

Report on Eritrea
6th Round of the Universal Periodic Review – December 2009

This report is submitted by the **Sexual Rights Initiative** (a coalition including Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development; Creating Resources for Empowerment and Action-India, the Polish Federation for Women and Family Planning, and others). It was written by an Eritrean activist who chose to remain anonymous. It focuses on issues of female genital mutilation/cutting, violence against women, cultural practices leading to violence against women and girls, civil liberties and sexual rights, reproductive health and rights, homosexuality, older women's sexuality, sexuality education, HIV and sex work.

Introduction

1. Eritrea gained independence in 1991, after 30 years of war against Ethiopia. Africa's newest country, Eritrea has experienced decades of wars of liberation and later against Ethiopia. A large part of the population has been and is still/again in exile. Wars, natural disasters and big parts of the country mined are the main reasons for widespread poverty.
2. Eritrea has ratified most international human rights treaties protecting women and girls from discrimination and violence. However, in spite of the respect women gained through the war and the resulting gender sensitive laws, the traditional and religious Eritrean attitude towards women and girls often conflicts with Eritrea's national and international human rights obligations.
3. The Eritrean liberation movement paid a lot of attention to the empowerment of women. During the conflict, efforts were made to introduce the National Democratic Program (NDP), a platform from which to challenge gender inequality. The Constitution and the transitional civil code prohibit discrimination against women. The Government consistently advocates for improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. In 1994 the Third Party Congress advocated for more rights for women, including parity in the right to land and other property. But laws are implemented unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes.
4. Much of Eritrean society remains traditional and patriarchal, and most women have an inferior status to men in their homes and communities. In practice, males retain privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities. The traditional value set remains strong within the Muslim and Orthodox Christian rural societies, promoting practices unfavorable to women, such as an almost universal practice of female genital mutilation. This is, however contrasted by the urban elite, where a big part had spent years or decades in Europe/the US, and went home with a high education and Western ideas after independence in 1993. These former refugees mostly constitute the ruling class, and the new legislation coming up bear evidence of their background. Women's rights are taken seriously by the government.

Health data

Population: 3.5 millions

Population under 15: 43% (60% living in rural areas)

Access to potable water: 12%

Medical services: 50.000 persons per doctor.

Maternal mortality rate: 1.400/100.000.

Infant mortality: 76, 66

FGM as a severe way to deal with femininity – an ugly face for gender-based discrimination

5. Eritrea is an African and mostly Islamic country – both features are understood in ways that produce a community that is hard, full of traditions and cultures that deal negatively with women.

6. Female genital mutilation (FGM) is widespread. FGM is practiced by almost all ethnic and religious groups and about 89% of females undergo this practice.¹ This represents a decline from 95% in 1995. There is no law prohibiting FGM. However, the government has worked to combat the practice. The government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, sponsor educational programs discouraging this practice. It is medically proved that FGM affects the sexual ability of women and affects their sexual lives, destroying their desires. In Eritrea, it is carried out by non-experienced persons, duplicating the damage caused. Some 7-15 years old girls who are operated, experience severe health problems, prolonged fever, inflammations and almost a 12% of them die.²

7. Recommendations

- (For the Eritrean government) To pursue the educational efforts to eradicate FGM, to criminalize it in the Penal Code and to set up the required programs to provide assistance to victims.

- (For international organizations and donors) To support the work of civil society in Eritrea to help develop the concept of why criminalizing FGM (taking severe legal action against the actual performer of the FGM and the parent/s allowing it) would help to stop the practice and also in the fight against it, in such a way that civil society's voices would reach the Eritrean government.

Violence against women

8. Concerning violence against women, the Government has taken a firm public stance against domestic violence. It seems that domestic violence, especially wife beating, is widespread. It was estimated that more than 65 per cent of women in the Asmara area were victims of domestic violence in 2004.³ Rape is punishable under the law with a maximum sentence of imprisonment of up to 15 years. It is also deeply troubling that marital rape is not categorically outlawed in Eritrea. In fact, under the current penal code, marital rape is not recognized as a crime, and under the draft penal code currently under consideration, marital rape is only recognized when the spouses are separated.

9. Women and girls are also subjected to sexual violence within the community. There is reportedly a cultural attitude towards the crime of rape that focuses on its shameful nature, leading to silence on the part of the victim –or her family- about the crime, especially if the woman is not married, since virginity is seen as an absolute requirement to being married, raped women are often perceived as "unmarriageable." In addition, if the perpetrator agrees to marry the victim, all charges of rape will be dropped.

10. Girls are also subjected to violence at the hands of state agents in the context of the recurrent armed conflict with Ethiopia. Child soldiers, including girls, have reportedly been used in the fighting, contrary to international standards that prohibit child soldiers. Girls also have the misfortune of being female and young, two population groups that are particularly susceptible to violence, especially in times of emergency. Reports indicate that many girls and young women were raped during the most recent war with Ethiopia (1998-2000).⁴

11. Overall, the government has failed to protect women from violence whether at the hands of private individuals or state officials.

12. Recommendations:

- To criminalize marital rape
- To conduct public awareness-raising campaigns on rape as a crime, to empower victims and their families to expose it.
- To amend the necessary legislation so marriage to the victim does not result in charges of rape being dropped.
- To take immediate action to stop the practice of recruiting children as soldiers while also duly investigating and punishing those responsible from it and providing assistance to victims.

¹ US Department of State Report, 2006

² Eritrea development report by UNDP- 2005

³ US Department of State Report on Eritrea-2004

⁴ OMCT's shadow report

- To help the victimized or exploited women to start a new life throughout dedicating some centers for this respect.

Cultural and traditional practices that might lead to violence against girls and women

13. In addition to FGM, several other traditional practices harmful to the wellbeing of girls, including early marriage, dowry, and polygamy that prevail in Eritrea. For example, the traditional view holds that the ideal age for marriage for a girl is between 12 and 18, while the ideal age for men is around 25, because marriage implies more "responsibilities" for a man. This wide age differential makes girls who are married at a young age vulnerable to violence on account of their age and their sex. Additionally, the practice of paying dowries is common in Eritrea, which risks the perception of the wife as a piece of property. Despite the formal illegality of polygamy in Eritrea, Sharia law is exempt from this law and thus polygamous unions (up to four wives) are permitted for people marrying under Sharia law.

14. Recommendations

- Promulgate laws to forbid the marriage of girls younger than 18 and the practice of paying dowry / Take all the necessary actions, including awareness-raising campaigns and working with community leaders, to enforce the laws that protect girls from early marriage, as well as the laws on dowry.
- Establishing some night schools for the girls who already get married and try to convince their spouses to send them to school, in order to develop their awareness and help them to improve their life quality.

Civil Liberties and Sexual rights

15. The Constitution guarantees freedom of movement to everyone and the transitional civil code provides both spouses with the right to choose residence. However, deeply rooted traditions practically necessitate that after marriage a woman automatically holds the domicile of her spouse. Socially, men are entitled to select their wives, although women have no such entitlement, especially in the patriarchal rural communities. In rural areas, women after marriage stay at home, and never go out without the permission of their husbands. The father at home is the dominant figure financially and socially and his daughters cannot go out with men or getting married without his permission. Women are not allowed any relationship outside the marriage frame, and it is hard for the women to travel alone seeking education or work especially in rural areas away from Asmara.

16. There is no legal limitation to women's freedom of dress but the dress code is still imposed by the religion and the traditions of this country. This dress code is socially imposed, and there is no legal penalty for the woman who breaks it, but no woman would ever dare to change the style or wear so western trend clothes, as they will be rejected socially and punished domestically by their families.

17. Recommendations

- Initiating a media campaign that focuses on the image of women in the society which enables them to be more free and respected socially.
- Publicize some examples of other Islamic and African countries which gave more room for women in the social life and more freedom in dress codes, without breaking the traditions, such as Tunisia and Morocco, where the woman is free to choose her dress code.
- Made the necessary legal reforms to render void any marriage in which the woman's opinion was rejected and she was not able to select her husband.

Reproductive health and rights

18. The use of contraception is not widespread. Unless their husbands allow it, women have no choice to prevent pregnancy. Abortion is forbidden by Law and Sharia'a in Eritrea and there is no way to find registered clinics offering that practice. For the Eritreans, abortion is a religious sin. If a woman has to abort, she may do it at home –called "domestic abortion"- a practice that doubtless puts her on high risk of death. If she dies, her relatives would never admit the reason of death, so there are no clear records in this regard. The main causes of maternal mortality are the lack of medical assistance, the bad roads which

delay access to medical help, and the malnutrition, especially in the villages and towns far from Asmara

19. Recommendations

- Legalizing therapeutic abortion, for example when the woman has some medical problems that could cause her death during delivery.
- Facilitating medical assistance, especially in the remote areas of Asmara and providing clinics with female doctors, as the traditions sometimes make it harder for women to visit male gynecologists.
- Initiating a media campaign that could help promote awareness among women regarding the best nutrition practices during pregnancy.

Homosexuality

20. Homosexual acts are prohibited by law in Eritrea. According to section II, Article 600, of the 1960 "unnatural carnal offences" can be punished with internment for between 10 days and 3 years. Most people who practice this type of sexual affairs "live their life in secret", as they could be jailed or severely punished by society if discovered. Even discussing this issue in public is considered as sin by the religion and taboo by the community.

21. Recommendations

- Amending or at least leveraging the severity of Article 600 of the Penal Code criminalizing "unnatural carnal offences" to harmonize it with international standards ratified by Eritrea, particularly Articles 2 and 26 of the International Covenant of Civil and Political Rights.
- Stressing civil society role in promoting awareness among people in this regard and eliminating all barriers for civil society organizations willing to engage on such work.

Older women

22. There is no old people's home in any village or city either for men or women, as society does not permit that the sons or daughters abandon their parents in these houses. By talking to old people we have discovered that specially women almost have no sexual life after the death of their husbands.

Sexuality Education:

23. The law does not prescribe any form of sexuality education in schools. In fact, due to severe traditions and cultures, added to the religion concepts, schools are not allowed to provide sexual awareness education. Men and women derive their sexual knowledge from the communities in which they live, from the TV and –specially the females- from their mothers', just before marriage.

HIV in Eritrea

24. Eritrea faces a rapid expansion of the HIV/AIDS pandemic within the next few years⁵. The number of people infected by HIV could increase significantly. There are a number of reasons for concern, including the forthcoming demobilization of 195,000 soldiers, the mass movement of people that followed the last conflict, as well as the economic vulnerability of many people. While figures compiled since 1997 indicate that HIV prevalence in the adult population is around 3 percent, a recent survey of the army revealed that 4.6 percent of soldiers were HIV-positive. The same study showed an HIV prevalence of 22.8 percent among female bar workers.

25. Since the first AIDS case in Eritrea was reported in 1988, the progress of the disease has been rapid. By 2004, more than 13,000 people had been registered as infected. About 2,500 of these cases were reported in 2001 alone. Other statistics also demonstrate how quickly the pandemic has expanded. In 1996, AIDS was claimed to be the 10th highest cause of death in Eritrean hospitals. By last year it was the second leading cause of death among patients over five years of age.

⁵ Joint United Nations Programme on HIV/AIDS (UNAIDS)-2002

26. Experts are concerned that the country's health system is unprepared for such a rapid increase. The figures show that an increasing number of people are sick with AIDS and there is no real support structure to cope. A number of small-scale schemes are being developed to offer help to them. These schemes were governmental initiatives by the Ministry of Health. Most plan to offer home visits, food aid and nursing care for patients who cannot be accommodated in hospitals.
27. Bidho is Eritrea's first association for people living with HIV/AIDS, which was set up in 2002. As part of an innovative new approach to educating people about the disease undertaken by the Eritrean government, 10 of the country's best known sporting and entertainment heroes are to participate in a television and radio campaigns against AIDS. Cyclists, singers and comedians were performing in a series of short films and radio announcements to be aired to fight AIDS, but these projects need funding all the time, which is not available in Eritrea.
28. Awareness campaigns have also been organized by the government for groups considered at higher risk of being infected, such as truckers and commercial sex workers. But HIV is still a stigma in Eritrea, so another problem is that those infected do not reveal their condition and thus have no access to proper assistance. That is why it is too hard to know the actual number of the infected as the bearers of HIV never confesses or goes for check up for fear of the community rejection.

29. Recommendations

- Make some stable funds available for civil society projects that fight HIV- Aids
- Work with the media to define AIDS as a disease which should be cured and addressed, and not a cause for social scandal or stigma.

Sex work in Eritrea

30. Deepening poverty is driving increasing numbers of Eritrean women to sell their bodies just to feed their families. The government of Eritrea is trying hard to curb prostitution, not least because it could play a major role in the spread of HIV/AIDS. But such efforts have yet to have any effect on these young sex workers. Some of them had to take up this profession when their men or husbands went into the military during 1998-2000 border conflict with Ethiopia, especially if they had kids. Poverty has many roots in Eritrea. Failed or late rains are only the most recent cause, and the United Nations says drought means that two-thirds of the almost 4 million populations are at risk from food shortages. Poverty was also entrenched by the country's 1998-2000 war with Ethiopia. About 70,000 people were killed in the conflict, which disrupted farming and devastated the economy.
31. The only official study on prostitution, released in early 2001, said that though there was no reliable information; prostitution seemed to be a growing phenomenon, unless there is real economic improvement.⁶ A recent survey by the Health Ministry found that 22.8 percent of prostitutes were HIV-positive, well in excess of the 2.4 percent infection in the population at large.(A report by the national AIDS control program of the ministry said). The government does not give licenses to commercial sex workers or require them to be tested regularly.
32. In an effort to help social workers find and counsel prostitutes, government investigators in 1999 recorded the details of 4,579 commercial sex workers operating in bars, restaurants and hotels in 65 towns in the country. In the country's central zone, where are more than 1,246 sex workers were registered, just two social workers were assigned to work with them. The Social Ministry has repeatedly promised that the social workers will send "safe sex" messages to prostitutes by way of community elders, urging them to use condoms and get check-ups at one of 25 hospitals and clinics where the tests are free and the results confidential, but these steps are still under progress and no real development has been observed in spite of many declarations. The ministry is also planning to provide vocational training to several dozen prostitutes to try to get them off

⁶ Ministry of Health report-2001 and 2002

the streets. But none of the women on the streets with whom our organization has contact reported having had advice on safe sex or vocational training.

33. Recommendations:

– (For the Eritrean government) To put immediately in practice the programs and measures planned to provide sex workers with assistance and support for their healthcare, as well as with options to choose a different profession if they so desire.

- (For the Eritrean government) Enable civil society to play a greater role in order to address this issue, by approaching the sex workers and enrolling them in some vocational and sex safe seminars and workshops to work on the many problems their community faces.

-(For international donors) To provide help for Eritrea to improve the life of sex workers.