

UN CRC	Ratification	Care-Related Concluding Observations
	Date	
	3 Aug 1994	CRC/C/ERI/CO/4
		8 June 2015
		http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOC%
		2fERI%2f20798⟪=en
		II. Follow-up measures undertaken and progress achieved by the State party
		3. The Committee welcomes the ratification of/accession to the:
		b) 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;
		5. The Committee welcomes the following institutional and policy measures:
		National Policy on Children, 2014
		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.



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

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

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



- 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

## 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 reenter 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.
- 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.

#### Children in street situations

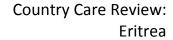
67. The Committee reiterates its previous recommendations (CRC/C/ERI/CO/3, para. 73) to undertake a systematic assessment of the situation of children in street situations in order to obtain an accurate picture of its root causes and magnitude; develop and implement with the active involvement of children 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.  Country Report  CRC/C/ERI/4  http://tbinternet.ohchr.org/ layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fERI%2f4 ⟪=en
OPSC to CRC	Accession Date 16 Feb 2005	Care-Related Concluding Observations
OPAC to CRC	Accession Date 16 Feb 2005	Care-Related Concluding Observations





ICCPR	Accession	Care-Related Concluding Observations
1	Date	
	22 Jan 2002	
ICESCR	Accession	Care-Related Concluding Observations
	Date	
	17 Apr 2001	
CEDAW	Accession	Care-Related Concluding Observations
	Date	
	5 Sep 1995	
CRPD	Ratification	Care-Related Concluding Observations
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Hague Intercountry	Ratification	Link to Country Profile
Adoption	Date	
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#### **Acronyms and Abbreviations:**

CEDAW Convention on the Elimination of All Forms of Discrimination against Women CRC Convention on the Rights of the Child/Committee on the Rights of the Child

CRPD Convention on the Rights of Persons with Disabilities

### Better Care Network www.bettercarenetwork.org



Country Care Review: Eritrea

ICCRP International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

OPAC to CRC Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

OPSC to CRC Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

UN United Nations

UPR Universal Periodic Review