



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Eritrea*

Women and peace and security

1. The Committee observes the signing in July 2018 of the Joint Declaration of Peace and Friendship between the State party and Ethiopia and the information on an assessment conducted with the aim of adopting a national action plan to implement Security Council resolution 1325 (2000) (CEDAW/C/ERI/6, para. 63).¹ Please provide updated information on measures taken to set up a process aimed at adopting the national plan involving consultation with women's organizations at all levels. Please report on legislation and policies adopted to ensure access to truth, justice and reparations, including compensation for women victims of violations of their rights, such as in connection to armed conflict and other, current situations.

Constitutional, legislative and institutional framework

2. With reference to the Committee's previous concluding observations (CEDAW/C/ERI/CO/5, para. 11 (b)), please provide information on steps taken to incorporate the provisions of the Convention into national law and ensure that it is directly applicable by the courts. Please provide examples of available legal remedies, court cases or instances, if any, in which national courts have interpreted national law in line with the Convention, and of reparations for women victims of discrimination. Please indicate measures taken to adopt a revised constitution following the process begun in 2015.

3. The State party highlights in paragraphs 18 and 22 legal provisions prohibiting discrimination on the basis of sex and measures taken to repeal discriminatory laws. In accordance with articles 1 and 2 (b) of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether the State party has taken measures to strengthen anti-discrimination legislation encompassing the prohibition of indirect discrimination and multiple and intersecting forms of discrimination in all areas covered by the Convention and to ensure that all laws, including ordinary,

* Adopted by the pre-sessional working group for the seventy-fifth session (25 and 26 July 2019).

¹ Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.



customary and sharia law, are interpreted and applied in compliance with the Convention.

General context and gender-based violence against women

4. Please report on measures taken to prosecute cases of serious human rights violations affecting women, including gender-based violence against women, the crime of enslavement, including acts of sexual slavery, enforced disappearances, extrajudicial killings, torture and rape, amounting to crimes against humanity according to the commission of inquiry on human rights in Eritrea in its report to the Human Rights Council in 2016 ([A/HRC/32/47](#)). With reference to the Committee's previous recommendations about the forced recruitment of women into the military/national service for an open-ended duration, notwithstanding the legal provisions limiting it to 18 months, and sexual violence faced by women serving in the military, including rape in the Sawa military training centre ([CEDAW/C/ERI/CO/5](#), para. 8), please provide information on measures taken to end forced enrolment and all forms of gender-based violence against women in the military/national service and to demobilize women conscripts, ensuring their appropriate inclusion and reintegration into society. Please indicate the number of investigations and prosecutions carried out in the past five years relating to cases of gender-based violence against women during military service and provide information on the reparations, rehabilitation and compensation provided to victims.

5. With reference to available information concerning the arbitrary detention and enforced disappearance of women in the State party, including of perceived political dissidents and members of unregistered religious denominations and groups, please provide information on measures taken to release women political prisoners and women imprisoned for practising their faith and on the independent monitoring of detention facilities. Please also indicate the measures taken to introduce gender-sensitive complaint mechanisms in places of detention for women who are victims of violence and ill-treatment (*ibid.*, para. 40). Please provide information on legal remedies for women relatives of men who have been subjected to enforced disappearance, including early warning mechanisms for missing persons, and measures to prevent discrimination against them.

6. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on measures taken to develop a national policy or comprehensive long-term strategy to combat gender-based violence against women, including measures to: (a) encourage women to report acts of violence; (b) ensure the prosecution, conviction and punishment of perpetrators; and (c) provide victims with effective protection, remedies and rehabilitation, as well as financial remedies. Please describe measures adopted to establish shelters for women facing gender-based violence (*ibid.*, para. 21), ensuring their accessibility for women with disabilities, and measures to provide women who are victims of violence with support in the form of psychological counselling, protection orders and alternative accessible and affordable housing. Please report on steps taken or envisaged to explicitly criminalize marital rape in all circumstances. Please provide updated statistical data on gender-based violence against women in the past five years, disaggregated by age, the relationship between the perpetrator and the victim, disability and other relevant characteristics.

Access to justice

7. With reference to the Committee's previous concluding observations (*ibid.*, para. 9), please provide information on measures taken to reform the judiciary, with the aim of ensuring its impartiality and that cases of gender-based violence against women are brought under the jurisdiction of the regular criminal courts instead of the military courts, including in cases in which violations are allegedly committed by members of the military or public officials. Please provide information on specific measures taken to eliminate barriers to access by women to justice in procedures before regular and special courts, including in community or sharia courts. Please provide specific information on the provision of legal aid for women and on court proceedings accessible for women with disabilities and women belonging to linguistic minorities, in particular in cases of gender-based violence against women, arbitrary detention or the enforced disappearance of their relatives. Please indicate concrete measures taken to build the capacity of members of the executive and the judiciary, including customary courts, law enforcement officers, including the police, and the Office of the Attorney General, concerning equality and non-discrimination on the basis of sex and gender, and how such training has had an impact on access by women to justice.

National machinery for the advancement of women

8. Please provide information on measures taken to provide the National Union of Eritrean Women with executive powers, ensuring that its composition is inclusive and reinforcing its ability to provide for coordination and interaction with civil society, as recommended by the Committee (*ibid.*, para. 15). Please also provide detailed information on the progress achieved in the framework of the gender action plan for the period 2015–2019, the current status of gender action plans at the ministerial level and how the regional administrations implement gender mainstreaming strategies in all areas covered under the Convention, with reference to the most vulnerable groups of women.

National human rights institution

9. Please provide information on measures taken to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in line with the recommendations issued during the universal periodic review of the State party ([A/HRC/41/14](#)).

Women human rights defenders

10. Please provide information on measures taken to ensure the rights to freedom of association and peaceful assembly of women human rights defenders and non-governmental organizations working in the area of human rights, in particular women's rights and gender equality, and of women journalists, as well as measures to facilitate their access to funding. Please also report on measures to prevent arbitrary detention and the harassment of human rights defenders working on women's rights and gender equality.

Temporary special measures

11. Please provide information on temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, applied during the reporting period through national policies and programmes, including quotas to accelerate the achievement of

substantive equality between women and men in all areas covered under the Convention.

Stereotypes and harmful practices

12. The State party reports on the decrease in female genital mutilation, which, however, continues to be practised, affecting girls in some regions. It also reports on the establishment of anti-female genital mutilation committees throughout the country and the work of a national steering committee (paras. 47–48). Please provide information on impact assessments of the capacity-building, awareness-raising and campaigning activities aimed at eliminating female genital mutilation and the persistent patriarchal attitudes and gender-based stereotypes on the roles and responsibilities of women and men in the family and in society underpinning harmful practices, including child and/or forced marriage, polygamy and unequal inheritance rights for women. Please also report on measures taken to offer rehabilitation programmes for victims of female genital mutilation. Please report on measures taken to prevent child/or forced marriage and the removal of girls from school used as means to avoid recruitment and sexual violence in military/national service training centres.

Trafficking and exploitation of prostitution

13. Please provide information on policies to combat and prevent trafficking in persons and to protect, assist and provide women and girls who are victims of trafficking with psychological redress and support, considering the specific circumstances of girls and women in rural areas, women and girls with disabilities and those at risk of gender-based violence and child and/or forced marriages. Please report on the number of cases investigated and prosecuted, convictions and the sentences imposed on the perpetrators of trafficking, as well as on measures in place to, inter alia, identify, screen, protect and assist women and girls who are victims of trafficking and to raise public awareness of trafficking. With reference to paragraph 57, please specify whether prostitution is considered to be a criminal offence. Please also report on measures taken to prevent the exploitation of women and girls in prostitution and to reduce the demand for prostitution and to support women who wish to leave prostitution. Please provide information on assessments and the impact of the measures relating to women in prostitution listed in paragraph 58.

Participation in political and public life

14. Please report on measures taken to hold free and fair elections to the National Assembly and other elected bodies, ensuring that all women can vote and stand for election, as recommended by the Committee in its previous concluding observations ([CEDAW/C/ERI/CO/5](#), paras. 7 and 25) and in the follow-up letter issued on 5 September 2018. With reference to paragraph 60, please provide information on measures taken to increase the representation of women in the regional assemblies, including to encourage women to participate in political life and provide women candidates with financial assistance and training to support their right to stand for election. Please provide information on the electoral legislative framework, including the establishment and functioning of political parties, and whether the legislation includes the principle of parity in the composition of electoral lists of political parties. The State party reported on local elections being held throughout the country (para. 61). Please update the Committee on the results of the elections, the percentage of women elected, the implementation of the 30 per cent quota as provided for in Proclamation No. 86 of 1996 and measures to support women elected. Please also report on measures taken to ensure the equal participation and appointment of women

in the executive, including the foreign service, as well as the judiciary at all levels, including through temporary special measures.

Nationality

15. The State party states that there is no distinction between women and men relating to nationality and citizenship (para. 65). Please provide information on measures in place to ensure the equality of women and men with regard to the acquisition, changing and retention of nationality and to enable women to transmit their nationality to their children and to their foreign spouses. Please report on measures taken to ensure the right of women to exercise dual nationality and prevent their statelessness when seeking to change their nationality to that of their foreign spouse upon marriage. According to information received by the Committee, the birth registration rate is very low, notwithstanding the legislation providing for compulsory registration. Please indicate legislative and practical steps taken or envisaged to ensure that all children are registered, including in rural areas, and provide data, disaggregated by sex and age, on the total number of Eritreans currently holding a valid identity card.

Education

16. The State party reports on the overall increase in the enrolment of girls and boys in pre-primary schools and acknowledges gaps in the enrolment ratio of girls at the primary level (para. 68). It also indicates dropout rates at the secondary level affecting 10.8 per cent of girls in 2016/17 (para. 70). Please provide information on measures taken to ensure the universal enrolment of girls in education, ensure their retention at all levels of education and eliminate all instances of dropping out and repetition, in particular of girls belonging to nomadic communities and minority linguistic, religious, and ethnic minorities in rural areas, addressing the root causes of girls dropping out such as early pregnancy and child and/or forced marriage. Please report on budgets earmarked to improve the infrastructure of schools in rural areas and to ensure the accessibility and inclusion of girls with disabilities, including in boarding schools. Please also provide information on efforts made to include mandatory age-appropriate education on sexual and reproductive health and rights, including responsible sexual behaviour, in school curricula. Please provide information on the specific measures taken to encourage a diversity of women and men teachers, including with regard to addressing the low representation of women teachers at all levels in education and the lack of women in managerial positions at the secondary and higher levels of education (para. 80).

Employment

17. With reference to paragraph 91, on the rate of informal employment and occupational segregation affecting women, please provide information on measures taken to ensure that women have access to formal employment and increase employment opportunities for women in traditionally male-dominated areas such as engineering, construction and technical agriculture studies, including through vocational training. Please provide information on the number, nature and results of the labour inspections conducted, including in the field of agriculture and domestic work, and updated statistics on the minimum wage and the ratio of employment and unemployment disaggregated by sex, age and urban and rural areas. Please provide information on measures taken to include the principle of equal pay for work of equal value in the State party's legislation and to ensure that it is applied in the private sector. Please report on measures taken to recognize sexual harassment as a criminal offence and to prevent and combat sexual harassment in the workplace. Please also report on the number of cases of discrimination against women in employment

brought before the Ministry of Labour and Social Welfare under article 65 (1) of the Labour Proclamation (No. 118/2001).

Health

18. Please provide information on national public policies in the area of health and sanitation, indicating how gender is mainstreamed, and the human, technical and financial resources allocated to health care at the national and regional levels. Please report on measures taken to improve the availability and quality of sexual and reproductive health counselling services for women and girls and provide information on measures taken to improve access to modern contraceptive methods, including by ensuring universal coverage under the State health insurance of all costs relating to such methods. Please provide information on the incidence of unsafe abortion and its impact on women's health, including maternal mortality, in the State party. Please also indicate whether the State party envisages amending its legislation to decriminalize abortion and legalize it in cases in which the life and/or health of the pregnant woman or girl is at risk and in cases of rape, incest or severe fetal impairment.

Economic empowerment of women

19. Available information indicates a 69 per cent rate of poverty in the State party. Please report on measures taken to address and mainstream the gender dimensions of poverty into public policies, in particular national development plans or strategies to combat poverty. Please report on strategies to develop and sustain social protection schemes for women on an equal basis with men, including in the agricultural sector. Please inform the Committee of steps taken to provide women with easy access to credit and loans and to promote entrepreneurship. Please also provide information on measures taken to ensure that Muslim women and girls enjoy equal access to land and productive resources as men ([CEDAW/C/ERI/CO/5](#), para. 37 (b)).

Disadvantaged groups of women

20. Please provide information on the following:

(a) Measures taken to increase the registration and distribution of land and women's participation as owners of farms and cooperatives, and to inform rural women of their rights to property and land ownership and use, and empower them to claim those rights;

(b) Legislative and policy frameworks to ensure impact assessments and measures to prevent the negative impact on rural and pastoralist women of large-scale projects, including mining activities;

(c) Measures in place to empower women and girls with disabilities, address discrimination against them and ensure their inclusion and enjoyment of all rights under the Convention, including legal capacity, access to justice, mechanisms to prevent and combat gender-based violence against women and access to inclusive education, employment and health services, including sexual and reproductive rights, in line with the Committee's general recommendation No. 18 (1991) on disabled women;

(d) Assessments of the situation of refugee and asylum-seeking women and girls, including those in refugee camps, and measures to ensure the safety of women who have been returned from third countries.

Climate change

21. Available information indicates that the State party is vulnerable to the adverse effects of climate change and drought and that 59 per cent of the population lives in degraded lands. Please provide information on the participation of women in all decision-making processes regarding the reduction of the impact of climate change. Please provide information on whether a gender perspective has been integrated into the country's framework for climate change, adaptation and disaster risk reduction.

Marriage and family relations

22. Considering that the marriage of persons under 18 years of age is a criminal offence under article 607 of the Transitional Civil Code of Eritrea, please provide information on how that provision has been enforced in relation to marriages celebrated under customary and sharia law and on the redress provided to girls who have entered into child and/or forced marriages. Please report on measures taken to abolish polygamy and to ensure that the legal framework concerning marriage and family relations guarantees that women and men have the same rights and responsibilities during marriage, at its dissolution and in all family matters, including inheritance, property rights and child custody, and that it is applicable to all women, including Muslim women. Please report on the current property regime upon the dissolution of marriage, including on measures to recognize women's non-financial contributions to marital property, and on measures to ensure that women enjoy an equal share of inheritance and their equal rights as testators, heirs or beneficiaries.

Statistics and data collection

23. The commitment of all ministries and associations to collect data disaggregated by gender, age, ethnic origin, disability and rural and urban areas is indicated in paragraph 34. Please provide information on measures being taken to ensure the systematic collection of comprehensive data disaggregated by sex, age, gender, ethnic origin, geographical location and measurable indicators to assess the situation of women and girls in the State party, including for the achievement of the Sustainable Development Goals, and the impact of legal and policy measures aimed at addressing discrimination against women and achieving substantive equality.
