



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

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

Concluding observations: ERITREA

1. The Committee considered the consolidated second and third periodic report of Eritrea (CRC/C/ERI/3) at its 1334th and 1335th meetings (CRC/C/SR.1034 and 1035), held on 2 June 2008, and adopted, at the 1342nd meeting, held on 6 June 2008, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report, the written replies to its list of issues (CRC/C/ERI/Q/3 and Add.1) and legal documentation as well as the constructive dialogue with a high-level, cross-sectional delegation. The Committee would have appreciated the presence of a representative of the inter-ministerial Committee responsible for coordination of policies on the rights of children.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes a number of positive developments in the reporting period, inter alia:

- (a) Proclamation No. 158 of 2007 aimed at abolishing female genital mutilation;
- (b) The efforts made to reduce the number of infant and under five mortality rates.

4. The Committee also welcomes the accession to the following international human rights instruments:

- (a) The Optional Protocol on the sale of children, child prostitution and child pornography on 16 February 2005;
- (b) The Optional Protocol on the involvement of children in armed conflict on 16 February 2005.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee acknowledges that the aftermath of the armed conflict as well as poverty and drought continue to hamper progress in the effective implementation of the provisions of the Convention.

D. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. The Committee notes with satisfaction that certain concerns and recommendations (see CRC/C/15/Add.204) made upon the consideration of the initial report of the State party in 2003 have been addressed. However, the Committee is concerned that recommendations regarding, inter alia, legal reform, national plan of action, independent monitoring, resources allocation, data collection, harmful traditional practices, birth registration, child labour and juvenile justice have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

7. The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second and third periodic report.

Legislation

8. The Committee remains concerned at the lack of progress of Eritrea in reforming its legislation with a view to harmonizing it with the Convention on the Rights of the Child ("the Convention"), its Optional Protocols and related international standards and notes that the draft Civil and Penal Codes have not been adopted. The Committee regrets that a systematic legislative review by the Child Law Committee has not been completed. Furthermore, the Committee is concerned that customary laws still constitute an obstacle to the implementation of the Convention.

9. The Committee recommends that the State party strengthen and expedite its efforts to bring domestic law into full compliance with the Convention by completing a comprehensive review of legislation by the Child Law Committee and implementing legislative amendments. The State party should consider the adoption of a comprehensive Children's Code in order to incorporate the provisions of the Convention and take into

account the African Charter on the Rights and Welfare of the Child. Furthermore, the State party should promote awareness of legislation, in particular among communities which continue to apply customary laws.

Coordination

10. The Committee notes that an inter-ministerial Committee is responsible for coordination of policies and programmes and that offices of the Ministry of Labour and Human Welfare coordinate policies at the regional and sub-regional level. The Committee however remains concerned that national coordination of the implementation of the Convention is not sustained and regrets the lack of information on the mandate and resources available to the national and regional coordinating bodies.

11. The Committee recommends that the State party ensure that the entity designated for coordination purposes be given an adequate mandate and human and financial resources enabling it to effectively coordinate and monitor implementation at the national, regional (zoba) and sub-regional level. In this regard, the Committee refers the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child.

National Plan of Action

12. The Committee notes several specific action plans and programmes mentioned in the report of the State party, but regrets the lack of a comprehensive National Plan of Action and of information indicating the outcome and evaluation of the National Programme of Action on Children 2002-2006 (CRC/C/15/Add.204, para. 8).

13. The Committee recommends that the State party adopt a National Plan of Action for Children that covers all areas of the Convention and ensure its implementation with adequate human and financial resources, accompanied with assessment and evaluation mechanisms. Furthermore, the Committee recommends that the National Plan of Action for Children be translated into local languages and disseminated widely among local governments and non-governmental organizations (NGO) as they play an important role in its implementation. The Committee encourages the State party to take into account the Declaration and Plan of Action “A World Fit for Children” adopted by the General Assembly at the Special Session on Children held in May 2002 and its mid-term review of 2007. The Committee encourages the State party to also monitor the implementation of the “Call for accelerated action on the implementation of the Plan of Action towards Africa Fit for Children (2008-2012)” adopted in Cairo on 2 November 2007 by the African Union second Pan-African Forum on Children: midterm review (see A/62/653).

Independent monitoring

14. While the Committee welcomes the efforts of the State party to monitor the implementation of the Convention through expansion of social services to the sub-regional level and the child well-being committees, the Committee reiterates its concern as stated in the

previous concluding observations that there is no independent national human rights institution to monitor and promote the Convention (CRC/C/15/Add.204, paras. 10 and 11).

15. The Committee recommends that the State party establish an independent national human rights institution in full compliance with the Paris Principles. Such an institution should be accessible to children and be provided with adequate human and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights as well as recommend remedies. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

Resources for children

16. The Committee notes information that resources in some areas have been increased, but remains concerned that the allocated resources are insufficient to effectively improve the implementation and protection of children's rights. The Committee is further concerned that information regarding allocations for children is imprecise and not related to the total budget or gross domestic product. In particular, the Committee notes the considerable military expenditure in contrast to allocations to education and health.

17. The Committee urges the State party to take into account the recommendations issued by the Committee following its day of general discussion held on 21 September 2007 on "Resources for the Rights of the Child - Responsibility of States". In the light of article 4 of the Convention, the Committee also urges the State party to prioritize and increase budgetary allocations for children at both national, regional and sub-regional levels to improve the implementation of the rights of the child throughout the country and, in particular, to pay attention to the protection of the rights of children belonging to vulnerable groups, including children belonging to minority groups, children with disabilities, children affected by and/or infected with HIV/AIDS and children living in poverty and in remote and rural areas.

Data collection

18. The Committee welcomes the improvements made with regards to data collection since the last periodic review in 2003. However, it notes that the figures given do not indicate the proportion of children in need and that updated data remains lacking in numerous areas, inter alia on alternative care, child abuse, sexual exploitation and child labour.

19. The Committee encourages the State party to further strengthen its system of data collection and analysis as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee also recommends that the State party seek technical assistance, including from the United Nations Children's Fund (UNICEF), in order to establish a DevInfo-based national database.

Dissemination, training and awareness-raising

20. The Committee notes with appreciation the efforts made by the State party in translating and disseminating the Convention through the organization of seminars and public events. However, the Committee is concerned that additional efforts are required with regard to raising awareness of the Convention among relevant professional groups, communities, religious leaders, parents and among children themselves, especially in rural and remote areas.

21. **The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by communities, religious leaders, parents and children, by using various forms of media with active participation of children. The Committee recommends that human rights education be included in the official curriculum at all levels of education. The Committee also recommends that the State party conduct public awareness campaigns paying particular attention to people with low literacy skills.**

22. **The Committee recommends the reinforcement of systematic training of all professional groups working for and with children, including teachers, police, lawyers, judges, health personnel, social workers and personnel of childcare institutions, including those in rural and remote areas. The Committee suggests that the State party seek technical assistance from UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the above recommendations.**

Cooperation with civil society

23. The Committee is seriously concerned over the limitations placed upon certain organizations of civil society and in particular regrets the severe administrative and practical restrictions upon the operation of international and national NGOs, in particular those working in the area of human rights and humanitarian assistance for children.

24. **The Committee strongly recommends the State party to respect the indispensable role played by civil society in furthering the implementation of the Convention and encourages the active, positive and systematic involvement of civil society, including international and national NGOs, in the promotion of children's rights, including their participation in the follow-up to the concluding observations of the Committee.**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. The Committee notes as positive that the principle of non-discrimination is incorporated in the Constitution as well as efforts to narrow the gender gap. The Committee also recognizes efforts by the State party to reduce regional disparities by the establishment of more colleges and hospitals, yet notes that regional disparities remain a concern. Furthermore, the Committee is concerned that de facto discrimination against certain groups of children persists, particularly

with regards to girls, children living in poverty, children affected by and/or infected with HIV/AIDS, orphans and children belonging to nomadic and pastoralist minorities.

26. **The Committee recommends that the State party make combating discrimination against vulnerable groups a national priority. In particular, the Committee recommends the State party to design programmes which enable the girl to access her rights without discrimination and to raise awareness among all stakeholders and society at large of the value of the girl child. Furthermore, in relation to other forms of discrimination, the Committee urges the State party to take adequate measures to ensure the practical application of provisions guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to eliminate regional disparities as well as discrimination on any grounds and against all vulnerable groups.**

27. **The Committee regrets that information was not included in the report on the measures and programmes relevant to the Convention 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, taking into account general comment No. 1 (2001) on the aims of education. The Committee requests that specific information, as outlined above, be provided in the next periodic report.**

Best interests of the child

28. The Committee appreciates the efforts of the State party to incorporate the best interest of the child into certain decision-making processes, however is concerned that there is little evidence that the best interests is a primary consideration by the legislative, executive and judicial branches of power.

29. **The Committee recommends that the State party ensure that the principle of the best interests of the child be formally incorporated into the legislative, executive and judicial branches of power by inter alia including reference to the best interests of the child in legislation and other actions such as children in cases of divorce, child protection, adoption and juvenile justice; ensuring that procedures of the executive include reference to the best interests of the child; and that members of the judiciary are aware of the Convention and its implications.**

Respect for the views of the child

30. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child, notably in custody and adoption cases, the Committee remains concerned over the lack of adequate opportunities for children to express their views and that traditional societal attitudes limit the consideration given to children's views, including in the community, schools and within the family. The Committee is furthermore concerned that sufficient legal provisions have not been implemented to guarantee the right of the child to be heard in judicial and administrative proceedings affecting the child.

31. **The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the community, the family, the schools and to guarantee the right of the child to be heard in any judicial and administrative proceedings affecting the child, in accordance with article 12 of the Convention. In this context, the Committee encourages the State party to take into account the recommendations adopted by the Committee following the day of general discussion on the right of the child to be heard, held on 15 September 2006.**

**3. Civil rights and freedoms
(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

Birth registration

32. The Committee, while noting the reported efforts by the State party to improve the rate of birth registration, is concerned over the lack of adequate institutional structures, especially at the regional and sub-regional level, to ensure birth registration and is still concerned at information indicating that large numbers of children, in particular those of minorities, are neither registered at birth nor at a later stage.

33. **The Committee reiterates its concern from the previous periodic review and urges the State party to strengthen and further develop measures to ensure that all children born within the national territory, including those of minorities and living in remote areas, are registered. Furthermore, the Committee urges the State party to create institutional structures at all levels that are accessible and free in order to implement effective birth registration, e.g. by introducing mobile units, especially in rural and remote areas and internally displaced persons and refugee camps. The Committee recommends the State party to seek technical assistance from UNICEF for the implementation of these recommendations.**

Freedom of expression

34. The Committee is concerned over the severe restriction on the freedom of expression and the lack of free media, which has a negative impact on children's right to access information.

35. **The Committee urges the State party to remove unnecessary restrictions on the media in order to guarantee that children can access information and exercise their right to freedom of expression in accordance with articles 13 and 17 of the Convention.**

Freedom of religion

36. The Committee is deeply concerned over measures by the State party to confiscate certain child orphanages and kindergartens as well as the detention of children belonging to certain religious denominations that are not recognized by the State party.

37. **The Committee urges the State party to lift restrictions, release children detainees and respect the rights of children belonging to all religious denominations to exercise their right to freedom of religion.**

Corporal punishment

38. The Committee notes that the provision on corporal punishment in the Transitional Penal Code only applies to children under 15 when endangering gravely their physical and mental health and that “reasonable chastisement” remains permitted. The Committee is concerned that corporal punishment is still widely practised in the home, the schools and other settings.

39. **The Committee recommends that the State party prohibit corporal punishment by law and enforce the prohibition in all settings, including in the family, the schools and alternative childcare. It also recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child’s human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of the general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. The Committee also recommends the State party to seek technical assistance from UNICEF in order to implement relevant programmes in the school environment.**

Torture and degrading treatment

40. The Committee is seriously concerned over the information that children, including those in high schools, are victims of torture, cruel and degrading treatment by the police and military. In particular, the Committee expresses concern at information indicating detentions and ill-treatment directed against children who seek to avoid military service.

41. **The Committee urges the State party to take effective measures to protect all children from torture, cruel, inhuman and degrading treatment. The Committee emphasizes the urgent need to investigate and sanction those responsible for having committed abuses. The Committee recommends that the State party ensure that all child victims of torture, cruel and degrading treatment are provided access to physical and psychological recovery and social reintegration as well as compensation, giving due consideration to the obligations enshrined in article 39 of the Convention.**

4. Family environment and alternative care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

42. The Committee is concerned over the high number of vulnerable families due the aftermath of the armed conflict, poverty, HIV/AIDS as well as the absence of one parent due to obligatory military service, detention or exile.

43. **The Committee recommends that the State party take all necessary measures to ensure the allocation of appropriate financial and other support to programmes that support parents in the exercise of their responsibilities. In particular the Committee recommends the State party to provide effective support programmes for children in vulnerable families, such as those mentioned above.**

Children without parental care

44. The Committee while noting as positive the efforts by the State party to prioritize alternative care for children in a community setting and reduce the number of children in institutions. However, the Committee remains concerned over the lack of accurate data on the number of affected children and over the high number of orphans, including HIV/AIDS orphans as well as refugee and displaced children, in relation to the measures and resources available to them.

45. **The Committee recommends that the State party, while taking into account the recommendations issued by the Committee following its day of general discussion on children without parental care, held on 16 September 2005, undertake the necessary measures to protect the rights of children without parental care and address their needs with a focus on, inter alia:**

(a) **Improved assistance to extended families who care for children of parents who have died of AIDS and for child-headed households;**

(b) **Further promotion of and support for family-type and community based forms of alternative care for children deprived of parental care, in order to reduce the dependence on institutional care;**

(c) **Providing training for staff in alternative care settings and access to complaints mechanisms for the children;**

(d) **Adequate monitoring of alternative care facilities on the basis of established regulations;**

(e) **Continued reunification with their birth family when appropriate for children receiving alternative care.**

Adoption

46. The Committee notes as positive that domestic adoptions are given priority and the intention of the State party to ensure that legislation relating to adoption is brought into conformity with the Convention. The Committee however regrets the lack of information and data in relation to adoptions.

47. **The Committee recommends that the State party evaluate its adoption practices and enact legislation in accordance with the best interest of the child and articles 20, paragraph 3, and 21 of the Convention. The Committee also recommends the State party to consolidate its data collection system and provide more information on domestic and inter-country adoptions. Furthermore, the Committee recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption in order to avoid the sale of children through illegal adoptions.**

Child abuse

48. The Committee notes the inclusion of provisions on sexual abuse in the Transitional Penal Code, however regrets that adequate information on child abuse is lacking in the State party report.

49. **The Committee recommends that the State party:**

- (a) **Take the necessary measures to prevent child abuse and neglect;**
- (b) **Establish effective mechanisms to receive, monitor though collection of data and investigate reports of cases of child abuse and, when required, initiate prosecutions of perpetrators in a manner that is child sensitive and ensures the privacy of the victims;**
- (c) **Provide children victims of sexual or other forms of abuse with the necessary psychological and other support for their full recovery and social reintegration,**
- (d) **Carry out preventive public education campaigns about the consequences of the abuse and ill-treatment of children;**
- (e) **Provide support for the operation of a 24-hour three-digit toll free helpline for children;**
- (f) **Finalize and adopt the national plan of action on violence and abuse against children.**
- (g) **Seek technical assistance from inter alia UNICEF.**

Follow-up to the United Nations study on violence against children

50. **With reference to the United Nations study on violence against children, the Committee recommends that the State party:**

- (a) **Take all necessary measures to implement the recommendations of the United Nations study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations;**
 - (i) **Prohibit all forms of violence against children;**
 - (ii) **Strengthen national and local commitment and action;**
 - (iii) **Promote non-violent values and awareness-raising;**
 - (iv) **Enhance the capacity of all who work with and for children;**

(v) Ensure accountability and end impunity;

(b) Use the recommendations of the United Nations study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and

(c) Seek technical cooperation in this respect from OHCHR, UNICEF and the World Health Organization (WHO), and other relevant agencies, inter alia, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

5. Basic health and welfare

(arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1-3, of the Convention)

Children with disabilities

51. The Committee notes as positive the assistance provided by the State party to children with disabilities, in particular the measures undertaken to improve access to education. The Committee however notes that further measures are required in order to extend the coverage of assistance and rehabilitation to all children with disabilities, particularly in rural and remote areas.

52. **The Committee recommends that the State party, while taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations issued by the Committee following its day of general discussion on children with disabilities, held on 6 October 1997, take all necessary measures to:**

(a) Continue raising awareness of children with disabilities, including their rights, special needs and potential, in order to change prevailing prejudices against children;

(b) Collect adequate disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children living in remote areas of the country;

(c) Provide children with disabilities with access to adequate social and health services, as well as to quality education;

(d) Ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained.

Health and health services

53. The Committee notes improvements regarding infant, under-five and maternal mortality rates but remains deeply concerned that these remain very high. The Committee notes efforts by the State party to improve health services to remote areas and the construction of new hospitals. However, it remains concerned that medical facilities are still primarily concentrated in the urban areas, resulting in exclusion of large parts of the population, in particular those belonging to minorities, of access to necessary health services. It is also concerned over the low coverage of vaccinations, the prevalence of malaria and the high incidence of malnutrition.

54. **The Committee recommends that the State party take all necessary measures to strengthen its programmes for improving health care by supporting programmes with adequate and clearly allocated resources, while paying particular and urgent attention to mortality rates, vaccination uptakes, nutrition status, breastfeeding rates and the management of communicable diseases and malaria. Specifically, the Committee recommends that the State party pay specific attention to the urban/rural divide and target financial allocations in order to address the disparities in access to services, also bearing in mind measures required to improve the access for children of minority groups.**

55. **Furthermore, Committee notes with appreciation the tradition in the State party of an overall high level of breastfeeding rates, to maintain this high rate the committee recommends State party, inter alia, to promote:**

- (a) Exclusive breastfeeding for 6 months;**
- (b) Adoption of the International Code for Marketing of Breast-milk Substitutes,**

HIV/AIDS

56. The Committee welcomes the information by the State party that anti-retroviral treatment is available free of charge. However, it notes the challenges involved in ensuring its accessibility to all those who need it. The Committee is concerned over the increasing HIV/AIDS infection rates and notes that children, and in particular adolescent girls in urban areas, are highly vulnerable to contracting HIV/AIDS. The Committee is concerned that prevention of mother to child transmission (PMTCT) services are inadequate, that testing and counselling services are insufficient and that there is a lack of a legal framework and strategy on how to support and counteract discrimination against children who have contracted or lost their parents to HIV/AIDS.

57. **The Committee recommends, with reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child and to the International Guidelines on HIV/AIDS and Human Rights, the State party to:**

- (a) Ensure the full and effective implementation of a comprehensive policy to prevent HIV/AIDS with adequate targeting of areas and groups that are the most vulnerable;**

(b) Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns;

(c) Ensure access to child-sensitive and confidential testing and counselling, without the need for parental consent;

(d) Strengthen and expand its efforts and services to prevent mother-to-child transmission of HIV;

(e) Develop a legal framework and strategy in order to protect children and prevent discrimination against children infected with and affected by HIV/AIDS;

(f) Seek international assistance from, among others, UNAIDS and UNICEF, to that effect.

Adolescent health

58. The Committee is concerned that insufficient attention has been paid to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee is specifically concerned over the situation of girls due to the high incidence of early pregnancies, as these have a negative impact on their health.

59. **The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child:**

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of early pregnancies and sexually transmitted infections (STIs);

(b) Ensure improved sex and reproductive health education in schools;

(c) Strengthen reproductive health services and make them known and accessible to adolescents.

Harmful traditional practices

60. The Committee, while noting with appreciation efforts by the State party to eradicate female genital mutilation (FGM) through the proclamation No. 158 of 2007 aimed at abolishing the practice and that the State party has designed a five year strategic plan to eradicate harmful traditional practices, reiterates its serious concern over the very high incidence of FGM, which still affects nearly 90 per cent of girls. The Committee, while noting awareness-raising efforts about the harmful impact of FGM, is concerned that such measures need to be strengthened and mainstreamed in a sustainable manner.

61. **The Committee recommends the State party to continue and strengthen its efforts including through effectively enforcing the criminalization of female genital mutilation.**

Furthermore, the Committee recommends that the national plan of action be implemented in a comprehensive manner and that adequate resources be allocated for its implementation, in particular in rural areas. Awareness-raising campaigns on the negative effects on the health of children, especially girls, should systematically and consistently be mainstreamed, targeting all segments of the society including the general public as well as community, traditional and religious leaders. The Committee further recommends the State party to provide retraining, where appropriate, for practitioners of female genital mutilation and support them to find alternative sources of income.

62. The Committee reiterates its concern, as stated in the previous concluding observations, that while the Constitution and the Civil Code formally set 18 years-old as the minimum age to enter into marriage, customary laws do not have the same minimum marriage age and are often applied differently to boys and girls. The Committee notes that in practice many children, especially girls, are married between the ages of 13 and 15. The Committee is furthermore concerned over reports which indicate that the rate of child marriages is increasing.

63. The Committee, while noting the efforts undertaken by the State party in this regard, recommends that the State party enforce legislation on the minimum age of marriage at 18 and develop further sensitization programmes involving community, traditional and religious leaders as well as society at large, including children themselves, in order to curb the practice of early marriage.

Standard of living

64. The Committee is deeply concerned at the widespread poverty in the State party and the large numbers of children who do not enjoy the right to an adequate standard of living, including access to food, clean drinking water, adequate housing and sanitation.

65. The Committee recommends that, in accordance with articles 4 and 27 of the Convention, the State party improve its coordination and reinforce its efforts to allocate adequate human and financial resources to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party give particular priority to the rights and needs of children when drafting and implementing national development plans and poverty reduction strategy papers. The Committee recommends the State party to conduct a child centred policy targeting the elimination of child poverty.

6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

66. The Committee welcomes the improved enrolment rates in schools of all levels, in particular in kindergarten and community centres, the increased budget allocation for education, the provision of education in various languages, as well as, improved collection of statistics of the school attendance of children. The Committee however is concerned that the literacy rate remains high as access to primary education is insufficient and net enrolment still low. Furthermore, the Committee is concerned at the large number of school dropouts; overcrowding in classrooms; the low rate of transition to secondary school; the limited provisions for

vocational training; the insufficient number of trained teachers and available school facilities; and the poor quality of education. The Committee is concerned that considerable challenges still hamper eliminating inequalities which disadvantage children's access to education, in particular in rural regions and among nomadic groups, and on the basis of ethnicity and sex. Finally, the Committee notes the information given during the dialogue that schools and military camps are separated, but is still concerned over information that secondary school students have to undergo obligatory military training.

67. The Committee recommends that the State party, taking into account its general comment No. 1 (2001) on the aims of education:

(a) Ensure that primary education is free and compulsory and take the necessary measures to ensure that all children are enrolled in primary education;

(b) Increase public expenditure for education, in particular primary education, with specific attention to improving access and addressing sex, socio-economic, ethnic and regional disparities in the enjoyment of the right to education;

(c) Train more teachers, especially female, and improve school facilities, notably water and sanitation, in particular in rural areas and among nomadic groups;

(d) Undertake additional efforts to ensure access to adaptable informal education of high quality to vulnerable groups, including street children, orphans, refugee and displaced children, children with disabilities and child domestic workers, inter alia by addressing indirect and hidden costs of school education;

(e) Further expand preschool facilities supplied with qualified teachers, make them free of costs and make special attempts to include children from vulnerable and school distant groups at early ages;

(f) Ensure that secondary school students do not have to undertake obligatory military training;

(g) Strengthen vocational training, including for children who have left school before completion;

(h) Include human rights education as part of the curriculum;

(i) Seek technical assistance from UNESCO and UNICEF, in particular to improve access to education for girls.

**6. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

Refugee and internally displaced children

68. The Committee regrets that the State party has not ratified the 1951 Convention relating to the Status of Refugees and does not adequately collaborate with humanitarian agencies in order to ensure protection of internally displaced children.

69. **The Committee urges the State party to:**

(a) **Ratify the 1951 Convention relating to the Status of Refugees;**

(b) **Extend further cooperation with humanitarian agencies in order to assist refugee and internally displaced children;**

(c) **Take all measures to guarantee protection of refugee children in line with international human rights and refugee law, while taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.**

Children in armed conflict

70. The Committee welcomes that the minimum age for recruitment is set to 18; however, it is concerned over reports of forced underage recruitment and at the detention and ill-treatment of boys under the age when they are required to serve their compulsory military service. Furthermore, the Committee is concerned over the lack of physical and psychological recovery for children affected by armed conflict, in particular those who were displaced and separated from their parents and those affected by landmines.

71. **The Committee urges the State party to:**

(a) **Take all possible measures to prevent the recruitment of children and enforce its legislation strictly;**

(b) **Provide physical and psychological recovery measures for all children affected by armed conflict, including those separated from their parents and landmine victims, while paying particular attention to female-headed households;**

(c) **Consider ratification of the Rome Statute of the International Criminal Court;**

(d) **Resume support to the operation of the United Nations Peacekeeping Mission in Ethiopia and Eritrea (UNMEE) in order to seek sustainable peace in the region.**

Street children

72. The Committee, while noting information in the State party report regarding measures taken to protect street children, is concerned over the increasing number of street children, especially in major urban centres, and that these children are often victims of drug abuse, sexual exploitation, harassment and victimization by members of the police force. Furthermore, the Committee is concerned at the stigmatization of street children and negative attitudes in society towards them based upon their deprived social condition.

73. **The Committee recommends the State party to:**

(a) Undertake a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude;

(b) Develop and implement with the active involvement of street children themselves a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence;

(c) Provide, in coordination with NGOs, street children with the necessary protection, adequate health-care services, shelter, education and other social services;

(d) Support family reunification programmes, when it is in the best interests of the child.

Economic exploitation, including child labour

74. The Committee notes the information from the State party regarding child work being mostly to help parents, but is concerned over information about widespread child labour and over the lack of comprehensive measures to ensure that children are protected from economic exploitation and the worst forms of child labour.

75. The Committee urges the State party to develop and implement, with the support of ILO, UNICEF, and NGOs, a comprehensive assessment study and a plan of action to prevent and combat child labour, in full compliance with ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment, which the State party has ratified. Furthermore, the Committee reiterates its recommendation that the State party ratify the ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Sexual exploitation and sexual abuse

76. The Committee welcomes the initiatives by the State party to combat sexual exploitation of children, including the establishment of a national plan of action against sexual exploitation of children. Nevertheless, the Committee is concerned over the rising numbers of children, especially girls, who are victims of sexual exploitation and sexual abuse. The Committee notes that the majority of cases remain in impunity. Furthermore, the Committee is deeply concerned

at the lack of information in the State party report on the extent of the problem and the number of children affected.

77. The Committee recommends that the State party:

(a) Undertake a comprehensive study to document the number of children victims of sexual exploitation and abuse and to identify the root causes of the problem;

(b) Carry out awareness-raising educational measures to prevent and eliminate sexual exploitation;

(c) Train professionals, in particular those working with the administration of justice, in order to receive, investigate process complaints in a child-sensitive manner that respects the privacy of the victim;

(d) Ensure adequate resources in order to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes;

(e) Implement a comprehensive policy, with the participation of NGOs, for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Yokohama Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Juvenile justice

78. The Committee regrets the absence of a child friendly juvenile justice system in the country and reiterates its concern that children between 15 and 17 are tried as adults. The Committee is concerned that deprivation of liberty is not used as a measure of last resort and at the lack of separation of children from adults in pretrial detention.

79. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as 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”) the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”), and in the light of the Committee’s day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:

(a) Develop a juvenile justice system, with specialized juvenile courts, which ensures that all children are tried as such. Children under 18 should not be tried as adults;

(b) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defence lawyers and prosecutors;

(c) **Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;**

(d) **Be guided in this respect by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20);**

(e) **Ensure that detention and institutionalisation of child offenders is only resorted to as a last resort;**

(f) **Seek technical assistance and other cooperation from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

Children belonging to a minority group

80. The Committee notes the lack of information on children belonging to minority groups in the report of the State Party.

81. **The Committee urges the State party to provide information on the fulfilment of the rights of children belonging to minority groups in its next periodic report.**

8. Ratification of international human rights instruments

82. The Committee is of the opinion that the ratification of or accession to other international core human rights instruments would strengthen the efforts of the State party to meet its obligations in guaranteeing the full realization of rights of all children under its jurisdiction.

83. **The Committee encourages the State party to ratify or accede to all core international human rights instruments and ensure prompt compliance and implementation with reporting requirements in order to promote and improve the overall protection of human rights.**

9. Follow-up and dissemination

Follow-up

84. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Cabinet, the Parliament, and to regional and sub-regional authorities, when applicable, for appropriate consideration and further action.**

Dissemination

85. **The Committee further recommends that the second and third periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society**

organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

86. The Committee invites the State party to submit its fourth report, by 1 September 2011. This report should not exceed 120 pages (see CRC/C/118). Furthermore, the Committee reminds the State party that the reports under the Optional Protocols were due on the 16 May 2007 and recommends that both reports be submitted at the same time

87. The Committee also invites the State party to submit a core document in accordance with the requirements of the common core document set out in the “harmonized guidelines on reporting, to the international human rights treaty monitoring bodies” approved by the fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
