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**Committee on the Elimination of Discrimination  
against Women**

**Fortieth session**

14 January-1 February 2008

**ADVANCE UNEDITED VERSION**

**Concluding observations of the Committee on the Elimination of  
Discrimination against Women**

**Burundi**

1. The Committee considered the combined second, third and fourth periodic report of Burundi (CEDAW/C/BDI/4) at its 813th and 814th meetings, on 16 January 2008 (see CEDAW/C/SR.813 and CEDAW/C/SR.814). The Committee's list of issues and questions is contained in CEDAW/C/BDI/Q/4 and the responses of Burundi are contained in CEDAW/C/BDI/Q/4/Add.1.

**Introduction**

2. The Committee expresses its appreciation to the State party for its combined second, third and fourth periodic report. While appreciating the candour of the report, the Committee nonetheless regrets that it was overdue, did not comply fully with the Committee's guidelines for the preparation of periodic reports or refer to the Committee's general recommendations and did not contain enough statistical data disaggregated by sex.

3. The Committee thanks the State party for submitting its written replies to the list of issues and questions sent by the Committee's pre-session working group, but regrets that these replies were submitted late and did not completely answer all the questions. It expresses its appreciation to the State party for its oral presentation and the further clarifications given, but notes that some questions remained unanswered.

4. The Committee commends the State party for sending a delegation headed by the Deputy Minister for Human Rights and Gender and the Director-General for the Advancement of Women and Gender Equality and welcomes the frank and constructive dialogue between the delegation and the Committee members.

5. The Committee takes note of the persistence of the armed conflict in Burundi, which is the main cause of the destruction of the country's socio-economic infrastructure and the poverty of the majority of the population.

#### **Positive aspects**

6. The Committee welcomes the fact that the State party incorporated the Convention on the Elimination of All Forms of Discrimination against Women into its Constitution in 2005.

7. The Committee congratulates the State party on the imminent establishment of the steering committee responsible for the implementation of Security Council resolution 1325 (2000).

8. The Committee notes that the State party signed the Optional Protocol to the Convention in November 2001 and encourages the State party to fulfil its expressed intention to ratify the Optional Protocol as soon as possible.

#### **Principal areas of concern and recommendations**

9. **While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present Concluding observations as requiring the priority attention of the State party. Consequently, the Committee calls on the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls on the State party to submit the present Concluding observations to all relevant ministries, to Parliament and the Judiciary in order to ensure their effective implementation.**

10. **Considering that 90 per cent of the Burundian population live in rural areas, including a large proportion of women, the Committee requests that the State party take note that these recommendations also apply particularly to rural women.**

11. While taking note of the legislative reform announced by the State party, the Committee is concerned that the State party has done little to follow up on the Concluding observations adopted by the Committee when it considered the initial report of Burundi in 2001, in particular the recommendations to amend existing laws that discriminated against women and to reduce the gap between de jure and de facto equality, despite the legal reforms provided for by the Arusha Agreement with a view to improving the status of women.

12. **The Committee reiterates its recommendation that the State party take the necessary steps to bring discriminatory laws, inter alia, the Code of the Person and the Family and the Penal Code, into line with the Convention. It strongly recommends amendment of the provisions that stipulate a minimum marriage age for women that is different from that for men (article 88 of the Code of the Person and the Family), indicate that the man is the head of the household (article 122 of the Code of the Person and the Family) and establish discrimination with regard to adultery (article 3 of the Penal Code). The Committee again calls on the Government to ensure the effective implementation of laws and policies that provide for de jure equality and seek to eliminate discrimination against women. It recommends that the**

**Government ensure that those responsible for the implementation of these laws and policies are made aware of their discriminatory contents and that information campaigns be put in place to ensure wide knowledge of the reform of these laws and policies.**

13. The Committee notes with concern that customary law is still recognized in the State party and has a detrimental impact on the rights of women with regard to inheritance, matrimonial regimes and gifts.

**14. The Committee recommends that the State party adopt a uniform family code ensuring de jure and de facto equality for women with regard to inheritance, matrimonial regimes and gifts, and that it ensure its effective implementation, particularly in rural areas. The Committee calls on the State party to organize an awareness-raising campaign in order to educate rural chiefs about the new laws to ensure their effective implementation.**

15. The Committee notes with concern that judges, lawyers, prosecutors and women themselves are not sufficiently informed about the provisions of the Convention and the Committee's general recommendations. It is also concerned that women's ability to bring cases of discrimination before the courts is limited by poverty, illiteracy, lack of information about their rights and lack of assistance in claiming their rights.

**16. The Committee calls on the State party to intensify its efforts to raise awareness about the Convention, its Optional Protocol and the Committee's general recommendations and to implement training programmes on the Convention for prosecutors, judges and lawyers so as to establish a legal culture supportive of gender equality and non-discrimination. In addition, the Committee urges the State party to provide legal aid services and recommends that awareness-raising and information campaigns be undertaken, targeting women and non-governmental organizations working on women's issues and human rights, to encourage them to make use of the available procedures and remedies for violations of their rights. It requests the State party to remove the impediments that women may face in gaining access to justice and invites it to seek aid from the international community for the implementation of concrete measures to this effect. The Committee takes this opportunity to remind the State party to ensure that the truth and reconciliation process is conducted in compliance with the provisions of the Convention and that women are involved in the process on an equal footing with men, in accordance with Security Council resolution 1325 (2000).**

17. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of men and women in society, which are discriminatory to women. The Committee is also concerned that the preservation of negative cultural practices and traditional attitudes serves to perpetuate women's subordination in the family and society and constitutes a serious obstacle to women's enjoyment of their fundamental rights.

**18. The Committee urges the State party to take measures to eliminate cultural practices and stereotypes that discriminate against women, in accordance with articles 2 (f) and 5 (a) of the Convention. It urges the State party to cooperate in this regard with civil society organizations, women's groups and community leaders, as well as teachers and the media. The**

**Committee invites the State party to increase its efforts to design and implement education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the elimination of stereotypes that are discriminatory to women and allowing women to exercise their fundamental rights. It further calls on the State party to periodically review the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next report.**

**19. While noting with satisfaction that the Constitution of Burundi introduces a 30% quota for women in Parliament and the recent appointment of 30% of women in the Government, the Committee is concerned at the fact that the quota is applied as a ceiling. It also regrets the absence of other temporary special measures in many areas, in particular education, the judicial system, local and international levels.**

**20. The Committee recommends that the State party ensure the implementation of the provision of the Constitution guaranteeing a quota of “at least 30%” to women. The Committee recommends that the State party use temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation 25, as part of a strategy to accelerate the achievement of substantive equality between men and women, particularly in education, the judicial system, international affairs and local levels.**

21. While welcoming the adoption of the National Gender Policy by the Council of Ministers in December 2003, the Committee is concerned that the monitoring mechanisms, in particular the National Gender Council, the Technical Committee on Gender and the Permanent Executive Secretariat of the National Gender Council, have not yet been established as planned.

**22. The Committee recommends that the State party put in place the planned mechanisms without delay and that it provide them with adequate human and financial resources for the implementation of the National Gender Policy and the related plan of action through the planned monitoring mechanisms, including the development of appropriate indicators.**

23. While noting the State party’s efforts to combat violence against women, the Committee is deeply concerned about the high number of women and girls who are victims of rape and other forms of sexual violence, including incest. It is also concerned about the impunity which is too often enjoyed by the perpetrators of these acts and the extrajudicial or amicable settlement of cases, including by the administrative authorities, where practices such as marriage between the rapist and the victim are favoured. The Committee is concerned that women victims of violence, including those who were victims of the armed conflict, do not have sufficient support. The Committee is also alarmed at the persistence of negative traditional practices with regard to widows. Further, it is seriously concerned about

the scale of the phenomenon of domestic violence and the fact that it is not prohibited in the Penal Code or in a separate legislation.

**24. The Committee urges the State party to adopt a comprehensive strategy to combat all forms of violence against women. It encourages the State party to make use of the Committee's general recommendation 19 in its efforts to combat violence against women and also of the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1), in particular the good practices identified in the study. It also encourages the State party to consider the campaign for the elimination of violence against women launched by the Secretary-General. The Committee invites the State party to raise public awareness, through the media and education programmes, that all forms of violence against women are unacceptable. It calls on the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers so as to ensure that the perpetrators of violence against women are prosecuted and punished, and to provide victims with gender-sensitive support. It calls on the State party to enhance access to justice for victims, including victims of armed conflict, and to take steps to provide them with legal, medical and psychological support. It urges the State party to enact legislation on domestic violence and all forms of gender-based violence. The Committee calls on the State party to ensure the protection of widows from negative traditional practices. It requests the State party to provide information in its next report on the laws, policies and programmes in place to eradicate all forms of violence against women, as well as statistical data and trends concerning the prevalence of such violence.**

25. The Committee is concerned that women in detention are not always separated from men, which makes them vulnerable to violence, especially sexual violence.

**26. The Committee urges the State party to take the necessary measures to ensure that women in detention are systematically separated from men and supervised by gender-sensitive prison staff.**

27. The Committee is concerned about the absence of effective measures to combat the phenomenon of trafficking in women for the purposes of prostitution, including its causes and extent, in particular from the State party's perspective as a country of origin, transit and destination. It further regrets the lack of information and statistical data on trafficking in women and girls. The Committee is also concerned that article 539 of the draft revised Penal Code establishes that prostitution of women is an offence punishable by imprisonment for a term of one to six months and a fine of 5,000 to 20,000 francs.

**28. The Committee urges the State party to analyse the causes and extent of trafficking in women and girls, from its perspective as a country of origin, transit and destination. It further recommends that the State party strengthen measures to combat and prevent trafficking in women and girls and to improve the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. The Committee invites the State party to provide, in its next periodic report, detailed information on trafficking in women and girls, on the criminalization of the exploitation of prostitution of women, on the protection, recovery, as well as reintegration programmes for victims of exploitation and trafficking. The Committee urges the State party to amend article 539 of the draft revised Penal Code to ensure that prostitutes under 18**

**years of age and those who are victims of trafficking are not punished but can benefit from protection measures.**

29. The Committee notes with concern that article 4 of the Nationality Code does not comply with article 9 of the Convention because it does not allow a Burundian woman married to a foreigner to choose to transmit her nationality to her husband or children.

**30. The Committee urges the State party to amend the Nationality Code so as to bring it into line with article 9 of the Convention.**

31. While congratulating the State party on introducing free primary education in 2005, the Committee remains concerned about the significant disparity between boys and girls in education, particularly in secondary and higher education. It is also concerned that the low rate of girls' enrolment may be due to stereotypes relating to girls, particularly in rural areas.

**32. The Committee urges the State party to take measures to eliminate traditional attitudes which perpetuate discrimination and non-compliance with the provisions of article 10 of the Convention. It recommends that the State party take measures to ensure equal access for girls and women to all levels of education and to ensure the retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, adult education and training, and the allocation of adequate financial resources. It encourages the State party to strengthen collaboration with civil society and to seek support from the international community and donors in order to accelerate the implementation of article 10 of the Convention.**

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**34. Despite the existence of employment legislation, the Committee notes with concern the persistence of inequalities in the labour market, in particular the widespread discrimination against women on grounds of maternity with regard to security of employment and payment of maternity leave and benefits. The Committee is also concerned about the high unemployment rate and the lack of secure employment for women and their concentration in the informal sector in a narrow range of activities associated with low and unstable earnings and excluded from formal social protection programmes.**

**35. The Committee recommends the adoption of measures to guarantee the implementation of all the provisions of article 11 of the Convention and the implementation of the relevant conventions of the International Labour Organization that have been ratified by Burundi. The Committee urges the State party to establish effective mechanisms to oversee compliance with existing legislation, in particular with regard to pregnant women and maternity leave and benefits. The Committee further recommends the adoption of a gender-sensitive employment policy with respect to women in the informal sectors of the economy.**

36. While welcoming the State party's efforts to improve women's health, the Committee remains concerned about the low level of access for women to adequate health-care services, in particular information on antenatal and post-natal care and family planning, particularly in rural areas. It is concerned about the high maternal mortality rate, which indicates a lack of obstetric care, and the number of deaths following illegal abortions. The Committee further notes the establishment of family development centres, but is concerned that not every province has such a centre and that they are often short of qualified staff.

**37. The Committee urges the State party to continue its efforts to improve the country's health infrastructure. It calls on the State party to integrate a gender perspective into all health sector reforms and to implement fully article 12 of the Convention and the Committee's general recommendation 24. The Committee recommends that the State party take appropriate measures to improve women's access to health care and health-related services. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning information and services, as well as access to antenatal, post-natal and obstetric services, so as to achieve the Millennium Development Goal of reducing maternal mortality. The Committee calls on the State party to establish family development centres in all the provinces and to provide them with adequate financial resources and qualified staff. It encourages the State party to seek technical support from the United Nations Population Fund in the above-mentioned areas.**

38. While congratulating the State party on establishing the Ministry in charge of AIDS control and the National Anti-AIDS Council, the Committee is alarmed at the increased HIV/AIDS infection rate among women, which is one of the major causes of mortality in Burundi.

**39. The Committee recommends that sex education focusing on the control of sexually transmitted diseases and HIV/AIDS be widely promoted and targeted at girls and boys. It also urges the State party to ensure the implementation of HIV/AIDS prevention policies and to seek technical assistance in this regard from the World Health Organization and the Joint United Nations Programme on HIV/AIDS.**

40. The Committee is concerned about the widespread poverty among women, in particular rural women and older women. It is concerned about the lack of participation by rural women in decision-making processes and their lack of access to health care, social security services, education, justice, clean water, electricity, land and credit facilities.

**41. The Committee calls on the State party to study the needs of rural women. It urges the State party to ensure that they have access to health care, education, justice, clean water, electricity, land and microcredit. The Committee calls on the State party to elaborate poverty reduction strategies integrating a gender perspective and also taking account of the specific needs of older women.**

**42. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against**

**Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

**43. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**44. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

45. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Burundi to ratify the treaties 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 Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

46. The Committee requests the wide dissemination in Burundi of the present Concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors and civil society to discuss the presentation of the report and the content of the Concluding observations. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

47. The Committee requests the State party to respond to the concerns expressed in the present Concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in February 2009, and its sixth periodic report, which is due in February 2013, in a combined report in 2013.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.