

I. METHODOLOGY AND CONSULTATION PROCESS

1. The National Report on the Universal Periodic Review was prepared in accordance with the General Guidelines for the Preparation of the Information under the Universal Periodic set out in Decision 6/102, of 27 September 2007.
2. A Steering Committee composed of representatives from the Office of the President of the State of Eritrea, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Human Welfare, Ministry of National Development, and National Security Agency with the Ministry of Foreign Affairs as its focal point was established to prepare this report. Inputs from relevant ministries, departments and other stakeholders including NGOs and the civil societies and the UN country team in Eritrea were also received.

II. BACKGROUND AND FRAMEWORK

A. Background

3. Eritrea is located along the Red Sea coast, just north of the Horn of Africa. It has a culturally and linguistically diverse population, estimated at 3 million (excluding a significant number of expatriates). A population and housing census was planned to be held in 1998-2000 in cooperation with the Canadian Statistics Office. The plan was interrupted because of the war with Ethiopia and the subsequent displacement of a huge number of Eritreans residing along the border of the two countries.
4. Eritrea is a young country that achieved formal independence in 1993, following an internationally-monitored referendum in which 99.8% of Eritrea's citizens voted for independence. As a result of the 30-year armed liberation struggle, it inherited a devastated economy and infrastructure, a large exiled population and an empty treasury. At independence, the government concentrated on meeting the emergency needs of the people, rebuilding and rehabilitating its economic and social infrastructure and the institutions essential for achieving rapid economic and social development.
5. Eritrea is at present heavily engaged in the reconstruction and development of its economy. Its aspiration is to become a developed and democratic nation where the potential of its entire people is realized with strong national unity, sustained economic growth and social justice. To this end, Eritrea is currently elaborating a five year indicative development plan with the following main objectives are:
 - a. Achieve rapid and balanced development and economic growth;
 - b. Eradicate poverty;
 - c. Provide every citizen with the opportunity of access to education, health care, job opportunity and social security;
 - d. Ensure gender equality;
 - e. Promote social solidarity and harmony among the different ethnic groups; and
 - f. Promote and enhance the natural environment.

6. The Government of the State of Eritrea is composed of three branches: the National Assembly (the Legislative branch), the Cabinet (the Executive branch) and the Judiciary.

7. The Cabinet, which comprises seventeen ministers, four of whom are currently women, is chaired by the President. The President is the head of Government. The judicial branch operates independently of both the legislative and executive branches and has a court hierarchy extending from the village community to regional and national levels.

B. Scope of International Obligations

8. The State of Eritrea is party to five of the seven core international human rights treaties, including some of their optional protocols. Eritrea has also acceded to two of the three African human rights treaties. In addition, Eritrea is party to several international legal instruments dealing with international humanitarian law and labour. The Government of Eritrea undertakes continuous efforts to harmonize existing legislation with the international human rights instruments that Eritrea is a party to, and other human right concepts that have attained the status of customary international law. Moreover, the Government is making the necessary preparations to accede to the remaining core international human rights treaties.

9. The titles of the legal instruments and the dates of Eritrea's accession to or ratification of them are listed below:

• Human Rights

1. International Covenant on Economic, Social and Cultural Rights (Accession, 17 April 2001);
2. International Covenant on Civil and Political Rights (Accession, 17 April 2001);
3. Convention on the Elimination of All Forms of Discrimination Against Women (Accession, 2 September 1995);
4. Convention on the Rights of the Child (Ratification, 21 July 1994);
5. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Accession, 16 February 2005);
6. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and Declaration in relation to article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Accession, 16 February 2005);
7. International Convention on the Elimination of All Forms of Racial Discrimination (Accession, 31 July 2001);
8. African charter on Human and Peoples' Rights (Accession, 14 January 1999); and
9. African Charter on the Rights and Welfare of the Child (Accession, 22 December 1999).

• Labour

1. ILO Convention against Forced Labour (No.29) (Ratification, 15 October 1999);
2. ILO Convention concerning the Abolition of Forced Labour (No.105) (Ratification, 15 October 1999);
3. ILO Convention on Equal Remuneration (No.100) (Ratification, 15 October 1999);
4. ILO Convention on the Minimum Age (No.138) (Ratification, 15 October 1999);

5. ILO Convention on Freedom of Association and Protection of the Right to Organize (No.87) (Ratification, 15 October 1999);
6. ILO Convention on the Right to Organize and Collective Bargaining (No.98) (Ratification, 15 October 1999); and
7. ILO Convention concerning Discrimination in respect of employment and occupation (No.111) (Ratification, 15 October 1999).

- **Humanitarian**

1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Accession, 29 July 2000);
2. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Accession, 29 July 2000);
3. Geneva Convention relative of the Treatment of Prisoners of War (Accession, 29 July 2000); and
4. Geneva Convention relative to the Protection of Civilian Persons in Time of War (Accession, 29 July 2000).

C. Normative, Constitutional and Legislative Framework

10. The Eritrean people have a long tradition of honoring human dignity. A common tenet of the Eritrean society is to establish a community where no one is left behind, including women and children, the poor and the handicapped, inhabitants and guests alike. Eritrea's national and international engagement on the issue of human rights is in consonance with the values and norms of Eritrean society, which has documented evidence of protecting human rights and inviolability of human dignity.

11. The principal approach of the Eritrean Government to Human Rights is the provision of fundamental rights, such as food, health, education and similar basic rights for the community in general and children in particular.

12. Over the past eighteen years, a Constitution was ratified by the Constituent Assembly, and several laws were also enacted enabling the Government of Eritrea to create a reasonably adequate legal system to safeguard human rights in the country. The Constitution devotes a whole chapter for fundamental rights, freedoms and duties. The body of laws that have relevance to human rights encompasses a number of other essential laws, such as the Transitional Civil Code of Eritrea, the Transitional Civil Procedure Code of Eritrea, the Transitional Penal Code of Eritrea, the Transitional Criminal Procedure Code of Eritrea, Eritrean Referendum Proclamation, the Labour Proclamation, The National Pension Establishment Proclamation, The Public Sector Pension Proclamation, Martyr's Survivors Benefit Proclamation, Goods For the Disabled Government Assistance Regulations, the Proclamation on Election of Regional Assemblies, the Proclamation to Determine the Rights and Obligations of Employees, Beneficiaries and the Employer Under the Public Sector Pension Fund, and the Proclamation to Abolish Female Circumcision.

13. The Government of Eritrea is now at the final stage of drafting a civil, penal, commercial, and a civil procedure and criminal procedure codes with the collaboration of the UNDP. These codes largely coincide with the 1997 Eritrean Constitution.

D. Human Rights Infrastructure

14. The Government of the State of Eritrea is vigilant against any violation of rights within its territory. As is clear in the report, rights are protected through the courts of law, different government ministries and institutions.

15. There are national non-governmental organizations like the National Union of the Eritrean Women-NUEW (an association formed to protect and promote the interests of Eritrean women), the National Union of Eritrean Youth and Students, and the National Confederation of Eritrean Workers (a confederation established to defend the rights of employees from discriminatory and unjustified treatment), as well as associations that advocate for the rights of people with special needs, such as the Eritrean National Association of the Blind, the Eritrean National Association of the Deaf and the Eritrean National War Disabled Fighters Association.

16. The Constitution of Eritrea and other pertinent laws provide that any person with an administrative question, whose rights or interests are interfered with or threatened, has the right to seek due administrative redress. A person may also decide to have his day in court for judicial review of an adverse decision taken against him/her. These laws also provide that any aggrieved person who claims that a fundamental right or freedom guaranteed by the Constitution has been denied or violated is entitled to petition a competent court for redress. Moreover, any person who complains about unjust actions and measures taken against her/him can present her or his case to and claim administrative redress from the relevant Minister and/or present the case to the Head of State.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of International Human Rights Obligations

1. Right to life, liberty and security of the Person

17. The Constitution of Eritrea, the Transitional Civil Code of Eritrea and other relevant Eritrean laws contain provisions to guarantee citizens' right to life. Under the Transitional Penal Code of Eritrea, any act of deprivation of human life, such as intentional homicide, infanticide, and abortion or any act of infringement of a person's life, such as negligent homicide, constitutes a criminal offence.

18. In Eritrea, the death penalty is applied with extreme caution. It is the mandate of the Ministry of Justice to forward the judgments where death penalty is pronounced, together with its opinions, to the President of the State of Eritrea. The President of the State of Eritrea may remit or commute the sentence. The Constitution of Eritrea guarantees against deprivation of life without due process of law. The Transitional Penal Code of Eritrea, on its part, provides that a sentence of death may not be passed except in cases where there are no extenuating circumstances. It further provides that the death penalty may not be pronounced on any person

who commits an offence under the age of eighteen years or in a state of limited responsibility. In the case of a prisoner who is seriously ill, carrying out execution of the sentence is prohibited while that prisoner continues to be in that state. In the case of convicted woman who is pregnant or have children less than three years of age the sentence is commuted to rigorous imprisonment for life.

19. Inviolability of the dignity of all persons is guaranteed by the Constitution and other pertinent laws. Subjecting a person to torture or cruel, inhumane or degrading treatment or punishment is prohibited. Holding persons in slavery or servitude or requiring them to perform forced labour not authorized by law is also prohibited. The Transitional Civil Code of Eritrea provides that no person may have his freedom restricted, or be subjected to a search, except in cases provided by law. The Transitional Penal Code of Eritrea, on the other hand, establishes illegal restraint as a punishable criminal offence. Whosoever, contrary to law or without lawful order arrests, confines or detains or otherwise restrains the freedom of another commits an offence. The Transitional Criminal Procedure Code also contains explicit provisions governing criminal detention and arrest; they cover such matters as applicable criteria, procedure, time limit and place of custody.

20. Pursuant to the Transitional Criminal Procedure Code, an accused person may not be compelled to answer and shall be informed that he has the right to refuse to do so. No court may also record any statement or confession made to it unless, upon questioning the person who made it, it ascertains that such a person voluntarily made such statement or confession.

21. In Eritrea, the basic human rights are protected. The Eritrean Prison and Rehabilitation Department is working hard to enforce these rights. On reception the prison authorities will keep any property that is not allowed to be retained by a prisoner in prison. A list will be made on arrival of all property by a prisoner and has the right to verify that it is correct before signing it and to get a receipt. Prisoners have a right to be informed of the rules (internal directives) of the prison which provide details of the rights they are entitled to as well as the obligation and discipline expected from them. Then the classification and categorization of prisoners follows on the basis of sex, age, nature of crime, and health condition of the individual prisoner.

22. Prisoners under the Eritrean Prison and Rehabilitation Department have protected rights to proper feeding and clothing, bodily and environmental sanitation, sufficient medical treatment, respect for one's bodily integrity, access to courts and to see a lawyer, pray and/or fast in accordance with the religion he/she believes in, to visits and contact, to education, to work and to be paid for their work, to sue prison personnel for maltreatment, to get compensation for lost or damaged property, to conditional release (release on probation) before expiry of period of imprisonment based on good behavior, to read materials and communicate, to physical exercise and sports, to cultural shows and recreation and to safety and security.

23. There may be certain limitations of prisoner's rights if it is considered necessary for the prevention of crime, for prison security or to protect the safety of prisoners.

2. Right to social security and to an adequate standard of living

24. The Constitution of Eritrea and other pertinent laws provide that every citizen has the right of equal access to publicly funded social services. The State of Eritrea is also under obligation to secure, within available means, the social welfare of all citizens and particularly of

those who are disadvantaged. The goal of the State of Eritrea concerning social security scheme is to introduce gradually a comprehensive national social security scheme to the public in line with the country's level of economic development. In 2003, the Government proclaimed: (i) the National Pension Scheme, Proclamation No. 135/2003 (ii) the Public Sector Pension Scheme, Proclamation No. 136/2003, and (iii) the Martyrs' Survivors Benefit Scheme, Proclamation No. 137/2003. Further more, Proclamation No. 146/2005 made regular employees in civil service between the age ranges of 18-65 eligible to join the scheme. The aim of the national pension scheme is to alleviate the economic dependency and financial problems that would have arisen after the sickness, disability and/or death of a breadwinner, while a martyr's survivors benefit scheme provides financial support after the death of a breadwinner to his/her immediate beneficiaries.

25. These social security schemes recognize the needs and rights of pensioners and survivors, and specify the pension contribution and the share of the benefit to the pensioners and survivors. In the martyrs' survivors benefit scheme, the children and spouse of a martyred parent are entitled to receive benefit. If the martyrs are not survived by an offspring or a spouse, their parents are entitled to receive the full benefit. The proclamation has been in effect since 2004.

26. In 2005, 98,868; in the year 2006, 97,333; in the year 2007, 94,761; in the year 2008, 99,897 and during January- April 2009, 60,424 martyrs survivors benefited from the scheme. Since 2005, the budget expended for martyrs' survivors has amounted to 1,664,431,947.15 Nakfa.

27. As a short term social security, the labour law provides a system of invalidity benefit, sickness benefit, medical care benefit, maternity benefit, employment injury benefit, family allowance benefit and invalidity benefit.

3. Right to education and to participate in the cultural life of the community

28. The Constitution of Eritrea and other pertinent laws provide that the State is under obligation to endeavour, within the limits of its resources, to make education available to all citizens. Eritrea's goal in the education sector is to produce well educated, skilled and motivated citizens that can make effective contribution to its development. To this end, the Government is striving to develop an educational system that is accessible to all, including the girl child in rural areas, and has the capacity to provide relevant, high quality and affordable education at all levels of the educational ladder, using an integrated approach to develop a sound education system. As a first step towards building the requisite human and institutional capacity, Eritrea's principal education objective has been to achieve universal elementary education. However this is only the first step. In order to develop the required pool of skilled and educated people capable of leading and managing the country in all spheres of its national affairs, the educational system at all levels must be greatly enhanced, in access, quality, and relevance.

29. Since independence, substantial resources and efforts have been expended to increase access and improve the quality of education at the Pre School - 12 grade levels, in all regions of the country. Along with the expansion of educational opportunities there has also been a determined effort to redress the gender and regional imbalance that had characterized the educational system. Furthermore in appreciation of the importance of early childhood

development the government has been channeling resource as well as encouraging communities to establish and operate early childhood programs.

30. The net primary school enrolment ratio rose from 30% in 1993 - 1995 to 44% in 2001 - 2003, an increase of 47%. More progress has also been made since then. For example the net enrollment ratio (NER) at the elementary level has reached 50% by 2007. In 2003/2004, 44% of the enrollees at elementary level and, 40% at middle level and 33% at secondary school level were girls, and this figure continues to improve. Likewise, the literacy rate of the country has reached 67.4% and a more reliable figure is expected from the ongoing Second Demographic and Health Survey (DHS2). This reflects the importance Eritrea attaches to education and determination to commit resources to accelerate the development of its educational system. An indication of this is that public expenditure on education doubled between 2000 and 2005.

31. Regarding culture, Eritrea is a multi ethnic society composed of nine ethnic groups. This diversity is considered a source of strength. All ethnic groups are encouraged to develop their language and culture. To mention a few examples; children are instructed in their mother tongue at the primary school level of education. All have the right and are indeed encouraged to develop their own language and culture through the provision of commensurate time in all media outlets.

4. Right to health

32. The Constitution of Eritrea and other pertinent laws provide that the State is under obligation to endeavour, within the limits of its resources, to make health services available to all citizens. Eritrea's long-term vision is the development of a healthcare system in which all citizens have easy access to quality health services at affordable cost. A healthy population is necessary for establishing a dynamic, productive economy and a resilient society. In view of this, the development of the health sector is accorded top priority in the allocation of the country's scarce public resources. To address the main challenges of the sector, the Government adopted the National Health Sector Policy (HSP) and Health Sector Development Plan (HSDP), which focus on the provision of primary, secondary and tertiary level health services throughout the country.

33. Child and maternal health have been the main focus of the public healthcare system in Eritrea during the last 18 years. As part of this focus, in 2001, the Government launched the Early Childhood Development Program (ECD). The program's main objectives include a comprehensive early childhood education and care, improving child and maternal nutrition, strengthening child and maternal health services, improving nutrition education, public awareness of health issues, and provision of vitamin A, iron and iodine, and supporting children with special needs. Moreover, tackling reproductive health issues and immunization against childhood diseases have been given priority. Priority has also been given to the establishment of basic healthcare facilities such as clinics, health stations, health centers and hospitals throughout the country. Continuing efforts are being made to fully equip and staff these facilities. Overall, while a lot more needs to be done to improve access to reliable, affordable and high quality healthcare services for all Eritreans, what has been accomplished within a relatively short period of time in establishing healthcare facilities and in improving the healthcare system, especially primary care, is significant.

34. The principal health problems that reflects the health status of the general public and, therefore, the socio-economic development of the nation, are communicable diseases and critical health-related areas such as HIV/AIDS, respiratory diseases including TB, malaria, childhood infectious diseases, mal-nutrition, high maternal mortality, and non-communicable diseases like hypertension, diabetes, cancer and mental health. The prevalence of these health problems impairs productivity of the labour force, and consequently development. In view of this, the Government of the State of Eritrea will continue to invest in the improvement of the healthcare system and to provide quality healthcare to all citizens.

35. Nationwide, there are a total of 340 health facilities of which 26 are hospitals, 52 health centers, 180 health stations, 77 clinics and 5 facilities specialized in maternal and child healthcare services. The 26 hospitals include five referral hospitals that are currently operating in the country. The spatial distribution of healthcare facilities closely relates to the nation's population distribution, and the existing health facilities are generally adequate for serving the population.

36. There are approximately 3,320 health professionals and 2,600 support staff serving the nation in the public healthcare system. Of the health professionals, 225 are doctors, 1,184 nurses and 1,602 associate nurses. The balance of the professional staff serving in the sector consists of pharmacists and pharmacy, lab, dental and radiology technicians.

37. On the basis of a number of well-established performance indicators in the healthcare sector, Eritrea has, during the last seventeen years, made significant improvements in the health status of its citizens. They include Life Expectancy (LE), Infant Mortality (IMR), Under- Five Mortality Rate (UFMR), Malaria Morbidity and Mortality Rate (MMMR) and Maternal Mortality Rate (MMR). During 1995-2002, LE increased from 45 to 51 years. The IMR decreased from 72 to 48 deaths per 1,000 live births, and the UFMR dropped from 136 to 93 deaths per 1,000 live births.

38. Particularly notable has been the success in controlling communicable diseases. The MMMR has dropped by over 80% since 1999, making Eritrea one of few countries in Southern Sahara Africa (SSA) to meet the Abuja Roll Back Malaria targets. HIV prevalence has been kept under control at below 2.4% and Eritrea is projected to be on track to achieve the health MDG targets by 2015.

39. The improvements in health indicators are attributed to an increase in immunization coverage, increased availability of insecticide-treated bed nets in malaria areas, and increased awareness of HIV/AIDS and the establishment of Voluntary Counseling and Testing (VCT) centers throughout the country. Improvements in other areas such as water and sanitation, provision of electricity and nutrition have also contributed to improvements in health status.

40. Notwithstanding the progress made so far, the Health Sector still faces six major challenges that include: (i) maternal and child health, (ii) control of communicable diseases mainly TB, HIV/AIDS and malaria, (iii) non-communicable diseases (iv) inadequate human capacity in health- rapid expansion of the health infrastructure immediately led to a high demand for health personnel. In essence the issue is not only numbers but also competency and mix of health professionals that are able to respond to current, emerging or re-emerging health conditions in Eritrea, (v) health care financing – considering the sector economic status there is a need to transform the financing framework with special emphasis on restructuring the out-of-pocket portion with the aim of reducing the economic risk borne by individuals and households

and concurrently generating other resources for the attainment of the sector's strategic objectives, and (vi) inadequate access to supply potent drugs and to healthcare services infrastructure; as well as inadequate organizational and managerial capacity.

41. The future strategy policy goals of the health sector are: (i) significantly reduce the burden of early childhood illness and improve maternal and child health/development, (ii) control communicable diseases with the aim of reducing them to a non-public health problem, (iii) prevent, control, and manage non-communicable diseases, (iv) strengthen cross cutting health programs, (v) enhance efficiency, equity and equality of service delivery through health systems development, (vi) improve effectiveness of governance of the health system, (vii) introduce a health-financing scheme that protects people from catastrophic expenditures and ensures sustainability of the system, and (viii) strengthen sector planning and monitoring capacity.

42. To reduce the high disease burden, the Ministry of Health will adopt a two-pronged strategy: first, it will provide comprehensive clinical care in healthcare facilities, establishing functional Accident and Emergency Care units in all hospitals, making available quality and affordable potent drugs and providing rehabilitative services. Secondly, it will launch a health awareness and education campaign in all parts of the country, in collaboration with the Ministries of Education, Information, and Labour and Human Welfare.

43. To improve access to healthcare services, the Ministry of Health will work with Regional Administrations, Ministries of Transportation and Communication, Public Works, Land, Water and Environment, Energy and Mines, and Eritrean Telecommunication Service (Eri-Tel) to ensure availability of basic infrastructure necessary for providing transportation, clean water, electricity, and telecommunications services. It will also collaborate with other partners in the public and private sectors that are engaged in health related activities in order to ensure better access to healthcare services for all citizens.

44. To address the shortage of healthcare manpower, the Ministry will train more healthcare professionals in the Orotta Medical School, College of Health Sciences and the College of Nursing. During the next five years, it will produce 280 general practitioners, 45 specialists and 15,000 nurses. It will also improve the availability of trained staff in medical imaging as well as laboratory services delivery in all hospitals. In its human resource development effort, the MOH will collaborate with government agencies and other partners. It will also enhance its collaborative linkages with medical and healthcare institutions abroad.

45. To tackle the challenges related to inadequacy of management capacity, the Ministry of Health will develop an integrated management system that would enhance the capacity to plan, implement, monitor and evaluate healthcare delivery services at national, regional and local levels. By adopting appropriate cost recovery schemes, it will ensure the sustainability of national healthcare services delivery system. Furthermore, it will establish an integrated community and facility-based strategy for preventing mental health problems and for taking care of mental health patients.

5. Right to work and to just and favourable conditions of work

46. The Constitution of Eritrea and other pertinent laws provide that every citizen has the right to participate freely in any economic activity and to engage in any lawful business. The

right to work and to just and favourable conditions of work in Eritrea is guaranteed by the Labour Proclamation No. 118/2001. The Labour Proclamation is guided by the principles of full employment, equal opportunities in employment and remuneration, prohibition of child labour, guarantee of workplace health and safety, and maintains minimum labour conditions, the right to form associations and collective bargaining and capacity building for skill enhancement.

47. There are programmes pertaining to poverty eradication, vocational training and employment for youth, persons with disabilities and disadvantaged persons, and also employment services to non-citizens. Special emphasis has also been given to self-employment opportunity to disadvantaged women. National classification of occupation, capacity building through training, survey on labour force and wage structure are also on the priority list of the Government.

48. In connection with Labour inspection guidelines, various programmes, such as conducting occupational safety and health research at the work place to investigate occupational hazards, reducing occupational hazards, consultative service to employer's and employees' organizations on the implementation of the Labour Proclamation, classification of establishments, issuance of license, inspection of workplace and capacity building of inspectors are being executed.

49. The existence and development of harmonious relations between employers and employees are necessary for socio economic growth. Hence a number of programmes concerning labour relations, for example, evaluation of labour conciliations, collective bargaining and agreements, implementation of Labour laws and dispute settlement procedures, reports on the status of ratified International Labour Organization (ILO) Conventions are at the implementation stage.

50. Eritrea joined the ILO in 1993. As a member of this organization, it has used the various recommendations and Conventions of ILO in developing its Labour Proclamation No. 118/2001. Eritrea has also ratified seven of the eight core labour conventions.

6. Rights of women

51. The Constitution of Eritrea and other pertinent laws guarantee equality of all persons under the law. It further provides that no person may be discriminated against on account of race, ethnic origin, language, colour, gender, religion, disability, age, political view, or social or economic status or any other improper factors. The Transitional Civil Code of Eritrea prohibits discrimination on the basis of ethnic origin, colour, religion, or gender in the enjoyment of the rights of personality. It has always been a basic State policy of Eritrea to promote equality between men and women. Eritrea has put in place a variety of legal regimes for protecting the rights and interests of women. This regime has been reflected, inter alia, in the Transitional Civil Code of Eritrea, such as family law, the Land Proclamation No. 58/1994, Election of Regional Assemblies Proclamation No. 140/2004, and a Proclamation to Abolish Female Circumcision No. 158/2007.

52. The Eritrean Constitution and other pertinent laws guaranty equal rights for women and men. In addition to the supreme principle enshrined in the Constitution prohibiting discrimination on account of race, ethnic origin, language, color, gender, religion, disability, age, political view, social or economic status, various Articles in the Constitution grant equal right to

women as men. With regard to marriage for example, the Eritrean Constitution asserts that: “Men and Women of full legal age shall have the right, upon their consent, to marry and found a family freely, without discrimination and they shall have equal rights and duties as to all family affairs.” It also provides that any act that violates the human rights of women or limits or otherwise thwarts their role and participation is prohibited.

53. Right after the independence of Eritrea, the Provisional Government undertook measures to revise the inherited colonial laws. Consequently, Proclamation No. 2/1991 (the Transitional Civil Code of Eritrea) and Proclamation No. 4/1991 (the Transitional Penal Code of Eritrea) repealed all discriminatory clauses and connotations from the colonial Civil Codes and included protective legal measures. To mention some important provisions in the Transitional Codes pertaining to the status of women:

- Marriage is now based on the free consent of both partners, and needs no parental consent. The age of the female partner was raised to 18 from the previous 15years;
- Women can enter into a contract of marriage freely;
- bride price and abduction were prohibited by law,
- irregular unions have been abolished because they don't provide any legal protection of women's right upon separation;
- the death penalty is commuted to life imprisonment for convicted women who may be pregnant or have children under three years of age;
- abortion, although still punishable under the penal code, is permitted in situations where a physician certifies that the mother would suffer grave and permanent damage due to severe physical and mental stress, or when the pregnancy has resulted from rape or incest;
- Rape is punishable by law with a maximum imprisonment of up to 15 years;
- Pornography and other indecent and obscene exposure are also punishable under the Transitional Penal code of Eritrea; and
- A provision of the colonial Civil Code which bluntly glorifies the husband as head of the family was repealed and replaced by a new Article which recognizes the equal power and status of the spouses.

54. The Government of the State of Eritrea made deliberate efforts to ensure women's participation in every stage of the Constitution making process. Consequently, 50% of the members of the Constitutional Commission were women. Once more, Eritrean women had the opportunity to make their voice heard and advocate for their rights and concerns through their participation in various consultation forums organized by the Ministry of Justice's law reform committee to revise the Transitional Codes.

7. Rights of the child

55. Children, being significant and vital assets of the nation, have been accorded top priority and special programmes, such as the protection of vulnerable children. The State of Eritrea has various provisions for the protection of children's rights under its Transitional Civil Code, Transitional Penal Code and the Transitional Criminal Procedure Code.

56. The State of Eritrea signed and ratified the United Nations Convention on the Rights of the Child (CRC) in August 1994 and the African Charter on the Rights and Welfare of Children (ACRWC) in January 2000. Moreover, Eritrea acceded to the CRC optional Protocol on the Sale of children, Child Prostitution and Child Pornography as well as CRC optional Protocol on the Involvement of Children in Armed Conflicts in February 2005. This shift was imperative to ensure the protection of the rights, freedoms and dignity of children.

57. In order to popularize the CRC among the public the English version of the CRC was translated and published into six local- languages and distributed to all regions. National, regional and sub-regional workshops were convened. The objectives of the workshops were to create awareness on the main provisions of the CRC among the public; to create awareness of the general situation of children in Eritrea and the main provisions of the CRC as well as to create advocacy and integration of the CRC in legal and policy matters relevant to Eritrea. All CRC Articles were broadcasted through national media programmes in six local-languages. Community and religious leaders as well as elementary school teachers have received training on the implementation of the CRC. Child wellbeing committees have been established in every region to monitor the implementation of the CRC.

58. The first as well as the second and third combined country reports on the implementation of the CRC and a detailed clarification and additional information on the list of issues have been submitted to the International CRC Committee. A higher level Government delegation headed by the Minister of Labour and Human Welfare the comprised members from Ministries of Justice, Health and Education traveled to Geneva in 2002 and 2008 and provided further explanation on the two CRC country reports.

- **Protection of orphans**

59. A national survey conducted in 2006 puts the number of orphans who had lost one or both parents at 105,000. In order to address the psychosocial needs of orphans, the Government of the State of Eritrea adopted a policy to phase out the institutionalization of orphaned children and to organize their integration with extended families, their adoption and foster care by unrelated families; and to provide decent social environment (small group-homes) for orphans who could be placed in other ways.

60. Implementing its policy guidelines, the Government responded to the challenge of orphans by reunifying them with their blood relatives. The orphan reunification programme focused both on the placement of children with extended families and on strengthening the economic resources of host families. During 1994-2008, close to 70,000 orphans were reunified with their kin and income-generating schemes have been made available to 26,797 vulnerable host families supporting orphans.

61. The socio-economic benefit of host families have not only had a direct effect on the welfare of orphans but have been extended to the rest of the family. The effects have increased the availability of food in a household, improved nutritional status and school performance.

62. Several evaluations have revealed the general success of the programme, its feasibility and cost effectiveness, its relevance to the Eritrean social and cultural context and suitability of its practical supposition that also resulted in the phasing out of three Governmental orphanages.

The programme has obtained high regard and appreciation by the World Bank, International NGOs and Many African countries.

- **Protection of street children**

63. Based on the lessons learnt during 1993-2000 with regard to intervention on street children, the Government has designed a community-based street children prevention and rehabilitation programme. This community-based service aims to address the needs and problems of street and high-risk children in their own community. The philosophy behind this approach is that the immediate environment influences the street children like any other person.

64. The programme comprises placement of street children with their parents or blood relatives and strengthening the economic base of the disadvantaged host families through income generation schemes, educational support programme for young children; vocational training for children between the ages of 15-17 as well as guidance and counseling service. During the previous 14 years, 31,409 high-risk and street children were supported with school stationeries and uniforms to continue their education, 2,132 street children were provided vocational training and 856 families of street children benefited from the income-generating scheme. The majority of the beneficiaries, (85%) were female-headed households.

- **Protection of children in conflict with the law**

65. The Government of the State of Eritrea has taken major steps in improving the protection of Children in Conflict with the Law (CCWL). The Government has established a probation service, which attempts to provide counseling for Children in Conflict with the Law in their community in order to help them integrate into their neighborhoods and schools. The Ministry of Justice has established separate chambers where cases of children in conflict with the law are heard in a closed session separate from adult offenders.

66. The Government has also organized after-care services to CCWL who complete probation and correctional services. Advocacy is considered as one mechanism for improving the existing custody and detention centers where children are kept while awaiting trial, or when their parents/guardians cannot be located. In this regard, the Government has financed the improvement of the existing detention and the new rehabilitation center in Central Region.

8. Persons with disabilities

67. As a result of the 30-year armed struggle for independence and the recent war with Ethiopia, a large number of Eritrean nationals suffer from disabilities. Hence, the Government of Eritrea issued, in the aftermath of the liberation, Proclamation No. 17/1991 for the collection of a rehabilitation tax for the disabled freedom fighters, members of the family of disabled freedom fighters and the martyrs, and those members of the society who sustain injury due to natural catastrophes. The Proclamation was later amended by Proclamation No. 66/1994. Thereafter, Goods for the Disabled Government Assistance Regulations-Legal Notice No. 82/2004, which grants full or partial assistance in respect of customs duties, was also issued.

68. In 1999, the Government developed a comprehensive policy that ensures the rights and dignity of Persons with Disabilities (PWDs) pertaining to rehabilitation, health, education, employment, culture, sport and recreation, family and personal integration, communication and information as well as creation of an environment easily accessible to PWDs. The Community Based Rehabilitation (CBR) programme in Eritrea emerged as an effective way of rehabilitating persons with disabilities. It focuses on involving the family and the community in the treatment and rehabilitation process. It is not focused on charity; rather the approach aims at meeting the special needs of the community using community resources. This approach strengthens the community in supporting the family to meet the needs of PWDs and empowers them to be productive member of the family.

69. Since 1994, the Government has been endeavoring to develop a comprehensive CBR programme for PWDs throughout Eritrea. The Programme, which primarily focuses on community-based activities, was believed to be the most appropriate for providing the necessary social, physical and cultural needs of PWDs.

70. The most noticeable achievement of the CBR programme has been the effective mobilization of community resources for the benefit of PWDs in the area of skill training, employment creation, social integration, referral services to health facilities and orthopedic services. Advocacy and attitudinal change at the community level also appears to be successful and this has been achieved through the participation of PWDs at all levels in the CBR structure. The programme which was introduced in two sub-regions is now being implemented in 50 sub-regions, covering 93% of the national territory.

71. Activities undertaken by the CBR programme included awareness creation, home visits, making of simple mobility aids, and training on daily living activities for PWDs and their families, referral services, skill training, employment creation, distribution of community resources, social integration, and strengthening organizations of disabled persons.

72. One of the Government's top priorities for the PWDs and disadvantaged members of the society is poverty reduction through income generation. In 2002, a pilot-revolving scheme was put in place whereby small loans were given to 641 persons with disability to set up small businesses. Most have been very successful and have supported in bringing their families back into a similar economic situation as others in their communities. Following the lessons learnt, loans worth 144,000,000 Nakfa was provided to 5,600 PWDs. The loan beneficiaries are engaged in different income generating activities such as animal fattening, cattle raising, water pump gardening, agriculture, bakery, grinding mill, poultry, beauty salon, barber shop and other trade and business activities. The revolving loan scheme is expected to help the most disadvantaged PWDs to have access to economic opportunities.

9. Administration of justice and the rule of law

73. Proclamation No. 1/1991 on the Transitional Institutions of Administration of Justice enumerates the fundamental and major institutions of administration of justice as the Ministry of Justice, the Courts, and Prosecution entities. The Attorney General's Office is the organ of the State with powers to initiate public prosecutions and lodge protests in accordance with the law, and to oversee the investigatory activities of the police and law enforcement in prisons. The courts exercise their judicial authority independently, free from any interference by any administrative organ, organization or individual. The Constitution of Eritrea and the other pertinent laws provide that the justice system of Eritrea shall be independent, competent and

accountable. The law also requires courts to be accessible to all and work under a judicial system capable of producing quick and fair judgments that can easily be understood by the public. The Constitution of Eritrea vests the judicial power in the Supreme Court and in such other lower courts as shall be established by law.

74. The Constitution of Eritrea, as well as the Transitional Penal and Civil codes have put in place a number of safeguards for a fair trial. To mention some: 1) Prohibiting the trial or conviction of a person for any act or omission which did not constitute a criminal offence at the time when it was committed; 2) Requiring that every person arrested or detained has to be informed of the grounds for his arrest or detention and of the rights he has in a language he understands; 3) Requiring every person who is held in detention to be brought before a court of law within forty-eight (48) hours of his arrest, and if this is not reasonably possible, as soon as possible thereafter, and that no such person shall be held in custody beyond such period without the authority of the court; and 4) Requiring that every person charged with an offence is entitled to a fair, speedy and public hearing by a court of law; providing, however, that such a court may exclude the press and the public from all or any part of the trial for reasons of morals or national security, as may be necessary in a just and democratic society. The Transitional Penal Code and the Transitional Criminal Procedure Code also guarantee fair trials through a number of systems and mechanisms, such as the open trial, the defense, and recusal systems. In order to ensure that a trial is fair and impartial, a litigant who believes that a judge has a conflict of interest in his or her case has the right to request the judge to withdraw from the case.

75. The Transitional Criminal Procedure Code explicitly provides that a defendant has the right to a defense counsel. In cases where the accused or defendant is unable to appoint counsel for financial reasons, or is deaf, mute or a minor and has not appointed legal counsel, the courts have to designate a defense counsel.

10. Right to privacy, marriage and family life

76. Any public servant who treats any arrested person in a manner which is incompatible with human dignity commits an offence. The Transitional Penal Code of Eritrea also provides that a public servant who forcibly enters a person's house or premises or who executes acts of search, seizure or sequestration other than those authorized by law commits an offence. It further provides that violation of privacy of domicile, and violation of the privacy, interception or appropriation of correspondence or consignments is a criminal offence. The Inspection Department of the Police Commission hears complaints and petitions from the public and takes corrective measures or forwards the case to the Attorney General's Office for prosecution of police officers who are found to violate these rights. The Transitional Criminal Procedure Code of Eritrea also prohibits searching of an arrested person unless there is a reasonable cause for it. Nor may premises be searched by a police officer unless he/she is in possession of a search warrant granted from a competent court. The Transitional Civil Code of Eritrea also provides that any natural person enjoys his rights of personality and that the domicile of a physical person is inviolable. It also prohibits any person from entering the domicile of another against the will of such person, nor may a search be effected therein, except in the cases provided by law. A person commits a civil fault where he intentionally makes contact with the person of another against the latter's will. A person interfering with the property or quiet possession of others faces civil and criminal liability. The addressee of a confidential letter may also not divulge its

contents without the consent of its author. The Constitution of Eritrea and the other pertinent laws also stipulate that the dignity of all persons is inviolable. They prohibit subjecting others to body search or entering or searching their premises or their communications, correspondence, or interfering with their other property without reasonable cause.

77. The Constitution of Eritrea and other pertinent laws stipulate that the family is the natural and fundamental unit of society and is entitled to the protection and special care of the State and society. It further provides that men and women of full legal age shall have the right, upon their consent, to marry and to found a family freely, without any discrimination and they shall have equal rights and duties as to all family affairs.

11. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

78. The Constitution of Eritrea and other pertinent laws expressly provide that citizens have the freedom to practice any religion and to manifest such practice. Similarly, the Transitional Civil Code of Eritrea, provides that there shall be no interference with the exercise, in accordance with the law, of the rites of any religion or creed by residents of the State of Eritrea, provided that such rites be not utilized for political purposes or be not prejudicial to public order or morality. Proclamation No. 73/1995 establishes the Department of Religious Affairs entrusted with liaising between the Government and religious institutions. The aforementioned Proclamation further details the relationships of the Government, with religion and religious institutions, and provides, inter alia, that:

- 1) Every citizen has an established and legally protected freedom of conscience and religion;
- 2) Government as a political system, and Religions and Religious institutions as spiritual institutions are separate and should not interfere in each other's sphere of activities;
- 3) Religions and Religious institutions are prohibited from engaging in political activities for or against the Government;
- 4) Religions and Religious institutions may not involve themselves into political campaigns, mobilizations or activities, or political preaching, or disseminate publications or broadcasts having political content;
- 5) Religions and Religious institutions are legally liable for any direct or indirect political involvement in the form of campaigns and mobilizations which is outside their spiritual or religious mandate. They are also held responsible if they engage in creating religious hatred, or engage in activities which give rise to grudge or clashes among the public or religions;
- 6) Religions and Religious institutions are prohibited from representing or advocating any foreign government or political power; and
- 7) Foreign relations of Religions and Religious institutions is required to be purely spiritual and free from politics and narrow material interests. It shall not, in particular, directly or indirectly impact the peace, stability, security and unity of the State of Eritrea.

79. The Constitution of Eritrea explicitly provides that citizens enjoy freedom of speech and expression, including freedom of the press and other media, and a right of access to information. Similarly, the Transitional Civil Code of Eritrea provides that every person is free to think and express his ideas. The only restrictions which this liberty admits of are those which are imposed by the respect for the rights of others, morality and the law.

80. The Constitution of Eritrea provides that all persons have the right to assemble and to demonstrate peacefully together with others. The Transitional Civil Code of Eritrea also provides for the rights to form non-profit associations. Teachers' Association, Medical Doctors' Association, Nurses' Association, Electrical Contractors' Association, and Engineers' Association are some of the non-profit organizations operating in the country. There are also other associations formed with the main objective of assisting the associates to become self-reliant and productive citizens such as those formed by the disabled such as the blind, deaf, and war disabled veterans. In the same vein, people living with serious and chronic health problems such as HIV/AIDS, diabetes, hemophilia, glaucoma have also formed associations. The above is not, however, an exhaustive list of associations operating in the country. The Labour Proclamation No. 118/2001, on the other hand, gives employees and employers the right to form associations, federations and confederations.

81. The Constitution of Eritrea stipulates that every citizen who fulfils the requirements of the electoral law shall have the right to vote and to seek elective office.

B. Cooperation with Human Rights Mechanisms

82. The State of Eritrea remains actively engaged with the Office of the High Commissioner for Human Rights of the United Nations, the treaty bodies and the special procedures of the Human Rights Council. Pursuant to its treaty commitments, Eritrea has submitted its periodic reports on the implementation of the Convention on the Rights of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the respective Committees. Additional information has also been provided to the Committees in reply to their observations and requests for additional information.

83. The reports on the implementation of the other three core human rights conventions are unfortunately overdue. Eritrea is committed to prepare and submit the reports. However, the task has been hampered due to the fact that most of the available legal expertise in the Government had been occupied with the delimitation and demarcation of Eritrea's border with Ethiopia by the Eritrea Ethiopia Boundary Commission (EEBC). Now that the final and binding delimitation and demarcation of the border has been completed, the preparation of the overdue reports will be restarted.

84. In case of complaints and other correspondence from Special Rapporteurs and Working Groups of the Human Rights Council, the State of Eritrea has been providing the required replies and information.

85. The cooperation with the OHCHR in Geneva has been effective. The location of the regional office of the OHCHR in Addis Ababa, however has denied Eritrea the opportunity to work closer with the office.

IV. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

A. Achievements

86. Despite the fact that Eritrea was liberated in 1991 through a 30-year armed struggle, the right of the people to self-determination was of paramount importance that it achieved its formal independence in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence.

87. Eritrea ratified its Constitution through the Constituent Assembly on May 23, 1997, which devotes a whole chapter for fundamental rights, freedoms and duties.

88. Despite the effects of the war with Ethiopia and the existing no-war no-peace situation, the Eritrean economy is recovering and is regaining the pre-war growth mode and with prospects of doing much better.

B. Best Practices

89. In the interests of promoting and protecting human rights, a wide range of measures have been introduced, including:

- Eritrea's development strategy aims at generating the social and economic conditions, institutions, and values that are necessary to achieve a rapid, just and sustainable socio-economic development;
- Ensuring women's participation at every stage of the Constitution-making process: 50% of the members of the Constitutional Commission comprised women. 30% of the seats in parliament are reserved for women. Four of the 17 Cabinet Ministers are women;
- The institutionalization of orphaned children was phased out to organize their integration with extended families, their adoption and foster care by unrelated families, and to provide them decent social environment (small group-homes) for orphans who cannot be placed in other ways in order to address the psychosocial needs of orphans;
- Community-Based service that comprise placement of street children with their parents or blood relatives and strengthening the economic base of the disadvantaged host families through income generation schemes was undertaken;
- Community-Based Rehabilitation (CBR) programme is being undertaken as an effective way of rehabilitating persons with disabilities; and
- Community Court was established by Proclamation No. 132/2003, which highly increased peoples' access to courts.

C. Challenges and Constraints

90. The major constraint to Eritrea's development today is the no-war no-peace situation and the continued occupation of sovereign Eritrean territories. The international community and the international organizations mandated with the maintenance of international peace and security have so far remained silent in the face of this flagrant violation of international law and the Charter of the United Nations. The occupation has impacted negatively the demobilization program of its defense forces.

V. KEY NATIONAL PRIORITIES

91. Currently, Eritrea is heavily engaged in reconstruction and development programs. Its aspiration is to become a developed and democratic nation through people-centered investments. The priorities of the Government of Eritrea include, inter alia:

- Promotion of the human rights and fundamental freedoms of all citizens;
- Increase the national productive capacity through utilizing natural resources, investment in human capital for the provision of quality and relevant education that enhances skills, patriotism and health, as well as investment in science and technology;
- Promote new production relation that focuses on empowering the citizenry not only with knowledge and skills but also with productive infrastructure, such as rural electrification, irrigation and land and to bring about the transformation of the agricultural sector;
- Increase investment in poverty elimination, strengthening the program of poverty reduction through development;
- Foster the development of mature community-based democratic institutions that facilitate popular participation of citizens in the process of national development;
- Promote a society free from corruption;
- Bridge the gap in living standard between urban and rural areas by investing in the social and infrastructure sectors in rural areas;
- Promote gender equality by incorporating gender awareness in macro policies to ensure women's equal participation in national development and the equal sharing of the benefits; and
- Increase Government assistance to persons with disabilities and guaranteeing their social participation and equal access to public services.

VI. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

92. In order to increase Eritrea's capacity in the implementation of its treaty obligations, there is a need for: (a) assistance in providing human rights and humanitarian law education and training to relevant bodies of the public sector and Eritrean civil societies; (b) assistance in national capacity building with respect to preparing periodic reports under the treaties that Eritrea is party to, and follow up on recommendations and in the monitoring of implementation of international human rights instruments. The assistance needs to be implemented in accordance with Eritrea's national priorities and policy guidelines for bilateral and multilateral cooperation.

