



**Convention on the Rights
of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

SUMMARY RECORD OF THE 1334th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 2 June 2008, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Consolidated second and third periodic reports of Eritrea (CRC/C/ERI/3; CRC/C/ERI/Q/3 and Add.1)

1. At the invitation of the Chairperson, the delegation of Eritrea took places at the Committee table.
2. Ms. MENKERIOS (Eritrea) drew attention to the “not war, not peace” situation in Eritrea, which was rooted in its border dispute with Ethiopia. Despite that difficult situation, Eritrea had registered remarkable progress in its development, especially in the economic and social sectors. The Government was seriously pursuing a food security strategy and implementing measures to improve the living standards of the population in general and the welfare of Eritrean children in particular.
3. In the period since the Committee’s consideration of Eritrea’s initial report the Government had continued to take steps to apply the Convention. For example, it had enacted a Proclamation prohibiting and imposing severe punishment on female genital mutilation and had drawn up a national plan of action for that purpose. It had also issued a Proclamation on the control of tobacco use, which banned the offering of tobacco to minors and the sale of tobacco in educational institutions.
4. In 2005 the Government had signed the two optional protocols to the Convention and had formulated a national plan of action to combat the commercial exploitation of children through prevention and rehabilitation.
5. The coordination of policies and mechanisms for monitoring the Convention had been strengthened at the national, regional and subregional levels. At the national level, a committee composed of representatives of the Ministries of Labour and Human Welfare, Justice, Health, and Education, the National Union of Eritrean Women and the National Union of Eritrean Youth and Students had been endeavouring to coordinate the Government’s various programmes and policies for children and to apply the Convention. Personnel had been assigned to all the regions and subregions, and social workers had been trained to monitor and evaluate the application of the Convention. In addition, 12 child well-being committees had been established at the subregional level under a pilot project on issues of children’s rights.
6. In collaboration with various national and international partners the Ministry of Health had established health facilities and training institutes. Mother and child health programmes had also been carried out. Those initiatives, which had been incorporated in the new five-year strategic development plan for the health sector, had produced substantial reductions in the child morbidity and mortality rates.
7. The Government had initiated a comprehensive transformation of the education system in order to increase access to education, improve teaching standards, and reduce wastage. It had also introduced in 2005 a five-year Education Sector Development Programme.
8. The Government had devoted considerable efforts and resources to child protection. The community-based programmes on the rehabilitation and reintegration of orphans and other

vulnerable children were producing good results. Important measures had also been taken to promote juvenile justice.

9. Mr. KRAPPMANN (Country Rapporteur) welcomed the efforts made by the Eritrean Government to overcome the country's dire situation despite its severe shortage of natural resources and the need to deal with such problems as drought, plagues of locusts, the latent conflict with Ethiopia, destruction, and displacement of population. Eritrea was an extremely poor country with a very low standard of living and poor economic growth.

10. Given those circumstances, the delegation might like to explain why the Government had decided to expel the humanitarian aid agencies, including a United Nations organization, and why it was impeding the activities of national organizations and preventing them from providing the necessary assistance to poor and undernourished children. That question had been raised in the Committee's concluding observations in 2003. But the restrictions on the work of international agencies had been extended still further and imposed on national non-governmental organizations (NGOs) as well.

11. In those concluding observations the Committee had also indicated a number of fields in which international cooperation was essential to the realization of the rights of the child and had suggested that cooperation with national and international NGOs should be re-established or strengthened. The State party asserted that such cooperation was in place. The delegation might offer some comments on that point.

12. However, some progress had been made: the infant and maternal mortality rates had declined; vaccinations rates had increased; there had been some growth in school enrolment; and the gender gap had narrowed, at least in some regions.

13. The consolidated periodic report (CRC/C/ERI/3) and the written replies (CRC/C/ERI/Q/3/Add.1) indicated improvements in the services for children with disabilities and in the support given to children living below the poverty line, orphans and street children. But they did not give information on the children and families covered by the programmes in question and the figures presented were unusable. Accordingly, the Committee once again asked what action the State party was taking to create an efficient data collection system.

14. The report was also lacking in information on budget allocations, and the figures which were presented were either not specific to children or not related to the overall national budget or to the gross domestic product; it was thus difficult to gain an idea of the place accorded to the realization of the rights of the child, although article 4 of the Convention stipulated that States parties should undertake measures "to the maximum extent of their available resources".

15. The delegation might furnish additional information about budget allocations, including military expenditures. The Committee was concerned about the relocation of the United Nations Mission in Ethiopia and Eritrea (UNMEE), which might lead to an increase in the resources allocated to the armed forces and thus to a decline in the funding of economic, social and cultural development. It would also be interesting to hear the delegation's opinion on Eritrea's unfortunate ranking on the Corruption Perceptions Index.

16. He would welcome details of the coordination among the coordination units, which according to the report were the Integrated Early Childhood Development Programme and other welfare services but according to the written replies an inter-ministerial committee. Additional

information about the capacity of those coordination bodies, their budgets, staffing and working methods would also be useful.

17. Lastly, was the Government considering formulating a comprehensive programme of action which would integrate the various action plans, programmes and strategies?

18. Ms. KHATTAB (Country Rapporteur) congratulated Eritrea on its active participation in most of the international and regional conferences on children's issues.

19. She noted with satisfaction the efforts made to reduce the infant and under-five mortality rates and asked what steps the Government was taking, given Eritrea's difficult situation and the world crisis caused by the increases in the prices of oil and food, to allocate sufficient resources for children.

20. Despite the promulgation of the Female Genital Mutilation Act and the conduct of awareness-raising campaigns, female genital mutilation remained a widespread practice. The Committee was concerned about the persistence of discrimination, in particular against poor children affected or infected by HIV/AIDS, orphans, children with disabilities and children from minorities. It would like to know what the Government had done to improve the situation of girls in certain communities, in particular to tackle the problems of early marriage, harmful traditional practices and illiteracy. It would also like to know what steps were planned to reduce the regional disparities in education and health.

21. Mr. PARFITT noted with satisfaction the efforts made by Eritrea to apply the Convention by expanding the social services at the subregional level but expressed regret at the lack of an independent oversight body. He asked whether the Government was planning to establish an oversight body which would be accessible to children and have competence to investigate allegations of violation of children's rights and recommend legal remedies, in accordance with the Paris Principles and the Committee's general comment No. 2, on the role of independent human rights institutions in protecting and promoting the rights of the child.

22. He would like to know whether the best interests of the child were a priority concern in decision-making in administrative, legislative and judicial matters, especially with regard to the allocation of budget resources and the drafting of policies, programmes and legislation, whether domestic law contained any specific provisions requiring judges to take the best interests of the child into consideration in matters relating to marriage, alternative care, adoption and juvenile justice, and whether there were any formal or informal arrangements for ensuring respect for the best interests of the child. He asked what action had been taken to familiarize State employees with the application of that principle.

23. He also wished to know whether children were encouraged to express their views freely at home, at school and in the community. He noted the persistence of traditional practices such as the early marriage of girls. He asked whether the stipulation in the Convention that children should be heard in any judicial and administrative proceedings affecting them was respected.

24. Ms. ORTIZ asked how the State party ensured that the Convention was publicized throughout the country, what role was played by the media in that regard, and whether children appeared in radio and television programmes designed to make people aware of children's rights.

25. Ms. AIDOO noted that the religious communities active in Eritrea were authorized to register births and asked whether the authorities were doing whatever was necessary to ensure

that all children were registered and whether the Civil Status Office had sufficient resources to supervise the way in which the religious authorities registered births. The delegation might also indicate whether the registration formalities were free of charge, whether parents were encouraged to declare their children to the civil registration authorities, and what steps were being taken to regularize the situation of unregistered children.

26. Ms. SMITH said that according to information brought to the Committee's attention only four religious communities were officially recognized. She invited the delegation to explain why all the religious communities existing alongside each other in Eritrea were not treated equally.

27. The CHAIRPERSON noted that poverty reduction was a matter for the State rather than for NGOs and invited the delegation to explain more fully the content of paragraph 20 of the report.

28. It appeared from the written replies that many children separated from their parents were not placed in a family environment or an institution. The delegation might give details of the situation of such children. It also appeared that some 10,000 children with disabilities who lived with their families did not attend school. The Committee would like to know whether the State ensured that such children had access to education. She noted that while neonatal mortality was declining under-five mortality was increasing. The Committee would like to know whether that trend was due to the failure to allocate sufficient budget resources to primary health care.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

29. The CHAIRPERSON asked for additional information about the activities of the 12 child well-being committees. She would welcome in particular information on the efficiency with which those committees dealt with the complaints lodged with them, the reparations which they secured for victims, and the amount of their budget allocation. She would also like to know the current status of the reform of the Civil and Penal Codes and whether any draft amendments had already been produced. Although cruel, inhuman or degrading treatment was banned in Eritrea, it would appear from information communicated to the Committee that corporal punishment was tolerated in certain situations. The delegation might perhaps comment on those allegations.

30. Mr. CITARELLA asked what steps the State party had taken to enforce domestic legislation and apply the Convention throughout the country and to ensure that they prevailed in any clash with customary law.

31. Mr. KOTRANE asked whether judges were well versed in the provisions of the Convention and, if so, whether they applied them directly in civil and criminal proceedings.

32. Mr. KRAPPMANN (Country Rapporteur) said that he would like to know whether the National Committee on the Rights of the Child, which was responsible for examining the compatibility of domestic legislation with the Convention, was still operational. If it was, the delegation was invited to describe its work.

33. Since the Constitution, while of course mentioning children in article 22, did not contain any provisions establishing that children enjoyed rights, it would be interesting to know whether the State party was considering amending the Constitution in order to make good that omission.

34. Mr. PARFITT said that, according to reports reaching the Committee, the provisions of the Convention were not applied in practice. He would therefore like to know what status was accorded, in practical terms, to the Convention and to the treaties ratified by the State party.

35. Ms. MENKERIOS (Eritrea) said that the delegation felt that the Committee had not taken full cognizance of the efforts made by the Government and the progress achieved since the country's independence, in particular its endeavour to act on the recommendations contained in the concluding observations on the initial report (CRC/C/15/Add.204). The delegation also considered that the Committee should rely on the reports and replies of the Eritrean Government and not on external sources or information put out on the Internet, whose reliability was open to doubt. The situation on the ground was far from corresponding to the picture painted by the Country Rapporteur. The country had seen economic growth of seven to eight per cent in the first seven years following its independence, even though that rate had slowed as a result of the conflict which had raged from 1998 to 2000. The Government had succeeded in repatriating the approximately 80,000 persons who had had to flee the combat zones. Even if the country was still dependent on international aid, it had set itself the goal of becoming fully self-sufficient one day. At present, it was still confronted by threats to its security and thus had no other choice than to give priority to protecting its borders and internal stability.

36. The delegation recognized that the Eritrean authorities did not yet have an efficient data collection system. A committee had been given the task of studying that issue but it was not yet operational. In response to the questions put by the Chairperson concerning statistics on disabled and separated children, she said that, since the written replies had been drafted in a very short space of time, the information presented therein probably contained inaccuracies and gaps. A revised and corrected version would be transmitted to the Committee at a later date. Lastly, the assertion that most of the State budget was allocated to military expenditures was without foundation. In fact, most of the budget was appropriated for the activities of the Ministry of Labour and Human Welfare.

37. Ms. KHATTAB (Country Rapporteur) asked whether the Government had requested the United Nations Children's Fund (UNICEF) to help to improve the data collection system.

38. Mr. KOTRANE said that when the Committee considered a country's report its chief source of information, contrary to what the delegation seemed to think, was the report itself and not the Internet. If the Committee reiterated some of its concluding observations it was because the State party had not yet acted on them. That applied in particular to the ratification of ILO Convention No. 182 on the worst forms of child labour.

39. The CHAIRPERSON said that the Committee would like to know the amounts of the budget resources allocated to health, social services and education and the amount devoted to measures for children.

40. Ms. MENKERIOS (Eritrea) said that Eritrea did not at present have any statistics which would make it possible to evaluate the application of the Convention in the country. The proportion of the national budget earmarked for children had not been calculated. Children's services were provided by the Ministries of Education, Health, and Labour and Human Welfare and by the local authorities. The budget resources allocated to the ministries included the funds earmarked for protection of children's rights, and the child protection programmes were implemented by numerous bodies and organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students.

41. The Convention had been translated into the languages of Eritrea's various ethnic groups and those translations had been transmitted to the judges, who could refer to them in the proceedings which they conducted. Programmes were broadcast on radio and television to

educate the people in the provisions of the Convention. The radio station of the Ministry of Education broadcast programmes for children and adults which dealt with children's rights and the provisions of the Convention. The newspapers also helped to publicize the rights of the child.

42. She emphasized that there was no corruption in Eritrea.

43. She said that the ratification of the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182) had been delayed for technical reasons, but none of their provisions clashed with domestic legislation; the ratification procedure was under way.

44. NGO activities were regulated by a Proclamation. Any NGO which did not meet the criteria set out in that Proclamation had had to cease its activities. No NGO had been expelled for reasons other than the ones mentioned in the Proclamation. The national authorities awarded grants to NGOs implementing health, education and poverty reduction programmes. It was thus not true that Eritrea was expelling all NGOs.

45. Children with disabilities suffered no discrimination: on the contrary, considerable resources were allocated to disadvantaged children. Community-based rehabilitation programmes had been established in three subregions and similar programmes would be introduced in the eight other subregions before the end of 2008 thanks to support from the World Bank. Eritrea was able to make interest-free loans to all of the country's disabled persons: that was a great achievement.

46. Mr. OGBAZGHI (Eritrea) said that the creation of a national human rights institution in accordance with the Paris Principles was a vast undertaking. Eritrea, which was a very young State, would try to do so as quickly as possible.

47. Ms. KHATTAB (Country Rapporteur) said that the Committee's task was to encourage States to adopt as quickly as possible all the measures for the promotion and protection of the rights of the child.

48. Mr. OGBAZGHI (Eritrea) said that every country had to have its priorities. Eritrea was in a "not war, not peace" situation. It therefore had to maintain its defences and protect its territorial integrity and sovereignty and even the very survival of the State. Human rights were of course a very important matter, and the authorities would do everything possible to create, in the near future, a truly independent human rights oversight body. However, they must be able to choose the form which it would take. They had scant resources available for creating such a body.

49. The legislation in force required that the best interests of the child must be taken into consideration in any decision on a child's custody or adoption. Children aged over 10 must be able to give their opinion on adoption. It was now generally accepted that a child's opinion should be taken into consideration. However, that position might vary from one ethnic group to another.

50. There appeared to be a misunderstanding about the status of the country's legislation. Following liberation, the Eritrean Liberation Front had established a body to draft legislation but, before that task could be completed, the country had found itself at war and had had to adopt the law of Ethiopia. Some of the rights of the child were recognized in that law, but amendments had been made and some provisions deleted: the provisions on corporal punishment and flogging, for example. The remedy of habeas corpus had been suspended by the Ethiopian Government but it would be restored in Eritrea's own legislation.

51. Mr. PARFITT asked whether a judge who had to make a ruling in a family case was required by law to take the best interests of the child into consideration.

52. Mr. OGBAZGHI (Eritrea) said that amended Transitional Civil Code stipulated that the best interests of the child should be taken into consideration. An expert group had been created to draft Eritrea's legislation, which had not yet been adopted or translated into the country's various languages. Customary law was no longer in force, except in very narrow fields, and had been replaced by the Civil Code, the Penal Code and other legislation. Eritrea was a very young State but it had an ancient legal tradition stretching back almost two thousand years. A civil code could not be simply imported; it must be tailored to the country and take account of its traditions and social customs.

53. The Constitution of Eritrea recognized the country's traditional religions: various Christian churches and Islam. It also recognized the right to freedom of religion. A very large number of religions which appeared to have come from abroad were currently flourishing in Eritrea. The legislation on religions and religious practices prohibited religious organizations from engaging in activities other than religious ones, just as it prohibited the State from interfering in religious matters. Some of the new religions were political in nature. They could not be registered unless they satisfied the requirements of the legislation in force.

54. The CHAIRPERSON asked what requirements a new religion must satisfy for registration purposes.

55. Mr. OGBAZGHI (Eritrea) said the State and religious institutions were separated in Eritrea. Religious institutions could not espouse the ideas of a foreign Government or a political movement. Any religious institution which engaged in political activities risked prosecution under the law. Religious institutions were authorized to fund development programmes and social services but were not entitled to take part in their planning or implementation.

56. In most cases the courts had no need to rely on the provisions of the Convention, for the majority of them were covered by the legislation in force, including the provisions on corporal punishment, which was banned by the Penal Code. However, if a child refused to continue to go to school, the persons legally responsible for the child were authorized to inflict light punishment on him or her. That provision had given rise to much dispute, but the Legislature had considered that it was sometimes in the interest of children and of their education if their parents were allowed to smack them. The relevant rules had not yet been firmly established, because the Transitional Civil Code was going to be replaced by the Eritrean Civil Code, which would be in conformity with the provisions of the Convention.

57. Ms. MENKERIOS (Eritrea) said that all the country's children were declared to the Civil Status Office and that local authorities, the services of the Ministry of Health responsible for the vaccination of newborn babies, and religious institutions were authorized to handle the registration formalities.

58. Mr. TESFASELLASSIE (Eritrea) said that the hospitals were not all concentrated in Asmara; on the contrary, over the past four years a start had been made on the construction of referral hospitals in six regions of the country in order to increase the availability of primary health care nation-wide. Old health centres and other health facilities had also been refurbished and supplied with medical equipment and they had had their running water and electricity

restored. The strategic development plan for the health sector gave emphasis to the quality of health care, access to care, and expansion of the coverage of the care network.

59. Given the dysfunctional state of the health data collection system, it had been decided to establish a database, which should improve the analysis and interpretation of the data collected in the field, so that decision-makers could formulate action plans in full knowledge of the facts.

60. A national programme had been introduced to combat HIV/AIDS in children. It was based on prevention and the medical treatment of children carrying the virus, including the administration of antiretroviral drugs.

61. Ms. KHATTAB (Country Rapporteur) said that the Committee was fully aware of the existence of a number of factors obstructing the application of the Convention, including the financial difficulties and the weight of tradition.

62. It was regrettable that, notwithstanding the State party's wish to abolish the practice of female sexual mutilation and the efforts made to that end, such as the awareness-raising campaign and the five-year plan for the elimination of harmful traditional practices, female genital mutilation was still quite widespread. The delegation might indicate whether it was resistance on the part of professionals carrying out excisions and other forms of female mutilation or culture or religion – or a combination of all three of those factors – which made it so difficult to combat the problem, and it might describe the impact in Eritrea of the African campaign to put an end to female genital mutilation, launched under the “A world worthy its children” initiative.

63. It would be interesting to know what measures the State party had adopted to combat the poverty affecting children, whether the Ministry of Labour was planning to collect more accurate statistics on child labour, and how the State party intended to ensure that children were not compelled to work but allowed to exercise their rights to education and health.

64. Mr. KRAPPMANN (Country Rapporteur) said that Committee was glad that Eritrea had made the access of all children without exception to free compulsory primary education one of its chief priorities. It was regrettable that the rate of school attendance was nevertheless still too low, especially where girls were concerned; that situation was attributable to the fact that half of the schools had no drinking water or latrines. He asked what plans the State party intended to carry out to promote school attendance by all children and to install better hygiene facilities in the schools. The delegation might perhaps indicate what action was being taken by the State party to reduce the dropout rate, which varied widely from one region to another, and improve the quality of education. It should also indicate whether there were any plans to train more teachers in order to reduce the average class size, currently standing at 60 pupils.

65. The delegation should confirm or deny the information brought to the Committee's attention to the effect that pupils had to spend the last year of secondary at a boarding school attached to the Sawa military base, on pain of being refused a certificate of secondary education and prevented from continuing their studies. It might also indicate whether the administration of that boarding school was responsible to the Ministry of Education or to the armed forces.

66. Mr. PURAS said that the improvement of a country's public health standards inevitably required close collaboration between the authorities and civil society organizations and, more particularly, the involvement of the people in the various health programmes. He would therefore like to know whether the community participated in the implementation of the programmes to

combat communicable and non-communicable diseases, whether adolescents had access to health programmes which addressed their specific needs while maintaining confidentiality, how the State party ensured that the physical and mental health of AIDS-orphans was protected at the grass-roots level, and whether parents' organizations had been established to assist with the implementation of programmes designed to care specifically for children with disabilities.

67. He asked what direction had been given to the adolescent health policy and whether a specific data collection system had been established to measure the results. He also asked what action had been taken to encourage health personnel to go the country's remotest areas to care for isolated communities.

68. Ms. VUCKOVIC-SAHOVIC asked whether the State party intended to ratify in the near future the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

69. She asked whether it was true that victims of sexual exploitation suffered discrimination and were reluctant to report the facts of their exploitation for fear of not being able to marry at a later date and whether perpetrators of sexual violence against children were prosecuted, how they were usually dealt with by the courts, and whether the State party had introduced any action plans and strategies to prevent sexual violence.

70. Mr. POLLAR noted with satisfaction that the Government had allocated considerable budget resources to the reintegration of demobilized and internally displaced children and children injured by mines and requested the delegation to provide the Committee with statistics on the number of children not living with either of their birth parents because both parents were serving in the army and to indicate whether such children were cared for by the State.

71. He also asked whether teachers were subject to specific conscription procedures in order to protect children's right to education and whether minors were prohibited by law from working in military camps.

72. Ms. SMITH noted that it always took time to bring about a change of attitude and said that only a law expressly banning discrimination against disabled persons, and a fortiori against children with disabilities, could move things forward in that regard. The delegation might indicate whether the State party was considering adopting such a law. It might also supply additional information, supported by the relevant statistics, on the care of children with disabilities in special schools.

73. She would like to know whether in Eritrea, as in other countries, persons injured by anti-personnel mines received better treatment than children disabled from birth.

74. Lastly, the delegation might describe the situation in Asmara University, which appeared to have discontinued some of its courses recently, and state the reasons for that development.

The meeting rose at 1 p.m.

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