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Eritrea: Information on the protection, services and legal recourse available to women who are victims of domestic violence (2005 - 2006)

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Information on the prevalence of domestic violence in Eritrea is scarce as official statistics are not available (UN 3 Feb. 2006, para. 16; *ibid.* 24 Jan. 2006). Nevertheless, the United States (US) Department of State provides an overview of violence against women, saying that it is "pervasive," and that although domestic violence is criminalized, the legislation is poorly enforced, the issue rarely discussed and, like other forms of violence against women, is "widespread" (U.S. 8 Mar. 2006, Sec. 5; see also OMCT May 2003, 204).

In its concluding observations on Eritrea, the United Nations (UN) Committee on the Elimination of Discrimination Against Women expresses concern regarding the absence of formal frameworks addressing violence against women (UN 3 Feb. 2006, para. 16). In particular, the committee notes the absence of legislation criminalizing marital rape (*ibid.*). The US Department of State reports that government responses to allegations of rape entail suggesting that the rapist and the victim marry (U.S. 8 Mar. 2006, Sec. 5).

The National Union of Eritrean Women (NUEW) describes itself as both a non-governmental organization as well as a government mechanism concerned with equality (UN 24 Jan. 2006). NUEW quotes Article 22 of The Eritrean Constitution, which says that "[m]en and women of full legal age shall have the right, upon their consent, to marry and found a family freely, without any discrimination and they shall have equal right and duties as to all family affairs" (NUEW n.d.). However, marriages in Eritrea are performed under civil law as well as in nine different forms of customary law, including Sharia law, which contradicts national legislation on marriage (UN 24 Jan. 2006). The National Union of Eritrean Women (NUEW), reporting on behalf of the country to the (UN) Committee in 2006, acknowledges that making people aware of the national law is "an ongoing struggle" (*ibid.*).

Women's inferior position within the family is maintained by "negative cultural practices and traditional attitudes" (*ibid.* 3 Feb. 2006, para. 14), customary law, religious beliefs and taboos (UN 24 Jan. 2006). As the NUEW notes in its report to the CEDAW, women are perceived as accessories to the family, rather than key participants (*ibid.*). NUEW confirms that early marriage is a problem, (*ibid.*; NUEW n.d.; see also OMCT May 2003, 206), in part because parents will arrange to have witnesses lie about the girl's age (UN 24 Jan. 2006). NUEW reports that the allocation of divorce settlements is also a problem (NUEW n.d.).

In addition, a May 2003 report published by the World Organization Against Torture (Organisation mondiale contre la torture, OMCT) in 2003 identifies dowry payments and honour crimes as contributing to violence against women within the family (OMCT May 2003, 206-207).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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United States (US). 8 March 2006. Department of State. "Eritrea." *Country Reports on Human Rights Practices for 2005*. <<http://www.state.gov/g/drl/rls/hrrpt/2005/61568.htm>> [Accessed 11 Jan. 2006]

Additional Sources Consulted

Internet sites, including: AllAfrica; Amnesty International (AI); British Broadcasting Corporation (BBC); European Country of Origin Information Network (ecoi.net); Freedom House; Human Rights Watch (HRW); Internal Displacement Monitoring Centre (IDMC); ReliefWeb; Office of the United Nations (UN) High Commissioner for Refugees; United Kingdom (UK) Home Office; UN Integrated Regional Information Networks (IRIN); U.S. Committee for Refugees and Immigrants (USCRI); United States (US) Department of State; World Health Organization (WHO).

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