



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Thirty-fourth session

16 January-3 February 2006

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Eritrea

1. The Committee considered the combined initial, second and third periodic reports of Eritrea (CEDAW/C/ERI/1-3 and Corr.1) at its 709th and 710th meetings, on 24 January 2006 (see CEDAW/C/SR.709 and 710). The Committee's list of issues and questions is contained in CEDAW/C/ERI/Q/1-3, and Eritrea's responses are contained in CEDAW/C/ERI/Q/1-3/Add.1.

#### Introduction

2. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, while regretting that it was overdue and did not fully comply with the Committee's guidelines for preparation of reports.

3. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Eritrea, but regrets that the delegation was unable to adequately respond to a number of issues raised and questions posed by the Committee.

#### Positive aspects

4. The Committee commends the State party for its political will and commitment, expressed in the Constitution and during the constructive dialogue, to the realization of de facto equality for women and the full implementation of the provisions of the Convention, and to further improve on progress achieved so far in some areas.

5. The Committee congratulates the State party on proclamation No. 86/1996 which reserves 30 per cent of seats in regional assemblies for women; proclamation



No. 58/1994 which gives every citizen the right to land use without discrimination on the basis of sex; and the Citizenship Act which gives equal citizenship rights to men and women.

#### **Principal areas of concern and recommendations**

6. While noting that a law reform project to harmonize Eritrea's laws with its international obligations has been ongoing since 1997, the Committee is concerned that the Convention is not yet part of Eritrean law and thus that its provisions are not enforceable in domestic courts. The Committee is concerned about the State party's assertion that, as a country that follows the dualist approach, in case of conflict between provisions of an international instrument ratified by Eritrea and the provisions of national law, the latter would prevail, which in the Committee's view would mean that the State party would not be complying with its international obligations.

**7. The Committee calls on the State party to take immediate measures to ensure that the Convention and its provisions are incorporated into national law and become fully applicable in the domestic legal system, and to place high priority on completing its law reform in respect of the Civil and Penal Codes.**

8. While welcoming the fact that the Convention has been translated into one of the local languages and disseminated among Eritrean women, the Committee is concerned that the provisions of the Convention are not widely known by judges, lawyers and prosecutors.

**9. The Committee calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. The Committee urges the State party to translate the Convention into other local languages so as to make it widely known among all ethnic groups.**

10. The Committee expresses concern that, while article 7 (2) of the Eritrean Constitution prohibits discrimination against women and prohibits "any act that violates the human rights of women", it does not contain a definition of discrimination in line with article 1 of the Convention.

**11. The Committee urges the State party, as part of its current law reform process, to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination and to enshrine in the Constitution, or other appropriate legislation, a definition of equality and discrimination against women, in line with article 1 of the Convention.**

12. While appreciating the reasons for the State party's designation of the National Union of Eritrean Women, a non-governmental organization with long-term significant experience in advocacy on behalf of Eritrean women, as the national machinery for the advancement of women, the Committee is concerned that this institutional status may limit the authority and influence of the national machinery within the government structure and the accountability of the Government of Eritrea with respect to the implementation of the Convention. The Committee is also concerned that the national machinery does not have a clear mandate and that it is

not provided with adequate human and financial resources to carry out its functions effectively in promoting the advancement of women and gender equality.

**13. The Committee invites the State party to fully ensure Government accountability for gender equality and the advancement of women in the implementation of the Convention. In this regard, the Committee refers to the guidance provided in the Beijing Platform for Action on national machinery for the advancement of women. The Committee further recommends that the State party expeditiously strengthen the National Union of Eritrean Women by providing it with a clear mandate for its functions, as regards gender mainstreaming in all policy areas, and with adequate human and financial resources.**

14. While noting the advocacy work carried out by the National Union of Eritrean Women, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights. For example, the Committee is concerned that, while participation in National Service creates eligibility for access to land and other economic resources, women are exempt from National Service on grounds of marriage, thus losing eligibility for access to land and other resources. It is also concerned about the State party's apparent reluctance to address discriminatory practices firmly through legislation.

**15. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life and therefore subject to change. It urges the State party to introduce measures, including legislation, without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and to ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. In particular, it urges the State party to study the extent to which women lose access to land and other resources because of non-participation in National Service through marriage; to educate communities on the discriminatory aspects of early marriage; and to find solutions for women who have already lost or are losing their eligibility for land and other resources owing to early marriage. It further urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment within which to transform and change discriminatory laws, customs and stereotypes and allowing women to exercise their human rights.**

16. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women including marital rape. The Committee also expresses its concern about the lack of information and statistics on violence against women in the report.

17. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and all forms of sexual abuse. It requests the State party to address the issue of rapists' avoiding prosecution through subsequent marriage to their victims. It calls on the State party to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with all forms of violence against women and the impact of such measures.**

18. While noting the entrenched cultural underpinning of female genital mutilation and while welcoming the important awareness-raising efforts implemented by the National Union of Eritrean Women towards ending the practice of female genital mutilation, the Committee is concerned at the high incidence of female genital mutilation in the country and the State party's reluctance to expedite the adoption of legislation aimed at eradicating this practice.

19. **The Committee urges the State party to speedily enact the draft legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished and to continue its awareness-raising efforts to change the cultural perceptions connected with female genital mutilation.**

20. While applauding the successful use of the 30 per cent quota for women in the regional assemblies, the Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service.

21. **The Committee encourages the State party to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions. It invites the State party to use the successful example of increasing the number of women in regional assemblies to achieve similar results in other areas, including parliament and the foreign service. The Committee encourages the State party to implement and strengthen training and awareness-raising programmes, and to highlight the importance of women's participation in decision-making at all levels, including the international level.**

22. While noting the efforts made by the State party to improve reproductive health care for women, including through the Safe Motherhood programme, the Committee remains concerned about the limited access to adequate health-care services for women, especially women in rural areas. It is particularly concerned about the maternal mortality rate which is among the highest in the world — an indication of lack of obstetric care — and early pregnancies and deaths due to clandestine abortions.

23. **The Committee recommends that the State party take measures to improve women's access to health care, especially emergency obstetric care and health-related services and information, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing early pregnancies and clandestine abortions. It encourages the State party to enhance such services especially for rural women. The Committee requests the State party to provide in its next report detailed information on measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures.**

24. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict as well as recurrent droughts, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is concerned at the very large number of women heads of household who are particularly vulnerable to poverty.

25. **The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at poverty alleviation and sustainable development, including its Poverty Reduction Strategy and Food Security Strategy. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women. It calls on the State party to pay special attention, and provide targeted support, to women heads of household in all its poverty eradication efforts.**

26. The Committee is especially concerned about the situation of women in rural areas who often lack access to health, education, clean water and sanitation services and means and opportunities for economic survival. In this regard, the Committee regrets that the report did not provide sufficient information on the de facto position of rural women in all sectors, including education, health and employment.

27. **The Committee urges the State party to pay special attention to the needs of rural women and women heads of household, ensuring that they participate in decision-making processes and have access to health, education, clean water and sanitation services and income-generation projects. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women in all sectors.**

28. While noting that the Transitional Code of Eritrea adopted in 1991 establishes a minimum age at marriage, prohibits forced marriages and establishes a system of equitable division of marital property upon divorce, the Committee is concerned that these laws are not enforced and that discriminatory customary laws and practices continue to be applied. The Committee is also concerned that the Transitional Code's provisions on marriage and family relations do not apply to Muslim marriages and divorces. The Committee expresses its concern that the ongoing law reform process aimed at harmonization and consolidation of Eritrean laws may

result in the legal recognition and/or codification of discriminatory laws governing marriage and family relations, in contravention of article 16 of the Convention.

**29. The Committee calls on the State party to ensure full compliance with the provisions of the Transitional Code on marriage and divorce, including enforcement of the minimum age at marriage, prohibition of forced marriages and enforcement of equitable division of marital property upon divorce, and other laws relating to harmful traditional or customary practices that violate women's rights. The Committee recommends that the ongoing law reform process aim at promotion of gender equality, elimination of discrimination against women, especially in family relations, and full compliance with all provisions of the Convention.**

30. While noting that an act for the establishment of a national statistics office is being drafted, the Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

**31. The Committee calls upon the State party to put in place a comprehensive system of data collection and assessment of trends in the situation of women. It encourages the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards realization of women's de facto equality. It invites the State party, as necessary, to seek international assistance for the development of such data-collection and analysis efforts and to avail itself of innovative statistical concepts with respect to women's lives. The Committee also requests the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of women's de facto equality.**

32. The Committee recommends that the State party avail itself of technical and financial assistance from the international community as indicated in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, in order to facilitate implementation of the Convention.

33. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

34. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with other non-governmental organizations in addition to the National Union of Eritrean Women during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.

35. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

36. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

37. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Eritrea to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. The Committee requests the wide dissemination in Eritrea of the present concluding comments in order to make the people of Eritrea, including government officials, politicians, parliamentarians and women's and human-rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human-rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

39. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its fourth periodic report under article 18 of the Convention, which is due in October 2008.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.