, with special emphasis on girls and boys (Cuba);
118. Continue its efforts to guarantee the rights of education to children with disabilities in order to facilitate their integration in the society (Qatar);
119. Request technical assistance from OHCHR to submit its fourth report to the Committee on the Elimination of Discrimination against Women as soon as possible and undertake measures to combat attitudes which may be discriminatory against women (Algeria);
120. Seek technical and financial assistance by the international community in order to contribute to further promotion of economic, social and cultural rights, including the right to development for better realization of the Millennium Development Goals (Islamic Republic of Iran);
121. Call upon the international community to pay attention to the existing difficulties at the present stage of its development and provide assistance to it in accordance with its national priorities, in the realms of human rights education and training to relevant bodies of the public sector as well as national capacity-building with respect to preparing periodic reports under the international treaties that Eritrea is party to (Egypt);

122. Continue to seek aid from OHCHR as well as other international donors (Saudi Arabia);
123. Call upon the Working Group on the Universal Periodic Review to consider its request, contained in paragraph 92 of its national report, related to its needs in the field of capacity-building and technical cooperation (United Arab Emirates);
124. Seek assistance from the international community to define, in consultation with the Government, needs in the area of technical and financial assistance for implementing priority programmes in terms of the State policies to promote and protect human rights (Morocco);
125. Develop a detailed plan of needs in order to support its request for technical assistance in the context of bilateral and multilateral cooperation (Democratic Republic of the Congo);
126. Request technical assistance from the international community in order to identify useful and good practices for the realization of economic and social rights (Switzerland);
127. Seek technical and capacity-building assistance to increase its capacity for the implementation of its treaty obligations (Pakistan);
128. Follow-up on the recommendation of the Committee on the Rights of Child to seek technical assistance from UNICEF on specific areas, including improving access to education for women and girls and in increasing the rate of registrations births (Malaysia);
129. Establish effective partnership with the donor community with a view to attaining food security through receipt of sufficient food assistance, development of agriculture sectors by receiving resources and technology and introduction of appropriate food distribution system (Bangladesh);
130. Continue to discuss human rights issues frankly with the international community and the European Union, and in so doing find constructive ways of making progress on its international obligations and make tangible improvements on the ground (The United Kingdom);
131. Take concrete measures aiming at fostering a genuine human rights culture with due regard to national and regional particularities as well as historical, cultural and religious background (Islamic Republic of Iran).

80. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Eritea was headed by Dr. Girmai Abraham, Economic Advisor in the Ministry of National Development and composed of 8 members:

Dr. Girmai Abraham, Economic Advisor, Ministry of National Development, Head of Delegation;

Mr. Eden Fassil, Director General, Legal Services, Ministry of Justice, Deputy Head of Delegation;

Ms. Elsa Haile, Director, Regional and International Organizations Division, Ministry of Foreign Affairs;

Mr. Amanuel Giorgio, First Secretary, Permanent Mission of Eritrea to the United Nations, New York;

Mr. Kidane Habte, Director, Research and Human Resource Development Division, Ministry of Labour and Human Welfare;

Mr. Adem Osman, Office of Legal Advisor, Ministry of Foreign Affairs;

Ms. Tekea Tesfamikael, Chairperson, National Union of Eritrean Women-Zoba Maekel;

Mr. Ghebremedhin Mehari, Staff, Permanent Mission of the State of Eritrea to the United Nations, Geneva.
