



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 488th meeting

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Chairperson: Ms. Abaka

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The meeting was called to order at 10.45 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial report of Burundi (CEDAW/C/BDI/1)

1. *At the invitation of the Chairperson, Mr. Nteturuye, Ms. Ndorimana, Ms. Rwamaneke and Mr. Jenje (Burundi) took places at the Committee table.*

2. **Mr. Nteturuye** (Burundi), introducing the Burundi delegation, said that the presence of Ms. Ndorimana, Minister for Social Action and the Advancement of Women, and of other key officials demonstrated the importance that Burundi attached to the Convention and to the Committee's work.

3. **Ms. Ndorimana** (Burundi), describing the critical political, social and economic situation in her country since 1993, said that women bore the brunt of its effects in terms of impoverishment, population displacement, deterioration of productive capacity and demographic pressure. Agriculture, the mainstay of the economy, was chiefly in the hands of women, who therefore had a considerable role to play in national development.

4. Among the measures taken by the Government to meet those challenges and, in particular, comply with its obligations under the Convention, was the adoption of two decree-laws which had radically changed the legal situation of women in Burundi. Decree-Law No. 1/024 of 28 April 1993, amending the Code of the Person and the Family, abolished polygamy and unilateral repudiation, made divorce a judicial matter and grounds for divorce the same for men and women, regulated the age of marriage, enshrined the right of girls to express their free consent to marriage, granted custody of children automatically to the mother if the father was absent or incapacitated and granted women the right of joint management of family property. Those reforms instituted new family relations based on equality of rights and duties, respect for human dignity and a concern for justice. Decree-Law No. 1/037 of 7 July 1993, revising the Labour Code, included a chapter dealing specifically with women and work to cater for pregnant women, maternity leave and women's rights during the breastfeeding period, although there was room for improvement in the Code to provide further protection for women workers and for maternity, notably in terms of coverage of

confinement costs under the Civil Service Benefits Fund and payment of salaries during maternity leave in the private sector.

5. In general terms, human rights instruments were incorporated into Burundian legislation, as could be seen from articles 12 and 17 of the Constitutional Act of Transition. At the institutional level, two ministries, the Ministry for Social Action and the Advancement of Women and the Ministry for Human Rights, Institutional Reform and Relations with the National Assembly, were responsible, inter alia, for ensuring compliance with the Convention. They were supported in their work by human rights leagues and women's non-governmental organizations. The establishment of the Ministry for Social Action and the encouragement given to the creation of women's associations and to development projects benefiting women were evidence of the Government's concern to protect women's rights and secure their advancement, despite the extremely unfavourable conditions that had prevailed since 1993, only two years after Burundi's ratification of the Convention. It was indeed in that difficult context that the initial report had been prepared and submitted, if belatedly, demonstrating the Government's determination to comply with its obligations and describe the situation as it really was.

6. In education, the drop-out rate among girls between the primary and secondary levels was still very high on account of the low intake capacity in secondary education. Positive discrimination measures taken in the 1970s had increased girls' enrolment in secondary education but had subsequently been shelved for fear that it might perpetuate girls' inferiority complex. The Government was aware that other corrective measures would have to be taken, especially in regions where school attendance rates were low and for the Batwa children in particular.

7. Further measures were also required to promote the equal rights of women in such areas as access to well-paid employment and to positions of responsibility. With the creation of the Union of Women of Burundi (UFB), women had become more aware of their potential role in society, although the weight of prejudice still bore down on them, for very few women occupied leadership positions in the Government, the National Assembly, the civil service, the judiciary and public or private corporations. Moreover, traditional society had always been more stringent and demanding with respect to girls, although

the situation had improved recently; for instance, a girl who became pregnant could now resume her studies after giving birth, although in a different school.

8. Although the Government had taken legislative measures to suppress all forms of traffic in women and exploitation of their prostitution, with the crisis, prostitution had grown owing to the extreme poverty of the displaced population and overcrowding in the camps where they lived.

9. Another effect of the crisis had been the decline in women's health, exacerbated by poverty and displacement. Rural women were at a particular disadvantage in terms of access to basic health and educational services, most of the facilities being heavily concentrated in urban centres. Rural women's domestic burdens were compounded by the distances they had to travel to reach basic social service facilities. That largely explained the high rate of home confinements in precarious conditions of hygiene and the very high maternal mortality rate. The Government was taking steps to bring health facilities closer to the people and redeploy medical personnel; it had introduced an affordable social security system entitling beneficiaries to free consultations. Needs still far outweighed provision, however, and the situation had deteriorated as a result of the crisis, with a sharp decline in the number of qualified health-care providers and the damage and destruction inflicted on health infrastructures. In the area of reproductive health, the Government had initiated projects targeting rural women, a notable example being the "Gender and development in rural areas" project, which included training, awareness-raising and the promotion of income-generating activities. Because rural women were, in economic terms, totally dependent on their husbands and had no control over what they produced, the Government was giving emphasis to women's associations based on income-generating activities as part of its poverty alleviation programmes, thus giving women more independence and an opportunity to decide on the use to which their own income was put. They were assisted by the family development centres which the Ministry for Social Action and the Advancement of Women had been setting up throughout the country since 1996 and which were now in place in 11 of the country's 17 provinces.

10. From the outset, the women of Burundi had been deeply and actively involved in reconstruction and rehabilitation efforts and had taken part as observers in

the negotiations which had culminated in the Arusha accords signed on 28 August 2000. During that process, women from different ethnic and political backgrounds from all over the country had organized meetings and exchanges of information and had made recommendations that had to some extent been taken into account in the accords. In particular, the chapter on reconstruction recognized the difficulties faced by women and specified their role in reconstruction and the action to be taken to secure their advancement. It provided for women's participation in all the management structures for reconstruction, such as rehabilitation, resettlement and assistance committees; awareness-raising among women and their promotion as peace mediators; the organization of meetings between women within the country and Burundian women abroad; recognition of women and children who were heads of household, and of the rights of widows and orphans; the establishment of a structure to make a comprehensive assessment of women's problems and propose appropriate solutions to the Government; the drafting and adoption of a law on women's inheritance rights; housing for homeless women; assistance in undertaking income-generating activities; and the counselling and reintegration of girls and women who had been subjected to sexual violence and forced marriages during and after the crisis.

11. The Government of Burundi still faced a great many challenges — the continuing hostilities; the serious economic needs of a population ravaged by war, HIV/AIDS and poverty; illiteracy and the weight of tradition — and needed international support and cooperation to ensure the success of the peace process and provide the means to ensure the effective implementation of the Convention.

12. **The Chairperson** said that the presence of the Burundian delegation at the meeting was a sign of the Government's political commitment to women's rights and she commended the Government for having ratified the Convention without reservations soon after the country's independence. She invited the members of the Committee to make any general observations they might have.

13. **Ms. Taya** said that while the Burundian Government deserved congratulation for having worked with 50 representatives of institutions on the preparation of the report, the latter was rather vague and did not contain a description of specific measures to promote women's rights, or a breakdown of the

country's national budget for 1999, although it was clear from statistical data that foreign aid made up more than half of that budget. Since joint efforts by Burundi and the international community were crucial if discrimination against women was to be eliminated, it was essential to say how much foreign aid was devoted to that purpose. Priority should be given to education for girls (which should include instruction about family planning), poverty alleviation and the microcredit programme in order to break the vicious circle of rural poverty, political instability and a population explosion. She agreed that, as suggested in the report, strategies would have to be devised to boost girls' attendance rates in secondary education and ensure that a larger share of foreign aid went to women in the form of microcredits. She wished to know how much of the budget, including foreign aid, was in fact spent on the education of women and girls and on poverty alleviation among rural women.

14. Freedom of expression had patently suffered as a result of political instability. The home of a woman journalist who had won international acclaim had been ransacked and she had been warned by an official that she would be shot if she continued to report on the Government's activities. In view of that situation, she wondered whether it would be possible to publicize the Committee's General Comments and bring them to the notice of the general public. She also wished to know what action the Burundian Government would take on the Committee's deliberations and conclusions.

15. **Ms. Tavares da Silva** said that the report was clear and informative. She was aware of the country's difficulties and their consequences for the status of women, and she had therefore been particularly interested by the reference in part 1 to the national action plan for the implementation of the Beijing Platform for Action. The report had supplied some data on the areas dealt with in the action plan, but had failed to mention others. She wished to know what results had been produced by the plan. Had non-governmental organizations participated in the implementation of the plan and, if so, how? Had there been formal or informal cooperation between the Government and such organizations and was there any formal mechanism for such cooperation? Had the work of the national multidisciplinary commission on the advancement of women referred to in the report's conclusion brought about any changes at the institutional level which would lead to greater

consideration being given in all spheres to the specific needs of women?

16. She wondered whether the wording "tous les hommes sont égaux en dignité" and "tous les hommes sont égaux devant la loi" in article 15 of the Constitutional Act of Transition was not sexist and discriminatory. What was the delegation's opinion? Moreover, a contradiction existed in that the relevant ministry was called the "Ministère des Droits de la Personne Humaine". Terminology was not unimportant, since language revealed deeply-rooted attitudes.

17. **Ms. Shin** said that she had been impressed by women's initiatives in the Burundi peace process. Those women might set an excellent example for girls in Burundi. Given the country's ongoing problems, she asked why no precise information had been given about the situation of women in displaced persons' camps. Exactly how many people were still living in refugee camps? What were conditions like in those camps? According to information she had received, 80 to 90 per cent of the camp population were women and children and they were subjected to violence and went hungry because the men often stole the ration cards. What did the future hold for such people?

18. The Government's efforts to revise laws, especially the Code of the Person and the Family, were praiseworthy, but the report was silent about de facto discrimination. How did the revised legislation work in practice? Similarly there was a lack of disaggregated data giving a more detailed picture of the economy, education and employment. What was the general employment rate of women in towns? More figures should have been supplied on the overall economic participation rates of rural and urban women in Burundi.

19. A further serious deficiency was the complete absence of any information about violence against women, although according to General Recommendation No. 19 it should have been included. What was the position with regard to physical and psychological violence against women at home, at work, in society in general or perpetrated by the Burundian army or the rebel army?

Article 2

20. **Ms. Corti** congratulated the Minister for Social Action and the Advancement of Women for her frank

report about the enormous difficulties with which the women of Burundi had to contend. The first problem facing the country's people was to establish peace. Women had already made a major contribution to the peace process and should continue to do so. The Government had taken a most courageous step in revising the Code of the Person and the Family, but since the international instruments ratified by Burundi were part of the country's domestic legislation, she wondered why the application and implementation of the Convention was still such a distant goal. Had polygamy really been abolished? What explanation was there for the difference in the age of marriage for boys and girls? What was the force of customary law? She was puzzled by the fact that in one place the report stated that girls had the right to express their free consent to marriage, but in another paragraph it spoke of arranged marriages under customary law. What force did the revised Code have?

21. The Nationality Code represented a big step towards the promotion of equality between men and women. Since the report acknowledged that disparities still existed between the public and private sectors, it would also be interesting to learn more about the substance of the revision of the Labour Code, especially as working women still encountered discrimination and segregation. Courage was needed to pursue the revision of some elementary codes, because the continued existence of a patriarchal society made it hard to achieve progress towards the full implementation of the Convention by ministries and by the machinery which had been established.

22. She hoped that the delegation's meeting with the Committee would provide food for thought on ways of implementing the Convention and eliminating discrimination against women in Burundi.

23. **Ms. Gabr**, noting that the report reflected Burundi's clear political will to uphold and promote women's rights, said that as far as article 2 was concerned, it was generally recognized that the establishment of peace was the precondition for improving the political and social rights of women, but conversely an improvement in the status of women might be an important factor in bringing about lasting peace. Several criteria had to be met in order to attain the final objective of eliminating discrimination against women. In the legal field, the Minister and her delegation should return home with some new ideas on ways of modifying the laws of Burundi so as to enable

women to assert their rights. Some laws should be amended; others, like the Nationality Code, ought to be repealed and replaced with new legislation. Similarly, the laws on succession and inheritance were in need of amendment, and since customary laws often constituted an obstacle to women's emancipation, they should be replaced. Legislation should enable women to achieve economic independence, but some of the labour laws on the statute book prevented women from enjoying their full rights in the workplace. An awareness-raising campaign should accompany the implementation of existing laws, so as to help women assert their right to borrow, raise credit or obtain housing, although that would be merely a first step towards women's complete enjoyment of all their rights and towards their playing a full role in society and helping actively to promote peace and development in Burundi.

24. **Ms. Schöpp-Schilling** asked whether the Government had taken any practical steps to eliminate discrimination against women and whether it or any non-governmental organization had undertaken an assessment of all the laws, customary or otherwise, that still discriminated against women. Were there other obstacles, apart from the war, that prevented the rapid elimination of such discriminatory laws, and did the Government envisage educating judges about the new laws and women about their rights?

25. **Ms. Aouij** said that, in addition to peace-building, Burundi faced the twofold challenge of combating HIV/AIDS and alleviating poverty, none of which could be addressed without the effective participation of women at every level. Women's social and legal status needed to be commensurate with their new role in society. While the provisions of the revised Code of the Person and the Family were commendable, in a country where prejudices still weighed very heavily on women, most of whom were illiterate and therefore unaware of their rights, efforts must be made to ensure the effective application of those provisions. It was regrettable that women's access to the judiciary remained limited and that the laxness of male judges prevented the implementation of the new anti-discriminatory measures. Judges must be made aware of the importance of the Convention so that they applied the laws appropriately. Moreover, the new laws and the provisions of the Convention should be disseminated throughout the country in all local languages. She supported the appeal for international

cooperation made by the Minister for Social Action and the Advancement of Women. The Committee was counting on her Ministry to formulate programmes and projects for women in all priority sectors, namely, education, health and economic empowerment.

26. **Ms. Manalo** asked what priority and resources the Government had assigned to the implementation of the Convention in a context of civil unrest and the displacement of hundreds of thousands of people. How many cases of discrimination against women had been brought before the courts and how they had been resolved? She would also like information on the budget allocated to the Ministry for Social Action and the Advancement of Women and the Ministry for Human Rights, Institutional Reform and Relations with the National Assembly, which were responsible for ensuring the implementation of the provisions of the Convention. That would enable the Committee to assess the extent of the Government's commitment to those institutions. She also wondered whether the Government had attempted to address gender-based violence, whether there were practical programmes to try to change customs and practices that discriminated against women, whether steps were being taken to improve the Nationality Code and whether the Government planned to revise the Criminal Code.

Article 3

27. **Ms. Ferrer Gomez** said that the greatest obstacle to complying with the provisions of the Convention was the war. She asked whether a gender perspective had been built into the programmes and policies being implemented by the Government of Burundi. In that regard, it was positive to note that there was a Ministry for Social Action and the Advancement of Women and a Ministry for Human Rights, but she wondered how those ministries were connected. She would appreciate information on the resources and staffing of the two ministries and on the rehabilitation, resettlement and assistance committees mentioned in the oral presentation. She asked what structure would be responsible for making the comprehensive assessment of women's problems and when it would complete its work, and whether the Government planned to draw up a new action plan for the advancement of women as a follow-up to the one for the period up to 2000. She wished to know whether the Union of Women of Burundi had branches throughout the country and

whether it had any relations with the Ministry for Social Action and the Advancement of Women.

Article 4

28. **Ms. Schöpp-Schilling** welcomed the fact that the Government had tried to implement article 4, paragraph 1, of the Convention by establishing a quota for girls in secondary education. However, she wondered why the Government had chosen to implement that programme of temporary special measures by admitting girls with slightly lower marks. There appeared to be a misunderstanding, since the application of article 4, paragraph 1, did not necessarily mean imposing lower standards. The Minister should indicate whether the Government intended to make article 4 a central part of its reconstruction agenda and what authority would be responsible for monitoring its implementation. The Committee would like to see a much broader application of the article.

Article 5

29. **Ms. Schöpp-Schilling** asked whether the political will existed to conduct an overall assessment of cultural stereotypes and prejudices with regard to women. That would be the first step towards addressing the issue of stereotyping.

30. **Ms. Corti**, referring to article 5, subparagraph (a), asked what measures had been taken to modify the country's patriarchal culture and enable women to participate in economic and political life. She wondered whether the broadcast and print media or school textbooks had been used for that purpose. She was puzzled by the fact that women had participated in the peace process yet were not allowed to express themselves in public except by delegation. The Minister should indicate how her Ministry cooperated with non-governmental organizations in educating women and making them aware of the fact that their participation in political life was vital. She was shocked that girls who were allowed to resume their studies after giving birth were isolated in special schools. The Minister should explain why she condoned such discrimination. Lastly, she would appreciate information and statistics on the various types of violence against women and the measures taken to combat it.

31. **Ms. Tavares da Silva** said that the report contained a description of the current situation, but lacked a discussion of measures for change. Sources indicated that violence against women in Burundi, particularly instances of war-related violence, had increased. She would like to know whether violence against women was a subject of public debate, what protections were available for victims and what measures had been taken to raise the awareness of health professionals, police and the media in that regard. Was violence against women considered a public or a private matter?

32. **Ms. Kwaku** said that women in Burundi encountered the usual problems faced by African women. She was horrified to learn, however, that they were not allowed to express themselves in public except by delegation. She would like to know whether the grounds for such a prohibition were religious, and what specific affirmative action the Government was taking to overcome that serious impediment to the enjoyment of their rights.

Article 6

33. **Ms. Regazzoli** asked how domestic violence was handled. What measures, if any, existed to protect women from violence, detect abuse, punish aggressors, set up shelters and handle complaints? She would also like to know what measures existed to protect women prostitutes, whether pimps were subject to prosecution and punishment, what penalties were applied and what forms trafficking in women and children took. How many Burundian women were imprisoned, what was the nature of their crimes and what were their conditions of imprisonment? Lastly, she would like to know what happened to the children of women prisoners.

34. **Ms. Goonesekere** said that she deeply appreciated the resolve of the Burundian Government to fulfil its commitments under the Convention, particularly in the context of the ongoing war and in the face of entrenched patriarchal attitudes. She regretted, however, that the report failed to discuss sexual violence, a phenomenon which always increased during wars.

35. Since prostitution was linked to poverty, prosecuting and imprisoning women for prostitution was a kind of double victimization. It would be useful to know whether legal measures had been taken to

address the problems of prostitution and trafficking, in particular taking into consideration the hardships experienced by the women who were victimized by such practices.

36. **Ms. Kwaku** inquired whether the provisions of the Criminal Code dealing with prostitution had had any noticeable impact in the past five years, whether prostitution had increased or decreased and what measures the Government was taking to tackle that problem.

Articles 7 and 8

37. **Ms. Tavares da Silva** asked what measures were envisaged to improve the representation of women in decision-making posts and positions of responsibility at all levels of Burundian society.

38. **Ms. Schöpp-Schilling** said that she would like more information on the *Bashingantahe*, the council of wise men (which she preferred to call the council of wise people), in particular whether it dealt exclusively with customary law or also with statutory law. She applauded the decision to include women in that institution and inquired about the legal and professional background of the women chosen. What were the grounds for the decision to establish a quota of one-fifth representation for women? It would be useful to know how that reform had taken place and what could be done further to increase the number of women members. Were women *Bashingantahe* members accepted by the population?

39. She would like to know whether, within the context of the Arusha peace process, the Government or political parties were considering the establishment of a quota system for the legislative branch, and if so, what percentages would be applied and how such a quota would be implemented. Lastly, had any measures been taken to support women in leadership positions or to train them for political leadership?

40. **Ms. Regazzoli** asked what measures had been taken to ensure the participation of women in the leadership of the country, and whether training would be provided to prepare women for participation in leadership.

Article 9

41. **Ms. Goonesekere** said that Burundi's legislation recognized that domestic law must incorporate

international norms, yet, the Nationality Code did not allow Burundi women to transmit their nationality to their children. That was surely a vestige of the colonial legal system. What measures were being taken to bring the Nationality Code into line with international standards and also with Burundi's domestic legislation?

The meeting rose at 1 p.m.