



# 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 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 or accession to the following instruments:

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

(b) United Nations Convention against Transnational Organized Crime, 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, in 2015, of the Civil Code, the Penal Code, the Civil Procedure Code and the Penal Procedure Code.

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



5. The Committee welcomes the establishment or adoption of the following institutional and policy measures:

- (a) National Association of Intellectual and Developmental Disabilities;
- (b) National Gender Action Plan for the period 2015–2019, by the National Union of Eritrean Women;
- (c) Comprehensive National Disability Policy, in December 2014;
- (d) National Policy on Children, in 2014;
- (e) National Policy on Infant and Young Child Nutrition, in July 2013;
- (f) Health Sector Strategic Development Plan for 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, which took place 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 the deterioration of the rule of law and a serious human rights and humanitarian situation, including the exodus of refugees, which poses a challenge to the implementation of the Convention. The Committee reminds the State party of the continuous nature of international human rights obligations and of the fact 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 (6))**

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

8. **The Committee recommends that the State party take all measures necessary to address the recommendations made in its previous concluding observations (CRC/C/ERI/CO/3) that have not been implemented or not sufficiently implemented, including those 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 and expedite the constitutional review process, with a clear timeline and with transparent procedures, while ensuring that the Constitution is in full conformity with the provisions of the Convention;**

(b) **Expedite its efforts to bring domestic law into full compliance with the Convention and the optional protocols thereto, within a clear time frame;**

(c) **Consider adopting a comprehensive children's code in order to effectively incorporate the provisions of the Convention, as recommended in the previous concluding observations;**

(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 on Children. However, the Committee notes that a strategy or a new national plan of action to implement the policy has yet to be developed.

12. **The Committee recommends that the State party develop a strategy or a new national plan of action to implement the National Policy on Children, and allocate sufficient human, technical and financial resources to it.**

#### **Coordination**

13. The Committee welcomes the clarification of the mandates of the coordinating bodies for the implementation of the Convention at the national and regional levels, such as the national coordinating committee on the Convention, the interministerial committee and the regional committee for the coordination of the implementation of the Convention, following the Committee's previous recommendation. However, the Committee regrets the lack of information on the resources available to those bodies for their effective functioning and coordination.

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

#### **Allocation of resources**

15. The Committee is concerned that information regarding resource allocation for children is imprecise and not related to the total State budget or gross domestic product, and that a child rights approach is not applied in the preparation 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 on the theme "Resources for the rights of the child: responsibility of States", held on 21 September 2007. The Committee 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 preparation of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget. The State party should also use this tracking system to carry out 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 disaster or other emergencies.**

### **Corruption**

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

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

### **Data collection**

19. The Committee welcomes the progress made in data collection in the area of health, including through the 2010 Eritrea Population and Health Survey. However, the Committee is concerned that the data collected through surveys are not released in a timely manner and that the system of data collection does not cover all areas of the Convention. The Committee notes that a national database based on the DevInfo system developed by the United Nations Children's Fund (UNICEF) is not yet functional.

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

(a) **Collecting data that cover all areas of the Convention and disaggregating them by age, sex, disability, geographic location, ethnic, linguistic and religious origin, and socioeconomic background;**

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

(c) **Taking into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information;**

(d) **Sharing data and indicators in a timely manner within the Government and with the general public, and using them for the formulation, monitoring and evaluation of policies, programmes and projects relevant to the implementation of the Convention;**

(e) **Increasing human, technical and financial resources for the national statistical office and upholding the fundamental principles of official statistics (see General Assembly resolution 68/261);**

(f) **Strengthening its technical cooperation with, among others, UNICEF and regional mechanisms.**

#### **Independent monitoring**

21. **The Committee reiterates its recommendation that the State party establish an independent national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (see CRC/C/ERI/CO/3, para. 15). The institution should be accessible to children, 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 and be able to 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 on human rights defenders and civil society organizations, including those working on children's rights, and in particular regrets the severe administrative and practical restrictions placed on their independent operations.**

23. **The Committee urges the State party to:**

(a) **Immediately take action to allow human rights defenders and civil society organizations, including those working on children's rights, both national and international, regardless of their affiliation status, to exercise their right to freedom of expression, opinion and association without threat or harassment;**

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

(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)**

#### **Non-discrimination**

24. **The Committee notes as positive the efforts made by the State party to eliminate discrimination, in particular those aimed at reducing regional disparities in access to 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 that are not officially recognized are denied administrative services or educational opportunities;**

(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 persons, including children, as well as the stigmatization of and discrimination against children from families formed by such persons.**

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 also 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 that are not officially recognized and children who belong to ethnic minorities do not face any discrimination in relation to access to administrative and social services;

(d) Repeal the legal provisions criminalizing homosexuality and, by raising public awareness of equality and non-discrimination on the basis of sexual orientation, ensure that children who belong to groups of lesbian, gay, bisexual and transsexual persons or children from families formed by such persons are not subject to any form of discrimination.

#### **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 by the legislative, executive and judicial branches of the State.

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 on determining the best interests of the child in every area and on giving due weight to those interests as a primary consideration.

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

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

#### **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;

(b) The conditions in the State party are so harsh that a large number of children feel compelled to leave the country, even if it results in them being separated from their families and risking their lives and full development.

30. **The Committee urges the State party to cease, with immediate effect, the excessive use of force against children, including at 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 recommendation that the State party strengthen and further develop measures to ensure that all children born within the national territory, including those belonging to minorities and living in remote areas, are registered. The Committee urges the State party to create institutional birth registration structures at all levels that are accessible and free, such as mobile units in rural and remote areas and units targeting internally displaced persons and those living in refugee camps, in order to encourage birth registration. The Committee recommends that the State party seek technical assistance from UNICEF and other United Nations specialized agencies in the implementation of these recommendations (see CRC/C/ERI/CO/3, para. 33).**

### **Freedom of expression**

32. The Committee is concerned about the particularly severe restrictions placed on the press in the State party, which has a serious impact on children's right to expression, participation and information.

33. **The Committee reiterates its previous recommendation that the State party 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 (see CRC/C/ERI/CO/3, para. 35).**

### **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 cards.

35. **The Committee urges 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 the full citizenship of children and their families who follow unrecognized religious denominations and ensure their equal access to public services, including for the issuance of official identity cards.**

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)****Torture and other cruel or degrading treatment or punishment**

36. The Committee notes the information provided during the dialogue that caning has been abolished as a sentence for young offenders. However, the Committee 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 in the relevant institutions in Sawa and Wi'a;

(b) Children who have migrated and are 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 if they have been 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 military training camps, and ensure that it is no longer used as a sentence for those convicted of a crime;**

(b) **Ensure that alleged perpetrators of violence, including sexual violence against children, are duly prosecuted by a competent, independent and impartial criminal court;**

(c) **Ensure that witnesses of violence are assisted and protected and that child victims are 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 provided during the dialogue that "reasonable chastisement" is no longer an excuse for corporal punishment of children, is concerned that children, including girls, are frequently subjected to violence, including sexual abuse, at home and in educational institutions. Furthermore, the Committee notes with concern that:

(a) Data on violence against children, including on investigations and prosecutions conducted into allegations of such violence, are not collected;

(b) Laws, policies or plans of action that 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 reporting cases of 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 addressed the issue of marital rape and no research has been conducted into it, and child marriage is still prevalent.

39. **With reference to its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and 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. Furthermore, the Committee urges the State party to:

- (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 to 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 have 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 cases of domestic violence, including marital rape;
- (f) Provide capacity-building on all forms of violence against children to relevant professional groups, including the military and religious and traditional leaders, and conduct awareness-raising programmes, including campaigns, targeting children, teachers, the 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 human dignity of the child 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 by Proclamation No. 158/2007. The Committee also notes with concern that the prevalence of female genital mutilation and child marriage continues to be high, in particular in rural areas.

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

- (a) **Expediently adopt a comprehensive strategy to eliminate all harmful practices that discriminate against women and girls, with adequate human, technical and financial resources for its implementation, in particular in rural areas;**
- (b) **Continue to make all efforts necessary to enforce Proclamation No. 158/2007 abolishing female genital mutilation, 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 for girls and boys, is strictly enforced;**

(e) **Take a holistic approach to the awareness-raising programmes to eliminate child marriage, addressing the root causes of the practice;**

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

42. The Committee is deeply concerned that polygamous marriages persist in some communities in the State party, as that practice contravenes the dignity of girls entering such marriages and negatively affects the children of such marriages.

43. **The Committee urges the State party to enforce the prohibition of polygamous marriage without any exceptions.**

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

**Family environment**

44. **The Committee reiterates its previous recommendations that the State party take all measures necessary 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 or HIV/AIDS, as well as those affected by the absence of one parent as a result of obligatory military service, detention or exile (see CRC/C/ERI/CO/3, para. 43).**

**Right to leave and enter one's own country**

45. The Committee is seriously concerned at reports that:

(a) The extremely tight control of exit visas and the requirement to pay 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 enforced disappearance and their children and other family members are not informed of their whereabouts;

(c) Family members, including children, are frequently punished for another family member's conduct, 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 (art. 10 (2)), such as the rights to life and 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 does not have any adverse consequences for the applicants and the members of their family (art. 10 (1));**

(c) **Put a stop to the practice of making family members guilty by association and the various forms of punishment of family members 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 owing to the absence of their parents as a result of:

- (a) The widespread practices of enforced disappearance, incommunicado detention and arbitrary arrest;
- (b) Prolonged periods of national service with infrequent leave and distant postings.

48. **The Committee urges the State party to:**

- (a) **Immediately eliminate the practices of enforced disappearance, incommunicado detention and arbitrary arrest, and immediately inform families of the whereabouts of all persons in detention, in line with article 9 (4) of the Convention;**
- (b) **Allow children to have access to their detained parents;**
- (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;**
- (d) **Guarantee that national service conscripts are posted closer to their families, if possible, and introduce regular leave in order to enable them to maintain their relationships with their children.**

### **Children without parental care**

49. The Committee welcomes efforts made by the State party to facilitate the reunification of orphans with extended families and to prioritize adoption and community-based group homes over placing 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 owing to resource constraints;
- (c) The State party intends to reduce the number of community-based group homes in order to give priority to the family reunification programme, while still large numbers of children are placed in orphanages;
- (d) There are no special measures in place for children who are not orphans but who, for other reasons, 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 owing to resource constraints;
- (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 to collect and analyse data on children without parental care in order to understand the causes of their separation from their parents and their needs, 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 and their families affected by HIV/AIDS;**

(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;**

(f) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

#### **Children in prison with their mothers**

51. The Committee is concerned that:

(a) The living conditions for young children in detention facilities with their mothers are poor;

(b) Lactating mothers are having difficulties in providing proper nutrition for their infants owing 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 children'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;**

(d) **Seek technical assistance from UNICEF and other relevant partners in this regard.**

### **F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (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. However, the Committee is concerned about the lack of statistical data on children with disabilities, including on those who do not attend school, and the insufficient resources to implement the policy and relevant programmes. The Committee is also concerned about the referral of children with visual 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 by:**

- (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;**
- (c) **Providing the necessary assistance to children with disabilities who are studying in regular schools to ensure that they have access to meaningful, effective and quality education and can integrate and develop as individuals as fully as possible.**

#### **Health and health services**

55. The Committee commends the State party for the efforts and major progress made on child and adolescent health since the last reporting period, including the drop in maternal and child mortality, as well as the reduction of communicable and non-communicable diseases. The Committee also welcomes the increase in the rate of exclusive breastfeeding for six 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 level of progress made, in particular among regions and between wealthier and poorer households;
- (e) There is insufficient information on adolescent health;
- (f) The prevalence of non-communicable diseases is increasing;
- (g) The draft code of marketing of breast-milk substitutes has not yet been adopted.

56. **The Committee recommends that the State party continue its efforts in line with general comments No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), No. 3 (2003) on HIV/AIDS and the rights of the child and No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. It recommends that the State party:**

- (a) **Adopt, implement and monitor relevant national strategies on child health, including on child survival, 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) **Strengthen nutrition and health interventions targeting children affected by severe malnutrition;**
- (d) **Provide training to health professionals to detect ulcerative gingivitis, the first sign 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 African Union Campaign on Accelerated Reduction of Maternal Mortality in Africa into results-oriented action, and adequately train health personnel on the reduction of maternal mortality and morbidity;**

(g) **Take into account the 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) and the 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 the relevant laws and policies to promote exclusive breastfeeding for six 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, the World Health Organization (WHO), the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

#### **Standard of living**

57. The Committee is concerned that:

(a) The prolonged period of conscription for national service, including for parents and caregivers, is having negative effects on parents' and caregivers' capacity to provide for their children, as the salary and allowance earned during national service are below minimum subsistence level and the workforce within the family is reduced as a result of 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 access to food, water and sanitation;

(e) There have been forced evictions and demolitions of houses in the country.

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

(a) **Provide conscripts with remuneration that provides a decent living for themselves and their families so that families can secure the living conditions necessary for the survival and development of their children;**

(b) **Ensure that the policy of self-reliance does not undermine children's and their families' access to humanitarian assistance;**

(c) **Improve the 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 the accessibility of food, including through ensuring the affordability of adequate food in the markets, increasing the minimum household income, improving the 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 disparities 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 (see A/HRC/4/18, annex I) 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 World Food Security of the Food and Agriculture Organization of the United Nations (FAO) in 2012;**

(h) **Seek technical assistance from UNICEF, FAO, the World Food Programme, WHO and the United Nations Human Settlements Programme.**

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

### **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 preschool education. The Committee also welcomes the information provided by the delegation during the dialogue that many children of families with limited financial means are given 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 owing to the hidden costs of education, among other factors;

(b) The drop-out rate for girls is high owing 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 are menstruating;

(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;

(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 numbers of teachers, in particular female teachers;**

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

(c) **Reduce the dropout rate by addressing the root causes of the problem;**

(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 in the twelfth grade have the option of education at civilian high schools by regular teachers;**
- (g) **Strengthen vocational training, including for children who have left school before completion;**
- (h) **Further improve access to schools and quality education by nomadic communities by improving the availability of learning materials and qualified teachers, tailoring school schedules and timetables to accommodate the lifestyle of nomadic communities, and improving the adequacy of facilities;**
- (i) **Seek technical assistance from the United Nations Educational, Scientific and Cultural Organization and UNICEF, in particular to improve access to education for girls.**

#### **Leisure and cultural activities**

61. The Committee regrets that the rights of children 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 the 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 the human, technical and financial resources necessary to initiatives that promote and facilitate children’s playtime 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 the frequent practice of round-ups called “*Giffa*”, despite the legal minimum age for recruitment being set at 18;

(b) Reports that students in the twelfth grade, many of whom are under the age of 18, having to undergo military training at Sawa military training camp;

(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 strictly enforcing relevant legislation, to prevent the recruitment of children into the military, and immediately release all underage children currently conscripted in military service;**

(b) **Ensure that the minimum age for compulsory military training set at 18 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 reports that child labour involving children under the minimum age is widespread, 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 that protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;**

- (b) **Develop and implement, with the support of the International Labour Organization (ILO), UNICEF and NGOs, a comprehensive assessment of and a plan of action to prevent and combat child labour, in full compliance with ILO Minimum Age Convention, 1973 (No. 138);**

- (c) **Follow up recommendations made by the ILO Committee of Experts on the Application of Conventions and Recommendations with regard to the State party's implementation of ILO Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105);**

- (d) **Consider ratifying ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and ILO Domestic Workers Convention, 2011 (No. 189).**

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

67. The Committee reiterates its previous recommendations that the State party undertake a systematic assessment of the situation of street children 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 to address the root causes, in order to prevent and reduce this phenomenon; provide children in street situations with the protection, adequate health-care services, shelter, education and other social services they need, in coordination with NGOs; and support family reunification programmes, when it is in the best interests of the child (see CRC/C/ERI/CO/3, para. 73).

#### **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 being trafficked, smuggled or abducted;

- (b) Senior military officers are allegedly involved in the 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 the trafficking, smuggling and abduction of children;**

(b) Ensure that child victims of trafficking, smuggling and abduction are safely reunited with their families and provide child victims with all the support, protection and assistance, including psychosocial counselling and health care, that they need;

(c) Expeditiously take all measures necessary, as required under the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention;

(d) Strengthen its collaboration with the Office of the United Nations High Commissioner for Refugees, the United Nations Office on Drugs and Crime (UNODC) 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 aged between 16 and 18 are still tried as adults;
- (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 that is in full conformity 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, legal representatives and social workers for children, and ensure that these specialized staff receive appropriate training;

(b) Ensure that the juvenile justice rules are applicable to all persons under the age of 18, 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 avoiding prolonged detention;

(d) Where detention is unavoidable, ensure that children are not detained together with adults and that detention conditions comply with international standards, including with regard to children's access to education and health services and their ability to maintain contact with their families through correspondence and visits;

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

#### **Children belonging to minority groups**

72. The Committee is concerned at allegations that the traditional means of livelihood of some ethnic minority groups, including the Afar and the Kunama people, are being destroyed and that those groups are being displaced from their traditional territories.

73. The Committee urges the State party to take 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 to 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, in order to further strengthen the implementation of children's rights, the State party 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, in order to further strengthen the implementation of children's rights, the State party 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. Its reports under both instruments have been overdue since 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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