

2013-01-11

## Fråga-svar

### Eritrea. Tvångsäktenskap och hedersrelaterat våld

#### Fråga

- Förekommer tvångsäktenskap i Eritrea?
- Hur vanligt är hedersrelaterat våld i Eritrea?

#### Svar

Sammanställning av information:

#### Tvångsäktenskap

Landinfo (2012):

Formelt sett er nedre alder for ekteskap 18 år for alle former for ekteskap, med unntak for ekteskap inngått i henhold til islamsk sharia-rett. Mange inngår like fullt ekteskap tidligere. Aldersgrensen omgås ved at foreldrene fører tre vitner som går god for ektefellenes alder (Gebreab 2011). Ekteskapsinngåelsen skal være frivillig, og ektefellene ikke nært beslektet (Kebreab 2011). (s. 13)

US Department of State (2011):

Child Marriage: The legal minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UNICEF reported in 2009 that 46 percent of girls were married before reaching 18. (s. 25)

UNFPA (2010):

Child marriage occurs when one or both spouses are below the age of 18. While boys can be affected, the practice predominantly impacts girls. It is often referred to as "early and forced" marriage because the girls, given their young age, can rarely make a free and informed decision about their marriage partner, the timing or the implications of this binding commitment. An element of coercion may be involved because their families may pressure or force the girls into marriage. Strong social and cultural norms also drive the practice despite legislation in place. (s. 1)

United Nations Human Rights Council (2009):

53. Right after the independence of Eritrea, the Provisional Government undertook measures to revise the inherited colonial laws. Consequently, Proclamation No. 2/1991 (the Transitional Civil Code of Eritrea) and Proclamation No. 4/1991 (the Transitional Penal Code of Eritrea) repealed all discriminatory clauses and connotations from the colonial Civil Codes and included protective legal measures. To mention some important provisions in the Transitional Codes pertaining to the status of women:

□ Marriage is now based on the free consent of both partners, and needs no parental consent. The age of the female partner was raised to 18 from the previous 15 years; (s. 12)

African Development Bank (2009):

Gender based violence (GBV) takes many forms in Eritrea. Forced early marriage is still common in rural areas even though the legal age of marriage has been set at 18 years. (vii)

Even though the legal marriage age of girls is now set at 18 years, the country has problems with child betrothal and under-age marriage. According to the NUEW, girls are still married off at the age thirteen, often without their consent. Marriage by abduction/threat was an accepted phenomenon in the past, as was marriage to settle family disputes. Forced marriage has drastically declined in the last 15 years, but has not been totally eliminated. The practice of childhood betrothal is also said to be still common, particularly in rural areas. However the union cannot be entered into the civil

register and will have no effect until both future spouses attain the legal marriage age. The practices are so ingrained in some rural areas that change will be slow. Data on the prevalence of these practices are unfortunately not available. (s. 9)

GBV takes many forms including FGM; rape/attempted rape, domestic violence, enforced child bearing and early child marriages to older men. A number of research reports acknowledge that all forms of violence against women are underreported in Eritrea as most victims are prevented by custom and fear from reporting the assaults against them. Eritrean police do not always record any violence against women as a separate category, making it impossible to accurately state prevalence.(s.37)

5.4.4 Forced early marriage and betrothals occur when parents or others arrange for, and/or force a minor to marry someone. Force may occur by exerting the pressure of “it is the custom” or by the senior male member of the family ordering a minor to get married. Pressure may be exerted to obtain a bride wealth or to settle a dispute over land or other matters between the two families (see above in the case of rape). Forced marriage is a form of GBV because the minor is not allowed to, or is not old enough to, make an informed choice. Betrothal is a formal state of engagement to be married and various customary laws in Eritrea authorise betrothal, which is normally arranged for girls between the ages of 8 to 15 years and boys between 12 and 15 years of age.

5.4.5 Underage marriage for girls which often happens at the age of 13, has been a common practice in the past among Eritrean communities, although this practice is on the decline. Some of the discriminatory traditional and customary practices related to marriage, such as bride wealth, marriage by abduction, underage marriage and marriage without consent were campaigned against by the EPLF in liberated areas during the liberation struggle. The current legal age of marriage for girls is 18 years. (s. 38)

United Nations CEDAW (2004):

Under-age marriage for girls has been a common practice among Eritrean communities. Girls were being married by arranged agreements between families without their consent at the age of thirteen, without even questioning the health, age and other situations of the man. Marriage by abduction/threat was an accepted

phenomenon as well as marriage for settling family conflicts and vindication. The period of widow-hood extends to life for a woman while the man is allowed to marry the next day.

The traditional and customary marriage begun to subside during the liberation struggle when the EPLF proclaimed a new family law prohibiting certain acts such as bride price, abduction, under age marriage, marriage without consent etc, which were discriminating and oppressing women's rights. Of course laws and regulations do not stand alone and were reinforced by conducting awareness raising campaigns to change the traditional attitudes, the mindset and ensure social readiness of community to fit in the changing situation towards women's liberation. Through time, undeniable changes have been acquired, influencing the decline of early marriages. Today, the marriage age for girls is 18 by law. (s. 55)

OMCT (2003):

Eritrean civil law provides that the minimum age for marriage for both girls and boys is 18. Nevertheless, customary law carries great weight in Eritrean society and often girls are married at ages well below the legal limit.(s. 206)

### **Hedersrelaterat våld**

Freedom House (2011):

Despite the government's declared intentions to improve gender equality, women were marginalized from the outset, as conservative factions reasserted themselves and destructive traditional practices, such as female circumcision, child marriage, and virginity testing, became common.

OMCT (2003):

#### **3.3 Honour Crimes**

According to one study, girls who become pregnant before marriage are sometimes vulnerable to violence. In the Gash-Barka region, pregnancy before marriage is viewed as a crime and pregnant girls may be kicked out of the home, beaten, stoned, or even

killed.<sup>29</sup> This type of violence is gender specific since only women and girls become pregnant and there is no report that the boys and men who impregnate the women are similarly treated. OMCT is deeply concerned by these reports of violence against women and girls who become pregnant before marriage. (s. 206)

Equally disturbing are reports that girls and women who become pregnant before marriage can be subject to violence, sometimes fatal violence. The Eritrean government must take steps to protect girls and women who become pregnant before marriage from such violence, and where such violence occurs, exercise due diligence to ensure that the crime is investigated and that the perpetrators are punished accordingly.(s. 215)

Despite the lack of information concerning rape, some reports indicate a cultural attitude towards this crime that focuses on its shamefulness, leading to silence on the part of the victim about the crime. Especially if the woman is not married, since virginity is seen as an absolute requirement to being married, raped women are often perceived as “unmarriageable.” 58 (s. 212)

#### Reproductive Health Response in Crisis (odaterad:)

Eritrean society is quite traditional; most victims of rape, sexual abuse, and exploitation are blamed for the incident and are often punished and rejected by their families and communities. Recently, with the presence of UNHCR and international NGOs in returnee areas, a few young, unmarried returnee women have been seen at health facilities for pregnancy. Many state that their pregnancy resulted from a rape that they had never reported. Some fear for their lives if their families learn of the pregnancy, and they request protection and assistance. In Eritrean society, protection and assistance are normally provided by the extended family; however, in these cases, such protection would not be forthcoming. This problem presents a challenge to UNHCR and its partners in returnee areas: to facilitate community-based solutions. (s. 92)

#### United Nations (2004):

The most predominant forms of violence against Eritrea women are certain traditional practices such as female genital mutilation (FGM) and virginity checks. Domestic violence occurs and the rate of reported rape cases,

though modest, is, albeit, on the increase. It is believed that many rape cases are not filed for fear of social alienation that the victim could face.(s. 18)

Smith, Charles M (2001):

Girls often married at ages as young as twelve. Virginit played an important part in the bride's status; brides who were found not to be virgins may be publicly shamed and sent back to their families. (s. 8)

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Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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