



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

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

**Concluding observations on the combined fifth and sixth  
periodic reports of Burundi**

Addendum

**Information provided by Burundi in follow-up to the  
concluding observations\***

[Date received: 18 May 2019]

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\* The present document is being issued without formal editing.



**The Committee had recommended the following to the State party:**

**Additional information on paragraph 33 of the concluding observations  
(CEDAW/C/BDI/CO/5-6)**

*33. Amend the Nationality Code and the Code of the Person and the Family so as to bring them into line with article 9 of the Convention and ensure the registration of all births.*

**Additional information on paragraph 51 (a) of the concluding observations  
(CEDAW/C/BDI/CO/5-6)**

*51. (a) Urgently finalize and adopt the draft revised Code of the Person and the Family, as well as the bill on inheritance, matrimonial regimes and gifts, in line with the recommendations accepted by the State party during the universal periodic review in 2013.*

1. Regarding the amendment of the Nationality Code and the Code of the Person and the Family, so as to bring them into line with article 9 of the Convention, the Government of Burundi informs the Committee that it remains sensitive to the issue. Indeed, article 19 of the Constitution of the Republic of Burundi of 2018 stipulates that “the rights and obligations proclaimed and guaranteed by the duly ratified international instruments on human rights are an integral part of the Constitution”.

2. In addition, article 13 of the Constitution provides that “All Burundians are equal in merit and dignity. All citizens enjoy the same rights and have the right to the same protection of the law. No Burundian may be excluded from the social, economic or political life of the nation on the grounds of race, language, religion, sex or ethnic origin”.

3. Article 22 complements article 13, providing that “All citizens are equal before the law, which guarantees them equal protection. No one may be subject to discrimination because of their origin, race, ethnicity, sex, colour, language, social situation, religious, philosophical or political convictions or on grounds of a physical or mental disability or because they have HIV/AIDS or any other incurable disease”.

4. In order to make those principles effective, in 2000 Burundi revised the Nationality Code through Act No. 1/013 of 18 July 2000 reforming the Nationality Code. Thus, articles 4 and 10 of this Code regarding women clarify, respectively, that “A foreign woman who marries a Burundian man, or whose husband becomes Burundian, has the option to become Burundian by marriage”.

5. However, “Burundian nationality is only acquired when there is a celebration of a valid marriage” and “a foreign woman acquires nationality by marriage to her Burundian spouse by simple declaration”.

6. From these articles, it is understood that a foreign woman married to a Burundian man may acquire Burundian nationality, while the same is not true for a foreign man married to a Burundian woman.

7. Burundi is aware of the existing gender imbalance in the transfer of nationality and has already begun discussions on the revision of that provision. In this respect, the Government of Burundi informs the Committee that it is sparing no effort to adopt new laws and revise existing ones, where appropriate.

8. The process of revising the Code of the Person and the Family remains ongoing in order that the new innovations can take into account the concerns of families, judges, women’s rights defenders and the recommendations of the different partners and specialized committees.

9. To that end, an intersectoral committee has been established to address the discriminatory provisions and gaps. Its work is facilitated by the availability of civil society documents, parliamentary reports and advocacy tools of various actors. Court and tribunal judges have also taken up the challenge of producing a version of the law that is capable of protecting women's interests in all aspects.

10. The process of revising the legal framework, with a view to aligning it with article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, is therefore progressing in Burundi.

11. One priority, among others, is revision of the Code of the Person and the Family dated April 1993, and of the provisions that contravene the Constitution of Burundi. Several measures have been adopted for legalization of common-law unions and birth registration.

12. The Government continues to make efforts to preserve the identity of a child who acquires her or his name from birth while also acquiring the nationality of his or her country. This is the case with the registration of children.

13. The Government health-care subsidy for pregnant women and children under 5 years of age has enabled many families to regularize marriages and register their children to benefit from the dividends of this measure (such as having free access to health care and obtaining school materials). The authorities have held meetings to raise awareness and have broadcast radio programmes to explain to the population why they should register their newborns with the civil registry.

14. The organization SOS Enfants<sup>1</sup> has already made progress in this area by launching a civil status programme in Bujumbura that seeks to:

- Regularize civil status records by systematically registering street children whose births were never entered in the civil registry.
- Raise awareness among families about the importance of registering births with the administration.
- Give all street children back their identities to preserve their rights and future.

15. Initially, this project registered 251 children in eight homes managed by Humanitarian Work for the Protection and Development of Children in Difficulty, as part of its mission to reintegrate street children. An awareness campaign on the importance of birth registration was subsequently conducted in three selected pilot areas of Bujumbura Mairi: Kamenge, Kinama and Buterere. These are three very poor areas where most of the children seeking refuge in the streets of the capital come from.

16. Since 2016, awareness-raising campaigns have been carried out to register children whose births have not been declared to the civil registry. The ultimate aim of these campaigns was to register at least a million children. To date, more than 800,000 children have already been registered. The latest campaign was launched during the week dedicated to the African Child, on 13 June 2018 in the Buterere district of Bujumbura Mairie, where there were many cases of children not yet registered. From January to March 2019, more than 1,800 late birth registrations had already been declared to the civil registry.

17. However, certain factors may be at the root of the non-registration of births, including: (a) distance from civil registry offices; (b) ignorance or lack of information; (c) negligence; (d) the shame experienced by mothers of children born

<sup>1</sup> An organization whose mission includes advocating for birth registration.

out of wedlock; and (e) the collection of communal taxes due from parents in the event of birth registration.

18. There is a general dispensation for displaced, repatriated and dispersed persons, who can register births without incurring fines under the law. The dispensation is renewed every year at the close of a workshop seminar on civil status, organized for provincial civil registry inspectors and the sociocultural counsellors of provincial governors.

19. Furthermore, regular registration continues as usual. However, the civil registry services suffer from a lack of computerized data. Nevertheless, the recommendation of the African Ministers Responsible for Civil Registration, at their meeting held in Durban, South Africa, led to the establishment of a system for collecting vital statistics that has propelled Burundi into first place among French-speaking African countries. For this purpose, an ad hoc National Steering Committee, chaired by His Excellency the First Vice-President of the Republic of Burundi, has been in operation since 2014.

20. According to the 2016–2017 Demographic and Health Survey, most births of children under 5 years of age (84 per cent) were registered in the civil registry. This majority varies depending on the province, from a low of 54 per cent in the province of Kirundo to a maximum of 94 per cent in the province of Gitega.

21. Other solutions to address late birth registration are being considered. These include: (a) the computerization of civil registry offices; and (b) the establishment of pilot health centres that will shortly be operational for birth registration before mothers leave their hospital beds. Other avenues include (a) establishing child protection committees in all districts and neighbourhoods; and (b) granting birth certificates for access to various services.

22. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, as well as joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee had recommended that the State party:

23. Urgently finalize and adopt the draft revised Code of the Person and the Family, as well as the bill on inheritance, matrimonial regimes and gifts, in line with the recommendations accepted by the State party during the universal periodic review in 2013 (see A/HRC/23/2, para. 515).

24. Regarding the draft Code of the Person and the Family, we refer to the response above. Regarding the bill on inheritance, matrimonial regimes and gifts, the Government of Burundi informs the Committee that it is aware of the problem of women's access to factors of production, more particularly access to land, and is sparing no effort to find a lasting solution

25. In fact, the problem of the absence of a written law governing inheritance, matrimonial regimes and gifts is of concern to the Government and is among its priorities. It was in this context that work was undertaken on a bill on inheritance, matrimonial regimes and gifts in order that this area be governed by an egalitarian written law to replace customs.

26. However, adopting such a law merits profound reflection on the needs of the population with regard to such a law. Adopting it with undue haste, without having considered the community's perception of its effectiveness, could have harmful

societal consequences since Burundi is one of the most densely populated countries in Africa and is governed by a patriarchal system.

27. Being aware of certain doubts surrounding the effectiveness of this law and eager to promulgate a law that meets the needs of its population, the Government of Burundi again instructed the Ministry of Human Rights, Social Affairs and Gender to explain the bill to the population and a large information campaign was organized. The main findings of this campaign are: (i) the public is still reluctant regarding a daughter inheriting land; (ii) for properties other than land, however, it is in favour of daughters' inheritance; and (iii) among intellectuals, the population is in favour of a daughter's inheritance rights on an equal footing with her brother for all assets, as evidenced by the courts' jurisprudence in this area.

28. Since there are differing perceptions of this law among the public, awareness-raising sessions are continuing. At the same time, the Government of Burundi will take advantage of the ongoing revision process of the Code of the Person and the Family to include *mutatis mutandis* provisions relating to matrimonial regimes and gifts. Once the process of revising the Code of the Person and the Family is completed, Burundi will have a legal framework governing matrimonial regimes and gifts as well.

29. Aware of the problems faced by divorced women and girls who have not for example had the opportunity to marry, the Government has entrusted the intersectoral committee for the revision of the Code of the Person and the Family with the task of introducing into the revised draft code provisions on women's access to factors of production.

30. The Government has carried out various actions to facilitate women's access to factors of production. These include: (i) the selection of Care International's NAWÉ NUZÉ approach for the empowerment of women as a national approach; (ii) the training of 54 trainers on said approach; (iii) the creation of 2,488 solidarity groups using the savings and credit approach (NAWÉ NUZÉ); and (iv) the facilitation of access to land for women in associations engaged in income-generating activities in the agricultural sector.

31. The Government of Burundi once again reiterates its determination to eliminate all forms of discrimination against women and promises to revise the above-mentioned laws, which are of crucial importance, in the near future.