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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-fourth session

16 January-3 February 2006

**List of issues and questions with regard to the consideration
of reports**

Eritrea

Introduction

1. The pre-session working group examined the combined initial, second and third periodic report of Eritrea (CEDAW/C/ERI/1-2 and CEDAW/C/ERI/1-3/Corr.1).

Articles 1-2

2. The report mentions that a law reform committee was established in 1997 to reform or repeal the colonial Civil and Penal Code and that a Transitional Code is in effect, which calls for the exclusion of all discriminatory clauses and connotations and the inclusion of protective legal measures (see *ibid.*, p. 7). What is the status of the Transitional Code and how does it contribute to the implementation of the Government's obligations under the Convention?

3. Please indicate the status of the Convention in the national legal system. In instances of conflict between provisions of the Convention and national law, which provisions would prevail?

4. Please describe what mechanisms and remedies are available to women with complaints of gender-based discrimination, including independent mechanisms (such as an ombudsperson).



Article 3

5. The report mentions the need for a consistent integrated approach to a system of collecting gender-disaggregated statistics that embraces all government line ministries, the private sector, non-governmental organizations and other concerned institutions (see *ibid.*, p. 6). Has such an approach or policy been formulated and adopted and how will such gender-disaggregated statistics be used to enhance implementation of the Convention?

6. The National Union of Eritrean Women is a non-governmental organization mandated to work as the national mechanism for the advancement of women (see *ibid.*, p. 4), including in relation to the implementation of the Convention. The report indicates that the Union is not currently “empowered structurally to play an extensive role in monitoring the effective gender mainstreaming activities within the government sectors and other agencies” (see *ibid.*, p. 11). The Platform for Action sets out parameters for national mechanisms. Are there plans to create a national mechanism along the lines specified in the Beijing Declaration and Platform for Action that would also have responsibility for supporting implementation of the Convention?

7. The report indicates that the National Union of Eritrean Women has proposed a five-year national plan of action on gender development (see *ibid.*, p. 5). What is the current status of implementation of this national plan? Please indicate whether the norms and provisions of the Convention have been incorporated in the framework of this national plan.

Article 4

8. The report indicates that the Government is planning to undertake “a comprehensive National Gender Policy framework and corresponding plan of action that cuts across all sectors and institutions to foresee the implementation of gender mainstreaming through affirmative actions” (see *ibid.*, p. 9). Please elaborate the Government’s understanding of “affirmative action” in light of the Committee’s general recommendation 25 and specify what special temporary measures are being considered.

Article 5

9. The report notes the pervasive impact of culturally entrenched stereotypes on the enjoyment by women of their rights protected under the Convention (see *ibid.*, p. 9 and 10) and indicates the need for a long-term, well-budgeted, intersectoral plan to combat gender stereotyping (see *ibid.*, p. 11 and 12). Please indicate what concrete steps have been taken to develop and implement such a plan.

10. The report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1) indicates that violence against women is pervasive in Eritrea. The report provides little information on violence against women. Please provide detailed information on the form and extent of violence against women, in particular domestic violence, in Eritrea. Please indicate if a comprehensive and multidisciplinary strategy to combat all forms of violence against women is in place, and if so, please describe it.

11. The report indicates that rapists avoid prosecution and punishment by marrying their victims and that the definition of rape excludes marital rape (see *ibid.*, p. 57). Please specify if any action, including legislation, has been taken to address these issues.

Article 6

12. According to the report, trafficking and the “habitual exploitation of the immorality of others” are illegal and punishable (see *ibid.*, p. 13). Please provide data and discuss trends on cases brought under articles 604 and 605 of the Penal Code. What protection measures, if any, are available for victims of trafficking?

Article 7

13. The report indicates that there are very few women in high positions in political and public life (see *ibid.*, p. 15 to 17). Other than the institution of a quota system that requires 30 per cent of seats in District Assemblies and National Parliament to be reserved for women, what other measures have been instituted to achieve women’s full and equal participation and representation at all levels of Government, including the Cabinet of Ministers, the Politburo and the Central Committee as well as at the district and village levels, taking into account the Committee’s general recommendation 25 on article 4, paragraph 1, of the Convention, and general recommendation 23 on women in public life?

Article 8

14. The report indicates that women do not have adequate representation in the work on international affairs of the country, especially in higher positions within the administration and foreign missions and that women generally do not participate and represent the Government in various international forums and delegations (see *ibid.*, p. 17). Please indicate what measures are being taken to increase women’s participation in these areas.

Article 10

15. The report notes that: 52 per cent of women have no education (see *ibid.*, p. 19); rural women have significantly lower school attendance rates than urban women (see *ibid.*, p. 20 and 43); women make up only 13 to 14 per cent of university students (see *ibid.*, p. 23); and women’s participation in technical education is only 14 per cent (see *ibid.*, p. 25). The report further indicates that a project supported by the United Nations Children’s Fund (UNICEF) and aimed at developing a national policy on girls’ education is under way (see *ibid.*, p. 25). Please indicate the current status of this policy and the measures contemplated to increase women’s access to education at all levels and in all fields.

16. The report indicates that the Ministry of Education has taken concrete steps to combat gender stereotyping in the education system through revising school curricula and introducing gender sensitization training (see *ibid.*, p. 11 and 24).

Please elaborate the impact of these measures and indicate if other comprehensive steps have been taken to combat gender stereotyping within the education system.

Article 11

17. The report indicates that women make up a very small share of the economically active population (with a 5.1 per cent share in professional and technical fields, 0.2 per cent in administrative and managerial posts, 5 per cent in government and clerical jobs, 5.7 per cent in sales, 17.3 per cent in services, 50 per cent in agriculture and 15.5 per cent in production-related work) (see *ibid.*, p. 27). What steps have been taken, including temporary special measures and the provision of vocational training, to ensure equality in the field of employment?

18. Please provide information on women's participation in the informal sector, including the number of women in the informal economy compared to those employed in the formal economy, as well as the sectors of the informal economy that have the largest share of women.

19. The report notes that, under labour proclamation No. 118/2001, discrimination on the basis of sex in employment (opportunity, treatment and remuneration) is prohibited and women may complain to the Minister of any discrimination, with the right to appeal the Minister's decision to the high court (see *ibid.*, p. 29). The report also indicates that, in practice, male employees get paid more and enjoy greater salary increments and promotions than female workers (see *ibid.*, p. 30). Please specify if labour proclamation No. 118/2001 has been successfully utilized by women to challenge such discriminatory practices and also indicate what other measures are in place for the effective enforcement and implementation of this proclamation.

Article 12

20. The report indicates that the maternal mortality rate is estimated to be 998 per 100,000 (see *ibid.*, p. 37) and that a large proportion of the female population does not have access to health facilities providing delivery care (see *ibid.*, p. 35 and 43). A programme to train traditional birth attendants with a view to improving post-natal and delivery care to women in rural and remote areas was conducted but has not had the desired impact (see *ibid.*, p. 35). Are there other plans or policies in place to increase women's access to health-care facilities for prenatal, delivery and post-natal care?

21. The report notes that 89 per cent of women have undergone female genital mutilation and points out the need for a well-coordinated and integrated intersectoral campaign among all stakeholders to address this issue (see *ibid.*, p. 39). Please indicate what measures have been taken towards this end, including legislation and awareness raising.

22. The report indicates that: knowledge of family planning methods is not high (see *ibid.*, p. 38); there is a high rate of teenage pregnancies (see *ibid.*, p. 38); abortions performed for reasons other than those established by strict medical criteria are criminalized (see *ibid.*, p. 39); and illegal abortion procedures are one cause of the high maternal mortality rate (see *ibid.*, p. 37). Please provide detailed

information on measures that are in place to ensure information for both women and men on contraceptives and family planning and to increase easy access to and use of family planning.

23. Please indicate whether existing programmes to combat HIV/AIDS integrate a gender perspective and whether special measures for prevention are in place that target women.

Article 13

24. The report indicates that microcredit programmes conducted by both the Government and non-governmental organizations operate on the grounds of equal access and that in some cases more encouragement is given to women as positive discrimination (see *ibid.*, p. 41). However, it is not clear from the report what kind of programmatic and practical support has been provided to women entrepreneurs. What measures are in place to support women entrepreneurs in diverse and non-traditional sectors?

Article 14

25. The report points out that the Eritrean Community Rehabilitation Fund has undertaken several activities for the development of rural communities and that a comprehensive assessment of the impact of these programmes on rural women was planned at the time of submission of the report (see *ibid.*, p. 44). Has such an assessment been conducted? If so, please specify the results.

26. The report notes that while women have legally gained access to land use for farming, housing and investment purposes under the land reform policy, there are “attitudinal obstacles” that make application of these provisions difficult (see *ibid.*, p. 45 and 51). Please describe the difficulties encountered in the equal application of the land reform policy to women and specify what measures have been taken to overcome these obstacles.

27. The report indicates the need for the participation of women farmers in training sessions conducted by the Farmer Advisory Service and suggests that the National Union of Eritrean Women and other stakeholders be involved in the coordination of the Service to make it more effective (see *ibid.*, p. 46). Have steps been taken to involve the Union and other women’s organizations in activities of the Service to ensure that rural women benefit from these advisory and training services and to enhance rural women’s access to decision-making?

Article 15

28. The report points out that while women have the same legal capacity as men, they have a lack of knowledge about their rights and legal capacity and that the National Union of Eritrean Women has formed a legal counselling unit to raise awareness about legal provisions relating to women (see *ibid.*, p. 53). Is the legal counselling unit funded and supported by the Government and do its awareness-raising programmes reach rural women?

Article 16

29. The report indicates that while the legal age for marriage is 18 years for both males and females and the consent of both parties is required, underage marriage, forced marriage and betrothal are common practices (see *ibid.*, p. 53 and 56). Please provide detailed information on the prevalence of these practices and describe awareness-raising initiatives and other programmes that have been undertaken or are envisaged to eliminate early and forced marriage and to increase compliance with the Convention.

30. The report indicates that customary marriages and religious marriages are recognized (see *ibid.*, p. 53) and that the rules of marriage and divorce under these marriages discriminate against women (see *ibid.*, p. 54 to 56). What efforts are being made to apply provisions of the family law under the Transitional Code to religious and customary marriages and to ensure compliance with the Convention?
