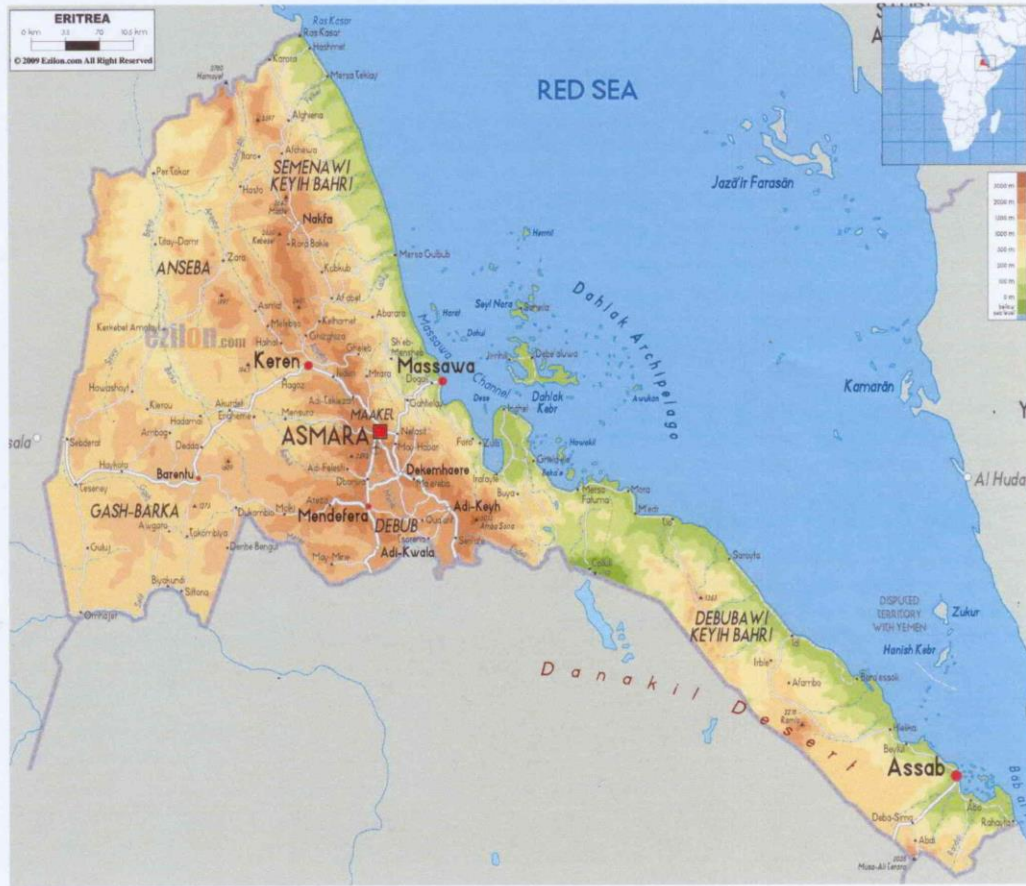




# **ERITREA: INITIAL NATIONAL REPORT (1999-2016)**

*Prepared on the African Charter on Human and People's Rights (ACHPR)*

**28 March 2017  
The State of Eritrea,  
Ministry of Foreign Affairs**



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## **NATIONAL REPORT: SCOPE AND METHODOLOGY**

1. The State of Eritrea presents its initial and combined reports that encompass eight periodic reports overdue since its accession to the Charter. The report is prepared pursuant to article 62 of the African Commission for Human and Peoples' Rights (ACHPR) and covers the period between 1999 and 2016. It is spearheaded by the Ministry of Foreign Affairs in coordination with relevant ministries, institutions and national associations.
2. In the preparation of this report, relevant ministries and National Civic Organizations prepared their part with due considerations to the objectives and purpose of the Charter. They all participated in the compilation process and subsequent discussion to finalize the report. Several meetings were held to evaluate the authenticity of the information and practice during the compilation and finalization of the report. The scope underlines the obligations under the Banjul Charter and other relevant regional and international instruments that have direct bearing on the enjoyment of Human and Peoples' Rights. In terms of coverage, concrete achievements, challenges and best practices are also taken into consideration since the accession of Eritrea to the Africa Charter in 1999.
3. The Report is prepared in accordance to the reporting Guidelines. As an initial report that covers the period 1999 – 2016, it is organized in a way that gives a deep insight into the requirements stipulated in the guidelines and covers all areas in the Charter. The aim is to show Eritrea's implementation and observance of the rights and duties as well as cooperation in the promotion of human and people's rights. It is also intended to strengthen constructive dialogue between Eritrea and the ACHPR. The Report has four parts; part I gives a general overview, part II highlights achievements and challenges, part III focuses on people's rights and part IV discusses on engagement and international cooperation on human rights.

### **PART I: OVERVIEW**

#### **Post-Independence Development Background**

4. After the Second World War, Eritrea became the target and victim of the new international order meant to advance the geopolitical agendas and economic interests of the US and its allies. The Eritrean population was thus denied the right to self-determination and independence and compelled to resort to a national liberation struggle. Despite being enshrined in the UN Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples (of 14 December 1960), the Eritrean liberation struggle was not recognized by the international community. After a 30 year liberation war that entailed a huge cost of more than 65,000 freedom fighters and over 200,000 civilians martyred in the course of the struggle, Eritrea was crowned victory finally achieved its independence on 24 May 1991.

5. At independence, the new Government inherited a devastated economy, ruined infrastructure and non-existent social services and the burden of nation-building has been inordinately arduous. Eritrea embarked into the nation building task with a clear vision of creating a viable state, economy and social fabrics. The ideals of nationalism, social justice and progressive morality which were the embodiment of the liberation struggle thus formed the basis for this vision. Hence, national unity and citizenship, national interest and cultural transformation constitute as aims. In this regard, it adhered to an independent political line and pragmatic development approaches centered on the decisiveness of the human factor.

6. After much hard work, the foundations for a social justice based all-round development are laid. In the political process of nation building, state institutions are emerging at a reasonable pace and various levels of peoples' administration and power have evolved. The economy is also progressing steadily and ready for take-off after much hard work. The national capacity and institutions are also evolving at a reasonable and healthy pace. The social sector strategy for poverty elimination and adequate standard of life is also having an impact (*some indicators given in the box*). The country's stellar achievements are widely recognized in spite of the scarcity of resources and a hostile regional climate not conducive to an unconstrained developmental drive.

- Life expectancy rose from 46 in 1991 to 63.7 (male/female HDI report 2015)
- Adult literacy rate increased from 30% to 67% (EPHS 2010)
- Student population rose from 200,000 to 605,932 (MoE 2016), net primary school enrolment from 30% in 1993 to 85% in 2015 (MDG Report 2015)
- Household access to clean and adequate water increased 85% and electricity by 43.5%,
- A total of 103,801 residential houses built. (MDG report 2015; NSO 2015)
- 1100 villages got access to adequate safe water
- Maternal mortality rate decreased from 1700 per 100,000 in 1990 to 352 in 2015 (MDG report 2015, National Statistics Office (NSO 2015)
- Infant mortality rate reduced from 93 per 100,000 live births in 1990 to 34 per 100,000 live births in 2015 (MDG report 2015 or 'NSO 2015)
- Under-five mortality from 151 per 100,000 live births in 1990 to 47 in 2015 (MDG report 2015 and 'NSO 2015)

7. Eritrea's foreign policy also promotes national interest, respect for sovereignty, peaceful coexistence and cooperation based on partnerships. In the last 19 years, the diplomatic encirclement campaign waged against Eritrea as part of the geopolitical agendas in the region has failed to subdue the nation. Nonetheless, Eritrea's foreign policy driven by the independent political stance has thrived and promoted the following objectives:-

- Promote relations and cooperation that enables national development
- Uphold regional peace, security and development
- Contribute to the global sustenance of peace, security and development
- Protect the rights and interests of Eritreans living abroad and guarantee their participation and contribution in Eritrea's national development



8. The accumulated effect of the all-round progress since independence is the prevailing peace and stability. Eritrea remains an oasis of cohesion and harmony in a turbulent region racked by cleavages along ethnicity and religion. This is a result of the positive political work during the armed struggle and sustained by prudent policies implemented thereafter in an independent nation. However, there is a long way to go to consummate the nation building process and Eritrea as a young nation faces challenges which the Government continuously works to address. The processes and structures, however, reflect the emergence of a systemic approach implemented through policies and programmes with all rights respected.
9. Indeed, Eritrea emanated from the struggle for human rights. These ideals are embodied in the promotion of human dignity, security and development. Human right is thus mainstreamed in nation building and integrated at all levels, sectors, policies and programmers. Promoting equal right and opportunities constitutes the epicenter of the overall effort and the following principles embody the ongoing effort:-
  - interrelationship of peace and security and human rights and development
  - harmony between individual rights and collective duties
  - indivisibility of human rights and the importance of an all-round development
  - prioritization of efforts predicated on the context, needs and human betterment
  - non-politicization of human rights and the promotion of engagement and cooperation
10. The all-round progress achieved has made deep implications in the enjoyment of human rights. Equal rights and opportunity is promoted and guaranteed by national law. Accordingly, progress on dignified life and equitable promotion of adequate services, equitable distribution and utilization of resources and the creation of a critical and decisive human capital has been pursued. Moreover, the responsible participation of the people is also strengthened. Hence, Eritrea is governed by the rule of law with all rights guaranteed.
11. The post-independence period until 1998, characterized by rapid socio-economic, political and social transformation was, however, disrupted by Ethiopia's war of aggression (1998 – 2000) under the pretext of a border dispute. Eritrea also faces unjust UNSC sanctions. These are part of the continued existential external threats aimed to thwart Eritrea's nation building efforts. It also faced severe drought during 1999 -2004. In spite of their influences the above challenges did not roll back the progress of the nation. Furthermore, neither did Eritrea surrender its sovereign rights nor did it abandon its independent political stance under these challenges. Its commitment and effort on human rights also persisted and hence the enforcement of the institutional and legal basis has remained a critical dimension.

## **A. Legal and Institutional Drive for Development**

### **(i) Establishing the Political Basis**

12. By Proclamation 22/1992, a nationwide and internationally supervised referendum was held in April 1993 with a 99.8% result YES vote for independence. The process and outcome demonstrated the level of consciousness, devotion and capability of the people and the leadership to build the nation. Hence, establishing a constructive environment and basis for nation building has been the major priority. In this respect, the National Democratic Programme of the Eritrean Peoples' Liberation Front (EPLF) during the liberation struggle formed the basis for the post-independence transformation.
13. After the referendum, the EPLF held its 3<sup>rd</sup> Congress in February 1994 and declared the National Charter and transformed itself into the Peoples Front for Democracy and Justice (PFDJ). As a political road map, the Charter outlined the vision of nation building and set guidance for the establishment of a constitutional democratic order. Accordingly, it defined the strategies on the political process, economic progress, cultural transformation and regional and international peace and security. The PFDJ thus shouldered the responsibility to mobilize and organize the people for national security, development and State formation.
14. The Government of Eritrea (GoE) was formed as per Article 4(6) (a) and (b) of Proclamation No. 37/1993. Subsequently, a Constitution Commission was also established by Proclamation No. 55/1994 and the drafting process initiated in 1994. This process was preceded by civic education and consultations and highly participatory by all segments and stakeholders inside the country and in the Diaspora. The Constitution was a home grown, indigenous process that emanated from the values enshrined in the National Charter. It also considered the rich written body of customary laws, some dating back to the 15th century. The Constitution was adopted on May 23, 1997 by an 862 member Constituent Assembly established under Proclamation No 92/1996 and constituted a milestone in the political process of nation building of independent Eritrea. This led to legislative elections for the National Assembly that took place at the end of 1997 after the adoption of the new Constitution and the national assembly was active until 2003.
15. The judiciary composed of hierarchical courts and Public Prosecution headed by an Attorney General developed steadily as per Proclamation No.1/1991. As is the case with all countries with civil law tradition, statutes also became the major source of law in Eritrea immediately after independence. Proclamation No. 1/1991 on Transitional Judiciary Administration of justice set the establishment of the Transitional Laws. Accordingly all the existing laws were dropped. Entrusted by Article 2(4) and (5) of the Legal Notice 14/1993 to draft and codify laws, the Ministry of Justice developed the Transitional Laws. Until recently the transitional codes (Civil Code 2/91, Civil Procedure Code 3/91, Penal Code 4/91, Criminal Procedure 5/91, Commercial Code 6/91 and Maritime Code (7/91) became the source of law in Eritrea.

16. The government also enacted and implemented 178 proclamations and 125 legal notices (72 proclamations and 82 legal notices of these enacted during the reporting period). These served as other sources of law and also reflected the relevant internationally accepted norms. The commitment to strengthen the State through viable governance is thus apparent. This is in fact reflected in the prevailing social cohesion and harmony, peace and stability, dignified life, enjoyment of rights and the responsible participation of citizens.
17. Furthermore, considering the situation of the newly born nation, a Special Court was formed under Proclamation No 85/1996. The policy that underpinned its foundation is the positive attitude of “zero tolerance to corruption”. It was created with specific mandates to investigate corruption practices, abuse of power and misuse of public resources. On the other hand, lower and higher military courts were established as per Articles 4(2) and 6 of Proclamation No 1/1991. They deal, on first instance basis, on military offences of varying degrees of severity. The Court of Final Appeal, the highest court in Eritrea, gives, on appeal basis, the final verdict on cases appealed from the military courts. They continue to function with prosecutors and judges, extracted from the military and trained in law.
18. The Macro Policy issued in November 1994 also charted the national development trajectory and established the overall direction of the pragmatic development. It aimed at creating a sustainable, export oriented and competitive economy. It aims for the establishment of an efficient, outward looking, private sector led market economy, with the government playing a proactive role to stimulate private economic activities and investment. Accordingly, various sector policies, strategies and plans were developed to implement the macro policy. One of the 12 National Development Objectives stipulated in the Macro Policy also asserts the creation of *“A free and sovereign state where human rights are respected”*.
19. All the above efforts illustrate that the Legislative, Judiciary and executive branches of a new State progressively developed ascertaining the prevalence of the rule of law in the country. The political trajectory contemplated in those days was to further enact subsequent laws on the development of political processes and institutions but were not completed at the time. This natural political process of nation building in the broadest sense of the term was interrupted by the border war with Ethiopia that erupted in May 1998 and the subsequent on-going existential external threats and belligerencies against Eritrea. The costly war with Ethiopia as well as dire conditions of perennial belligerency that ensued in its aftermath has thus adversely affected the tempo and pace of the process. Elections (except local and regional levels) were consequently kept on hold as priorities changed and the country had to grapple, first and foremost, with existential issues of preserving its sovereignty and territorial integrity.

**(ii) International and Regional Instruments and Treaties**

20. The GoE has signed and ratified more than 108 International Conventions and Instruments. These include 83 accessions (7 of which are human right instruments), 19 ratifications and 6

others (4 signatures, 1 adherence and 1 subscription of membership). This could be categorized across 15 functional areas with 13 others classified as an additional category (signing, adherence, membership). Many of these have been reflected in the new national codes, but some others of which Eritrea is not party to have also been reflected. Eritrea is also committed to the goals and principles of African Charter on Human and Peoples' Rights (ACHPR). This is above all manifested in its accession and signing to the ACHPR on January 14, 1999 and the African Charter on the Rights and Welfare of the Child on 22 December 1999. Eritrea is also part to 16 other regional conventions at various levels (acceded, signed and accessed, and signed). This again reaffirms the Government's commitment and effort to regional engagement and cooperation on human rights.

21. In general, international and regional treaties and conventions are taken seriously and pursued rigorously. As such, ample time is taken to analyse their provisions and ensure that international instruments are reflected in Eritrea's efforts. The Ministry of justice has also drafted a working document on the implication of international and regional instruments of which Eritrea is a party to. The fundamental approach is, however, to advance the effort in line with internal dynamics and the progress in institutional and organizational capacity. It also considers the development of national laws and legislations and the capacity to implement them effectively.

The above overview serves as a context for the progress and challenges in implementation during the reporting period, issues related to national building and people's rights and regional and international engagement and cooperation during the reporting time.

## **PART II: IMPLEMENTATION, PROGRESS AND CHALLENGES**

### **Essence of the Progress rooted in Equal Rights and Opportunities**

22. The overriding principle for Eritrea's progress and achievements is equal right and opportunities. The implementation of this principle is reflected in the following dimensions with implications to the respect, protection and fulfillment of human rights:-

- There is no discrimination, exclusion, restriction or preference made on the basis of ethnicity, religion, social status, language, opinion, gender and race.
- Tremendous effort is made to bridge the gap in the development of social groups and diverse areas and thus equity consideration prevail. The equitable distribution of wealth and resources is also maintained. This also considers the special situation of rural population, marginalized areas and vulnerable social groups.
- The population including the Diaspora is active participant and beneficiary of the wealth and opportunities on the basis of an equal footing of all rights. Hence, a system that nurtures collective responsibilities & duties prevails.
- Above all, the enjoyment of equal right and opportunities is sanctioned by national law.

## **B. Political and Democratic Rights and Development**

### **(i) Progress in Legislative and Governance Priorities**

23. As part of the effort to consolidate the rule of law, enforcement of the transitional codes and proclamations, promotion of democratic rights, nurturing responsible participation and respect of human rights has been pursued. The National Charter has successfully driven the development of state institutions, creation of national capacity and strengthening of the social fabrics in the society. Hence, by taking stock of where we came from and where we stand now after surmounting all the challenges and hostilities in the last 20 years, a new political road map has been declared in 2016. The internal dynamics of the nation as well as the emerging global and regional realities have been considered significantly. This will set direction for a consolidated trajectory in the political process and the governance system and a systemic approach of national consultations is also planned for this purpose.
24. The writing of a new constitution was also initiated in May 2015. The development and experiences of the last 20 years as well as the emerging situation and challenges of the country are taken into consideration. This renewed effort is also initiated to strengthen the political course stated earlier. It will also buttress the foundations of robust governance that Eritrea had embarked on soon after independence but that was interrupted by the border war and the ongoing existential external threats. As is always the practice, this is also a home grown initiative driven by the internal dynamics and with the full ownership of the people.
25. Pursuant to Articles 2(4) (5) of the Legal Notice 14/993, the Ministry of Justice also reviewed the transitional codes by establishing a Law Reform Committee. In the meantime, and to strengthen the administration of Justice, Proclamations No. 166/2012, 167/2012, 168/2012 and Legal Notice No. 120/2012 were promulgated in 2012 with the aim of enhancing access to and better delivery of justice. The provisions encompassed changes in the jurisdiction of courts, refinement of the procedural laws and the introduction of new laws for more effective enforcement. After 11 years of work and consultations, the new Civil, Civil Procedure, Penal and Criminal Procedure Codes were finally published in May 2015. Among the important attributes of the new National Codes, the following are worth highlighting:-
- are human right centered reflecting the values of liberation, freedom, democracy
  - take into account Eritrea's rich traditions and cultural mores rooted in encoded, centuries-old Customary Laws which embody, inter alia, workable principles of penal law, based on peaceful settlement of certain criminal acts in the new penal code
  - address the civil and political rights aiming to enhance access to better delivery of justice
  - efforts made to include such crimes sprouting out of the advancement in technology and intricate interactions of human life in the 21<sup>st</sup> century (example computer crimes, crimes committed against aircrafts, advanced crimes related to narcotics, etc)

## **(ii) The Right and responsibility of the Public to Strengthen Governance**

26. An important aim of the nation building process is state building and above all involves building legal, political, social and administrative institutions of state. This in particular entails strengthening people's democratic rights, responsible participation and the power to be active in the building the functions of the State. The people-power-participation nexus is thus the embodiment for State building in Eritrea.

### ***The Legislation Process and Public Knowledge***

27. During the reporting period the legislation process has matured more and the supervision of their development has been stronger. Most importantly their final endorsement in conformity to the Transitional Codes has also become more reliable. In this respect, the consultation and appraisal in all forms has also improved. Accordingly, 146 proclamations and legal notices have been enacted during the reporting period. The publication and dissemination of all legislations in the Gazette of Eritrean Laws and their dissemination through media outlets has consolidated popular awareness on rights and responsibilities. They are also available and sold publicly in nominal fees. Various forums for consultations, awareness and to instill responsibility in the wider population have also laid a favorable ground for implementation.

### ***People's Power for Democratic Rights and Participation***

28. The responsible participation of citizens in public affairs is an important feature in the political process of nation building. Hence, their participation in the process and implementation of national laws, defense, security, development, etc. is instrumental in consolidating State functions. Furthermore, the right to elect and be elected in the assemblies at all levels is respected and protected on the basis of Proclamation 86/1996. Accordingly, the citizens living in each of the six administrative regions are represented by members of elected assemblies. Through regular yearly meetings, the elected members at each level assess the situation and issue guidelines to the local and regional administrations. They also represent their constituency in national policy and development issues and serve as a means through which the demands and needs of the people are communicated to higher authorities.

29. The role of the people in state building through elected representatives has evolved. However, further strengthening of the institutional capacity and organizational basis of the assemblies still remains a major task. Furthermore, and as has been mentioned earlier, existential external threats have adversely affected the pace of the political process.

### ***Local Governance as a solid base of the State***

30. Proclamation 86/1996 established the six administrative regions of the State. It also promoted prospects for the gradual process of devolution of certain responsibilities to the regional administrations. Furthermore, it strengthened the dynamics of development, ensured equal

and responsible participation as well as the harmony and cohesion of the population. The regional judiciary contributed to judicial justice while maintaining its independence. The relationship of the regional administrations with the functional bodies of the state is also delineated to strengthen the link in the levels of the governance structure. Ministries are empowered with functional tasks of developing policies, sector plans, monitoring and provision of functional support and training. On the other hand regional administrations have assumed responsibility for organizational, administrative and implementation tasks.

31. Accordingly, regional administrations have implemented development activities in their respective areas in accordance with the National Development Plan. They also evolved as budgetary units of the State. On this basis, regional plans are developed through regional consultations primarily meant to reflect and implement the national development goals and targets. They assume responsibility of implementation arrangements in their area but additionally develop specific activities relevant to their situation and which augment the national goals. Institutional and resource capabilities, however, remain major challenge.

32. In the above context, the right and dynamic role of citizens in state building has been harnessed through the functioning governance system and the local level structure has remained critical to this. It was slightly slowed during the border war with Ethiopia but was reactivated when the fighting halted in 2000. Since 2003 communities in villages/localities continue to establish elected local assemblies and administrations every two years. The three person community magistrates, one of which is a woman, are also formed through similar elections.

N	Region	Sub Region	Locality	Village
1	Central	16	83	1,018
2	Southern	12	231	842
3	Anseba	11	113	516
4	Gash Barka	14	193	289
5	Northern Red Sea	10	101	89
6	Southern Red Sea	4	30	109
	<b>Total</b>	<b>67</b>	<b>751</b>	<b>2,863</b>

*Distribution and hierarchy of the Local Governance*

33. Though still at infancy stage, the emerging structure has functioned in a three-tier grassroots governance system. It is also evolving as an important basis for exercising basic rights and responsible participation in public affairs that strengthens the popular foundation of the State. The Government nowadays provides the local governance per capita budget allocation, professional and technical support commensurate to the size of the population and the development needs of the community. The community also mobilizes its own resources and contributes to the development of social services through a modest co-sharing (about 10% of the cost) in the form of labor, material or finance. It is thus functioning as an effective democratic structure throughout the country to uphold the rights and responsibilities of every citizen and the community. But more will be needed to strengthen the organizational, resource capacities and efficiency of the system.

### *Consultative Processes Reflecting People-Leadership Unity*

34. The consultations held with various leaders, institutions and higher levels of administrations constitute an effective democratic structure that upholds the rights and responsibilities of citizens and the community. The President on various occasions tours the regions and discusses issues of national interest with representatives of the people. Issues are raised including on achievements and challenges and the President responds to their suggestions and criticisms. Many of these issues are taken on board at cabinet level meetings for assessment and action.
35. Ministers, regional governors and local administrators also conduct seminars and consultations with communities, cadres, religious leaders and others citizens to discuss sector policies, legislation, implementation of programmes and challenges. It is also an effort exercised at local levels. The meetings address critical issues that require the attention of the Government and the following could be taken as recent examples:-
- Consultation and engagement with the Minister of Justice on the New National Codes and implementation and the role and responsibility of the people
  - The Minister of Local Government conducted similar seminars and consultation throughout the six regions on the progress and challenges of the land Law (conducted in 2015), and on community based structure and development; the meetings on land in particular addressed critical problems and challenges and highlighted on more effective utilization of land for all purposes. More than 5,500 administrators, cadres, leaders of national organizations, community and religious leaders and other representatives from all levels, participated. Similar seminars were also conducted by all regional administrators in which about 65,878 participants were engaged. The process continued at each level of administration and was finished in the beginning of 2016. Similarly, 6,637 at the minister and 129,445 at regional administrators levels participated in the meetings dealing on community based system and development.
  - Regional and sub-regional administrators also conduct meetings, consultations on a regular basis to address problems and challenges in their respective areas.
36. The fundamental issue is that the government promotes effective mobilization and organization, builds unity of thinking and practice and ensures responsible participation critical for the concerted effort of transformation at all levels. Thus popular and democratic levels of consultations have been strengthened to ensure participation of the people and expand their role in strengthening the state and its integrity. The consultations sometimes need continuity and more effort is needed to strengthen effectiveness and follow up.



## ***Participation in political life and the Role of the PFDJ***

37. Since declaration of its National Charter in 1994, the PFDJ has become the epicenter of the political movement of the people and continues to play a strong role in the strengthening the State. It has also served as a drive for the establishment of a democratic political system. Its significant role in national security during the border war with Ethiopia and the ensuing external existential threats imposed on the country has also been decisive. The PFDJ also runs important economic institutions that contribute meaningfully to national development. In particular this was much evident during the critical times of the nation's economic situation and the absence of forthcoming meaningful foreign investment. Its mobilization and organizational links at all levels inside the country and in the Diaspora also contributes in strengthening harmony, social cohesion and responsible participation in development.
38. The basic values of liberation, freedom and democracy continue to be the core for the nation building process. In this respect, the government and the PFDJ continue to strength and expand the upbringing of the young generation and cultural transformation is taking place. The PFDJ also plays a lead role in the transfer of these national values as cultural heritage, in particular among the young generation. It has advanced the following six important values:-
- equality, national unity and citizenship
  - determination and sacrifice to the interest of the people and the nation
  - high degree of mobilization and level of organization
  - self-reliance
  - leadership committed to the people and national interest
  - decisive role of women

### **(iii) Judiciary and The Right to Fair Trial**

#### ***Maintenance of Judicial Justice***

39. *Equality before the Law* is guaranteed *and* the process and administration is based on an independent judiciary comprising of hierarchical courts and a Public Prosecution institution headed by an Attorney General. The Public Prosecution's independence has been ensured in accordance to Proclamation No.1/1991 and Article 7 of Proclamation 37/93. Hence, it has functioned to uphold the supremacy of the law and protect the basic human rights of the citizens. It also provides judicial and administrative remedies in case of any violation.
40. Strengthening and expanding the Public Prosecution is thus another aspect of the progress. Until recently, it functioned at national and regional levels only. To further strengthen the function, the appointment of attorney generals at sub regional levels is being introduced. This will contribute significantly in maintaining and consolidating judicial justice at all levels including at the local levels. The nation has thus trained many legal professionals in higher level institutions who after a brief experience are capable to work in these challenging areas.

41. The institutional and organizational basis of the judiciary has been strengthened in line to Proclamation 1/1991 that deals on the administration of justice. Accordingly, the court system is also expanded and strengthened at the local levels. The community courts (so far 430 in number) operate with jurisdiction at a village or locality level. They form the most reliable, accessible and practical part of the system. Regional Courts are present in all six administrative regions and establish judicial justice and function as the second tier of the judicial hierarchy. The majority of the regions also have a high court which has both first instance appellate jurisdiction. The high court with a Last Appellate Division also sits in the capital city and functions as the third tier of the judicial hierarchy.

42. *Consequently, the supremacy and respect of the Law* has been strengthened by maintaining equality with non-discrimination as a major trend. Judicial bodies implement the laws to prevent and punish criminals, establish safety and protect lives and property. During the reporting period, A total of 432,563 criminal and civil violations (an average of 25,445 per year) took place with a total of 304,000 (70.3%) being convicted in the due process of law (an average of 17,882 per year) (Refer table below). The percentage of closed cases implies that the remaining cases were acquitted and cancelled (42% criminal and 26% civil cases) as they did not constitute crimes. This demonstrates that innocent people are free until proven guilty or due to lack of evidence. Continuous effort is, thus, made to uphold the integrity of the justice process. Moreover, individuals who abused their position or who violate the basic legal procedures in this regard are brought to justice and punished.

Duration	Criminal			Civil		
	Cases	Closed	% Closed	Cases	Closed	% Closed
1999/2015	102212	59166	58	330351	244834	74
Av/Year	6012	3480		19,432	14,402	

*Table: Comparison of Criminal and Civil Case*

43. Lack of adequate knowledge of the contents of the Eritrean laws has always remained a challenge. Hence, continuous efforts to address this problem are ongoing and have contributed to maintaining judicial justice. As preparation for the full implementation of the published National Codes, extensive campaign at all levels is also underway to popularize the new National Codes, create a better understanding on the rights and responsibilities, the due process of law and the procedures. The familiarization focuses on the national values and norms of the society, the reality of the society, and unity in diversity, the wealth of customary mechanisms in solving problems amicably and the legal development and international instruments to which Eritrea is a state party. So far the following have been accomplished:-

- An extensive discussion and sensitization with all law enforcement agencies took place for almost a week in collaboration with the Police Training Institute
- Region level campaigns conducted for all members of regional assemblies, administrators at various levels, all heads of sector representatives at various levels, leaders of the

national associations, religious leaders, so as to create guidance and direction for further enlightenment on the new national codes

- Media sensitization and discussion on radio, television, print media is strengthened and expanded through a collaboration between the Ministries of Justice and Information
- The Ministry of Justice has already strengthened its civic education programme and is ready for the wider public awareness campaign on the new National Codes
- Programmes are already in progress to produce law and society education in junior and senior secondary schools
- Preparation for the translations of the National Codes to all Eritrean languages (already circulated in three languages – Tigriña, Arabic, and English). is also underway

### ***Equitable Access and Coverage***

44. The equitable access of judicial service has also improved the judicial justice. Majority of cases, especially criminal cases that are brought to the judiciary are minor offences that can be fixed quickly. However, the dearth of judges who can sit throughout the country has made it difficult for people to litigate such cases in their vicinities. Given the gravity of the problems, it became reasonable for the Government to alleviate the unnecessary waste of time, energy, and expenses to go to the nearest court which could be hours and in some cases days away. To that end community courts are established since 2003 under the provision of Proclamation No 132/2003. The members are elected by the community and by law one of the three judges is a female. To strengthen the judicial justice capabilities at local level community court judges are given basic legal training, basic literacy programme and file keeping and management at a center established by the Ministry of Justice in a village called Meqarka. The courts have created the following advantages:-

- The adjudication of minor civil litigations has enhanced people's equitable access to justice at local level.
- It empowered citizens to use their mother language in the judicial process
- Furthermore, it has allowed citizens to have access to judicial services within their vicinity resulting in less expenses and energy
- The effort has also empowered communities to deal with issues to a certain level of competence and responsibility.

45. The cases that have been assigned to community courts are those which have social character and that can best be solved at the community level. The judges in these courts are exhorted to solve the disputes through conciliation in accordance with local custom before they adjudicate based on the national law. Appeal is allowed to the next level of regional courts. Given the effectiveness of the community courts in enhancing access to the justice system, their jurisdiction has been expanded for the purpose of furthering the human rights of the people. They have become important in addressing the causes of law violation, improving public order and settling disputes at local level. Roughly 85% of judicial cases have been dealt with by Community Courts with more than 90% of these settled through arbitration.

### ***Judicial Procedure and Practice***

46. Transparency and accountability is the main feature of the judicial practice. Hence, clear regulations and guidelines that ensure and responsibility by all actors have been maintained. Accordingly, the following established procedures are implemented ensuring the maintenance of justice at all levels:-

- The proceedings are always open to the public and conducted orally; only in exceptional cases did the courts seat in cameras with the conditions being regulated by law. Hence, facts and evidence relevant to make decision are heard in public
- The right to appear and give evidence in the court is guaranteed. Furthermore, all those whose rights and interests are affected by the case and the proceedings are also entitled to take part and express their opinion and to make applications.

47. In the private-public interest of balancing the process in the criminal procedure, the transitional codes have ensured a number of provisions that maintain the balance of authorities between the three actors: the court, office of public prosecution and police. Moreover, any indiscretions against the interest of the accused have been handled within each office through a number of provisions including ensuring the rights of the accused. Victims have also been given the opportunity to participate in the criminal proceeding with the view of obtaining quick redress for harms caused to them by the offence.

### ***Judicial Cases and Adjudication***

48. Eritrea has developed a legal system which is more inclined to a civil law practice as far as the substantive law is concerned. In its procedural laws, it has followed more of an adversarial system of litigation which is more practiced in common law system. As has been discussed earlier, the majority of the Eritrean population believes in mainly solving its problems amicably. Hence, the Eritrean customary law more functional especially in the rural areas and to a considerable extent in the urban areas.

49. In judicial adjudication, evidence collection and utilization is admissible only according to the law. Witnesses' testimonies obtained under threats or violence or any other malpractices are thus rejected. Hence by refusing to accept any illegally obtained evidence the accused are not arrested or brought to justice. Torture of any kind is not condoned by Eritrea's domestic laws and is punishable by law. Furthermore, the norm of a society that is founded on extended family and strong communal ties does not allow such reprehensible practices. The information gathered under such condition, if it happens is also rejected in legal proceedings. The judiciary has also periodically monitored prison conditions and takes punitive measures on any prison official if found guilty of such practices.

50. On the other hand, strengthening *public guidance and information has also been an important dimension*. Trial procedure information is widely accessed by all those concerned. The courts also notify well in advance in the public domain through a special section of the daily newspapers so that anyone concerned or implicated or with interest is informed about a case. The date, time, procedures and the requirements are thus made public. This supplements the availability of information to the accused and plaintiff in which registered written summons on the planned court session are given. The office of registrar also provides information to all those implicated and concerned in its daily routine work. This also includes the written decision on the litigation few days after the court proceeding finishes.
51. Public defense still remains a major challenge of the justice system in the country. So far there is no fully-fledged system of public defense as an institutionalized system that runs in public-private partnership. Defendants who are deaf and dumb, juvenile and those charged with offense punishable with rigorous imprisonment exceeding ten years have access to a legal right to public defense. Accordingly, the Court assigns a lawyer (a private practitioner) to represent an individual charged in the above mentioned situations. The Ministry of Justice has also assigned public defense from its personnel to represent individuals who are eligible for public defense in the High Courts that function outside the capital Asmara.
52. In general, the basic tasks and challenges in the administration of justice are the following:-
- Updating procedural guidelines in the judiciary and law enforcement agencies
  - Strengthen coordination between judiciary and other law enforcement elements
  - Awareness raising of the public on rights and duties and responsibilities in the effective implementation of the new national codes
  - Address Institution Capacity challenges
  - Establishment of effective data management of the judiciary process, etc.....

### ***Zero Tolerance on Corruption***

53. Eritrea inherited a devastated economy, destabilized social fabrics and a decadent system of administration with corruptible culture systematically established by successive colonial aims. Hence, as explained earlier, the Special Court was created under Proclamation No 85/1996 with mandates to investigate corruption. The policy that underpins its foundation is the positive attitude of “zero tolerance for corruption”.
54. Since independence, continuous campaign to sensitize the people and the government institutions on the matter has been going on. Nevertheless, there is no development corruption in the country as development resources and practices are put to use promptly with high level of accountability to the people. However, administrative malpractices do surface in daily life but are vigorously dealt with both legally and administratively. Hence, continuous struggle has been going to deny space to instances of favoritism, bribery, negligence in public responsibility, lack of accountability, etc. These are greatly inherited

behaviors of the previous colonial systems but sometimes arise out of weaknesses in institutional capacity and monitoring. There is, however, no complacency and continuous efforts to raise vigilance and the strengthening of the basic values is always a major agenda.

55. A study presented in the International Eritrean Studies Conferences (October 2016) by an expert of the NFPS shows that corruption in Eritrea is insignificant. The analysis is based on police reports, consultations, informal interviews and recorded corruption allegations and overall data of the previous 22 years. The assessment made on 1919 cases in which 93.3% of the cases were charged in the due process of law reaffirms the above conclusion. Officials and other citizens guilty of any such practices have been charged, punished and obliged to recover embezzled government resources and ill-gotten gains. Others were also given administrative sanctions and suspensions in accordance to the law. The efforts made have strengthened the basic values, promoted the collective interests of the people and enabled economic progress. Moreover, the study also indicates the following:-

- money and assets involved in the cases considered are mostly small
- position of suspects are mostly businessmen and few low ranking officers
- level of organization of perpetrators also shows that they are individuals or groups at the same level, but in very few incidences goes one level higher
- no ‘collusion’ and ‘extortion’ types of corruption exist
- there are no reported cases that indicate political /development corruption

On the other hand and by analyzing all the above international literature on Eritrea, the above study exposes the bankrupt methodology and the ensuing false narrative on corruption perpetuated to tarnish the image of Eritrea.

#### **(iv) Law Enforcement Agencies and Practice**

56. A major effort in law enforcement is the expansion in the demographic distribution of police services and activities. Presently police centers are operational in 53 sub regions of the country. Furthermore, 34 additional police stations have been established in consideration of demographic factors and geographical proximity that targets remote areas. There are also special standby units ready for deployment from the center for any contingency missions. Obviously, shortage of capacity and facilities remain and more needs to be done. However, community policing has consolidated police presence and service. Community police are elected in meetings of each local assembly. This has ensured collective and shared responsibility in maintaining public safety, law and order. Though it is a new experience that requires further consolidation, it is showing the intended results in public safety and security.

57. Respecting human dignity also remains a priority of policing. Police behavior and discipline is of utmost importance and rules and procedures that reflect the law are exercised and monitored. They have been instrumental in minimizing any abuse and inappropriate practice

or behavior. The Eritrean Police Force (EPF) also takes appropriate measures on any abuse and violation of responsibility during active service, though the occurrence is minimal.

58. While investigation reports are forwarded to prosecutors directly, police stations are also under the obligation to write an instant report to their higher officers on any measure and operation. On this basis the inspection department routinely assesses the adherence of the actions to the established legal provisions and rules of procedures. In the above context, any detained or those appearing for questioning are informed and requested to forward any claims of abuses, which after being registered in the Police Diary are forwarded to the Inspector officers. Abuses are hence addressed whenever they surface but as mentioned earlier are insignificant. In addition, an internal EPF bulletin is regularly circulated, reflecting the best practices and problems and enables members to exchange experience.

59. As a result of the above development, and in spite of institutional and resource constraints, law enforcement and protection of public safety is maintained successfully with the full support of communities and citizens. Eritrea is a nation with a very low crime level and the type and complexity in comparison to many countries is also negligible. The study by the expert in NFPS (mentioned earlier in relation to corruption) presented in the International Eritrean Studies Conference also reflects the truth that violent crime is also very low. It further indicates the following facts on violent crime:-

- The data of recorded crimes of 24 years was found to be consistent and relevant to determine minimum and maximum number of offences and trends
- Marginal intervention activities have shown significant impacts in reducing crimes
- When compared to other countries (comparative analysis of 27 countries across all regions and various levels of development was made in the study), violent crime rates in Eritrea is very low and not interlinked with corruption
- The impact of violent crime on national development is minimal
- Reports released by international organizations on crime in Eritrea also suffer from methodological problems and don't reflect the reality in the country; these western narratives have gone wild to label Eritrea as a high crime country, but the study shows that actual homicide rate in Eritrea is one of the lowest in the world

60. The above facts show the importance of law enforcement in the enjoyment of human rights in Eritrea. An important determinant factor in this regard is the ever growing police/community relationship. The impact of this relationship in raising public consciousness, responsibility and organizational capability to fight crime and corruption is indeed very reassuring. In this respect, there are well established avenues for engagement and consultations with the general public. The periodic seminars, publications geared towards public awareness on law and order, on community responsibility, etc. are very effective. These also edify the public at all levels and structures and create a platform to discuss questions and matters brought about by individuals on any legal issue and public safety.

61. The meetings and consultations organized are also systemic and continuous and EPF sample data demonstrates the extent of the effort. An average of 1100 meetings and seminars take place every year nation-wide. The average yearly participation level also stands at about 520,000. The process is transparent, highly participatory and transformational. It takes place at all levels (national, regional, local levels) and is also organized along social backgrounds. These include students, communities at village or urban locality level, industry workers, transport employees, professionals and business people as well as members of various national associations and organizations. Furthermore, similar but separate seminars and meetings are also organized with emphasis on road traffic and public safety.
62. Regular sensitization on public order and crime prevention is also given through the media. The Eritrean Police Force conducts a weekly regular radio programme on civil order, public safety and crime prevention. A weekly column on crime, prevention and public safety also appears in the official print media. The EPF also publishes a widely distributed and popular bi-monthly magazine to sensitize the wider population (entitled Police and Community).
63. In the *above context*, *institution Capacity building* is also a priority of the EPF. Standard police guidelines, procedures and code of conduct are operational and regularly assessed and updated in line to the emerging development and concrete situation. It continuously upgrades its officers by providing short courses and seminars. On the basis of the consecutive 3 year Plans, the EPF conducts training to consolidate the police force by training new recruits and retraining those in active service. The training encompasses crime prevention and investigation, law and order, laboratory techniques and finger printing, road traffic control and management, IT and data management, etc. Improving the efficiency and effectiveness of police service is also consolidated through assessments and studies. A computerized data system has also enabled a systematic management of crime records, registration of all cars and road traffic violations, and financial and personnel management.
64. The EPF also launched its Strategic Plan in 2011 based on a national assessment of crime situation and performance levels of key police activities. It has also submitted a plan to UNODC for international cooperation (in February 2017) and focuses on three areas:-
- Crime Prevention - Reduce crime prevalence by 8-10%, through enhancing:
  - Crime Investigation - improvement of capacities to expedite investigation by completing the process of over 80% of all cases within 28 days, increasing the percentage of solved crimes to over 85%, and improving procedures of arrest, search, and investigation
  - Human Resources Development - Currently, 7-10% of the members of the Eritrean Police Force receive trainings within and outside the country in all aspects of police activities; this guarantees domestic efforts to prevent and combat crimes as well as to surmount regional and international responsibility and genuine cooperation to contribute in countering transnational organized crimes.



(v) **Fundamental Freedoms**

***Religion***

65. Eritrea is a secular state and freedom of religion is protected by law. It is also a culture respected by every citizen. The country's rich history of religious tolerance, co-existence and harmony in a turbulent region that is often wracked by acute religious polarization and strife remains a great example. Hence, continuous effort is made to strengthen religious co-existence, mutual respect and tolerance. Even within the confines of secularism, the Government has shouldered the obligations to ensure that this centuries-old religious tolerance and harmony is not perturbed by externally-induced new trends of Islamic or Christian fundamentalism that corrode the social fabric.

66. In general, religious bodies have their respective hierarchies, conduct their own elections for their respective hierarchies – the Synod, the Dar-al-Iftae, and other decision making organs without any intervention from any side, including from the Government. The religious institutions and their leaderships play a significant role in strengthening the harmony and the social cohesion of the society. The interfaith joint coordination mechanism they created is a great advantage and religious leaders work together to address basic social problems without any discrimination. In this spirit, Christian and Moslem religious holidays are celebrated in joint inter-faith festivities by the people at local, regional and national levels. They also promote projects to assist vulnerable communities and groups without discrimination and joint advocacy at local, regional and national levels. The examples are many but the following can give an indication of their resolve and contribution:-

- supporting families of those internally displaced as a result of the border war with Ethiopia and the ensuing occupation of sovereign Eritrean territories
- dynamic participation in the fight against HIV/AIDS
- role and contribution in the project to support for Martyr's families
- campaign against FGM/C and early marriage

67. The operation of new faiths, with funding from external source is, however a matter seen in the context of Proclamation 73/1995. These groups refused to comply with the basic requirements of the Proclamation and the administrative procedure established accordingly. They also agitated to sow discord among the different religious denominations. In this vein, the Government thus strengthened the implementation of the Proclamation and requested the new faiths to register and declare their source of funding. Most did not want to comply with the regulations because they are driven by external groups and funding.

68. Moreover, the Jehovah's Witnesses had long forfeited their legal status when they refused to recognize the "temporal government" after liberation and opposed the referendum process conducted in April 1993 to determine the independent status of the nation after 30 years national liberation struggle. The groups failed to comply with the rules and further continued

to saw discord among the different denominations. They also attempted to destabilize the social fabrics and politicize their activities. The Eritrean Law forbids politicization of religion and thus appropriate measures are taken to restrain such activities.

### ***Social Organizations and Freedom of assembly***

69. Freedom of association and assembly is also respected by law. The Legal Notice No 5 of 1992 on “Registration of non-government national organizations and associations” also set the right conditions for their establishment and operation. During the reporting period more than 33 national organizations are operational. Eritrea’s labor Proclamation also upholds workers’ rights and there are about 190 trade unions functioning at present.

70. The associations and trade unions have their own constitutions, elected leaders and activists and conduct regular and timely congresses, conferences, meetings and activities. Veterans of the liberation struggle, local communities, social and cultural groups have also formed association and are active in the social and cultural domains of their communities. Assemblies initiated at community levels also play a great role in creating platforms to discuss and address social, economic, cultural and administrative issues. Hence, a system of national associations, trade unions and other social gatherings is a reality and includes the following four categories:

- Civil society associations contributing to the all-round national development goals – National Union of Eritrean Women, National Union of Eritrean Youth and Students and the Confederation of Eritrean Workers;
- Interest groups established for promoting professional interests (Association of Engineers, nurses, chemists, pharmacists, doctors, agriculture science, etc.), labor interests (various federations and unions encompassing various sectors and trades including in rural agriculture and women’s economic empowerment);
- Organizations established for fulfilling special needs of citizens affected by physical, intellectual and developmental problems in the society (the Eritrean Association of the Disabled, the Association for the Deaf, the Association for the Blind, the National Association of Intellectual and Development Disabilities, etc.)
- Community level Associations and organizations – including by veteran fighters association, community associations, cultural groups and networking, etc.

71. All associations are autonomous bodies and once registered work independently. There is a close collaboration with their respective related sector of the Government. There is, however, no polarization of interest and national interest has remained the hallmark of the collective effort and progress. Social organizations have thus contributed in the mobilization, organizations and creation of national capacity. They are also critical elements in advocacy and sensitization on the main issues of national development. Continuous engagement on issues of policies and strategies take place and they actively participate in the government efforts for transformation and progress. Some also have regional and international relations

and established people to people relationships in their respective areas of mandate. While continuous effort has been made by national organizations to get international and regional ECOSOC status, only the Associations of the Blind and Diabetes have secured status at Africa level. Hence, much more needs to be done in this respect.

### ***Freedom of Expression***

72. The fundamental principle in the National Charter, Eritrea's Constitution of 1997 and the national codes and proclamations is that citizens have the right for lawful expression and opinion without interference. Citizens are both participants and beneficiaries of information and ideas and the ground is leveled without discrimination. This, however, demands responsibility from every citizen and is related to the collective interest of the nation and the society. Hence, it is bound by Eritrean Law and demands protection of national security, public order and the basic values of the nation as well as respect to others.
73. In this regard, public media has been strengthened and reflects the truth and reality of national development. It has cultivated progressive thinking, transformational culture and reliable information instrumental to a knowledge society. Furthermore, it helped to consolidate the responsible participation of every citizen. On the other hand regional and international issues and development are also covered on a daily basis. Hence, the contribution of Eritrea's media establishment to the freedom of expression is ascertained by its democratic nature. Accordingly, radio programmes are available in all Eritrean languages and TV programmes broadcast in Tigrigna, Tigre, Arabic and English. Presentations in other local languages are also integrated into the available programmes. In general, continuous effort is going on to expand and strengthen the radio and TV programmes. Print Media is also emerging as an important dimension of this development. Official newspapers in four languages (Tigrigna, Tigre, Arabic and English) are widely circulated. Various magazines with specific purposes published by various ministries, agencies and national associations and civic organizations are also flourishing.
74. Eritrean media facilities and programmes cater for a wider public participation. They are a platform for critical reflection, constructive opinion and knowledge. Extensive discussions and opinions on government policies, development, administration, justice, values, arts, culture and sports, international affairs, etc. are promoted. They have phone call programmes where citizens express their opinions and criticism. Individuals with significance in imparting influence and information are also invited in the radio and TV panel discussions. There are also thematic issues that impinge on fundamental rights, the social fabrics and related rights, such as women equality, FGM/C and early marriage, child upbringing and protection, the reintegration of disabled, youth empowerment, etc.
75. To promote free Expression through cultural works, the government encourages the production and distribution of various cultural contributions. Many writers have continuously produced and circulated books, literary works (in most Eritrean languages), historical

publications and documents, supplementary readers for all levels of education, etc.. Dramas and films are also produced by individuals and groups of artists in various languages. International Conferences are also organized with the aim of promoting research development and integrate Eritrea's capabilities into the international intellectual culture. The International Conference on Language Development in Africa (1999), International Early Childhood Conference (2002), International Conference of Solidarity on Decent Work (2016), and International Conference on Eritrean Studies are some recent examples. They have been instrumental in unraveling the aspirations and potentials of the Eritrean youth. While all the above effort contributed significantly in strengthening the culture of free expression, seminars and discussions at various levels and for different purposes also serve in consolidating critical thinking and participation.

76. The emerging development of Satellite communication has also set a new realm in the culture of expression among Eritreans. There is exponential growth in television satellite dishes that have sprouted throughout the country including in rural areas and peripheries. With standard decoders that most families own, households have access to more than 600 foreign satellite TV and radio channels that broadcast their programmes 24 hours a day without any restriction. Major sources like CNN, BBC, Al Jazeera, CCTV, RT, France 24, Euro News, Ethiopian and other TV stations from neighboring countries are available on Arab Sat and Nile Sat easily accessed by these decoders.

### ***Rights of a person in detention***

77. In the last 17 years continuous effort has been made to expand and strengthen the penitentiary system which runs 11 detention facilities (1 of them in the capital city only for females). The principle is that detained persons are treated with humanity and their dignity, security and development guaranteed in accordance to the National Codes. Hence, the underlying objectives and main purpose of the Eritrea Correctional and Rehabilitation Services (ECRS) has thus remained to rehabilitate convicted individuals so that they would become law-abiding and productive citizens when they reintegrate into the society. In practice, the Prison Services Regulation is strictly followed and implemented. Inmates are given orientation on the center's administration and regulation to acquaint with their rights and duties. They are also given guidelines and information on how to report on any abuses. In this regard, prison police (PP) officers who violate the regulation are accounted by the law. There are internal codes of conduct to enforce these regulations.

78. The growth in the facilities and services indicates the prioritization of human security and human development of the detainees during the reporting period:-

- 5 centers developed their own inpatient section in the clinics inside the prisons
- 1 center has its own laboratory
- Seven centers have AIDS Counseling sections (there were none in 1999)
- 8 have developed education programme up to secondary level (there were only 2 in 1999)

- 6 have computer training and vocational programmes in graphics and arts, electricity, accounting, food making, sewing as well as Arabic language offered on request.; in 2016, 323 attended these vocational programmes (there was no provision in 1999)

79. Promoting dignified life has also remained an important goal. As such, the prisoners have the right to education, entertainment, health services, religious practice, sport and culture, awareness raising seminars and capacity building programs. To this aim, the system now runs a network of clinics, academic and vocational programmes, sport, culture, and other facilities. The awareness raising programme in particular focuses on HIV/AIDS, major diseases like Hepatitis, TB, etc, Eritrean National Codes, women equality, national development, work habits and culture, the causes and effects of psychological stress and other topics of importance. Continuous sensitization and advocacy on HIV Aids and TB is also given in all prisons. This is done by regional hospitals but all prison clinics also have HIV Counseling centers. Furthermore, the quarterly magazine of the Prisons and Correctional Services Center also serves as a source for discussion among inmates.
80. The right of inmates to unrestricted religious belief and practice in accordance with Article 2 (2-9) of the Prisons Services Regulations has been implemented. Prisoners continue to pray, fast and observe other rites that are observed in their respective religion and belief. In most Rehabilitation and Correction Centers this is done in their dorms but the Sembel detention Center in the capital city has a Chapel and a Mosque.
81. Major prison centers also have their own health facilities that are equipped with basic laboratories. Serious cases are referred to national health facilities. The National Referral Hospital in Asmara also has a designated in-patient section to prisoners. The 2016 data indicates the growing efficiency and effectiveness of the health service for inmates. In 2016, about 15,378 treatments were given and include 11,290 treatments and 620 hospitalizations in the prison clinics, and 3321 sent to regional referral hospitals of which 147 were hospitalized. Routine medical services from nearby dental and eye hospitals are also provided and 308 inmates from various prisons treated.
82. The national education policy is also implemented in all prison centers. All prisons have academic programmes and since 1997 inmates used to participate in the university entrance examination but were discontinued for technical reasons in 2002. The prison service in consultation with the Ministry of Education has now sorted out the problem and inmates are participating again since 2012. Furthermore, an agreement has recently been reached with the National Higher Education Board so that inmates who achieve passing marks in Secondary School Leaving Examination are able to continue their studies in higher learning institutions.
83. Various cultural and sport activities take place in all centers. A variety of indoor and outdoor sport activities have also been introduced to enhance the physical fitness and mental well-being of the inmates. Periodic tournaments are held within and between prison services. All major prison facilities have a cultural troupe of their own and activities are conducted during

national holidays and events, religious celebrations and on special occasions. Furthermore, access to radio, TV including Satellite TV services and print media also helps them get informed on national and international affairs.

### **C. Social, Economic and Cultural rights**

#### **(i) Macro Level Effort and orientation as a context**

84. In the last 18 years economic, social and cultural progress entailed a major dimension of the national development that nurtures promotion of basic rights. The institutional and legal framework of the State respects the equal rights of citizens to access publicly funded social services within the limit of its resources. It additionally protects the social welfare of all its citizens, especially those disadvantaged and vulnerable. In the above context, sector policies and plans have been implemented to progressively fulfill these rights.

85. After the culmination of the active fighting instigated by Ethiopia's aggression in the pretext of a border dispute, Eritrea embarked in a post-war development campaign named as Warsay-Yikealo (*discussed more in the section on The Right to Development*). This post-war development campaign aimed to revitalize the economy, improve living conditions, reinstate the social fabrics and strengthen the achievements of peace affected by war and drought. In terms of strategy the campaign focused on critical bottlenecks and maximized the exploitation of the comparative advantages to achieve progress.

86. In spite of the limiting factors of resources, hostilities and the unfavorable regional architecture not conducive for development, the campaign has made promising gains in Eritrea's economic, social and cultural development. The Government and the people and in particular the youth have relentlessly worked to achieve the goal which above all has been intrinsically tied to national security, national interest and the viable future of the country. The effort has been driven by the all-round development strategies and impacted on all basic rights. The following principles are the drive for the government's effort:-

- human right is a primary responsibility of the State and dignified standard of life remains the epicenter of development
- the state's commitment is based on the context, needs and human betterment ideals of the society and hence priorities are set accordingly
- equal right and opportunity is sanctioned by national law
- the determination to avoid deterioration of services and rights is always maintained as a priority in spite of external threats and belligerencies
- maximization in the utilization of available resources maintained to ensure the best interest of the people

**(ii) Dignified standard of life**

87. Eritrea expanded and strengthened its social sector strategy to promote dignified life for every citizen. This is an integrated paradigm that centers on the people and promotes human dignity, security and development. It hence focuses on food security, health security, water security, environment security and social security. The paradigm also underlines the decisive role of education as pre-requisite and condition for the all-round development in the political, economic, social and cultural life of our people.

***Food Security and Basic Rights***

88. In the immediate years after Eritrea's independence, 75% of the population depended on food aid and the food and nutrition social indicators remained dismal. Indeed, agricultural challenges as in many parts of the Sub-Saharan Africa including the Horn of Africa region are huge being affected by recurrent drought. Eritrea's agriculture mostly remained archaic and traditional and rainfall is erratic. Poverty in Eritrea is thus closely associated with the agricultural, agro-pastoral and artisanal fisheries systems of production which, as noted above, is traditional. About 65-70% of the population depends on the rain-fed farms that hardly use modern agricultural inputs and productivity is low and inadequate to cover basic household needs. Food security and nutritional fulfillment are thus driven by the principle of self-reliance and avoidance of dependency on food aid and the rights to food is a priority.

89. The Macro Policy, the National Economic Policy Framework and Program (NEPFP) and other related plans and strategies hence serve as the basis for this effort. In addition, the National Agricultural Development Strategy and Policy guides the sector level effort in this respect. In spite of the challenges, effort has thus been made to promote structural transformation and raise agricultural productivity. Hence ensuring availability, accessibility and affordability of food has been a major task. In spite of certain gaps in end-of-period poverty data and demographic data that can be used to estimate the number and type of poor, the Government believes, that the country has made strides toward elimination of poverty and hunger. The following indicate the progress.

- According to the World Bank's updated data, the Eritrean economy grew at the rate of 10.9% (1993-97) and by 9.0% (2011-12)<sup>1</sup>. Using a population estimate of 5.1 million, the World Bank estimated GDP per capita of approximately USD 544.00. The Government's estimate of the resident population is 3.65 million (2015) implying a higher per capita income at GDP of US\$2.61 billion (current 2011 prices). Furthermore, the Bank builds a favorable scenario in the mid-term mainly driven by mining activities. Therefore, even though income and wealth distribution data are not readily available, the Bank's overview of the Eritrean economy suggests a significant macroeconomic improvement.

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<sup>1</sup>Source: (<http://www.worldbank.org/en/country/eritrea>), Overview, updated Sept 22, 2015.

- Poverty elimination and enhancing food security are the thus cornerstones of the development policies and programs of the GoSE. A strong institutional and legal basis has been established and is articulated in a number of documents, including the recent National Indicative Development Plans, 2009-2013 and 2014-2018. The central goal is to promote inclusive, sustainable and widely shared progress. As the majority of the Eritrean population live in rural areas and they derive their livelihood from agriculture, agro-pastoral activities and fisheries, integrated rural development scheme is a major undertaking to benefit rural communities where poverty had been high.

90. The Government's Food Security Program is anchored mainly on the improvement of agricultural productivity through modernization of agriculture, including resort to modern irrigation. Soil and water conservation is also a major undertaking in relation to environment security and fulfillment of food security. More than 624 ponds, 148 small dams, 78 medium dams and 65 large dams are available presently. Together with the many wells and boreholes that have been dug, they have improved water availability for agriculture, household consumption and livestock. Furthermore, Eritrea is pursuing a two-track approach to achieve national and household food security in a sustainable manner and consists of:-

- building the requisite water and irrigation infrastructures to achieve adequate harvests each year that can meet domestic demand irrespective of the fluctuations and vagaries of rainfall in an ecologically fragile environment
- Bolstering individual farm-household income through initiatives at sector level and in relation to tailored similar national level interventions. The phased Integrated Agricultural Scheme aims to supplement sustainable farm-household income through diversification and provision (grants/low-credit arrangements) of 1 cow, 25 chicken, 2 bee-hives, 20 trees (10 fruit trees, 5 for animal feeds, and 5 as source of energy through regular pruning), and a 1000 to 2500 sq. m. land)

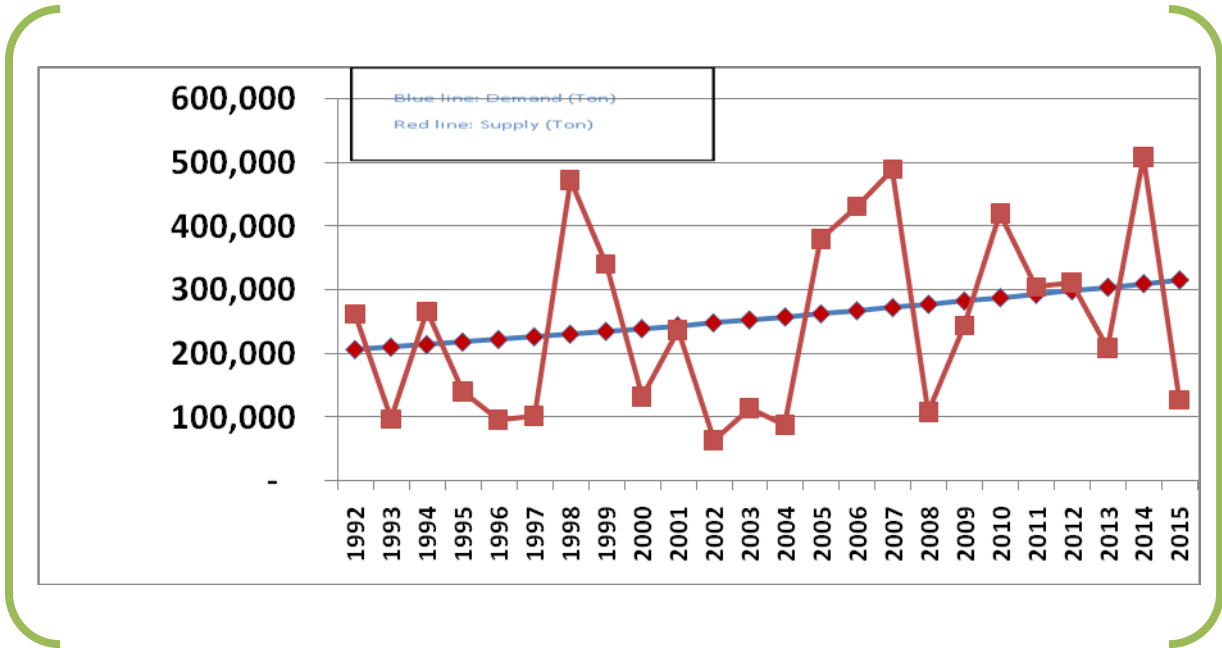
91. In this regard, poverty elimination in general and malnutrition of under-five year children in particular, are top priorities of the Government. Accordingly, it recently established a Steering Committee on national food and nutrition security (FNCS) drawn from the Ministries of Agriculture, Health, Marine Resources, Trade and Industry and Eritrean Standard Institute. The objective is to improve access to safe, nutritious and affordable food at the household level and has formed a Technical Committee (FNCS) mandated to:

- Coordinate food and nutrition security activities and forge strong partnership among stakeholders, including UN agencies;
- Ensure the nutritional adequacy of children under five years of age as well as pregnant and lactating women;
- Accelerate policy review toward elimination of malnutrition; and
- Increase the production of diversified, locally produced complementary foods.



92. The Government’s national poverty elimination policy and its highly focused interventions targeting rural communities have improved the living standards of all Eritreans, especially those that were left behind. The MDG targets pertaining to extreme poverty and hunger are also achieved. Supporting data are expected to be available as soon as the statistical system is readied and proper surveys undertaken.

93. As shown in the table below, it is estimated that the yearly average demand of cereals (indicated by the ascending horizontal line in the following Graph) in Eritrea in the last 17 years ranged from about 220,000 tons in 1999 to 310,000 tons in 2015 (an average growth of 2.72% yearly). The supply (zigzag line in the graph) fluctuated from a minimum of about 70,000 tons (2002 during the drought period) to the highest of 510,000 tons in 2014. Vegetable and fruit production also progressively increased from 119,061 tons in 1999 to 288,700 tons in 2014 at an average of 85,000 tons per year (the production in 1992 and 1998 was 42579 and 74925 respectively). Furthermore, livestock development, poultry production, milk and other necessities also progressed significantly contributing to the above effort.



133. The Government has also made significant investment in the structural transformation of agriculture. This has encompassed diversification agricultural productivity, mechanization of agriculture, resort to irrigation schemes and technology, creating food chain, introduction of post-harvest pricing and management, and building national capacity. In the last 17 years

- 4,544,316 tons of cereals (average of 267,313 tons/year), 3,258,914 tons of vegetables (average of 203,682 tons/year), and 1,293,293 tons of fruits (average of 80,830 tons/year), were produced; total average annual production is estimated at 535,090 tons.
- The social indicator of 2.0 quintal calorie/person/year taken as a measure of availability of food and nutrition value, this ideally covers about 73% - 75% of the demand (3.7

million population). All the parameters in the objective situation taken into consideration, this is an important achievement in food availability and nutritional requirements.

- The average yearly yield in the last 17 years (with some data still not filled for 2015) is about 535,090 tons cultivated in an average yearly area of 474,168 Ha.
- Production is estimated to be an average of 1.2 tons/Ha indicating the significant progress made. The MOA data furthermore indicates that in high rainfall areas this has been raised to 1.5 to 2 tons while in irrigation agriculture it has reached as high as 3.0 tons/Ha.

134. Raising agricultural productivity through irrigation is also showing progress. The government has embarked on modern irrigations schemes and more than 58,000 hectares have been cultivated through irrigation technology (only 9% of the available potential land for irrigation). This has raised the per hectare yield and predictability of productivity and the opportunity for harvesting two or three times per year thus contributing to food availability but further expansion is planned. Recently the scheme has been used to empower farmers and contribute to agricultural sustainability. Consequently, about 683 farmers have been settled near the Kekebet dam, more than 1700 near the Gerset dam, and hundreds (from several villages) near the Logo dam. They are each allotted land and benefit from the irrigation, electricity and water infrastructure established by the Government to promote transformed commercial farming models at household level. The experience so far is positive and promising and further expansion has been planned.

135. The overall effort on food security has made important strides but much more remains as the goal also goes beyond creating food self-sufficiency. It is thus related to the goal of creating contingencies for future eventualities. The Government hence declared the Grain Board under Proclamation No 30/1993 and has been active in storing significant amounts during periods of bumper harvest. In general, the investment and the progress in the last 18 years have surely laid the foundation for a better future, with the rights to food and nutrition modestly addressed. Eritrea is thus progressively moving in the right path towards achieving food security that guarantees availability, accessibility and affordability of food in a way that fulfills the minimum standard requirement, as a right to all.

136. In the difficult circumstances when rain failed and food markets soared, the Government has however, used its reserves for contingency measures. Furthermore, it proactively defended the right of the people through prudent measures of market stabilization. Hence, it takes subsidy measures to alleviate the problems. *The Hidri Programme* of food subsidies is an intervention that reflects the government’s commitment and runs 201 centers (*Refer box*).

Region	Sub Regions	Centers
Southern	12	25
Central	16	64
Gash Barka	14	24
Anseba	11	25
Northern Red Sea	10	38
Southern Red Sea	4	25
<b>Total</b>	<b>67</b>	<b>201</b>

*Regional Distribution of Hidri Centers*

137. The programme aims to ensure availability, accessibility and affordability, especially to those affected by any food shortages and vulnerability. An average of about 10 essential food items is sold at subsidized prices and some items at rational prices in order to alleviate the problem and reverse the inflated food market prices. The amount supplied is determined by the size of the family and managed as a basic right to be respected. For logistical reasons not all the basic items are available in some regions. Nevertheless, the equitable demographic distribution in all regions and sub regions, the rational fares and distribution as well as the huge subsidy invested attests to Government's commitment. In the last 15 years there has never been famine that exposes the people to hunger.
138. Monitoring the standards of food is also maintained to address quality and safety. The Legal Notice No 33/1997 promotes the issue of standard in the society Furthermore, the Plant Quarantine Proclamation No 156/2006 has been applied to prevent the introduction and spread of pests through the importation of plants and plant products, take appropriate measures for the control of introduced pests and prevent the presence of pests in plant and plant products during export. In this respect, the Legal Notice No. 114/2006 has been strictly applied for regulating importation, handling, use, storage and disposal of pesticides. On the other hand the Legal Notice No. 113/2006 has been enforced to determine the standards for milk and milk product processing plants. This has ensured the production of hygienic and safe milk and protect the health of consumers. Preliminary steps have also been taken to promote milk storage centers in three major towns and have ensured quality and safe delivery. Three modern cold store facilities with capacities of more than 17,000 tons have also been established to preserve food items in a safe environment.
139. In general, the ministries of health, agriculture and trade and industry in collaboration with local administration structures continue to monitor the safety of food products and standards. This includes the delivery processes and quality. However, the issue remains a great challenge in particular in relation to imported and packaged food materials and plants. Some of the major challenges where more efforts needs to be made could be the following:-
- Develop and review procedures for issuance of certificate of qualification for agricultural processing plants
  - Reinforcing quarantine measures, and administer and supervise border controls
  - Issue sanitary and phyto-sanitary certificates for animal and plant exports and permits for exports and imports of animal and plants as well their products

### ***Health care as a right***

140. The National Health Policy of Eritrea (2010) has promoted the enjoyment of the highest attainable standard of *health for all* as one of the fundamental rights of every citizen. The Government heavily subsidizes the health service and is provided for free and without any discrimination. The priority commitment is primary health care. Since 2000, this has been implemented through cycles of five year strategic plans. The working principles of the

policy are based on equity, comprehensiveness of service, cost effectiveness of technology and interventions, complementariness with other sectors, decentralization, human resources development and community participation and mobilization. The following are some of the major instruments and plans implemented in the past 2 decades:-

- The National Health Policy of 2010, and the National Health Sector Strategic Development Plan (2012 – 2016). The policy and strategy have taken special notes on Family and Community Health Care services in all health facilities and communities.
- The Reach Every District (RED) Strategy for immunization is part of the Sustainable Outreach Services (SOS) introduced and implemented in hard-to-reach areas.
- Adolescents' Health Policy and Strategic Plan, which advocates that adolescents have the right to be heard, air their opinions on their health needs.
- The Integrated Management of Acute Malnutrition (IMAM)
- Integrated Management of Neonatal and Child Illnesses (IMNCI)
- The National Child Survival Strategy (NCSS) - end of 2008 serving as a reference framework for a better integration of Maternal and Neonatal Child Health (MNCH) related programs, and prioritizing a minimum package of effective interventions.
- HIV Policy and strategy on elimination of mother to child transmission (e-MTCT)

141. In this context, prioritization of integrated early childhood interventions has enabled early detection of any problem or disability and has impacted in reducing effects and their severity if any. The high level of achievement in immunization against polio, measles and vitamin A in particular is a major success in this regard. Early intervention is also integrated in school health programmes through the joint effort of the Ministries of Health and Education. Children get eye, ear, and dental screening (including through mobile vehicle clinics) and those with health problems receive the necessary medication and support. Identification of mental health problems are also conducted at an early stage in schools.

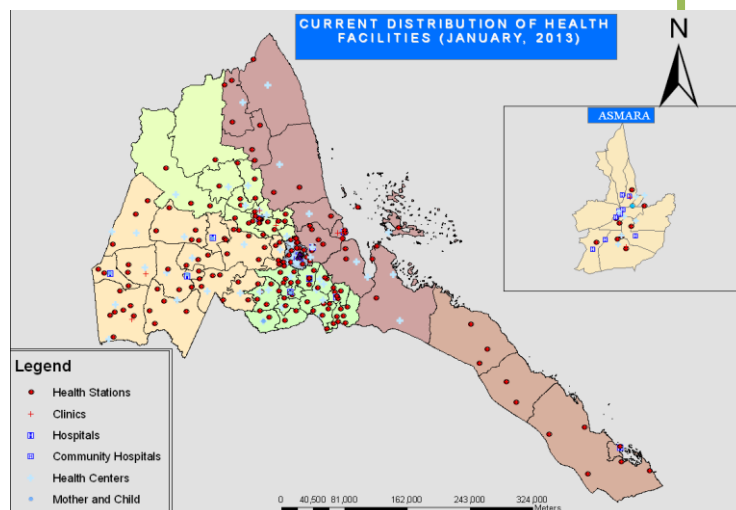
142. However, various harmful traditional practices deeply rooted in the tradition and culture, in particular, FGM and early marriage expose citizens to ill health and disability and are hence promptly discouraged and combated. Consequently, advocacy measures against harmful traditional practices have been strengthened. Furthermore, administrations and law enforcement agencies take commensurate administrative and legal measures against such ill practices. Hence, respect and protection against infringement on the rights of women are being challenged more with the support of communities achieving the desired results.

143. In general, regular monitoring is done in hospital and clinic services, supportive emergency services, community led total sanitation projects, water points, and food and drink establishments. The commitment to control the effects of hazardous and toxic substances to health in mining companies is also a major task. Corporate Social Responsibility Reports and Health Standard Assessments have shown the high level of safety in Eritrea's mining.

144. Promotion of equitable health provisions is also a major agenda and services have been established with emphasis on rural areas and previously neglected social groups. Nationwide, there are 340 health facilities, comprising a hierarchy of a national referral hospital with specialized services, regional referral hospitals, community hospitals, and health stations, clinics (including 7 mother-child care clinics) and 43 functional waiting homes for pregnant women. Consequently the Demographic distribution is such that more than 60 % of the population in rural areas has access to health care within 5 km and 78% within a 10 km.

Description	1991	2016	%Growth
Health Stations	72	256	255%
Health Centers	5	56	1010%
Hospitals	16	28	75%
<b>Total Facilities</b>	<b>93</b>	<b>340</b>	<b>266%</b>
Doctors	20	232	1060%
Specialists	2	78	3800%
Doctor/Patient Ratio	1:40,000	1:15,086	62.3%
Nurse/Patient Ratio	1:9500	1:3000	64.4%

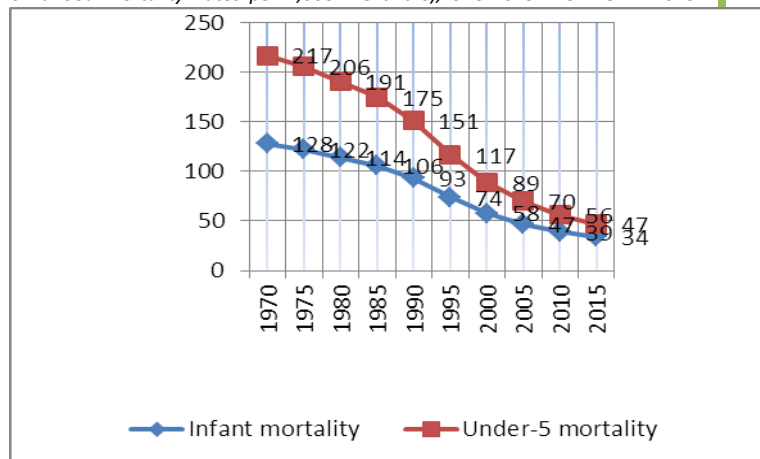
Table: health service demographic distribution



145. Progress in fulfilling the right of children and mothers to quality health services is a priority issue in the promotion of dignified life and human security. Eritrea showed tremendous achievements in this respect. Under-five mortality rate was reduced by 69 percent to 47 per 1000 deaths in 2015. During the same period, infant mortality rate was reduced from 93 per 1,000 live births in 1990 to 34 in 2015 and neonatal mortality from 34 per 1,000 live births in 1990 to 18 per 1,000 live births in 2015.

146. A significant right contributing to the progress in health security with a high level of community participation is the efficient and effective immunization system. MDG, WHO and UNDP sources verify that Eritrea's immunization rate in one year olds is 98% (global = 84%, Africa 73%, America's 94% and 94% in Europe). Immunization coverage is virtually universal, accessible to all children and women in the reproductive year old. Eritrea's achievements in immunization are well ahead of the sub-regional and Africa-wide performance, according to global UN data. Eritrea's 2010

Childhood Mortality Rates per 1,000 live births),1970-2015. - UN-IGME 2015



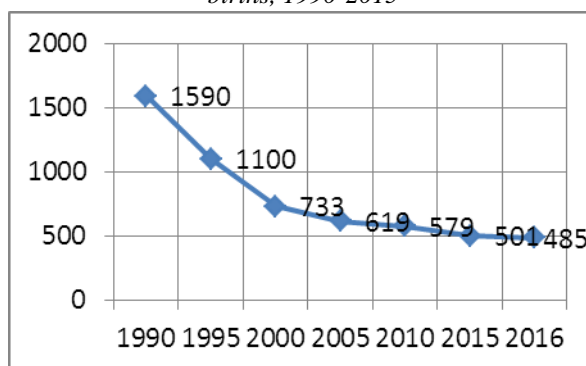
immunization levels for polio and measles as examples were 99 %, compared to 79 % for ESAR and, 81 % and 78 % respectively for Africa as a whole. Eritrea’s complete country document for polio free status is also recognized by The Africa Regional Certification Commission (ARCC).

147. Similarly, Eritrea is the first country in East Africa to eliminate maternal and neonatal tetanus. Although sporadic measles outbreaks have been experienced, particularly in unimmunized adults, measles-related child deaths have been reduced to below standard. Hence, it is not considered as a public health concern for children below 5years of age especially after the introduction of second dose of measles in 2013 .This is intrinsically related to the efforts made to uphold the right and safety of children and mothers nationwide.

149. As revealed in this table, the trends in *Maternal Mortality*: 1990 to 2015 Estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division (WHO, 2015), reveal that the Maternal Mortality Ratio has declined from 1,590 per 100,000 live births in 1990 to 501 in 2015, and projected to 485 per 100,000 live births in 2016. Accordingly, MMR decreased by 70 percent from 1990 to 2016. The annual rate of reduction for Maternal Mortality Ratio during 1990-2016 was estimated at 4.6 %.

150. Eritrea’s health policy also addresses the safety and protection from *major health threats and diseases*. This mainly targets malaria, TB, HIV/AIDS and other communicable diseases. Malaria is endemic in Eritrea and considering it as a major public health concern, the Government launched a Roll Back Malaria Strategy in July 1999. Since 1999 the overall malaria morbidity has gone down by 90 percent, while the overall mortality due to malaria has decreased by 86 percent. In this regard, Eritrea’s exemplary achievement has got recognition by the AU and on January 30, 2016, Eritrea received the Alma Award for Excellence in the Malaria Fight. The TB incidence of about 90 per 100,000 is also the lowest rate in the Horn and Eastern Africa Region. Comparison of 1990 (*year before Eritrea became independent*) and 2014 is given in the above table.

*Maternal Mortality Ratio Estimates per 100,000 live births, 1990-2015*



151. Eritrea has also taken measures to halt the spread of HIV. HIV prevalence has been reversed while still at a low level, with a current estimate of 0.9 %

Indicators	1990	2014	Reduction
<b>Incidence of TB</b>	243	78	68%
<b>Prevalence of TB</b>	478	123	74.3%
<b>Mortality due to TB</b>	12	4.7	60.8%
<b>TB/HIV mortality</b>		2	
<b>TB/HIV incidence</b>		4.9	

*Control of Tuberculosis – estimated per 100,000 people*

in the general population. Respect and protection of the rights of those infected is also a major Government task with the full support and decisive contribution of all non-government actors. The establishment of the HIV/AIDS Persons Association (named Biddho – meaning Challenge!) is also a significant step in avoiding stigmatization and marginalization of victims. During the reporting period, the Government has assisted 5,654 persons infected and affected by HIV/AIDS. It provided them a monthly USD 35 cash assistance to improve their nutrition and enhance their immune system, very crucial to the survival of the patients. The NUEYS has also established the Eritrean Social Marketing Group and promotes awareness, education programmes, support schemes and condom distribution to assist prevention efforts.

152. *Defeating blindness in Eritrea* is also a major task. As a result of the successful vitamin A supplement programme blindness is now rarely seen. Prevention effort on trachoma, cataract blindness and related health problems is also pursued significantly. The eye hospital in the capital city and the major eye clinics in each region conduct cataract surgery and provide treatment on eye diseases and injuries. Trichiasis surgery is also routinely provided in few regional eye clinics A survey conducted by the MoH in 2009 shows that cataract incidence is fairly low, although it was lower for women. A total of 5,694 cataract surgeries were conducted during the reporting period and 3,846 people were diagnosed with glaucoma and given treatment. Moreover, hygiene and sanitation awareness campaigns are also administered as part of the Preventive and early intervention strategy.
153. Committed to meeting the need of cataract blinds in Eritrea, the Fred Hollows IOL High Tech Laboratory is providing IOLs (*Intra Ocular Lenses*) to eye hospitals and clinics. It commenced production in the mid-1995 and has since produced over 2.2 million lenses and over 2 million people (including Eritreans) have restored their sight problems. The Laboratory meets the domestic demands and exports market to Asia, Africa, Europe and Oceania. The quality undergoes quality assessment by in-house and international quality control institutions. Quality and every stage of the manufacturing process is managed by a set of Standard Operating Procedures. The Laboratory was ISO 9001, ISO13485, MDD Certified and CE Mark accredited by an international body in 2000. These certifications confirm its compliance with European and International standards of quality manufacturing practice of medical devices enabling world-wide export of the Eritrean IOL product.
148. Eritrea has also made concerted effort to ensure the availability and affordability of essential drugs. AzelPharma Industry, established in 2001, produces more than 48 products covering 7 therapeutic ranges and the list is going to increase in the near future. Medicines are sold at subsidized and sometimes at affordable prices and are accessible over the counter on the basis of medical authorization for prescription medicines. Eritrea imports additional drugs, but monitoring the standard of the drugs is also a major task.
154. Access to safe drinking water and basic sanitation, complemented by consistent hygienic practices, is amongst the core prerequisites of sustainable human development and

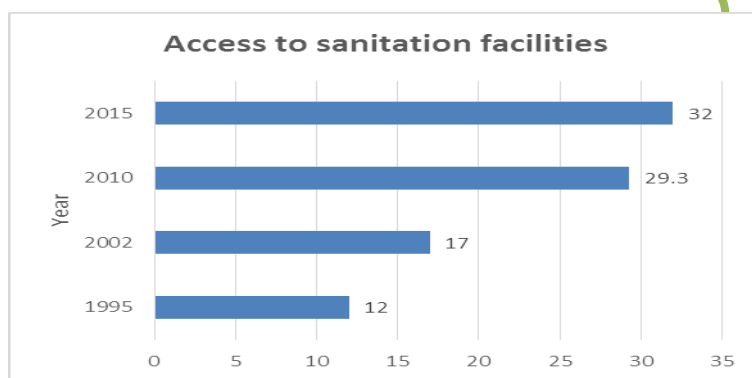


wellbeing. Diarrheal disease is persistently one of the three leading causes of mortality among under-5 year children, and of morbidity among the general population (HMIS, 2014). This is largely attributable to lack of access to safe drinking water, poor sanitation and hygiene practices. Promoting environmental health and water sanitation is thus an important goal. Accordingly, Eritrea committed itself to achieve the MDGs of 72% access to water and 54% sanitation facilities by 2015 and invested substantially to achieve these goals.

155. Currently, the priority environmental health intervention is rural Community Led Total Sanitation (CLTS), in which villages are sensitized to make latrines (of their own choice) and make their village "Open Defecation Free (ODF)". The program also intends to expand to the urban areas of Asmara and the regional capitals. Other hygienic measures such as hand washing, use of safe water (Wash promoters), ventilation in the cooking quarters and raising consciousness on air and water pollution are also promoted.

156. EPHS (2010) data revealed that 70% of households in Eritrea (35 % urban and 90 % of rural households) are without toilet facility as compared to 74 % (39 %t in urban and 96 % in rural) without toilet facility in 2002. The trend improved at an annual increase rate of 1.4%, from 1995 to 2010 and projected to increase to 32% in 2015. CLTS approach is also broadened to promote access to sanitation and safe drinking water, food hygiene, personal hygiene and cleanliness of the home environment. Implementation of this approach has shown considerable progress in relation to WASH since 2008. As of July 2015, more than 911 villages were triggered and 663 villages declared open defecation free (ODF). This indicates that more than 24% of the total villages are free of open defecation.

157. Overall all the achievement in terms of the right to life and health is the progress achieved in life expectancy. Life expectancy at birth increased from 48 years in 1990 to 63 in 2013. This is partly due to the reduction in infant and child mortality and the reduction in adult mortality caused by malaria and other life threatening communicable diseases.



### ***The Human Rights to Water***

158. The Ministry of land, Water and Environment is working towards the amalgamation of the main principle of sustainable development into the nation's development priorities and strategies and mitigate environmental degradations. Hence, reversing loss of water resources and improving the provision of sustainable water access for all citizens is a major task. In this regard, regulations and the management tools of the government including the Eritrean Water Law 162/2010, the Potable Water Regulation 42/1998, Water Policy Paper of Eritrea,



Eritrean Water Quality Standard, the Planned Sanitation Strategy of Eritrea and many other policy instruments are implemented. Promulgation of environmental protection and rehabilitation are also in place. Furthermore, regulations and directives are also planned to further strengthen the respect and protection of water rights to every citizen. This includes urban water supply services management, national water tariff/pricing system, internal grievance procedures and dispute settlement between/among different users.

159. At independence, about 7% of the rural population in Eritrea had access to safe drinking water. The Government invested huge amount of resources in water security and the promotion of water rights. Hence, current estimates show that 85.5% have access (*Refer table below water accessibility progress by year since 1999*) to secured water supply schemes (rural 79.5 %, urban 95%). The total capital budget invested since independence (until 2014) for achieving this progress amounts more than 6,355,429,524 Nakfa (*USD 403,519,334.86*).

Year	2001	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16
Urban	50			63		90				>90	>90	>90	>90	>90	>90	95
Rural	20			25	41	59	65	71	74	77		78				79.5
General	30			33		71	73			78	79	80	82	83	85	85.5

160. By 2018 the government plans to reach 90% water availability and accessibility at an affordable level. Recognizing that almost 20.5% in rural areas do not have access to safe water, the task ahead is indeed challenging. Hence, a serious rethinking of overall water resources planning and management in the face of chronic drought, falling water tables and gaps in hydro geological data has been going on in the last decade. As discussed earlier, the issue of sanitation and personal and domestic hygiene is also a major issue.

### ***Education and human right***

161. Education is *an issue of social justice* and is respected and protected as a right through the provisions of all aspects of the established institutional and legal framework of the State. The underlying principle is the right of every citizen to have equitable access, continuity and quality education. Equality in education has been sanctioned by National Law and is monitored by the concerned regulatory bodies. It is also enforced by the local and regional administrations. The National Education Policy reviewed in 2012 has further consolidated the State’s commitment to the sector highlighting its critical role in national development. Education has thus been linked to national unity and citizenship, promotion of national interest and building progressive morality. Hence, it is based on the context, needs and human betterment ideals of the society and has served the promotion of human dignity, security and development of the Eritrean people. Education is free in Eritrea!

### ***Equitable Access and Coverage***

162. During the reporting period *equitable access and coverage* has been expanded. As part of the effort to promote integrated early childhood development, pre-school education has

grown by 264%. In general, the Pre-School level has emerged as an important element of the upbringing of children. They constitute 14.8% (age bracket 0-4) and 13.4% (age bracket 5-9) of the population. The system is still at its infancy but showed progress in addressing the right of children and establishing the institutional basis for early intervention. Presently, the Pre School system is a network of 483 preschool institutions employing 1,456 teachers and serving 38,443 children. Universalization of primary education and middle school education all also expanded by 70.1%, and 104.7% respectively while secondary level expanded by 89.3%. The school system also encompasses a network of 1,411 schools accommodating 605,932 students and a work force of 14,709 teachers. They together form a significant pillar of the national educational system geared towards national development.

Level	Schools and Institutions			Student No 2015	Student No % Growth 1999-2015	Total 2015 Teachers	% Female
	1999	2015	Growth %				
<b>1. Pre Primary</b>	88	483	449	45,233	263.72	1456	97.4
<b>2. All Levels</b>							
• Elementary	593	955	61	353,859	70.07	8346	56.7
• Middle	110	352	220	141,746	104.7	3563	24.2
• Secondary	37	104	208	87,664	89.3	2800	19.1
<b>Total</b>	<b>740</b>	<b>1411</b>	<b>90.70</b>	<b>583,269</b>		<b>14709</b>	
<b>3. Total basic level</b>	703	1307	85.90	495,605	54.6	11909	81

Table: growth in educational access and coverage

163. The *demographic distribution* also improved reflecting the focus given to rural and periphery areas thus reducing prevailing disparities. Rural students comprised 62% of elementary, 48% middle and 41.3% of secondary levels by 2015. In this respect, the fact that more than 60% of students have got the opportunity to attend up to middle level demonstrates the fulfillment of the right to education at basic level (*67% of the population live in rural areas*). Reports also show that 65 schools in 3 regions (ten of these boarding schools) have promoted the right of nomadic children. The total enrolment in these schools is 6,844, and 43% are female. A national workshop on nomadic education was also conducted in 2011 to consolidate the achievements and to draw strategies and plans for expansion.

Level	Rural Student No	%	Tot students
<b>Elem</b>	223858	61.9	361684
<b>Jun</b>	70112	47.7	147031
<b>Basic level</b>	<b>293970</b>	<b>60%</b>	<b>508715</b>
<b>Secondary</b>	40139	41.3	97217

Rural as a % of total students

#### Mother Tongue Education as a policy

164. Eritrea has a progressive language policy with a solid institutional and legal basis. There is no official language and all Eritrean languages are treated equal. For functional purposes

and due to their relative advantages, Tigrigna and Arabic, as well as English (for functional reasons) are used as languages of communications. However, they do not possess any juridical privilege on the other languages. The Eritrean languages are thus progressively promoted and utilized in administration, judiciary, education, culture, media and other aspects of daily life. Mother tongue education as a right in particular is respected and protected as an essential element of maintaining social justice. The right of every child to learn in his/her own mother tongue or any other local language of choice at primary school level has been implemented as a policy and is also sanctioned by law. The policy also promotes the opportunity to continue the mother tongue as a subject beyond elementary, but this has not been implemented fully due to circumstances and limitations of capacity.

Level	Grade	Age
Pre-school	2 years	4-5
Elementary	1-5	6-10
Middle	6-8	11-13
Secondary	9-12	14-17

165. Mother tongue primary schools are opened and the right is respected no matter the size of the student population. The range of the use of the mother tongues in the six regions has thus dramatically increased from the lowest 3 in the Southern Red Sea Region to the highest 6 medium of instruction languages in the Gash Barka Region. The policy has contributed in maintaining social justice, social emancipation, transfer of basic values as cultural heritage and ensuring the effectiveness of education from the early ages. The myth that the huge economic and management cost of the mother tongue education policy will be a burden to the government and the society and hinder progress has been shattered by its great value.
166. The situation of out of school children is a critical issue equity in education. The 2016 MOE study has identified the reasons and has come up with recommendations. The study revealed that 33.7% children fail to enroll in pre-primary, elementary and middle levels. The data also shows that out of school children encompass 64,123 (73%) of age 5, 65,063 (19%) age 6-10 and 91,410 (41%) of age 11-13. Hence, Elementary Complimentary Education (ECE) is introduced as a programme to addresses the right of the 9-14 age children who are out of school. In 2016, the number of beneficiaries of this programme reached 6,751 children (46% of them girls) in 108 villages from disadvantaged areas. During this period 81% completed the 3 year programme and continued in the middle level regular schools.

#### *Relevance of Educational Provision*

167. In terms of relevance, age across educational levels (table below) has been defined by policy. Accordingly, the right of children to enroll at the right age has improved. In spite of some irregularities and back log in implementation, the age ranges of education in the school system are thus working effectively contributing to reduction of opportunity cost due to various factors.
168. In general, Gross Enrolment Ratios (GER) and Net enrolment ratios (NER) have increased at all levels of the schools system. While the level of the NER at the primary level

is significant, a lot more needs to be done at the other stages to fulfill the requirements of the established policy and regulation. The MOE is thus continuously working to address its multiple effects in terms of opportunity cost, the economics of education and aspects of educational planning management with implications to the fulfillment of rights. In general a table is provided to show the progress in both GER and NER during the reporting period.

	Elementary						Middle						Secondary					
	GER			NER			GER			NER			GER			NER		
	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F
1999	80	86	73	51	53	48	58	66	51	14	15	13	25	31	19	16	18	14
2015	105	111	98	82	85	79	77	80	72	38	37	38	30	32	28	18	18	18

*Table: GER and NER Comparison at all levels during the Reporting Period*

169. Secondary education consisted of 3 years before 2003 but this was revised in tandem with the comprehensive curriculum review undertaken by the Ministry of Education. As a result, the duration was extended by one year to a total of four years. Within this revised programme, 12th Grade schooling for all High School students takes place at the Sawa High School (within the premise of Sawa Education and Training Center) for a number of cogent reasons. University entrance is predicated on students obtaining passing marks in the National High School Leaving Examinations. Hence, aggregating all students in one high school for their last secondary school year has created a level playing field and has ensured higher meritorious competition. It has also played a critical role in consolidating their harmony, social cohesion and experience sharing.
170. The right of students to acquire quality education at the appropriate level has also improved in particular at the elementary and middle level. The relevance of education in relation to the upbringing of a new generation imbued with the desired knowledge, skills, capacities and attitude has improved but much more needs to be done in terms of quality transformation. On the other hand, the effort to reduce wastage and efficiency in the school system is becoming more protracted and despite steady improvements there is a long way to go. Fulfilling the right of every citizen to quality education thus remains a priority.
171. In the above context, the Ministry of Education has continuously conducted revision of the curriculum, teaching methods and school organization and thereby ensures the quality of education. The achievement levels and attainment targets are being assessed and transformation of the monitoring system to ensure efficiency and effectiveness of the school system is taken as a priority. The overall effort has been to transform the teaching-learning process into a student centered approach and teacher management and school organization have thus been adapted to the ongoing change. In spite of the efforts and the huge investment made as well as the progress achieved, quality still remains a major challenge. More significant measures are, however, planned for the next 5 years and the zero wastage policy after the completion of secondary school education is implemented.

172. As mentioned earlier, all secondary schools finish their 12<sup>th</sup> grade studies and sit for the National Secondary School Examination in the Warsay Yikeal Secondary School inside the Sawa Education and Training Center while they also finish their national service training immediately after. The following multiple tracks of continuity are also promoted for those who participate in the National Secondary School Leaving Examinations in accordance to their achievement with no one left behind both in education and training:-

- those who score passing marks join the higher learning institutions and continue education at degree and diploma levels and after graduation are deployed various government bodies and national institutions
- students who fail to achieve a satisfactory level of passing marks to qualify in the above higher learning institutions continue at the Sawa Center for Technical and Vocational Education; they gain middle level technical skills and are similarly deployed to the work places
- The rest who completely fail are given opportunity to acquire the one year minimum level of practical vocational skills in the recently established vocational center in around some of the transformational development projects of the Government (they accommodate over 6000 trainees at a time) and directly employed in the labor market

173. In line to the modest growth of the economy and the ongoing effort to create macro-economic stability, the Government has introduced a new remuneration system in 2016. This introduces substantial increase of salary to the civil service. In this vein, graduates who pass through the above multiple tracks of education are directly deployed to work and integrated into the remuneration system to get normal salary. Accordingly, a graduate at certificate level earns a gross salary of ERN 2,000 (considered to be the minimum wage in the system), 2 year diploma ERN 2500, 3 year diploma ERN 3000, 12+4 degree level 3500 and 12+5 at ERN 4,000. The effort is managed as a process and requires some time to finalize and will eventually cover the whole spectrum on national service members. The one year compulsory national service/community service in the development activities of the nation is to be slotted in other convenient time.

### *Gender Parity in Education*

174. The right of girls in education has been respected and protected by national law and all proclamations and policies. In spite of the many challenges, gender parity index in education has improved. In the 2014 – 2015, out of the 605,932 students from primary to secondary levels, 274,050 were girls (45.3%). Accordingly, GPI reached 0.83 at primary, 0.82 at middle and 0.83 at secondary level. This reflects the effort and progress made to ensure the right of girls to education and guarantee continuity to higher levels.

175. In some ethnic groups and rural areas certain cultural practices, poverty, social role in the family, gender stereotypes and in very few cases some religious pressures still inhibit girl's

rights to education. The Ministry of Education in collaborations with the local administrations, civic organizations, religious leaders and parents committees continue to sensitize the communities and significant transformation is taking place. Local assemblies and administrations have also introduced strong measures to enforce the right of girls to education. Incentives are also introduced to support needy families who make sacrifice to send their daughters to school. In some targeted areas, the government has established boarding schools to ensure reliable opportunities, in particular for girls, to continue their education all the way up to the secondary school level.

#### *Adult literacy as a condition for Continuity and Empowerment*

176. Eritrea believes education is a lifelong process. A fundamental issue is the eradication of illiteracy in the society. The literacy programme started in 1994 on the basis of programmes and experiences of the liberation struggle under the EPLF. The experience is broad and encompasses the eradication of illiteracy from the liberations struggle fighters of the EPLF during 1972 and the literacy and adult education campaigns launched in the liberated areas of the EPLF during 1983 – 1991. The mother tongue education as a policy was also applied during this time both in the adult literacy and education programmes.
177. Illiteracy has been the main obstacle, to development and the technical revolution in agriculture and social life. The literacy adult education programme was introduced in a small scale as a pilot during 1994 – 1999 and 52,360 adults (87.72% being women) participated. The mother tongue policy is also implemented in the Adult Literacy Programme. In the last 16 years consecutive three five year strategic plans have been implemented to fulfill the rights of citizens to literacy. During this period about 1,000,000 (88.13% are females) participated in the programme with 80% completion rate. The yearly average level of participation is estimated at about 62,500 participants and is part of the three year adult literacy programme. In many places those who finished their study have been able to get employment in the local enterprises of their villages.
178. Evening classes are also functioning mostly in urban areas. It is an area that has not been utilized significantly bearing in mind the enormous expansion and coverage of education and social facilities throughout the country. In 2015/16 the number increased and 4, 088 students enrolled at elementary, middle and secondary levels in all regions. About 2, 648 (74.6%) completed their education and 1,044 (25.54%) dropped out. Enrolment has also expanded in particular to Northern Red Sea, Gash Barka and Southern regions. The significant development is that this programme has presently expanded to semi urban areas (example Afabet, Maymene and Maydema). The easy access of participants' to the National Secondary Education Certificate Examination in their local areas is also a motivation to continue education while productive at work. The efficiency and effectiveness is, however, influenced by the low level of enrolment (teacher student ratio is 1:13). Hence, maximizing the utilization of the resources remains an important task.

179. In 2016, a national workshop of all stakeholders was conducted to assess the progress of the adult education programme. The workshop assessed the achievements and challenges in the past 25 years with respect to the fulfillment of every citizen's right for continuing education. National and regional level reports, research papers, and various thematic issues were presented. The outcome and the recommendations of the workshop is now being used to redefine Eritrea's strategic policy and plan on adult education. The International Literacy Day is also observed throughout the nation and is used as an opportunity for the continuous mobilization of all stakeholders to achieve the goal.

*Continuity of Education and Human Capital Formation*

180. Sustainable national development demands a human capital that fits into the various branches of the economy, social services, cultural development and other aspect of life. Hence, the rights and opportunities of free higher learning and polytechnic education has been given due consideration. Accordingly, the government decentralized higher education and the only university (Asmara University) with about 4,000 student capacities was transformed into seven higher learning institutions spatially distributed throughout the country. The premises and facilities of University of Asmara are also being used by the Orotta School of Medicine and as a center for research and development on top of advancing some master level programmes. The total student population in all Eritrean Institutions of Higher Education (IHEs) at the end of the 2<sup>nd</sup> semester (2015/2016 Academic Year) reached 10,231, out of which 6,891 (67.4%) were enrolled in Degree; 3,295 (32.2%) in Diploma and 45 (0.4%) in Postgraduate programs at Masters level. The following higher learning institutions are functioning and contributing to the human capital formation (*See Table above*):-

	<b>No of Graduates</b>	<b>% of Total</b>
Institute of Technology	13,571	45.55
Institute of Agriculture	4840	16.24
College of Business and Economics	4,694	15.75
College of Marine Science & Technology	1420	4.77
College of Arts and Social Science	1,476	4.95
College of Health Science	3515	11.8
College of Medicine and Dental Science	278	0.933
<b>Total</b>	<b>29,794</b>	<b>100</b>

*No of Graduates of higher learning institutions in the last decade*

- The Eritrea Institute of Technology located in the Central Region, is today offering BSc. and MSc. courses in engineering, the pure sciences and education.
- The College of Health Sciences and the Orotta School of Medicine and Dental Science offer first degree in medicine, pharmacy, medical technology, public health, nursing and related fields.
- The College of Marine Sciences and Technology in Massawa (Northern Red Sea Region) offers first degree courses in marine engineering and marine sciences.



- The College of Arts and Social Sciences in Adi-Keyih (Southern Region) provides degree courses in the humanities.
- The Business and Economic College in Halhale (Southern Region) offers degree and diploma courses in economics, finance business management
- The Agriculture College in Hamelmalo (Western Eritrea), offers degree, diploma and MSc in agricultural engineering and plant and animal sciences.

181. The gender parity index at higher learning institutions has also assumed a positive trend and growth. With the exception of the slight irregularity seen in the College of Business and Economics in 2015/16 academic year, the pattern of growth is promising (*Refer table below*). The present 41% participation level of female students in higher learning is a remarkable progress. Furthermore, the right and opportunity accorded to female students in science and technology, health and medicine, agriculture and marine science and technology is an additional reflection to the effort going on to create a reliable human capital formation for a diversified growth of the Eritrean economy.

N	Institutions of Higher Learning	Female Composition in %			
		2009/10	2011/12	2014/15	2015/16
1	Eritrea Institute of Technology	33.8	41.1	33.6	35.92
2	College of Health Sciences	35.7	35	43.4	45.67
3	Orota School of Medicine	22	25.9	26.8	28.4
4	Hamelmalo Agricultural College	32	37	43.0	50.37
5	College of Marine Science and Technology	13.3	17.6	27.8	37.8
6	College of Business & Economics	28.6	33	40.5	36.1
7	College of Arts & Social Sciences	22.8	24.9	44.9	48.75

182. Technical and Vocational Education and Training (TVET) is provided in 8 technical schools at intermediate level (for 2 years after completing 10 grade of secondary education). The number of schools has increased from 4 in 1999 to 8 in 2016. Enrolment has also increased from 908 in 1999 to 3,613 in 2016. They graduate about 700-800 students annually. The Sawa Vocational Training Center, established in 2007 also has five vocational schools and caters 19 specializations. It graduates an average of 2000 students annually in a one year certificate program for secondary school leavers. The Center constitutes an important milestone in the diversification and vocationalization of education.

No	Areas	M	F	Total
1	Business & Admin	115	953	1068
2	Modern Machinery	514	83	597
3	Building Technology 01	658	115	773
4	Building Technology 02	473	63	536
5	Agricultural Technology	234	25	259
<b>Total</b>		<b>1994</b>	<b>1239</b>	<b>3233</b>

*Enrolment in 2015/16*



183. As part of the TEVT Curriculum development, 72 textbooks of 34 trades have been reviewed and new ones developed in collaboration with teachers and other stakeholders. Various training institutions that engage in vocational training have contributed professional support this endeavor. Professional support is also provided to various TEVT institutions in order to ensure the quality of the training. In addition 25 instructors of TEVT have graduated from the Eritrean Institute of Technology (EIT) in July 2016.

#### *The right to participate in the control and management of education*

184. Educational establishments promote a democratic and participatory culture in management and control. Above all, students are encouraged from early ages to exercise participation in the process and management. This is a significant dimension of all education policies, proclamations and regulations. Regular meetings with students are conducted at all levels and students share responsibility in the environment of learning and the progress. There are student committees at various levels. Furthermore, as a way of cultivating responsibility, students elect their prefects and representatives in the School committee. The right of parents and indeed of the communities to participate in the management and control of schools is thus promoted. The School Organization Regulation ensures the establishment of a tripartite school committee consisting of teachers, parents and students. The committee also functions to promote the right of students and in particular of girls in education.

#### *Right to take Part in Cultural Life*

185. Eritrea came in the heels of the protracted liberation war that claimed more than 65,000 martyrs, a heavy price paid for human rights and basic values. Similarly, it lost about 21,000 in the last border war with Ethiopia. The liberation struggle and the sacrifice paid laid the foundation of a national culture upon which the Eritrean State is established. This reality embodies the values of liberation, freedom and democracy gained through huge sacrifices. It asserts the citizenship, unity, progress, and peace and stability of the Eritrean people. The transfer of these values as cultural heritage to the succeeding generation is thus an important aspect of nation building process. In this context, the respect for diversity and in particular cultural diversity is guaranteed by national law.

#### *Laws, Proclamations and Policies*

186. The National codes, the National Charter, the Macro Policy and all other instruments have clearly outlined the responsibility of the Government to strengthen the national culture. Various and diverse measures have been taken to respect, protect and fulfill the right of every citizen to take part in cultural life, to beneficiary and active participant in its sustenance and access advances in science and technology. Community based ideals and approaches on cultural life are also mainstreamed in all policies and programmes of the State. They constitute an essential part of a comprehensive system and include education, defense and security institutions. The media in all its forms and programmes also contributes

to this endeavor. In general, progress has been achieved and is reflected in the harmony, social cohesion and, peace and stability of the nation.

187. Pursuant to the provisions of the Transitional Civil Code of Eritrea (TCCE) the respect and protection of authors to publish, produce and reproduce their work is guaranteed by law. It encompasses all works of the mind including literary works, musical compositions, dramatic-musical works, radio phonic or radio visual works, choreographic works or pantomimes the production of which is reduced to writing or otherwise, the works of the figurative arts and illustrations, maps, plans, sketches, plastic works pertaining to geography, topography, architecture or other sciences. Furthermore, any other work created by the intelligence of their author and presenting an original character are respected and protected. However, many challenges and obstacles remain due to institutional and organizational capacity to monitor and respect these rights and more effort is needed. The rights of authors are also exercised by the heirs of the producer after death for a period of fifty years from the time of publication of their work. The civil and criminal code of Eritrea also offers protection of such work and any act of infringement also leads to civil or criminal action.
188. The protection of scientific, artistic, literary productions has also been considered. A significant move in this respect is Proclamation No 177/2015 on the cultural and national heritage. It reaffirmed the continuous effort and commitment to protect and safeguard the tangible and intangible cultural heritage. The capital Asmara is now a world heritage site after hard work that went on for almost 20 years. In 1997 the Government developed a strategy and launched a project through an office established for the preservation of the historic buildings. During the process a document (consolidated with photographs and sketches) encompassing 4300 buildings, 257 streets, 38 open public areas were prepared. Consequently, the Asmara Nomination Dossier was submitted to UNESCO in February 2016 and led to the nomination of Asmara for inscription in the World Heritage List. On 8 July 2017, UNESCO included Asmara in the World Heritage List. It is to be noted that Eritrea has also acceded to treaties dealing with culture such as the convention on the Protection of the World Cultural and Natural Heritage of 16 November 1972, Convention on the Protection of Cultural Property in the Event of Armed Conflict of 1954, and Convention for the Safeguarding of the Intangible Cultural Heritage of 2003.

#### *Promotion of Set of Cultural Institutions and Structure*

189. The Eritrean Government has worked to promote access, enjoyment and involvement including in the transfer of cultural heritage. The *set of cultural institutions* have been strengthened and expanded to support the ideals of cultural transformation. Hence, cinemas, museums, cultural centers, art and literature groups, libraries, sport centers, clubs and activities, and organizations (of various types) have flourished albeit, with so many limitations and challenges. Various cultural, folklore, artistic, drama, literature groups of the various ethnic groups are formed at local, regional and national level reflecting the beauty of the national culture and the dynamics of a united people with rich cultural diversity.

190. The set of cultural institutions also complement the work of the other sectors of the State and contribute to the growth and capabilities of the human capital. This is reflected in the growing knowledge, skills, professional and technical capabilities and attitude of citizens. They all constitute part of the infrastructure to promote rights and participations in cultural activities. The promotion of music, dance and dramas reflecting the values of unity, sacrifice, commitment and hard work is advanced by the various cultural troupes including folklore cultural groups functioning at community level throughout the country. There are also 65 specialized cultural troupes functioning at national and regional levels. They include groups from the PFDJ Culture Department, police, army, air force, groups from all ethnic groups constituted at regional level as well as private entities.

191. Eritrean cultural festivals held yearly at national and regional levels and in the Eritrean Diaspora communities also augment the on-going effort. Festivals epitomize the rich diversity treasured in the culture of the nine ethnic groups of the Eritrean society. Youth festivals are also organized every two years in the Sawa Education and Training Center and coincide with the yearly inauguration of national service members. They all embody the national culture and are successfully used to mobilize participation, transfer the basic national values as cultural heritage to the new generation and contribute in cultural transformation. The youth through these festivals and all other measures outlined earlier ensure the two elements of cultural transformation. They inherit the culture and values accumulated by the society thereby guaranteeing assimilation. On the other hand, they take this one step forward through their contribution, creativity and innovations.

192. The production and publications of books, films, dramas and visual art is also evolving and the youth is the main drive in this endeavor. The establishment of the Hidri Publishers (HP) in 1995 also promotes the publication of books in all Eritrean languages. HP is a founding and active member of the Eritrean Publishers Association (ERIPA) established in 2001 to expand and develop the publishing industry. So far HP has,

- published books in 6 out of the 9 local languages, namely, Tigriña, Arabic, Tigre, Kunama, Nara and Bilen
- reprinted and translated foreign publications into Eritrean languages through agreements and arrangements; These include books on history, language, culture, philosophy, fiction and genres; about 85% of the books are original and the rest are translated or reprinted books
- prepared an electronic dictionary (called ERIDIC), based on the English-Tigriña-Arabic dictionary published in 1998 by the EPLF during the liberation struggle

2008-2016	Song	Music Cassette	Clips	Films	Script	Book	Magazine	Brochure	Bulletin	Booklet	Total
	3340	768	652	612	104	986	296	179	159	51	7147
Av/Y	418	96	82	77	12	123	37	22	20	6	893

### *Right to Enjoy the benefits of Scientific Progress and its Applications*

193. Cultural transformation entails making available the latest development in science and technology, raising the knowledge and consciousness of the people and ensure their participation and contribution. An important goal in the Macro Policy of the Government is the advancement in science and technology. The government is thus working to create an enabling environment for individuals to work and manifest their creativity and innovation. The Eritrean Science and Technology Development Agency established by proclamation 122/2002 works to promote and coordinate the application of science and technology in development and to build capability on research and innovation. Students in the higher learning institutions every present innovations in various science and technology areas at individual and group level, through own initiatives or as part of the research projects with outstanding and promising results. Children and students in the school system also present innovations at their own level, which are also displayed every year at the National Festival. The Government is also working to establish a center to encourage science and technology innovation and a committee has also been designated to undertake a study.

### *The Emerging Reward System*

194. Role models and exemplary citizens in different walks of life have been honored and encouraged. The Zagre award, the Soira award, the Shingruwa music Contest and the Raimoq award for best artistic performers, are some examples. On the other hand, rewarding of exemplary farmers, workers, etc has become part of cultural transformation in the country. There is no doubt that much remains to be done in all these aspects, but the basis has been laid. In particular the science and technology innovations produced and displayed yearly by children and the youth during the yearly festivals have become a significant drive in the cultural transformation of the society. Innovations created by individuals are also rewarded by the President during the National Festivals.

### **(iii) Promoting adequate living**

195. Improving the standards of living has been considered significantly in the areas of housing, utilities, transportation and communication. Land for housing was distributed and many houses built but it is still a major challenge. Accessibility to electricity has increased from 22.9% in 1995 to 43.5% (urban 81% and rural 22.6%) in 2015 but energy challenge still continues to be a major challenge of development. Hence, Eritrea has embarked into a comprehensive strategy of energy that also includes alternative sources of energy. Road transport has also expanded by about 62% and more than 70% of the villages (about 1790 villages) have been covered presently through a fleet of about 1769 buses. In 2016, the one direction loading capacity of bus transport at national has reached 53,000 passengers from the 17,000 in 1991.

196. New communication technology is also on the rise. The number of GSM mobile subscribers has grown from 16,168 in 2004 to 501,865 in 2016 (an average increase of about 40,474 subscribers per year). The system covers the whole country as proper facilities have been installed widely in most places but more effort is going on to expand the capacity of the system. Land line and fixed wireless technology also cover about 80% of the country.
197. Internet service started in a small and limited capacity in the year 2000 but the annual increment is substantial. The broadband width remains slow because Eritrea could not join the sea-based Fiber Optic Cable connection when it was launched 12 years ago for financial reasons at the time. But the Government has been negotiating with overseas companies and Fibre-optic based broadband internet access will be secured sometime soon. The prevailing low bandwidth and speed notwithstanding, there are no restrictions on internet access and internet cafés are preponderant everywhere. They provide service to the public with proper considerations of the national laws and have become useful medium for information tapping and exchange. The social media is also becoming more popular in particular among the youth, professionals and businesses.

#### **(iv) Social Security and Protection**

Social security and protection is promoted as an important requirement in the fulfillment of the economic, social and cultural rights of citizens, in particular among the vulnerable areas and social groups. The necessary institutional and legal framework is established and the National Pension Scheme (Proclamation 135/2003), the Public Sector Pension Scheme ( Proclamation 136/2003) and the Martyr's Survivors Benefit Scheme (Proclamation 137/2003) in particular have been legislated to back up the provisions stipulated in the Transitional Codes. In addition, the labor proclamation has provisions for various short-term benefits for invalidity, sickness, maternity, employment injury as well as family allowances. The Department of Social Security is established within the MOLHW to manage and monitor both the pension schemes and plight of the martyrs' families.

#### ***Supporting Martyr's Families***

198. The Martyr's Survivors Benefit Scheme (under Proclamation No 137/2003) is one of the biggest social protection programmes of the Government. It is run by the Hidri Trust Fund and spends an average of ERN 311 million (equivalent to about USD 20 millions) every year. An amount of ERN 4,046,137,757 (equivalent to about USD 269,742,517) has been spent during 2004 -2016. This in the first place provides monthly allowances to ensure decent life. This is implemented and monitored through all the offices and branches of the Ministry of Labor and Human welfare and in collaboration with local and regional administrations. Furthermore, the Government also promotes self-financing activities both as grant and through small credit schemes. To augment the effort, the Government has also allocated a third of the shares of several privatized state enterprises to the Hidri Trust Fund.

199. The involvement of Eritrean communities inside the country is significant. Eritrean communities through their local level structures, networks and associations support the martyr's families in their agricultural activities, harvesting and other social affairs. The participation of the youth in supporting martyr's families is significant. Various government employees, members of the army, police and students also participate in this endeavor.
200. Eritreans in the Diaspora are also involved in a project aimed at contributing financial support to the martyr's families. Each Eritrean volunteer supports one or more families at the rate of USD 360 per year for at least two years. There are more than 15,000 families supported through this important scheme and demonstrates the significant contribution of Eritreans in the Diaspora in development and social security projects. The project has also served and contributed in establishing family links and relationship which is also characteristic in the family values of the Eritrean society. It is a relationship which goes beyond kinship and the extended family relations and very vital in dealing with challenges and problems collectively.

### ***Pension Scheme***

201. The MoLHW has been working to set up governance mechanism and to identify efficient system for the collection of contributions, as well as a eventual management of the pension scheme fund once collected. The pension scheme for employees in the public services is the only program currently at hand. The scheme for the civil service is so far running but it requires further efforts for full implementation. The contributions paid by the employers and the employees are collected on the basic salary of the employee. The basic requirement in the administration of the fund is that the amount of due payments shall not exceed the available amount of disbursement and the fund is meant to regenerate itself. The vision of the ministry is to make sure that the pension scheme should cover all workers both in the public and private sectors.
202. After the outbreak of the border war with Ethiopia, the Eritrea government has been burdened with the task of continuing the benefit entitlement of the former civil servants and members of the army and police of the ex- Ethiopian government in Eritrea. The established scheme bestows the Ethiopian government to shoulder its responsibility and guarantee the entitlement of these 27,406 regular pensioners and survivors. Considering the prevailing situation of war, belligerence and hostilities, the Eritrean Government has continued their benefits that amount to about ERN 24 million/year (equivalent to about USD 1.6 million/year). So far the Eritrean Government has covered this benefit expenditure amounting to ERN 432 million (equivalent to USD 28.8 million).

### ***Addressing Effects of war, disasters and drought***

203. Both human made effects and natural calamities have also played a role to exacerbate the livelihoods of the Eritrean people. The 1998-2000 war with Ethiopia caused several

hundreds of thousands of people to be driven out of their homes to take safe haven in areas safer from the Ethiopian invasion. Assessments made by researchers from the University of Asmara in 2001- 2002 showed the impact of the wanton destruction made by Ethiopian aggression. The damage on 304 schools (254 of them primary schools) disrupted the schooling of 140,365 children at the time. 90 health centers and six hospitals were completely or partially destroyed. Places of worship, communications facilities, roads, water supply and distribution systems and energy facilities were bombed or looted. Entire herds of livestock were either killed or driven away across the border by the Ethiopia army. The report estimated the total monetary value of the damage at USD 717.5 million. The worst humanitarian effect was the internal displacement of over 90,000 citizens (60% children).

204. The Eritrean Relief and Refugee Commission (ERREC) in cooperation with all stakeholders thus organised temporary make shift camps and organized humanitarian support to the more than 90,000 IDPs. This was further exacerbated by the 1999 –m 2004 drought in some parts of the country. In the event, the Eritrean people shouldered responsibility and cooperated in hosting the displaced citizens by sharing community resources and healing of the displaced population. This was historic and of paramount importance reflecting the culture of cooperation in the social fabrics of the Eritrean society. After the agreement for the cessation of hostilities was signed, most IDPS returned home. However, IDPs whose villages are still occupied by Ethiopia have been temporarily resettled in nearby communities of their preferences. They are provided with social services including education, health, transportation, communication and clean water supply. In as much as possible efforts are also made to incorporate their rehabilitation into the development priorities at national and local levels.
205. The Ethiopian Government also expelled over 85,000 Eritreans and Ethiopians of Eritrean origin during the 1998-2000 border war. This was mostly done along the dangerous route of the war frontlines. Most of the expelled citizens were reintegrated into urban areas. About 28,350 of these volunteered to be resettled in rural agricultural areas and all the needed support and services was provided by the Government and the succeeded in becoming self-sufficient. Tracing and reunifying dismembered families and restoration of livelihoods to normalcy also was another major effort. Only 239 of the thousands of children left behind when their parents were expelled were eventually reunified with their families. In spite of the challenges, significant programmes of recovery and reintegration continued during the reporting period to support the victims.
206. In an attempt to heal the displaced and deportee children, the MoLHW, MoE and the NUEYS conducted concerted efforts on psychosocial support and promoted recreational activities. All displaced and expelled children were supplied with necessary school materials as well uniforms. Psychosocial programmes such as counseling were provided and cultural activities including music, dance, storytelling and community theaters as well as sport were organized. Furthermore, NUEYS also developed and implemented landmine risk awareness raising education in the affected areas.

207. The clearance of landmines also occupied a center stage in ensuring the safety and protection of the population in the areas affected by the border war. A National Demining Authority (NDA) responsible for all mine action policies and a National Demining Organization (NDO) with the responsibility for the physical removal/clearance of landmines and unexploded ordinance have been established and rendered invaluable services in alleviating the grave threat posed to the lives of our people.
208. During the border war and the aftermath, some parts of Eritrea were hit by drought, exposing citizens to shortages of food and other basic supplies. Therefore, the Government, of Eritrea appealed for international support but the response was short of the needs and mobilization of available resources was made to address the critical problems and areas. In 2011, Eritrea also experienced volcanic eruption in the south eastern part. The volcanic ash and earth quake caused some damage to livestock and property in the affected communities. The Government responded to this natural calamity by moving the communities to safer places and providing them with emergency supplies. Moreover, the flood that displaced communities in the Foro sub region in 2015 was also addressed by availing the emergency needs as well as moving the affected population to a safer place. In general, the humanitarian situations were contained mainly by mobilizing and organizing the available local resources.
209. Despite the strenuous conditions that resulted from the conflict and drought years, the Government of the State of Eritrea also heavily invested in the voluntary repatriation and reintegration of the Eritrean refugees from Sudan. The effort encompassed those who had stayed extended periods of years since the liberation struggle and those who fled during the recent border war with Ethiopia. In the course of 2001-2004, about 81,712 (41,877 females) voluntarily returned from the Sudan to their areas of their choices in the six regional administration in Eritrea through the repatriation program of the Government and continues up to this date. The host communities also welcome and share their resources with the returnees.

### ***Protection of Family as a Social institution***

210. The family has always been the basic social institution critical to the stability of the social fabrics and the overall development of the Eritrean society. In particular, the role of the family in the upbringing of the new generation and the transfer of values as a cultural heritage have been of paramount importance. Hence, protection of the family has assumed a center place. All institutional and legal provisions pertaining to the family relations have been implemented and monitored to ensure that men and women of full legal age enjoyed the right, upon their consent, to marry and to establish a family freely without any discrimination and to shoulder equal rights and duties in all family affairs. In particular, the Transitional Civil Code has protected the right to succession irrespective of gender, age with all family members involved in inheritance without distinction. Even though legislation provides for equal rights and opportunities, attitudes and cultural practices still constitute



major obstacles which affect the prospects of change and rendering it slow and gradual. The Government of Eritrea, however, has shown strong commitment and political will to promote equality and eradicate existing discrimination as it considers the equal participation of women essential for development and the establishment of a just society.

**(v) Labor rights and Work Conditions**

*Equal rights and employment/recruitment*

211. The Transitional Codes and the Labor Proclamation of Eritrea (No. 118/2001) have provided protection and avoided discrimination in labor opportunities. It must be noted that continuous effort has been made to implement the Labor Proclamation which repealed all the proclamations that were enacted before. The labor law is a progressive instrument that has been tested in practice to strike the balance between economic prosperity and fundamental workers' rights. It also reflects the essence of the core International Labor Organization (ILO) conventions of Eritrea is party to. In line to the international labor conventions on decent work, job opportunities and social justice, the Government acceded to seven conventions (out of eight core conventions). On the other hand, there is unwarranted concern about worst form of child labor but preparation is underway to ratify the eighth convention i.e. the worst form of child labor convention (No.182).

212. The labor situation, as all other matters, is seen in the context of the prevailing situation of the nation. The fact is that the whole nation is mobilized and organized in the post-war development campaign to work and contribute through collective efforts and burden sharing responsibility for national development and survival in the situation of existential external threats. This is a prime consideration and necessity of national security and impinges into all aspects of life, working conditions, deployment and employment prospects. Nevertheless, in accordance to article 118 (7) of the Labor Proclamation, the right to work is respected and protected. Accordingly, job seekers may apply for a job to the employment services unit of the Ministry of Labor and Human Welfare (MoLHW), or to a private employment agency, or directly to the employer in accordance to Article 5 of the Proclamation. The regulation of private employment agencies is, however, still in the drafting process, and hence the freely chosen employment by every individual continues through the other two methods.

213. In the above context, the overarching goals and strategies of the MoLHW is promotion of decent work that ascertains employment and recruitment rights. The department of Labor with its three pillars is hence, uniformly distributed throughout the country. It focuses on promoting the Government policies and strategies. Labor unions have been registered and collective agreements have been established. Resolving labor disputes through conciliation, arbitration and adjudication of cases have also been instituted in all regions of the country. Moreover, employment services and labor inspection systems have guaranteed equal opportunity and continue to monitor working conditions as well as occupational safety and health. There are also 45 health and safety committees at the workplace.

214. The enforcement of the respect for the rights at work contributes to poverty elimination, strengthens social justice and maintains peace. Hence, discrimination among workers, in particular in the training and employment of vulnerable groups is avoided. But effort has been made to empower victims of war and vulnerable persons such as demobilized combatants, refugees and displaced persons so as to become productive. In addition, the participation of women in economic activities and employment and retraining opportunities for youth has also been stepped up. The National Confederation of Eritrean Workers (NCEW) also promotes vocational and technical training programmes to upgrade workers' skills and ascertain employment opportunities.

#### *Age restrictions and enforcement*

215. The elimination of child labour is dealt both legally and administratively through the judiciary oversight and labor inspection. If any crimes relating to child labour are committed in violation to the Transitional Penal Code, the Police and Prosecutors are actively involved and bring the case to the court. In line to to Article 143(1) of the labour proclamation, the labour inspection service also continuously supervises the workplaces, monitor the execution of the labour proclamation, enforce corrective measures and bring any offenders to justice.

216. It is to be noted that the government introduced a policy to expand Basic Education of 8 years (was 7 years until 2002) that is gradually made available to all children. In this context, Article 9 of the Labor Proclamation No. 118/2001 indicates that any person in the age of 14 years has the capacity to enter into a contract of employment. If it is determined to be prejudicial to the interests or against the schooling of the individual, however, the above mentioned contract is not enforced against a person below the age of 18, pursuant to Article 69 of the Labor Proclamation. This is strictly supervised and monitored by labor supervision and monitoring in collaboration with the local administrations.

#### *Remuneration and progress*

217. Primarily, the term "Remuneration" includes the ordinary, basic or minimum wage and any additional direct or indirect payables, whether in cash or in kind, by the employer arising out of the worker's employment. According to article 41(2) of the Labor Proclamation wages shall not be less than the minimum wage fixed by collective agreement and enforces the maximum 8 hours of work and consecutive 24 hours of rest in a week time. The labor code is also aligned to the ILO equal remuneration convention No 100. Hence, the starting wages do not only apply for the same type of work, but require equality of remuneration for different types of work, which are of equal value.

218. In this context, collective agreements made between trade unions and employers have been applicable under the Labor Proclamation. It is believed that it is one way of securing the principle of equal pay for work of equal value accomplished by Eritreans. The current

report of the Labor Department reveals that so far there are 136 registered collective agreements operational under the Ministry of Labour and Human Welfare. In this regard, all undertakings which have collective agreements have abided by the principle of equal remuneration for work of equal value. This takes into consideration national condition and practice, as well as article 102 (3) of the labour proclamation. Hence, the principle of equal remuneration has been determined through the collective agreements.

Year	No of agreements	% growth	No of Workers			
			F	Total	% of F	% growth
1991	50		3,550	10,450	34	
1999	100	100	6,957	20,850	33.5	99.5
2015	136	36	8,609	23,124	37.1	11

*Table: Registered collective agreements*

219. Objective appraisal is also used to differentiate wages in conformity with the principle of equal remuneration for work of equal value. Indeed, jobs or positions rely on the volume, complexity and difficulty of work and remuneration set accordingly. In accordance with article 102 (3) of the Labor Proclamation, job appraisal has thus been an inherent part of collective agreement. Employers and workers are thus entitled to evaluate the work performed at enterprise level. Overall, the employer may not deduct from the wages of an employee, except where it is provided otherwise by law or an express written agreement.
220. Social security is also guaranteed by law as well as in other pertinent proclamations and notably in the National Pension Scheme (Proclamation 135/2003) and the Public Sector Pension Scheme (Proclamation 136/2003). These social benefits are undoubtedly projected to address the main programs of the social security benefits, ranging from short term benefits such as severance pay and maternity leave, and the long term benefits like old age and disability. The National Pension Scheme Proclamation No. 136/2003 covers both public and private sectors. While provisions relevant to public servants have already been proclaimed in the Public Sector Scheme pursuant to the Proclamation no. 136/2003, a draft law to govern the private employees is left for further plan of action and guideline. The public sector is a contributory scheme which requires contribution of employer (government) and employee.

### *Workers' Capacity and Upgrading*

221. The Ministry of Labor and Human Welfare has continually worked to improve the employment services and operations. This is meant to provide people with the best possible job opportunities and upgrade their skills to participate actively and equitably in development. In this vein and as an attempt to build the human capacity at enterprise level, the Labor Proclamation 118/2001 provides a provision on the issue of a special contract. This is undertaken by an employer and apprentice to promote vocational training. Hence, in accordance to Article 33 of the Labor Proclamation, the special contract on apprenticeship has been enforced and monitored and at least included a vocational training that an

apprentice should receive, its duration and the pocket money provided during the process. Article 102(7) of the Labor Proclamation also compels both employers and workers an opportunity to bargain collectively on issues of education and vocational training.

222. On the other hand, special contract on apprenticeship compels the apprentice to follow diligently the instructions and directives given to him in the process of training, and endeavor to complete his training successfully. Moreover, Article 20(6) of the Labor Proclamation demands on the employer to take necessary measures to train his employee.

*Labor Rights and Expatriate Workers*

223. Employment opportunity is extended to expatriates when scarcities of skills occur in particular occupations. In such circumstances, the Government does not only render an employment opportunity for expatriates, but also levels the ground for the transfer knowledge, skills and professional capabilities to local employees by co-working together. Similarly, in areas where there is no shortage of capacity in the labor market, Eritrean citizens are allowed to work abroad to gain both skills and acquire economic benefits.

	<b>Expatriates in Eritrea</b>			<b>Eritreans Working Over seas</b>			
<b>Year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
1999	1,121	160	1,281	1999	661	798	1,459
2010	1,192	199	1,391	2010	225	246	571
2012	604	92	696	2012	89	545	634
2013*				2013	36	157	193
2014*				2014	65	354	419
2015*				2015	13	201	214

*Table : Number of expatriates and Domestic workers sent to work abroad*

*Working conditions, monitoring mechanisms and measures*

224. During the reporting period, focus has been made on monitoring equal opportunities in employment and remuneration, prohibition of child labor, guaranteeing of health and safety in the work place, maintaining minimum labor conditions, the right to form associations, collective bargaining and capacity building for skill enhancement. However, these working conditions are only the minimum standards set, and both employer and employee have been encouraged to agree on more favorable working conditions that benefit the worker. In this regard, the contracting parties determine the amount of wage, but it may not be less than the minimum wage fixed by collective agreement in any undertaking.
225. The requirements of Article 23 of the Labor Proclamation 118/2001 has been strictly adhered and monitored effectively during the reporting period. Hence, no discrimination between citizens and migrant workers in the place of work has been seen. Thus employee’s

race, color, nationality, sex, religion, lineage, pregnancy, family responsibility, marital status, political orientation or social status also has not been applied for the termination of employment. On the other hand, in light of the progress and the growing need to consolidate the minimum working conditions, the Ministry of Labor and Human Welfare is currently engaged in the drafting of amendments to the Labor Proclamation.

226. In the above context, the labor inspection service has continuously monitored the working conditions pursuant to the relevant Articles of the Labor Proclamation. The goal has been to ensure the observance of the minimum conditions of safety, health and environment as well as the provision of protective equipment in the work place. Employers, who violated the basic principles and conditions, have been brought to justice. A comparison of the situation during the year when the border war with Ethiopia erupted (1998) and in 2015 has been given in the following table:-

Year	No of establishments inspected	Inspection Results			
		Fulfilled	Directive given	Warning	reported to legal authority
1998	1,548	322	1,094	131	1
2015	1505	239	1036	142	78

*Comparison of Labor Inspections and Measures*

227. Tripartite relationship and procedure have also been strengthened in the overall labor relations in Eritrea. The Court of Labor Relation board has played a significant role in this respect. It is composed of 2 representatives of workers, 2 representatives of employers and 1 representative of the government and has functioned in all six administrative regions. In the last 16 years, the board has strongly served as a check and balance among the partners in case there is breach of legal rights and obligations. This has consolidated the relations between the three parties and laid a strong basis for collaborative work. The establishment of a Labor Advisory Board is also on process. The courts (labor courts and the labor relation board) which are a combination of the ordinary courts and tribunals have independently dealt with matters pertaining to labor.

Year	Labor Disputes Settled through legal procedures and results						Total
	Settled by Conciliation	Conciliation not accepted	Settled by Decision	Disputes rejected	Appointme nt given	Disputed Adjourned	
2000	10,801	0	50	248	134	3	11,236
2006	8,669	451	244	93	149	16	9,622
2010	10,662	255	92	24	60	30	11,123
2015	14,501	107		59	14	0	14,681

*Table: Disputes and Settlements*

228. According to the Eritrean Labor Proclamation labor disputes are divided into two types: the collective labor dispute and individual labor dispute. Both kinds of disputes have their own mechanisms of settlement. When any dispute arises between the employer and employee, they shall first amicably try to solve it through conciliation either at the enterprise

level or through the conciliation mechanism involving the NCEW and MOLHW. When the dispute cannot be resolved, however, the parties can go either for arbitration or to the First instance Labor Board Court. In the case of individual labor dispute, the arbitral award at this level has the same effect as the decision of the First Instance Labor Court. But, if the case is a collective labor dispute, the decision at this level has the same effect as the decision of the Labor Relations Board. Any party dissatisfied with the arbitral award has appeal right to the concerned higher court.

### *Trade Unions and organizational Dynamics*

229. Trade unions have been established in work places. A significant update of the Labor Proclamation 8/1991 of 1991 that featured in Proclamation 118/2001 was the further clarification and consolidation of the right to organize in the work places. It is predicated on the concrete development situation and transformations taking place including on labor rights in Eritrea. The proclamation also reflected the principles enshrined in the ILO conventions and recommendations. On the other hand, the revised Proclamation further reinforced the firm conviction that workers and employers, without distinction whatsoever, have the right to establish and to join organizations of their own choice with a view to defend their respective interests.

230. At independence in 1991, there were 60 trade unions with a total of 5760 members (3450 male and 2220 female). This increased to 211 by 1998 (14679 male and 7118 female employees). The situation is reflected in the following table:-

<b>Number of Base Unions by number of workers according to gender</b>				
<b>Year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Total No of Unions</b>
1999	14,964	7,350	22,314	219
2005	11,817	7,287	19,104	257
2011	12,868	8,496	21,364	235
2015	18,720	7,280	26,000	168
<b>Average/year</b>	<b>14,592</b>	<b>7,603</b>	<b>22,195</b>	<b>220</b>

231. By virtue of the Labor proclamation 118/2001, the autonomy of trade unions in Eritrea has been effectively guaranteed. This has also been promoted under the provisions of the transitional civil code and the new Civil Code published recently. Labor unions have their own constitutions, elect their representatives freely, organize their own administration and activities and formulate their plans and actions. They also conduct regular and timely congresses, organize conferences, meetings and activities to strengthen their organizational capacity and raise their visibility in the wider communities and constituents they serve. The acquisition of legal personality by these organizations is not subject to restrictive conditions.

232. Public authorities are thus prohibited from any interference which might restrict the exercise of such rights. The mandate of the authorities in the exercise of this right has only

been to promote national interest, raise participation and contributions in local and national development and promote democratic principles within the trade unions. Freedom of Trade Unions is thus respected. There has been no incidence of interference by public authorities to restrict or impede the lawful exercise of the basic rights. No trade union has also been dissolved or suspended by any administrative authority and decision. The Government frequently consults and conducts social dialogue with its social partners on major issues of policy, implementation and progress. This also takes place during the revision of the labour laws as well as the implementation of labour policies. To empower the social dialogue, hence, the MOLHW has been currently developing directives so as to build up an advisory board comprising of the representatives of Government, Employers and Employees.

*The role of trade unions in improving the conditions of workers*

233. Trade union movement of Eritrea started in the 1950s. It can be claimed with certainty that the Eritrean trade union at that time was one among the very few of its kind in Africa. Its development was briefly hampered by the Ethiopian occupation of Eritrea. The National Union of Eritrean Workers (NUEWr) was established in 1979, under the auspices of the Eritrean People's Liberation Front (EPLF) and played a vital role in the liberation struggle for the independence of Eritrea. The National Confederation of Eritrean Workers (NCEW) is the umbrella organization of the Eritrean Trade Unions which are organized in five Federations. As an offshoot of the National Union of Eritrean Workers (NUEWr), the NCEW was also established in 1994 in a congress consisting of representatives from base unions and federations, ensuring a decentralized and independent structure. It is the only trade union movement and one of the civil society organizations in Eritrea.
234. The NCEW has led the trade union movement in the country with the vision of contributing towards the creation of a highly disciplined, organized, educated and skilled, Eritrean workforce. It also promoted decent working and living conditions. In its endeavours to achieve these goals, NCEW has promoted social dialogue among social partners (Government, Employers and Workers) to deal with issues of common interest relating to economic and social policy, including addressing the complex challenges of building economic competitiveness as well as social equity at enterprise, sector, national and international levels. With meager resources, NCEW has also invested in the education and training of workers. This is intended to up-grade their organizational and vocational skills and to make them more productive and competitive in the job market. A Workers' Training Centre has been established in the port city of Massawa, and is ready to commence shortly.
235. Presently the major employer of the unionized labour force is the government. In co-operation with the International Labour Organization (ILO), International Trade Union Confederation (ITUC) and multilateral organizations, NCEW organizes labour as well as labour related trainings and seminars aimed to raise awareness on modern and harmonious labour relations in the country. NCEW also strives to strengthen partnerships with regional and international trade unions and development organizations. It also plays a critical role in

improving the conditions of work through Social dialogue. The genuine relationship developed between the NCEW, EFE and the Government is of great vantage in this respect. The tri-partite relationship has enabled harmonious relations for economic development and higher productivity. The trade unions have worked to implement and strengthen the provisions stipulated in Article 90 of the Labor Proclamation No 118/2001

### *The principled position against Forced Labor*

236. Labor Proclamation No 118/2001 is the legal basis for abolishing forced labor in Eritrea. The enforcement machinery lies on an effective judicial system, which is key in the effective prosecution of offenders and the strict application of penal sanctions. Any accused have the right to defend themselves according to the practices of the established judicial process. In actual practice, both the labor inspectors and the Eritrean Police play an important role in the enforcement of the law. Labor inspectors in particular have regularly monitored workplaces to ensure that conditions of work prescribed by law are respected, while the Police have the power to identify the perpetrators and to take measures. During the reporting period there have been no cases of violations where legal measures were needed.

### *International Trade Union Solidarity Conference*

237. As a matter of its practical commitment to enhance trade Union Solidarity, The National Confederation of Eritrean Workers (NCEW) in collaboration with the African Regional Organization of International Trade Union Confederation (ITUC – Africa) and the International Trade Union Confederation (ITUC) hosted the International Trade Union Solidarity Conference from 23 to 25 March 2016 in Asmara, Eritrea. The conference was organized under the theme: International Solidarity Forum – Promoting Decent Work Agenda. There were very rich and stimulating presentations touching on regional integration and the unity of trade unions; African Trade Union Movement – challenges and way forward; Eritrea’s economic development path – prospects and challenges for social justice; Labor migration governance and trade union engagement; tripartite dialogue on forced labor elimination and the actualization of decent work in Africa.

238. The Conference passed resolutions on all the above issues and noted the tremendous challenges and problems which workers and in particular African workers are facing in the prevailing inequitable and unjust international world order. Note was also made of the conflicts raging in many parts with impact on peace, security and development. In this context, the resolution underlined the following as pertains to Eritrea:-

- *“Commended the Eritrean workers and trade unions for their resilience and determination to continue to make sacrifice and progress in the reconstruction and rehabilitation of their nation and people*



- *Further observed that the Eritrean socio-political situation will demand continuous open and genuine engagements by various parties especially as the nature of extended national service is intrinsically linked to the issues of ‘no war no peace’ resulting from the failure of Ethiopia to fulfill its commitments on the international final and binding ruling on the delimitation and demarcation of the border by the Eritrea-Ethiopia Border Commission (EEBC) that presents uncertainty and sense of insecurity, as well as the UN sanctions, which also pose serious challenges to development.”*

### PART III: NATION BUILDING AND PEOPLE’S RIGHTS

#### **Right to Development**

239. The Eritrean people’s right to development is an integral part of the ideals of nation building. Its main features promote all-round transformations in the society with dividend to the sustenance of peace, security and development. Hence, the realms of equity and social justice, creation of conditions favorable to development and respect for the sovereignty and territorial integrity of the nation form the essence of the right to development in Eritrea. In this regard, equal rights and opportunities have been pursued as the main drive in the right to development. Focus to bridge the gap in the development of the various regions and areas is a major priority and more attention is given to the most disadvantaged and vulnerable sections of the society. People-centered strategies and community based approaches continue to flourish through local, regional and national level governance structures and establishments. Furthermore, collective responsibility and duty has prevailed and dichotomy between individual rights and collective duties is negated. Hence, people are not only beneficiaries of the right to development but are also active and responsible participants.

240. The inequitable international order and the protracted use of coercive measures continue to undermine the right to development of peoples and nation and abort the viable future of many nations, including Eritrea. In this regard, the Geopolitical agendas and selfish interests of western hegemonic powers have become drives to vilify, isolate and destabilize targeted sovereign nations by fabricating crisis and crisis management. Furthermore, Global inequalities, asymmetries of trade relations and opportunities, plundering of natural resources, demographic reality and environmental degradation are also present challenges. The effect has been instability, underdevelopment, migration and displacement. Eritrea has been a victim of this reality but has worked to ensure the right of the Eritrean people to development in the face of all the mentioned adversities. In the above context, essential parameters in the right to development have ascertained the national security, interest and survival and above all peace and stability of Eritrea as a nation. What are these parameters?

#### **(i) Sovereign Equality and Eritrea’s Independent Political Stance**

241. In spite of many challenges and hostilities, Eritrea’s right to development driven by an independent political stance has been sustained. Eritrea asserted national ownership that

ensures development priorities and full control of implementation. This has been based on the context, needs and human betterment ideals of the Eritrean people and has ensured the relevance of the development interventions. While prudent effort to address present development challenges has been made, long term strategic interventions that guarantee a viable future have also determined the priorities in national development. In this regard, the thinking and practice on self-reliance is also maintained. The strategy has successfully served as a way to expanded mobilization and organization of available local resources and harnessed as national capacity. Foreign aid that nurtures dependency is being negated and Eritrea has not depended on external aid, including food aid. It also rejected the prominence of international NGOs and their piecemeal projects and approaches which are meant to reproduce dependency and promote corruption.

242. Nevertheless, international cooperation predicated on partnership is also promoted. In line to Eritrea's national interest, every effort has been made to promote mutual understanding, mutual respect and mutual benefit. Above all, Eritrea continues to promote peaceful coexistence within the wider strategy of good neighborhood and nurture harmonization, complementarity and sound cooperation based on partnerships, a situation always distracted by geopolitical agendas of western powers and their proxies in the region. It has, however, focused at its internal dynamic as the decisive factor for development.

**(ii) Equitable Distribution and Utilization of Eritrea's wealth and resources**

243. Eritrea is a country still working to come out of the fetters of under development. Hence, a system approach that promotes the equitable distribution of wealth, services and opportunities is a major policy course. Driven by prudent macro level policies and programmes, an all-inclusive, diversified, and sustainable development is emerging. In practice, important features including sector prioritization, demographic consideration, resource mobilization, responsible participation and mitigation of vulnerability have constituted the basis of the system approach.

244. First and foremost, the right to development is maintained through a balanced development approach that upholds sector prioritization. Focus is continuously made on critical sectors in the context of the emerging development dynamics. In the last 18 years, significant investment has been made in the main priorities including the social sector, human capital and economic infrastructure. The social sector in particular targeted on basic securities of food, water, health, environment, social security and education and improved the dignified life of the people. The following integrated programmes (some of them with ancillary loans from international institutions) are representative of the progress achieved:-

- Martyr's Families Support Scheme (Hidri Programme)
- Eritrean Community Development Fund (ECDF)
- Integrated Early Childhood Development Programme (IECD)
- Integrated Management of childhood illnesses (IMCI)

- HAMSET Programme to tackle the challenges of HIV/AIDS, Malaria, STD and TB
- Universalization of primary education through mother tongue education
- Human Resource Development Scheme (HRDS)

245. Demographic considerations also featured in economic infrastructure, industry, socio-cultural services, administrative establishments and the decentralization of investment opportunities to all parts of Eritrea. In this respect, bridging the gap in level of development of the regions of the country has been targeted. Furthermore, more than 70% of the people live in rural areas and depend on inefficient traditional practices of agriculture and fishery. This limiting factor has been given continuous focus to bridge the rural/urban disparity and develop the coastal areas. Eritrea enjoys marine resources along the 1300 km coastline and 362 islands. Accordingly, the Integrated Rural Development and Coastal Development Programmes have been initiated and expanded in the last 18 years.
246. The Integrated rural schemes heavily emphasizes in the transformation of agriculture. In line to the soil and water conservation efforts and the construction of numerous dams, agricultural schemes based on modernization, mechanization, irrigation and linked to agro-industrial processing are emerging but more investment will be needed. Household farming, micro credit schemes and self-financing initiatives have thus been promoted to empower the most disadvantaged in the rural areas. The scheme has shown progress in the promotion of dignified life and cultural progress and will continue as priority.
247. The Coastal Development Programme has also been expanded but much more is needed to maximize the utilization of the potential. In essence, it is an innovative venture promoting integrated, multi-sector and coordinated effort that raises the participation and benefits of the people. The strategy also serves to maximize the utilization of the comparative advantages of the coastal areas and fits into the policy of economic diversification. The effort is also intended to lay the foundation for the long term transformation of Eritrean ports into economic hubs for the region and beyond. Accordingly, upgrading of port facilities, development of targeted manufacturing, economic infrastructure and establishment of export free zone is taking shape. Effort to raise the contribution of the fishing sector and maritime and coastal tourism has also been ongoing, but progress has been limited due to lack of viable investment and infrastructure challenges. In general, there is a long way to go but in spite of the prevailing challenges, the initial steps are promising.
248. The equitable distribution of wealth and resources also targets the vulnerable groups of the society. The special attention to promote all-round progress in all ethnic groups is addressing marginalization and the unequal development opportunities that persisted during colonial eras. Women equality and empowerment, promoting the welfare and development of children and the development of persons with disability has also been strengthened. But all these raise the importance on mastery of Eritrea's wealth and opportunities.

**(iii) Sovereignty on Eritrea's wealth and resources**

249. Since the late 40s, Eritrea was very much known for its SMEs and cottage industries. This was completely shattered by successive colonial policies and hostilities. Even the promising post-independence domestic private initiatives were also curtailed by the border war, the protracted hostilities and the prevailing objective situation. Nevertheless, the recent priority is to focus on the success of the strategic intervention of the Warsay Yikealo Development Campaign and redouble the efforts and the modest economic growth registered in the last decade. In this regard, the established trade and investment proclamations and procedures have been implemented within the limits and constraints of the prevailing situation and deserve more attention.
250. The government has focused on promoting domestic investment and capital as a means of creating national capacity. However, in consideration of the prevailing hostile situation and development, the government has also played a proactive role and invested in critical sectors. This includes agro-industrial processing, economic infrastructure, construction industry, targeted manufacturing geared towards import substitution and mining. The effort is small but promising and has ascertained Eritrea's potential.
251. Since independence various factories and economic establishments nationalized by the colonial Ethiopian Military Government in Eritrea were also privatized in accordance to Proclamation No 83/1995 (updated under Proclamation 114/2001) to boost domestic investment and capital formation. Furthermore, several economic establishments and factories have also been privatized by selling shares in a three-tier arrangement. In this arrangement, the Government acquired a third part, 1/3 shares bought by the Government for the benefit of the Martyr's Trust Fund and the remaining 1/3 shares sold to individual Eritrean buyers. Further study is going on to expand this experience.
252. The investment policy declared in Proclamation 59/1994 is also liberal and has encouraged foreign direct investment (FDI). This has been in relation to the need in the transfer of capital and technology and creation of employment. One of the main challenges in this effort is the limitation in energy and infrastructure and these have been taken as the main targets during the last 18 years. Futile conspiracies to sabotage economic growth and block the flow of investment to the desired level have also continued as part of the broader hostilities against the country. Nevertheless, investment is flowing but more is needed to raise its share and contribution in sustainable economic growth of the nation.
253. Foreign direct investment has particularly gained momentum in the mining sector. As per the mining Proclamation No 68/1995, Eritrea follows a prudent policy on the exploitation of natural resources and the extractive industry. This is related to the viable future of the nation and hence much effort has been made to integrate it into the national economy and reinvest the dividends accordingly. About 23 companies have so far been involved in the sector and two are already at the production level and more are ready to be operational in the next one

or two years. Moreover, the benefits to national interest are also maximized by acquiring 40% of the shares (of which 10% is royalty). The maximization and management of national interest is also maintained by the establishment of the Eritrean National Mining Corporation (ENAMCO) under Proclamation No 157/2006. Furthermore, environment security has been enforced and corporate social responsibility reports indicate that safety is guaranteed.

254. In the above context, structural transformation and growth of national capacity is given utmost consideration. The investment being made in human capital has started to address the critical capacity gaps in development. Progress has been achieved in ensuring the decisiveness of the human factor by investing in the knowledge, skills, professional and technical capabilities and above all attitude of the young generation. But broader efforts are still needed to raise productivity and address issues of efficiency and effectiveness. On the other hand, introduction of technology and in particular mechanization, automation and digitization is growing but requires further investment and effort to reach the desired level.

(iv) **Pragmatic Macro-Level Development Orientation**

***The Warsay Yikealo Development Campaign***

255. Available international reports show that Eritrea by 1998 achieved a promising 7% annual economic growth in the few years after independence. This was disrupted by the border war and the subsequent hostilities and belligerencies on the country. The 1999 -2004 severe drought also influenced development and peoples' livelihood. After the active fighting between Ethiopia and Eritrea culminated and paved way for an international arbitration of the dispute, Eritrea in 2002 declared the Warsay Yikealo Development Campaign (*the appellation itself means the freedom fighters - Yikealo and Warsai - National Service/post-independence generations in unison*) to address the effects of the war and drought and focused on the following goals:-

- revitalize the economic situation and progress of the nation
- reinstate the basic social fabrics of the society
- improve living conditions
- consolidate the achievements of peace earned through huge sacrifices

256. Hence the programme has been implemented by addressing the critical bottlenecks, maximizing the utilization of comparative advantages and mobilization of available resources. In this respect, soil and water conservation, agricultural productivity, irrigation technology, coastal development, economic infrastructure, national capacity and human capital were targeted. This also enabled the nation to absorb the shock of external economic conspiracy and achieve tangible progress. Eritrea was able to stand on its feet and is now ready to fast track progress and transformation that could bring a qualitative leap in the next few years. Hence, an expanded development paradigm has been declared.

### ***The Expanded Development Tenet***

257. After a decade of implementation and progress of the Warsay-Yikealo Development Campaign, Eritrea in 2015 declared a new development tenet and organization. Consequently, Eritrea is now divided into four frontlines namely, the Eastern, Western and Central development frontlines and a frontline on the Eritrean Diaspora. Effort is to be made to maximize the utilization of comparative advantages of each frontline on the basis of national development goals. Management and rational redistribution of essential resources and utilities in the areas of energy, water infrastructure, capital equipment and machinery, and human capital has been defined. Furthermore, existing capabilities have been mobilized, organized and harnessed as national capacity for more concerted effort. Structural arrangements for the coordination of ministries, administrations and defense forces will also be maximized to ensure harmonization, complementariness and effective mobilization.

### **(v) The Right to Development and Issues with Implications to Social Fabrics**

#### ***The Upbringing of the new generation***

258. In essence, Eritrea's nation building is building a youth generation and their empowerment continues as a priority of the Eritrean Government. Eritrea has a pro-youth policy mainstreamed in all sectors, policies and programmes. While the family's role as a social institution is considerable, a multi-faceted approach comprising three integrated systems has been established towards this end. This includes the national education system, the nation-wide youth summer programme and the national service.

259. As discussed in earlier parts, education has shown progress, and despite certain quality challenges, has been central in shaping the new generation. It focuses on nationalism and citizenship, science and technology and physical preparedness and training and has served as a critical element in cultural transformation and development. As a supplement to this the Summer Work Programme of secondary school students has been functional since 1994. So far 19 rounds have been conducted at a huge cost with the participation of about 400,000 students (34% females) and 20,000 organizers. The programme introduces the youth to community service and to the culture of work. It has also inculcated national unity, self-reliance, collective spirit and steadfastness. The experience so far has exposed the myth that the huge financial cost is not commensurate with the economic returns accrued as the social returns in terms of the upbringing of the new generation is significant.

260. In the afforestation dimensions of the programme, more than 22 million trees have been planted. The success rate is 74% in various places and 95% in school compounds. About 14,000 km of terracing and 11,000 km canals were also built in various target areas of the country. TEVT students also repaired more than 150,000 doors, desks, windows and maintenance of schools and public property. Additionally, participants contributed in traffic

road safety campaigns, literacy programmes, water supply system repairs (in rural areas) and promoted cultural activities in the nearby communities.

261. Introducing the youth to organized life through the National Union of Eritrean Youth and Students (NUEYS) is also another dimension of the effort. NUEYS is a membership based organization functioning up to the village level. It is open to any Eritrean youth and students in the age bracket 14-40 years, without any discrimination on ethnicity, religion, sex, disability ...etc. Core membership is also open to the active members who enroll in awareness raising training sessions and leadership courses and who volunteer to promote NUEYS Mission and objectives among the general members. The organization so far has more than 17,000 core members and 220,000 general members. NUEYS organizes youth through a network of groups and sub-groups in all sub regions and schools. Currently, the female representation in all levels of the organizational leadership is more than 42%.
262. Awareness raising and educational programme on civics, gender, human rights, health and education is regularly conducted. Youth empowerment is also promoted through vocational training, micro credit schemes and entrepreneurship. The organization also conducts media programmes in all Eritrean languages targeting mainly the youth and has its own magazine, "The Youth" which is published in 7 languages.
263. The organization has also asserted its role by mobilizing the youth for national defense, the Warsay-Yikealo Development Campaign, advocacy and sensitization among a wide sector of the society but with more focus on the children and youth. Its visibility in schools and higher learning institutions is also evident. NUEYS runs continuous educational campaign and entertainment programme targeting children and Children's Associations are established in each sub region. They promote media clubs and children's media programmes through TV, Radio and newspapers. Moreover, a number of young Eritreans from the Diaspora also volunteer to participate in national development activities through the NUEYS volunteer attachment programmes and in the national service.
264. The National Union of Eritrean Youth and Students is an active member of different regional and international Youth organizations. Currently it serves as Vice President of the Pan African Youth Union (PYU), Member of Executive Committee of the African Youth and Adolescents Network for Population and Development (AFRI-YAN), it is also an Executive Committee member of the World Federation of Democratic Youth (WFDY). It is also an active member CIN-SAD youth organization, Afro-Arab Youth Council (AAYC), All Africa Students Union (AASU), Nile Basin Youth Initiative, United Peace Builders Network (UNOY). NUEYS hosts a number of youth forums with the participation of representatives from different youth organizations from around the World.
265. Eritrea introduced National Service (Proclamation No. 82) in 1994. No Eritrean citizen is exempted from fulfilling the service on the basis of religion, gender, ethnic origin, etc., except on the basis of age, disability and motherhood. Note is also made of the following:-

- The articles 11 (1) to (3) explicitly specify that the eligibility age is from 18 to 40 years. The National Service is limited to 18 months by law; 12 months of which are spent on civilian/public assignments and takes place in the Sawa Education and Training Center.
- In times of peace, National Service members do not have any other obligations once they fulfill their duty of service. But they are in theory part of the reserve army eligible for recall if and when war breaks out.
- The system is mainly developed as an architecture for prompting youth preparedness and contribution in national development. But it also emerged against the backdrop of massive demobilization of the liberation struggle army and the vigorous efforts for a robust framework of regional security and development cooperation. Hence, National Service in some ways was essentially seen as a contingent security architecture which would allow the young nation to maintain a very small regular army with the latitude to mobilize the necessary force if and when it is faced with existential threats.

266. Since its inception, the Sawa Education and Training center has graduated over 500,000 national service members and played a dynamic role in national defense, national development and the promotion of the basic values of liberation, freedom and democracy. Moreover, the Center also catered a 2 year technical and vocational training programme for more than 17,000 in the last 10 years. This demonstrates the center's importance as a vehicle for youth upbringing, cultural transformation and human resource development.

267. Demobilization after completing national service has been an important component of the system. A Commission for Demobilization (pursuant to Proclamation No 113/2001) was established in 2001 immediately after the Cessation of hostilities Agreement was signed between Eritrea and Ethiopia. The programme envisaged full demobilization from the army in three phases, and through the support of the international partners. *During* the first phase (2001 – 2005) over 105,000 were demobilized within the envisaged schedule. But subsequent phases were slowed when Ethiopia rejected the EEBC decision through a formal letter of its late Prime Minister to the UN (in September 2003) and the international partners shied their responsibility to take appropriate action. In spite of this major obstacles, however, large scale demobilizations continue to occur.

268. The war and its sequel of continued hostilities is the result of Ethiopia's flagrant violation of international law and fundamental provisions of the UN Charter and the Algiers Peace Agreement signed between the two countries. In the absence of appropriate measures by the UN Security Council against Ethiopia, explicitly stipulated in the Algiers Agreement, Eritrea has no option but to take necessary measures of self-defense that is proportionate to the threat it faces. Eritrea has been forced to prolong the duration of the National Service from its statutory 18 months to defend its sovereignty and territorial integrity. The normative configuration of the national service duties is thus affected due to Ethiopia's continued occupation of sovereign Eritrean territories and its pronounced plans of destabilization.



### ***The Implied and False Forced Labor Allegation on National Service***

269. Eritrea has continuously refuted the accusations of implied forced labor by members of the national service, also raised at some of the ILO Committee sessions. The allegation mentions that “*Eritrea has relied on enforcing compulsory and indefinite National Service and introduced Warsai-Yikelao Development Campaign (WYDC) in 2002 as generalized practice of forced labor*”. The Eritrean Government rejects the above allegation and has continuously stated that “National Service constitutes an exception for the term forced labor under article 3(17) of Proclamation 118/2001 and that normal civic obligations, labor provided as in the Penal Code, communal services rendered in case of emergency may not be regarded as forced labor. In this context the following need to be considered:-

- According to Articles 6 – 8 of the National Service Proclamation No 82 of 1995, citizens who are 18 and above shall have the obligation to render national service for 18 months. This is compatible with the 3 elements of the definition on “Normal Civic Obligation” provided in Article 2, Paragraph (b) of Convention 29 regarded as exceptions (compulsory military service, work/services in emergencies and communal services).
- Eritrea’s Criminal Procedure Code contains provisions governing criminal detention and arrest with clear guidelines for the abolition of forced labor stipulated in convention 105.
- Eritrea faces existential external threats, including occupation of its sovereign territories by Ethiopia, and has become part of the reasons for the extension of the period of service. But as explained in the earlier parts, it has always demobilizes members of national service from active duty. This asserts the legitimacy of the ongoing service under Convention 29 to call military and non-military service as a case of emergency.

### ***Land Rights and Management***

270. About 70 percent of the Eritrean people depend on agriculture for their livelihood and land is thus a central issue in the sustenance of a sound economic and social development. The institutional and legal basis to address the land issue is laid in the Land Proclamation No 58/1994. The proclamation clearly stipulates that land is administered by the State. The government in turn ensures the right of citizens to be beneficiaries in accordance to the law. It also addresses provisions in the utilization of land by other interested parties. The proclamation thus ensure the right of every major age citizen (18 years and above) in the rural areas to access agricultural and residential plots of land. The requirement is that they have to fulfill their national obligations outlined by law and in the stated Proclamation.

271. The user right to agricultural land is for life and gives the user the motivation and desire to work hard on the piece of land and manage it in a planned way. As food security is a priority of priorities for the government, ensuring land tenure has also become a significant issue in raising productivity. The proclamation also promotes sustainable land management. Accordingly, the land tenure and management has become an important issue in the empowerment of villagers. Based on the provisions of the Land Proclamation the inhabitants

of a village are organized in committees and ensure their decisive role both as beneficiaries and participants in the decision making process. They actively participate in the process of identifying the land potential and screening of applicants. This has ensured the sense of belonging and encourages farmers to manage their land properly.

272. The equity in land distribution and management is also been guaranteed. Data so far shows that 32% is distributed to female-headed households. Women are gaining more independence in the economic life of the household and the society. Particular focus is also been made on orphans in order to ensure their economic and social rights. In urban areas, citizens have the right to access land for business and residential purposes. There is no discrimination in the distribution process. However, there is disparity between the number of applicants and the number of plots ready to be allotted to users. To address this problem the government has prepared a computerized prioritization management system to facilitate the screening process. So far, 33,375 in urban and 70,464 in rural areas applicants have got the right to access to land for residential purposes. Furthermore, 5,869 plots of land have been allotted for business and industrial purposes and 3,385 plots of land for commercial agricultural farming,

#### ***Development Targeting Scattered Communities and villages***

273. Eritrea has pastoralist and semi-pastoralist communities as well as very small settlements established in scattered areas in particular in the regions of Anseba, Gash Barka, Northern Red Sea and Southern Red Sea. This is a challenge to the promotion of improved livelihood, agriculture and livestock development and provision of adequate social services. Furthermore, it influences the ongoing effort to promote equal right and opportunities. In the last 15 years effort has been ongoing to address this issue and the result achieved so far is promising though limited in scope. The implementation of the policy is, however, indicative of the effort to transform the livelihood of the disadvantaged communities.

274. The on-going progress in one of the above four regional administrations (Anseba Region) can be taken as representative for the effort and the initial progress achieved. In this Region, four sub regions are targeted and the following action has been accomplished:-

- *Kerkebet Sub Region* – A master plan for settling and empowering 2000 families in a place calle Himbol Qechech is initiated and already 700 families from one of the targeted areas given parcels of land, water service installed and a solar panel system established. There is an elementary school, a health center and ongoing housing construction. Furthermore, 685 farmers have settled in Amalayit village each being given 5 Ha of land and are now self-sufficient and raised their income level by supplying nearby markets.
- *Selia Sub Region* – 15 million ERN invested to build 152 houses (450 sq. m. for each family) and social service infrastructure of school, health center and water supply is in process. The ERN 4.4. million project on water provision is also nearing completion

- *Habero Sub Region* – Almost 60% of the population in the sub region settled in 16 administrative localities. There are now 7 elementary, 7 middle level and one secondary school serving these localities. Furthermore, there are 5 health centers in the area getting health service within a short distance, with the exception of one with a travel distance of more than 18 kms to get to the nearest health center. In the settled villages many have been given land for agricultural activities and 70 of them are already conducting commercial horticulture farming and sell their produce to nearby urban places.
- *Hamelmallo Sub region* – three remote village settlements targeted and infrastructure and social services on education, health, water, administration already established

275. The policy is also implemented in other regions and is illustrated in the following examples:-

- Northern Red Sea – Kubkub locality in Afa'bet sub region - 850 families from scattered areas settled; elementary and middle school established and many have from this place have now enrolled in secondary and higher education; solar powered 4 water systems established; the place has now developed flour mills, bakery, shops, restaurants and other services. Similar development has been seen in Qelhamet locality in the same sub region
- Souther Red Sea – scattered villages of Seblale, Gaharie, Wiewa', Bagea'do, Gahertafan and A'dayin settled in Wade; small scale commercial farming introduced; water, education, health, transport service to the port of Assab and Beylul is also established

### ***Eritreans in the Diaspora***

276. Eritrea has a significant Diaspora community throughout the globe. Their contributions during the liberation struggle were also very important. The EPLF during the liberation struggle national organizations for youth, women, workers and communities were established in many cities overseas. An important policy objective in Eritrea's foreign policy after independence is also to respect their rights and raise their contribution in national development. Eritreans living abroad are thus considered an asset for the nation. This is also consistent with the UN General Assembly Resolutions on Diaspora Communities as well as the AU Resolution on the Role and Contribution of the African Diaspora.

277. Since independence a Department that oversees the activities of the Eritrean Diaspora has been strengthened. The establishment of a Commission on enhancing the role of Eritreans living abroad under Proclamation 121/2002 was also a crucial development in this respect. Consequently, the mobilization, organization and capacity of Eritreans abroad have grown significantly. Today, a network of over 560 associations, community structures and specialized networks of professionals and business are active. Furthermore, various committees on Eritrean festivals and activities on culture, sports, children's upbringing, support to Martyr's Trust Fund in Eritrea, etc. are also active in all corners of the world.

278. The link of the Eritrean communities abroad with their home country is very strong. Their contribution is also significant though they face hostilities and intimidation. The continuous ploy to impede their contribution and link to Eritrea's development by some western countries is a case in point. In particular, the Rehabilitation and Reconstruction Tax (RRT 2%) declared on the basis of Proclamations No 62/1994 and No 67/1995 has been the target of this hostility. RRT is seen in relation to the promotion of equal right and opportunity for those living abroad. Their contribution in remittances was also blocked and sabotaged in many ways so as to deny the Eritrean government from tapping their contribution in national development. Nevertheless, their links is still strong and continue to visit their country regularly. In the last 10 years, an average of about 95,000 Eritreans yearly travelled to their country and has reached to 126,000 in 2016. They visit families, observe the development progress and participate in various events and activities. In general, the role of Eritreans living abroad has been consolidated and reflects the following policy dimensions:-

- has ensured the equal rights and opportunities of Eritrean in the Diaspora to be beneficiaries of the wealth and resources of the nation
- has contributed to their integration in host countries and created a leverage in success
- has proven itself as a vital mechanism for collectively working to strengthen their social and economic security and maintenance of their culture and social values
- strengthened their role and participation in Eritrea's national development

### ***Issue of Migration and Human Trafficking***

279. As has been outlined in this report, Eritrea has also strengthened its development dynamics. Accordingly, peoples' livelihood, aspirations, opportunities, participation and harmony has developed ensuring equal right and improved life for all. Challenges still remain including economic ones, and existential external threats continue to exert pressure but the country is peaceful and stable. Illegal migration embedded in a burgeoning global human trafficking network, however, factors as part of the ploy against the nation.

280. In this context, the pull factors upheld by some western countries to lure the Eritrean youth constitute the main drive of migration from Eritrea. Preferential treatment, fake, manipulated political asylum and accommodation of migrants from other nationalities of the Horn Region pretending as Eritreans constitute the wrong policies pursued against the nation. Moreover, US declaration to take out Eritrean children and women out of their country, as openly declared by President Obama in his address at the Clinton Global Foundation Initiative in 2012 has exposed the ill intent on Eritrea. Wikileaks has also exposed that Eritrean youth have been targeted by the USA in the pretext of providing scholarships but was in fact a futile attempt to recruit them as agents for regime change.

281. The Government of Eritrea has been doing its utmost to combat human trafficking and many have been arrested and convicted. It also stepped up its coordination with Sudan and

Egypt, and is engaged in the Khartoum process on migration and human trafficking. President Isaias Afwerki also requested the UN for an independent investigation on the problem but to no avail so far. Today, irrespective of the manipulated statistics sensationally forecasted to tarnish the image of Eritrea, the real number of illegal Eritrean migrants is at its lowest. This is a result of the promising Eritrea's progress, continuous advocacy, strong law enforcement and the exposure of the illusions tangled to migrant "heavenly western life" expectations propagated in the failed campaign. Eritrea's engagement with some western countries to rectify their immigration policies on Eritreans has also played a part.

282. Eritrea advocates for a governance of migration based on a development-migration nexus and that ensures the human rights of migrants. Furthermore, it considers their active role in the development of their country of origin, addressing the effects of brain drain, repatriation of human capital flights and promotion of voluntary returnees. It also objects the inhumane treatment, marginalization and refolement.

283. Eritrean migrants wherever they live are considered as an asset and the Government encourages their integration success and productivity in the host society. On the other hand, means are also created to continue their link with their families, communities and country and they contribute to Eritrea's development. The Immigration and Nationality Department has also developed a special mechanism for the reintegration of those who migrated illegally into the dynamics of development and to encourage them focus in building their future. This reestablishes their entitlement to consular service. Effort is also made to address the effects of brain drain and repatriate human capital flights. It also advocates for the voluntary repatriation and rehabilitation of those migrants faced with settlement permit problems in host countries. In 2013 - 2015 more than 9,971 (about 45.4% females) have returned back to their country and reintegrated into normal daily life.

### ***Politicization of human Right against Eritrea***

284. Eritrea's significant progress in all areas since independence is a matter of record and is out there for everyone to see. Like any other country and as in all sectors of its development, Eritrea also faces human right challenges but there is no gross and systematic human right violation. It has, however, been subjected to four consecutive and politically motivated HRC resolutions under the pretext of human right. These resolutions and the confrontation escalated through the appointment of a Special Rapportuer and a Commission of Inquiry (finished its mandate in June 2016) have not created any dividend. The litany of accusations of gross violations of human rights is unfounded, misconstrued, outdated or exaggerated. Moreover, the resolutions and reports contain procedural and substantive abuses; hasty measures to achieve political agenda and dependence on would be "political asylum seekers" and surrogate groups who are regime change agenda in the name of human rights.

285. The prime objective of the resolutions and mechanisms is therefore, to curtail Eritrea's capacity to sustain its national security. It is for these reasons that these politically motivated

resolutions and mechanisms negate the influence and effects of existential external threats on Eritrea's development in general and human and people's rights in particular. They also viciously attack, among others, Eritrea's National Service, the decisive contribution of the youth, the exemplary effort and achievement on women equality and empowerment and the promising Mining sector and its role to the nation's development. The country specific politicized mandates and reports of the Hyman Right Council are hence, totally rejected by Eritrea. They are devoid of any legal and institutional basis as targeting a sovereign nation violates the non-selectivity, objectivity and impartiality principles of the Council. Furthermore, they disregard the concrete reality in Eritrea, scavenge on information from countries with hostile position on the country and negate engagement and dialogue. These mandate holders have also indulged into activist-like approaches against Eritrea in contradiction to the Code of Conduct and Operational Guidelines of UN Mandate Holders.

(vi) **The Drive towards a Qualitative Leap**

286. Eritrea's development trajectory and the right to development have been influenced by many factors and challenges, shortcomings and hostilities still prevail. They, however, have not been able to roll back Eritrea's development progress. The people, the government and the economy have demonstrated resilience and the nation is now in a far better situation as a result of the efforts of the last 18 years. In line to the new development plan, Eritrea is thus focusing on three important pillars of development to achieve a qualitative leap in the next three and encompasses the following three pillars of strategic interventions:-

- Effort initiated to create macro-economic stability will be strengthened
- The political process will be consolidated through the new political road map, the ongoing effort to implement the new national codes and the writing of a new constitution
- A comprehensive reorganization of government institutions will encompass institutional consolidation, redefining of approaches and the fast tracking of the youth succession process in all aspects of development

**D. People's Right to Peace and International Security**

(i) **Existential External Threats and Implications**

287. Eritrea's post-independence initial period until 1998 was characterized by rapid socio-economic, political and social transformation. The 1998 – 2000 costly war with Ethiopia as well as dire conditions of perennial belligerency that ensued in its aftermath has influenced the tempo and pace of the efforts. It is clear that priorities changed at certain situations and the country had to grapple, first and foremost, with existential issues of preserving its sovereignty and territorial integrity. This reality is quite often ignored by those with hostile position on Eritrea. The existential external threats aim to thwart Eritrea's nation building aspirations, violate its sovereignty, compromise its independent political stance and sabotage the promising development achievements. Hence, disregard of the prevailing external

environmental contexts that shaped the nation's policy on national security are not accepted by Eritrea as they negate interlink of peace and security, and human right and development.

288. The Eritrea-Ethiopia border dispute was settled through a final and binding delimitation (2002) and demarcation (2007) rulings of the Independent Eritrea-Ethiopia Boundary Commission (EEBC). However, Ethiopia continues to occupy sovereign Eritrean territories in defiance to international law, the Algiers Peace Treaty, the EEBC arbitral ruling and the successive UNSC resolutions on the matter. Hence, the occupation constitutes a *violation of the Eritrean people's right of sovereignty*. This constitutes flagrant acts of aggression with consequences for regional peace and security but the International system and in particular the UNSC have failed to shoulder their responsibility.
289. Eritrea is also subjected to unjust and illegal UN Security Council sanctions since 2009. The pretext of an imminent threat to International Peace is irrational, illegal and unjust. The UNSC also forfeited its International Obligation of Good Faith (Article 2-2 of the UN Charter) by succumbing to the dictation of the US which continuously worked to twist and intimidate some members to pass sanction on Eritrea. The pretense that the request came from the AU is also not true. Furthermore, Article 39 of the Charter also dictates that the UNSC cannot pass the responsibility to invoke Chapter VII to any other organization. Hence, the sanctions also *violate the right of the Eritrean people to development*.
290. Furthermore, the *Eritrean people's right to live in peace without any threats* is also violated as Eritrea also faces the belligerent stance of the US and its proxy, Ethiopia. In this context, the dream of regime change has been typical in the last 18 years. Various alternatives starting from inciting an all-out war under the pretext of a border dispute and the protracted political, economic, social and cultural conspiracies and military threats have been waged against Eritrea since 1998. The irony is that while Eritrea was faced with an arms embargo and denied of its legitimate right for self-defense, the architects of the sanction continued to arm the Ethiopian Government and destabilize the Horn of Africa.
291. The Eritrean people and Government remained resilient to defend the country's national security. This emanates from the belief that the biggest responsibility to the martyrs of the Eritrean liberation struggle is to never compromise on its national security. In spite of their influences, the hostilities have not been able to roll back the progress of the nation.

**(ii) In Defense of national security**

292. In a situation where the country was faced with war and hostilities, officials of Government were also detained in 2001 for conspiring and attempting to overthrow the legal government of the country and for colluding with hostile foreign powers with a view to compromise the sovereignty of the country; for undermining Eritrean national security and endangering Eritrean society and the general welfare of its people during a time of war. These are violations of the Transitional Penal Code of Eritrea: attacks on the independence

of the state (Article 259); impairment of the defense of the state (Article 260); and, high treason (Article 261). Besides these national laws, the perpetrators of the act also violated Articles 29(3), (4) and (5) of the ACHPR.

293. The allegation that the eleven persons were “political prisoners” or “prisoners of conscience” detained for “having made a call in favor of reform and democratic election and greater respect for human rights” is factually unfounded and far from the truth. It is otherwise well known that expressing one’s political opinion or belief is not a crime in Eritrea for any citizen. No Eritrean citizen is also imprisoned on account of what his/her political beliefs or expressions. The Eritrean Law recognizes and protects the rights of individuals to be free from discrimination and persecution on account of their gender, religion, ethnicity disability etc.
294. The Government did not arbitrarily arrest the 11 persons. The National Assembly at its 14<sup>th</sup> Session, held from 29 January to 2<sup>nd</sup> February 2002, discussed a report concerning the nature of the criminal acts committed by these people. The National Assembly deplored the grave acts perpetrated by the detainees and mandated the Government to handle the matter appropriately. Subsequent developments that include a prolonged state of belligerency by Ethiopia, a state of no war no peace; and Ethiopia’s pronounced policy of “regime change” have compounded the problem and made various options of resolving the issue difficult.

**(iii) Refugees hosted in Eritrea**

295. Eritrea respects the principles enunciated in the 1951 Geneva Convention, the African Union Charter, and other related international and human right laws and instruments on the rights of refugees who fled conflict and violence. It is not a major recipient of refugees. Nevertheless, the Office for Refugee Affairs (ORA) of the Department of Immigration and Nationality is the office responsible for refugee matters. It is also responsible for a wide range of camp administrative matters including management, delivery of assistance, health care, water, and sanitation, and camp maintenance. UNHCR also cooperates with ORA on the issue of refugees to complement the government's efforts in providing funding and joint monitoring of their livelihood. There were 4,000 Somali and Sudanese refugees in 2010 of which some 30 % were children and around 48 % females. The GoSE, in collaboration with UNHCR, provides them with monthly food rations, water, health service and education. Monitoring and assessment missions are also conducted.

**E. Women Equality and Empowerment**

**(i) Women Equality**

***Elimination of all forms of Discrimination against Women***

296. During the years of national liberation struggle, transformation that ensured the equality between sexes and forbids any discrimination occurred. Indeed the struggle would have



never succeeded without women's exemplary participation. At independence Proclamation 1/1991, legally abolished all discriminations including that on the basis of sex and was reflected in the Transitional Codes. The PFDJ National Charter of 1994 also asserts its intrinsic relation with social justice and declares that *'a society that does not respect the rights and equality of women cannot be truly liberated'*. The 1997 Constitution also recognized the heroic role of Eritrean women. Hence, it placed a strong importance to the equality and rights of women and prohibited all forms of discrimination. The above constitute the basic principles upon which the rights of Eritrean women are constituted.

297. Accordingly, the National Codes consign equality before the law and prohibit any form of discrimination based on sex, religion or any other creed. Women are accorded equal opportunities to that of men in all legal matters including civil matters. Women's equal rights is respected and protected in fulfilling contracts, administration of property, maintenance and inheritance of family property, etc. They freely appear in courts in person or through the services of the attorneys. The judicial system is also equally open for men and women to work at any capacity. Moreover, Land Tenure Proclamation No. 58/1994 abolished the traditional system and ensured land rights of women, the Labor Proclamation No.118/2001 provided legal protection of women in employment and the National Service Act No.82/1995 ensured the right of participation above 18 years of age regardless of sex.
298. On the other hand, the Macro Policy of the government underscored the development perspectives on gender issues. Under the mandate of the Government, the National Union of Eritrean Women (NUEW) also developed and implemented its own consecutive five year National Plans of Action since 1999. Accordingly, women equality and empowerment is mainstreamed in sector policies and programmes. Gender focal points also function in most Ministries and government agencies. NUEW is an effective network of women organizations within the country and in the Diaspora. The equal right and opportunity of women is now a reality in all aspects of development and is sanctioned by national law and women are both participants and beneficiaries in the development of the nation.

### ***Question of Nationality/Citizenship***

299. The equal right of Eritrean women to acquire, change or retain their nationality is also respected legally and under the Citizenship Proclamation No. 21/1992. The Constitution under Article 3 on Citizenship also addressed the foundation for the right of citizenship. Hence, all traditional and customary laws are revoked and citizenship right to children born out of wedlock or from non-Eritrean father are respected and protected. The Citizenship Proclamation also asserts that, Eritrean citizenship can be acquired by birth, by naturalization, by adoption and by marriage and is equally applicable to men and women, without discrimination. Accordingly, women obtain national passport and personal identity card independently without the consent of their spouses. However, in case their children require passport for travel, the consent of both parents is enforced. The consent of his/her

single parent is also required for a child born out of wedlock. The Immigration and Nationality Department has effectively implemented and monitored the above provisions.

### ***Affirmative Action and Policy Implications***

300. Affirmative Action is introduced as a temporary measure to raise women's participation in the social, political and economic progress. It also promotes the inclusion of women in important government decision making bodies. In essence, it is taken as a means of closing the prevailing gap in the level of women's participation. Affirmative action to ensure fair gender representation has thus been respected and protected on the basis of Article 10(2) of Proclamation No. 86/1996 that deals on the establishment of Local Governments. Accordingly, their right for 30% seats in the assemblies at all levels is implemented. They also compete in the remaining 70% seats. However, due to the national constraints described earlier, only local and regional elections have taken place during the reporting period. NUEW was also represented in the consultation forums of the Law Reform Committee that revised all transitional codes and developed the recently published National Codes. Experience also attests that the Eritrean Constitution Commission (ECC), a body mandated to draft the first National Constitution in 1994, also had 40% women members.

301. The affirmative action on women is also apparent in other institutional measures and development projects and women's visibility is ensured in vital structures. At least one member is a female in the land tenure committees at all levels. They also constitute 45-50% in similar water management committees. One of the three community magistrates elected by the local assembly is necessarily a woman. Any community development project or activity is approved only when it addresses the women's issue. All Sport Federations also reserve seats for women. They are given prominence in employment driven vocational training courses. In consideration of the prevailing reality, slightly lower entry requirements have been implemented in university, college, technical and vocational training enrolment.

### **(ii) Women Empowerment**

#### ***Politics and Public Life***

302. The participation of women in politics and public life is thus evident. In general, recent Government data show that, women have occupied 28.5% of the posts in political and public life. The representation at local level assemblies and administration is also significant and stands at 34% and constitute 37% of the elected community magistrates. Furthermore, 26% - 31% members of the regional assemblies and 22% in the last National assembly are women. In the judiciary women encompass 22% of the High Court and 14% of the Regional Court Judges. Recent estimates also show that women encompass 16.7% as Governors (one of the six Regional Governors), 17.6% Ministers (Ministers of Justice, Health and Tourism), and 6.9%, 10.6% and 35.4% of director generals, directors and unit heads respectively in government posts. Although women seem to be more visible at local levels and lower ranks

of leadership and public life, overall progress has been achieved in this respect in the short span of time since independence. There are various constraints that impinge on the issue and much more needs to be done in the future in particular at regional and national level.

### ***Economic Empowerment***

303. The national codes, National Charter, Macro Policy, 1997 Constitution, all Proclamations and sector policies bear institutional and legal provisions on the equality and empowerment of women. The specific legislative and other standard-setting practices have thus provided the conditions for implementation on the provisions of women's' rights and equality. The majority of Eritrean women are, however, employed in agriculture and the land issue is at the heart of the ideals of social justice. The Land Proclamation No.58/1994 entitled women to own or inherit land and significant measures are taken at all levels. This has been monitored by the Ministry of Land, Water and Environment in collaboration with regional administrations. NUEW has also trained women legal officers to promote advocacy and ensure the effective implementation of the Land Proclamation. Women are also members of the local and regional land distribution committees. Significant progress has been achieved so far. The 2009-2012 data reflects that 67.8 % of the land at the household level is owned by both men and women, and the remaining 32.2 % by women-headed families. This included 33.5% for housing, 16.6% for agriculture and 28.6% for commercial activities.
304. In general, the steady and purposeful improvement in the economic status of women is one of the main objectives of the Government. Targeted measures have been taken to empower women. The Saving and Micro Credit Program (SMCP) administered at national level provided micro-credit support to 42,098 women clients through its 609 village banks in 2015. This is about 50.9% increase compared to 2008. The total loan disbursement was about ERN 360 million (equivalent USD 24 million) of which agricultural loan holds 71.2%.
305. On the other hand, the NUEW supported women through micro credit loans amounting to 13% of the total investment made for women's economic empowerment. In the period of 2003 – 2016, 11,749 women in four regions benefited from the scheme at an investment of ERN 46,926,544.19. About 6,006 were also given grants in the same regions amounting to ERN 5,818,535.75. In general, the focus is poverty elimination and raising the income level of female headed families. The beneficiaries work in income generating activities such as mini-shops, household poultry farming, fattening goats and sheep and vegetable gardening. Women's Horticulture Cooperatives are also emerging. In 2015, 952 women beneficiaries in 28 sub regions (in five regions of the six regions) were supported with 81 water pumps and developed irrigated farming in 170.3 hectare of land. In general, women amount to 52.06% of the total beneficiaries in 2015 (51.9% in 2014).
306. Equal right in employment is enforced in accordance to the Labor Proclamation No 118/2001. Discrimination of remuneration and benefits on the basis of sex is also avoided. Moreover, pregnancy and maternity protection and retaining of post after delivery have been

enforced in accordance to Article 65 of the Proclamation. Article 67 also ensures that no termination of contract and maternity leave or on sick leave that arises out of her pregnancy or confinement happen in employment. In general, women employment encompasses full time government and private sector employees, part time workers, self-employed and seasonal employees. They are represented (47%) in the civil service and data of the economically active female population also shows that 51% of women work in agriculture. Available data also shows that the National Confederation of Eritrean Workers (NCEW) has 21,245 registered members of which 40.4% (about 8,576) are women workers. In accordance to the Labor proclamation and the emerging economic growth, strengthening the social distribution of employment in women's status is thus a major issue. In general, union membership of all men and women workers has risen by 24.6% in 2013 compared to 2005.

### *Dignity and Safety of Women*

307. Eritrean women had played an unparalleled role in the liberation struggle and gender equality constitutes a fundamental pillar in independent Eritrea's political, social and economic dynamics and development. Furthermore, the culture of the society and the community gives much value and respect to girls and women and does not condone rape. This also constitutes a major factor on why sexual violence and rape remains insignificant and women travel during late night even in remote areas of the country. Hence, there is no space widespread, systemic violence against women.
308. Eritrea's Penal Code also contains explicit legal provisions for severe punishment against rape and/or sexual violence, abuse, etc. on women. There are also ample provisions in the Transitional Penal Code (for instance provisions that punish all forms of physical injury [Articles 538, 539, 544 etc.]) that protect the person and liberty of any person, including women, from physical harms caused by any person, including their spouses. It is a crime and is punishable with rigorous imprisonment according to the Transitional Penal Code. All other forms of violence are also prohibited by the Transitional Criminal Code.
309. Women are thus protected from sexual violence and rape. They may not of course be always reported by the victims due to social stigmatization which impinges on one's reputation. To combat this, government agencies, local and regional administrations, national organizations, religious leaders, the school system, local media outlets and all elements of the set of cultural institutions periodically conduct sensitization, advocacy, and support programmes. The NUEW in particular conducts advocacy services and actively defends the rights of the victims through its legal section.
310. In general, various means of redress are available through the provisions of the Transitional Civil Code on the harm caused on girls and women. Immediate compulsory pregnancy and HIV/AIDS checkups are conducted jointly by police through medical authorities. In addition, Post Exposure Prophylaxis Vaccination (PEP) is given within 72 hours to prevent HIV/AIDS. Both her family and the family of guilt person console the

victim by giving psychological support, and encourage the girl to go back to school. Community involvement of the to avoid stigmatization is also promoted.

311. On the other hand, *fighting against FGM and under-age marriage* is also a major target. By law, underage marriage is totally banned in Eritrea. Furthermore, FGM is legally abolished and criminalized under Proclamation 148/2007. These practices which have been rooted in culture and not in religion for centuries would require time and effort to completely stop them. But the political commitment of the Government is apparent and extensive mobilization and sensitization of the whole society for transformation is gaining momentum. Continuous monitoring on these issues also takes place by law enforcement agencies, local administrations and NUEW and whenever reported is accounted by the law.
312. The nationwide campaign on FGM has been going on since 2006 in 56 sub-regions encompassing 759 local administrations. The campaign targeted every household and was organised in three phases. The first phase focused on sensitisation and 90% of the target set was achieved. The second phase dealt with increasing the knowledge on FGM and contributed significantly in influencing attitudes. This led to the issuance of public declarations statements by communities at local level. The third phase focuses on public discussions on the Proclamation that banned FGM. Furthermore, engagements with law enforcement agencies, local and regional administrations and religious leaders are continuously done in parallel.
313. The 548 anti-FGM committees established nationwide at all levels (up to the village level) also shoulder the responsibility of fighting under age marriage. A great deal of consultations and advocacy is also conducted by these committees. These are mainly male dominated and include 460 at the village level (1404 female and 2262 male members), 82 at sub regional level (211 female and 587 male members) and 6 at regional level (12 female and 58 male members). Extensive media and community sensitization programme to consolidate the legal provisions are also conducted.
314. Under the leadership of the NUEW, the Proclamation 158/2007 was extensively discussed by all sections of the society before it was promulgated. It is being implemented extensively with the wide public support and in particular the support of religious leaders. The result is promising. FGM that affected 89% of girls under the age of 5 in 1995 has dropped to 12.9% by 2014. Monitoring on the issue through the available means has also been heightened. In the last decade, a total of 147 of which 128 were from two regions (Anseba - 83 and Gash Barka 45) were brought to justice.
315. Concerted effort is also going on against under age marriage. While the legal age for marriage is 18 years for both male and female, cultural and traditional views and practices are the main obstacles. Similar strategy and techniques used to eliminate FGM are also used to fight against the perception and practices of underage marriage. Hence, a great deal of consultations and advocacy spearheaded by the NUEW and the NUEYS takes place. The

two weeks activism on violence against women also takes place yearly. To sensitize girls in schools and combat early marriage, 74 gender committees have been established in junior and senior secondary schools. The schools which have a history of high girls drop out are taken as the immediate priorities. Members of the committees in each school include students (both boys and girls), school director, sub regional administrator, and NUEW representative. This is an innovative pilot project to fight under age marriage and ensure girl's education and is registering tangible outcome even in some traditionally sensitive religious communities of the society.

316. Significant transformation has also taken place in the last two years to expand and strengthen the function of FGM/C Committees. Each committee at local level has been able to form groups of small people from the community at a cascade mode and the expanded mobilization of entire communities for action is already becoming a reality. It is to be noted that there are 4,534 committee members at all levels and 2,907 (64.12%) of these are male. A significant development in the last two years is that the committees which started as per the anti FGM/C Proclamation have now been transformed to include early marriage issues and the task is integrated into the already ongoing movement

317. Presently the struggle has developed into a grassroots movement against FGM/C and early marriage. The fact that some of these are very traditional communities mostly inhabited by nomads and semi pastoralists indicates to the growing success. Furthermore, the ongoing movement has asserted that these practices are not part of religion but rather cultural practices that have to be avoided. The following progress denoted the situation;-

- The meeting of religious leaders in the Central Region on November 20, 2016 resulting in a declaration that condemns the practice of FGM and early marriage is a significant development. The declaration among others includes the following:-
  - The age limit in religious matrimonies shall be 18, in accordance to the civil law, and that the bride and groom should submit their Eritrean ID cards and other relevant documents to prove their right age.
  - This will immediately be implemented by both Christian and Moslem institutions in Eritrea. Any violations should be notified to the religious leaders.
  - Effort will be made to expand this effort in all other regions.
- On the other hand a similar movement has led to the total mobilization of another region (Anseba Region). It started at grassroots levels in two sub regions with the active role of junior and secondary school students and religious leaders and elders and declaration also has been issued in the meeting conducted at region level to ban the practices and follow up mechanisms have been devised. In general zero FGM in a short time in particular in Habero and Asmath sub regions have also has been declared. A similar

movement has also started in the North Red Sea Region and a similar declaration has been issued already in the Nakfa and Afabet sub regions.

### ***Marriage and Family Relations***

318. The institutional and legal framework of the State ensures the rights of both men and women upon their consent to marry and to found a family freely without any discrimination and shall have equal rights and duties as to all family affairs. Article 837 of the Transitional Civil Code states that '*The sex, age, nationality of heir shall not affect in anyway the ascertainment of the right to succession*'. All family members get inheritance without any distinction based on sex. The law has also ensured equal responsibilities with regard to guardianship, trusteeship and adoption of children. The best interests of the child take precedence in this respect. Failure to perform such duties also leads to criminal charges under the provisions of the law. Legislation provides equal rights and opportunities in this respect. But sometimes, attitudes and cultural practices pose obstacles and slow the possibilities of change. The Government, however, remains commitment to enforce equality and eliminate any remaining discriminatory practices within the family.

### ***Trafficking in Women and Exploitation of Prostitution***

319. Traffic in women is an alien concept to the Eritrean society, and there are no such reported cases inside the sovereign Eritrean territory. Nonetheless, women are legally protected against such offenses. The Transitional Codes (as well as the new national codes) provide a broad basis for the protection of human dignity that also embraces the prohibition of sexual exploitation and trafficking of women under the transitional criminal code (Art. 605) with subsequent severe punishment under Articles 606 and 607.

### **(iii) The Role of the NUEW**

320. One of the organizations established by the Eritrean Peoples' Liberation Front during the liberation struggle in 1979 was the National Union of Eritrean Women (NUEW). It was established with the aim of empowering Eritrean women and fostering their participation in the struggle. Currently NUEW is a successful autonomous grassroots women's organization mandated to work as women's establishment in the advancement of gender equality. NUEW organizational basis includes 163 branches, 481 sub-branches and 4343 basic (local level) groups. Membership is open to all Eritrean women of all ethnic groups and religions above the age of 16. The Union has more than 323,420 members, offices in the six regions, 58 sub-regions, and 2460 (out of 2800) villages as well as in the Diaspora. The average yearly increase of membership is currently estimated at 7%. In terms of age 34% are in the age range of 16 – 30 and about 22% in the range of 31 - 40. Women farmers are also about 43%.

321. To raise awareness and strengthen participation, every year meetings, seminars and public consultations have been going on. In 2016, about 1471 meetings and public

consultations took place at sub regional, regional and national levels, involving 195,475 participants (with 10.2% men participants). The meetings targeted women cadres, workers, house wives, students, civil servants, members of the army and administrators. On the other hand, 1309 political seminars and consultations involving similar targets of 254,619 participants (with 18.2% men) took place. NUEW has also conducts sensitization programs within the community and women to tackle gender stereotyped roles. Above all this has targeted the myths and proverbs that play a major psychological role in directing and shaping the current stereotyped roles of women. This has changed the traditional role of women and promoted their equal status in the Eritrean society paving the way for the notion of equal access and opportunity in life. In spite of the significant improvement, there is no complacency, and more needs to be done for fundamental change in the society.

322. The contemporary laws, proclamations and regulations and all administrative measures of the government have thus played a decisive role in changing the stereotype roles of women. Concrete actions have been taken in the education system, work places, cultural life, media activities, etc. As has been demonstrated earlier, the role of men in the struggle for women equality is also gaining momentum. NUEW has organized Friends of NUEW (73% are male) throughout the country. The Committees work, to strengthen women's organizational capacity, economic empowerment, advocacy, mobilization against VAW and promotion of girl's education. NUEW also works in coordination and cooperation with all government sectors. It mobilizes extensive support of the general population, including community and religious leaders as well as other national associations. Partnership with international organizations is also promoted on the basis of mutual respect and national ownership.

323. The Government of Eritrea, has shown commitment and political will to achieve concrete equality measures and eradicate existing discrimination. It considers the equal participation of women and their full integration in nation building as decisive. However, even if legislation provides for equal rights and opportunities, attitudes and cultural practices still constitute major obstacles which influence possibilities of change and rendering it slow. It is also understandable that achieving women's rights is not an exclusive task of women or their organizations, but a responsibility of all adherents of the fundamental rights of human beings. Hence the total mobilization of the whole society will be strengthened for further achievements. Strengthening the institutional capacity of NUEW is also a major target.

## **F. The Right and Development of Children**

### **(i) Children and the Future**

324. The population categories of primary concern in this report are Children as a whole and with more focus on orphans and Vulnerable Children. This includes children affected by HIV/AIDS, vulnerable and street children, children in contact with the law, those with disabilities, and victims of human made and natural disasters. The Ministry of Labor and Human Welfare (MoLHW) has been striving to attain its comprehensive mission by



undertaking various programmes that give primacy to the promotion of their human rights and human welfare. The right and plight of children is thus at the centre of its mandate. 48% of the total Eritrean population is children under 18 years of age and 56.5% live in rural areas (NSO Data).

Age	Male	Female	Total	% of pop.
0-4	269,380	262,390	531,770	14.8
5-9	217,553	206,244	423,796	11.8
10-14	255,267	226,530	481,797	13.4
15-17	157,826	132,104	289,930	8.1
<b>Total</b>	<b>900,026</b>	<b>827,268</b>	<b>1,727,293</b>	<b>48.0</b>
	<b>52.1%</b>	<b>47.9%</b>	<b>100</b>	

*Social Distribution of Children across age and gender*

325. The National Codes and the established legal and institutional framework provide the basis for the respect, protection and fulfillment of the rights of children. Due consideration is also given to the Integrated Early Child Development policy and strategy. It is highly recognized that children have the right to know and be cared for by their parents or guardians, have access to education, health, and protection from all forms of exploitation and abuse. The rights and care of children as well child offenders are also respected and protected. There are thus provisions dealing with the apprehension, prosecution and conviction of persons in conflict with the law. The rights are sanctioned by national law.
326. The sacrosanctity of the rights and welfare of the child is also enshrined in all sector policies of the Government. They uphold the respect, protection and fulfillment of the rights of the child, in particular in dignified life, judicial justice and social development. The National Policy on Children produced with the active participation of appropriate government institutions and all stakeholders also guides the approaches, strategic options and course of actions. A government working group made of relevant sectors and national organizations also coordinates the effort and oversees the Conventions of the Rights of the Child (CRC) and African Charter for the Rights and Welfare of the Child (ACRWC) follow up under the jurisdiction of the MoLHW.
327. In this context, effective enforcement and monitoring is conducted on implementation and redress any wrong doing committed against children as well as petty offences committed by children. Child wellbeing committees have been established in 43 sub-regions to expedite the policies and regulations of child rights and the implementation of CRC and ACRWC. This has been consolidated by the partnerships forged between government institutions and national organizations. Advocacy and strengthening of awareness on the rights and welfare of the child has been strengthened as one of the main means to ensure the rights of children. NUEW, the National Union of Eritrean Youth and Students (NUEYS), the National Confederation of Eritrean Workers (NCEW), the Association of People Living with HIV/AIDS and other national as well community associations and organizations have been instrumental in promoting advocacy and awareness.
328. The MoLHW organizes training courses for community and religious leaders. The training focuses on issues related to child rights, effects of violence on children, prevention

of maltreatment and abuse as well as helping victims of violence. Since 2000, more than 200,000 community members including religious leaders participated in regional and sub-regional seminars and training workshops. Furthermore, about 5000 elementary and middle school teachers have participated in a series of seminars and workshops. Among many others, the seminars highlighted the legal and policy dimensions of child rights and the principles of the CRC & ACRWC. Issues on the prevention and protection of children from violence, corporal punishment and HIV/AIDS were given much emphasis in the effort.

329. In order to popularize the CRC among the public, the English version of the CRC is also translated, published and widely distributed in six out of nine local languages. National, regional and sub-regional workshops were also convened to create awareness among the public as well as to create advocacy on legal and policy matters. CRC articles were also broadcasted through national media in six local languages. Community and religious leaders as well as elementary school teachers have also received training on the implementation of the CRC and ACRWC. Moreover, experts from MoLHW, MoH and NUEW conducted media panel discussions on legal and policy provisions including harmful traditional practices such as child marriage and FGM/C. The MoLHW regional offices through the Community Based Rehabilitation Volunteers (CBRV) also provide continuous public information and education on these issues. Every year, 8<sup>th</sup> December, the International Children's day, is also commemorated in Eritrea to reflect on all the above issues

#### **(ii) Integrated Effort to Fulfill the Rights of Children**

330. As has been reflected in the institutional and legal framework, an integrated, coordinated and highly organized approach on the development of children is thus promoted at the level of both policy and strategy to implement this vision. In this vein, a holistic approach has thus been promoted and the respect, protection and fulfillment of the right of children have been advanced. Furthermore, considering the importance of proper upbringing and its relevance to viable human resource development, integrated early childhood intervention is a priority. As described earlier, the Government launched this programme in 1999, through a World Bank loan of about USD 42 million and still continues through various national initiatives and programmes. It was effectively implemented with significant success in spite of the unfavorable external threats and conditions earlier described. The World Bank also produced a video on the success of this programme under the title "*One Childhood*" and was taken as a novel experience of the holistic approach on integrated early childhood development.

#### **(iii) Vulnerable Children**

##### ***A systemic Approach to protect Orphaned Children***

331. The Community Based Approach of the Government thus serves as the primary strategy for the care, protection and support of orphans and other vulnerable children (OVC). A systemic approach has thus been promoted to implement the strategy encompassing various

forms of interventions. No child is left behind! Hence, various practical measures have been taken to address the rights of orphaned children. To fulfill the right of orphans through reunification with extended families, 78,909 orphans, including AIDS orphan, have been reintegrated from 1993-2016 with their blood relatives and economic support has been provided to 30,189 care-taking families in six regional administrations. A total amount of Nakfa 448,708,285.80 was expended for this expenditure. This has minimized the long-term social and psychological problems of orphans. It is also expected to enable orphans to adjust and fit themselves in the society more easily and eventually become productive citizens.

332. Adoption is also a legal procedure that establishes a new parent-child relationship or family setting in which the rights and responsibilities of one or more parents are fully and irrevocably transferred to one or more adoptive parents. In as much as an adoptive parent assumes all rights and responsibilities of a natural parent, the adopted child is entitled to inherit property just like the child belonging to the natural parents. The numbers of orphans that were re-unified with adoptive parents through the course of 1999-2016 are 214. In 2009, a monitoring visit that aimed at assessing the living conditions of orphans revealed that all the children were in good health and adoptive parents provided the required care, protection, adequate diet and medical care.

333. Community Based Group home (CBGH) also provided a family-like life style to orphan children with the help of trained caregivers (*Refer table below*). This is preferred when foster or adoptive parents are not available. Each group home cares for 12 children with a mother and a father figure (as an assistant) and acts as a natural family. They go to local schools, play and interact with local children and feel a sense of belonging to family and community. Orphans not placed in extended families become eligible for placement in group homes. Since 2010, 22 CBGHs operated throughout the country and 40 percent are in the age bracket 5-9. While providing good care to orphans hosted in CBGH, the MoLHW is also working to reunify orphans with the next of kin and as a result there have been measures to downsize the number of CBGHs and the number is downsized to 11. Center based orphanage is also considered as a last alternative and the Government effort in the last 17 years has thus been to progressively de-institutionalize them. Nonetheless, necessary care and protection still continues to 402 children in the Government managed orphanage and the yearly expenditure is ERN 1,800,000. Moreover, additional 5,885 orphans (out of which 3167 are females) have been supported and hosted in 11 non-governmental organizations.

Age in years	2008			2009			2010		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
0-4	6	3	9	6	3	9	6	3	9
5-9	51	52	103	52	51	103	52	51	103
10-14	55	52	107	53	48	101	53	48	101
15-17	20	25	45	21	26	47	21	26	47
<b>Total</b>	<b>132</b>	<b>132</b>	<b>264</b>	<b>132</b>	<b>128</b>	<b>260</b>	<b>132</b>	<b>128</b>	<b>260</b>

*Table: Orphans Placed in Community Based Group Homes Source: MoLHW, 2010*

334. Children infected with HIV/AIDS and who started ART throughout the country have been traced and offered a monthly financial contribution as support for family members' nutrition and children's education. About ERN 83,078,342.50 fund provided by the Global Fund (2004 – 2016) is used for monthly cash assistance to 12,958 HIV/AIDS infected persons. The aim is to improve their nutritional status and enhance their immune system. These interventions have alleviated the family problems and improved the diet of the beneficiaries. Moreover, it is also an additional drive for families to send children to school.
335. The Government also promotes a Community Based Street Children Prevention and Rehabilitation Program. Through this program 43,672 street children attend formal schooling. Assistance for school materials and cash assistance for uniforms and reference books, etc is provided. Another 2,554 attended vocational training in metal and wood work, auto mechanics, machine shop, computer skills, drawing, music, sewing and embroidery. Trainees were provided with allowances and insurance schemes. Furthermore, 5,856 families of street children got support to start micro-enterprises and petty trade. This enabled them to improve their livelihoods and ensure the educational continuity of their children.

#### ***Children in contact with the law***

336. During the reporting period The GoSE has taken the following steps to improve the respect and protection of Children in Conflict With the Law (CCWL):-
- established a probation service, which provides counseling
  - set separate chambers where their cases are heard
  - organized after care services to CCWL who complete probation and correctional periods
  - Advocacy has been strengthened as one mechanism for improving the existing custody and detention centers where children are kept while awaiting trial, or in cases where parents/guardians cannot be located.
  - financed the renovation of the existing pre-trial detention center in the Central Region
337. Pursuant to the provisions of the Transitional Penal Code, the court appoints a government paid advocate, to assist young offenders. This applies in cases where no parent, guardian or other person in *loco parentis* appears to represent them, or when the young offender is charged with an offence punishable with rigorous imprisonment exceeding ten years. Furthermore, they continue to order admission to a curative, correction or rehabilitation institution, supervised education, reprimand, school or home arrest, for those found guilty of a crime. Hence, penitentiary detention or imprisonment of a young offender is only seen after the above-mentioned measures are applied and fail. This indicates that the system employs detention and institutionalization of child offenders as a last resort.
338. Due to limitation of capacity and resources, the Asmara pre-trial detention center has not expanded to the other five regions. Likewise, there are no rehabilitation centers for CCWL. This condition has forced the authorities to detain adolescent offenders in the same prison

compound with adults but of course in different cells. To ameliorate the situation the Ministry of Justice, in collaboration with partners, has been providing training on national codes and legislation, internationally applicable standards and on the implementation of the legal instruments in the administration of juvenile justice. This also includes the provision of material assistance during post trial detentions. On the other hand, the government has been providing protection to children from various forms of potential abuses and violation. Some of the cases addressed by the Eritrean courts were dealt as criminal cases while others were civil cases that affected the interest of the child.

339. Alleged juvenile crimes and offences reported to the police also increased from 6,105 in 2008 (11.8% females) to 7,299 in 2009 (11.75% females) and 8,035 in 2010 (13% females). About 88 % were committed by male offenders. Moreover, Petty offences and crimes against property represented the highest (87.95%) of misdemeanors.

### ***Children and armed conflicts***

340. Eritrea has signed the Optional Protocol to the Convention on the involvement of children in armed conflict on 16 February 2005. The obligations under the Optional Protocol are already implemented in Eritrea. The minimum recruitment age is set at 18 years with the protection in regard to proof of age, informed consent and duty of care obligations required under the Protocol. During the border war with Ethiopia, the Government exerted much effort to avoid any victimization of children due to the conflict. The destruction inflicted by the Ethiopian army during the war and in the subsequent occupation of sovereign Eritrean territories did impact on the life of the people. The extent of the damage inflicted on communities and families including children are extraordinary, as explained in other parts.

### ***Conclusion***

341. There are favorable laws and policies in all sectors that guarantee the rights and opportunities of children that drive pragmatic approaches and practice. Significant progress has been achieved in the promotion of child rights but there are challenges. The commitment and support of families and communities, in the upbringing and development of children is strong. The social and economic challenge of vulnerable families is, however, still significant. The prevailing limitations of opportunity in vocational centers for vulnerable children are also another problem. Furthermore, more focus is needed in promotion of adequate care and protection to children with disabilities and those in conflict with the law.

## **G. Rights & Welfare of Persons with disabilities (PWDs)**

### **(i) PWDs Rights Respected and Protected**

342. According to the 2010 EPHS, there are about 160,000 PWDs affected by severe and moderate disabilities in Eritrea. War disabled persons constitute 20% of the total. The

critical injuries they sustained during the wars and the prevailing conditions of their life demand considerable attention and interventions. The Government of Eritrea, families, communities, the Disabled Persons Organizations (DPOs) and the PWDs themselves continue to participate towards alleviating this major challenge.

343. The Government of Eritrea takes the respect, protection and fulfillment of equal rights and opportunities of the disabled as the viable way in mitigating their problems. This is anchored on the ideals of social justice and promotes human right, inclusive approaches and self-reliance of the disabled. The strong cultural basis and inherent values of cooperation in the society to the disabled is also an added value. The equal right and opportunity of the disabled is thus respected and protected through the established institutional and legal framework of the State and sanctioned by national laws. The PFDJ National Charter also aims to *'create conditions in which veterans and handicapped people can be rehabilitated, become self-sufficient and contribute to the country's development.'*

344. Furthermore, specific legislations aiming at improving the conditions of PWDs have also been implemented. The national effort has thus been to develop the self-confidence, self-respect and self-esteem of PWDs. They also apply to all aspects of their life i.e. rights to health, education, employment, judicial justice property, marriage parenthood, etc. through established regulation and policies. The following are some of the important instruments:-

- Proclamation No. 17/1991 for the collection of rehabilitation tax for the disabled freedom fighters, members of the families of the martyrs and those members of the society who sustain injury due to natural catastrophe
- Proclamation No. 82/2004 grants full and partial assistance on customs duties for PWDs
- Proclamation No. 3/1991 and Art 6 (civil code) also gives a general provision of interpreters to clients in court sessions
- The labor proclamation has provisions to ensure the rights of persons with disabilities.

345. A national policy on persons with disabilities reviewed and finalized through a consultative workshop of all stakeholders convened in May 2015 is also implemented extensively. It ensures the implementation of equal rights and opportunities and delineates the roles and responsibilities of all actors in advancing the rights and welfare of persons with disabilities. It also raised the common understanding of all sections of the society. PWDs also benefit from the privileges of affirmative action supported by Government legislations and policies. Hence, monitoring of all these instruments is done in collaboration with all sector ministries and national organizations. Functional and administrative measures are thus taken by the Government to rectify any violations in their proclaimed rights. The role of the various Eritrean Disabled Peoples' Organizations (DPO) in this respect is also strong.

**(ii) Efforts to Fulfill the Basic Rights of PWDs**

346. The Government of Eritrea extends its services to all persons with disabilities (PWD). This includes the areas of education, health, justice, improvement of livelihoods, income generating schemes, the right to work and gain full employment, improving environmental barriers and guaranteeing equal opportunities. Ranges of programme initiatives have been strengthened and expanded that specifically target PWDs. To ensure accountability, the MoLHW has also established a division for the functional monitoring, action, institutional support and coordination mechanisms with government bodies in the welfare of the disabled.

347. The economic situation of PWDs has thus been improved through various measures. In this respect, the right of PWDs (*above 18 years of age, whether married or not*) to acquire land and carry out agricultural activities (farming and animal husbandry) in particular has been ensured and respected as a major priority. The MoLHW has also implemented and managed a revolving loan scheme to help PWDs start income-generating activities for gainful employment (*refer table*). The objective is to promote self-sufficiency and eliminate the poverty of the most vulnerable targets. To this end, the scheme has operated in all sub-regions of the country. A total of ERN **137,504,111.36** (about USD 8730420) has been distributed to 5,431 PWDs (73.8% males and 24.2% females) and their families. The activities include small enterprises in metal and wood work, farming, animal fattening, poultry, beekeeping and gardening, petty retail trade and services (beauty salon, barber, bicycle repair, etc.). The evaluation reports carried by the MoLHW revealed that PWDs who have accessed the revolving fund have been able to improve their livelihood, raised their income level and contribute significantly to the community.

348. The Government also expends huge subsidies and support to WDV's which is channeled through programmes and activities of the Eritrean Association of War Disabled Veterans (ENWDVA). ENWDVA which has about 18,000 members has also worked to alleviate the basic problems of the WDV's. Its activities are publicly disseminated in its annual magazine called 'HABEN' (denotes pride). The following are some of the achievements:-

Region	Sex			%
	Male	Female	Total	
Central	718	285	1003	18.5
Southern	1101	377	1478	27.2
Anseba	707	132	839	15.5
Northern Red Sea	441	118	559	10.3
Southern Red Sea	67	17	84	1.5
Gash Barka	1080	388	1468	27.0
<b>Total</b>	<b>4114</b>	<b>1317</b>	<b>5431</b>	<b>100</b>

*Loan Beneficiaries by region and gender*

- **Training** - provided training to 4749 of its members in various technical and vocational skills (343 in metal and wood works, 52 in wood in painting, 10 in art work 5 in pottery 193 in tailoring and embroidery works, 1818 in computer applications, 6 in electric city 4

in stove repair works, 26 in book keeping, 399 in driving 1674 in construction and business establishments, 20 in plumbing 8 in auto mechanic); Women war disabled veterans constitute 18.1% of the total beneficiaries.

- Economic empowerment; 3661 WDV's became beneficiaries in small businesses and enterprises, supported through the micro financing of the association. 530 were also provided with motor pumps, acquired land and got involved in agricultural productivity.
- Additional financial support on health: Overall, the provision of medical service to PWDs has improved since independence. This is a result of the Government's strong political will and commitment to strengthen health services (eye and ear health, mental health, and injury prevention services). The organization, however, supported 380 of its members to receive medical services abroad by covering 70% of their transportation fee, 2520 of its members to have access to special medical teams inside the country including in addressing the sight problem of 503 members
- Mobility Support: solicited 290 motor tricycles, 6 minibuses, 1500 wheel chairs, 3521 of crutches and walking aids and substantial number of ordinary bicycles to address mobility problems and challenges of the WDV's. There are also three orthopedic workshops managed by the MoLHW. They produce various types of appliances required by PWDs for easy mobility, participation and interaction of PWDs. Between 1991-2015, 42,168 PWDs (out of which 34,496 are males) have been provided with various appliances such as prostheses, orthosis, splint, crutches, arch support, spinal corset, baby's trolley, collar and wheel chairs which cost NKF 40,806,146.45. In the majority of the cases, the MoLHW provides them for free.

349. The severity of disability and health complications among persons with paraplegia, mobility problems and wheelchair users is given special attention. The Government procured 5 Mercedes vehicles with lift facilities and 3-wheel motorbikes to alleviate individual problems. These have served the mobility of severely injured war veterans and thereby enabling them to participate in skill training and gainful employment opportunities. Disabled students are also given transportation support to attend schooling. The "*Donkey for School*" is a project introduced by the MoLHW in 2004 with the aim of supporting CWDs access to schooling. The provision of the donkey also supported these vulnerable households helping them improve their livelihoods and generate income, transporting goods for sale etc. This project was evaluated by an independent external evaluator (consultant), who found that access for CWDs to schools increased through the provision of the donkeys. The project has covered over 1,184 families of children with Disabilities.

350. The Institution Based Rehabilitation Program (IBRP) for the war disabled in the Denden Camp in the capital city, Asmara, presently accommodates 330 severely injured war veterans (6.4% of the disabled) and their families. The rehabilitation camp has basic recreational, health and therapeutic service facilities for special care and treatment. The Government also provides a



monthly subsistence allowance that covers monthly pocket money, free medical service and additional social and administrative services for those who are not accommodated in IBRP (Asmara). Over 5,457 war veterans (out of which 900 are females) with severe disability are beneficiaries of this scheme. In total, the Government spends over Nfa 70 million annually to the PWDs under care in the camp and to those outside the camp.

351. One of the special measures of the last few years includes the steady growth in the use of sign language. The use of the sign language in public activities, court hearing, etc. is emerging. The Eritrean Deaf Association (EDA) plays an important role in supporting the deaf during court hearing and in helping the court and the deaf to communicate better with the help of an interpreter. Efforts have also been made to improve the deaf-doctor communication in hospitals, especially for pregnant deaf mothers. Furthermore, the first Sign Language Dictionary in the country has been published by the MoLHW in cooperation with the National Association for the Deaf. So far 5,000 copies have been disseminated to schools, public libraries and book-stores and stationeries throughout the country. The sign language dictionary is also translated into Arabic and English from the Tigrigna version.

### **(iii) Community Based Rights Approach and support Promoted**

352. The extended family system in Eritrea is an important basis of responsibility in the provision of care and support to persons with disability. Accordingly, the Eritrean community structure for centuries has prevailed as a safety net for its members, in particular for Persons with Disability. This positive caring attitude is based on collective responsibility and solidarity and has been maintained as a basis for all other levels of interventions.

353. The Community Based Rehabilitation Program (CBRP) for persons with disabilities was established as a national strategy in 1994 and has since evolved as an important part of the overall system. Note is made of the following aspects:-

- About 90% of the CBRP is implemented in rural and semi-Urban areas. The programme is functional in all the six regional administrations. Presently the CBRPs are functional in 52 sub-regions (out of 58), 123 locality level administrations and 1,234 villages.
- There are 2,785 CBR volunteer workers nationwide of whom 836 (30%) are women.
- The programme functioned to safeguard equal rights and full participation of PWDs and carries out various rehabilitation tasks, public awareness campaigns, and health, education, economic, social and environmental services.
- It is successful and compared to other approaches, is less costly but more effective as it also mobilizes local resources.
- PWDs have also asserted their rights by integrating in all activities, meetings and administrative affairs and leadership.
- Though still at its infancy, the CBR has contributed to the employment and improvement of the economic livelihood and social life of the PWDs. PWDs (both ex-fighters and civilians) have access to interest-free credit program. Except few all the beneficiaries

have successfully repaid their loans. Communities also hire PWDs to work as guards in schools, clinics, water supply systems, micro-dams, closures, etc.

- During the reporting period 32,541 acquired land for farming in their respective communities, 18,407 were given land for housing and 368 got employment opportunities

354. The CBRP has also helped PWDs to access community based resources and services. Records show that PWDs (62% of males and 38% females) benefited from the social rehabilitation through different community assistances. Accordingly, the farm lands of 31,763 PWDs were ploughed and harvested, their houses constructed and repaired and provided financial assistance by the communities estimated at about ERN 10,166,500.

355. Physical rehabilitation is also implemented in the CBRP and the critical role of the CBRP Volunteers cannot be overemphasized. The objective of this community led initiative is to enable PWDs improve their physical and psychological situation. More than 28,035 have benefitted from the activities performed at village level. The most frequent activities are movement (26.6%), behavioral (17.6%), self-care (14.1%), counseling for epilepsy (12.1%) and communication (10.8). About 34% of the beneficiaries at village level were females.

356. The contribution of CBRPs in addressing the problems of children with disability is significant. Local supervisors are engaged in both active and inactive rehabilitation services. Children with disability are offered services by local supervisor or referred to regional hospitals, orthopedic workshops and physiotherapy centers for further assessments and rehabilitation. Regular follow up by the supervisors is also made to sustain the improvement.

#### **(iv) Special Medical Services for PWDs**

357. The provision of free medical service to PWDs has improved since independence and is a result of the Government's strong political commitment to strengthen the health security of its population. The GoSE, through the MoLHW, fully covers medical expenditures for over 7,000 war-disabled persons with severe disabilities including their families. Physiotherapy services are also available in 6 hospitals/clinics in Asmara and 5 in the regions. Furthermore, the MoH provides free mental health services to people living with mental disorders and seizure. This is because people living with strange behavior (e.g. epileptic) are put under life-long treatment, and hence they cannot afford to pay for the drugs they take on a daily basis. Mental health service is provided in a limited number of national and regional hospitals. St. Mary Psychiatric Hospital in Asmara gives inpatient and outpatient mental health services at national level.

#### **(v) Special Needs Education**

358. The GoSE is working hard towards "Education for All". As a result, access to education increased since independence and the country is progressing well towards achieving its commitment to universal primary education. Inclusive education has also been integrated in

development of policies and guidelines, educational planning, teaching training programmes, educational monitoring and support interventions and workshops. The MoE has recognized the special need of deaf and blind children by opening special schools at elementary level. Abraha Bahta School of the Blind managed by MOE, and the two schools for the Deaf in Keren and Asmara which are funded by the Evangelical Church are presently functioning. They are however, mainstreamed into the general system at higher levels of education. Medeber Elementary School also serves for children living with autism and Down syndrome while Godaif Elementary School also serves PWDs. In spite of the above efforts, however, the education access of children with disability is still low.

Year	Abraha Bahta School for the Vision Impaired (1-5)			Evangelical School for the Deaf (1-5)		
	Male	Female	Total	Male	Female	Total
2007/08	49	20	69	124	88	212
2008/09	49	17	66	126	110	236
2009/10	42	12	54	112	63	175

*Number of Pupils attending Special Schools - Source: MoE: Basic Education Statistics*

359. In line to the Inclusive Education Policy, the association on children with development and intellectual disability is thus endeavouring to open special classes within the premises of the various schools. So far children with intellectual and developmental disability are attending in 8 special schools established in Asmara, the capital city. The MOE has also established 25 child-friendly pilot schools equipped with the necessary resource rooms (support classes) throughout the country to serve as models. They are given support classes to help children cope successfully and their contribution is yet to be assessed properly.

#### (vi) Organizational basis of PWDs

360. In Eritrea, there are four associations for persons with disabilities, namely, The National Patriotic Association of the Disabled Persons, The Eritrean Association of the Blind, The Eritrean Association of the Deaf and The National Association of Intellectual and Developmental Disability of Eritrea. These organizations mainstream the human rights approach and aim to minimise stigmatisation and discrimination, which act as a barrier to persons with disabilities (PWDs) and their families. In principle, promotion and protection of the rights of PWDs is upheld at all time by all service providers.

361. As mentioned in earlier parts, the Disabled Peoples Organizations (DPOs) develop their own strategic and operational plans and programmes according to their needs. They also perform independently within the laws and policies of the Government. They all have central offices and branch offices in all the regional administrations. The Eritrean National Association of the Deaf, which has 4,000 registered members and 40% are females. It organizes awareness campaigns to inform on the objectives and activities of the association, and various issues including on strengthening the role of the deaf women in the society. The association also promotes vocational training among its members in various areas.

362. Sign language competency training is also given to persons from different governmental and civil society organizations. Children with hearing impairments are also trained on sign language for better communication. Sign language has also been introduced on the Eritrean television currently running twice a week to enable persons with hearing problems get timely information. The MoLHW, in cooperation with National Association for the Deaf, has published the first Sign Language Dictionary and already 5,000 copies were printed and disseminated throughout the country the sign language dictionary is already translated into Arabic and English from the Tigrigna version. The association also plays an important role in advocating for the deaf during court hearing and in helping the court and the deaf to communicate better with the help of an interpreter. Efforts have also been made to improve the deaf-doctor communication in hospitals, especially for pregnant deaf mothers.
363. The Eritrean National Association for the Blind (ERNAB) has 3000 members. It has 15 board members (3 are women) in the leadership. ERNAB is also advocating and lobbying for persons with vision impairment. It is campaigning to strengthen awareness among the general public about preventing blindness and the role of community in preventing blindness and rehabilitating people with vision impairment. Income generating schemes improve their livelihoods through business and agricultural related activities. The biannual bulletin of the association, 'Self Reliance' is prepared in Braille for use by its members.
364. The Eritrean National Association of Intellectual and Developmental Disability is a recently formed association that focuses on children with problems of intellectual and development disability and has 935 members. The association has its own annual magazine called 'CARE'. It is also undertaking awareness campaigns through seminars to families who have children with these difficulties and sensitizes the public at large through the media to send them to school. The association has relations with NGOs like ARCHIMED (Germany) and Sacra Famiglia (Italy) and organized joint trainings during 2014 -2016.
365. In general, the favorable government policy, commitment and action, the conducive social environment created, the constructive role of families and communities and the general support of the public to PWDs and the readiness of PWDs to be self-reliant are the main factors that need to be preserved to improve the wellbeing of PWDs. Challenges still remain in availing residential houses for very critical PWDs, environmental barriers, limited orthopedic appliances and limited appropriate vocational training and limited funding to undertake assessments to update the data and situation of PWDs at national level.

## **H. People's Right to Satisfactory Environment**

### **(i) Institutional and legal measures**

366. By virtue of its geographical location, extreme weather situation and also because of its limited adaptive capacities, Eritrea is one of the vulnerable countries affected by adverse climate. Hence, adaptation measures to mitigate environmental degradation and in particular

recurrent cycles of drought are being taken. Addressing environmental hazards is also an important goal. The considerable effects on food, air and water with impacts on health are also major targets of environmental security. On the other hand, the development which is transforming the way of life is also having deeper consequences. Eritrea is not a major contributor of emissions. Nevertheless, effort is going on to mitigate the growth of emissions from the transport, industrial processes, chemicals and outputs, non-clean energy and air pollution. Hence, strengthening the systemic approach to address the causality relationship of health/environment/climate remains a protracted task.

367. In general, Eritrea has implemented the major aspects of its institutional and legal structure on environment and safety in the last 18 years including the following:-

- Land Environment – including the Code of Conduct for Environment Security (1999), Exploitation of mineral sources Acts (108/2000, 109/2000), Land Reform Act (58/94), Regional Administration Act (86/96), etc
- In Marine Resources – the National Bio-diversity Strategy and Action Plan (2000), Bio-diversity Conservation Policy and Project, Eritrea's Coastal Marine and Island Biodiversity Project, CMI Bio-diversity Conservation Policy and Project
- Administration of water resources - Proclamation 162/2010 which deals on ownership and management of water resource, planning, environment impact assessment, pollution prevention and abatement and water quality control, etc.
- Environment: The National Action Plan (2001) and the 20 year National Environment Management Plan (1996), National Environment Management Plan (2001), National Action Plan to Combat Desertification (2001), National Bio-diversity Strategy and Action Plan (2000), Management Plan of Riverine Forest of Western Lowlands and the Green Belt Integrated and Sustainable Forest Resource Management
- Legal Notice No. 117/2010: which is a regulation dealing on the issuance of permit for the importation or exportation of Ozone depleting substances (ODS) and Ozone depleting substances equipment or product
- On January 26 2017, the Government also issued Proclamation 179/2017 (The Eritrean Environmental Protection, Management and Rehabilitation Framework) and Legal Notice 127/2017 (Environmental Protection and Management Regulations)

**(ii) Environment Security and Fighting Desertification**

368. Over exploitation and ecosystem degradation continues to pose serious threat to environmental security and has frayed the natural safety net that healthy ecosystems provide. This poses threats to the health and livelihoods of millions of our people. Land degradation and erratic rainfall also results in 0.5% decline in crop yield every year. Hence, practical measures for sustaining the environment have been expanded and strengthened. The Drought Resilience and Sustainable Livelihoods Programme has strengthened drought resilience and improved the livelihoods of small farmers by achieving food and nutrition

security, raising income level and reduce poverty. The 2nd phase is expected to start soon will include the drought resilience of the pastoral and agro-pastoral communities.

369. In line to the goal of fighting desertification the closure area is expanded to 200,000 ha. Forest reserve areas have been declared and forest management practices have been introduced. The reserve area of more than 105,000 sq. km. is a major undertaking in the northern escarpment viewing towards the Red Sea coast. On the other hand, wild preservations are also promoted through the Environment Management Plan and the accompanying regulations introduced on wild life. Forestation schemes by the communities, members of the army and national service members have continued and cutting live trees is banned by law. The Student Summer Work Programme initiated in 1994 is also a successful venture and planted 22 million trees with a success rate of growth. Furthermore, concerted effort is also made to ensure livestock health and development. In general, the environment security effort in Eritrea is steadily expanding and was also reflected in the 2008 Satellite imagery report of the UN Center for Environment Monitoring in Cambridge.

### **(iii) Sustaining the Marine Environment**

370. Servicing the ecosystems by sustaining marine biodiversity has also been advanced. Hence, maintaining the pollution free coast line has been targeted, legislations enforced, marine reserves established and preserving the peculiarities of Eritrea's resources promoted. Five of the world's seven species of sea turtles, dolphins, dugongs and occasionally whales are found in Eritrean waters (UN, May 2005). Olive Ridley turtle (an endangered species), the first recorded in the Red Sea has also been identified by marine scientists and it is believed that the corals there have developed adaptation to deal with high amount of sunlight in the waters (*BBC - Ocean Series, 2008*).

371. In this respect, the effort of the Eritrean Government to promote the mangrove forest project is an innovation to sustain the marine environment. The potential of mangroves to increase food production all the way up to the food chain has also been considered and millions of mangrove trees have been planted along the coast in the last 20 years. They grew in areas where rainwater is washing into the sea and provided nitrogen, phosphorous and iron elements lacking in seawater. Fresh leaves and dried mangrove seeds are also used as livestock feed, supplemented by a small amount of fish meal prepared from fish waste. The project also taught herders that the seaweed that washes up on the shore can be dried, processed and used as animal feed.

### **(iv) Energy challenge and the Environment**

372. Estimates show that of the Total Primary Energy Supply (TPES) in Eritrea, biomass accounted for 75.5% and oil products 24.5% (1.4% electricity). Thus the use of energy efficient technologies in the generation of electricity has remained the main in the last 18 years. But energy efficient devices and pioneering of small scale initiatives in renewable

sources of energy (solar panels and wind energy electric generations in three pilot areas) have been piloted. Wind energy survey has been accomplished in 25 catchments areas and 316 cities and villages. Recently plans are on progress to move to modest alternative source of energy measures to be implemented in the next 2- 3 years. The Areza-Maidima Solar PV Mini Grid Project (in south-western Eritrea) is a model to be constructed in the near future.

373. In the TPES, 77.8 %, 14.9%, 4.8 % and only 2.4 % was consumed by the household, transport, public and commercial, and the industrial sectors respectively. Hence, other steps are taken in consideration of environmental security and include the expansion of the use of liquid petroleum gas (LPG) and kerosene. Road transport connectivity by roads and other means of transport also increase their impact on the environment. Hence, introduction of efficient public transport system, particularly in urban centres, regulatory frames that would ban old cars and the introduction of efficient vehicles using catalysers have been important measures. But these are areas where still strong and concrete measures are needed considering their heavy effects on the environment and safety.
374. The high use of biomass fuel with a low efficiency of less than 10% and multiple of negative effects is also a major challenge in environment security and safety. The distance covered to fetch fuel wood supply for 5-7 days is about 10 kms. It has a great deal of effect on the social role, opportunities and health and safety of women and girls. The Adhanet which is an improvised traditional stove has been an innovative solution to tackle the problem. It has so far been installed in over 100,000 households. The stove has improved efficiency by over 20% and saved fuel wood consumption by 50%. Furthermore, cooking has become healthier by completely eliminating indoor smoke pollution. Experts also estimate that it reduces CO<sub>2</sub> emission by 0.6 tons/household/year. The stove has thus gained international reputation by the Ashden Award in 2003 and 2009 for innovation in clean energy technology and in the Osaka Expo 2004. In this respect, a target has been set to reach 343,600 Eritrean households (about 50%) in the next decade. The annual biomass savings is expected to be from 150,000 to 300,000 tons of avoided biomass consumption.
375. Recently, Eritrea also embarked in the production of minerals. A stringent environmental management regime has been enforced as per the mining law and the environment management regulations to ensure environmental security. Hence, an inbuilt responsibility in mining investment, regulations for ensuring protection of the environment and sound principles of resource management and land use are upheld. The concern on the million tonnes of waste soil contaminated with heavy metals likely to be generated is also mitigated. Corporate social responsibility Reports executed by International Lawyers and environmental experts have also asserted this truth.

**(v) Sustaining the Environment and Waste Disposal and Recycling**

376. This is an area which has not progressed significantly and challenges are many. Nevertheless, extensive campaigns and activities of modifying behaviour and waste

reduction do take place. A waste disposal systems and waste treatment plant has been studied for the capital city (for solid waste) and measures have been taken but require considerations including in the other cities. Eritrea also banned and stopped the use of plastic bags since 2002 (Legal Notice 63/2002 and updated in 99/2004) and local alternatives have been promoted. Local and regional assemblies and administrations took the lead and the regulations were passed with popular support. Efforts are going on again to reinforce the regulations. On the other hand, the Medeber recycling centre where everything thrown and unused material has been given value and recycled into various metal, wood and plastic products at affordable cost satisfies the demands of many citizens. It is also a centre where local artisans transfer skills to the young generation through apprentices.

#### **Part IV: HUMAN RIGHTS AND INTERNATIONAL ENGAGEMENT AND COOPERATION**

377. Eritrea has strengthened its internal dynamics and development as critical to the realization of the respect, protection and fulfillment of human rights. Furthermore, the Government has asserted its primary responsibility in the realization of these efforts. While many advances have been made in all development sectors including in human rights, there is however a long way to go towards the realization of the aims and goals of nation building. In this vein, Eritrea has consolidated engagement and cooperation that ensures dignity, national interest and partnership as essential dimensions in the advancement of human rights. This is also seen in relation to the collective ideals we all shoulder to the advancement of humanity. It is, however, unacceptable to use human rights as a political tool to advance ulterior motives.
378. Eritrea has thus developed an extended paradigm of engagement and cooperation with the international system and the mechanisms established at global and regional levels. In line to the ongoing effort to mainstream human rights in the sustainable development goals of nation building, a Strategic Framework on engagement and cooperation is implemented. A coordination structure that involves relevant stakeholders is also charged with managing the implementation and monitoring of this process. Eritrea's commitment for expanded and integrated engagement has thus been implemented as a viable path to promote cooperation.
379. Eritrea is also engaged with the ACHPR and participates in all sessions of the Commission and has made oral and written submission on various requests and communications. Due to circumstance and capacity Eritrea has overdue reports and the present initial report is part of the determination to close up the gap and ensure its commitment to present reports on time in the future. Eritrea also submitted the Consolidated First, Second, Third and Fourth Periodic Reports on the Implementation of the African Charter on the Rights and Welfare of the Child (ACRWC) in May 2015
380. It has also expanded and strengthened its engagement and cooperation on human rights through the UPR and the following are some of the achievements:-



- Eritrea submitted its national reports and participated in both the first and second UPR cycle. It is already implementing the 92 recommendations it accepted during the 2<sup>nd</sup> UPR cycle.
- It has submitted the CRC (up to 4<sup>th</sup>), CEDAW (up to 6<sup>th</sup>) National Reports and engages on many of the accepted recommendations therein. Preparation is also undergoing for the preparation of the next reports and Framework of Action for both cases has been prepared.
- Agreement has been signed with the UN to support Eritrea in the UPR implementation and a similar agreement is near to be signed with the EU. Furthermore, the UPR implementation process has been streamlined in the Eritrea-UN Strategic Framework Partnership Framework (2017 - 2021) and the Eritrea – EU National Indicative Cooperation Programme.
- Working at bilateral level with various partners at country level has also been stepped up. Diplomatic missions accredited to Eritrea including the EU Delegation in Eritrea are also an integral part of this effort. In 2015-2016 three sessions of consultation were accomplished on UPR and implementation and will continue on a regular basis in the future.

381. Engagement and cooperation with the OHCHR has been extended and already three areas have initially been identified. This includes administration of justice, persons with disability and the right to clean and safe water. The OHCHR is preparing a concept paper on institution capacity building in the area of administration of justice and will be implemented once it is finalized and agreed. The cooperation with the HRC will further be strengthened and hence priorities on Thematic Mandates and Treaty bodies have been identified and submitted for consideration by the HRC.

382. In spite of all the above efforts, Eritrea has been targeted through the politically motivated country specific resolutions and mechanisms of the Human Right Council. Eritrea rejects them in totality and the rationale is based on the following position:-

- Country specific resolutions and mandates are in breach of the UN Resolution 65/251 of impartiality, objectivity and non-selectivity and do not create any dividend in the promotion and protection of human rights
- There is no gross and systematic violation of human rights in Eritrea. The presumption under which these mandates have been imposed negate the country's reality and in breach of paragraph 87 (a) of annex 5/1, the accusations are politically motivated
- The veracious path ascertained by Eritrea both in commitment and deeds is engagement and cooperation with HRC, OHCHR and through bilateral diplomacy
- The experience in the last 5 years has exposed the partiality, bias and prejudice of the mandates created as clearly demonstrated in their collusion with anti-Eritrea subversive groups as activists. More importantly, they also followed the flawed methodology to come with the unaccounted, fabricated and unsubstantiated report devoid of credibility

**CONCLUSION – CONSOLIDATING PROGRESS AND WAY FORWARD**

383. After 25 years of independence including the last 18 years of hostilities, Eritrea has now reached a promising stage after much hard work and resilience. There are, however, challenges which the government continuously works to address and there is no human rights crisis in Eritrea. As outlined in this report, progress has been achieved and a 3 year national development plan to create a qualitative leap has been launched as a way forward. The aim still remains nation building and demands time, space and organization so as to be consummated properly. In essence, it entails generations, but Eritrea in a short span of time since independence has been able to lay a foundation in which human and people’s rights is respected and protected.

384. In the above context, the Government will continuously work to strengthen the decisiveness of the people, in particular the youth, to ensure transformations that lead to change. The fundamental tenet in the next three years will thus be creating macro-economic stability, consolidating the political process of nation building and strengthening the administration of justice through the implementation of the new national codes, and strengthening government institutions and functions. In this vein, mainstreaming of human rights will be strengthened and expanded through the systemic approach outlined in this report. This will underline commitments to human dignity, security and development and will cover areas of respect, protection and fulfillment of all human and people’s rights.

385. On the other hand Eritrea will consolidate its engagement and cooperation on genuine human right issues and the promotion of regional peace, security and development. This will be an engagement based on dignity and national interest. However, it will continue to reject any attempt to politicize human rights for other ulterior motives.

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