

**THE 18TH SESSION OF THE UPR WORKING GROUP
STATEMENT OF THE ERITREAN DELEGATION**

Geneva, 3 February 2014

Mr. President,

Please allow me to express my warm congratulation to you and the other members of the bureau for your elections to steer the work of the Human Rights Council. I wish to assure you of my delegation's full cooperation and support in the discharge of your responsibilities.

I also wish to express my thanks to all delegations that sent their advance questions, concerns as well as support, as part of the review process of the Universal Periodic Review. Eritrea values all the constructive engagements on the full enjoyment of all human rights and fundamental freedoms.

In the preparation of the Second UPR Report broader participation and higher responsibility were ensured. A Steering Committee chaired by the Ministry of Foreign Affairs was established. The Committee is composed of representatives from all the relevant line ministries and departments. Civil Society organizations such as the National Unions of Youth and Students, Women, Workers were also represented in the committee. Additional inputs from the UN Country Team in Eritrea were also accommodated in the report. Several rounds of consultations at both national and sub-national levels were undertaken to draft the report under the guidance of the Minister of Foreign Affairs.

The key human rights concerns and issues raised during the review revolved around the following: (i) general recommendations and conventions that require accession or ratification; (ii) gender equality, (iii) female genital mutilation, (iv) domestic and sexual violence against women; (v) rights of the child; (vi) millennium development goals; (vii) poverty eradication; (viii) implementation of the Eritrean constitution; (ix) establishment of an independent human rights body; (xii) follow up on UPR recommendations and technical assistance; (x) detention conditions, torture and involuntary disappearance; (xi) the right to life; (xii) cooperation with the group on enforced and involuntary disappearance; and (xiii) invitation to special procedures of the Human Rights Council. The report before the Council highlights the achievements, best practices, constraints, challenges, and the progress made during the reporting time on the accepted recommendations.

Mr. President,

Eritrea values international cooperation on the basis of mutual trust, mutual understanding and mutual benefit and based on the principles of partnership. Follow up on the UPR Process and recommendations, has been the major agenda in the relationship and cooperation with the Human Right Council. Eritrea recognizes the need for strengthening institutional mechanism, and in this regard following to an invitation extended to the UN Office of the High Commissioner for Human Rights, a working level mission visited Eritrea recently. Cooperation with the UN has been intensified by signing a strategic

framework of cooperation. The Government has also been working with the EU and Other partners to explore potential areas of cooperation

Mr. President,

Let me now turn to the contents of the report which focuses mainly on the implementation of the recommendations Eritrea accepted and related issues. From the outset, let me share with the Council members the measures that Eritrea undertook to strengthen its legal and institutional framework as part of its commitment to the promotion and protection of human rights and fundamental freedoms of its people. During the reporting period,

- The work of transforming the transitional civil, criminal and commercial laws of the country, in line with the Constitution endorsed in 1997, Eritrea's international obligations and UPR first cycle recommendations, is in its final stage and draft codes have been ready for proclamation; and
- Major inputs and wider consultation to enrich the Draft Codes were conducted in March 2010 with the participation of all the judges, courts and professionals of the judiciary system. This was followed by the input of all ministries, including the Ministry of Foreign Affairs. Additionally, a symposium was held in February 2012 where all law enforcement agencies, government structures, national civic organizations, regional administrations participated to give their inputs and to create a better understanding in the consolidation of the rule of law.

At the same time, the Government has also promulgated new proclamations that have a cross cutting effects on human rights. The new laws introduced include access to water (Proc 162/2010), food security (Proc 170/2012), privatization of state owned enterprises (Proc 173/2013) and access to justice and accountability of judicial services as well as expansion of community magistrate courts with extended jurisdiction (166/2012, 167/2012, 120/2012). Those covering the justice system in particular aim at promoting swift and better access to delivery of justice as well as ensuring the independence and accountability of the judicial services.

Furthermore, the Ministry of Justice has established a Civic Awareness office to deepen knowledge of the national codes once the Proclamations of the Draft Codes is done. In addition to the moral and civic education in school system, as a way of strengthening the awareness and responsibility of the new generation, preparations are going on to include studies on Law and Society in the Junior and Senior Secondary School education.

In general, it must be underscored that the Constitution is the sources of all legislative measures of the country and it is also the basis for the economic, social, cultural and political policies and actions. It is to be admitted that while local and regional elections are in motion, national election is still pending until threats to national security and sovereignty are eliminated. While the draft codes are awaiting

proclamation and the establishment of political and social institutions at all levels has taken shape, it must be recognized that more effort is needed to establish some institutions provided for in the Constitution. Hence, with all the remaining challenges and problems, efforts to strengthen the legal system and the rule of law have gained significant momentum in the last four years.

Mr. President,

The effort in the last four years was not only about the laws and the legal institutional frameworks. As it is quite known, Eritrea is a country that emanated from the struggle for social justice and the Eritrean experience and psyche is that peace and stability are critical elements in ensuring social justice. In the period under review, the national development efforts have thus focused on the consolidation of all aspects of social justice so that the ability of every Eritrean citizen to lead a life of dignity with development within the society that reflects the common values and aspirations is fully ensured.

In the delivery of social justice, equal rights and opportunities sanctioned by the law have become the hallmarks of the government's strategic interventions to ensure equitable distribution of basic services and the expansion of even development in all regions and localities of the country. In this regard discrimination, exclusion, restrictions or preference on the basis of ethnicity, religion, gender, status, has closely been monitored on the basis of the available legal instruments and accountable judicial practices.

Mr. President,

These above stated measures are in full conformity with the human rights obligations of the state in promoting equal rights and opportunities. While the state redoubled its efforts in meeting its obligations towards its citizens, it has been stressing participatory policy to overcome under-development. In general, the innovative approach of co-sharing that leads to ownership has been established in all projects but requires further institutionalization in the future. Moreover, every able bodied is engaged in developmental activities to accelerate the building of the necessary social and physical infrastructure. The involvement could be as part of national service, school system or communities. It is important to note that the hard work of the people is bearing fruits and the enormous contribution to the overall developmental needs of the country cannot be underestimated.

In this respect modest effort to raise the effect of the economic empowerment mechanisms were also stepped up despite prevailing constraints in the situation and capacity of the country. Micro credit schemes for rural farmers, women cooperative farms, disadvantaged women, disabled citizens and other needy sections of the community have expanded significantly with clear impact in their livelihoods by raising the opportunities to self respect and self reliance. The major Government institutions, the Eritrean Development Bank and other stakeholders have increased the level of investment and the degree of support to these disadvantaged groups and with promising results.

On the other hand, the long awaited Proclamation on privatization of government owned entities and enterprises and the establishment of a privatization agency under the Proclamation issued in 2013 is expected to widen the opportunities for all citizens to benefit from the wealth of the nation at various levels. In the last two years conferences and awareness campaigns to promote the participation of nationals in local businesses and investments commensurate to their capacity levels is also taking shape. Furthermore, initial steps to privatize enterprises and businesses under Government control through massive sales of shares or by transferring to the private ownership of nationals has also started but will be a major task of the next 3 years.

In general and to keep the social fabrics intact, no disadvantaged social group is left behind. Programmes to assist all the disadvantaged (needy) social groups, such as children, children of martyrs, women, disabled persons, orphans, displaced persons, demobilized fighters, nomadic population, and returnees have been expanded by the Government in collaboration with stakeholders and Eritreans inside and outside of the country. The important ones which have contributed in consolidating the safety nets of these social groups include the Trust Fund for the support of Martyr's families, Community Based Orphan Reintegration programme, The Programme for the support of Nomadic areas, Community based Disabled Reintegration Programme, etc.

On the other hand and consistent with the promotion of cultural rights, the consolidation of gains made in the respect of cultural diversity has also been a significant dimension of the efforts in the last four years. On top of the extended effort of mobilization towards the long term aim of a knowledge society by raising awareness, skills, capacities and attitude, significant steps have also been taken to explore the cultural heritage of all the ethnic groups in Eritrea in conformity to the ideals of national unity and national development. The establishments of the set of cultural institutions in a modest way and the continuous local cultural festivals, competitions, exhibitions, etc have been instrumental in achieving these objectives. Furthermore, the development of the local languages and the policy and practice of using the mother tongue in education, media and all sets of cultural institutions for all ethnic languages has also been expanded by devoting the needed resources which consolidated the harmony, social fabrics and overall national unity that takes diversity into consideration.

Mr President

Eritrea has redoubled its concerted effort to improve the life style and conditions of living of its entire population under difficult conditions with promising successes. The strategy meant to target poverty elimination and transformation of living standards is an ongoing effort. The integrated effort of promoting food security, health security, environmental security (including water and sanitation) and social security all built on a sound education and HRD have continued to show the clear signs of hope and achievement in the last four years.

The demographic distribution and services have thus shown remarkable progress in terms of access, coverage and viability of the services. The previously disadvantaged areas, rural sections and periphery parts of the country taken as the benchmarks, it is promising to see that there has been a continued phenomenal growth on all social indicators in the last four years. There is a remarkable growth in BE with more than 83% of the provisions being in rural and disadvantaged areas with the Gender Parity Index (GPI) being higher. The demographic distribution of health services in rural areas of Eritrea shows that more than 80% of the people get a health service in less than 10 kms. Eritrea has also established an effective system of public health service and the high level of coverage in immunization. Death rate decrease in child and maternal mortality and the very significant decrease of HIV/AIDS to 0.7 in 2012 (from 2.8%) and the decline in malaria prevalence are some of the successes worth noting in this report. The availability of clean water in more than 95% of the urban and 78% of the rural areas is also a great achievement. Eritrea is indeed among a handful of countries that has achieved the above 85% improved water access in the continent, though issues of sanitation personal hygiene deserve more attention.

On the other hand, many initiatives to promote water and soil conservations, aggressive measures of afforestation, mangrove plantation along the Red Sea Coast, etc. also signify the Government's effort to maintain a secure natural environment for descent life.

Eritrea's success in the MDGs is thus a typical reflection of the above efforts and achievements. Eritrea is achieving three MDG Goals (MDG 4 on reducing child mortality, MDG5 on improving maternal health and MDG6 on combating HIV/AIDS, malaria and other diseases). It is also on track on four other goals. It is firmly believed that these successes have contributed to the promotion of human dignity, human security and human development in Eritrea, enabling human right protection and promotion to the highest levels.

Mr. President,

Consolidating the underlying objectives and practice of the Eritrean Correctional and Rehabilitation Services (ECRS) to rehabilitate convicted individuals so that they would become law-abiding and productive citizens when they reintegrate into the society once released has been a major undertaking in the concerns relating to prison conditions. Therefore, access to education, health services, entertainment, sports activities and cultural programmes have been ensured and these programmes have been integrated into the main stream activities of the nation while proper monitoring and standardization by the concerned bodies has been guaranteed. In the current school program 28 prisoners have participated in the Secondary School Leaving exams. Prisoners' right to pray, fast and observe other rites that are observed in their respective religions and beliefs are also respected.

Any law enforcement agent who violates the rights of a detained person is indicted and brought to a court of law if and when the offence committed is grave. As **torture** has already been criminalized in the domestic legal system in particular in the Transitional Penal Code of Eritrea, close monitoring has been an established practice in the last four years. Moreover, evidence collected under such event is inadmissible in courts of law according to Article 35 of the Transitional Criminal Procedure Code,

which has repeatedly been emphasized in all the trainings, updating and professional forums of the law enforcements agencies.

The Government has also continued its strict policy of zero-tolerance for all forms of **sexual violence**. As this offense is punishable by rigorous imprisonment for up to 15 years, the public prosecution has been monitoring the issue in the last four years. Awareness campaigns on this issue have been stepped up by all concerned agencies including by the police and the National Union of Eritrean Women. Police have been conducting forums and campaigns on this and other similar offenses to the public including in Eritrean high schools. In addition various cases and experiences were compiled as experience by police and disseminated through the mass media and the periodic journal of the Eritrean Police Force as a means of raising awareness and enforcement of the law to combat sexual offenses. **On under-age marriage**, according to Proclamation No. 1/1991 any contract of marriage made between persons below 18 years of age is null and void, and that the spouses and witnesses to such marriage face punishment under the Penal Code.

Of particular concern in terms of human dignity is the FGM. The FGM/C practice has been deeply rooted in the cultural and religious beliefs of some communities and thus a significant number of young girls had been affected. To confront this formidable challenge, the Government has outlawed the practice. The Proclamation has been a milestone toward banning the practice of FGM/C. Heavy penalty is imposed on those who perform FGM/C and their collaborators. For example, 416 FGM related disputes were brought to the courts. However, challenges still remain in addressing the unequal regional enforcement practices, migration of circumcisers, reaching nomadic populations and translating knowledge and awareness created to behavioral changes. Eritrea will continue its struggle on this front in collaboration with the National Associations which have structures up to the local level, work to bring behavior change on parents and communities and strengthen the monitoring instruments at grass root levels.

Protecting and promoting the rights of the child has also been at the center of the policies and strategies of the GOE. A major thrust of the effort in the last four years has been to strengthen the family unit to provide a better environment for the growth and development of children and empower communities to coordinate and promote good childcare and appropriate socialization practices. Integrated Early Childhood programmes have expanded in the last four years reaching rural and periphery areas (for data see right to education). Parallel to this effort the recruitment of Community Care Givers to enhance this programme has also expanded in places where kindergartens and similar facilities have not yet been established. Promoting free education has also been successfully expanded by raising access, continuity and relevance of education for children. The dignity of disadvantaged children was also considered in various ways.

On the other hand, the Community Based Orphan reintegration programme has been successfully expanded and the innovative practices initiated earlier have benefited more than 6400 orphans. Similarly more than 5,000 street children were also given support to continue their education. While the effort to update policies and strategies in mainstreaming special needs has been taking, twenty five pilot

schools for special needs have been established in the last 4 years. Furthermore 176 children (43% females) have got the opportunity and support to ensure their right and opportunity in the one blind (Government) and two deaf schools (Non-Government). This is insignificant with the magnitude of the problem and special efforts need to be considered as a challenge in the future.

There are no child labor cases in the reported period and Proclamation has been closely followed in collaboration to local administrations. The indication is that children are not recruited for labor but the culture, tradition and practice of participating and supporting in family activities and works has continued. Raising the monitoring capacity and awareness of all concerned thus becomes a major challenge. Furthermore, bringing the school system on board as a major stakeholder in addressing this issue is very important, while the school system organizational regulation has continuously served to address any attempt by children below the age of 16 to go to work even in their free time. On the other hand the Government has established a probation service providing counseling and integrating children in conflict with the law into schools and neighborhoods after their release. Judicial cases for children in conflict with the law are still held separately, and heard in closed chambers separate from adult offenders.

Mr. President,

In line to the political and economic rights of Eritrean women explicitly guaranteed and enshrined in the Eritrean Constitution and other pertinent laws in force (including the Transitional Civil Code, the Transitional Penal Code, the Land Proclamation, the Election of Regional Assemblies Proclamation, Labour Proclamation, and the Proclamation to Abolish Female Circumcision), the steady and purposeful amelioration of the political, economic and social status of women has continued to be one of the main preoccupations of the Government. The political and social role of women in political activities, the elected assemblies, administrations at local, regional levels, in government positions has improved in the last four years. It must be noted that the National Union of Eritrean Women has presented the 4th CEDAW Report during this period and has given an objective and critical reflection on the situation of women and girls in Eritrea.

Moreover, the economic empowerment of women has also been considered greatly. During the reporting time, an increase of 50% compared to that of 2008 has been seen where a total of 15,591 vulnerable women encompassing displaced women returnees, demobilized fighters and other women-headed households have become beneficiaries of micro credit schemes for small commercial enterprises such as mini-shops, household poultry, farming and vegetable gardening. Non-formal skills development and training has also complemented to help create self-employment and income generation.

The education and training of women was also another target. Much effort has been made to bridge the **gender gap** in education and enhance the quality of girls' education in the Eritrean school system. The particular emphasis made to combat adult illiteracy, seems an important achievement. Data from the 2011/2012 academic year for example shows that, 52, 747 adults participated in adult literacy programs

in 947 centers with the help of 2,311 facilitators. Women constituted 95% of the participants. Similarly Vocational training programmes for women were also significant and during this academic year, out of a total of 4,640 students enrolled 38% percent were females.

Mr. President,

In the context of human dignity and equal opportunities, it is important to mention that returnees have also been accorded all rights. Eritrea has continued to encourage voluntary repatriation of those who may have left the country illegally and in violation of the immigration laws. On the other hand, several rehabilitation and reintegration programmes have been implemented for those who have returned to the country on their own volition. Furthermore, the GOE diligently pursues active and multi-layered policies aimed at engaging the Diaspora communities in the socioeconomic, political and cultural affairs of the country. The robust bond thus cultivated paves the way for the smooth reintegration of returnees. The Government is also working to establish a mechanism to facilitate access to relevant international bodies, particularly the United Nations High Commissioner for Refugees, returned migrants and asylum seekers for independent monitoring and reporting in accordance with Recommendation 107 in the UPR.

Mr. President,

Despite challenges the structural transformation of government institutions and agencies has been evolving and in 2013 the Government has initiated reorganization and restructuring of government structures starting from the local level the motto being “political dynamism and effective management and organization”. This is following a systemic approach and is going to affect all aspects of the State. The first phase which has focused on the structures at local and sub regional levels has already been done. A significant transformation introduced is the element of accountability, the participation of administrations in strengthening political dynamism and effective management and extended vision and practice on mobilization and organization and finally ensuring succession and thus creating opportunity for the younger Eritrean generation to assume positions of responsibility in all structures and intuitions. This is continuing in the higher levels and could be finalized in 2014.

In general our efforts in the last 4 years focused on two aspects of political developments which are the strengthening the responsible participation of the people and the empowerment of the local governance system. The GOE has put much premium to the active involvement of the community in running their own affairs. Most developmental programmes at the Regional level have ensured inputs from the locality concerned. The **governance** structure itself emphasized local empowerment through greater devolution of authority to local governance and Regional Administrations that have increasing latitude in mapping out and implementing development programmes at the local and regional levels.

Hence, the Government effort heavily emphasized on strengthening the elected local assemblies, administrations and community magistrates. The involvement of these elected structured has greatly contributed to the efficiency and effectiveness in implementing development programmes. It also raised the responsible participation of the people and assumes sense of ownership in dealing with community

affairs and the affairs of the nation. In the last four years the Government has continued to allocate per capita budget allocation to the local and regional governance structures while professional and technical capabilities in the major sectors and services are appointed to be integrated in the capacity of the respective structures. The elected Regional assemblies have also taken jurisdiction on regional issues. While the contribution of these measures in raising responsible participation has been a significant achievement, they have also laid a foundation for a grassroots democratic process very essential for the political process of nation building in the country.

Eritrean political landscape respects fundamental freedoms, namely freedom of expression, association and religion. The human rights of the people in this respect have been respected. No one has been detained for expressing his/her views or ideas, including for criticizing government policies and actions. The media in particular has extended and consolidated its programmes where citizens share responsibility to express opinions on state of affairs at various levels, and citizens have taken the opportunities in the radio, TV and print media to present their critical positions. The infrastructure in the internet has been improved by raising the capacity and technological level of the communication system but there is a long way to go as it is still very slow. However, as usual there has never been any restriction on the internet.

Religious harmony, mutual respect, mutual understanding of the religions has continued to flourish. The right to religious belief is respected.

Mr. President,

In order faithfully to discharge its international obligations, the GOE has submitted reports on CEDAW, the Convention on the Rights of the Child and the eight conventions on ILO. The Government has also responded to many questionnaires and letters from those bodies. On the issue of cooperation with Special Procedure of the Human Rights, the Government has responded positively to Communications brought by the Compliant Procedure of the Human Rights Council and to the Council itself during the 20th and 21st Sessions. To date, the Government has attended all the Regular Sessions of the Council since the 19th Session with the objective of working closely with the Council.

However, Eritrea has wrongly been targeted with politically motivated Resolutions that denigrate the ongoing efforts of the Government on promoting and protecting Human rights and Fundamental Freedoms. Eritrea believes that country specific resolutions do not serve the advancement of the noble cause of human rights. It is also a double standard and a deviation from the UPR Process that creates a forum for constructive engagement for every UN Member State.

Mr. President,

So far I have been discussing the implementation aspect of the report in front of the Council. My presentation would not be complete without discussing the **challenges** and constraints the country faces in meeting its obligations. Human Rights issues have cardinal importance to the Government of Eritrea. In this vein, Government key national priorities are geared towards creating and enhancing the

environment to protect and promote fundamental human rights in the broadest definition of the term. The GoSE's unequivocal commitment to achieve this goal must naturally be gauged with the enormous challenges that it has to grapple with. Institutional and capacity constraints have been a major factor and challenge in our development effort in general and human rights in particular.

In this context the imposition of unjustified **sanctions on Eritrea** has negatively impacted the full enjoyment of all human rights. To add insult to injury, Eritrea has been subjected to a litany of accusations of gross violations of human rights in the areas of civic, political, economic, social and cultural domains. The facts on the ground illustrate that these accusations are not valid and are mainly motivated by sinister political agendas. The steady progress the country has and is making on the different facets of fundamental human rights that this report has tried to highlight and the GOE's principled commitment to these rights accentuate, in our view, the variance between the reality on the ground and the concerted campaigns that Eritrea's detractors have unleashed for other ulterior motives. On top of these challenges, economic, institutional, absolute and/or relative shortage of some types of professionals and specialists, climatic factors are among the constraints to the full enjoyment of human rights and fundamental freedoms. Nonetheless, as imposing as these constraints are to Eritrea's development efforts, the people and Government of Eritrea will continue to invest in the future of their country confident that their determination, perseverance, and sacrifices are bound to pay off in the end.

The presence of several other challenges that entail the prolongation of the national service and other onerous burdens on the country and its people also deserve consideration as a challenge. Unnecessary expenditure for defense as well as undesirable delays in some aspects of the political process are byproducts of this reality and it is in this respect that the continued **occupation of its sovereign territories which violates the right of the Eritrean people to live in peace that** the Eritrean Government calls upon the Council to give due regard in its agenda to the continued violation of basic human rights including but not limited to, the right to live in peace of its people.

I like to conclude my statement by briefly mentioning some of the best practices in the advancement of human rights in Eritrea. Community based approach to deal with all social problems, in general, and the approach to orphans and other vulnerable children with disability; Free education up to the tertiary level and nominal fee for health services up to referral treatment; and the Injury Surveillance System as well as observance of UN recognized internal days as an occasion to promote public awareness on critical issues.

Thank you Mr. President

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