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resolution 16/21**

Eritrea

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (2001)		ICCPR-OP 2
	ICESCR (2001)		CAT
	ICCPR (2002)		OP-CAT
	CEDAW (1995)		ICRMW
	CRC (1994)		CRPD
	OP-CRC-AC (2005)		CPED
	OP-CRC-SC (2005)		
<i>Reservations, declarations and/or understandings</i>			
<i>Complaint procedures, inquiry and urgent action³</i>			ICERD, art. 14
			OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP 1
			OP-CEDAW
			CAT
			OP-CRC-IC
			ICRMW
		OP-CRPD	
		CPED	

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Geneva Conventions of 12 August 1949, except Additional Protocols I, II and III ⁴ ILO fundamental conventions, except No. 182 ⁵		Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court ILO Convention No. 182 ⁶ ILO conventions Nos. 169 and 189 ⁷ Additional Protocols I, II and III to the 1949 Geneva Conventions ⁸ Palermo Protocol ⁹ Conventions on refugees and stateless persons ¹⁰ UNESCO Convention against Discrimination in Education

1. In 2013, the Special Rapporteur on the situation of human rights in Eritrea (Special Rapporteur on Eritrea) stated that Eritrea was not a party to some core treaties including CAT, ICRMW, CPED and CRPD.¹¹

2. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that Eritrea was not a party to the Convention against Discrimination in Education. It encouraged Eritrea to ratify the Convention.¹² Eritrea is also not a party to the UNESCO Convention on Technical and Vocational Education.¹³

B. Constitutional and legislative framework

3. The Special Rapporteur on Eritrea stated that Eritrea operated on pre-constitutional transitional powers. The Constitution of Eritrea, adopted in 1997, was meant to come into effect following the National Assembly elections, which were originally scheduled to take place in 1997, but was postponed indefinitely.¹⁴ The Special Rapporteur on Eritrea recommended, inter alia, the implementation of the Constitution and the holding of free, fair and transparent democratic national elections.¹⁵

4. On 14 June 2013, the Human Rights Council called on the Government of Eritrea to fully implement, the Constitution without delay, and to govern in accordance with the principles of the rule of law.¹⁶

C. Institutional and human rights infrastructure and policy measures

5. The Special Rapporteur on Eritrea stated that although the Constitution of Eritrea included a Bill of Rights, the Government of Eritrea continued to systematically violate these very fundamental rights, due, inter alia, to a lack of credible institutions through which individuals could take their complaints to be examined and have their rights upheld.¹⁷

II. Cooperation with human rights mechanisms

6. The Special Rapporteur on Eritrea stated that a reply to her request to visit Eritrea for consultations with relevant officials from the Government and other actors remained pending.¹⁸

7. On 25 June 2013, the Human Rights Council expressed concern at the failure of the Government of Eritrea to cooperate with the Special Rapporteur on Eritrea.¹⁹ The Council called on the Government of Eritrea to cooperate fully with the Special Rapporteur on Eritrea; to permit her access to the country; to give due consideration to the recommendations contained in her first report; and to provide the information necessary for the fulfilment of her mandate.²⁰

8. The Special Rapporteur on Eritrea stated that Eritrea had participated actively in the universal periodic review in November 2009. The Government of Eritrea has reportedly taken steps to follow-up on the review, including sending the recommendations made to the relevant ministries and calling for their implementation. The United Nations country team is engaging with the Government of Eritrea with regard to follow-up.²¹ The Special Rapporteur on Eritrea recommended that Eritrea ensure an inclusive and comprehensive follow-up process to the UPR.²²

A. Cooperation with treaty bodies²³

Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD				First to third reports overdue since 2006
CESCR				Initial report overdue since 2003
HR Committee				Initial report overdue since 2003
CEDAW	February 2006	2012		Fourth report pending consideration
CRC	June 2008	2012		Fourth report pending consideration; initial reports to OP-CRC-AC and OP-CRC-SC overdue since 2007

B. Cooperation with special procedures²⁴

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>		
<i>Visits agreed to in principle</i>		
<i>Visits requested</i>	Freedom of opinion and expression Freedom of religion or belief Food Torture	Torture (2010), Summary executions (2010) SR on Eritrea (2012 and 2013)
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review four communications were sent. The Government has not replied to any.	

9. The Special Rapporteur on Eritrea stated that the Government had not issued a standing invitation to the special procedures mandate holders of the Human Rights Council and had not agreed to any of the visit requests made by five special procedures mandate holders, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (requested in 2003, renewed in 2005); the Special Rapporteur on freedom of religion or belief (2004); the Special Rapporteur on the right to food (2003); the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2005, 2007 and 2010); and the Special Rapporteur on extrajudicial, summary or arbitrary executions (2010).²⁵ She recommended that the Government of Eritrea respond positively to these visit requests.²⁶

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

10. The High Commissioner for Human Rights (High Commissioner) stated that she had met with the Government of Eritrea in January 2012 with the objective of exploring avenues to assist in addressing human rights challenges and to that end, had offered to send a mission. Thereafter, at the request of the Government of Eritrea, a list of potential areas of cooperation was provided, but the Government has not yet replied to the proposal. The High Commissioner renewed her call for full cooperation from Eritrea.²⁷

11. The Human Rights Council called on the Government of Eritrea to cooperate fully with OHCHR, in accordance with its international human rights obligations, by, inter alia, allowing access to an OHCHR mission as requested by the High Commissioner, the human rights treaty bodies, all mechanisms of the Human Rights Council, and with all international and regional human rights mechanisms.²⁸

12. The Special Rapporteur on Eritrea recommended that the Government seek technical assistance from OHCHR and other agencies, as appropriate, with a view to facilitating the promotion and protection of human rights.²⁹

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

13. The Special Rapporteur on Eritrea stated that the situation of women was cause for concern. Eritrean society remains patriarchal to a large extent; while women may have the same legal rights as men, they are not treated equally.³⁰

B. Right to life, liberty and security of the person

14. In June 2013, the Human Rights Council strongly condemned the continued, widespread and systematic violations of human rights and fundamental freedoms by the Eritrean authorities, including arbitrary and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions.³¹ The Council called on the Government of Eritrea to end its use of arbitrary detention of its citizens, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment.³²

15. The Special Rapporteur on Eritrea stated that border military personnel had standing orders to implement a shoot-to-kill policy with regard to persons attempting to flee the country. An unknown number of people have been shot near the Eritrean borders, allegedly for attempting to leave the country illegally.³³ The Special Rapporteur on Eritrea recommended that Eritrea cease the shoot-to-kill policy with immediate effect.³⁴

16. The Special Rapporteur on Eritrea stated that political prisoners, other detainees, military deserters, “refouled” refugees, failed asylum seekers and students at Sawa were subjected to torture, cruel, inhuman and degrading treatment or punishment. Detainees are particularly vulnerable to abuse, as they are held incommunicado, without legal procedures or safeguards, and access by family, doctors or lawyers is denied. Perpetrators were not prosecuted or punished, thus perpetuating a culture of impunity.³⁵ The Special Rapporteur on Eritrea recommended that Eritrea stop the use of torture, establish an adequate complaints mechanism and ensure that prompt and effective investigations are conducted into all allegations of torture and ill-treatment with a view to bringing alleged perpetrators to justice.³⁶ He also recommended that Eritrea close all unofficial and secret places of detention, put an immediate end to the practice of incommunicado detention and allow access to prisoners by family members, lawyers and judges.³⁷

17. The Special Rapporteur on Eritrea stated that the number of people arrested and detained without charge or due process run into the thousands.³⁸ Detainees are held without being informed of the reason for their arrest and without an arrest warrant.³⁹ Detainees are arrested at night, or kidnapped, blindfolded and driven around before being subjected to interrogation by agents in civilian clothes; they are either dumped in a cell in an underground prison or in secret places of detention; they don’t know where they are being taken to (nor do their families) and are too afraid to ask. They are removed from their places of detention for interrogation at regular intervals and the identity of the interrogators are kept secret, as they shroud their faces.⁴⁰

18. The Special Rapporteur on Eritrea stated that the practice of enforced disappearance was used to intimidate people, install a climate of fear and deter people from claiming their rights. While unknown numbers of Eritreans have disappeared, the most prominent cases include 11 political leaders, members of the “G-15” and 10 journalists, all of whom were

arrested in 2001. The Government of Eritrea has refused to provide any information on their fate.⁴¹ The Special Rapporteur on Eritrea recommended that Eritrea immediately release, or charge and bring before a court of law the “G-15” members and the journalists arrested in 2001. She also recommended that other political prisoners and those detained on the basis of their religious belief be released.⁴²

19. Special procedures mandate holders have sent communications (in 2007 and 2012) regarding Abune Antonios, Patriarch of the Eritrean Orthodox Tewhado Church, who has been under house arrest since January 2006 for refusing to excommunicate 3,000 members of the Medhane Alem Sunday School movement and calling for the release of other imprisoned Christians. On 27 May 2007, Patriarch Antonios was forcibly removed from his residence and taken to an undisclosed location, and has since been detained incommunicado. Patriarch Antonios, who is 85 years old, has allegedly been denied medical assistance for his severe diabetes and deteriorating health, as well as allegedly denied access to religious support and has not been able to celebrate the Holy Eucharist and observe special feast days.⁴³

20. The Special Rapporteur on Eritrea stated that the promulgation of proclamation No. 158/2007 banning female genital mutilation (FGM) or cutting and subsequent advocacy against the practice has resulted in a decrease in the practice, especially of girls under the age of 15 years, but FGM remains high. The sentence for persons found guilty of performing FGM is imprisonment for two to three years and a fine. The number of prosecutions for female genital mutilation is unknown.⁴⁴

21. The Special Rapporteur on Eritrea stated that there were frequent allegations of rape and sexual harassment, particularly in military and educational training camps or during interrogation.⁴⁵

22. The Special Rapporteur on Eritrea stated that although domestic violence was prohibited under the Eritrean Penal Code, it was still prevalent. Cases of domestic violence are, however, rarely brought to trial, and hence no legal penalties are imposed. Furthermore, women seldom openly discussed domestic violence, due to social pressure; such incidents are more commonly addressed within families or by the clergy and other religious figures.⁴⁶

23. The Special Rapporteur on Eritrea stated that deaths in prison from torture, overcrowding, disease, inadequate food and other harsh conditions were frequent.⁴⁷ She recommended that Eritrea guarantee the physical integrity of all prisoners, ensure access to medical treatment, where needed, improve conditions of detention in accordance with international standards, and allow unhindered access by international monitors to all detention facilities.⁴⁸

24. In 2010, the Special Rapporteur on torture sent an urgent appeal concerning the condition of detention of 26 journalists and two media workers. At least two of whom are being held in a penitentiary facility where, reports suggest that, detainees are kept in solitary confinement in underground cells where the heat is unbearable. It appears that very few prisoners return alive from that prison upon the expiration of their sentences. Another one is being held in a facility which reportedly has windowless cells measuring 3 square metres, and where prisoners are kept in solitary confinement with a light on continuously. Concern was expressed about the well-being of these persons and the condition of their detention, including their solitary confinement, which amounts to inhuman and degrading treatment.⁴⁹

C. Administration of justice, including impunity, and the rule of law

25. The Special Rapporteur on Eritrea stated that the basic tenets of the rule of law were not respected owing to a centralized system of government where decision-making powers were concentrated in the hands of the President and his close collaborators. Separation of powers among the various arms of the State is non-existent. The failure to implement the Constitution is another reason for the breakdown of the rule of law, as well as other contributory factors, such as arbitrariness, lack of transparency and accountability, all of which have had a negative impact on the enjoyment of human rights and fundamental freedoms.⁵⁰

26. The Special Rapporteur on Eritrea stated that the court system was weak and prone to interference. In July 2001, the Chief Judge of the High Court was removed from office after expressing his disapproval of executive interference in judicial proceedings and calling for the dismantling of the Special Court, which has jurisdiction over cases involving corruption and related crimes. The decisions of the Special Court are final and it has the power to reopen and adjudicate cases already processed through the regular criminal justice system, thereby disregarding the basic principle of double jeopardy protection and other fair trial guarantees. A high percentage of those serving in the Special Court do not have formal legal training and are not bound to apply prevailing laws.⁵¹ Most governmental functions, including the creation of courts, are conducted on a de facto rather than a de jure basis, thereby completely undermining the rule of law.⁵²

27. The Special Rapporteur on Eritrea recommended that the Government of Eritrea restore and respect the rule of law, in particular by institutionalizing an independent and transparent judiciary, ensuring checks and balances against the abuse of power and providing access to justice.⁵³

28. On 6 July 2012, the Human Rights Council called on the Government of Eritrea to ensure free and fair access to an independent judicial system for all detainees and to allow access to legal advocates.⁵⁴

29. The Special Rapporteur on Eritrea stated that there were no internal mechanisms or institutions to hold to account those responsible for human rights violations. The State's failure to investigate and punish perpetrators and provide reparations for victims perpetuates a culture of impunity that undermines the credibility of the country's criminal justice system.⁵⁵ The Special Rapporteur on Eritrea recommended that the Government of Eritrea ensure accountability by promptly investigating all allegations of violence committed by police and security personnel, as well as other government actors; bringing perpetrators to justice, in particular those with command responsibility; and providing adequate redress to victims.⁵⁶

D. Right to family life

30. The Special Rapporteur on Eritrea reported that a high number of unaccompanied children crossed the border, often without the knowledge of their families. The children referred to their dysfunctional family circumstances and the difficulties faced in child-headed households owing to the long absence of their parents, who, as soldiers, were mostly in military camps, detained or in exile. The children also cited lack of educational opportunities and fear of forced conscription into indefinite national service as the main reasons for their decision to flee.⁵⁷

E. Freedom of movement

31. The Human Rights Council strongly condemned the severe restrictions on freedom of movement, including the arbitrary detention of people caught attempting to flee the country or suspected of having intentions to do so.⁵⁸

32. The Special Rapporteur on Eritrea stated that travel within the country was extremely restricted and required a travel permit, which was difficult to obtain. Controls were frequent at checkpoints between cities. Freedom to leave the country was even more tightly controlled. Exit visas were required to travel abroad, and were not granted to men between 18 and 54 years of age, nor to women between 18 and 47 years. There have been reports of children as young as 5 years of age being denied applications for exit visas. The payment of the “diaspora tax”, a 2 per cent tax often levied by unofficial agents of the Government and accompanied by threats, harassment and intimidation, is a prerequisite for Eritreans abroad who wish to return home.⁵⁹

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

33. The Human Rights Council strongly condemned the severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion and freedom of peaceful assembly and association.⁶⁰ It called on the Government of Eritrea to respect everyone’s right to freedom of expression, thought, conscience and religion or belief as well as freedom of peaceful assembly and of association.⁶¹

34. The Special Rapporteur on Eritrea stated that the Government of Eritrea officially recognized four religious institutions: the Evangelical Church of Eritrea, the Orthodox Church of Eritrea, the Roman Catholic Church and Sunni Islam. The followers of unrecognized religious denominations, such as Jehovah’s Witness, Evangelical and Pentecostal churches, among others, face draconian restrictions, are persecuted and may be denied administrative services, such as the issuance of national identity cards. Followers of these religions were regularly arrested, detained and tortured, and submitted to severe pressure to renounce their faith.⁶²

35. The Special Rapporteur on Eritrea stated that Eritrea did not provide for exemption from military service for conscientious objection, which leads to a large number of Jehovah’s Witnesses being placed in detention, because their religion does not permit them to carry a gun.⁶³ The Human Rights Council called on the Government of Eritrea to provide for conscientious objection to military service.⁶⁴

36. The Special Rapporteur on Eritrea stated that there were no private and independent press or media. Journalists do not question government policies for fear of reprisal, arrest, torture or detention and denial of due process. The propaganda channels run by the Ministry of Information are the only domestic source of news. The content and flow of information are closely controlled by Government sources.⁶⁵

37. UNESCO stated that media content was controlled by the Ministry of Information which ran all television outlets, radio stations and newspapers, and that privately owned outlets no longer exist following a government ban in 2001.⁶⁶ UNESCO called on the Government of Eritrea to align itself with international standards on freedom of expression and freedom of the press, and to ensure that journalists and media workers are able to work in a free and safe environment.⁶⁷

38. The Special Rapporteur on Eritrea stated that freedom of assembly and freedom of association were severely controlled. No political or civic organizations or independent

non-governmental organizations are permitted, except those affiliated with the State. The Government of Eritrea does not allow the formation of any political parties or private associations. The Government of Eritrea requires those assembling in public gatherings to obtain a permit; public gatherings of more than seven people are prohibited without the required permit.⁶⁸

39. The Special Rapporteur on Eritrea stated that Internet access was limited, with a penetration below 4 per cent, primarily through cyber cafés in Asmara and other main towns. Users are closely monitored and some were reportedly arrested in early 2011. Telephone services and the Internet are unavailable in rural areas.⁶⁹

40. The Special Rapporteur on Eritrea recommended that the Government of Eritrea fully respect the freedoms of expression, opinion, peaceful assembly and association as critical foundations for any democracy; that it put an end to harassment and intimidation of journalists; allow the creation of private media; and provide licences to private radio and television stations.⁷⁰

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

41. The Human Rights Council strongly condemned the forced conscription of citizens for indefinite periods of national service, a system that amounts to forced labour. It called on the Government of Eritrea to put an end to the system of indefinite national service.⁷¹

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

42. The Special Rapporteur on Eritrea stated that the Government of Eritrea was experiencing difficulties in meeting the Millennium Development Goal 1 target of eradicating extreme hunger and poverty.⁷²

43. The Special Rapporteur on Eritrea stated that there were food production shortages owing to recurrent drought and the country's exclusive dependence on unpredictable rainfall. Nearly two thirds of the population rely on rain-fed agriculture or are pastoralists. Market food prices have reportedly soared, making even basic commodities unaffordable and food rationing widespread. Farmers may sell their produce only to the Government, and at a very low price.⁷³

44. The Special Rapporteur on Eritrea stated that the coupon system was the only means of access to basic food items and served as yet another measure to control the population. In many villages, those fit for farming are serving in the military, which further contributes to food insecurity. In addition, as a result of the self-reliance policy, humanitarian aid organizations are not allowed to operate in Eritrea.⁷⁴

45. The Special Rapporteur on Eritrea stated that excessive militarization was affecting the very fabric of Eritrean society and its core unit, the family. The indefinite national service is depriving women and men of their most productive years. Those conscripted into national service are forced to work without adequate remuneration, therefore they are unable to provide for their families, which exacerbates the living conditions in a society where many people are struggling to meet their basic needs.⁷⁵

46. The Special Rapporteur on Eritrea recommended that the Government of Eritrea ensure the enjoyment of the minimum essential level of economic, social and cultural rights for all, in particular the rights to food, water and health, through sustainable livelihood, especially in rural communities.⁷⁶

I. Right to health

47. The Special Rapporteur on Eritrea stated that the Government of Eritrea was making steady progress towards achieving the health-related Millennium Development Goals 4, 5 and 6 to reduce child mortality, improve maternal health and combat HIV/AIDS, malaria and other diseases, respectively. United Nations Children's Fund, World Health Organization, United Nations Population Fund and UNDP are working with the Government of Eritrea to improve women's health in an initiative targeting the reduction of the maternal mortality rate.⁷⁷

48. The Special Rapporteur on Eritrea stated that medical facilities had deteriorated over the years, with hospitals generally understaffed and underequipped. Despite the decision by the Government of Eritrea to launch a programme to decentralize health care and health-care facilities, the challenges of providing adequate staff and equipment continue, especially in rural areas.⁷⁸

J. Right to education

49. The Human Rights Council strongly condemned the compulsory practice of all children undertaking the final year of schooling in a military training camp.⁷⁹ It called on the Government of Eritrea to end this compulsory practice.⁸⁰

50. The Special Rapporteur on Eritrea stated that while basic education was compulsory, free and universal, the Government of Eritrea exerted tight control over the curriculum. School children, parents and teachers alike pointed out that a yearly amount of money for school material and uniforms must be paid. It is very difficult for cash-strapped families to pay this sum at the beginning of the school year. Regional colleges, which are administered by the military and linked closely to military training and political indoctrination, are the only option for post-secondary education. Children who do not pass eighth grade are conscripted and sent for military training in Wi'a, including underage children. Children who pass tenth grade are transferred to Sawa for military training.⁸¹

51. The Special Rapporteur on Eritrea stated that the only university in the country, the University of Asmara, was closed in 2006. She recommended that the Government of Eritrea ensure access to education, particularly higher and academic education, by reopening the University of Asmara.⁸²

52. UNESCO stated that the allocation of teachers among the country's six regions was done at the national level, resulting in a more even distribution of teachers. Average pupil/teacher ratios range from 30:1 to 53:1. However, the least experienced teachers are allocated to the most challenging schools.⁸³

53. UNESCO stated that the curriculum for kindergarten up to junior level has been revised, and the revised curriculum has already been put into effect. A revised curriculum for the secondary level is being prepared for publication. In this context, progress has been made in upgrading the "teaching-learning process" and the quality of education. Moreover, a study was being undertaken to provide education in the mother tongue up to the junior level; mother-tongue education was previously provided at the elementary level only. To this end, collaboration with partners and concerned parties is necessary.⁸⁴

K. Minorities and indigenous peoples

54. The Special Rapporteur on Eritrea stated that the Afar have been subjected to extrajudicial killings, enforced disappearances, torture and rape, as well as destruction of

their traditional means of subsistence and livelihood and their businesses, and forced into displacement from their traditional territory. Forced military training and national service requiring young Afar women to leave their homes for long periods of time has been criticized.⁸⁵ The Afar community consider itself targeted and discriminated against; the Afar region has suffered from lack of development and security for the past 20 years.⁸⁶

55. The Special Rapporteur on Eritrea stated that the Kunama populate the areas along the southern border of Eritrea and consider themselves the first inhabitants of those areas. Their livelihood is based on farming and herding cattle. Since independence, many people from other regions of Eritrea, particularly the highlands, have been encouraged to settle in areas traditionally populated by the Kunama. The Government's policy of turning all land into State property has undermined the clan-based traditional land tenure system of the Kunama people, and led to competition for land between the agro-pastoralist Kunama and the new settlers.⁸⁷

56. The Special Rapporteur on Eritrea stated that the Kunama claim that they have been marginalized, a situation that has brought about disparities in their access to such basic social services as health care and education. They are subjected to extrajudicial killings, death in custody, arbitrary arrests and detention, expropriation leading to destruction of their traditional way of life, and displacement.⁸⁸ During the border dispute with its southern neighbour, some 4,000 Eritrean Kunama crossed the border in 2000, while others sought refuge in other parts of Eritrea. The numbers have since increased and the Kunama are currently scattered throughout Eritrea and in refugee camps in a neighbouring country.⁸⁹

L. Migrants, refugees and asylum seekers

57. The Special Rapporteur on Eritrea stated that while Eritrea was a refugee-producing country, it also hosted asylum seekers and refugees. The Government of Eritrea is working to provide for the basic needs of refugees, such as education and health care.⁹⁰

M. Human rights and counter-terrorism

58. On 21 October 2011, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Vice-Chair of the Working Group on Arbitrary Detention and Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances sent a letter to the Government of Eritrea in relation to their joint study on global practices on secret detention in the context of countering terrorism. They invited the Government of Eritrea to provide information on measures taken to investigate the allegations contained in the joint study and, if found true, to rectify the situation in compliance with international human rights norms and standards, as well as implement the related recommendations and provide any other relevant information.⁹¹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Eritrea from the previous cycle (A/HRC/WG.6/6/ERI/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

⁴ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁵ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁶ International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment.

⁷ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

- ⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ¹⁰ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ¹¹ A/HRC/23/53, para. 28.
- ¹² UNESCO submission to the UPR on Eritrea, paras. 19 and 36.
- ¹³ Ibid., para. 22.
- ¹⁴ A/HRC/23/53, para. 37.
- ¹⁵ A/HRC/23/53, para. 107 (b) and (c).
- ¹⁶ Human Rights Council resolution 23/21, para. 3 (l).
- ¹⁷ A/HRC/23/53, para. 38.
- ¹⁸ A/HRC/23/53, para. 8.
- ¹⁹ Human Rights Council resolution 23/21, p. 2, 15th preambular para.
- ²⁰ Ibid., para. 6.
- ²¹ A/HRC/23/53, para. 29.
- ²² A/HRC/23/53, para. 107 (w).
- ²³ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
| CED | Committee on Enforced Disappearances |
| SPT | Subcommittee on Prevention of Torture |
- ²⁴ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ²⁵ A/HRC/23/53, para. 31.
- ²⁶ Ibid., para. 107 (w).
- ²⁷ Opening Statement by Navi Pillay, High Commissioner for Human Rights, to the Human Rights Council 20th Special Session, Geneva, 18 June 2012, available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12245&LangID=E>.
- ²⁸ Human Rights Council resolution 23/21, para. 3 (j).
- ²⁹ A/HRC/23/53, para. 107 (x).
- ³⁰ Ibid., para. 68.
- ³¹ Human Rights Council resolution 23/21, para. 2 (a).
- ³² Ibid., para. 3 (a).
- ³³ A/HRC/23/53, para. 43.
- ³⁴ Ibid., para. 107 (e).
- ³⁵ Ibid., para. 54.
- ³⁶ Ibid., para. 107 (l).
- ³⁷ Ibid., para. 107 (j).
- ³⁸ Ibid., para. 51.
- ³⁹ Ibid., para. 52.
- ⁴⁰ Ibid., para. 50.
- ⁴¹ Ibid., paras. 45 and 46.

- ⁴² Ibid., para. 107 (i).
⁴³ A/HRC/22/67, p 50.
⁴⁴ A/HRC/23/53, para. 70.
⁴⁵ Ibid., para. 70.
⁴⁶ Ibid., para. 71.
⁴⁷ Ibid., para. 56.
⁴⁸ Ibid., para. 107 (k).
⁴⁹ A/HRC/16/52/Add.1, p. 112.
⁵⁰ A/HRC/23/53, para. 35.
⁵¹ Ibid., para. 40.
⁵² Ibid., para. 41.
⁵³ Ibid., para. 107 (d).
⁵⁴ Human Rights Council resolution 20/20, para. 2 (c).
⁵⁵ A/HRC/23/53, para. 99.
⁵⁶ Ibid., para. 107 (n).
⁵⁷ Ibid., para. 72.
⁵⁸ Human Rights Council resolution 23/21, para. 2 (d).
⁵⁹ A/HRC/23/53, para. 67.
⁶⁰ Human Rights Council resolution, para. 2 (b).
⁶¹ Ibid., para. 3 (f).
⁶² A/HRC/23/53, paras. 64 and 65.
⁶³ Ibid., para. 66.
⁶⁴ Human Rights Council resolution 23/21, para. 3 (d).
⁶⁵ A/HRC/23/53, paras, 58 and 59.
⁶⁶ UNESCO submission to the UPR on Eritrea, para. 25.
⁶⁷ Ibid., para. 41.
⁶⁸ A/HRC/23/53, paras. 61 and 62.
⁶⁹ A/HRC/23/53, para. 60.
⁷⁰ A/HRC/23/53, para. 107 (o).
⁷¹ Human Rights Council resolution 23/21, para. 2 (c).
⁷² A/HRC/23/53, para. 83.
⁷³ Ibid., para. 87.
⁷⁴ Ibid., para. 88.
⁷⁵ Statement by Sheila B. Keetharuth, Special Rapporteur on the situation of human rights in Eritrea, to the 23rd session of the Human Rights Council, Geneva, 4 June 2013, available from <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/23rdSession/Pages/OralStatement.aspx?MeetingNumber=20&MeetingDate=04/06/2013>
⁷⁶ A/HRC/23/53, para. 107 (s).
⁷⁷ Ibid., paras. 84 and 85.
⁷⁸ Ibid., para. 86.
⁷⁹ Human Rights Council resolution 23/21, para. 2 (c).
⁸⁰ Ibid., para. 3 (d).
⁸¹ A/HRC/23/53, para. 89.
⁸² Ibid., paras. 89 and 108 (t).
⁸³ UNESCO submission to the UPR on Eritrea, para. 8.
⁸⁴ UNESCO submission to the UPR on Eritrea, para. 18.
⁸⁵ A/HRC/23/53, para. 77.
⁸⁶ Ibid., para. 78.
⁸⁷ Ibid., paras. 79 and 80.
⁸⁸ Ibid., para. 81.
⁸⁹ Ibid., para. 82.
⁹⁰ Ibid., para. 91.
⁹¹ A/HRC/19/44, p. 104.