

Universal Periodic Review (32nd session, January-February 2019)
Contribution of UNESCO

Eritrea

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	24/10/2001 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	07/10/2010 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	Not ratified			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of Eritrea of 1997**¹ enshrines the right to education in its **Article 2**, which states that “every citizen shall have the right of equal access to publicly funded social services. The State shall endeavor, within the limit of its resources, to make available to all citizens health, education [...]”. Moreover, **Article 14** provides that “1. All persons are **equal** under the law. 2. No person may be **discriminated** against on account of race, ethnic origin, language, colour, gender, religion, disability, age, political view, or social or economic status or any other improper factors”. The **Legal Notice No. 1 of 1991**, concerns regulations enacted to determine the establishment and management of non-government schools and their supervision².
2. In terms of reporting to UNESCO, Eritrea did not submit national reports within the framework of the **8th** (2011-2013) and **9th** (2016-2017) Consultations of Member States on the measures taken to implement the UNESCO 1960 Recommendation against Discrimination in Education. Similarly, Eritrea did not report on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **4th** (2005-2008) and **5th** (2012-2013) and **6th** (2016-2017) Consultations.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. Article 19 of the Eritrean Constitution in principle guarantees the right to freedom of thought, conscience and belief.³
4. Defamation remains a criminal offense in Eritrea.
5. No freedom of information law has been adopted in Eritrea.
6. The 1996 Press Proclamation Law⁴ states that all media should be licensed; publications have to be submitted for the approval of authorities before publication.
7. Self-censorship is widespread in the country due a combination of tight media control by the Government and restrictive media laws including possibility of imprisonment.

➤ Implementation of legislation:

8. No independent broadcasting regulator exists in Eritrea. Section 4 of the 1996 Press Proclamation law provides that radio and television ownership is reserved for the Government.⁵

¹ <http://www.unesco.org/education/edurights/media/docs/fd48fdd5dc073aa0a88273489a13921296394304.pdf>

² <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

³ <http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan004654.pdf>

⁴ <http://www.refworld.org/pdfid/48512e992.pdf>

⁵ <http://www.refworld.org/pdfid/48512e992.pdf>

9. Media content is controlled by the Ministry of Information, which runs all television outlets, radio stations, and newspapers. Privately owned outlets effectively ceased to exist in the country since a government ban in 2001.

➤ Safety of journalists

10. UNESCO reports three killings of journalists since 2008.⁶ The Government has not responded to UNESCO's requests as regards of these cases, with no cases resolved according to UNESCO records.
11. Local, regional and international media carry reports of journalists and media workers critical of authorities being intimidated, persecuted and imprisoned. In 2017, UNESCO awarded the UNESCO/Guillermo Cano World Press Freedom Prize to Eritrean/Swedish journalist, Dawit Isaak, who was not able to receive the Prize, since he was in jail.

III. UPR Recommendations

Right to education

12. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (February 2014)⁷:**

122.69. *Pursue all efforts to preserve the progress achieved in a number of areas such as culture, education, health and the fight against social inequality*

122.171. *Continue its efforts to realize the goals of poverty reduction and universal access to primary education*

122.179. *Continue its efforts on health, education and social service system, in order to help the vulnerable and disabled people particularly women and children*

122.184. *Continue to implement programs aimed at improving the quality of and access to education, giving particular attention to the needs of children from underprivileged families, including those in the rural and underserved areas*

122.185. *Allocate more resources to the education system, particularly education of girls, in order to achieve a successful social development level*

122.189. *Give priority to providing access to the right to education in all parts of the country*

122.190. *Take further measures to guarantee access to education at all levels, in particular at university level*

122.194. *Improve access to the right to education and eliminate disparities in this respect, whether regional, socioeconomic or based on ethnicity or gender*

IV. Review and specific recommendations

13. A number of recommendations was addressed to Eritrea during the last UPR cycle concerning the necessity to strengthen its education system. Eritrea should be especially attentive to the needs of vulnerable people including disabled people, women and girls,

⁶ UNESCO <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/eritrea/>

⁷ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ERIndex.aspx>

children from underprivileged families, children from rural areas, nomadic communities. Increasing efforts to eliminate disparities of all kinds, whether regional, socioeconomic or based on ethnicity or gender should thus be encouraged.

14. First of all, in the context of Sustainable Development Goal 4 on education, it should be noted that ratifying the UNESCO 1960 Convention against Discrimination in Education would provide Eritrea with a supportive legal environment for all efforts made towards providing and ensuring “inclusive and equitable quality education and lifelong learning opportunities for all”. In this respect, Eritrea should be encouraged to engage actively in the process of ratification of UNESCO’s Convention against Discrimination in Education and, if needed, to seek UNESCO’s assistance.
15. On the same line, UNESCO could not find an Education Act in Eritrean law, which would contain the main features and core elements of education provided in the country. Eritrea should therefore be strongly encouraged to share with UNESCO or to make available any information related to legislative framework ensuring education. It should be noted that the right to education, which is guaranteed in the Constitution of Eritrea, needs effective enforcement in order to become a living reality and not remain a principle without concrete application. This enforcement entails, in particular, legal guarantees for education. Consequently, Eritrea should be strongly encouraged to consider the possibility of adopting an Education Act in order to strengthen its legal framework related to education. In this process, Eritrea could be encouraged to seek UNESCO’s technical assistance and support.
16. That said, Eritrea faces significant challenges in the field of education. In terms of **access to education**, Eritrea seems to face major difficulties in ensuring the right to education for all. In this respect, Eritrea should be strongly encouraged to take comprehensive measures to improve access to education for all and reduce the number of children out of school in the country.
17. In addition to this, limited financial resources inherently have an impact on the **quality of its education and on infrastructures**. Eritrea faces one of the most severe teacher gap in the world⁸. On the same line, only 50% of classroom teachers are estimated to be qualified⁹ while school facilities often fail to provide basic sanitary services¹⁰. In this respect, Eritrea should be strongly encouraged to take and implement all necessary measures to strengthen the quality of its education system and improve its infrastructures. In this process, Eritrea should be strongly encouraged to intensify its efforts to address the current shortage of teachers, as well to ensure that teachers are provided with adequate and comprehensive training to deliver quality education in the classroom.
18. Regarding the **principle of non-discrimination**, the government reported its commitment to consider the right to education for all children without discrimination¹¹ and positive efforts were made along these lines. Among them, the adoption of policies on education including those focused on nomadic communities, as well as the support provided to families with limited financial means to purchase school uniforms and school materials¹². Nevertheless, discriminations remain widespread. In this respect, Eritrea should be strongly encouraged to take all necessary measures to combat and

⁸ EFA Global Monitoring Report, Teaching and Learning: Achieving Quality for All, p225.

⁹ Global Education Monitoring Report, Accountability in Education: Meeting our Commitments, p386.

¹⁰ Global Education Monitoring Report, Accountability in Education: Meeting our Commitments, p378.

¹¹ Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p16.

¹² Ibid, p15.

eliminate discrimination and ensure that every child is provided with educational services.

19. More specifically, in terms of **access of women and girls to education**, primary and secondary enrolment remains low, in particular for women and girls in rural areas¹³. In this respect, Eritrea should be strongly encouraged to strengthen measures to ensure that women and girls have equal access to all levels of education and to reduce the number of school dropouts. In this process, Eritrea should be encouraged to strengthen its efforts to eliminate stereotypes and harmful practices that discriminate against girls and greatly prevent them from accessing education, especially in rural areas. This should include the launching of public awareness campaigns in order to, on the one hand, eliminate gender-based and patriarchal stereotypes, on the other hand, improve health and sexual education among communities. In addition to this, Eritrea should be strongly encouraged to intensify its efforts to ensure that all schools are provided with gender sensitive sanitation facilities, as well to increase its number of qualified female teachers.
20. In terms of **education for children with disabilities**, several measures should be welcomed. They include the adoption of a comprehensive policy on persons with disabilities in 2014¹⁴, the adoption of grade 1-5 books to suit the educational needs of blind and deaf children¹⁵, the launching of awareness raising campaigns and activities targeting teachers, directors and supervisors to address and respond to the diverse learning needs of children with disabilities, as reported by Eritrea¹⁶. Nevertheless, the country faces an important challenge due to the lack of statistical data on the situation of children with disabilities in education, as well as the insufficient resources to implement relevant policies and programmes¹⁷. Moreover, and contrary to the notion of inclusion, many children with disabilities continue to be referred to special schools¹⁸. In this respect, Eritrea should be strongly encouraged to integrate a human rights-based approach to disability and to promote inclusive education for all children, giving priority to the placement of children with disabilities into the mainstream school system instead of special schools. Moreover, Eritrea should be strongly encouraged to intensify its efforts to collect data on the situation of children with disabilities in education in order to provide a sound basis for the development of relevant policies and identification of priorities in programming.

➤ **Specific recommendations:**

1. Eritrea should be strongly encouraged to ratify UNESCO 1960 Convention against Discrimination in Education and eventually to seek UNESCO's support in this process.

¹³ Concluding observations on the fourth and fifth periodic reports of Eritrea, Committee on the Elimination of Discrimination against Women, p9.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fERI%2fCO%2f5&Lang=en

¹⁴ Concluding observations on the fourth periodic report of Eritrea, Committee on the Rights of the Child, p12.

¹⁵ Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, p16.

¹⁶ Ibid.

¹⁷ Concluding observations on the fourth periodic report of Eritrea, Committee on the Rights of the Child, p12.

¹⁸ Ibid, p12.

2. Eritrea should be strongly encouraged to take comprehensive measures to improve access to quality education for all and to reduce the very high number of children out of school in the country. In this process, particular attention should be given to the needs of vulnerable groups
3. Eritrea should be strongly encouraged to strengthen its national education system, including through the improvement of the quality of education, the development of adequate infrastructures, as well as the training of qualified teachers.
4. Eritrea should be encouraged to intensify its efforts to combat and eliminate discrimination on all grounds and ensure that all children are provided with educational services, including through the repeal of legal provisions criminalizing homosexuality.
5. Eritrea should be encouraged to submit more regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Eritrea should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹⁹.

Freedom of opinion and expression

21. The Government is encouraged to implement decision of the African Commission on Human and Peoples' Rights (Communication 428/12 – Dawit Isaak v. Eritrea and Communication 275/03 – Article 19 v. Eritrea) recommending the Government of Eritrea to release or to bring to a speedy and fair trial the 18 journalists detained since September 2001, including Dawit Isaak.²⁰
22. The Government is encouraged to enforce the constitutional principles of freedom of expression.
23. The Government is encouraged to allow journalists and media workers to practice in a free and safe environment.
24. The Government is encouraged to introduce a freedom of information law in accordance with international standards.
25. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.
26. The Government is encouraged to establish an independent broadcast licensing authority.
27. The Government is urged to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the

¹⁹ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

²⁰ Human Rights Council, Thirty-fifth session, 6-23 June 2017, Agenda item 4, Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth

<http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/ER/Pages/SREritrea.aspx>

Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

Right to culture

28. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²¹ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²², Eritrea is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Eritrea is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
29. Eritrea is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²³, as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life

Freedom of scientific research and the right to benefit from scientific progress and its applications

30. Eritrea has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Eritrea is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.

²¹ Periodic Report available at: <http://whc.unesco.org/en/activities/852>

²² Periodic Report not available

²³ Periodic Report not available