



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

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

Summary record of the 814th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 16 January 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3 p.m.

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

Combined second, third and fourth periodic reports of Burundi (continued) (CEDAW/C/BDI/4, CEDAW/C/BDI/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Burundi took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Mr. Flinterman** asked whether the new independent national human rights commission would have a mandate to examine complaints of human rights violations and, if so, what action it would be able to take.

3. **Ms. Nduwayo** (Burundi) said that as far as she understood, the commission would not have a mandate to punish human rights violations. Rather, it would be responsible for monitoring human rights, receiving complaints and forwarding them to the relevant bodies.

4. **Ms. Shin** said that she would be interested to know more about the impact of the campaign to raise awareness of the Convention in Burundi.

5. The National Gender Council should be established as soon as possible; she wondered whether the Government had established a timetable in that regard.

6. **Ms. Ntirampeba** (Burundi) said that she was unable to provide precise information about the impact of the campaign to raise awareness of the Convention. A survey conducted in 2004, however, had revealed that at least 1,000 people in one province alone knew about the instrument. The Convention had been translated into the national language — Kirundi — and distributed to all Government departments, which had been asked to ensure that it could be consulted at any time. The Government was, therefore, actively involved in informing people about the Convention.

7. The National Gender Policy stated that the National Gender Council should be enshrined in the Constitution; every effort was being made to complete the necessary work as soon as possible so that the

Council could be first enshrined and then established. In the meantime, the Government had other ways of monitoring implementation of the Policy.

8. **Ms. Gaspard** asked the delegation to include more data on the sexual exploitation of women and prostitution in its next report.

9. **Ms. Patten** said that even though Burundi was emerging from conflict, it had an obligation to eliminate discriminatory provisions without delay. Many years had passed since the State party had ratified the Convention, submitted its initial report and first appeared before the Committee, yet the discriminatory provisions identified in the Committee's concluding comments at that time had not been addressed. The delegation had referred to a number of pieces of draft legislation; now it should clarify whether there was a time frame for their submission to Parliament.

10. Lastly, she would be interested to hear about measures that had been adopted to make it easier for women to report violence.

11. **Ms. Nduwayo** (Burundi) said that she was well aware that Burundi had failed to implement the Committee's previous recommendations. However, being a poor country, it did not have the resources to tackle every problem at once and was forced to focus on the most pressing issues. It therefore needed assistance in implementing the Convention.

12. Burundi's new democracy was a good one, yet the country faced many difficulties. The period following its ratification of the Convention had been one of great disruption and it had been difficult to establish a clear policy. She was unable to provide details concerning the time frame for submission of draft amendments to Parliament but would do so later. The fact that Burundi now had not only a Minister but also a Deputy Minister in charge of human rights and gender issues demonstrated its increasing awareness of the importance of gender equity. Even so, the Government was constantly seeking ways of improving and deserved support.

13. **Ms. Halperin-Kaddari** said that sexual violence was not simply a problem of public health and safety (report, para. 30), but a severe breach of women's rights.

14. With regard to the judiciary, it was unclear in which cases customary law applied, whether Burundi

had special customary law courts and, if so, whether those courts had women judges.

15. **Ms. Nduwayo** (Burundi) said that Burundi's system of customary law — the *Ubushingantahe* — had been undergoing small but definite changes. For example, if a woman's husband belonged to the council of *bashingantahe* (wise men), she was now allowed to accompany him, to its meetings.

16. **Ms. Ntirampeba** (Burundi) said that women *bashingantahe* were increasingly accepted in Burundi, however reluctantly. The council of *bashingantahe* was not a court, but rather an advisory body that sought to preserve social harmony by facilitating reconciliation between disputing parties. Traditionally, women had not been allowed to go to the top of the hill where the *bashingantahe* met; now, however, they were. The situation was definitely changing.

Articles 10 to 14

17. **Ms. Zou Xiaojiao** asked what impact the free primary schools were having on the enrolment rate among girls. She would also be interested to know whether the Government had acted on the Committee's previous recommendation by taking steps to encourage girls to attend school and, if so, to what extent the situation had improved. Given that women tended to choose traditional disciplines and consequently suffered from a lower employment rate than men, she would be interested to learn of any policies designed to encourage girls to enrol in university and to choose non-traditional subjects.

18. Lastly, she would appreciate it if the delegation could provide statistics on the number of women on the teaching and administrative staff at Burundi's universities.

19. **Ms. Simms** said that the existence in Burundi of a common language that was understood by all was a double-edged sword; inherent in it were cultural values that had been preserved over time.

20. Recalling the obstacles to education for girls listed in the report (para. 82), she said that experience in other developing countries had shown that once girls obtained an education, they generally outshone boys. Girls' education was, therefore, the key to the future of every developing country. She agreed with previous speakers that temporary special mechanisms could assist greatly in that regard. For example, girls who

were forced to stay home to care for siblings after their parents had died from AIDS could be offered community support, which did not cost anything. The delegation should also lobby for more women in Government.

21. **Mr. Flinterman** said that he would be interested to know how Security Council resolution 1325 (2000) was being implemented in Burundi and whether the Government was seeking international assistance or cooperation in that regard.

22. **Ms. Patten** noted that article 57 of the Constitution and section 73 of the Labour Code did not comply with article 11, paragraph 1 (d) of the Convention, concerning equal remuneration; she wondered whether a review of those provisions was planned. She also asked about discrimination against women in relation to maternity leave and wondered whether maternity benefits were available in the private sector.

23. More information about women in the informal economy, including any strategies planned or statistics available, would be useful. It would also be interesting to know whether efforts were being made to provide social protection to more women workers and to expand it to include women agricultural workers. She wondered what was being done to give women entrepreneurs in the formal sector access to microfinance and support services and whether measures had been taken to increase the assets, access and competitiveness of women, whether self-employed or wage earners. Lastly, she asked when the law establishing a social security scheme for the informal sector would come into force and how its implementation was envisaged.

24. **Ms. Nduwayo** (Burundi) said that in the past, one method used to encourage girls to stay in school was to offer them role models to show that girls who studied could obtain good jobs. The recent introduction of free primary education had encouraged many parents to send their girls to school, and had helped raise awareness that sending all their children to school was a good investment for the country.

25. Efforts had been made to maintain women's level of representation in the Government. Statistics on women university professors would be provided at a later stage.

26. The most important result of Security Council resolution 1325 had been the creation of innovative synergies whereby the Government, peoples' representatives and civil society were working together on a gender policy for women's inclusion in the peacebuilding process.

27. **Ms. Ntirampeba** (Burundi) said that people were becoming more sensitive to the issue of maternity leave, although the relevant provisions of the Labour Code were not always fully implemented. She was unaware of any cases of wage discrimination in the formal sector, although that situation did arise in the informal sector.

28. Although the provision of free primary education had doubled the number of children attending school, it had caused overcrowding and a teachers shortage; furthermore, some children still could not go to school because they lacked clothes or food. Through the Ministry of National Solidarity, efforts were being made to help indigenous children at the primary and secondary school levels, but not all children could be reached. Other measures taken in provinces with low enrolment rates for girls included school canteens.

29. No national statistics on the informal economy were available. A study of urban areas had shown that about 20 per cent of women were employed in the informal economy, mostly in small businesses.

30. **Ms. Nduwayo** (Burundi) said that women in rural areas tended not to receive microcredit on an individual basis, but they were encouraged to form mutual support associations and received instruction in income-generating activities.

31. **Ms. Coker-Appiah** said that HIV/AIDS prevention programmes focused mainly on young men and women, members of the armed forces, prostitutes and displaced persons, although there was evidence that married women were most at risk in Africa since they were unable to negotiate for safe sex, even if their husbands had multiple partners, were polygamous or had other risk factors.

32. Women valued the increased status accorded them by marriage and were reluctant to change their situation. If the focus was on the "abstinence, be faithful and use condoms" (ABC) approach, it would be difficult for the Government to reach its goal when half the population had no say in decision-making. She asked if any Government study had revealed a

prevalence of any other social factors that increased vulnerability to HIV/AIDS and, if so, whether steps had been taken to address them.

33. **Ms. Arocha Dominguez** said that future reports should provide more information on prevention and on the most vulnerable groups, such as prostitutes and the poor. She also noted the absence of data on maternal mortality rates and asked for information on current trends and on training for birth attendants; reducing the maternal mortality ratio by three quarters was a target for one of the Millennium Development Goals.

34. **Ms. Zou Xiaojiao** requested more information on the National Reproductive Health Programme that had been initiated, including the time frame, capital investment and implementation mechanisms. She wondered what substantive progress had been made and what difficulties had been encountered.

35. She asked about the reasons for illegal abortions and whether the Government provided reproductive health services and sex education, particularly for young people, for example, by including information in school textbooks.

36. **Ms. Dairiam** (Rapporteur) said that the information on access to health services in the report appeared rather outdated; the inadequate infrastructures described were a common phenomenon in post-conflict countries. She wondered whether the Government had a targeted plan with a time frame for reconstruction and whether the allocation of international aid gave priority to health care since the sick could not take advantage of economic opportunities.

37. The very high maternal mortality rate was a typical post-conflict phenomenon which required a plan with targets and a time frame; she asked for an indication of current trends. The National Reproductive Health Programme did not include emergency obstetric care, which was a very important element in reducing maternal mortality.

38. **Ms. Pimentel** asked whether the National Reproductive Health Programme provided all women, especially the less educated and those in rural areas, with comprehensive reproductive health services that included access to family planning and contraceptive methods. She wondered how the Government made health providers accountable for physical and psychological violence and discrimination against women in a health-care setting. It would also be

interesting to know what measures were being taken to address quality as a component of health-care access and whether an effort had been made to inform female patients of their health-care rights and to enact appropriate legislation.

39. She also enquired about condom distribution and asked whether schools provided sex education for all students. Information on measures to reduce maternal mortality and unsafe abortions would also be welcome. Lastly, she would be interested to know the results of any efforts to educate women on emergency contraception and what was being done to ensure access to that method.

40. **Mr. Mahwera** (Burundi) said that HIV/AIDS was a sensitive issue for the entire population. The media, associations, school organizations and local collectives all supported efforts to tackle the problem. Although polygamy was prohibited by law, there was no interference in the practices of Muslim communities and Islam allowed a man up to four wives. It was an issue that required further attention.

41. **Ms. Nduwayo** (Burundi) said that the National Gender Policy required respect for the right of association in religious matters; it would be wise to conduct a study soon in order to decide how to address the problem of polygamy and HIV/AIDS.

42. The HIV/AIDS pandemic and the problems of poverty and prostitution were closely linked. She did not think that the maternal mortality rate was related to traditional attitudes, but rather to the nation's inadequate infrastructures; the effort to train traditional birth attendants had already begun to reduce the number of women who died in labour. The Government was committed to achieving the Millennium Development Goals, but it urgently needed financial assistance from its partners in order to do so.

43. Although a sectoral health policy had been developed, there was no time frame for its implementation. There had been a delay in implementation of the National Reproductive Health Programme; she had a copy of the relevant document and would provide it to the Committee, but she did not have the statistics that had been requested. Women did not admit that they had had an abortion for fear of prosecution, so there was no way to determine the frequency of the procedure.

44. Children under five were entitled to free medicine and the President was seeking ways to provide them with free medical services as well. The Interim Strategic Economic Recovery and Poverty Reduction Framework provided for the protection of children, but additional funds were needed.

45. **Ms. Ntirampeba** (Burundi) said that hospitals and clinics in rural areas sponsored awareness-raising clinics at which rural women and couples were informed of the available contraceptive measures. Age-appropriate sex education was provided to children in the schools starting in the fifth or sixth year of primary school and was included in the biology and civics curricula of the secondary schools. Condoms were not distributed in the schools.

Articles 15 and 16

46. **Ms. Tan** said that she welcomed the literacy and microcredit programmes for rural women and requested statistics on their access to drinking water, sanitation and health care. It would also be useful to know what percentage of those women owned land.

47. She wondered whether impact studies had been conducted with respect to the awareness-raising efforts of the Family Development Centre, the success of the National Reproductive Health Programme and, in particular, what the fertility rate was in rural areas and whether there had been a decline in the HIV infection rate in those areas. Information on the impact of the Rural Recovery and Development Programme since its extension to the provinces would also be welcome.

48. It appeared from the delegation's presentation that the Agricultural Rehabilitation and Sustainable Land Management Project had been expanded to include 14, rather than the original 10, provinces; she would appreciate clarification of that point. The report stated that the Project targeted rural women, who were responsible for food production; she wondered how many women in each province had benefited from it and whether it had indeed reduced poverty and increased agricultural production capacity.

49. Lastly, paragraph 147 of the report stated that women accounted for 40 per cent of the beneficiaries of the Rural Microcredit Fund, which had an annual budget of US\$ 1.5 million; she would like to know whether the Government had conducted a study of how those loans had been used.

50. **Ms. Ara Begum** pointed out that the Government's economic improvement and health programmes did not address the problem of violence against women and particularly domestic violence, which was frequent in rural areas. The fact that rape cases were often settled by the families concerned and women were sometimes forced to marry their rapists constituted a violation of women's human rights. It was essential to put an end to such settlements and to bring rapists to justice.

51. She wondered whether the health insurance mentioned in paragraph 108 of the report covered rural women with HIV/AIDS.

52. It was not clear what the Government was doing to make preschool education available in all areas, to address the security issues that made parents unwilling to send their daughters to school and to provide medical care and financial assistance to older, displaced, disabled and homeless women in rural areas.

53. **Ms. Gabr** pointed out that although the Government had various projects that targeted rural women, it did not seem to have developed an overall strategy or plan to address their problems. She was particularly concerned at the issue of property and inheritance rights, including the division of property following the death of a husband and the fact that a husband could sell the family's land — its primary source of income — without his wife's consent.

54. The agricultural production system should be modernized and basic services should be provided in order to ensure food security for the nation.

55. She would also like to know how the electoral lists were prepared in rural areas and to what extent rural women participated in political life.

56. **Ms. Maiolo** stressed the need to punish members of the police and the judiciary who encouraged rape victims to accept an informal settlement or to marry their rapists; if members of those bodies were subject to an internal disciplinary system, it might be difficult to bring them to justice. She also wondered whether there were schools for magistrates and the police and, if so, whether they received instruction in the equality of women and men before the law.

57. **Ms. Belmihoub-Zerdani** urged the delegation to contact the Committee secretariat if it needed any information on the Convention and its implementation or if it wished to invite one of the Committee's experts

to visit the country in order to help seek a solution to a specific problem.

58. Because Burundi had ratified all the international human rights instruments without reservations, as well as the African Charter on Human and People's Rights, and had incorporated the Convention into the Constitution, the Code of the Person and the Family and the Civil Code should apply equally to Muslims and non-Muslims, with no exceptions for Shariah or customary law. She would welcome information on the law applicable to divorce and inheritance and, specifically, on any provisions of marriage contracts that provided for an equitable division of property in the event of a death or divorce. She also wondered whether food subsidies were paid to the husband or the wife and which parent had custody of the couple's children following a divorce.

59. Lastly, as one of the world's three poorest countries and a post-conflict State, Burundi should demand that the international community meet its commitment to provide 0.7 per cent of gross domestic product (GDP) in the form of official development assistance (ODA).

60. **Ms. Tan** pointed out that customary law usually discriminated against widows. It was her understanding that wives and daughters could not inherit on the death of a husband or father; widows lost their homes and custody of their male children and could even be accused of witchcraft if their husbands had died of AIDS. Burial and mourning rites, ritual cleansing and forced marriage following a husband's death were also sources of concern. She wondered what laws, if any, criminalized such forms of discrimination and whether widows were entitled to free legal aid so that they could bring complaints before the courts. The Government should conduct a study to determine the number, age and standard of living of the dependents of widowed mothers, including whether the children had been withdrawn from school for financial reasons.

61. Paragraph 156 of the report stated that polygamy was resurfacing in some parts of the country; she would appreciate additional information on the public awareness campaign mentioned in that paragraph, including the provinces in which it had been conducted.

62. **Ms. Halperin-Kaddari** said the report showed that men and women did not enjoy the same rights in marriage; women received harsher punishments for

adultery and the husband was still considered to be the head of the household. It would be interesting to know whether there were any plans to address those inequalities. Additional information should be provided on the financial and property rights of women following divorce and on child custody and child support regulations. It would be useful to know whether there were any statistics on de facto unions and whether the law guaranteed the rights of women in such cases.

63. **Ms. Nduwayo** (Burundi) said that her delegation would provide additional data on women's land ownership at a later date.

64. **Ms. Ntirampeba** (Burundi) said that on average, Burundian women had between 6.2 and 6.3 children. With the support of Belgium, a women's centre in Bujumbura provided microcredit to women for projects in the surrounding area and the interior of the country. Women victims of domestic violence in rural areas did not denounce their husbands because they felt that society would blame them or reject them for speaking out. The number of domestic violence complaints had risen as a result of an awareness-raising campaign which had made women feel more comfortable about reporting it. Local authorities had been informed that the informal settlement of rape cases was illegal. The ritual cleansing of widows was not a custom in Burundi and widows and their children received support. Customary law still controlled inheritance rights, but the Government was considering the adoption of legislation to regulate those rights at the national level.

65. **Ms. Nduwayo** (Burundi) said that her delegation could not provide information on the number of magistrates who encouraged private settlements of rape cases because the practice was not permitted. The Family Code did not include any provisions relating to polygamy and her delegation would welcome assistance from the Committee in addressing that issue. The age of marriage was 21 for men and 18 for women; it was clear that discrimination existed and the Government would be reviewing the age difference. Her delegation would provide information on the status of widows and the rights of men and women following divorce at a later date. It welcomed the Committee's comments because they provided the Government with new perspectives on the problems facing women in Burundi.

66. **The Chairperson** said that the Government should consider ratification of the Optional Protocol and article 20, paragraph 1 of the Convention.

67. It was evident that Burundian women enjoyed a high level of participation in public life at the national level since 30 per cent of members of Parliament were women; that figure was one of the highest in the world. Incorporation of the Convention into the Constitution represented a very important step, but it was equally important to continue implementing new measures and drafting new legislation. The Government should continue to conduct awareness-raising campaigns and should transmit the Committee's concluding comments on the report to Parliament.

The meeting rose at 5.05 p.m.