

Eritrea

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 19 June 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/eritrea>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

17 stakeholders' reports were submitted for the UPR. 13 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI exists.

6 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 49 recommendations are not implemented, 2 recommendations are partially implemented, and 2 recommendations are fully implemented. No answer was received for 85 out of 141 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Rights of the Child, International instruments,	page 16	-
3	Women's rights, Treaty bodies, Technical assistance,	page 16	not impl.
4	Women's rights, Torture and other CID treatment, Rights of the Child,	page 17	fully impl.
5	International instruments, Enforced disappearances,	page 12	not impl.
6	Special procedures	page 12	not impl.
7	Rights of the Child	page 17	not impl.
8	Women's rights, Torture and other CID treatment, Rights of the Child,	page 17	fully impl.
10	Other	page 13	not impl.
11	Detention conditions	page 13	not impl.
12	Freedom of opinion and expression	page 6	not impl.
13	Torture and other CID treatment, Extrajudicial executions,	page 13	not impl.



rec. n°	Issue	page	IRI
14	Civil society	page 6	not impl.
15	Freedom of religion and belief	page 7	not impl.
16	Freedom of religion and belief, Detention conditions,	page 7	not impl.
17	Women's rights, Torture and other CID treatment, Rights of the Child, Human rights education and training,	page 17	partially impl.
18	Detention conditions	page 14	not impl.
19	Torture and other CID treatment, International instruments,	page 13	not impl.
20	International instruments, Disabilities,	page 13	not impl.
22	Women's rights, Human rights education and training,	page 17	not impl.
26	Technical assistance, Poverty,	page 11	not impl.
28	Freedom of religion and belief, Freedom of opinion and expression,	page 8	not impl.
29	Special procedures	page 12	not impl.
30	Detention conditions	page 14	not impl.
34	Freedom of the press, Freedom of opinion and expression,	page 8	not impl.
35	Other	page 14	not impl.
36	Detention conditions	page 14	not impl.
37	Freedom of religion and belief	page 7	not impl.
38	Women's rights, Torture and other CID treatment, Rights of the Child,	page 18	partially impl.
39	Rights of the Child, Internally displaced persons,	page 20	not impl.
40	Enforced disappearances	page 14	not impl.
45	Rights of the Child, Right to education,	page 18	not impl.
46	Poverty	page 11	not impl.
49	NHRI	page 20	-
51	Torture and other CID treatment, Rights of the Child,	page 18	not impl.
61	Women's rights, Rights of the Child,	page 17	not impl.
79	Detention conditions	page 14	not impl.
81	Detention conditions	page 15	-
83	Freedom of religion and belief	page 7	not impl.
85	Women's rights, Migrants, International instruments,	page 13	not impl.
90	Civil society	page 9	not impl.
93	Freedom of religion and belief, Freedom of opinion and expression, Detention conditions,	page 15	not impl.
100	Rights of the Child, Right to health, Right to education,	page 18	not impl.
102	Human rights defenders, Civil society,	page 9	not impl.
103	Justice, Freedom of religion and belief, Freedom of opinion and expression, Freedom of movement, Freedom of association and peaceful assembly,	page 15	not impl.
108	Freedom of religion and belief, Freedom of opinion and expression, Freedom of movement, Freedom of association and peaceful assembly,	page 10	not impl.
109	Torture and other CID treatment, Human rights violations by state agents, Detention conditions,	page 15	not impl.
110	Freedom of religion and belief	page 10	not impl.
118	Women's rights, Rights of the Child,	page 19	not impl.
124	International instruments, Freedom of opinion and expression,	page 10	not impl.
134	General	page 20	not impl.



rec. n°	Issue	page	IRI
135	Detention conditions	page 16	not impl.
136	Rights of the Child	page 19	not impl.
139	Trafficking, Rights of the Child,	page 19	not impl.
140	Justice	page 16	not impl.
141	Migrants, Asylum-seekers - refugees,	page 12	not impl.



3. Feedbacks on recommendations

CP Rights

Recommendation n°12: *Implement the 1997 Constitution and the rights that this document enshrines, including freedom of expression (Recommended by Australia)*

IRI: *not implemented*

PEN International (PENI) response:

The Eritrean regime controls the media, reducing it to a propaganda outlet for the government. Freedom of expression and association are very severely curtailed. Information coming into the country is controlled to; internet access is closely monitored. A large number of journalists remain in prison, many since 2001. Often, little is known of their whereabouts, leading unconfirmed rumours of deaths circulating e.g. the rumoured death of Dawit Isaac in 2011.

Christian Solidarity Worldwide (CSW) response:

Freedom of expression is non-existent. Politicians who expressed the need for greater democratisation have been detained without charge or trial in remote and hostile environment since 2001. Several are reported to have died as a result of privations.

Independent journalists were also detained since 2001 time without charge or trial and remain in jail, and all independent sources of news or information have been closed down. Only state news media are allowed to operate, and remain under strict government control. The government also arrests journalists it suspects of sending information to the outside world who work in state media. As a result, many journalists have fled the country

'Eritreans for Human and Democratic Rights-UK' and 'Release Eritrea' (EHDR) response:

No change. None of its provisions relating to human rights implemented.

Recommendation n°14: *Review and ease restrictions on Eritrean and international non-governmental organizations (Recommended by Australia)*

IRI: *not implemented*

Christian Solidarity Worldwide (CSW) response:

There has been no discernible evidence that the government has taken steps to ease restrictions on civil society.

EHDR response:

Restrictions remain in place.



Recommendation n^o15: *Take steps to ensure that freedom of religion is respected* (Recommended by *Australia*)

IRI: *not implemented*

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Recommendation n^o16: *Cease arbitrary arrest and detention of people based on their religious beliefs, and review the legal framework governing religious groups and organizations* (Recommended by *Austria*)

IRI: *not implemented*

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Recommendation n^o37: *Adopt measures to secure the freedom of religion and belief* (Recommended by *Chile*)

IRI: *not implemented*

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Recommendation n^o83: *Respect the right of any individual to practice his or her religion of belief without any restriction* (Recommended by *Netherlands*)

IRI: *not implemented*

CSW response:

There have been no improvements in this arena. The legal patriarch of the Orthodox Church, Abune Antonios, who suffers from debilitating diabetes and is an octogenarian, has just entered his sixth year under house arrest. Recent leaked reports indicate his health is declining due to a lack of access to adequate medical attention. According to the Eritrean Criminal Procedures Act a person cannot be held for more than 28 days, and must then either be prosecuted or released. However, as with all prisoners of conscience or belief in Eritrea, the patriarch has not been charged with a crime or sentenced; he merely objected to undue government interference in church affairs, and refused to excommunicate the 3000-strong members of the Orthodox renewal movement, Medhane Alem. The man currently functioning as patriarch is not sanctioned by the Orthodox Papy in Egypt.

Eritrea continues to detain Christians from proscribed denominations in a gulag of detention centres, where conditions are life-threatening, access to food and potable water extremely restricted, and torture is rife. Several have died there. In late 2011 came confirmed reports of three more deaths: Teklom Habtemichel, 26, who was imprisoned at Adi Nefase Military Camp in Asab, died at the end of August. He had contracted malaria but was allegedly denied medical treatment because of his written refusal to recant. Terhase Gebremichel Andu, 28, and Angesom Ferewine Genzabu Kify, 21, died as the result of starvation and untreated health problems in Adersete Military Camp. Andu died on Oct. 16 and Kify died one week later.

Between 2000 and 3000 Christians are estimated to be detained in Eritrea, including followers of the government-sanctioned Orthodox Church. Reports indicate that since the 2006 removal of Patriarch Antonios, around 1700 Orthodox clergy of all ranks have been forced out of the church; 1350 have been forcibly conscripted, 23 are known to be detained, fourteen have been banned from entering the compound of any church, seven are not allowed to leave the confines of Asmara and a number of others have fled the country, including 49 lay workers, 32 monks and five nuns. In addition the government has confiscated the Church's historical artefacts, and around 1500 churches are reportedly slated for closure in the near future.

Open Doors International (ODI) response:

On 4 January, we reported the arrest of 65 Evangelical Lutherans in Adi Keyh on 31 December 2011. This arrest of Evangelical Lutherans came as a surprise as the Evangelical Lutheran church is one of the four religions/denominations officially registered in Eritrea. On 20 April, we reported the arrest of 21 Evangelical Christians on Easter Friday. The 21 Christians, including 11 women, were all teachers at Sawa military training centre. Regretfully, I don't have any follow up information on the two incidents reported above. So, no news at hand about official charges (quite unlikely) or releases. So far, no churches have been registered except for the four religions/denominations that already were registered from the beginning. In practice, there seems to be a three tiered system. The registered one's belong to the first tier. The second group consists of churches and groups that fulfilled all requirements for registration (some of them for years already) but still did not get official permission to operate in the country. The third group contains all the churches that either did not apply at all and those that haven't submitted all necessary information/documents. However, I am not too sure whether the authorities in Asmara will officially admit the distinction in treatment between the last two groups.

EHDR response:

People continue to be detained for their beliefs.

Recommendation n°28: *As a first step consider a broad amnesty of remaining political and religious prisoners (Recommended by Brazil)*

IRI: *not implemented*

CSW response:

No such amnesty has been declared. Instead, restrictions on both rights remain very much in force.

CSW has noted that religious prisoners are only released under certain conditions. Firstly, if they sign a document renouncing their faith. Secondly, if the privations they have experienced have rendered them so gravely ill as to be on the point of death, or have been so physically or mentally debilitated by mistreatment and torture as to be rendered unable to flee

Eritrea occupies last position in the 2011-2012 Press Freedom Index. This has now been the case since 2007, a fact which speaks for itself. Journalists imprisoned in 2001 remain imprisoned.

EHDR response:

Political and religious prisoners remain in jail.

Recommendation n°34: *Take the measures necessary to fully respect the right to freedom of opinion and expression, including by introducing a law to allow independent media and enable journalists to exercise their profession freely (Recommended by Canada)*

IRI: *not implemented*

PENI response:

The Eritrean regime controls the media, reducing it to a propaganda outlet for the government. Information coming into the country is controlled to; internet access is closely monitored. No steps have been taken to improve freedom of expression. A large number of journalists remain in prison, many since 2001. Often, little is known of their whereabouts, leading unconfirmed rumours of deaths circulating eg the rumoured death of Dawit Isaac in 2011.

CSW response:

The Committee for the Protection of Journalists has deemed Eritrea the most censored nation in the world, and in 2011 came news that journalist Yirgalem Fisseha Mebrahtu, in custody since her arrest in February 2009 following a raid on Radio Barna, was admitted to hospital in the Eritrean capital Asmara.

Reporters sans frontières (RSF) response:

Les autorités érythréennes ne permettent toujours pas l'instauration de médias indépendants, aucune loi ne fut édictée en ce sens. Il existe uniquement des médias d'Etat. Le régime continue museler toute forme de liberté d'expression. Lors de l'opération de « nettoyage » politique lancée par l'actuel président Issaias Afeworki en septembre 2001, des rafles ont été organisées dans les médias, les journaux indépendants ont été suspendus, les directeurs et les rédacteurs en chef ont été arrêtés. Depuis la situation n'a pas évolué, elle a même empiré. Toute critique contre le régime constitue une « atteinte à la sécurité nationale ». Deux autres vagues d'arrestations ont eu lieu dans les médias en novembre 2006 et en février 2009. Les journalistes sont constamment surveillés, leurs familles subissent des pressions, certains sont arrêtés arbitrairement, sans raison apparente et sans procès. Ils sont détenus au secret dans des conditions inhumaines. 32 journalistes sont actuellement en prison, ce qui fait de l'Erythrée la 2ème prison au monde pour les journalistes après la Chine. De plus 4 journalistes arrêtés en 2001 sont morts en détention, 2 ont disparu.

Les médias d'Etat sont constitués d'Eri-TV, de Radio Dimtsi Hafash et du quotidien gouvernemental Hadas Eritrea. Ils se trouvent sous l'étroite surveillance du tout puissant ministère de l'Information. Les journalistes des médias publics sont réduits au rôle de fonctionnaires zélés au service de la propagande gouvernementale. Ainsi nombreux sont ceux qui tentent de fuir leur pays.

EHDR response:

Freedom of expression is nonexistent and independent journalists remain in jail.

Recommendation n°90: *Improve the working conditions and involvement of local and international NGOs* (Recommended by Norway)

IRI: *not implemented*

CSW response:

No discernible improvement

Recommendation n°102: *Create a more favourable environment for a stronger civil society in the country, including guaranteeing the full legitimacy for human rights*



defenders to spare them from the harassment they had to face so far and establish closer links with international human rights non-governmental organizations (Recommended by Slovakia)

IRI: not implemented

CSW response:

Human rights defenders or organisations are not allowed to openly operate in the country

Recommendation n°108: Implement the 1997 Constitution and publicly affirm the right to freedom of expression, opinion, religion, association and movement (Recommended by Slovenia)

IRI: not implemented

PENI response:

The Eritrean regime controls the media, reducing it to a propaganda outlet for the government. The independent media was destroyed in 2001. Information coming into the country is controlled to; internet access is closely monitored. A large number of journalists remain in prison, many since 2001. Often, little is known of their whereabouts, leading unconfirmed rumours of deaths circulating eg the rumoured death of Dawit Isaac in 2011.

CSW response:

The constitution and the rights contained therein remain unimplemented

Recommendation n°110: Recognize the right to conscientious objection to military service and reinstate the alternative civilian national service (Recommended by Slovenia)

IRI: not implemented

CSW response:

It is unfortunate that the state rejected this recommendation. While appreciating the need for national defence, it is also vital that the government respects the legal stipulation with regard to the length of national service - which is meant to last for eighteen months - and allows those who have been in military service beyond the stipulated length of time to leave military service and access regular employment.

Recommendation n°124: Take further measures to ensure full respect for freedom of expression and of the press in accordance with its international obligations, including ICCPR, to which Eritrea is a party (Recommended by Sweden)

IRI: not implemented

PENI response:

The Eritrean regime controls the media, reducing it to a propaganda outlet for the government. Information coming into the country is controlled to; internet access is closely monitored. A large number of journalists remain in prison, many since 2001. Often, little is known of their whereabouts, leading unconfirmed rumours of deaths circulating eg the rumoured death of Dawit Isaac in 2011. No measures have been implemented to improve ensure free expression



RSF response:

Aucune mesure n'a été prise dans le sens d'une plus grande liberté d'expression. Au contraire le régime maintient un contrôle strict sur l'information et les journalistes. Il n'y a pas de médias indépendants et les médias publics sont placés sous le contrôle du ministère de l'Information. Toute critique au régime constitue une atteinte à la sécurité nationale. Les journalistes sont alors étroitement surveillés et sont la cible de la répression du régime. Il y a eu au moins 3 vagues d'arrestations dans les médias érythréens ces 10 dernières années, en 2001, 2006 et 2009. Le régime pratique les arrestations arbitraires, sans procès et maintient au secret les détenus. Il est extrêmement difficile de rassembler des informations sur le sort des prisonniers. 32 professionnels des médias sont actuellement en prison dans des conditions de détention épouvantables. Les médias publics ne jouissent d'aucune liberté de parole et servent de relai pour la propagande gouvernementale.

ESC Rights

Recommendation n°26: *Continue its efforts to eradicate poverty with the support and cooperation of the international community* (Recommended by *Bangladesh*)

IRI: *not implemented*

CSW response:

On November 15th the Government of Eritrea sent a letter to the European Union stating that it intended to close all ongoing programmes under the 10th European Development Fund, ostensibly because it intended to review and finalise the country's five-year National Development Plan before cooperating with the EU within the framework of the next European Development Fund cycle starting in 2013. As a result, several ongoing programmes have been immediately cancelled, including 37 million in support of the agricultural sector. This at a time when there are reports of alarming hunger index scores, and by a government that is reported to manipulate food distribution, is deeply working.

EHDR response:

Poverty is prevalent and hidden.

Recommendation n°46: *Continue its efforts to eliminate poverty and reduce disparities in the standards of living in urban and rural areas* (Recommended by *Democratic Republic of Congo*)

IRI: *not implemented*

EHDR response:

Poverty is still prevalent now even in urban areas.

Indigenous & Minorities

Recommendation n^o141: *Not detain, persecute or prosecute returned migrants and asylum seekers and allow the international community, especially the Office of the United Nations High Commissioner for Refugees, access to returnees* (Recommended by *United States*)

IRI: *not implemented*

CSW response:

During 2002 and 2004, refugees deported from Malta and Libya respectively were detained immediately upon arrival in Eritrea and subjected to prolonged and severe mistreatment, including forced labour, severe beatings, extended confinement in sweltering and overcrowded conditions, and in some instances, extra-judicial killing. More recently there have been credible reports that Eritreans forcibly returned to their country have been routinely detained for differing periods and mistreated in detention. In at least one case a detainee is reported to have been executed in front of others to deter further thoughts of escape. Particularly vulnerable are those who have escaped military service. Even though Eritrea may have undertaken not to mistreat returnees, there are no credible organisations within the country to observe whether or not it has done so.

International Instruments

Recommendation n^o5: *Consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance CED and accept the jurisdiction of the relevant committee* (Recommended by *Argentina*)

IRI: *not implemented*

CSW response:

[...]

EHDR response:

Not ratified.

Recommendation n^o6: *Issue a standing invitation to the special procedures of the Human Rights Council* (Recommended by *Argentina*)

IRI: *not implemented*

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Recommendation n^o29: *Consider issuing a standing invitation to all United Nations human rights special procedures* (Recommended by *Brazil*)

IRI: *not implemented*

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Recommendation n^o41: *Issue a standing invitation to the special procedures of the Human Rights Council* (Recommended by *Chile*)

IRI: *not implemented*

EHDR response:

No invitations issued.



Recommendation n°19: *Ratify CAT* (Recommended by *Austria*)

IRI: *not implemented*

CSW response:

[...]

EHDR response:

Not ratified.

Recommendation n°20: *Ratify CRPD* (Recommended by *Austria*)

IRI: *not implemented*

EHDR response:

Not ratified.

Recommendation n°85: *Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant workers and Members of their Families* (Recommended by *Nigeria*)

IRI: *not implemented*

EHDR response:

Both not ratified.

Justice

Recommendation n°10: *Take necessary measures to ensure full enjoyment of the right to life, physical integrity and security of all persons* (Recommended by *Argentina*)

IRI: *not implemented*

EHDR response:

Torture continues and shoot to kill policy in borders still applied.

Recommendation n°11: *Allow independent monitors to access all Eritrean detention facilities and ensure that international standards of law in the treatment of prisoners are respected in Eritrea* (Recommended by *Australia*)

IRI: *not implemented*

EHDR response:

No monitors have visited.

Recommendation n°13: *Investigate allegations of extrajudicial killings, torture and other cruel and inhuman or degrading treatment and bring perpetrators to justice* (Recommended by *Australia*)

IRI: *not implemented*

CSW response:

[...]

EHDR response:

Not aware of any investigations let alone bringing perpetrators to justice.



Recommendation n°18: *Ensure that arrested persons have adequate access to legal representation and to establish effective judicial oversight over police and security forces* (Recommended by *Austria*)

IRI: *not implemented*

EHDR response:

Arbitrary detention continues & no legal representation nor judicial oversight over police & security services.

Recommendation n°30: *Charge all other prisoners with a recognizable criminal offence and ensure that they are tried in accordance with international standards* (Recommended by *Canada*)

IRI: *not implemented*

EHDR response:

No one has been charged with recognisable offence.

Recommendation n°35: *Take the necessary steps to implement its Constitution* (Recommended by *Canada*)

IRI: *not implemented*

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Recommendation n°36: *Treat all detainees humanely and immediately release all prisoners detained without charge or trial or opportunity for appeal* (Recommended by *Canada*)

IRI: *not implemented*

EHDR response:

None of the provisions of the ratified Constitution are implemented.

Recommendation n°40: *Investigate all pending complaints about enforced or involuntary disappearances and have their perpetrators punished* (Recommended by *Chile*)

IRI: *not implemented*

EHDR response:

No investigations took place.

Recommendation n°79: *Establish rules that limit preventive custody in the absence of formal criminal charges* (Recommended by *Netherlands*)

IRI: *not implemented*

CSW response:

Around 20,000 prisoners of conscience or belief are estimated to be detained without trial or charge.

Eritrea's maze of detention facilities can be life threatening, unorthodox and severely inadequate. These include sheet iron warehouses, villas, metal shipping containers, fenced off open-air spaces in military camps; confined underground holes or shells, and even caves.



Recommendation n°81: *Provide unlimited access to the International Committee of the Red Cross to all detention facilities in the country* (Recommended by Netherlands)

IRI: -

CSW response:

[...]

Recommendation n°93: *Unconditionally release all prisoners detained solely because of their political, religious or other conscientiously held beliefs* (Recommended by Norway)

IRI: *not implemented*

CSW response:

As stated in another section, with regard to religious prisoners, they appear to be released only after signing letters confirming a denial of faith or when they are so ill or so debilitated as to be near death or unable to escape the country.

Recommendation n°103: *Expediently and fully implement the Constitution adopted in 1997 and strive for earliest adoption of a penal and criminal procedure code as well as a civil and civil procedure code in accordance with international standards and provide clearly in new legislation for freedom of expression, assembly, movement and belief* (Recommended by Slovakia)

IRI: *not implemented*

CSW response:

This right effectively does not exist, even for the four permitted religious practices - Orthodoxy, Catholicism, Lutheranism and Sunni Islam - as all activity is tightly monitored.

This right ceased to exist in 2001.

Everyone, including diplomats assigned to Eritrea, require a pass to travel from one town to another. In addition, Eritrean nationals cannot leave the country without obtaining exit visas. Given the prolonged military service regime, it is difficult for young people to obtain such a visa, unless this is for medical reasons, or they are medically exempt from the military.

This too is remains non-existent.

Recommendation n°109: *Issue clear public orders to the security forces to cease arbitrary arrest, detention and torture* (Recommended by Slovenia)

IRI: *not implemented*

CSW response:

These continue unabated. Escaped former prisoners relay testimonies of the most appalling abuses. Apart from the torture outlined in another section, in every prison, beatings continue to be administered routinely, systematically and frequently, or even casually on all prisoners, regardless of their faith. The beatings range from a single blow to any part of the body administered merely to attract the attention of a prisoner, to beatings with fists, stampings with feet, and blows with an iron rod known as a *shafshafa* or any other convenient implement. The beatings are administered without



regard to the vital organs or, indeed, the life of a prisoner. For example, CSW was informed by one man who had been caught attempting to cross the border watched in horror as his would-be guide received a blow to the head with the large metal buckle of a thick belt that opened a huge gash as security force members were seeking very routine information. In another case, a female prisoner in Wi'a detention centre was reportedly paralysed following severe beating and torture. In another prisoners were tied in contorted position known as the helicopter, placed in the sun and had milk poured on them so as to attract flies, which they could not swat because they were bound.

As mentioned earlier, these are life threatening due to conditions and privations. Prisons range from underground facilities to overcrowded halls made of iron sheeting in hot locations, to what were described as “villas without names”, to one of the newer facilities, Mitire, where most Christians captured since waves of arrests that began in is located in the desert. There is no shade or shelter for prisoners – it is an open-air facility. Prisoners receive very little food and there are no medical services, yet they are made to work hard, initially constructing buildings for officers.

Recommendation n°135: Inform the international community of the conditions of the G11 and other political, media and religious detainees and grant access to them by an international organization to ascertain their conditions, and make clear the charges against them and the legal process to which they will be subjected (Recommended by United Kingdom)

IRI: *not implemented*

EHDR response:

No news about the detainees to this day.

Recommendation n°140: Dismantle the special courts and transfer all cases to the criminal courts or high courts, to comply with human rights obligations regarding fair hearings and due process (Recommended by United States)

IRI: *not implemented*

EHDR response:

Special court is still in place.

Women & Children

Recommendation n°1: Adopt a national action plan for children in order to cover all areas included in the Convention on the Rights of the Child (Recommended by Algeria)

IRI: -

CSW response:

[...]

Recommendation n°3: Request technical assistance from OHCHR to submit its fourth report to the Committee on the Elimination of Discrimination against Women as soon



as possible and undertake measures to combat attitudes which may be discriminatory against women (Recommended by Algeria)

IRI: *not implemented*

CSW response:

[...]

EHDR response:

Fourth report which was due in Oct 2008 is not submitted by 15/03/2012.

Recommendation n°4: Take all measures which may contribute to combat female genital mutilation (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°8: Take all measures to ensure the prohibition of female genital mutilation and its effective criminalization (Recommended by Argentina)

IRI: *fully implemented*

EHDR response:

The act was made illegal.

Recommendation n°7: Make means available to give effect to the norm which raises the minimum age for military service and guarantees that minors not be subjected to any treatment that violates fundamental human rights and that they be ensured the right not to do their military service (Recommended by Argentina)

IRI: *not implemented*

CSW response:

Both Eritrea's rejection to a reasonable CRC stipulation, plus increasing reports that the state is recruiting minors in the army, are indicative that a violation of the terms of this treaty is currently underway in Eritrea

Recommendation n°17: Continue its efforts to raise awareness as well as effectively enforce the abolishment of female genital mutilation by providing adequate resources and bringing perpetrators of such cruelty to justice (Recommended by Austria)

IRI: *partially implemented*

EHDR response:

Awareness was raised but no clear picture on the enforcement.

Recommendation n°22: Take all necessary measures to protect the human rights, dignity and physical integrity of female members of the armed forces through an awareness-raising campaign, and also by taking firm judicial and disciplinary action against perpetrators (Recommended by Austria)

IRI: *not implemented*

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Recommendation n°61: Strengthen its implementation of the laws to protect women and girls from rape and other forms of sexual violence and sexual exploitation and hold accountable those responsible for such crimes (Recommended by Ghana)

IRI: *not implemented*



CSW response:

Female conscripts are sexually, emotionally and physically abused and are often made servants and sex-slaves of military commanders. This also occurs in prisons, where the sexual abuse is carried out by guards. If the female conscripts or prisoners refuse these advances they are subjected to heavy military duties, torture and other severe punishment. Many end up with unwanted pregnancies, many more with HIV/AIDS or other sexually transmitted diseases. Rape and its consequences are not openly discussed in Eritrea, and often victims remain silent to protect the family reputation and avoid stigma, hence abusers enjoy impunity

EHDR response:

No measures taken to protect female members of armed forces.

Recommendation n°38: *Continue to apply existing legislation and adopt measures to eradicate female genital mutilation* (Recommended by *Chile*)

IRI: *partially implemented*

EHDR response:

New legislation applied but no data on success or failure.

Recommendation n°45: *Continue and strengthen the positive ongoing efforts aimed at increasing the school enrolment rate of its citizen, with special emphasis on girls and boys* (Recommended by *Cuba*)

IRI: *not implemented*

EHDR response:

According to UNESCO's estimate, the percentage of boys and girls at school decreased from 35% to 29% between 2005 and 2009.

Recommendation n°51: *Ban child corporal punishment, notably within the penal and the educational system* (Recommended by *France*)

IRI: *not implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

The Government did not accept the recommendation to prohibit corporal punishment of children in the penal and educational systems [...], citing existing prohibition in Proclamation No. 4 of 1991 (A/HRC/13/2/Add.1, Report of the Working Group: Addendum, para. 14). We have been unable to obtain a copy of this Proclamation to verify the assertion that it prohibits corporal punishment. To our knowledge, there has been no change in the legality of corporal punishment of children since the initial review in 2009.

Recommendation n°100: *Continue its efforts to promote human rights, above all the education of children and the provision of health services for children* (Recommended by *Saudi Arabia*)

IRI: *not implemented*

CSW response:

Children no longer have access to adequate education. Since 2003, all students are required to finish their last high school year in military camps far from home. They are then transferred to training grounds. Those selected for higher education are sent to vocational colleges that double as boot camps.



Recommendation n°118: *Criminalize all acts of sexual violence and rape in marriage* (Recommended by *Spain*)

IRI: *not implemented*

EHDR response:

Rape in marriage not criminalised.

Recommendation n°136: *Look to ensure the avoidance of national service conscripts being used as forced labour for private enterprises and to end the recruitment of children under the age of 18 into military service and training* (Recommended by *United Kingdom*)

IRI: *not implemented*

CSW response:

Reports persist of prisoners being used as forced labour in development projects or on farms owned by officials or government sympathisers. In addition, during 2011 a number of workers from Bisha-Nevsun Mining Project (owned by the Eritrean government and the Canadian company Nevsun Resources Ltd.) managed to escape to Ethiopia, and in details testimony to the human rights NGO, Human Rights Concern-Eritrea (HRCE), described how national service army conscripts are made to work on this project and paid only 400 Nakfa (\$9) per month. According to HRCE, these people work for the subcontracted companies, which are all owned by the government. Battalions of conscripted soldiers from the national service are allegedly brought to the workplace clandestinely, and the rest of the workforce is warned that if they divulge this secret to any foreigners, they will be severely dealt with.

Recommendation n°139: *Curb abuses of Eritrean citizens in the national service programme, pass and enforce a comprehensive anti-trafficking statute, and cease the conscription of children into military services* (Recommended by *United States*)

IRI: *not implemented*

CSW response:

Eritrea's rejection of this recommendation is, once again telling, not only with regard to the treatment of national service recruits, but also in terms of trafficking. Thousands continue to flee repression in Eritrea every year. According to UN sources, between 1300 and 1500 reportedly cross the Ethiopian border each month, including an increasing number of unaccompanied minors, while another 1700 enter Sudan each month. En route, many are abused physically and sexually, and exploited financially, by people traffickers. Despite the shoot-to-kill border policy, there appears to be growing anecdotal evidence of military involvement in trafficking from refugees held hostage by traffickers who have been informed to tell relatives to make additional payments in Asmara, and from a 2006 leaked diplomatic cable detailing, inter alia, "reports of military involvement in smuggling".



Other

Recommendation n°39: *Fully cooperate with the competent humanitarian bodies in order to secure the protection of internally displaced children* (Recommended by Chile)

IRI: *not implemented*

EHDR response:

No humanitarian body is allowed to function in Eritrea.

Recommendation n°49: *Consider establishing an independent national human rights institution in conformity with the Paris Principles* (Recommended by Egypt)

IRI: -

EHDR response:

[...]

Recommendation n°134: *Continue to discuss human rights issues frankly with the international community and the European Union, and in so doing find constructive ways of making progress on its international obligations and make tangible improvements on the ground* (Recommended by United Kingdom)

IRI: *not implemented*

EHDR response:

No tangible improvement on the ground.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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