

Violence against Girls in Eritrea

A Report to the Committee on the Rights of the Child

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THIRTY-THIRD SESSION – 19 MAY - 6 JUNE 2003		
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1. Preliminary Observations

The submission of specific information on violence against girls to the Committee on the Rights of the Child forms part of the Violence Against Women Programme of OMCT, which focuses on the integration of a gender perspective into the work of the United Nations human rights treaty monitoring bodies.

The Convention on the Rights of the Child (hereinafter “Convention”) establishes standards for the protection of girls from physical and psychological violence in the home, in the community and at the hands of State officials. The Convention uses both feminine and masculine pronouns in its provisions and it stresses in Article 2(1) that : “State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s ... sex.” Among the rights that States Parties must protect regardless of sex, are: the right to life; the right to be free from violence, mistreatment and exploitation while under the care of a parent or other guardian; the right to be free from harmful traditional practices; the right against sexual exploitation and abuse; and the right against torture. Importantly, Article 39 provides that “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any form of cruel inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

The reporting guidelines of the Committee on the Rights of the Child contain an umbrella clause which requests States Parties to provide gender-specific information, statistical data and indicators on various issues covered by the Convention on the Rights of the Child. The particular situation of the girl child is also addressed more specifically in certain Articles. For example, with respect to Article 1 of the Convention (definition of the child), the Committee on the Rights of the Child has identified gender-specific issues of particular relevance to the girl child, including, for example, the minimum age for marriage, which can be problematic where it is set at a very young age for girls. With respect to Article 2 (non-discrimination), States Parties are requested to provide information

“on the specific measures taken to eliminate discrimination against girls and when appropriate indicate measures adopted as a follow-up to the Fourth World Conference on Women.”¹

Eritrea ratified the Convention on the Rights of the Child in April 1994, shortly after gaining its independence from Ethiopia. However, OMCT notes with concern that Eritrea has not ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which is particularly relevant for Eritrea because of its long history of hostilities with Ethiopia. Eritrea has also failed to sign the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

With regard to girls, Eritrea has acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (September 1995). However, OMCT regrets that Eritrea is not a party to the Optional Protocol, which provides the framework for the Committee on the Elimination of Discrimination Against Women to hear individual complaints and to conduct inquiries into grave systematic violations of women’s rights.

Notably, the government of Eritrea has failed to sign the Convention Against Torture. Eritrea has ratified the International Covenant on Economic, Social and Cultural Rights (April 2001), the International Covenant on Civil and Political Rights (January 2002), and the International Convention on the Elimination of All Forms of Racial Discrimination (August 2001).

Eritrea gained independence in April 1993 through a referendum after 30 years of war with Ethiopia. Since that time, the conflict between Eritrea and Ethiopia has continued, eventually resulting in the establishment of a UN Mission for the two countries in 2000 to help keep the peace.² The continuous state of conflict in the region has been detrimental for the human rights of Eritreans in general. It has been reported that human rights abuses, committed by both Eritreans and Ethiopians, during the years of fighting, were rampant. More recently, in Eritrea, there has been increasing oppression of free speech and freedom of assembly, as well as problems with arbitrary arrests and detentions. In particular, reports indicate the growing persecution of journalists and dissidents³ leading to Eritrea’s label as the only country in Africa without a private press.⁴

There are also reports of detentions without trial and unfair trials.⁵

The State report from the government of Eritrea to the Committee on the Rights of the Child, U.N. Doc. CRC/C/41/Add.12 (2002), specifically recognizes discrimination against the girl child in several respects, including the prevalence of female genital mutilation (FGM), the common occurrence of early marriages for girls, division of labor in the home which puts an undue burden on the girl child, disparities in education between girls and boys, and the particular effect of armed conflict on the girl child.⁶ While OMCT commends the government for its candour concerning some of the gender-specific problems faced by girl children, it remains concerned that domestic violence and incest are not adequately addressed and there is also insufficient information concerning the occurrence of rape.

This report will focus on the linkage between gender and violence against girls in Eritrea. Attention is given to the manner in which gender and age shape the form of violence, the circumstances in which this violence occurs and its consequences. Specific attention is given to domestic violence; traditional practices that violate the human rights of girls, including female genital mutilation; rape; child soldiers and girls in emergency situations.

2. Status of Women and Girls

The Constitution of Eritrea has strong protections of women's rights, a reflection of the high status women attained by participating in the liberation struggle as fighters. However, the respect women gained through the war and the resulting gender sensitive laws are in direct contrast to the traditional Eritrean attitude towards women and girls.

Provision for women's rights begins with the Preamble of the Constitution: "Noting the fact that the Eritrean women's heroic participation in the struggle for independence and solidarity based on equality and mutual respect generated by such struggle will serve as an unshakable foundation for our commitment and struggle to create a society in which women and men shall interact on the bases of mutual respect,

fraternity and equality.” The Constitution also provides for the interpretation of the Constitutional language so that it applies equally to men and women (Article 5), the protection of women’s human rights (Article 7), the prohibition of discrimination on the basis of sex (Article 14), and equality in family life (Article 22). However, despite these strong protections, the government applies these laws in an unbalanced way, resulting in inadequate protection of women’s rights, because of deeply entrenched cultural attitude towards women and an ineffective judicial system.⁷

Because of Eritrea’s recent establishment as a nation, the laws of country continue to be in transition. The Transitional Codes are in the process of being revised and Draft Penal, Civil, Civil Procedure, Criminal Procedure and Commercial Codes have been developed but they have not yet come into force. Where appropriate, this report examines the law under the Transitional Code and notes whether the Draft Code foresees changes with respect to that law.

Although Eritrea is composed of several different cultures, with differing perspectives towards women, customary views generally dominate many areas of society and are often discriminatory towards women and girls. This is especially true within the realm of the family, and is thus, extremely important when examining the rights of girls. For example, beginning at age 3-4, girls are accorded different treatment than boys as they are kept within the home while boys are able to play outside. By age 5, girls have begun to learn household chores and they move more towards their traditional domestic role, including “caring for their siblings, fetching wood and water, cooking, grinding, washing, and weaving baskets.”⁸ Many families anticipate that girl children will eventually leave their families to go to their husbands’ families and therefore, the girls’ families are hesitant to “invest” in the education and the future of girls.⁹ Additionally, under customary law, girls are subjected to several harmful practices, such as, female genital mutilation (about 90% of all women in Eritrea have been circumcised), early marriage, dowry payments, and polygamous marriages.

The Eritrean State report acknowledges that, according to customary law, women hold an inferior position in society. The Eritrean government has attempted to counteract strong traditional patriarchal attitudes towards women by initiating special programs for women, especially women who

are ex-fighters. For example, affirmative action policies have been set up to give women 30% of the seats in the National and Regional Assemblies.¹⁰ Nevertheless, customary practices often prove to be stronger than these laws protecting the rights of women. In addition, with about 50% of the population being practicing Muslims,¹¹ Sharia law is applied in some parts of Eritrea, which often excludes women from higher decision-making positions.¹²

Girls' education continues to loom behind boys', with female literacy at 45% and male literacy at 67%. This is attributable to many reasons. For example, education is expensive for many in Eritrea and families thus choose to send boys to school instead of sending girls. Additionally, there are not many schools and there is a lack of female teachers. Finally, parents are reluctant to send their daughters to school for fear that the girls will lose their traditional values and thus not be able to attract a husband.¹³ When girls do attend school, it is unlikely that they will finish their education because of the prevalence of early marriages.¹⁴ This, of course, limits the opportunities afforded to women later in life.

With respect to property rights, under customary law, women do not have the right to own or inherit land. Reports indicate that the government is in the process of implementing a law that will combat this discrimination against women, but the law has taken a long time to have any effect.¹⁵

Abortion is illegal in Eritrea even in cases of rape or incest.¹⁶ The general population in Eritrea remains unaware of various family planning options. Although the government of Eritrea has reportedly taken a strong stance in favor of family planning, forming the Family Planning Association in 1992, adolescent pregnancies and unsafe abortions are becoming progressively more serious problems.¹⁷

3. Violence Against Girls in the Family

3.1 Domestic Violence

The government of Eritrea has yet to address domestic violence in a comprehensive way, although spousal abuse is considered a crime.¹⁸ The

Draft Penal Code also does not envision a legal scheme to outlaw domestic violence, favoring awareness raising campaigns instead.¹⁹ Victims of domestic violence can initiate a case against their perpetrators under the assault provisions of the Transitional Penal Code.

Domestic violence appears to be a grave problem in Eritrea despite limited amounts of information on the topic. Because of the prevalence of early marriages in Eritrea, domestic violence is a pertinent subject concerning violence against girls in Eritrea. Girls, when married before the age of 18, are at greater risk of physical and psychological violence perpetrated by their husbands or other members of their extended families.

According to one study, conducted in 2001 in the Central Region of Eritrea, 40% of women have been victims of domestic violence.²⁰ As of that time, there were no counseling or mediation services provided for domestic violence victims, nor were there any legal aid mechanisms for women who wanted to press charges. Additionally, that study indicated that prosecution for domestic violence will only be pursued where the violence is life-threatening, meaning that a weapon must be used.²¹

Another regional study indicated that as many as 90% of women are subject to domestic violence.²² Specifically, most interviewees in the study estimated that the rate of “sexual and gender-based violence” is between 5% and 25%. However, it was pointed out that these estimates would change drastically, resulting in a 90% prevalence rate, if domestic violence was included within the definition of “sexual and gender-based violence.”²³

Very few women will report incidents of domestic violence to the authorities because issues of sexual violence are not openly discussed in Eritrean society.²⁴ If a woman does speak out, she will most likely turn to a neighbor or a friend, in which case, the neighbor or friend often makes an effort to reconcile the couple.²⁵

OMCT is extremely concerned about the prevalence of domestic violence in Eritrea and is disappointed with the lack of specific legislation addressing this form of violence and the lack government services to assist victims. It seems that women are not aware of their rights or cannot speak publicly about the crime because of societal pressures. The government has, under international law, an obligation to protect children from vio-

lence in the home, to exercise due diligence in establishing an effective framework to receive complaints and prosecute cases of domestic violence, and to create mechanisms that educate women about their rights and remedies when they are victims of domestic violence.

The Convention on the Rights of the Child obligates all States Parties to take all appropriate measures to protect children from “all forms of physical or mental violence” in the family. Additionally, the Declaration on the Elimination of Violence Against Women explains that States have a duty to exercise due diligence in investigating all incidents of violence against women whether perpetrated by the State or by private persons. To this end, the Declaration notes that States should develop legislation to outlaw domestic violence, ensure that victims of domestic violence have access to the judicial system, provide domestic violence victims with “just and effective remedies,” and inform women of their right to be free from such violence.

3.2 Marital Rape

Marital rape is not a crime under Eritrean law, as the Transitional Penal Code provides in Article 589 that rape, by definition, must occur outside of marriage.²⁶ The Draft Penal Code foresees a slight change in this definition, recognizing rape between spouses where the spouses are separated and living in different households.

OMCT is gravely concerned that marriage, when the spouses are living together, relieves a husband who rapes his wife of criminal responsibility. The impunity enjoyed by a husband who forces his wife to have sexual intercourse nullifies the enjoyment by women of their right to equality in marriage and heightens the risk of violence in the home.

The Special Rapporteur on Violence Against Women, its Causes and Consequences noted in her 2002 annual report that, in many countries, husbands can be prosecuted for assaulting their wives but not for raping their wives. She explains that under international norms, men and women are entitled to equal rights and responsibilities in marriage²⁷ and later asserts that the failure to criminalize marital rape is, in effect, “sanctioning a certain measure of violence by the husband against the wife in the home.”²⁸

3.3 Honour Crimes

According to one study, girls who become pregnant before marriage are sometimes vulnerable to violence. In the Gash-Barka region, pregnancy before marriage is viewed as a crime and pregnant girls may be kicked out of the home, beaten, stoned, or even killed.²⁹

This type of violence is gender specific since only women and girls become pregnant and there is no report that the boys and men who impregnate the women are similarly treated. OMCT is deeply concerned by these reports of violence against women and girls who become pregnant before marriage.

3.4 Cultural Practices in the Family that Violate the Human Rights of Girls

3.4.1 Early Marriage

Eritrean civil law provides that the minimum age for marriage for both girls and boys is 18. Nevertheless, customary law carries great weight in Eritrean society and often girls are married at ages well below the legal limit.

It is widely acknowledged in Eritrea that girls are married earlier than boys.³⁰ The traditional view holds that the ideal age for marriage for a girl is between 12 and 18.³¹ In one study, the view was expressed that marrying girls at a young age was necessary to ensure their virginity before marriage and protect “the woman from sin.”³² The ideal age for marriage for men is not correspondent with that of women. In the study mentioned above, many respondents claimed that men should wait until they are between at least 20 and 25, with some asserting that 25 be the minimum age, because of the many responsibilities a man assumes once he is married.³³ The big age difference created by these varying ideal ages results in a relationship where the girl is considerably younger than her spouse and lacks power both because of her age and because of her sex. Early marriage can also hamper a girl’s access to education. Additionally, early marriage can lead to early pregnancy and a prolonged reproductive life, and these factors combined often result in negative health consequences for both the mother and her children.

3.4.2 Dowry

Reports also indicate that the practice of making dowry payments continues in Eritrea.³⁴ Such a practice may lead to discrimination against girls and women in the domestic sphere because the husband and his family may feel that they have a right to her domestic services, relegating the girl's status to little more than a piece of chattel. The Special Rapporteur on Violence Against Women, its Causes and Consequences, in her 2002 annual report, recognised that the practice of dowry payments can lead to abuse of women because of the perception of women as property.³⁵

3.4.3 Polygamy

Some parts of Eritrea apply Sharia law, which allows men to take up to four wives. According to the Marriage Law introduced by the EPLF in 1977,³⁶ polygamy is illegal in Eritrea. Despite the formal illegality of polygamy in Eritrea, Sharia law is exempt from this law and thus polygamous unions (up to four wives) are permitted for people marrying under Sharia law.³⁷ The practice of polygamy threatens women's human rights because, with it being against the law, only one of the wives can have a registered marriage and the accompanying rights of such a marriage. The other wives have religious marriages which are not accorded protective legal rights.

General Recommendation #21 issued by the Committee on the Elimination of Discrimination Against Women states that “[p]olygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited” and asserts that polygamy is a violation of CEDAW. While OMCT commends Eritrea's early decision to outlaw the practice, an effort to raise awareness about the problems of polygamy, and to encourage women and men to cease the practice, must be instituted.

3.4.4 Female Genital Mutilation

According to the World Health Organisation, female genital mutilation (FGM) is defined as comprising “all procedures involving partial or total removal of the external female genitalia or other injury to the female

genital organs for cultural or other non-therapeutic reasons.”³⁸ Factors such as religion, nationality and ethnicity result in differing practices concerning FGM. Because FGM varies across regional and ethnic lines, four classifications have been recommended by the World Health Organisation in order to clarify and standardize the terminology.

Type I: Clitoridectomy: Excision of the prepuce, with or without excision of part or all of the clitoris.

Type II: Excision: Excision of the prepuce and clitoris with partial or total excision of the labia minora.

Type III: Infibulation: Excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening.

Type IV: Unclassified: includes pricking, piercing, or incising of the clitoris and/or labia; stretching of the clitoris and/or labia; cauterisation by burning of the clitoris and surrounding tissues; scraping of tissue surrounding the vaginal orifice (angurya cuts) or cutting of the vagina (gishiri cuts); introduction of corrosive substances or herbs into the vagina to cause bleeding or for the purpose of tightening or narrowing it; and any other procedure that falls under the definition of female genital mutilation.³⁹

FGM is extremely common in Eritrea with about 89% of all girls and women having experienced this practice. Around 60% of women have had clitoridectomies, one third have been infibulated and 4% have undergone excision. Girls are usually circumcised several days after they are born,⁴⁰ although it can be performed any time up to when the girl is 12 years old.⁴¹ Some women also get re-infibulated after giving birth.⁴²

FGM has serious physical and psychological consequences and it has been widely condemned by health professionals around the world. The procedure is often performed by women in the community who are not medical professionals and they frequently use “crude” instruments such as razor blades, knives and needles. Many circumcised women have severe medical problems during childbirth. In particular, 19% of women experienced health problems during pregnancy and delivery.⁴³ In Eritrea, girls who are not circumcised are socially alienated and commonly viewed by the larger community as “impure, unmarriageable, sexual deviants or prostitutes.”⁴⁴

The reasons given for supporting the practice of FGM include religion, custom, tradition, virginity preservation and deterrence of immorality.⁴⁵ Additionally, as mentioned above, the procedure is considered an essential social element of marriage. Although the vast majority of women have experienced FGM, many women do not support the practice.⁴⁶ This demonstrates the weakened status of FGM, a trend that is also reflected in recent initiatives to raise awareness about the harmful consequences of FGM. For example, UNICEF, in collaboration with the National Union of Eritrean Women and the National Union of Eritrean Youths and Students, has implemented a strategy to eliminate FGM in Eritrea.⁴⁷ The plan includes the following goals: to

“identify and mobilize partners for FGM eradication; develop capacity for planning and implementation of effective communication programmes; strengthen dissemination of FGM eradication messages in health facilities [and in communities] . . . ; integrate FGM eradication messages in activities of selected institutions . . . ; develop and use effective IEC (information, education and communication) materials to promote FGM eradication messages; [and] develop communication supervision and monitoring systems and use information collected for programme implementation.”⁴⁸

While OMCT commends the efforts being made to raise awareness about FGM and its harmful effects on girls and women, there is still no law in Eritrea outlawing the practice.⁴⁹ It is essential that the government attack the problem of FGM on multiple levels, thus social awareness programmes must be accompanied by legal change to prohibit the practice and protect women.

3.5 Sexual Abuse and Incest

Article 594-599 of the Eritrean Penal Code provides harsh penalties for sexual acts involving children. However, these punishments are rarely exercised because such crimes are seldom reported.

There is a lack of information concerning sexual abuse and incest within the family. The government report claims that the problem is

“unknown,”⁵⁰ but recognizes that with no available statistics on the subject, it is impossible to conclude that the problem is non-existent. Although the government report claims that Eritrean tradition imposes harsh penalties for people who abuse children, research on this topic is absolutely essential for ensuring protection of children within the family. Notably, the government foresees a study on child abuse within the next four years in a joint plan between the government and UNICEF. OMCT urges the government to give priority to such a study as its results are essential for assessing the situation of children, especially girls, in Eritrea.

4. Violence Against Girls in the Community

4.1 Child Sex Workers

The presence of girls in the commercial sex business is an increasing problem in Eritrea. The Eritrea State report recognizes that at least 5% of all commercial sex workers are under the age of 18.⁵¹ It is, however, difficult to determine the true number of girl sex workers. The number of girls in the commercial sex business is often a reflection of girls who are separated from their parents at an early age for various reasons, including “desire to find a better job, avoidance of early marriage, divorce of parents, family abuse, and rejection by parents if the girl is pregnant.”⁵² After being separated from their parents, girls become street children or bar girls, and generally find themselves in situations of extreme poverty. These circumstances eventually lead to their entry into the commercial sex business, poverty being the reason most often cited for becoming a prostitute.

Girl sex workers are particularly vulnerable to sexual violence and abuse. Additionally, because they are ostracized by society, they are susceptible to psychological harm and stunted development. With very few child sex workers being aware of the need for contraception, they are also at extreme risk of contracting HIV/AIDS and other sexually transmitted diseases.⁵³

The government has instituted a National Action Plan for the Prevention, Rehabilitation and Reintegration of Commercial Sex Workers and it is

currently being implemented. UNICEF, in conjunction with the Ministry of Labour and Human Welfare, is also concentrated on this “at risk” population. OMCT welcomes these efforts to curb the growing problem of child sex workers and encourages the government to make this issue a priority in the future.

4.2 Rape

The Transitional Penal Code of Eritrea provides for certain elements of the crime of rape in Article 589. These are: (1) force or violence must be present, (2) the victim must be a woman, (3) the intercourse must be between unmarried persons, and (4) force may be implied where the woman is unconscious or incapable of resisting the rape. Additionally, rape can have aggravating circumstances such as if (1) the victim is under 15 years of age, (2) the person is disabled, or (3) there are multiple perpetrators.⁵⁴ Rape is a public offense, which means that the public prosecutor has control over the case since it is in the interest of public security.⁵⁵

OMCT notes that although there is no explicit definition of rape according to codified international treaty law, international norms defining the elements of this crime have arisen. In particular, rape has been recognized as a crime not only where force or violence are present, but also where the threat of violence or other forms of coercion are present. This is extremely important as violence does not always accompany the act of rape, but the threat of violence or other forms of coercion force women into sexual actions, because of lack of power and fear. These situations should not be excluded from the crime of rape. Moreover, the requirement of violence and force may place a large part of the burden of providing proof of the violence or force (in the form of bruises) on the rape victim.

There is little information concerning rape in Eritrea, but one study indicates that young women are particularly vulnerable to sexual violence in the community, including rape, and that rape and attempted rape are common occurrences in areas where refugees and returnees are living.⁵⁶ Although many Eritreans claim to condemn rape, the report found that village elders who handle rape cases often impose no punishment on the perpetrator.⁵⁷

Despite the lack of information concerning rape, some reports indicate a cultural attitude towards this crime that focuses on its shamefulness, leading to silence on the part of the victim about the crime. Especially if the woman is not married, since virginity is seen as an absolute requirement to being married, raped women are often perceived as “unmarriageable.”⁵⁸ The study, mentioned in the previous paragraph, reported that many of the respondents believed sexual violence, including rape, to be reported in most circumstances, although not by the victim herself but rather by her family members.⁵⁹ Nevertheless, the same study revealed that most communities were unwilling to discuss sexual violence, considering it a “shameful” topic and “against their culture.”⁶⁰ The silence with respect to rape forces women to endure this physical and psychological harm alone. These attitudes may also explain the lack of information available on the topic.

In addition, OMCT is gravely concerned that if the perpetrator agrees to marry the victim, all charges of rape will be dropped.⁶¹ This method of escaping punishment degrades the rape victim further by subjecting her to marry her perpetrator, possibly leading to forced marriage, implies that non-consensual sex is permissible within a marriage relationship and allows the perpetrator to enjoy impunity. It has been noted that the original purpose of this provision was to protect the victim because of the stigma attached to rape victims and their subsequent inability to find a husband.⁶² Recognizing that this article has been abused and that marriages between rapists and rape victims do not last, the government hopes to repeal this provision with the passage of the new Penal Code.

The Draft Penal Code envisages other changes to the law concerning rape, specifically recognizing that victims of rape can be male or female, acknowledging rape between spouses where they are separated, and providing for a minimum sentence for the crime rather than only a maximum sentence.⁶³

5. Violence Against Girls in Armed Conflict

5.1 *Child Soldiers*

The Eritrean Constitution makes it an obligation of every citizen to “complete one’s duty in the National Service”⁶⁴ and the National Service Proclamation asserts that military service is mandatory for both males and females between the ages of 18 and 40. It is further reported that about 35% of the armed forces in Eritrea is female.⁶⁵

The Coalition to Stop the Use of Child Soldiers, an international NGO, has reported that children remain at risk of being recruited into the military in Eritrea.⁶⁶ They have also received several reports that child soldiers have been used in Eritrea in the recent conflict with Ethiopia. Although the government denies recruiting child soldiers, it acknowledges that children do sometimes end up in the military because the country lacks a mechanism for systematic birth registration. Many of the fighters in the conflict with Ethiopia remain mobilized and this delay in demobilization leads to concerns that, even if the government is no longer actively recruiting children, there may still be children in the armed forces of Eritrea.⁶⁷

Eritrea is unique in that women fighters have greatly participated in the armed conflict that led to Eritrea’s independence as well as the subsequent conflicts. Interviews with female combatants have indicated that some joined the military service as minors during the war of independence.⁶⁸

5.2 *Girls in Emergency Situations*

The conflict between Eritrea and Ethiopia has created special vulnerabilities for children, especially girls. Girls have the misfortune of being female and young, two population groups that are particularly susceptible to violence, especially in times of emergency. Reports indicate that many girls and young women were raped during the most recent war with Ethiopia (1998-2000). The government acknowledges in its report that sexual violence was widespread during the conflict and claims that the community is serving many of the important psychological needs of the victims of war. While the community structures may be “holding

strong⁶⁹ in some aspects for the traumatized victims of war, with respect to rape, it is reasonable to infer that the community is neglecting the needs of the girls and young women because the prevailing social view of rape focuses on its shamefulness and leads to suffering in silence by the victim.⁷⁰ The government must take greater strides to encourage more openness about the crime of rape so that it will be reported and prosecuted more frequently.

6. Conclusions and Recommendations

The government of Eritrea has made numerous commitments at the national and international levels for the promotion and protection of all human rights and OMCT welcomes the fact that Eritrea has quickly ratified several international human rights instruments. OMCT regrets that Eritrea has not signed on to the Convention Against Torture. OMCT is also disappointed that Eritrea has yet to sign the Optional Protocols to the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, nor the Optional Protocols to the International Covenant on Civil and Political Rights.

OMCT commends the Eritrean government's efforts to ensure *de jure* equality for girls and women, but remains concerned that the reality is that girls and women in Eritrea do not enjoy equal status with boys and men. Serious efforts must be made by the government to counteract traditional practices and cultural attitudes that discriminate against girls and women and restrict their enjoyment of their human rights. In particular, because much violence against women is sexual violence, it is important that the government institute measures to encourage girls, women, boys and men to discuss sex and issues related to sex more freely, thereby detaching the shame that often accompanies violence against girls and women.

OMCT is concerned that Eritrea has yet to pass legislation specifically addressing domestic violence. While the envisioned awareness-raising campaigns are important in fighting domestic violence, comprehensive legislation is absolutely necessary in order to effectively protect girls and women from this form of violence. This legislation should be developed

in accordance with the guidelines submitted by the United Nations Special Rapporteur on Violence against Women to the fifty-second session of the United Nations Commission on Human Rights in 1996 (UN doc. E/CN.4/1996/53, Add.2).

OMCT is deeply troubled that marital rape is not currently a crime in Eritrea and that the Draft Penal Code only envisions recognizing this crime where the spouses are separated. Marriage and cohabitation should not provide impunity for men who rape their wives. The absence of criminal legislation concerning marital rape while the spouses are living together is a denial of women's right to be free from violence in the home and OMCT insists on the need for marital rape to be criminalized in all situations, including where the spouses live together.

Equally disturbing are reports that girls and women who become pregnant before marriage can be subject to violence, sometimes fatal violence. The Eritrean government must take steps to protect girls and women who become pregnant before marriage from such violence, and where such violence occurs, exercise due diligence to ensure that the crime is investigated and that the perpetrators are punished accordingly.

Several traditional practices continue to occur in Eritrea, which violate the human rights of girls and women. OMCT is concerned by reports that indicate a high rate of early marriage in Eritrea. The government must strictly enforce the minimum age of marriage, which is 18 for both girls and boys, in order to protect girls from the harms associated with early marriage. The government of Eritrea must also be rigorous in its enforcement of the ban on polygamy. Additionally, the practice of making dowry payments can lead to discrimination against girls and women, and can make girls and women vulnerable to violence within the family. OMCT insists on the need to ban all of these practices and suggests that the government institute programs to raise awareness about the ways that these practices can jeopardize the full enjoyment of rights by girls and women.

While OMCT commends the Eritrean government's efforts to eradicate FGM through public awareness campaigns, it is equally important to outlaw the practice. Such a law should provide protections to girls and women who choose not to undergo the surgery and punish persons who subject girls and women to this practice.

OMCT is disappointed with the lack of information concerning incest and sexual abuse within the home, but is encouraged that the government foresees a research project on this topic. OMCT urges the government to accord this research a top priority as it is essential in understanding the situation of girls in Eritrea and the problems they face.

OMCT welcomes efforts by the government with respect to children involved in the commercial sex business and encourages the government to maintain concentration on this issue.

OMCT is gravely concerned that the current definition of rape requires force or violence, only recognizes rape of a woman, and does not recognize marital rape. While the Draft Penal Code envisions some improvements, namely the recognition that males can be raped and acknowledgement of marital rape when the spouses are separated, there remain several issues of concern. Firstly, OMCT insists on the need to recognize rape in situations of coercion or threat of violence, which effectively force a woman to engage in sexual acts because of a lack of power and/or fear. Additionally, as mentioned above, OMCT insists that rape within marriage must be recognized regardless of whether the spouses are living together.

Further, the government of Eritrea should encourage women and men in Eritrea to speak out against rape, create an atmosphere conducive for rape victims to come forward with their claims without repercussions, prosecute charges of rape with diligence, and gather more information on the frequency of this crime in order to effectively combat its occurrence.

OMCT insists the absolute prohibition of the use of child soldiers and urges the government of Eritrea to institute a system of birth registration to avoid recruiting minors. OMCT further notes with regret that Eritrea has yet to sign the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and urges the government to sign the Optional Protocol immediately, as it is an essential tool in the effort to stop the use of child soldiers.

OMCT notes with concern that the government has not taken action to assist victims of sexual violence during the war. Because of the cultural of silence surrounding the issues of sexual violence, OMCT recommends that the government make greater efforts to ensure that girls and women

who were victims of sexual violence during the war have access to adequate social, medical and psychological services.

Finally, OMCT would insist upon the need for the Government to fully implement the Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Rules and Platform for Action and the Declaration on the Elimination of Violence Against Women as these instruments provide detailed protection for women against violence in the family, in the community and at the hands of State officials.

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 - 3 Human Rights Watch, Eritrea : Cease Persecution of Journalists and Dissidents (May 16, 2002).
 - 4 Written Statement Submitted by Reporters Sans Frontières International, UN Doc. E/CN.4/2002/NGO/137.
 - 5 Amnesty International, Annual Report 2002, Eritrea.
 - 6 UN Doc. CRC/C/41/Add.12 (2002).
 - 7 See AFROL Gender Profiles : Eritrea, available at http://www.afrol.com/Categories/Women/profiles/eritrea_women.htm.
 - 8 UNICEF Eritrea Briefing Report on Violence Against Children and Women in Eritrea (2002), prepared for OMCT in response to requests for information; see also Charles M. Smith, Women and Education in Eritrea: Society and Development, Research Paper 2001.
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 - 14 HABEN and CARE International, *Ibid.*, p. 5.
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- 19 Muluberhan Berhe, Rape, Domestic Violence, Marriage and Female Genital Mutilation (FGM) Under Eritrean Laws (2003), paper prepared in response to questions from OMCT, p. 6.
- 20 UNICEF Eritrea Briefing Report, *Ibid.* (citing study by University of Asmara, 2001)
- 21 *Ibid.* (citing study by University of Asmara, 2001)
- 22 HABEN and CARE International, *Ibid.*, p. 6.
- 23 HABEN and CARE International, *Ibid.*
- 24 HABEN and CARE International, *Ibid.* ("No one spoke of punishment for people who assault their wives; it seems from responses to other questions that these incidents are not reported"); U.S. Dep't of State, *Ibid.*
- 25 HABEN and CARE International, *Ibid.*, p. 7.
- 26 Muluberhan Berhe, *Ibid.*, p. 1.
- 27 UN Doc. E/CN.4/2002/83, para. 62
- 28 *Ibid.*, para. 101
- 29 HABEN and CARE International, *Ibid.*, p. 5.
- 30 Atsuko Matsuoka and John Sorenson, *After Independence : Prospects for Women in Eritrea* (1999)
- 31 UNICEF Eritrea Briefing Report, *Ibid.* (reporting that ideal age for marriage for girls is between 12 and 15); HABEN and CARE International, *Ibid.*, p. 3 (study noting that most people interviewed claimed that "women should marry at around 16-18 years")
- 32 HABEN and CARE International, *Ibid.*, p. 3.
- 33 HABEN and CARE International, *Ibid.*, p. 25.
- 34 Charles Smith, *Ibid.*; Atsuko Matsuoka & John Sorenson, *Ibid.* (noting that practice of paying dowries continues but is now described as a "friendly exchange of gifts between families"); HABEN and CARE International, *Ibid.*
- 35 E/CN.4/2002/83, para. 60.
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- 42 Osede & Asghedom, *Ibid.*
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- 54 Muluberhan Berhe, *Ibid.*, p. 1-2.
- 55 *Ibid.*, p. 2.
- 56 HABEN and CARE International, *Ibid.*, p. 6, 9
- 57 UNICEF Eritrea Briefing Report, *Ibid*. (citing report by HABEN/CARE International entitled Sexual and Gender-Based Violence in Gash-Barka, 2002)
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- 59 HABEN and CARE International, *Ibid.*, p. 7.
- 60 HABEN and CARE International, *Ibid.*, p. 47-49.
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- 62 Muluberhan Berhe, *Ibid.*, p. 5.
- 63 *Ibid.*, p. 4-5.
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- 66 Child Soldiers 1379 Report, *Ibid*.
- 67 *Ibid*.
- 68 Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2001, Eritrea, <http://www.child-soldiers.org>
- 69 Eritrea State Report to CRC, UN Doc. CRC/C/41/Add.12 (2002), p. 86 (the government acknowledges that the study cited does not assess the impact of rape on the well-being of Eritrean girls, but does not specify any steps taken to specifically address the needs of these victims).
- 70 UNICEF Eritrea Briefing Report, *Ibid*.

Committee on the Rights of the Child

THIRTY-THIRD – DATE 19 MAY - 6 JUNE 2003

**CONSIDERATION OF REPORTS SUBMITTED
BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

**CONCLUDING OBSERVATIONS BY THE COMMITTEE ON THE RIGHTS OF THE
CHILD: ERITREA**

1. The Committee considered the initial report of Eritrea (CRC/C/41/Add.12) at its 865th and 866th meetings (CRC/C/SR.865 and 856), held on 20 May 2003 and adopted, at the 889th meeting (CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's comprehensive and well-written initial report, as well as the detailed written replies to its list of issues (CRC/C/Q/ERI/1), which gave a clearer understanding of the situation of children in the State party. It further notes with appreciation the high-level delegation sent by the State party and welcomes the frank dialogue and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee notes with appreciation the State party's successful efforts, following its independence in 1993:

- (a) To reduce child mortality by over 50 per cent and increase immunization coverage from 10 to 60 per cent;
 - (b) To increase enrolment and literacy rates, and the introduction of the mother tongue as a language of instruction in primary schools;
 - (c) To develop programmes to improve girls' access to education, including through participation in the African Girls Education Initiative;
 - (d) To develop a strategy and programmes to combat female genital mutilation;
 - (e) To provide alternative care, while avoiding institutionalization, of children that have been orphaned due to past armed conflicts.
4. The Committee welcomes the State party's accession in 2001 to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 2001 and its ratification of ILO Convention, 1973 (No. 138) in 2000.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee recognizes that the continuing effects of past armed conflicts as well as the current drought, poverty and structural adjustment programmes present difficulties with respect to the full implementation of the Convention in the State party.

D. Principle areas of concern and recommendations

1. General measures of implementation

Legislation

6. The Committee welcomes the creation of the Child Law Committee

to examine the compatibility of domestic legislation with the Convention and also notes that the new Constitution generally conforms to the principles and provisions of the Convention. However, the Committee remains concerned that to a large extent customary laws and traditions, and in some cases newly enacted legislation and transitional codes still in force do not fully reflect the principles and provisions of the Convention.

7. The Committee recommends that the State party review transitional legislation, customary and local laws and adopt all necessary measures to ensure their compatibility with the principles and provisions of the Convention. The Committee also recommends that the State party ensure that legislation is effectively implemented.

Coordination and national plans of action

8. The Committee welcomes the adoption of the National Programme of Action on Children for the periods 1996-2000 and 2002-2006 and the establishment of the National Committee on the Rights of the Child to coordinate activities for the implementation of the Convention. However, the Committee is concerned that this mechanism does not have sufficient resources to carry out its mandate.
9. The Committee recommends that the State party strengthen the National Committee on the Rights of the Child, in particular its capacity to coordinate activities at both the national and local level. Sufficient financial and human resources should be allocated to the coordination mechanism and to the National Programme of Action on Children and, if necessary, the State party should seek international assistance in this regard.

Independent monitoring

10. The Committee is concerned at the absence of an independent mechanism with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints.
11. Taking into account its general comment No. 2 on national

human rights institutions, the Committee encourages the State party to pursue efforts to establish an independent and effective mechanism in accordance with the Paris Principles and that is provided with adequate human and financial resources and easily accessible to children, to monitor the implementation of the Convention, deal with complaints from children in a child-sensitive and expeditious manner and provide remedies for violations of their rights under the Convention.

Resources for children

12. While noting the increased investment in social services infrastructure following the peace agreement, the Committee is concerned that budgetary allocations and international development assistance are insufficient to respond to national and local priorities for the promotion and protection of children's rights.
13. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to the implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation". Furthermore, the Committee calls on both the State party and international donors to reopen their dialogue, in particular with regard to programmes for the implementation of children's rights.

Data collection

14. The Committee regrets the lack of comprehensive and up-to-date statistical data in the State party's report.
15. The Committee recommends that the State party develop a system of data collection that covers all areas of the Convention and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party should consider seeking technical assistance from UNICEF, among others.

Cooperation with civil society

16. The Committee notes with appreciation the national commitment to children's rights and the cooperation existing between the Government and national civil society organizations in this regard. At the same time, it notes with concern that the State party has strictly limited its cooperation with international civil society since 1997.
17. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party promote closer cooperation with NGOs and consider involving more systematically international NGOs, especially rights-based ones, and other sectors of civil society working with and for children throughout all stages of the implementation of the Convention.

2. Definition of the child

18. The Committee notes with appreciation that both the Transitional Civil Code of Eritrea and the draft Civil Code define children as all persons under the age of 18, and that the Constitution states that men and women of full legal age shall have the right, upon their consent, to marry and found a family freely. Nevertheless, the Committee is concerned that customary law does not have the same minimum age of marriage, and in practice many children are married between the ages of 13 and 15.
19. The Committee recommends that the State party develop sensitization programmes involving community, traditional and religious leaders as well as society at large, including children themselves, to enforce legislation and curb the practice of early marriage.

3. General principles

Discrimination

20. The Committee is concerned that, as noted by the State party, societal discrimination persists against vulnerable groups of children, including girls, children with disabilities, AIDS orphans and children born out of wedlock.

21. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.
22. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).

Best interest of the child

23. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, in particular in customary law.
24. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, judicial or other decisions are made. It further recommends that the State party collaborate with local authorities, NGOs and community leaders to develop awareness-raising campaigns regarding the general principle of acting in the best interest of the child.

Respect for the views of the child

25. The Committee notes with concern that the Transitional Civil Code guarantees the right to be heard only to children who have attained the age of 15 and that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, in particular for girls.

26. The Committee recommends that the State party amend its legislation to fully reflect article 12 of the Convention so that any child “who is capable of forming his or her own views” can express those views freely, including in all administrative and judicial proceedings affecting them. It also recommends that the State party develop a nationwide campaign to increase public awareness of the participatory rights of children, particularly at the local levels and in traditional communities, and encourage respect for the views of the child in families, schools, and the care, administrative and judicial systems.

4. Civil rights and freedoms

Birth registration

27. The Committee is concerned that although parents are required by law to register the birth of their children, a significant number of children are not registered at birth.
28. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure that all children are registered at birth inter alia by eliminating administrative costs for parents, conducting awareness-raising campaigns and establishing mobile registration units in rural areas. The Committee also recommends that the State party undertake similar measures to register all children who were not registered at birth. In this regard, the State party should consider seeking technical assistance from UNICEF, the United Nations Population Fund (UNFPA) and other potential donors.

Freedom of expression and religion

29. The Committee, noting that the State party’s Constitution guarantees the right to freedom of expression and religion, is concerned at reports that measures affecting children and young people were taken against students and religious groups, indicating that these rights were not fully upheld.
30. The Committee recommends that the State party take all necessary measures to ensure that these rights are fully respected for all

children, as stipulated in the Convention, and that violations of the freedoms of expression and religion are prevented.

Violence, including ill-treatment

31. The Committee is concerned at the lack of data on ill-treatment of children, including child abuse and corporal punishment. It also notes with concern that corporal punishment is not expressly prohibited by law and is widely practised in the home and in institutions.
32. The Committee recommends that the State party:
 - (a) Establish a mechanism to collect data on the victims and perpetrators of abuse, disaggregated by gender and age, in order to assess properly the extent of the problem and to design policies and programmes to address it;
 - (b) Carry out public education campaigns about the negative consequences of ill-treatment of children and, in collaboration with community leaders and others, promote positive, non-violent forms of discipline as an alternative to corporal punishment;
 - (c) Expressly prohibit by law corporal punishment in the home, schools and other institutions;
 - (d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints of abuse, including intervening where necessary, and ensure that victims have access to assistance for their recovery.
 - (e) Seek technical assistance from, among others, UNICEF in this regard.

5. Family environment and alternative care

Parental responsibilities

33. The Committee notes with appreciation that the Constitution accords both parents equal rights and duties within the family, yet it is con-

cerned that the Transitional Civil Code and customary laws do not generally recognize the principle enshrined in article 18 of the Convention “that both parents have common responsibilities for the upbringing and development of the child”, particularly with regard to the custody of children in divorce.

34. The Committee recommends that the State party ensure that when judicial proceedings or family councils decide to grant one parent custody of the child, the decision is taken on the basis of the best interest and with the participation of the child. The State party should also ensure that both parents are adequately informed of their rights and responsibilities, particularly in the case of divorce.

Alternative care and adoption

35. The Committee welcomes the State party’s efforts to place orphans with their extended families while providing these families in particular female-headed households, with financial assistance. The Committee also welcomes the information provided during the dialogue that the criteria for potential adoptive families are not as narrow as presented in the State party report (para. 169). The Committee welcomes the State party’s efforts to phase out large-scale orphanages and other institutions and to place children in group homes only as a last resort, but remains concerned that existing services are insufficient to provide for the large number of orphans, including AIDS orphans, and unaccompanied refugee or displaced children.
36. The Committee recommends that the State party continue to strengthen and expand its efforts to place children in need of alternative care with their extended families and to promote adoption of these children when appropriate. The Committee also recommends that the State party continue and expand as necessary its programme for the establishment of children’s group homes, and seek international assistance in this regard.

Child abuse

37. The Committee notes with concern that there is no information

available on the various forms of child abuse in the family and that legislation does not provide for effective protection of children from sexual and physical abuse.

38. The Committee recommends that the State party:

- (a) Reform its legislation on abuse in the family to expressly prohibit sexual and physical abuse;
- (b) Undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt effective policies and programmes to combat all forms of abuse;
- (c) Develop an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and ensures the victim's privacy;
- (d) Set up a comprehensive nationwide response system to provide, as appropriate, support and assistance to both victims and perpetrators of family violence, rather than only intervention or punishment, and which ensures that all victims of violence have access to counselling and assistance for their recovery and reintegration, while preventing stigmatization of victims of abuse;
- (e) Seek technical assistance from, among others, UNICEF and the United Nations Development Programme (UNDP), in this regard.

6. Basic health and welfare

39. The Committee notes with appreciation the State party's programme to extend health services which has increased access from 10 to 70 per cent of the population since independence in 1991, as well as its programme of cooperation with UNICEF in the area of health and health services. However, the Committee is concerned at the high rate of child and infant mortality due to acute respiratory infections, diarrhoeal diseases, malaria and malnutrition. It is further concerned that a considerable number of families lack access to safe drinking water and sanitation facilities, which contributes to the spread of communicable diseases.

40. The Committee recommends that the State party:
- (a) Continue to expand access to health services, in particular in rural areas, and increase the skills of health personnel with a view to reducing infant mortality rates;
 - (b) Continue to strengthen the implementation of existing health policies and programmes, in particular the National Policy on Breastfeeding and Weaning Practices (1995) and the Eritrean Rural Water Supply and Environmental Sanitation Programme;
 - (c) Expedite the adoption of the draft Marketing of Infant and Young Child Foods Act.

Adolescent health

41. The Committee is concerned at the lack of available data regarding the prevalence of substance abuse, tobacco use and suicide. It is also concerned about the growing problem of sexually transmitted infections (STIs) among adolescents.
42. The Committee recommends that the State party take all necessary measures to assess the prevalence of substance abuse, tobacco use and suicide and take effective measures to prevent and treat health problems affecting adolescents, including the spread of STIs, through, inter alia, sex education, counselling and availability of condoms.

HIV/AIDS

43. The Committee is concerned about the rapid spread of HIV/AIDS within the State party.
44. The Committee recommends that the State party actively pursue its ongoing activities in collaboration with UNICEF to counter HIV/AIDS and integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by making use of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex) and the Committee's general comment No. 3 on HIV/AIDS and the rights of the child.

Harmful traditional practices

45. While the Committee notes with appreciation the adoption of a strategy to eliminate female genital mutilation, it is very concerned at the widespread practice of FGM, which affects almost 90 per cent of girls in the State party. It is also concerned about other harmful traditional practices, including early marriage, which contributes to the high rate of maternal mortality.
46. The Committee recommends that the State party continue to strengthen the implementation of its Strategy to Eliminate Female Genital Mutilation (1999) and undertake legislative reform to expressly prohibit the practice. It also recommends that the State party undertake similar educational and awareness programmes, in cooperation with NGOs and community leaders, with regard to other harmful traditional practices such as early marriage.

Children with disabilities

47. The Committee welcomes the information provided by the State party during the dialogue that it has drafted a National Child and Family Welfare Policy, which includes measures to integrate children with disabilities into the education system. Yet, it remains concerned that children with disabilities often suffer from societal discrimination and that a significant proportion do not attend school or participate in social and cultural life.
48. The Committee recommends that the State party:
 - (a) Adopt and implement the draft National Policy on Persons with Disability, which should include measures to educate the public about ways to prevent disability, and ensure that children's rights are adequately integrated into the policy;
 - (b) Adopt and implement the draft National Child and Family Welfare Policy;
 - (c) Continue to strengthen efforts to combat discriminatory attitudes towards children with disabilities, particularly amongst children and parents, and promote their participation in all aspects of social and cultural life;

- (d) Formulate a programme that includes appropriate teacher training in order to ensure that all children with disabilities have access to education, including vocational training, and that wherever possible they are integrated into the mainstream education system.

Standard of living

- 49. The Committee is concerned at the inadequate standard of living which hampers the respect for and fulfilment of the rights of children and the ability of their families to provide them with adequate protection.
- 50. The Committee recommends that the State party formulate a national strategy to combat poverty, with due emphasis on monitoring the impact on the rights of children, and that it allocate sufficient human and financial resources, including through international assistance, to ensure the implementation of its strategy.

7. Education, leisure and cultural activities

- 51. The Committee is encouraged by the State party's efforts to increase enrolment rates in basic education, reduce illiteracy, promote cultural and recreational activities and provide education in the native language of all nine ethnic groups. However, it is concerned that enrolment and literacy levels are still low, particularly in secondary and pre-primary education, and that there is a significant disparity between the number of boys and girls in school. It also notes with concern that there are few trained teachers and limited opportunities for teachers to upgrade their skills.
- 52. The Committee recommends that the State party:
 - (a) Continue to strengthen measures aimed at increasing enrolment rates in primary and basic education, in particular for girls;
 - (b) Undertake additional efforts to increase the budget for education;
 - (c) Continue its activities in the area of cultural and recreational activities;

- (d) Expand public provision of early childhood education, in particular in rural areas, and increase the number of trained pre-school teachers, and raise awareness amongst parents about the value of early childhood education;
- (e) Prioritize and continue to strengthen and expand efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups for education in mother-tongue programmes;
- (f) Include human rights education as part of the curriculum.

8. Special protection measures

Children affected by armed conflict, including refugee and displaced children

53. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).
54. The Committee recommends that the State party continue to strengthen programmes to provide assistance and support to children affected by armed conflict, including returnee and displaced children and landmine victims, while paying particular attention to female-headed households. In particular, the Committee recommends that the State party:
- (a) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact refugee legislation that adheres to international standards, in particular in the area of rights and obligations of asylum-seekers;

- (b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;
- (c) Develop administrative structures and procedures for processing asylum-seekers, including children;
- (d) Seek international support and technical assistance, where possible, from United Nations agencies, in particular UNHCR, and NGOs to expedite the process of demining and the social reintegration and, when necessary, rehabilitation of all victims of recent armed conflicts.

Economic exploitation

55. The Committee welcomes the State party's ratification of ILO Convention No. 138 in 2000. Nevertheless, it remains concerned at the significant number of children working on the street, in the agricultural sector and as domestic servants.
56. The Committee recommends that the State party:
- (a) Undertake a survey of the number of children working as domestic servants and in the agricultural sector in order to design and implement policies to prevent and combat economic exploitation of children in these sectors;
 - (b) Continue to strengthen the implementation of the Street Children Rehabilitation Programme;
 - (c) Ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

Sexual exploitation

57. Although the State party recognizes that prostitution, including child prostitution, is not a serious problem, the Committee notes with concern the lack of specific data on the commercial sexual exploitation of children.

58. The Committee recommends that the State party:

- (a) Expedite the adoption and implementation of the Eritrean Child Law and the National Plan of Action to Rehabilitate Commercial Sex Workers;
- (b) Undertake a study of children involved in the commercial sex industry and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a National Plan of Action on Commercial Sexual Exploitation of Children as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children held in 1996 and 2001;
- (c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim;
- (d) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims;
- (e) Cooperate with countries in the region to combat commercial sexual exploitation and trafficking of children.

Juvenile justice

59. The Committee is concerned that the minimum age of criminal responsibility of 9 years is too low; children between the ages of 15 and 18 in conflict with the law are tried as adults; juvenile offenders who have been deprived of their liberty are not separated from adults and there are no programmes for their rehabilitation and integration.

60. The Committee recommends that the State party:

- (a) Ensure that juvenile justice standards are fully adhered to, in particular articles 37, 39 and 40 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of gen-

- eral discussion on the administration of juvenile justice (CRC/C/46, chap. III, sect. C);
- (b) Ensure, as a matter of urgency, that juveniles in detention are kept separately from adults;
 - (c) Set a clear minimum age of criminal responsibility which is at an internationally acceptable level;
 - (d) Ensure that all children from that minimum age till the age of 18 are accorded the special protection guaranteed under the Convention;
 - (e) Establish juvenile courts;
 - (f) Seek technical assistance from, among others, UNICEF and OHCHR in reforming the juvenile justice system, in particular with regard to juvenile detention and rehabilitation services.

9. Optional Protocols

- 61. The Committee notes that the State party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.
- 62. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of documents

- 63. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in

order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.

11. Next report

64. In light of the recommendation on reporting periodicity adopted by the Committee at its twenty-ninth session (see CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its second and third reports in one consolidated report by 1 September 2006, the due date for the submission of the third report. This consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.

