

Eritrea

Perspective on Sexual Violence: Traditional views and current laws in Eritrea

I. BACKGROUND INFORMATION

- Eritrea is an African country located along the Red Sea. It's population is estimated to be about 3.7 millions. There are about eight languages spoken in the country representing different cultures and practices, although in general the country can be roughly divided onto highland, which is highly populated and the sparsely populated lowlands.
- Eritrea became independent in 1991 after a bitter 30 years of war against the occupation of Ethiopia. One of the legacies of this war was the emergence of Eritrean nationality and the coming together of the different cultures present in the country.
- Eritrean society is a strictly patriarchal society. During the struggle of independence, women contributed equally in every aspect of life both in military and civilian capacity. In fact 30% of Eritrean guerrilla fighters were women. However, after the independence the Patriarchal tradition was so strong, women lost all the ground they gained during the war.
- This is the background against which I would like to present 'sexual violence'. I would like to discuss:
 - Traditional view of sexual violence
 - Current laws
 - Finally, on how this may affect migrants from Eritrea.

II. TRADITIONAL VIEW OF SEXUAL VIOLENCE

- Sexual violence in Marriage.

This concept is alien to the traditional view. The reason being that sexual intercourse is the husband's right.

· Rape

The tradition gives great credibility to complaints regarding rape.

The traditional law in the highlands says, "A WOMAN'S WITNESS ARE HER

TEARS."

The crime of rape was settled by ordering the perpetrator to pay Compensation and marry his victim.

· **Female Circumcision**

Two types of female circumcision are practised in Eritrea.

§ Excision

§ Infibulation (also after giving birth a form of infibulation is practiced)

The rationale for these practices is that without circumcision, women would get sexually wild, while infibulation ensured that a woman's virginity is preserved for her husband. Both practices are forms of patriarchal control of women.

III. CURRENT LAWS

Recently I had in depth interview with Mr Musa Naib, Attorney General of Eritrea about the laws governing sexual violence. He said that some of the old laws are maintained, while others have been radically changed. The issue of AIDS is currently bringing a lot of issues to the open. For example there are now a very active youth movement and National Women's Union working together campaigning to reform laws in this area.

· Sexual harassment. The law does not deal sexual harassment. This area is very ambiguous to the extent that in some places it may even be considered a good thing. In places where it is considered bad, it is the girl's responsibility not to allow it to happen. Every thing is seen from the patriarchal point of view.

· Sexual violence within marriage continues to be accepted by the society. This is an issue that touches the core of the patriarchal society; the husband's domination over his wife is still an absolute right. The law has nothing to say about it.

· **Rape**

Penalties for rape are of three folds:

§ With a minor, up to 15 years

§ With a handicapped person, up to 15 years

§ With adults, maximum 10 years

Rape involving adults is rarely reported, unless it resulted in pregnancy. However, when rape is reported that involved an adult victim, the perpetrator can say that he intends to marry her. But, this is a loophole, because there are cases where the marriage was dissolved after a week.

· **Incest**

Incest is a taboo. People claim it rarely takes place in Eritrea. To date no case has been presented to the courts.

· **Female Circumcision**

There are no laws to protect young girls from these practices. The issue is left to the National Women's Union. This union is divided over the issue:

1. There are those who see the issue as an urgent matter for the law as it affects the well being of women.
2. There are those who are fearful of the cultural sensitivity of the issue, so advocate gradual change by education not by the law. This latter position seems to have been adopted by the government.

CONCLUSION

I believe that these are issues one needs to be aware of in helping Eritrean migrants in Australia.

Information about legal issues concerning sexual violence has to be part of the information package for migrants.

There have to be forums for women's empowerment.

Men should never be excluded from other forums on sexual violence. It is important to recognise that they have to make the transition from a strict patriarchal society, and they may be overwhelmed by the perceived lose of control.