

# ERITREA

Futsum Abbay\*

## 1 Population indicators

### 1.1 What is the total population of Eritrea?

No population census has ever been conducted in Eritrea. Thus, population estimates, which are indicated in various scholarly research materials and government documents, vary from 3 to 6 million.<sup>1</sup> The 2010 Eritrea Population and Health Survey (the 2010 EPHS), the 3rd in its series after the country's 1991 de-facto independence, puts the country's total resident population in 2010 to be 3.2 million.<sup>2</sup> However, another government document, the Country Program (CP Document 2013-2016), gives a different figure, 3.8 million, by citing the same survey.<sup>3</sup> In answering the questions relating to population indicators of this report, the report relies on the 2010 EPHS.

\* Futsum Abbay is presently an independent researcher on human rights in general and disability human rights in particular. He received both his masters and doctoral degrees in law from the Faculty of Law at McGill University. After obtaining his masters degree, he taught law at the Faculty of Law of the University of Asmara in Eritrea.

- 1 For example, the author of this report (F Abbay), in his article 'The rights of persons with disabilities in Eritrea: An assessment of their legal securities and uncertainties' (2013) 19 *East African Journal of Peace and Human Rights* 50, puts the estimate of Eritrea's total population as 5 415 300 by citing the 2011 UNDP estimate.
- 2 National Statistics Office (NSO) (Eritrea) and FAFO AIS, Eritrea Population and Health Survey 2010, (Asmara, Eritrea, 2013) 2-3 (2010 Eritrea Population and Health Survey) [www.malaria-surveys.org/documents/Eritrea\\_2010EPHS\\_Final\\_Report.pdf](http://www.malaria-surveys.org/documents/Eritrea_2010EPHS_Final_Report.pdf) (accessed 7 November 2014).
- 3 Eritrea Country Program Document (E/ICEF/2013/P/L.1) [http://www.unicef.org/about/execboard/files/2013-PL1-Eritrea\\_CPD-final\\_approved-English.pdf](http://www.unicef.org/about/execboard/files/2013-PL1-Eritrea_CPD-final_approved-English.pdf) (accessed 4 November 2014).

**1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Eritrea. What criteria are used to determine who falls within the class of persons with disabilities in Eritrea?**

The methodology used to gather statistical data on the prevalence of disability in Eritrea in the 2010 EPHS is through a household questionnaire survey. Without providing for a definition of disability, the 2010 EPHS seeks to obtain information on disability status by posing only two questions in its Core Household Questionnaire.<sup>4</sup> The questions were relating to the identification and type of disability.<sup>5</sup> All the questionnaires of the survey do not seek to glean information on education, literacy, employment, etc of persons with disabilities. The main objective of the survey rather was to gather and analyse data on fertility, mortality, family planning, and health.<sup>6</sup> The criteria used to determine who falls within the class of persons with disabilities in the survey were to be physically or mentally disabled.

**1.3 What is the total number and percentage of persons with disabilities in Eritrea?**

According to the 2010 EPHS, the total number of persons with disabilities in Eritrea is 149 103, out of which, 96 748 live in rural areas. According to this survey, persons with disabilities constitute around 5 per cent of the country's total population.<sup>7</sup>

**1.4 What is the total number and percentage of women with disabilities in Eritrea?**

Other than indicating the total number and percentage of persons with disabilities in Eritrea, the 2010 EPHS does not provide information on women with disabilities. However, as indicated in 1.1 and 1.3 above, the survey provides for the total number of resident population and total number of persons with disabilities in Eritrea respectively. The survey also notes that the total women population represents 55 per cent of the Eritrean total resident population.<sup>8</sup> Thus, the number and percentage of women with disabilities can be referred by induction. As mentioned in 1.3 above, the number of persons with disabilities is 149 103. Thus, 55 per cent of the 149 103 would be women with disabilities, which would constitute around 82 000.

**1.5 What is the total number and percentage of children with disabilities in Eritrea?**

See the explanation given in 1.4 above.

In the context of children, nevertheless, the Survey does not provide for the total number and percentage of children under 18 years of age. It rather gives the total population percentage of children under 15 years to be 47 per cent of the total population of the country.<sup>9</sup> Thus, one would infer the total number and percentage

4 The 2010 Eritrea Population and Health Survey (n 3 above) Appendix E 'The Core Household Questionnaire' 417.

5 2010 Eritrea Population and Health Survey (n 2 above).

6 2010 Eritrea Population and Health Survey (n 2 above) XIX.

7 2010 Eritrea Population and Health Survey (n 2 above) 15.

8 2010 Eritrea Population and Health Survey (n 2 above) 11.

9 As above.

of children with disabilities in the country only in regard to children with disabilities under 15 years. In other words, as explained in 1.3 above, the total number of persons with disabilities in the country is 149 103. Therefore, 47 per cent of this figure in Eritrea or around 70 000 in number are children with disabilities under 15 years.

However, note that the following documents give a different figure on the total number and percentage of children population of the country. According to the Eritrea's 4th Report on the Implementation of the Convention on the Rights of the Child (CRC), the total number of children under 18 years of the population of Eritrea in 2010 was 1 474 904. This number constitutes 15,7 per cent of the total population of the country.<sup>10</sup> Nevertheless, for the same year, the Eritrea Country Program (CP) Document indicates that the population of children under 18 years was 2.6 million.<sup>11</sup>

### **1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Eritrea?**

According to the 2010 EPHS, the most prevalent forms of disability in Eritrea are vision, mental/intellectual and motion impairments.<sup>12</sup> However, the survey uses inappropriate terminologies, such as, dumbness and blindness. Physical disabilities and mental illnesses caused by war and landmines are the most prevalent form of disability in Eritrea due to the 30 years of liberation war from 1961 to 1991 and the border dispute war with Ethiopia from 1998 to 2000.

## **2 Eritrea's international obligations**

### **2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Eritrea? Did Eritrea sign and ratify the CRPD? Provide the date(s).**

No. Eritrea has not yet signed or ratified the CRPD.

### **2.2 If Eritrea has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Eritrea submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?**

See 2.1 above.

<sup>10</sup> Government of Eritrea, 4th Country Report on the Implementation of the Convention on the Rights of the Child, December 2011 See Eritrea: Basic indicators (Eritrea 4th Report on CRC) <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.ERI.4.doc> (accessed 21 November 2014).

<sup>11</sup> See Eritrea Country Program (CP) Document (n 4 above).

<sup>12</sup> The 2010 Eritrea Population and Health Survey (n 2 above) 15.

**2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Eritrea also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?**

• **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

In May 2014, Eritrea submitted its 5th report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women to the UN Committee on Elimination of Discrimination against Women. With regard to the rights of persons with disabilities, Eritrea reported on the enrollment rate of females with disabilities, in particular, the blind and the deaf, in the three special schools for students with disabilities.<sup>13</sup> It also reported on other measures relating to provisions of cash allowance, mobility appliances and involvement of community in volunteering services to persons with disabilities.<sup>14</sup> Nevertheless, the Committee has not yet reviewed this latest Eritrea report. In the single concluding observations in February 2006 with regard to the consideration of Eritrea's 1st, 2nd and 3rd Reports on the Implementation of CEDAW, the Committee did not make any recommendations on issues of women with disabilities.<sup>15</sup>

• **Convention on the Rights of the Child (CRC)**

In December 2011, Eritrea submitted its 4th country report on the implementation of the Convention on the Rights of the Child.<sup>16</sup> In this report, the country reported on the rights of persons with disabilities in general and on the rights of children with disabilities in particular. It focuses on community-based rehabilitation programmes, rights to land for farming and residence purposes, provisions of orthopedic appliances and donkeys, access to educational institutions, special schools, the DPOs, and other undertaken administrative and policy measures.<sup>17</sup> Despite the reported efforts, the report notes that a large number of children of school-going age with disabilities are still excluded from education.<sup>18</sup> The UN Committee on the Rights of the Child has not yet examined this report. Nevertheless, in its concluding observations in regard to the consideration of the consolidated 2nd and 3rd Report of Eritrea on the Implementation of the CRC in June 2008, the UN Committee on the CRC recommended:

- Continued awareness raising of children with disabilities, including their rights, special needs and potential;
- Collection of adequate statistical data on children with disabilities and to use such data in developing policies and programmes to promote their equal opportunities in society;

13 Government of Eritrea 5th Periodic Report on the Implementation of CEDAW due in 2012 and published in May 2014, para 31 (Eritrea 5th Report on CEDAW).

14 Eritrea 5th Report on CEDAW (n 13 above) paras 105-107.

15 UN Committee on the Elimination of Discrimination against Women (CEDAW) 'Concluding comments of the Committee on the Elimination of Discrimination against Women: Eritrea' CEDAW/C/ERI/CO/3 (3 February 2006) (Concluding Comments of the Committee on CEDAW on Eritrea's Report 2006) <http://www.refworld.org/docid/44118344c1.html> (accessed 22 November 2014).

16 Eritrea's 4th Report on CRC (n 10 above).

17 Eritrea's 4th Report on CRC (n 10 above) paras 20, 35, 72, 83, 180-188 & 324-331.

18 Eritrea's 4th Report on CRC (n 10 above) para 330.

- [Providing] children with disabilities with access to adequate social and health services, as well as to quality education; [and]
- [Ensuring] that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained.<sup>19</sup>

Accepting these recommendations, Eritrea reported in its 4th Report that the government took a number of measures, amongst others, to expand community-based rehabilitation programmes; raise awareness of community and of teachers, directors and supervisors; adapt elementary school textbooks to meet the needs of children with disabilities; construct resource rooms in various regions of the country; publish the first sign language dictionary; implement the donkey for school project; promote education for children with disabilities; and develop comprehensive policy on persons with disabilities and inclusive education policy.<sup>20</sup>

#### • The African Charter on the Rights and Welfare of the Child

In July 2012, Eritrea submitted its initial report on the implementation of the African Charter on the Rights and Welfare of the Child to the African Committee of Experts on the Rights and Welfare of the Child (ACRWC).<sup>21</sup> In this report, the Government of Eritrea reported on the rights of children with disabilities by focusing on establishment of community-based rehabilitation programmes, organisations of persons with disabilities and special schools.<sup>22</sup> However, the ACERWC has not yet considered the report.

#### • Universal Periodic Review

In November 2013, Eritrea submitted its 2nd Cycle Report on the Universal Periodic Review to the Working Group on the UPR of the UN Human Rights Council.<sup>23</sup> In this report, with regard to persons with disabilities, Eritrea reported on special needs education of children with disabilities.<sup>24</sup> The report states the long-term strategy of the government to provide inclusive education in all schools.<sup>25</sup> Several member states of the Working Group recommended that Eritrea should ratify the CRPD.<sup>26</sup> This was also one of the recommendations echoed in the first report of the Working Group in response to Eritrea's submission of the first report on UPR in 2009.<sup>27</sup> Eritrea accepted this recommendation and reported in its 2nd Cycle Report on UPR in 2013 that all the internal legal processes for ratifying the CRPD were finalised.<sup>28</sup>

19 UN Committee on Rights of the Child (CRC) 'Concluding observations on Eritrea after consideration of its consolidated 2nd and 3rd periodic report' CRC/C/ERI/CO/3 (23 June 2008) para 52 (Concluding Comments of the Committee on CRC on Eritrea's Reports 2008) <http://www.refworld.org/docid/4885cfaad.html> [accessed 21 November 2014].

20 Eritrea 4th Report on CRC (n 10 above) paras 20, 35, 180, 182, 185, 324-331.

21 Government of Eritrea 'Initial Report on the Implementation of the African Charter on the Rights and Welfare of the Child' submitted to the African Committee of Experts on the Rights and Welfare of the Child (July 2012) (Eritrea Initial Report on ACRWC), available at <http://acerwc.org/wp-content/uploads/2013/09/Initial-Report-on-African-Charter-on-Rights-and-Welfare-of-Child.doc> (accessed 3 November 2014).

22 Eritrea Initial Report on ACRWC (n 21 above) paras 29-33.

23 Government of the State of Eritrea '2nd Cycle National Report on the Universal Periodical Review (UPR)' (Eritrea 2nd Report on the UPR) <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/WG.6/18/ERI/1&Lang=E> (accessed 4 November 2014).

24 Eritrea 2nd Report on the UPR (n 23 above) para 20.

25 Eritrea 2nd Report on the UPR (n 23 above) paras 20 & 22.

26 United Nations Human Rights Council 'Report of the Working Group on the Universal Periodic Review Eritrea' A/HRC/26/13 (7 April 2014), Recommendations 122.15, 122.23, 122.24, 122.27-122.29 (Report of the UN Working Group on UPR on Eritrea 2014), available at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/26/13&Lang=E> (accessed 5 November 2014).

27 UN Human Rights Council 'Report of the Working Group on the Universal Periodic Review Eritrea' A/HRC/13/2 (4 January 2010) para 79, Recommendations 1, 7 & 8 (Report of the UN Working Group on the UPR on Eritrea 2010) <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/13/2&Lang=E> (accessed 5 November 2014).

28 Eritrea 2nd Report on UPR (n 23 above) paras 20 & 22.

**2.4 Was there any domestic effect on Eritrea's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Eritrea's legislature to incorporate it into the legal system before the instrument can have force in Eritrea's domestic law? Have Eritrea's courts ever considered this question? If so, cite the case(s).**

Eritrea is a dualist legal system with respect to relationship between international law and municipal law in its domestic affairs.<sup>29</sup> This relationship is not explicitly stated in the 1997 ratified but unimplemented Eritrean Constitution.<sup>30</sup> It is rather through interpretation of its provisions. Article 2(3) of the Constitution declares that the Constitution is 'the supreme law of the country'.<sup>31</sup> Thus, any laws, acts or orders of the state have to be in conformity with the provisions of the Constitution.<sup>32</sup> Pursuant to the Constitution, if international agreements, treaties and protocols are to form part of the country's national law and to become enforceable domestically, the National Assembly should ratify them by promulgating them in law.<sup>33</sup> Even so, since any laws inconsistent with the provisions of the Constitution are void, the validity of the rules of international law within the Eritrean domestic jurisdiction would be to the extent of their conformity with the country's Constitution.<sup>34</sup>

With regard to court cases on the status of international law within Eritrea's domestic jurisdictions, it is not easy to find information on court cases. The same also is true with court cases on national laws. Eritrea does not publish court judgments in journals or any other reporting systems. They are simply deposited in the archives of court registrars. Thus, the country does not yet have a case reporting system.

29 ACERC 'Harmonization of Children Laws in Eritrea country brief' 2-3 <http://www.acerwc.org/wp-content/uploads/2012/05/English-ACERC-Eritrea-Harmonisation-of-Laws-on-Children.pdf> (accessed 23 November 2014).

30 Ratified but unimplemented Constitution of 1997 (the Constitution). Pursuant to Proclamation No 55/1994, a Constitutional Commission was established to prepare a Draft National Constitution with popular participation. After a preparation of the Draft Constitution, Proclamation 92/1996 established a Constituent Assembly with the mandate of ratifying the drafted Constitution. Accordingly, the Constituent Assembly ratified the Draft Constitution on 23 May 1997. However, the ratified Constitution was never implemented into practice. Nevertheless, various government national reports and government high officials claim that the Constitution is in practice and cite its provisions in elaborating its implementation. See the full texts of the national reports cited in 2.3 below.

Recently, however, the President of the country, Isaias Afewerki, announced during his speech on the occasion of the 23rd Independence Day Celebrations on 24 May 2014 that a constitutional drafting process would be initiated to draft a new constitution. See the full text of the speech on the web-site of Eritrea's Ministry of Information: <http://www.shabait.com/news/local-news/17116-president-isaias-afewerkis-speech-on-the-occasion-of-the-23rd-independence-day-celebrations> (accessed 26 August 2015).

Noting that the 1997 ratified but unimplemented Constitution is the only constitution in the country consisting of the basic human rights and fundamental freedoms, the author of this report seeks to make reference to the provisions of this Constitution throughout the report in analysing the disability-related constitutional rights in the country.

31 Art 2(3).

32 As above.

33 Art 32(4).

34 Art 2(3).

**2.5 With reference to 2.4 above, has the CRPD or any other ratified international instrument been domesticated? Provide details.**

Eritrea has not yet domesticated any of the ratified international human rights instruments into its national law by an act of the National Assembly.<sup>35</sup> As to the CRPD, the country is not a signatory or ratifying state party to the CRPD.

However, since domestication of international law can also be done through incorporation of its contents into a country's domestic legal system, some legislation enacted in Eritrea following ratifications of international agreements by the Government have incorporated principles and obligations enshrined under the international human rights instruments. For example, the 2007 Female Circumcision Abolition Proclamation of Eritrea aims to protect the human rights of women, including those of women with disabilities, by eliminating by law one of the prevalent harmful practices performed against women in the country.<sup>36</sup> Moreover, in its 2013 2nd Cycle Report on UPR, Eritrea reported that the drafting process of new codes that will replace the transitional ones was in the final stage.<sup>37</sup>

### 3 Constitution

**3.1 Does the Constitution of Eritrea contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.**

Articles 14(3), 41(6)(C) and 52(1) of the 1997 Eritrean Constitution directly address issues relating to disability.<sup>38</sup> Its article 14 prohibits discrimination of persons on the ground of their disability by including 'disability' amongst the list of prohibited factors against discrimination.<sup>39</sup> Article 41(6)(C) and 52(1) of the Constitution mention physical or mental incapacity as a reason for removing the President and judges respectively.

**3.2 Does the Constitution of Eritrea contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

Due to the general non-discrimination clause in article 14 of the Eritrean Constitution, all the human rights and fundamental freedoms enshrined under it also apply indirectly to persons with disabilities on an equal basis with others.

<sup>35</sup> Art 32(4)

<sup>36</sup> Female Circumcision Abolition Proclamation 158 of 2007.

<sup>37</sup> Eritrea 2nd Report on UPR (n 23 above) para 5.

<sup>38</sup> The Constitution, arts 14 (3), 41 (6)(C) & 52(1). Also, see the text relating to the brief background of the ratified but unimplemented 1997 Eritrean Constitution in (n 30 above).

<sup>39</sup> Art 14(2).

## 4 Legislation<sup>40</sup>

### 4.1 Does Eritrea have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

- **The 2004 'Goods for the Disabled Government Assistance Regulation'**  
Eritrea has only one disability-specific regulation: the 2004 'Goods for the Disabled Government Assistance Regulation'.<sup>41</sup> The objective of the regulation is to provide full or partial government assistance to persons with disabilities with respect to customs duties on imported goods specifically designed for their use.<sup>42</sup>

The other disability-related provisions in Eritrea are scattered in the various general laws of the country. The following are the main ones.

- **Transitional Civil Code of 1991**  
Articles 339-379, 591, 628, 670, 791, 863, 1728(3) and 1729(1) are provisions that directly address issues on disability or persons with disabilities.<sup>43</sup>

Articles 339-379 of the Code lay down the rights, powers and limitations of insane, infirm and judicially interdicted persons. Articles 343-344 of the Code stipulate that consent is deemed to be vitiated in the following circumstances: (1) juridical acts performed by a person at the time and in a place in which his state of insanity was notorious, (2) juridical acts performed by a person where the infirmity which renders such person unfit to take care of himself and to administer his property is apparent. This defect may result an annulment of the acts on the ground of error. In the context of marriage, for instance, article 591 of the Civil Code relating to Family Law states that the consent to marry may be vitiated if the spouse has an

error regarding the state of health or the bodily conformation of the (other) spouse, who is affected by leprosy or who does not have the requisite organs for the consummation of the marriage.<sup>44</sup>

40 The discussion in this sub-section is taken from the author's article (n 1 above) 53-63 & 68. Unless ideas are paraphrased, the author of this report has maintained the original footnoting. Moreover, the discussion of this section and section 11 of this report relating to disability legislative rights is drawn from provisions of the transitional codes of 1991 and other proclamations and regulations promulgated between 1991 and May 2015. Following the liberation of the country from Ethiopia in 1991, the Eritrean Government adopted all the then existing Ethiopian codes with some minor amendments as transitional codes. The codes, which were adopted as transitional ones were: the Civil Code, the Penal Code, the Civil Procedure Code, the Penal Procedure Code, the Commercial Code and the Maritime Code. In May 2015, the Eritrean Government published new codes replacing the 1991 Transitional Civil Code, the 1991 Transitional Penal Code, the 1991 Transitional Civil Procedure Code and the 1991 Transitional Penal Procedure Code. See the news posted on Eritrea's Ministry of Information web-site: <http://shabait.com/news/local-news/19792-goe-puts-into-effect-civil-and-penal-codes-and-associated-procedures> (accessed 25 August 2015). It was also reported that a new Commercial Code was to be published in the near future. Despite this new legal development, the author of this report does not seek to analyse the provisions of these newly adopted laws due to time constraint and being a very recent development.

41 Goods for the Disabled Government Assistance Regulation Legal Notice 82 of 2004.

42 As above.

43 Transitional Civil Code of 1991 (the Civil Code).

44 As above.



In a divorce, according to article 670 of the Civil Code, a confinement of one of the spouses in a lunatic asylum since not less than two years is mentioned as one of the serious causes for divorce.<sup>45</sup>

However, 'judicial acts performed by a person may not be impugned on the grounds of his insanity where his condition is not notorious'.<sup>46</sup> For example, article 863 of the Civil Code relating to Succession Law states, a will may not be invalidated unless the testator was notoriously insane.<sup>47</sup>

Articles 351-357 of the Civil Code provide provisions on procedures for declaration of insane and infirm persons as judicially interdicted persons. The subsequent articles determine the rights and limitations of judicially interdicted persons. Pursuant to article 368 of the Civil Code, a judicially interdicted person cannot make a will during his/her interdiction period. As articles 369 and 628 of the Code stipulate, a judicially interdicted person has the right to enter into a marriage contract with permission of a court. To request for divorce, as article 370(1) of the Code states, a consent of the judicially interdicted person and of his/her guardian is required.<sup>48</sup> According to articles 370(2) and 791 of the Civil Code, an application for disowning a child can be instituted either by the judicially interdicted person or by his/her guardian. In terms of medical treatment, according to article 20(3) of the Transitional Civil Code, a judicially interdicted person may not refuse to submit himself/herself to medical examination or treatment. It is up to his/her guardian.<sup>49</sup> According to article 1729(1) relating to General Contracts, judicially interdicted persons cannot also be witnesses in contracts.<sup>50</sup> In general, during the declaration of the interdiction decision or after, the court may specify certain acts the judicially interdicted person may perform himself/herself.<sup>51</sup>

- **Labour Proclamation No 118/2001**

Articles 3(30), 63-64 and 70-83 of the Labour Proclamation contain provisions that directly address disability-related issues.<sup>52</sup> Articles 63 and 64 of the Labour Proclamation aim to regulate the working conditions of the disabled.<sup>53</sup> Article 64(1) further prohibits discrimination of the disabled on the ground of their disability in cases of employment opportunities, treatment and employment remuneration. Articles 70-83 of the Labour Proclamation also regulate employment injuries, occupational diseases, and their associated services and benefits, such as, disability compensation.<sup>54</sup> Nevertheless, the provisions of this chapter do not apply to injuries or disabilities sustained before the commencement or outside the scope of employment.

- **'Proclamation No 146/2005 to Determine the Rights and Obligations of Employees, Beneficiaries and the Employer under the Public Sector Pension Fund'**

Articles 2(17), 10(1)(B-C), 11(1)(B) and 24 of this Public Sector Pension Proclamation specifically address issues on disability.<sup>55</sup> According to articles 10 and 11 of the Proclamation, employees, who contribute to the Pension Fund and who retire from their pensionable employment or service due to permanent and

45 Art 670 of the Civil Code.

46 Art 347(1) of the Civil Code.

47 Art 863 of the Civil Code.

48 Art 370(1) of the Civil Code.

49 Art 20 (3) of the Civil Code.

50 Art 1729(1) of the Civil Code.

51 Art 371 of the Civil Code.

52 Labour Proclamation 118 of 2001 (the Labour Proclamation) arts 3(30), 63-64 & 70-83.

53 Chap 3, arts 63-64 of the Civil Code.

54 Chap 5, arts 70-83 of the Civil Code.

55 Proclamation to Determine the Rights and Obligations of Employees, Beneficiaries and the Employer under the Public Sector Pension Fund 146 of 2005 (the Pension Proclamation).

total disability, are entitled to their pension or gratuity benefits depending on the number of contributions paid.<sup>56</sup>

• **Proclamation on the Establishment of Community Courts No 132/2003**

With regard to elections, the Proclamation on the Establishment of Community Courts bars citizens with chronic mental problems from standing for election as judges.<sup>57</sup>

• **Proclamation on Election of Regional Assemblies No 140/2004**

The Proclamation on the Election of Regional Assemblies also prohibits persons with mental impairments from voting.<sup>58</sup> On a positive note, article 12 of this Election Proclamation guarantees the blind and other disabled persons to be accompanied by a person of their choice during the voting process.<sup>59</sup>

• **Nationality Proclamation No 21/1992**

Article 4 of the Eritrean Nationality Proclamation contains a discriminatory provision on granting Eritrean nationality by naturalisation against persons with disabilities who are not of Eritrean origin and have entered and resided in Eritrea in 1952 or after.<sup>60</sup> It states that any person who is not of Eritrean origin and has entered, and resided in Eritrea in 1952 or after should, amongst other things, be 'free of any of the mental or physical handicaps ... will not become a burden to Eritrean society and can provide for his own and his family's needs'.<sup>61</sup>

• **National Service Proclamation No 82/1995**

The National Service Proclamation obliges all adult citizens, men and women, between the ages of 18 and 40 to render compulsory national service consisting of six months of military training and twelve months of service in military duties or national development activities.<sup>62</sup> The Proclamation exempts individuals with disabilities, including those with mental illness, from national service or part of the military training.<sup>63</sup>

• **Transitional Penal Code of Eritrea (1991)**

Articles 48, 49, 133-137, 559, 589(B) and 591(1) of the Penal Code are the relevant criminal provisions directly addressing disability issues.<sup>64</sup>

According to article 48 of the Penal Code, a person is not criminally 'responsible for his acts when, owing to age, abnormal or deficient condition was not, at the time of his act, fully capable of understanding the nature and consequences thereof ...' Articles 133-137 of the Code also contain provisions concerning confinement and treatment of offenders with mental illness or impairments.<sup>65</sup>

With regard to crimes committed upon persons with disabilities, article 559 of the Penal Code stipulates that an abduction of an 'insane, idiot or feeble-minded woman' is an offence and is punishable with rigorous imprisonment not exceeding five years. Also, article 591(1) of the Code stipulates that sexual intercourse or any

56 Arts 10(1)(B-C) & 11(1)(B) of the Pension Proclamation.

57 Proclamation on Establishment of Community Courts 132 of 2003, art 4 (the Community Court Proclamation).

58 Proclamation on Election of Regional Assemblies 140 of 2004 (the Regional Election Proclamation) art 5 (2).

59 The Regional Election Proclamation (n 58 above) art 12(G)(1).

60 Nationality Proclamation 21 of 1992 (the Nationality Proclamation) art 4(2)(D).

61 As above.

62 National Service Proclamation 82 of 1995 (the National Service Proclamation) art 8.

63 The National Service Proclamation (n 62 above) arts 13 & 15.

64 Transitional Penal Code of 1991 (the Penal Code) arts 48, 49, 133-137, 559, 589(B) & 591(1).

65 Arts 133-137 of the Penal Code.

other indecent act with an idiot, a feeble-minded, or insane person is punishable with rigorous imprisonment not exceeding five years or with simple imprisonment for not less than three months. Note here the inappropriate terminologies used under articles 559 and 591 of the Transitional Penal Code in the above relating to persons with disabilities.

**4.2 Does Eritrea have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.**

See the discussion in 3.2 above.

All national laws of Eritrea are also applicable to persons with disabilities because of the nature of their general application. Amongst other things, the national laws include: the Transitional Civil Code,<sup>66</sup> Transitional Penal Code,<sup>67</sup> Transitional Commercial Code,<sup>68</sup> Transitional Maritime Code,<sup>69</sup> Transitional Civil Procedure Code,<sup>70</sup> Transitional Criminal Procedure Code,<sup>71</sup> Nationality Proclamation No 21/1992,<sup>72</sup> National Service Proclamation No 82/1995,<sup>73</sup> Land Proclamation No 58/1994,<sup>74</sup> Labour Proclamation No 118/2001,<sup>75</sup> Water Proclamation No 162/2010,<sup>76</sup> Proclamation No 146/2005 to Determine the Rights and Obligations of Employees, Beneficiaries and the Employer under the Public Sector Pension Fund,<sup>77</sup> Martyrs' Survivors Benefit Proclamation No 137/2003,<sup>78</sup> Proclamation on Establishment of Community Courts No 132/2003,<sup>79</sup> and Proclamation on Election of Regional Assemblies No 140/2004.<sup>80</sup>

## 5 Decisions of courts and tribunals

**5.1 Have the courts (or tribunals) in Eritrea ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.**

As explained in 2.4 above, Eritrea does not have a case reporting system. As a result, court cases are not easily available for reference. The only way to track court cases is by conducting research into court files in the archives of court registrars throughout the country.

66 The Civil Code (n 43 above).  
 67 The Penal Code (n 64 above).  
 68 Transitional Commercial Code of 1991.  
 69 Transitional Maritime Code of 1991.  
 70 Transitional Civil Procedure Code of 1991.  
 71 Transitional Criminal Procedure Code of 1991.  
 72 The Nationality Proclamation (n 60 above).  
 73 The National Service Proclamation (n 62 above).  
 74 Land Proclamation 58 of 1994 (the Land Proclamation).  
 75 The Labour Proclamation (n 52 above).  
 76 Water Proclamation 162 of 2010.  
 77 The Pension Proclamation (n 55 above).  
 78 Martyrs' Survivors Benefit Proclamation 137 of 2003.  
 79 The Community Court Proclamation (n 57 above).  
 80 The Regional Election Proclamation (n 58 above).

## 6 Policies and programmes

### 6.1 Does Eritrea have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.

- **National Disability Policy**

The Government of Eritrea reported in its 2011 4th Country Report on the Implementation of the CRC that it has drafted and prepared a comprehensive national disability policy.<sup>81</sup> However, during research of this country report on Eritrea no draft or official version of this policy were traced.

The Government also repeatedly reported in its various national reports submitted to international and regional human rights mechanisms that it has programmes providing for orthopaedic appliances, cash allowances, educational materials, provision of education in special schools, establishment of community-based rehabilitation programmes and so on, for persons with disabilities in Eritrea. For more details, see also 2.3 above.

### 6.2 Does Eritrea have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.

- **2010 National Health Policy**

The 2010 Eritrean National Health Policy affirms as a principle that the provision of health care services should be equitably promoted 'to all people regardless of their location, ethnicity, gender, age, social, economic, cultural and political status'.<sup>82</sup> It does not, however, contain detailed guidelines, standards or norms on persons with disabilities or disability. One important feature in the National Health Policy in the context of disability is that it provides for a rehabilitative health care and gives strategic directions to strengthen this health care by undertaking preventative and rehabilitative interventions to reduce disabilities caused by injuries.<sup>83</sup> Sadly, the Policy considers disabilities, blindness, deafness and mental disorders amongst the non-communicable disease.<sup>84</sup>

- **The 2010 National Education Policy**

Affirming that education is a fundamental human right, the 2010 Eritrean National Education Policy aims to make basic education available to all free of charge.<sup>85</sup> It does not, however, contain specific guidelines or principles on disability or persons with disabilities.

81 Eritrea 4th Report on CRC (n 10 above) paras 72 & 83.

82 National Health Policy of Eritrea (March 2010) 16.

83 National Health Policy of Eritrea, 19.

84 National Health Policy of Eritrea, 18.

85 National Education Policy of Eritrea (September 2010) para 2.

## **7 Disability bodies**

- 7.1 Other than the ordinary courts and tribunals, does Eritrea have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.**

No. Eritrea does not have such bodies.

- 7.2 Other than the ordinary courts or tribunals, does Eritrea have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.**

No.

## **8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector**

- 8.1 Does Eritrea have a Human Rights Commission, an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, the Ombudsman or Public Protector of Eritrea has ever addressed issues relating to the rights of persons with disabilities.**

No. Not even the 1997 ratified Eritrean Constitution provides for provisions for the establishment of such bodies.

## **9 Disabled peoples organisations (DPOs) and other civil society organisations**

- 9.1 Does Eritrea have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.**

According to the several national reports of Eritrea on implementations of regional

and international human rights instruments, there are four associations of persons with disabilities in Eritrea.<sup>86</sup> They are:

- **Eritrean National war-Disabled Veterans Association (ENWDVA)**

The Main objective of this association is to rehabilitate and integrate war-disabled veterans into society.

- **Eritrean Association of the Blind (ERNAB)**

It provides assistance and service for its members and aims to advocate for the rights of the blind in the country.

- **Eritrean National Association of the Deaf (ERINAD)**

It aims to integrate the deaf into the Eritrean community; represent the interests and voices of the Eritrean deaf; and to ensure access to comprehensive services and equal opportunities.<sup>87</sup>

- **National Association of Autism and Down syndrome**

As it presently stands, this is a parent support group, and is an association of families of children with autism and down syndrome. It aims to raise awareness and enhance the educational opportunities for children with autism and down syndrome.

## **9.2 In the countries in Eritrea's region (East Africa) are DPOs organised/ coordinated at national and/or regional level?**

No unifying single umbrella organisation of DPOs exists at a national level in Eritrea that could collectively voice disability issues.<sup>88</sup>

## **9.3 If Eritrea has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?**

See 2.1 above.

## **9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?**

See 2.1 above.

## **9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

See 2.1 above. DPOs' role in the country in implementing international and regional instruments is little or not at all. Even so, they encounter a multiple of barriers in conducting many of their activities, especially relating to lobbying, advocating, and playing a role in bringing about pertinent national policy and legal reforms on the rights of persons with disabilities. For some of the barriers, see 9.9 below in the light of recommendations for enhancing the role of DPOs in implementing international and regional human rights instruments.

86 See, for example, Eritrea 4th Report on CRC (n 10 above) para 181.

87 Constitution of Eritrean National Association of the Deaf (ERINAD) (1998) <http://www.enadeu.org/erinad/about-erinad> (accessed 2 December 2014).

88 Abbay (n 1 above) 55.

**9.6 Are there specific instances that provide ‘best-practice models’ for ensuring proper involvement of DPOs?**

See 2.1 above.

**9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

See 2.1 above.

**9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

See 2.1 above.

**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

For DPOs to be empowered to take a leading role in the implementation processes of international or regional human rights instruments, the following should occur:

- First, DPOs should have good knowledge and information about the contents and implementation processes of the international and regional human rights instruments.
- Second, they should receive relevant education and training to develop their research and advocacy capacity skills not only to play a role in implementing international and regional human rights instruments but also to advocate and lobby for required legal reforms and for the protection of the rights of persons with disabilities.
- Third, they should have adequate financial resources, technical and other support to undertake their activities.
- Fourth, DPOs, representing various persons with disabilities with different types of disabilities within the disability community, should forge to have one voice for the disability community as a whole, instead of creating unnecessary competitions and conflicts amongst them.
- Fifth, DPOs should strengthen their organisational structures and create relations with other DPOs and advocating groups for the rights of persons with disabilities.

**9.10 Are there specific research institutes in the region where Eritrea is situated (East Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

No.

## 10 Government departments

### 10.1 Does Eritrea have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

The Rehabilitation and Integration Division of the Social Welfare Department within the Ministry of Labour and Human Welfare of the Eritrean Government is the government body responsible for issues relating to disability and persons with disabilities. Although the mentioned body is not specific to disability-related issues, it works in collaboration with other relevant government bodies, such as, the Ministry of Education, Ministry of Health, and so on. As reported in the 4th Periodic Report on the Implementation of the CRC by Eritrea,<sup>89</sup> some of the activities conducted by the Ministry of Labour and Human Welfare of the Eritrean Government include:

It drafted a comprehensive national policy on persons with disabilities.<sup>90</sup> It established community rehabilitation programmes (CBR) in areas covering over 90 per cent of the country.<sup>91</sup> Moreover, it provided children with disabilities with various orthopaedic appliances.<sup>92</sup> It also provided many students with disabilities, who reside in inaccessible villages, with donkeys and accessories to enable them attending schooling.<sup>93</sup>

Other activities by the Ministry of Education of the Government include:

It conducted training courses and workshops to promote the education of children with special needs. It prepared policy, strategy and guideline on special needs education and inclusive education. It also undertook curriculum modifications to accommodate the special educational needs of children with learning difficulties. It conducted pilot special needs education classes in some regions of the country. Moreover, it provided an orientation course on inclusive education to suit the needs of children with disabilities.<sup>94</sup>

89 Eritrea 4th Report on CRC (n 10 above) paras 72, 83, 180, & 184-187.

90 Eritrea 4th Report on CRC (n 10 above) paras 72 & 83.

91 Eritrea 4th Report on CRC (n 10 above) paras 180 & 184.

92 Eritrea 4th Report on CRC (n 10 above) para 187.

93 Eritrea 4th Report on CRC (n 10 above) paras 185-186.

94 Eritrea 4th Report on CRC (n 10 above) paras 324, 325 & 331.



## 11 Main human rights concerns of people with disabilities in Eritrea<sup>95</sup>

### 11.1 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

- **Access to physical and environmental structures**

Inaccessible physical and environmental structures and buildings is another concern and challenge persons with disabilities encounter in their daily activities in Eritrea. This negatively affects how persons with disabilities in the country enjoy and exercise the existing rights relating to political participation, education, health, employment, transportation, housing, cultural and leisure and other available social services. The country has not yet adopted a modern regulation on construction of buildings that takes into account the needs and concerns of persons with disabilities. The current law is out-dated, being introduced in 1938 during the Italian colonisation.<sup>96</sup>

Relating to other contemporary challenges of persons with disabilities in Eritrea and their legal responses, see the other sub-sections of this section below. See also sections 3 and 4 above.

### 11.2 Do people with disabilities have a right to participation in political life (political representation and leadership) in Eritrea?

As stated in 3 above, the only mention of disability in the 1997 Eritrean Constitution is in the non-discrimination clause in article 14.<sup>97</sup> Therefore, the application of the constitutional provisions relating to the right to participation in political and public life is through the general application of the provisions.

Article 7(1) of the Eritrean Constitution affirms the right of citizens (including citizens with disabilities, my emphasis) to active participation in all political, economic, social and cultural life of the country as a fundamental principle of the state. Article 7(4) of the Constitution further guarantees citizens, including citizens with disabilities, the right to equal opportunity to participate in any leadership position in the country. Article 19(5) of the 1997 Constitution also guarantees citizens, including citizens with disabilities, the right to assemble and demonstrate

95 The discussion in this sub-section are also either taken or adopted from the author's article (n 1) No population census has ever been conducted in Eritrea. Thus, population estimates, which are indicated in various scholarly research materials and government documents, vary from 3 to 6 million. The 2010 Eritrea Population and Health Survey (the 2010 EPHS), the 3rd in its series after the country's 1991 de-facto independence, puts the country's total resident population in 2010 to be 3.2 million. However, another government document, the Country Program (CP Document 2013-2016), gives a different figure, 3.8 million, by citing the same survey. In answering the questions relating to population indicators of this report, the report relies on the 2010 EPHS. above) 55-57 & 63-72. Except when ideas are paraphrased, the author of this report has maintained the original footnoting.

96 I Yemane 'Beyond affirmative action: Guaranteeing equality of opportunity for the disabled in employment through assistive technology' unpublished LLB thesis, University of Asmara, 2006 sec 2.2.2.2.

97 The Constitution (n 30 above) art 14.

peaceably. Article 19(6) of the Constitution further recognises the right of citizens to form organizations for political, social, economic and cultural purposes.

Article 20 of the Constitution also affirms the right to vote and to be elected to an elective office. However, the government has not yet enacted national election legislation. The only election legislation in the country is in regard to regional assemblies.<sup>98</sup> As stated in 4.1 above, the Proclamation on the Election for Regional Assemblies excludes persons with mental impairments from voting. Similarly, the Proclamation on the Establishment of Community Courts prohibits citizens with chronic mental problems from standing for election as judges.<sup>99</sup>

### 11.3 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in your country?

The entitlement of persons with disabilities to social and economic rights under the 1997 Eritrean Constitution is through interpretation and application of the general provisions. The Eritrean Constitution obliges the state to provide to all citizens, including citizens with disabilities, health, education, cultural and other social services within the limits of the country's resources. Moreover, the state has the responsibility to ensure social welfare to all citizens and in particular that of the disadvantaged groups, which also include citizens with disabilities.<sup>100</sup>

#### • Health and rehabilitation services

As stated above, the right to health is amongst the social services provided for under the 1997 Constitution. The 2010 Eritrean National Health Policy also affirms as a guiding principle that the provision of health care services should be equitably promoted 'to all people regardless of their location, ethnicity, gender, age, social, economic, cultural and political status'.<sup>101</sup> The 1994 Macro Policy of the Eritrean Government also seeks to establish a public health care system to which the general population has easy access.<sup>102</sup> Public health care services are available for no or nominal fees to the public, particularly to those living in extreme poverty. Due to the poor economic growth of the country, however, the supply and distribution of essential medical drugs are inadequate. Up to date, Eritrea has not adopted mental health legislation.

In terms of rehabilitation services, persons with disabilities in Eritrea very often do not receive adequate rehabilitation services. The Ministry of Labour and Human Welfare of the Government makes efforts to distributing orthopaedic appliances and other materials with the goal of alleviating some of their mobility problems. Nevertheless, the distribution and types of appliances are very limited and are insufficient to meet the needs of persons with disabilities. For instance, as reported in the 4th Report on the Implementation of the CRC, only 300 children with disabilities received orthopaedic appliances between 2008 and 2010.<sup>103</sup> The Eritrean Government also undertakes community-based rehabilitation (CBR) programmes in 51 sub-regional administrations, covering over 90 per cent of the country's territory.<sup>104</sup>

98 The Regional Election Proclamation (n 58 above).

99 The Community Court Proclamation (n 57 above).

100 The Constitution (n 30 above) art 21(2).

101 National Health Policy (n 82 above) 15.

102 *Macro Policy* of Eritrea November 1994 11, § 3.

103 Eritrea 4th Report on CRC (n 10 above) para 187.

104 Eritrea 4th Report on CRC (n 10 above) paras 180 & 183-184.

- **Education**

The 1997 Eritrean Constitution requires the state to make education available to all citizens. From independence of the country up to present, not only basic primary level education is free and compulsory, but also all publicly funded levels of schooling in Eritrea are provided to the public, including to persons with disabilities, for free. Nevertheless, as acknowledged in Eritrea's 4th Periodic Report on the Implementation of the CRC, a large number of children with disabilities do not attend school.<sup>105</sup> The 2010 EPHS also indicated that 8 per cent of school-aged females and 15 per cent of males mention disability or health problems as a reason for not attending a school.<sup>106</sup> Even those who attend do not receive adequate educational support.<sup>107</sup> According to this report, in the academic year of 2009/2010, there were 14 036 students with disabilities, out of which, 44 per cent attended elementary, 31 per cent middle school, and 25 per cent secondary school.<sup>108</sup> There are three special elementary schools for persons with disabilities in Eritrea: One school for the blind and two schools for the deaf. The rate of enrolment of students with disabilities in these three special schools is very low. As reported in Eritrea's 5th Report on implementation of the CEDAW, the total number of students with disabilities enrolled in the three special schools in the academic year of 2011/2012 was 252, out of which, 67 were with vision impairment, and the rest, 185, were with hearing impairments.<sup>109</sup> After completing their studies at the special elementary schools, students with disabilities are integrated into mainstream educational institutions with little or no resources allocated to meet their particular needs.

- **Social security**

As stated above, the 1997 Eritrean Constitution obliges the government to 'secure, within available means, the social welfare of all citizens and particularly those disadvantaged'.<sup>110</sup> So far, the government has not yet enacted a social welfare legislation that applies to all citizens. There are, however, legislation on some benefit/payment schemes laws for some groups of citizens. For instance, Proclamation No 146/2005 establishes pension rights to regular employees in the civil service and their beneficiaries.<sup>111</sup> The Martyrs' Survivors Benefit Proclamation also provides tax-free benefit payments to the survivors of the martyrs.<sup>112</sup> Other programmes of the government include: monthly benefit payments to the war-disabled citizens,<sup>113</sup> and Taking care severely war-disabled citizens in care-giving institutions.<sup>114</sup> However, other than for blind students enrolled in middle and high school education, no regular benefit payment schemes are created for persons whose disabilities are caused by other reasons, such as, diseases, landmines, accidents, and so on.<sup>115</sup>

105 Eritrea 4th Report on CRC (n 10 above) para 330.

106 The 2010 Eritrea Population and Health Survey (n 2 above) 21.

107 Eritrea 4th Report on CRC (n 10 above) para 330.

108 Eritrea 4th Report on CRC (n 10 above) para 328.

109 Eritrea 5th Report on CEDAW (n 13 above) paras 30-31.

110 The Constitution (n 30 above) art 21(2).

111 The Pension Proclamation (n 55 above).

112 The Martyrs' Survivors Proclamation (n 78 above).

113 It is a known fact that 'war-disabled fighters' in Eritrea receive monthly payments from the Government.

114 There are institutions that only provide care for 'war-disabled fighters'. There is one such centre in Asmara (the capital city) and another in May-Habar town.

115 Many of my friends who do not have any means of supporting themselves are not receiving such monthly payments from the government after completion of their secondary school studies.

#### 11.4 Case studies of specific vulnerable groups

- **Women with disabilities**

Regarding the total population of women with disabilities in Eritrea, see 1.4 above. Although no or little research has been conducted relating to the lives of women with disabilities in Eritrea women with disabilities in the country are subjected to more discrimination, exclusion, abuse, and prejudice in the Eritrean society than men with disabilities. The discrimination and exclusion they encounter in their daily lives is not only because of their disability but also of their gender.

- **Children with disabilities**

Regarding the total number and percentage of children with disabilities in Eritrea, see 1.5 above. Like on women with disabilities, no or little research has been done on the lives of children with disabilities in Eritrea. Children with disabilities are vulnerable to more discrimination, exclusion, abuse, and prejudice than other children with no disability. The discrimination and exclusion they experience is both due to their disability and age. Thus, the interests, needs and concerns of children with disabilities are often ignored than those of non-disabled peers.

## 12 Future perspective

### 12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Eritrea at the moment?

According to the research there was no or little discussion on legal issues relating to the rights of persons with disabilities in Eritrea. The legal measures mentioned in the national reports by the country were a preparation of a comprehensive disability policy, which has never been final and official, and a finalisation of internal judicial procedures for ratifying the CRPD, which has not yet resulted in a ratification of the Convention.

### 12.2 What legal reforms would you like to see in Eritrea? Why?

Eritrea needs to take a number of constitutional and legislative reforms with the goal of improving and ensuring the promotion and protection of the human rights of persons with disabilities. As it is elaborated in 3, 4, and 11 in the above, the country does not provide adequate guarantees and legal protections for the rights of persons with disabilities. Amongst the required possible reforms would be:

It is overdue for the country not only to implement its unenforced 1997 ratified Constitution but also make amendments into it to include more constitutional protections for the rights of persons with disabilities. It should also adopt a disability policy and comprehensive disability legislation that promote and protect the human rights of persons with disabilities. Moreover, as explained in 3, 4 and 11 of this report, the scattered disability-related provisions under the various national laws of the country do not adequately protect, ensure and fulfil the human rights and fundamental freedoms of persons with disabilities. They should, therefore be revised and reformed to bring them in conformity with international disability human rights, norms and standards. Lastly, at international level, Eritrea is not yet a state party to the CRPD and its Optional Protocol, and thus, should ratify them as soon as possible.