

BURUNDI

CEDAW A/56/38 (Part I) (2001)

32. The Committee considered the initial report of Burundi (CEDAW/C/BDI/1) at its 488th, 489th and 496th meetings, on 17 and 23 January 2001 (see CEDAW/C/SR.488, 489 and 496).

(a) Introduction by the State party

33. In introducing the report, the representative of Burundi informed the Committee that the socio-political crisis of 1993 and the economic embargo imposed by Burundi's neighbouring countries in 1996 had severely impeded national development and had in particular affected the situation of women. A fifth of the population lived below the poverty level, including many women heads of household who took care of a large number of orphans.

34. The representative reiterated the Government's firm commitment to the Convention, which was exemplified by the preparation of the initial report, despite the continuing socio-political crisis in the country. The Government of Burundi had adopted certain measures to ensure the advancement of women by guaranteeing their fundamental freedoms and individual rights based on equality. The Government also encouraged the establishment of women's associations and development projects for women. The Ministry of Social Action and the Advancement of Women and the Ministry of Human Rights, Institutional Reforms and Relations with the National Assembly had been entrusted with the implementation of the Convention.

35. Since the ratification of the Convention in 1991, the Government had adopted two decree laws to change the legal situation of women. The decree law adopted in 1993 reformed the Code of the Person and the Family and contained a number of measures eliminating discrimination against women, including the abolition of polygamy and unilateral repudiation of marriage, and introducing legal divorce and regulation of age at marriage. Another decree law in 1993 revised the Labour Code and was aimed at achieving social and economic justice. Chapter V of the Code addressed women and labour, including women's rights during pregnancy and maternity.

36. The representative stated that the Transitional Constitution endorsed respect for the rights and obligations proclaimed and guaranteed by the Universal Declaration of Human Rights and other relevant regional and national legal instruments. Notably, the Transitional Constitution declared that all persons were equal before the law, without distinction as to sex, origin, ethnic group, religion or opinion.

37. In the field of education, the representative deplored the high drop-out rate of girls in the transition from primary to secondary education, which had been accessible to only 10 per cent of children. The practice of giving preferential treatment to girls with lower grades than boys in admission to the secondary level, introduced in the 1970s, had been stopped owing to a concern that it would foster an inferiority complex among female students. The Government was aware that other corrective measures needed to be taken in regions with low levels of schooling, such as public awareness campaigns, incentives and coercion towards parents. She stated that, until recently, a girl would be expelled from school if she were pregnant. Such girls were now able to resume their

education in another institution after the birth of their children.

38. The representative informed the Committee that there was a paucity of health care, particularly in the rural areas. More than 66 per cent of medical personnel remained concentrated in urban areas, where only 4 per cent of the population lived. Rural women, already burdened with an excessive domestic workload, had to travel long distances to receive basic social services. For that reason, 80 per cent of women gave birth at home, often under precarious sanitary conditions, and the maternal mortality rate was 826 per 100,000 live births. The Government had tried to redeploy medical personnel to the rural areas and to set up a public medical system. However, the task was immense and much more needed to be done, particularly since 30 per cent of the health-care infrastructure had been destroyed or impaired during the crisis. Assisted by the United Nations Population Fund, the Government had launched programmes on reproductive health for rural women.

39. Because the majority of women lived in rural areas, their livelihood was based on agricultural products. The Government had made great efforts to address their situation since, economically, rural women depended totally on male family members and had no inheritance rights and no economic control over the goods they produced. The Government promoted anti-poverty programmes through income-generating activities carried out by women's associations. Since 1996, the Ministry of Social Action and the Advancement of Women had established family development centres all over the country to assist women in managing their own income.

40. The representative observed that, through the creation of the Union of Burundi Women, women had become aware of the important role they could play in all spheres of society. However, traditional attitudes still prevailed and very few women occupied decision-making positions in the National Assembly, judiciary, public administration, or public or private institutions.

41. The representative informed the Committee that the current crisis, extreme poverty and crowded living conditions in camps had given rise to prostitution. The Government had adopted legal measures to punish trafficking of women, exploitation of prostitution, violation of public decency and rape.

42. Women had played a key role in the peace process. From the outset, women had organized and gained observer status at the peace negotiations. The Arusha Accords formed the basis for building lasting peace and granted equal status to women and men, in accordance with the Convention. The Accords recognized the role of women in reconstruction and rehabilitation, and suggested the inclusion of women in all management structures related to reconstruction, the mobilization of women as peace mediators for national reconciliation, the adoption of laws on inheritance rights of women and the rebuilding of houses for homeless women. Reintegration or post-trauma counselling for women victims of violence or those forced into marriage was also considered necessary.

(b) Concluding comments of the Committee

Introduction

43. The Committee commends the Government of Burundi for ratifying the Convention without reservations in 1991 and for preparing and presenting its initial report in a time of socio-political crisis, civil unrest and economic hardship. It welcomes the Government's efforts to comply with the

Committee's reporting guidelines.

44. The Committee commends the Government for sending a high-level delegation headed by the Minister on the Status of Women. It appreciates the frankness with which the report was prepared and its sincere presentation by the State party, which allowed the Committee to engage in a constructive dialogue.

Positive aspects

45. The Committee welcomes the State party's efforts to implement the Convention despite the difficult socio-political and economic situation. In particular, the Committee welcomes the creation of a national plan of action in follow-up to the Fourth World Conference on Women, which is testimony to the importance given to the advancement of women.

46. The Committee welcomes the establishment of the Ministry of Social Action and the Advancement of Women and the Ministry of Human Rights, Institutional Reforms and Relations with the National Assembly, which are jointly responsible for the implementation of the Convention.

47. The Committee commends the Government for the legal reforms introduced since the ratification of the Convention in 1991, in particular the reform of the Code of the Person and the Family and the Labour Code.

Factors and difficulties affecting the implementation of the Convention

48. The Committee recognizes that the civil war and the economic crisis in Burundi pose serious challenges to the full implementation of the Convention. It also notes that deep-seated prejudice and stereotypical perceptions of the role of women and some customary and traditional practices pose significant obstacles to implementation.

Principal areas of concern and recommendations

49. The Committee considers the absence of peace to be the most serious obstacle to the full implementation of the Convention. It also expresses its concern about the number of women who have been affected by violence during conflict.

50. The Committee recommends that, in the implementation of the Arusha Accords and in accordance with those Accords, emphasis be placed on the role of women in reconstruction and that the acceleration of women's equality be integrated in all its aspects. It urges that special efforts be made to include women in national reconciliation and peace-building initiatives. It recommends that the Government encourage women from all ethnic groups and women who are victims of violence and armed conflict to become advocates for peace.

51. The Committee recommends that, when introducing quotas for ethnic groups, the Government also consider introducing measures, as permitted under article 4, paragraph 1, of the Convention and

outlined in the Committee's general recommendation 23 on women in public life, to increase the participation of women in decision-making at all levels. It emphasizes the importance of strict adherence to principles of gender equality in all reconstruction efforts.

52. The Committee expresses its concern about the situation of displaced women and girls and their living conditions, including those in refugee camps.

53. The Committee recommends that the Government give greater assistance to refugee and displaced women and girls and carry out rehabilitative efforts directed at such women and girls. It stresses the importance of mainstreaming a gender perspective in all policies and programmes of national and international assistance for displaced people.

54. The Committee also recommends the provision of post-trauma counselling, as stipulated in the Arusha Accords, for women who are victims of gender-based violence. It calls upon the Government to ensure that relevant personnel are trained to give such assistance.

55. The Committee notes with concern the existence of legislative provisions that discriminate against women. It also expresses its concern at the existing gap between de jure and de facto equality.

56. The Committee recommends that the State party take steps to bring discriminatory legislative provisions from, inter alia, the Code of the Person and the Family and the Penal Code into line with the Convention. It recommends review of provisions that predicate differential ages of marriage for women (article 88 of the Code of the Person and the Family), indicate that the man is head of the household (article 122 of the Code of the Person and the Family) and establish discriminatory provisions with regard to adultery (article 3 of the Penal Code). In addition, the Committee encourages the Government to ensure the 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 charged with responsibility for the implementation of laws and policies be made fully aware of their contents and that public education and legal literacy campaigns be put in place to ensure wide knowledge of law and policy reform.

57. The Committee expresses its concern about the high prevalence of illiteracy among women and the low level of schooling of girls, especially in rural areas. It notes that education is a key to the empowerment of women, and low levels of education of women remain one of the most serious impediments to national development.

58. The Committee urges the Government to continue its efforts to improve the access of girls to all levels of education and to prevent their dropping out of school. It encourages the Government to introduce corrective measures that address all stakeholders involved, including incentives for parents, and to consider requesting international assistance to improve women's and girls' education.

59. The Committee is alarmed by the increasing rate of HIV/AIDS, which has eroded earlier gains in the country. It expresses its concern about the absence of facilities for the care of those infected and affected.

60. The Committee urges the Government to take a multifaceted and holistic approach to combating the HIV/AIDS pandemic, one which not only incorporates broad-based educational strategies but also includes practical prevention efforts, such as increased access to both male and female condoms. It encourages the Government to consider requesting international assistance for this purpose. The Committee underlines the fact that the collection of reliable data on the incidence of HIV/AIDS is critical to gaining an understanding of the pandemic and to informing policies and programmes.

61. The Committee expresses its concern about the high rate of maternal mortality, especially in rural areas, including deaths as a result of illegal abortions.

62. The Committee recommends that the State party make every effort to increase access to health-care facilities and medical assistance by trained personnel in all areas, including rural areas, so as to increase, in particular, the number of births assisted by qualified personnel. It recommends the introduction of effective measures, such as sex education and information campaigns and the provision of effective contraception, to reduce the number of clandestine abortions. The Committee emphasizes that abortion should not be used as a method of family planning.

63. The Committee expresses its concern about the persistence of stereotypes that confine women and girls to traditional roles.

64. The Committee invites the Government to take concrete steps, including sector-specific and general awareness campaigns, to eliminate deep-rooted prejudice and stereotypes in order to achieve de facto equality.

65. The Committee encourages the Government to consider ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

66. The Committee urges the Government to respond in its next periodic report to the specific issues raised in the present concluding comments. It also urges the Government to improve the collection and analysis of statistical data, disaggregated by gender and age, and to submit such data to the Committee in its next report.

67. The Committee requests that the text of the present concluding comments be widely disseminated in Burundi so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee equality de jure and de facto between men and women and of the further measures to be adopted in that area. The Committee urges the Government to continue to give broad publicity to the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", particularly among women's associations and human rights organizations.