



**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

Summary record of the 710th meeting

Held at Headquarters, New York, on Tuesday, 24 January 2006, at 3 p.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second and third periodic reports of Eritrea (continued) (CEDAW/C/ERI/1-2, CEDAW/C/ERI/1-3/Corr.1, CEDAW/C/ERI/Q/1-3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Eritrea took places at the Committee table.*

Articles 7 and 8 (continued)

2. **Ms. Belmihoub-Zerdani** said that she was pleased to see that 30 per cent of the seats in the Regional Assembly were reserved for women, as increasing the numbers of women in positions of authority would play a major role in eliminating gender stereotypes. Women parliamentarians in particular could serve as examples for all Eritrean women and be instrumental in the adoption of legislation guaranteeing women's rights to education, employment, land ownership, and in other areas.

3. **Ms. Arocha Dominguez** took note of the written responses relating to article 7 (pages 14 to 17) but requested more information on the representation of women at the higher levels of the administration and the Government, including the governing party's political bureau, the foreign service and local government, where many decisions which greatly affected women were taken and where women could receive valuable training. She also enquired whether any public political awareness campaign was under way or planned to highlight the activities of women, particularly at the community level.

4. **Mr. Giorgio** (Eritrea) said that more efforts were needed to increase the number of women in senior posts in the foreign service, most of which were held by men. At the Secretary level, women were slightly better represented, and he hoped that with the support of the Government progress would be made to increase the number of women at all levels.

5. **Ms. Gebreab** (Eritrea) recognized the importance of placing women in positions of power. Women were being encouraged to participate in Government, even if they did not necessarily have a strong academic

background and were increasingly represented at the national and regional government levels. The fact that 17.6 per cent of her Government's ministers were women was a fairly positive figure compared to some other States. Women should also play a strong role at the local level. A leadership commission was offering courses to women to prepare them for increased responsibility at the village level; those courses were already available in some 10 per cent of villages.

6. Her Government was also working to improve women's education by providing scholarships to help girls complete their primary and secondary education. Since many women had lost their opportunity for schooling as they had been serving in the army, they were being offered correspondence courses and night school. Special programmes were also being developed to enable women to complete their education in a single year. The effectiveness of such efforts and of the 30 per cent quota for women was being monitored in cooperation with the Common Market for Eastern and Southern Africa (COMESA), the African Union and women parliamentarians.

Article 9

7. **Ms. Khan** enquired whether an Eritrean woman who married a foreigner was able to automatically transmit Eritrean nationality to her spouse and to her children whether born in Eritrea or not.

8. **Ms. Gebreab** (Eritrea) said that, currently, the non-Eritrean spouse of an Eritrean woman could acquire Eritrean citizenship if he so desired, as could their children. That had not always been the case.

Article 10

9. **Ms. Arocha Dominguez** commended the State party's efforts to increase enrolment rates and reduce dropout rates, in particular among girls. She also noted the success of the National Literacy Programme, 90 per cent of whose participants were women, but stressed that in order to ensure that those women did not lose their newly acquired literacy skills, they must have an opportunity to apply them. She therefore wondered whether any programmes or activities existed or were planned to complement and continue literacy programmes and to give girls and women an opportunity to further their education.

10. **Ms. Gebreab** (Eritrea) said her Government recognized the importance of literacy and education.

Many participants in literacy programmes were young women who had married early and the Ministry of Education was developing programmes to help them complete their education. The immediate priority, however, was to train the trainers who would be responsible for delivering such programmes.

Article 11

11. **Ms. Schöpp-Schilling** expressed concern at the results of the survey quoted in the report (page 29), according to which 46 per cent of industrial enterprises preferred to employ male workers, particularly in light of the fact that nearly half of all Eritrean families were headed by women. Noting that labour proclamation No. 118/2001 provided for a mechanism whereby women could submit complaints of employment discrimination to the Minister of Labour and Human Welfare, she asked how many complaints had in fact been submitted and what the results had been. She also enquired whether special labour courts existed, whether legal aid was available and whether women had equal access to those mechanisms.

12. It would be interesting to hear what, if anything, the Ministry of Labour and Human Welfare and the National Union of Eritrean Women (NUEW) were doing to educate employers and women employees about women's rights and about efforts to regulate the informal labour market; the role of women in the informal labour market; any harassment they might be subject to by officials (the police, for example in the case of a street vendor), and on any plans to bring women's informal economic activities into the formal labour market. Finally, she asked whether there were any regulations on the situation of women domestic servants or whether they were left without legal protection.

13. **Ms. Gebreab** (Eritrea) acknowledged that unemployment among women was high. That was due, in part, to the war, which had caused a decline in economic activity in general. However, as Eritrean men had gone to war, Eritrean women had taken over jobs in sectors formerly dominated by men, notably construction. A programme had been launched in 2002 to reinforce and enhance the skills those women had learned on the job.

14. As for whether there was discrimination against women in employment, the country's labour law prescribed equal treatment for male and female

workers. Women who felt that they had been the victims of discrimination were entitled to file a complaint with the Labour Office, which would examine the matter thoroughly and issue a verdict. Employment discrimination complaints were also sometimes submitted to the National Union of Eritrean Women. The latter was collaborating with the National Confederation of Eritrean Workers to educate workers about their rights.

15. With regard to women's participation in the informal sector, most jobs did not require a licence. However, if a woman wanted to sell her products, she was required to have a market permit. The Government was providing training and assistance to women in rural areas to identify markets and facilitate market access for producers of handicrafts and other traditional products.

16. **Ms. Patten**, recalling the reference in the delegation's opening statement to the administrative steps taken by the Cabinet of Ministers in November 2005, asked which body was responsible for training women in non-traditional skills and what concrete steps were being envisaged to ensure higher participation of women in all sectors of trade and industry. She also wondered how the Government intended to address the issue of land ownership, whether new legislation was in preparation and, if low-interest loans were to be provided, who would provide them.

17. She wondered how many complaints had been brought under article 65 of labour proclamation No. 118/2001 and to which minister they were brought. It will be interesting to hear whether it was possible for women to address the court directly. Finally, she wished to know how the Government was addressing discrimination in recruitment and whether there was a mechanism in place to address discrimination in hiring, promotion and wage differentials.

18. **Ms. Gebreab** (Eritrea) noting that the November meeting had been a milestone for women in Eritrea, said that it had been agreed that, if public works were involved, the Ministry of Public Works would take responsibility for the training no matter what the sector. It had also been agreed that a mechanism should be created for low-interest loans; the Minister of Finance would be submitting guidelines on how to implement that.

19. The Government had also provided a certain subsidy to each family in the workforce, which had produced an opportunity for women to have money in their own hands. Former housewives were using that money to fund various kinds of business, such as the selling of local produce or crafts, showing that money provided to women was money well spent.

20. Finally, she said that specific labour-related complaints, including those related to recruitment, were submitted to the labour court. If the issue had further implications, it could go as high as the Minister of Labour and Social Welfare.

Article 12

21. **Ms. Gabr** pointed out that female genital mutilation was an issue that affected women in many countries and that eradicating it would require a collective African response. She enquired whether Eritrea was collaborating at the regional level with other African countries and with the African Union or other regional organizations to address the problem. She also wondered whether Eritrea was receiving assistance from international organizations and agencies on other health issues, such as AIDS.

22. **Ms. Pimentel**, noting that the State party had indicated in its response (CEDAW/C/ERI/Q/1-3/Add.1) that the national strategy for addressing female genital mutilation was to focus on education and awareness-raising and commending it for adopting that approach, said that it was important to change laws that were discriminatory towards women.

23. In addition, it was essential to ensure that awareness-raising efforts incorporated a human rights perspective, in consonance with the Convention and with the Committee's general recommendations No. 14 on female circumcision and No. 19 on violence against women. She wondered whether female genital mutilation was viewed as a form of gender-based violence, namely violence directed against women because they were women.

24. **Ms. Dairiam** was pleased to see that maternal mortality had decreased since the report had been published; however, the rate was still very high. The report indicated that the Government had made reduction of maternal mortality a priority and that it had adopted a Safe Motherhood programme. She would like to have more information about the content of that programme and how it was addressing the

causes for maternal mortality outlined in the report, in particular lack of access to obstetric care and medical services, unsafe abortion, and under-age marriage and early pregnancy. In relation to the latter, she wondered whether the Government intended to collect data on the prevalence of under-age marriage and adolescent pregnancy, which were obviously detrimental to women's health.

25. Lastly, she wondered whether there were any programmes under way to address the traumatic effects of the war on women, especially those who had been raped or suffered other forms of violence during the war and in the post-conflict period.

26. **Ms. Šimonović** asked whether any progress had been made in increasing access to health services for women in rural areas since the submission of Eritrea's report.

27. With regard to the issue of female genital mutilation, she wondered whether the practice was perceived as legal. Since the country's Constitution prohibited any act that violated the human rights of women, it could be argued that female genital mutilation was unconstitutional. She encouraged the Government to use that argument to change mistaken perceptions about the legality of the practice.

28. **Ms. Gebreab** (Eritrea) assured the Committee that NUEW believed that legislation criminalizing the practice would be helpful. However, the experience of other African countries had shown that simply enacting legislation was not enough. It was essential to ensure that the legislation could actually be enforced. As the Committee had rightly pointed out, it was also necessary to collaborate with other countries in order to eliminate the practice throughout the region. Eritrea was discussing the issue with its fellow African States and had requested their support but it did not have any formal projects with the African Union.

29. With regard to support from international organizations for health activities, she said that Eritrea was receiving assistance from the United Nations Population Fund and also from the United States Agency for International Development and several NGOs.

30. Efforts were under way to educate women about their rights under the Convention. It had been translated into one of the local languages and would be translated into others in the future. There were also

initiatives to educate women about basic legal concepts that were pertinent to women's issues. For example, a legal literacy manual had been drafted and would be finalized in the next three or four months. Once completed, the manual would serve as a teaching tool for educating women in villages across the country.

31. Concerning maternal mortality, while the rate had dropped to about 650 per 100,000 live births, that was by no means acceptable. Because maternal health was influenced by many factors, Eritrea was taking a cross-cutting approach to the problem. Road and transportation infrastructure was being improved to facilitate access to health care facilities, maternity homes were being built in various parts of the country, especially those with poor roads, and emergency obstetric care was being taught to nurses at all levels of the health care system so that they could provide emergency care where no physician was available.

32. **Mr. Desta** (Eritrea) said, on the issue of female genital mutilation, that during a recent visit to Sweden he had observed that when Eritreans living there found that it was impossible to have the mutilation done in Sweden, they would simply go elsewhere. They needed to be educated so that they would see that the practice was wrong and should be abolished.

33. In the past five years the Ministry of Health had done a very good job with regard to health services in Eritrea. Many districts and sub-districts were now served by several health centres and four regional referral hospitals had been constructed or were under construction.

34. **Ms. Gebreab** (Eritrea), referring to the issue of counselling, said that what had saved the women of Eritrea during three decades of war had been the social protection networks in place in the country. Since few women had been prepared to discuss experiences such as rape openly — because that would have meant a loss of self-respect, not only for the individual, but for the entire village — the strategy had been to avoid singling out rape victims — other than urging them to go to the health centres to be checked for sexually transmitted diseases — but to form groups of women at random, and offer them support and counselling in the traditional way, thereby circumventing the normal practice of not speaking about such matters.

Article 14

35. **Ms. Tan**, referring to the description in the response to the list of issues and questions (CEDAW/C/ERI/Q/1-3/Add.1, p. 16) of the 1994 Land Proclamation as a major piece of legislation in terms of women's right to land ownership, and the statement that in order to counter traditional attitudes 50 legal officers had been trained to advocate for women's rights to land ownership, enquired about the impact of that measure, specifically whether there had been any further training of legal officers since 2002, and whether there were any data on how many women, as compared to men, had gained access to land. She would also like to know when the regulations that were being drafted in order to implement the land proclamation would be completed.

36. **Ms. Simms** wondered whether the Government was looking at alternative methods of irrigation in rural areas, or at alternative sources of energy. The country's economic constraints certainly made it very difficult to put in all the necessary infrastructure, but she thought that there must be ways to provide rural populations with some of the services they needed.

37. **Ms. Gebreab** (Eritrea) confirmed that in itself, the proclamation on land issues was gender-sensitive, and gave women an opportunity to have equal access to land. The proclamation stated that each and every individual was entitled to a plot of land for his or her residence, but because there was a backlog, the present focus was on larger families, leaving other issues to be resolved later. In line with tradition, a couple would be allotted a plot in the man's village or birthplace, but NUEW had been urging that if a couple agreed that they wanted to build a house in the wife's birthplace, that should be allowed. After lengthy discussions, the Ministry had agreed. Of the land allocated for residences, 30 per cent had been allotted to women, and particularly to female-headed families. As that was not enough, following negotiations the Ministry of Land, Water and the Environment had adjusted the implementing regulations so that from 2006 onwards if a married woman asked for land in her village she would receive it.

38. The 50 women who had been trained to give legal advice had made a positive contribution, counselling women on basic issues such as family law. The aim was not to limit legal knowledge to a few women but to give every woman the opportunity to acquire it.

Once a legal manual was finalized, there would be training of trainers in each region, and the knowledge would trickle down.

39. In response to the question on alternative sources of energy, she said that use was being made of smokeless peat, which minimized wood and was less harmful to women's health. With support from the Netherlands, trials were also being conducted on a solar-powered cooking pit, and other ideas were in the pipeline.

Articles 15 and 16

40. **Ms. Coker-Appiah** noted that the issue of persistent cultural practices had been raised over and over again. It was highly commendable that the Government was addressing the issue of women's lack of awareness about laws affecting them, but legal literacy or awareness-creation should not be considered as a one-off activity. Bringing people to change their attitudes would require ongoing education and awareness-raising. Isolated seminars here and there would not achieve the objectives intended. Also, once people's awareness about their rights had been raised, it was important to have the structures and support services in place, to assist women in their efforts to assert their rights. The policy regarding legal literacy training on a consistent basis in the communities was a very good step in that direction.

41. The report indicated that although rape was a criminal offence, not all rapes were reported to the police and that families sometimes preferred the daughter to marry the rapist, rather than reveal the offence. Research elsewhere had shown that the reluctance of rape or domestic violence victims to report the assaults to law enforcement agencies was sometimes due to the attitude of law enforcement personnel. She asked whether Eritrea had programmes to educate or sensitize the police to make them able to respond effectively to victims of rape and other sexual abuse.

42. **Ms. Patten**, referring to the coexistence of customary law and civil law, said she wondered what efforts were being made to make women aware of the shift to civil law which better protected them.

43. Regarding family arbitration before divorce, described in the State party's report, she wished to know whether it was mandatory, and who conducted it. Noting that the arbitration committee had no women

members, she asked what efforts were being undertaken to correct that imbalance. She also asked to what extent the judges hearing the arbitration had been adequately trained regarding the Convention. Since maintenance was a crucial part of the arbitration committee's remit, it was essential that efforts be made to include women on it.

44. Noting that according to the report the arbitration committee might award up to three quarters of the common property to one spouse, she wished to know whether there was a legal provision in the law of Eritrea that would warrant the committee's making such an unbalanced award.

45. She also sought details on the representation of women before the arbitration committee, and whether there was a system of legal aid in place. Finally, she wished to know more about the disposition of matrimonial property, whether the country's legislation made provision for different matrimonial property regimes and whether a woman, particularly one who had been the victim of violence, could be granted sole occupancy of the matrimonial property.

46. **Ms. Tan** noted that, according to the State party's report, the minimum legal age for marriage was 18 for both men and women and the consent of both parties was required, but, it also stated that underage marriage, forced marriage and betrothals were common. The data provided by the State party indicated that there had been a decline in the number of girls marrying before the age of 15, but she would welcome more recent data. The Government appeared to acknowledge that although the law was in place, enforcement was lacking. She therefore wished to know what the Government was doing to educate the public to respect the minimum age for marriage and turn away from forced marriages.

47. Religious and customary marriages were recognized forms of marriage under Eritrea's transitional civil law. However, in all customary marriages the rules for marriage and divorce discriminated against women, and the State party was doubtless aware that such practices were also in violation of a number of the provisions of the Convention, including its article 15 and 16. She therefore wondered whether Eritrea's legal reforms would abolish the discriminatory aspects of religious and customary marriages, and whether the rural population was being educated regarding the harmful

consequences of such practices to the community as a whole. Lastly, although civil law did not discriminate in matters of inheritance, she wondered whether that was always true in practice, and wished to know how the inheritance law protected women, especially widows.

48. **Mr. Flinterman** said it was clear that the State party was committed to gender equality, but that it faced a number of significant constraints relating to customs and tradition. In that context, he was somewhat puzzled by the legal provision which stated that although each spouse was entitled to carry out an occupation of his or her own choice, one spouse could object to the other's occupation in the interests of the household. He wished to know whether the law was merely symbolic or whether it was actually enforced; whether spouses could go to court if they disagreed and, more importantly, whether it could be used as a legitimate basis for an Eritrean man to forbid his wife to work, in which case it amounted to indirect discrimination.

49. **Ms. Gnacadja** said that equality in marriage and family relations was always a sensitive issue, which encountered resistance in all countries. However, Eritrea should perhaps reconsider its strategy in that regard. Although awareness-raising activities were extremely important, they should be complemented by clear and uncompromising reforms.

50. Eritrea had stated that it recognized three types of laws — civil, religious and customary. However, religions and traditions provided a basis for discrimination because they were only partially harmonized and left room for exceptions. For example, the report stated that all forms of marriage (except that of *sharia*) in the new draft Civil Code had common binding conditions that enhanced women's rights in marriage contracts. It also stated that the provisions relating to divorce would be reformed, except for followers of *sharia* law. It would therefore seem impossible to harmonize *sharia* restrictions with the provisions of the Convention. The State party should reflect on its approach because exceptions perpetuated discrimination and violation of constitutional provisions on equality of men and women before the law.

51. **Ms. Zerdani** said that according to the report, marriage was considered as a legal bond between spouses, and that the system was monogamous, except

for Muslims. It also stated that Eritrea was trying to find ways to accommodate its various traditional and religious laws. In that regard she wondered whether the draft Transitional Civil Law had been adopted by Parliament. Given that Eritrea had nine ethnic groups, each with its indigenous language, traditional values and customary laws, she wondered which law applied when a Muslim man married a non-Muslim woman, and which court ruled in cases of divorce involving Muslim couples. Lastly, she wished to remind the State party that in accordance with the Beijing Platform for Action poor countries such as Eritrea were entitled to receive official development assistance from wealthy countries, and Eritrea should therefore not hesitate to request such assistance.

52. **Ms. Gebreab** (Eritrea) said that although constitutional law was her country's supreme law, the Government also tried to take into account the realities of Eritrean society. If an individual asked for her case to be brought before the civil court, her request would be honoured. But problems arising from marriages celebrated under *sharia* were governed by *sharia* law. Eritrea was trying to resolve the issue through its advocacy work and awareness-raising activities, and striving hard to achieve its basic aims regarding gender equality. It was committed to the Convention, but because of the reality of the situation, a long-term strategy was required.

53. With respect to marriage arbitration procedure, either spouse could initiate the procedure but although the woman could choose to be represented by a woman, in practice the arbitrators were generally men. Efforts were being made to encourage women to place their trust in women arbitrators, but it was a slow process.

54. With respect to the legal provision which stated that a spouse could object to the other's occupation in the interests of the household, she agreed that the provision should be reviewed for possible amendment.

55. With regard to the questions concerning enforcement of the legal marriage age, she said that although programmes were provided for people in leadership positions to help ensure application of the law, traditional approaches often prevailed; since most of the population lived in rural and traditional areas, it was certain that many women married under the legal age.

56. According to Eritrea's inheritance law, an inheritance must be divided equally among the

remaining family members. A widower could not simply claim the entire inheritance upon his wife's death. *Sharia* law provided for a different arrangement, but the Government was considering the problem.

57. **Ms. Manalo**, summarizing the dialogue between the Committee and the State party, said that Eritrea should introduce concrete legal reforms within a specific time and that stereotypes and paternalistic values should be overcome; the country's national machinery for women's advancement should be properly entrenched in the Government, in accordance with the country's obligations under the Convention. Now that Eritrea had moved away from conflict and towards peacebuilding, it had a perfect opportunity to eliminate areas of discrimination and inequality between men and women. Although the State party was right to say that it would take time to resolve the country's problems in that regard, time was of the essence.

58. **Ms. Gebreab** (Eritrea) thanked the Committee for its observations and reiterated her country's commitment to gender equality. Eritrea would re-evaluate the functioning of its national machinery for the advancement of women and the relationship of the latter with other ministries. However, on the issue of women's advancement, the Government was fully accountable to the National Union of Eritrean Women, which was fulfilling its obligations under the Convention. She expressed the hope that the Committee would likewise evaluate the way it carried out its mandate, and that it could find a way to visit the various reporting countries, in order to facilitate a discussion based on a shared understanding of the issues.

The meeting rose at 5.05 p.m.