

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	336
Land:	Eritrea
Kilde:	UN. Committee on the Elimination of Discrimination against Women
Titel:	Report on discrimination against women
Udgivet:	februar 2020
Optaget på baggrundsmaterialet:	15. maj 2020



CEDAW 75th Session February 2020

Country Under Review: Eritrea

SHADOW REPORT TO THE CEDAW COMMITTEE BY HUMAN RIGHTS CONCERN-ERITREA (HRCE)

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1. Introduction

Human Rights Concern Eritrea (HRCE) is an Eritrean-led non-political human rights organization, located outside the country, which researches, reports and campaigns on violations of internationally-recognised human rights abuses in Eritrea.

The shadow report is prepared based on research conducted by HRCE. The discussion of "Woman's Rights" in this report is in reference to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which Eritrea is a party, but which it systematically violates.

2. Background

The State of Eritrea is ruled by a government that functions without a constitution or parliament, and is led by a self-appointed President, Isaias Afwerki. There are no political parties except the government-affiliated--the People's Front for Democracy and Justice (PFDJ). There are no independent civil societies, human rights organizations and or freedom of speech and free expression of opinion inside the country. The regime rules in spite of the fact that there have been no elections since independence in 1993. The rights of citizens are not respected. Even though Eritrea ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1995, the government lacks political will and commitment to uphold the basic international standards on the rights of girls and women. Contrary to the terms and conditions of the treaty they signed, the state authorities systematically violate the principles enshrined in the convention. Moreover, the government has not taken steps to protect or ameliorate the living conditions of girls and women.

This report examines the widespread and variety of violations of rights women and girls suffer in Eritrea. The catalogue of violations suffered by girls and women in the country include: psychological abuse, systematic sexual harassments and rape, detention and torture, forced labour, and prohibition to study and work in their preferred schools and professions. The Report is compiled by Human Rights Concern Eritrea (HRCE), based on Face-to-face and telephone interviews of women who are victims of the types of violations spelled out above. The National Union of Eritrean Women (NUEW) is the only women's

organisation allowed in the country and it is not independent, but is affiliated to the ruling party in the country. Rather than protecting and promoting the rights of Eritrean women, NUEW in collaboration with the other government bodies, such as the military and education perpetuate gross violations of girls and women. These bodies execute and reinforce government policies of indoctrination, family separation, and systematic sexual abuse of girls and women.

In a country where rule of law is essentially non-existent, the rights of citizens are never respected. Moreover, the rights of women are even more precarious due to, among other things, their physical vulnerability. Eritrean women played a pivotal role during the 30 years harsh armed struggle. Many women lost their lives and suffered physical disability and mental infirmity during the thirty years war. Those who did not join the armed struggle stayed behind and farmed while their husbands fought and also faced hardships, including raising children as single parents. Eritrean women participated fully in the struggle for independence in equal terms with their men folks. However, after independence, the vision of social justice was extinguished, and the promises of equality were betrayed. Traditionally the rights of the Eritrean women are respected under customary law, which protects them from any type of abuse, including sexual and physical. These customary institutional arrangements are abolished after independence. The study begins with the examination of the National Union of Eritrean Women (NUEW), an organization that was set up to encourage Eritrean women join the national liberation struggle.

3. The National Union of Eritrean Women (NUEW)

The NUEW was established in 1979, during the armed struggle. From its infancy, this 'union' has been used as a political and propaganda tool rather than promoting the rights of girls and women. The Union has become one of the political wings of the PFDJ, a predecessor of the Eritrean People's Liberation Front (EPLF). The NUEW has never been independent of the government or the ruling party. It is entirely dependent on allocations of the government funds for most its activities, and these activities are strictly monitored by the government. All of its board members are loyal followers of the regime, and the president of the union is a member of the dysfunctional central assembly of the PFDJ. In other words, the leaders of the NUEW are political appointees answerable to the Government and thus controlled by the same.

Some of the many activities of the Union include, political propaganda campaigns, applying pressure on women to send their children to compulsory and indefinite national service, infiltrating Eritrean communities throughout the country and in the diaspora, and reporting back to the PFDJ officials and through them to the national intelligence. The Union works hard for the regime but it is disheartening that it does nothing to address women's claims of sexual and physical abuses by military officials.

4. Women and Peace and Security (General Recommendation 30: post-conflict accountability and rule-of-law)- Militarisation of Education System as Part of National Service (Article 10)

In Eritrea, all Grade 11 students in the education system are sent to the Sawa Military Training Center, to complete their final year of secondary education where they also sit their national school leaving exams. Sawa is a very difficult place to live, particularly at such a young age, and it is much worse for women, especially when there is lack of access to adequate sanitary facilities. Young women in the camp do not get a chance to take a bath regularly, even when they are in their menstrual cycles.

Many Grade 11 young women are below the age of 18, so they are in effect children entering military training, and can be classified as child soldiers conscripted illegally violation of the Convention of the Rights of the Child. Their education includes military instruction, which they cannot avoid, because they have to complete this last year to sit their final exams in the school system. Education and militarisation are therefore inextricably entwined for Eritrean girls. The national service is compulsory and universal. There is no scape from it. The government enforces the duty of conscription strictly. If any student fails to go to the military training camp, the parents are detained. Usually, the wife is the one who is detained often leaving minor children without carers.

The effect of the indefinite nature of the national service on Eritrea's social fabric is enormous. Children grow without their father's presence at home. It also disrupts the natural growth of the population at large.

Questions for the Government of Eritrea:

- (1) Would the government allow an independent investigation on the role played by the NUEW in Eritrea?
- (2) Would the government allow an independent investigation on the impact of the Sawa Military Training and the national service on girls and Eritrean women?

5. Gender-Based Violence against Women (Article 6, and General Recommendation 30, paragraphs 38 and 74-81: Access to Justice: Gender-based Violations) -Sexual Exploitation and Rape of Vulnerable Women.

According to the Government of Eritrea, *"Violence against women is prohibited by law"*.

But abuse of women especially during National Service is widespread. This appears to be tolerated at the highest level of government. Based on face-to-face meetings and telephone interviews with women who have been victims, HRCE can confirm without any doubt that women and girls suffer a wide range of violations in Eritrea, including psychological abuse, systematic sexual harassments and rape. Rape is particularly prevalent within the military during the unlimited period when all young women are forced to take part in National Military Service. Eritrean military officers are notorious for the sexual and physical abuses they inflict on women, which goes unpunished under the banner of National Service. Many illegitimate children have been born from these rapes, and few of them ever know their fathers. Some women file charges against the rapists. However, even when the rapists are summoned to court, there have been cases when they refuse to present themselves and the file is withdrawn or closed. There are also instances where the women do not know who the father is, particularly when rape and sexual violence occurred under the cover of darkness—at night. It is now well known that the Sawa Military Training is for purposes of CONTROL rather than for military service. Otherwise, there was no reason to continue with it after the signing of peace agreement with Ethiopia in July 2018.

7. Women in Detention and in Prison (Article 2- Legal Protection- and Optional Protocol to CEDAW)

The government of Eritrea asserts that it ensures *"Humane treatment for all detainees"*, including women. But many women languish in the nation's 300 prisons, denied any contact with their families, without ever having a court hearing or being able to establish their innocence. Included among official justifications for imprisonment are the following: *"Not completing National Service"* and *"Absconding from the military."* Some women are in detention because they resisted the aggressive sexual advances of military officers. The

documented reason for their detention is that they disobeyed a direct order. The situation in the prisons is appalling: 70-150 people are detained in one cell, or in a shipping container

in many cases. There are many underground cells, in which the temperature reaches an unbearable level, where prison hygiene conditions are dreadful. Many women prisoners suffer from severe malnutrition and do not receive proper care. Many women die in prison due to the harsh conditions.

Questions for the Gov. of Eritrea:

- (1) Would the government allow access for independent investigation?
- (2) Would the Eritrean authorities allow UN delegation to visit the prisons where and when are held without being charged?

8. Employment, Access to land, and Forced Labour (Articles 11 and 14)

The Eritrean government asserts that *"Women's right to... land use is guaranteed"*. Historically land was owned by the communities. But, according to the Land Proclamation No.58/94, all land belongs to the government. The Eritrean government is notorious for taking land from the occupants of any farm or village to sell it to wealthy people or to cultivate it using conscripted labour.

At present, only women who have completed their national service can obtain land. And in reality, very few women own or control land they can farm.

In the early 1990s, the Ministry of Education established a summer work program whereby every upper secondary school girl was forced into summer work under the Ministry of Agriculture's preferred villages and community works in remote locations. The student's summer works policy of the government exposes many young and under-age girls to sexual violence and abuse. After completion of military training, some women are forced to work in military shops and canteens. Women are deliberately assigned to these duties where they can be easily targeted for many forms of abuse.

Questions for the Gov. of Eritrea:

- (1) Would the Eritrean authorities allow a UN delegation to document the extent of landlessness among women in the country?

9. Marriage and Family Planning; Maternity Leave (Articles 11, 12 and 16)

From 1st January 2017, completion of National Service became a requirement for marriage. Therefore, the municipality, priests and other officials have been given instructions not to permit any marriage unless the couple can produce certificates of National Service completion. Since National Service has no time limit, young women are not able to plan their marriage, set up home, and prepare for pregnancy and childbirth. Women who become pregnant during military service are not released from national service until they are dangerously close to their delivery date. After delivery of the baby, and while waiting to be demobilized, women usually struggle, as there are neither sources of income nor any governmental assistance. At the same time, they are not allowed to work. Combining paid work and motherhood is very difficult for young women in Eritrea. Unpaid maternity leave in Eritrea lasts for only two months. And the government has not developed any program to assist mothers after they return to work, and there are no child care facilities.

All of this means that it has become very difficult for young Eritrean women to marry when they wish to, plan and start a family. Many are tempted to leave the military without permission and try to escape from the country unofficially (which is illegal), all of which is fraught with many dangers. If caught, they end up in prison.

10. Participation in political and public life; Freedom Expression and Freedom of Assembly (Article 7)

The Government of Eritrea asserts that all women *"enjoy the right to vote, to elect representatives, and to be elected democratically"*. But since there has been no parliament elections since independence, this right is of no use. Eritrean women live in a state with no democratic constitution or any national elections. Government reports guarantee that

"Eritrean women have the right to association and assembly", but no citizen of this state enjoy such rights. The government does not tolerate any form of opposition and has arrested women who assembled to vent their frustration with the process of land allocation that impact them. For instance, women who were going to the offices of the President and the Ministry of Local Government to file their complaint regarding the issue of land reallocation were blocked by the security forces of the country and arrested.

Public demonstrations are usually rapidly and brutally broken up by troops, sometimes with live-ammunition gunfire (as in the case of the demonstrations against the closure of the Al Diaa Islamic School in October 2017).

11. Freedom of Movement (Article 3)

The Government of Eritrea asserts that, under the Eritrean Transitional Civil Code, all women in Eritrea *"enjoy equality before the law as regards the right to domicile and the right to movement"*. But there is no freedom of movement for any woman in Eritrea; none are free to leave their country or to move freely within the country. A person caught moving without *menqasaqesi* (travel permit) is detained sometimes indefinitely. The borders are closed, and women trying to cross them are frequently shot at and some are wounded and killed. Obtaining an Exit Visa, for any reason, including study and health, is a very rare privilege in Eritrea. To obtain an Exit Visa, a woman must pay a large sum of money to bribe officials or provide sexual service to corrupt government officials; or rely on a close relative amongst the immigration officials to obtain such a document through devious means.

12. Freedom of Belief and Worship (Article 3)

In Eritrea, there is no true freedom of religion or belief. Jehovah's Witnesses and Pentecostals are not allowed to practice their religion freely. Leaders of these faiths have been detained for more than a decade now, and an unknown number (certainly hundreds) of women are in prison because of their faith. Muslims as well as Christians are finding freedom of religious belief dangerously eroded. Women of faith involved in healthcare (such as nuns running health clinics) or education (such as teachers or assistants in a Muslim school) can find their place of work suddenly compulsorily requisitioned by the government and their employment ended forthwith, without justification or explanation.

13. Equality before the law and Access to Justice (Article 2)

No woman in Eritrea has any guarantee to receive justice from the state or its agents. There are very clear reasons why this is the case. Firstly, a large proportion of arrests are carried out without warrant or charge, and the accused is never brought to court. Female detainees like their male counterpart languish in prison for years without knowing exactly what they are accused of, and without their cases being ever heard in a court of law. Secondly, the Eritrean judicial system is not independent of the executive; appointment of judges is within the powers of the government, and the executive can decide that any case it wishes should be heard by a special court, convened and run by the state authorities. Access to justice is both haphazard and never guaranteed. Within such a "rigged" system, run by an unelected government made up almost entirely of men, how can any woman be assured of "legal equality" with men, however loudly this may be asserted by those in power?

14. Recommendations:

- (1) Abolish the compulsory and indefinite national service for women. End militarisation of education;
- (2) Ensure that no recruits to national service are less than 18 years old and monitor closely to prevent underage conscription. Immediately end all assignment of children under the age of 18 to the military the training camps at Sawa;
- (3) Empower and support female conscripts who complain of any form of harassment, and ensure there are confidential mechanisms for victims to initiate complaints against perpetrators without any fear of reprisals;
- (4) Safeguard female conscripts from any sexual or other form of abuse by ensuring that monitoring systems are put in place to detect and prosecute abusers of female conscripts;
- (5) Ensure that all accusations by victims of rape are fully investigated by a body independent of the armed forces, that all perpetrators of such crimes are brought to justice and subject to a full and fair trial, and that, during the investigations and trial, all victims are given special protection against threats by perpetrators or others in authority in the armed forces;
- (6) Prohibit punishment of female conscripts involved in the National Service programmes by the use of cruel, inhuman or degrading treatment and torture;

- (7) Guarantee in law the fundamental rights of Freedom of Belief, Freedom of Expression, Freedom of Assembly, and Freedom of Movement across the country's borders for all Eritrean women, and establish legally-binding protection mechanisms to enforce these fundamental rights;
- (8) Ensure that CEDAW is made an integral part of domestic legislations and adequate trainings are provided to judges, lawyers, judicial officers and prosecutors;
- (9) Establish, an independent judiciary system envisaged in the 1997 Eritrea's unimplemented Constitution, allow for the establishment of an independent legislature, elected by popular vote in a fair and transparent manner;
- (10) Ensure that women have the same right as men to be judges, prosecutors, Judicial Officers, of the court, as well as police, detention and prison officers;
- (11) Establish an independent Human Rights Monitoring Commission which is not subject in any way to Government Control. Ensure that it has powers to summon witnesses and review all decisions of the courts relating to the fundamental rights defined above, and to recommend changes to the law and the practices of security forces. Empower this Commission to make an Annual Report to be presented both to the Government of Eritrea and to relevant UN agencies;