



**Convention on the  
Rights of the Child**

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**Committee on the Rights of the Child**

**Concluding observations on the fourth periodic report of  
Eritrea\***

**I. Introduction**

1. The Committee considered the fourth periodic report of Eritrea (CRC/C/ERI/4) at its 1987th and 1989th meetings (see CRC/C/SR.1987 and 1989), held on 19 and 20 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

2. The Committee welcomes the submission of the fourth periodic report of the State party (CRC/C/ERI/4) and the written replies to the list of issues (CRC/C/ERI/Q/4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

**II. Follow-up measures undertaken and progress achieved by  
the State party**

3. The Committee welcomes the ratification of/accession to the:

a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014;

b) United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2014;

c) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2014;

4. The Committee notes the adoption of the Civil Code, Penal Code, Civil Procedure Code and Penal Procedure Code, 2015.

5. The Committee welcomes the following institutional and policy measures:

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\* Adopted by the Committee at its sixty-ninth session (18 May-5 June 2015).

- Establishment of the National Association of Intellectual/Developmental Disability of Eritrea
- National Gender Action Plan, 2015-2019, adopted by the National Union of Eritrean Women
- Comprehensive National Disability Policy, December 2014
- National Policy on Children, 2014
- National Policy on Infant and Young Child Nutrition, July 2013
- Health Sector Strategic Development Plan, 2012-2016

6. The Committee notes as positive the State party's acceptance of a technical assessment mission by the United Nations High Commissioner for Human Rights in February 2015.

### **III. Factors and difficulties impeding the implementation of the Convention**

7. The Committee considers that the prolonged compulsory national service, the ineffective implementation of the 1997 Constitution and the suspension of the National Assembly have resulted in deterioration of the rule of law and a serious human rights and humanitarian situation, including exodus of refugees, which poses a challenge to the implementation of the Convention. The Committee reminds the State party of the continuity of international human rights obligations and that legitimate national security concerns must be reconciled with the rights under the Convention, which apply to all children at all times.

### **IV. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

8. **The Committee recommends that the State party take all necessary measures to address the recommendations from the concluding observations (CRC/C/ERI/CO/3) that have not been implemented or not sufficiently implemented, including on independent monitoring; respect for the views of the child; birth registration; family environment; children in street situations; and administration of juvenile justice.**

##### **Legislation**

9. The Committee notes that the State party conducted a comprehensive review of national legislation with regard to its conformity with the Convention. However, the Committee regrets the lack of information on the recently adopted laws (see para. 4 above), and is concerned that the Constitution adopted in 1997 has never been formally implemented. Considering the State party's dualist system, the Committee is concerned that without effective implementation of the Constitution and legislative reforms, the provisions of the Convention are not legally binding in the domestic jurisdiction.

10. **The Committee recommends that the State party:**

- a). Officially promulgate and apply the 1997 Constitution of Eritrea and expedite the Constitutional review process, with a clear time line and with transparent procedures, while ensuring its full conformity with the provisions of the Convention;
- b). Expedite its efforts with a clear time frame to bring domestic law into full compliance with the Convention and its Optional Protocols;
- c). Consider a comprehensive Children's Code in order to effectively incorporate the provisions of the Convention, as recommended in the previous concluding observations; and
- d). Ensure that all laws in force in the State party are publicly available.

#### **Comprehensive policy and strategy**

11. The Committee welcomes the adoption of the National Policy for Children. However, the Committee notes that a strategy or a new cycle of national plan of action to implement the policies is yet to be developed.

12. **The Committee recommends that the State party develop a strategy or a new cycle of the National Plan of Action for children to implement the above-mentioned policies, with allocation of sufficient human, technical and financial resources.**

#### **Coordination**

13. The Committee welcomes the clarification of mandates of coordinating bodies for the implementation of the Convention at national as well as regional levels, such as the National CRC Coordinating Committee, the Inter-Ministerial Committee, and the regional committee for the coordination of the implementation of the CRC, following the previous recommendation by the Committee. The Committee however regrets the lack of information on the resources made available to such bodies for their effective functioning and coordination.

14. **The Committee reiterates its recommendation that the State party allocate human, technical and financial resources to the entities designated for coordination sufficient for discharging their mandates. In this regard, the Committee refers the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention of the Rights of the Child.**

#### **Allocation of resources**

15. The Committee is concerned that information regarding resource allocation for children is imprecise and not related to the total budget or gross domestic product, and that a child rights approach is not applied in the elaboration of the State budget.

16. **The Committee urges the State party to take into account the recommendations issued by the Committee following its day of general discussion held on 21 September 2007 on "Resources for the rights of the child – responsibility of States". The Committee further recommends that the State party:**

- a) **Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;**

b) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget. The State party should also use this tracking system for impact assessments on how investments in any sector may serve “the best interests of the child”, ensuring that the different impact of such investment on girls and boys is measured;

c) Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability of local authorities;

d) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies.

### **Corruption**

17. The Committee notes with concern that corruption continues to be pervasive and diverts resources which could otherwise improve the implementation of the rights of the child, thereby weakening the efficiency and efficacy of budgetary allocations for children.

18. **The Committee recommends that the State party take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.**

### **Data collection**

19. The Committee welcomes the progress made in data collection in the area of health, including conducting Eritrea Population and Health Survey (EPHS) in 2010. However, the Committee is concerned that the data collected through surveys is not released in a timely manner and the system of data collection does not cover all areas of the Convention. The Committee notes that a DevInfo-based national database is not yet functional.

20. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to further improve its data collection system by;**

a) **Collect data which covers all areas of the Convention and disaggregate them by age, sex, disability, geographic location, ethnic, linguistic and religious origin, and socioeconomic background;**

b) **Ensure that data collection captures the situation of children in situations of vulnerability, including children with disabilities, orphans and children in street situation;**

c) **Take into account the conceptual and methodological framework for human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HR/PUB/12/5) , when defining, collecting and disseminating statistical information;**

c) **Share the data and indicators in a timely manner within the government and with the general public, and use them for the formulation, monitoring and evaluation of policies, programmes and projects relevant to the implementation of the Convention;**

d) Strengthen human, technical and financial resources for the national statistical office and uphold the fundamental principles of official statistics (A/RES/68/261); and

e) Strengthen its technical cooperation with, among others, UNICEF and regional mechanisms.

#### **Independent monitoring**

21. The Committee reiterates its recommendation (CRC/C/ERI/CO/3, para. 15) to establish an independent national human rights institution in full compliance with the Paris Principles. Such an institution should be accessible to children and be provided with adequate human and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights as well as recommend remedies. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

#### **Cooperation with civil society**

22. The Committee remains seriously concerned about the limitations placed upon human rights defenders and civil society organizations, including those working on children's rights, and in particular regrets the severe administrative and practical restrictions upon their independent operations.

23. The Committee urges that the State party to:

a) Take immediate action to allow human rights defenders and civil society organizations, including those working on children's rights, both national and international and even if not affiliated to the authorities, to exercise their right to freedom of expression, opinion and association without threats and harassment;

b) Ensure that reported instances of intimidation and harassment of NGOs, human rights defenders or civil society activists are promptly and independently investigated, and those responsible for such abuses are held accountable; and

c) Systematically involve all NGOs working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children, including the follow-up to the concluding observations of the Committee.

### **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

24. The Committee notes positively the efforts made by the State party to eliminate discrimination, in particular reducing regional disparities in accessing social services. **The Committee is concerned, however, that:**

a) **Certain forms of discrimination remain, including de facto discrimination against girls, children from ethnic minorities and nomadic communities;**

b) **Children and their families who follow religions which are not officially recognized are denied administrative services or educational opportunities; and**

c) **The criminalization of consensual same-sex conduct under the transitional penal code encourages the stigmatization of and discrimination against lesbian, gay, bisexual and transsexual (LGBT) persons, including children, and children from LGBT families.**

25. The Committee recommends that the State party continue its efforts to eliminate all forms of discrimination against all children both in law and in practice. The Committee further recommends that the State party:

a) Continue and strengthen its efforts to eliminate stereotypes and practices that discriminate against girls, including harmful practices, sexual and domestic violence and unequal inheritance rights for girls, and adopt a comprehensive strategy in this regard;

b) Intensify its efforts to eliminate discrimination against children from ethnic minorities;

c) Ensure that children who follow religions, which are not officially recognized, and those who belong to ethnic minorities do not face any discrimination in relation to access to administrative and social services; and

d) Repeal the legal provisions criminalizing homosexuality and ensure that children who belong to LGBT groups or children from LGBT families are not subject to any forms of discrimination by raising the public's awareness of equality and non-discrimination on the basis of sexual orientation.

#### **Best interests of the child**

26. **The Committee notes the efforts of the State party to incorporate the best interests of the child into certain laws and judicial proceedings. However, the Committee is concerned that the right of the child to have his or her best interests taken into account as a primary consideration may be misinterpreted and has not been fully and systematically incorporated in the legislative, executive and judicial branches of power.**

27. In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all laws, policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

#### **Respect for the views of the child**

28. **The Committee reiterates its previous recommendation (CRC/C/ERI/CO/3 para. 31) that the State party strengthen its efforts to ensure that children's views are given due consideration in the community, the family, the schools and to guarantee the right of the child to be heard in any judicial and administrative proceedings affecting the child. In this context, the Committee furthermore encourages the State party to take into account General comment No. 12 on the right of the child to be heard.**

#### **The right to life, survival and development**

29. **The Committee is seriously concerned that:**

a) Measures adopted for border control reportedly include excessive use of force, including a “shoot to kill” policy against those trying to flee the country, including children; and

b) The conditions in the State party are so severe that a high number of children feel compelled to leave their country, being separated from their families and risking their lives and full development.

30. The Committee urges the State party to cease the excessive use of force against children with immediate effect, including at the borders, and to take all possible measures to encourage children to continue residing in the country.

## **C. Civil rights and freedoms (arts. 7, 8, and 13-17)**

### **Birth registration**

31. The Committee reiterates its previous recommendations (CRC/C/ERI/CO/3, para. 33) to strengthen and further develop measures to ensure that all children born within the national territory, including those of minorities and living in remote areas, are registered. Furthermore, the Committee urges the State party to create institutional structures at all levels that are accessible and free in order to implement effective birth registration, e.g. by introducing mobile units, especially in rural and remote areas and targeting internally displaced persons and refugee camps. The Committee recommends that the State party seek technical assistance from UNICEF and other United Nations specialized agencies for the implementation of these recommendations.

### **Freedom of expression**

32. The Committee is concerned about the particularly severe restriction of the press in the State party, which seriously impacts on children’s right to expression, participation and information.

33. The Committee reiterates its previous recommendations (CRC/C/ERI/CO/3, para. 35) to remove excessive restrictions on the media in order to guarantee that children can access information and exercise their right to freedom of expression in accordance with the provisions of the Convention.

### **Freedom of thought, conscience and religion**

34. The Committee is concerned at the allegation that followers of unrecognized religious denominations, including children, face restrictions in the exercise of their religious faith and practices and are often harassed, persecuted, or denied official identity.

35. The Committee urges that the State party to:

a) Respect the right of children belonging to all religious denominations, including Jehovah’s Witnesses to exercise their right to freedom of religion and ensure that they are not harassed or prosecuted;

b) Immediately reinstate full citizenship of children and their families who follow unrecognized religious denominations and ensure their equal access to public services, including issuance of official identity cards.

## **D. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)**

### **Torture and other cruel or degrading treatment or punishment**

36. The Committee notes the information given during the dialogue that caning has been abolished as a sentence for young offenders. However, it remains seriously concerned about reports indicating that:

- a) Violence against children, including sexual violence, is widespread in the context of national service and military training, such as institutions in Sawa and Wi'a ;
- b) Children in situations of migration returning to the country, including those who have unsuccessfully sought asylum in other countries, face torture and detention upon return;
- c) Children in detention routinely face torture, cruel and degrading treatment, including corporal punishment, in particular children accused of attempting to avoid military service or fleeing the country.

37. The Committee urges the State party to:

- a) Enforce the legal prohibition of all forms of violence including corporal punishment in all settings, including in military training camps, and ensure that it is no more used as a sentence for crime;
- b) Ensure that alleged perpetrators, including state officials, of violence, including sexual violence against children, are duly prosecuted by a competent, independent and impartial criminal court;
- c) Ensure that witnesses are assisted and protected and child victims compensated and supported for full recovery, in line with Article 39 of the Convention.

### **Freedom of the child from all forms of violence**

38. The Committee, while noting the information given during the dialogue that "reasonable chastisement" is no longer an excuse for corporal punishment of children, is concerned that children are frequently subjected to violence at home and in educational institutions, including sexual abuse of girls in schools. Furthermore, the Committee notes with concern that:

- a) Data on violence against children, including on investigation and persecution conducted for the allegation of such violence, is not collected;
- b) Laws, policies or plans of action which specifically address all forms of violence against children, including child abuse and neglect, domestic and sexual violence, do not exist;
- c) Information is not provided on adequate complaints mechanisms for violence against children, on mechanisms of redress, rehabilitation and compensation for child victims of violence, or on assistance and protection of child witnesses and on support for their recovery and social reintegration;
- d) None of the courts in the State party have dealt with marital rape and no research has been conducted on the issue while child marriage is still prevalent.

39. With reference to the Committee's general comment No. 8 (2006) on corporal punishment and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to



continue enforcing the prohibition of violence in all settings and to prosecute perpetrators, and to furthermore:

- a) Establish a reliable system for the collection of statistical data on violence against children, disaggregated by age, forms of violence and the relationship between victims and perpetrators, and on the number of complaints, prosecutions, convictions and sentences imposed on perpetrators as well as on reparations provided to victims;
- b) Undertake a comprehensive study on violence against children, including child abuse and neglect, as well as gender-based and sexual violence, in order to identify the prevalence and root causes of the problem and effective measures to respond them;
- c) Adopt and implement laws, national policies or national plans of action to address all forms of violence against children, in a comprehensive manner;
- d) Ensure children's effective access to justice by establishing confidential, child-friendly and gender-sensitive complaints mechanisms and legal aid programmes;
- e) Ensure that mediation is not given preference over criminal proceedings in domestic violence cases, including marital rape; and
- f) Provide capacity building on all forms of violence against children to relevant professional groups, including the military as well as religious and traditional leaders, and conduct awareness raising programmes, including campaigns, targeting children, teachers, media and the general public.
- g) Intensify its efforts, including with support from UNICEF, to raise awareness on alternative forms of discipline in a manner consistent with the child's human dignity and in conformity with the Convention.

#### **Harmful practices**

40. The Committee notes the efforts made by the State party to eliminate harmful practices, including the criminalization of female genital mutilation (FGM) by Proclamation 158/2007. The Committee also notes with concern that prevalence of female genital mutilation and child marriages continues to be high, in particular in rural areas.

41. In the light of its general comment No. 18 on harmful practices (2014), adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party strengthen its efforts to eliminate FGM and that it:

- a) Expeditiously adopt a comprehensive strategy to eliminate all harmful practices that discriminate against women and a) girls, with adequate human, technical and financial resources for its implementation, in particular in rural areas.
- b) Continue to take all necessary efforts to enforce Proclamation No. 158/2007 abolishing FGM and ensure that perpetrators of female genital mutilation are prosecuted and adequately punished and the victims compensated;
- c) Provide alternative income generating opportunities for practitioners of female genital mutilation ;

d) Ensure that the minimum age of marriage, set at 18 years of age for both girls and boys, is strictly enforced;

e) Take a holistic approach to the sensitization programmes to eliminate child marriage, addressing the root causes of the practice; and

f) Reinforce comprehensive awareness-raising programmes on the negative consequences of harmful practices on children, targeting in particular children, parents, teachers, community, traditional and religious leaders.

42. The Committee is deeply concerned that polygamous marriages persist in some communities in the State party – a situation which is contrary to the dignity of girls entering such marriages and which negatively affects the children of such marriages.

43. The Committee urges the State party to enforce the prohibition of polygamous marriages without any exception.

## **E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))**

### **Family environment**

44. The Committee reiterates its previous recommendations (CRC/C/ERI/CO/3, para. 43) to take all necessary measures to ensure the allocation of appropriate financial and other support to programmes that support parents in the exercise of their responsibilities. In particular the Committee recommends that the State party provide effective support programmes for children in vulnerable families, such as those affected by the armed conflict, poverty, HIV/AIDS as well as by the absence of one parent due to obligatory military service, detention or exile.

### **Right to leave and enter own country**

45. The Committee is seriously concerned about reports that:

a) The extremely tight control of exit visa and the requirement of payment of a tax to re-enter the country undermine the exercise of the right of children and their parents to leave and enter their own country, including for family reunification;

b) Children in migration situations and other returnees, including national service evaders and deserters, face detention and disappearance and their children and other family members are not informed of their whereabouts; and

c) Family members, including children, are frequently punished for the conduct of another family member, such as fleeing the country.

46. The Committee urges the State party to:

a) Respect the right of the child and his or her parents to leave or re-enter their country and ensure that restrictions on the right of the child and his or her parents to leave or enter the country do not violate any other rights recognized in the Convention (Article 10 (2)), such as their right to life and the freedom from all forms of violence;

b) Ensure that the submission of a request to enter or leave the country for the purpose of family reunification shall entail no adverse consequences for the applicants and for the members of their family (Article 10 (1)); and

c) **Stop the practice of “guilt by association” and the various forms of punishment of the families of draft evaders and deserters, including fines, confiscation of property and imprisonment;**

#### **Children deprived of a family environment**

47. The Committee is concerned that many children are deprived of a family environment due to the absence of their parents caused by:

a) The widespread practice of enforced disappearance, incommunicado detention and arbitrary arrests; and

b) Prolonged periods of national service with infrequent leave and distant posting.

48. The Committee urges the State party to:

a) **Immediately end the practice of enforced disappearance, incommunicado detention, and arbitrary arrests, and immediately inform families of the whereabouts of all persons in detention in line with article 9 (4) of the Convention;**

b) **Allow access to detainees by their children;**

c) **Limit the duration of compulsory national service to 18 months as stipulated in the law, and clearly articulate a policy of safeguards and guarantees; and**

d) **Guarantee that national service conscripts are posted closer to their family, if possible, and have regular leaves in order to enable them to maintain relations with their children.**

#### **Children without parental care**

49. The Committee welcomes efforts made by the State party to facilitate reunification of orphans with extended families and to prioritize adoption and community-based group homes to the placement of children in orphanages. However, the Committee remains concerned that:

a) There is no recent data on children without parental care;

b) The family reunification programme is scaling down due to the resource constraint;

c) The State party intends to downsize the number of community-based group homes in order to prioritize the family reunification programme, while still large number of children are placed in orphanages;

d) There are no special measures in place for children who are not orphans but who, for any other reason, cannot be taken care of by their biological families;

e) The majority of children placed in orphanages are children with disabilities;

f) Assistance provided to orphans and their families affected by HIV/AIDS has been reduced due to resource constraints; and

g) No information has been provided on complaints mechanisms made available in alternative care settings.

50. The Committee recommends that the State party:

- a) Establish a system for data collection and analysis on children without parental care in order to understand causes of separation from parents and needs of children concerned, and to guide the development of policies and programmes;
- b) Allocate sufficient resources to support children without parental care, in particular the family reunification programme, and to support children affected by HIV/AIDS and their families;
- c) Continue to prioritize and promote the provision of family-type and community based forms of alternative care for children deprived of parental care for any reason, including children with disabilities, in order to reduce the dependence on institutional care;
- d) Provide access to effective and child-friendly complaints mechanisms for children in alternative care;
- e) Ensure adequate monitoring of alternative care facilities on the basis of established regulations; and
- f) Consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.

#### Children in prison with their mothers

51. The Committee is concerned that:

- a) Living conditions of young children in detention facilities with their mothers is poor; and
- b) Lactating mothers are having difficulties in providing proper nutrition for their infants due to the poor quality of food provided in the detention facilities.

52. The Committee recommends that the State party:

- a) Take effective and urgent measures to ensure that living conditions for children in prison with their mothers, including access to food, water and sanitation, as well health and education services, are adequate for the child's physical, mental, moral and social development in accordance with article 27 of the Convention;
- b) Seek alternative measures to institutional confinement for pregnant women and mothers with young children, wherever possible;
- c) Ensure that the principle of the best interests of the child is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers; and
- d) Seek technical assistance from UNICEF and other relevant partners in this regard.

#### F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

##### Children with disabilities

53. The Committee welcomes the progress made on the protection and promotion of the rights of children with disabilities, including the adoption of a comprehensive policy on persons with disabilities in 2014. The Committee, however, is concerned about the

lack of statistical data on children with disabilities, including on those out of school, and the insufficient resources to implement the policy and relevant programmes. The Committee also notes with concern the referral of children with vision and hearing impairments, as well as developmental and intellectual disabilities, to special schools.

54. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee encourages the State party to continue and strengthen its efforts towards the full realization of the rights of children with disabilities, including through:

- a) Integrating a human rights-based approach to disability in all relevant laws, policies and programmes;
- b) Promoting inclusive education for all children with disabilities, and over time phasing out the placement of children with disabilities in special schools; and
- c) Providing necessary assistance to children with disabilities studying in regular schools to ensure their access to meaningful, effective and quality education and to their fullest integration and individual development.

#### Health and health services

55. The Committee commends the State party for the efforts and major progress made by on child and adolescent health since the last reporting period, including the decrease of maternal and child mortality as well as the decrease of communicable and non-communicable diseases. The Committee also welcomes the increase in the rate of exclusive breast-feeding for 6 months. However, the Committee remains concerned that:

- a) Neo-natal and maternal mortality is still high;
- b) HIV/AIDS, sexually transmitted infections and tuberculosis remain a major public health concern;
- c) Malnutrition-related diseases, including stunting, wasting and reported incidents of noma remain prevalent;
- d) Disparities continue to exist in the enjoyment of the progress made, in particular among regions as well as between wealthier and poorer households;
- e) There is insufficient information on adolescent health;
- f) The prevalence of non-communicable diseases is increasing; and
- g) Regulation of marketing of breast-milk substitutes has not come into effect.

56. The Committee recommends that the State party continue its efforts in line with general comments No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (Article. 24), No. 3 on HIV/AIDS and the rights of the children and No. 4 on Adolescent health and development in the context of the Convention on the Rights of the Child, and recommends that the State party:

- a) Adopt, implement and monitor relevant national strategies on child health, including a national child survival strategy, a strategy on adolescent health and information services, and on HIV/AIDS, sexually transmitted diseases and tuberculosis, as well as on sanitation in rural areas;

- b) Focus its efforts on reducing disparities in achieving health and nutrition goals, prioritizing children living in situations of vulnerability, in particular those living in rural areas and/or in poverty;
- c) Intensify nutrition and health intervention targeting children affected by severe malnutrition;
- d) Provide training to health professionals to detect ulcerative gingivitis, the first signs of noma;
- e) Take measures to address increasing levels of non-communicable diseases;
- f) Continue efforts to translate commitments made in the context of the Campaign for Accelerated Reduction of Maternal Mortality in Africa (CARMMA) into results-oriented action, and adequately train health personnel on the reduction of maternal mortality and morbidity;
- g) Take into account the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) as well as the OHCHR Technical guidance on the application of a human rights based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22);
- h) Strengthen necessary laws and policies to promote exclusive breastfeeding for 6 months, including through the regulation of marketing of breast-milk substitutes;
- i) Continue its collaboration with and/or seek financial and technical assistance from UNICEF, WHO, UNFPA and OHCHR.

#### Standard of living

57. The Committee is concerned that:

- a) The prolonged period of conscription for national service, including for parents and care-givers, is having negative effects on their capacity to provide for children, as their salary and allowance during national service are below minimum subsistence level and the workforce within the family is reduced due to the conscription;
- b) The policy of self-reliance may have undermined access to humanitarian assistance;
- c) There are frequent reports of food insecurity and malnutrition remains a leading cause of infant mortality;
- d) There is high regional disparity in the access to food, water and sanitation;
- e) There have been forced evictions and demolition of houses in the country.

58. The Committee recommends that the State party :

- a) Provide conscripts with remuneration which provides a decent living for themselves and their families so that families can secure the conditions of living necessary for the survival and development of their children;
- b) Ensure that the policy of self-reliance does not undermine children and their families' access to humanitarian assistance.

c) Improve availability of food at national and household levels, through improving sustainability and resilience of food production and food imports, as well as through international humanitarian assistance as appropriate;

d) Improve accessibility of food including through ensuring affordability of adequate food in the markets, improving the minimum level of household income, adjusting adequacy of quantity and quality of food rations, and ensuring access to adequate food by children and women within households;

e) Focus its efforts to reduce regional disparity in the prevalence of malnutrition and in access to clean drinking water and adequate sanitation;

f) Take immediate and effective measures to prevent and prohibit forced evictions in line with relevant international standards;

g) Adopt human rights sensitive management of housing and land, taking into account relevant international standards, including the Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, Annex) and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, adopted by the Committee on the World Food Security, FAO, in 2012; and

h) Seek technical assistance from UNICEF, FAO, WFP, WHO and UN-Habitat.

#### **G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

##### **Education, including vocational training and guidance**

59. The Committee welcomes the adoption of a number of policies and strategies on education, including those focused on nomadic communities and pre-school education. The Committee also welcomes the information given by the delegation during the dialogue that many children of families with limited financial means are provided with support to purchase school uniforms and school materials. **Nevertheless, the Committee is concerned that:**

a) Primary and secondary school enrolment remains low, in particular for girls, children in rural areas and children living in poverty due to, among others, the hidden costs of education;

b) The drop-out rate for girls is high due to excessive domestic duties, early marriage and pregnancy;

c) The frequent lack of gender-sensitive sanitation facilities forces girls to stay away from school when they menstruate;

d) Secondary school students have to undergo obligatory military training and are at risk of being subjected to violence, and this is one of the major reasons for school dropouts; and

e) Children in nomadic communities still face disadvantages in accessing education and the education they can access is of low quality.

60. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:

a) Further improve primary and secondary school enrolment and completion, in particular for girls, children living in rural areas and children living in poverty, by addressing root causes, such as the hidden costs of education,

negative cultural attitudes, excessive domestic duties and insufficient number of teachers, in particular female teachers;

b) Ensure that primary education is free, compulsory and universal, and strengthen its efforts that any indirect costs for schooling, such as costs for school material, uniforms and transportation, do not undermine access to primary education.

c) Reduce dropout rate by addressing root causes;

d) Ensure that girls who are married, pregnant or rearing children are supported and assisted in continuing their education;

e) Strengthen its efforts to ensure that all schools are provided with gender-sensitive sanitation facilities;

f) Ensure that secondary school students do not have to undertake obligatory military training and that students of the twelfth grade have the option to get education at civilian high schools by regular teachers.

g) Strengthen vocational training, including for children who have left school before completion;

h) Further improve the access to schools and quality education by nomadic communities by improving availability of learning materials and qualified teachers, tailoring school schedules and timetables to accommodate the life style of nomadic communities, and improving adequacy of facilities; and

i) Seek technical assistance from UNESCO and UNICEF, in particular to improve access to education for girls.

#### Leisure and cultural activities

61. The Committee regrets that the rights of the child to rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts is not adequately taken into consideration.

62. In light of the Committee's general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), the Committee reminds the State party of children's right to rest, leisure and cultural activities and recommends that it allocate all necessary human, technical and financial resources to initiatives which promote and facilitate children's play-time and other self-organized activities in public places, schools, children's institutions and at home.

### H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

#### Children affected by armed conflict

63. The Committee is seriously concerned at:

a) The allegations of forced underage recruitment, including through frequent practice of round-ups called "Giffa", despite the legal minimum age for recruitment being set at the age of 18 years;

b) Students in the 12th grade, many of whom are under the age of 18 years, having to undergo military training at Sawa military training camp; and



c) The insufficient information provided regarding the physical and psychological recovery of all children affected by the previous armed conflict.

64. The Committee urges the State party to:

a) Take all possible measures, including strict enforcement of relevant legislation to prevent the recruitment of children into the military, and immediately release all children under age currently conscripted in military service;

b) Ensure that the minimum age for compulsory military training set at 18 years of age is always respected;

c) Ensure that children are not forced to join military training camps;

d) Provide physical and psychological recovery measures for all children affected by the armed conflict, including those separated from their parents and landmine victims, while paying particular attention to female-headed households.

#### **Economic exploitation, including child labour**

65. The Committee is concerned at information about widespread child labour of children under the minimum age, and at the lack of comprehensive measures to ensure that children are protected from economic exploitation and the worst forms of child labour.

66. The Committee urges the State party to:

a) Develop, adopt and implement regulations which protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with children's education, or to be harmful to their health or physical, mental, spiritual, moral or social development;

b) Develop and implement, with the support of ILO, UNICEF, and NGOs, a comprehensive assessment study and a plan of action to prevent and combat child labour, in full compliance with ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment;

c) Follow up recommendations made by the ILO Observation of the Committee of Experts on the Application of Conventions and Recommendations with regard to the State party's implementation of ILO Conventions on Forced Labour (Nos. 29 and 105); and

d) Consider ratifying the ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour as well as the ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

#### **Children in street situations**

67. The Committee reiterates its previous recommendations (CRC/C/ERI/CO/3, para. 73) to undertake a systematic assessment of the situation of children in street situations in order to obtain an accurate picture of its root causes and magnitude; develop and implement with the active involvement of children in street situations themselves a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence; provide, in coordination with NGOs, children in street situations with the necessary protection, adequate health-care

services, shelter, education and other social services; and support family reunification programmes, when it is in the best interests of the child.

#### **Trafficking, smuggling and abduction**

68. The Committee notes that the State party has acceded to relevant United Nations Conventions and has become engaged in international efforts to combat human trafficking. However, the Committee is gravely concerned that:

a) A large number of people leaving the country, including unaccompanied children, face the risk of trafficking, smuggling or abduction; and

b) Senior military officers are allegedly involved in trafficking or smuggling of persons from the country, including children.

69. The Committee urges the State party to:

a) Immediately investigate and prosecute individuals responsible for trafficking, smuggling and abduction of children;

b) Ensure safe reunification of child victims of trafficking, smuggling and abduction with their families and provide child victims with all necessary support, protection and assistance, including psychosocial counselling and health care;

c) Expeditiously take all necessary measures required under the United Nations Convention against Transnational Organized Crime and its Palermo Protocol; and

d) Intensify its collaboration with UNHCR, UNDOC and OHCHR to respond to trafficking, smuggling, abduction and any other risks of human rights violations that child migrants and asylum seekers from the country may face.

#### **Administration of juvenile justice**

70. The Committee continues to be seriously concerned that:

a) There is still no juvenile justice system in the country;

b) Children between 16 and 18 years of age are still tried as adults; and

c) Children are placed in detention facilities and prisons together with adults.

71. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to establish a child-friendly juvenile justice system fully in line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

a) Expeditiously establish specialized juvenile court facilities and procedures with adequate human, technical and financial resources, designate specialized judges and legal representatives and social workers for children and ensure that such specialized staff receive appropriate training;

b) Ensure that the juvenile justice rules are applicable to all persons under the age of 18 years, if necessary by amending the law;

c) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

d) In cases where detention is unavoidable, ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services and maintenance of contact with their family through correspondence and visits.

e) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

#### **Children belonging to a minority group**

72. The Committee is concerned at allegations that some ethnic minority groups, including Afar and Kunama, face destruction of their traditional means of livelihood and displacement from their traditional territory.

73. The Committee urges the State party to take all effective measures to reduce disparities in the enjoyment of rights between children belonging to minority groups and children belonging to the majority population in all areas covered under the Convention, and pay particular attention to standards of living, health and education, and the enjoyment of their own culture, religion and language.

### **I. Ratification of the Optional Protocol on a communications procedure**

74. The Committee recommends that the State party, in order to further strengthen the implementation of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

### **J. Ratification of international human rights instruments**

75. The Committee recommends that the State party, in order to further strengthen the implementation of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.

76. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of 2007.

### **K. Cooperation with regional and international bodies**

77. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union, as well as the United Nations human rights mechanisms, including the Commission of Inquiry on Human Rights in Eritrea and the Special Rapporteur on the situation of human rights in Eritrea, on the implementation of the Convention and other human rights instruments, both in the State party and in other United Nations or African Union member States.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

78. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fourth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

79. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 1 September 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

80. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).

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