



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fifth session

### Summary record of the 1555th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Thursday, 16 September 2010, at 3 p.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** *(continued)*

*Second periodic report of Burundi* (continued) (CRC/C/BDI/2; CRC/C/BDI/Q/2; CRC/C/BDI/Q/2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Burundi took places at the Committee table.*
2. **Mr. Pollar** asked whether any special measures had been taken to protect asylum-seeking and refugee children, particularly Rwandan or Congolese children.
3. He wished to know whether children from minority groups had the opportunity to practise their culture and use their language, and whether the State party ensured that they were not bullied by their classmates and did not quit school because of being different.
4. The delegation might also indicate what measures the State party had taken to help children who had been involved in the armed conflict to minimize the after-effects caused by the trauma of war, to reintegrate into society or to return to school. He asked if statistics were available on the number of children who had returned to school or enrolled in a study programme after their involvement in the hostilities.
5. **Ms. Nahayo** (Burundi) said that her country sought to guarantee children's freedom of expression, thanks in particular to the National Children's Forum, which was provided for by a law that would soon be issued by the President and which aimed to provide a forum where children could express themselves. There was also an association for young journalists, which gave children the opportunity to express themselves about issues affecting them, as well as an association of child workers that had branches in all provinces of the country and enabled young workers to make their voices heard, to speak out about their working conditions and to raise awareness of their rights among the public and employers.
6. **The Chairperson** asked whether the National Children's Forum was a national, provincial or municipal body.
7. **Ms. Nahayo** (Burundi) said that it was a national body whose members represented all the regions and municipalities of the country in order to illustrate as clearly as possible the diversity of Burundian children.
8. **Mr. Pollar**, referring to a section of the State party's report about children exercising their freedom of expression, asked how that could be reconciled with the exercise of parental authority.
9. **Ms. Nahayo** (Burundi) said that parental authority was essential, but that it did not in any way hinder children's freedom of expression and served only to steer children in the right direction, in order to prevent them from making mistakes or engaging in harmful activities.
10. War orphans were treated in the same way as "normal" orphans. The reason that an orphanage had recently been closed down was that the children had been mistreated; the food and care provided to them had been inadequate, so they had been transferred to an orphanage in Bujumbura where they were being properly brought up and cared for.
11. The situation of Batwa children had greatly improved, thanks to a reintegration policy for Batwa households, Government action and the work of UNIPROBA, an association for the defence of the Batwa population. Batwa children received support from the United Nations Children's Fund (UNICEF) and from the State, which provided them with clothing, school supplies and meals, among other things. Campaigns to help the Batwa

took the form of workshops and seminars with a view to ending the discrimination and scorn to which the Batwa had been subjected in the past.

12. Burundi had ratified both the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, but not the Convention on the Rights of Persons with Disabilities. Adoption of the latter was currently under consideration, as was a national law on the protection of persons with disabilities.

13. A budget had been established for the implementation of the national policy on orphans and other vulnerable children and the human rights policy, but the resources were inadequate at present because the financial and technical needs were considerable. The International Labour Organization (ILO) had committed to providing financial support for the implementation of a national action plan to combat the worst forms of child labour.

14. **Mr. Filali** asked whether the labour inspection system covered the informal sectors where children often worked, such as agriculture, domestic service and mining. While welcoming the fact that the State party had ratified the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), he asked whether a list of types of work prohibited to children had been drawn up and disseminated.

15. **Ms. Nahayo** (Burundi) said that most children worked with their parents in the fields but that such work was not exploitative because it was consistent with the children's abilities. Small-scale mining was done by adults, and to her knowledge no child had been forced to work in the mines. On the other hand, it was worrying that children below the legal age were sometimes employed as domestic workers, and the State would take strong measures to discourage households from using the services of children under 15 years of age.

16. **Mr. Ntahomvukiye** (Burundi) said that the General Labour Inspectorate monitored the formal sector, which was regulated by specific rules, but that the informal sector was not monitored at all. The Ministry of Labour and Public Service had drawn up a plan of action for the period 2011–2015 that should enable the Government to address the problem and provide possible solutions.

17. **The Chairperson** asked if the association of child workers played an active role in defending the rights of child domestic workers.

18. **Ms. Nahayo** (Burundi) said that the association enabled children to discuss issues affecting them and their rights and to organize activities and meetings. A mass reserved for young domestic workers was held every Sunday.

19. With regard to health issues, malaria was on the decline. Every household received three mosquito nets treated with insecticide, free Amodiaquine-based treatment and outpatient care in the case of an epidemic. Vaccination against childhood illnesses was free for children up to 5 years of age, as well as for pregnant and breastfeeding women. Periodic vaccination booster campaigns were carried out as needed. The Ministry of Health used a results-based financing system and focused its efforts on the fight against malaria and childhood illnesses.

20. In cooperation with local authorities, the World Food Programme distributed hot meals and gruel to children at school in regions where children suffered from malnutrition or undernourishment.

21. **Ms. Herczog** (Country Rapporteur) asked if children generally received meals at school.

22. **Ms. Nahayo** (Burundi) said that there was no school canteen service in Burundi, except in boarding schools.

23. **Ms. El Ashmawy** asked if there were any initiatives in place to promote breastfeeding.

24. **Ms. Nahayo** (Burundi) said that campaigns were carried out in health centres to encourage mothers to breastfeed their children for as long as possible — one to two years — and to dissuade mothers with HIV/AIDS from breastfeeding. Hospitals held awareness-raising sessions on breastfeeding for women who came for prenatal or post-natal consultations. Five pilot sites had been set up in the country with the help of several partners, including the United Nations Population Fund and UNICEF, to help prevent mother-to-child transmission of HIV.

25. A national policy for nutritional rehabilitation had been implemented in all 17 provinces of the country, in cooperation with the Ministry of Health, UNICEF and other organizations. Therapeutic foods were administered in cases of severe malnutrition. Burundi was working towards becoming self-sufficient in vaccine procurement, but it still needed help from its partners, including the GAVI Campaign. In health centres, the family planning service provided training on hygiene and health focusing on changing behaviour.

26. **Mr. Filali**, noting that the former Ministry responsible for Combating AIDS had been replaced by a department, asked if that change indicated that the problem had diminished. He wished to know whether Government aid was provided to NGOs and associations that supported AIDS sufferers. He also asked whether the country had enough specialist doctors to care for women living in rural areas who experienced problems during childbirth.

27. **Ms. Nahayo** (Burundi) said that the Ministry responsible for Combating AIDS, which had been established for political reasons, had merged with the Ministry of Health because of budgetary constraints, but that its demise would in no way hinder the Government from pursuing its objectives and sectoral policies in the fight against AIDS.

28. Burundi had many general practitioners but few specialist doctors. All doctors were, however, required to complete a residency in every hospital department and should be able to perform a Caesarean section if needed. Nevertheless, the distance to hospitals remained a risk for pregnant women, and efforts were being made to bring clinics and health centres closer to the population through the community service programme.

29. Only vulnerable adolescents received free medical care, assuming that their parents could not afford to pay for their treatment. Civil servants received an insurance card, which entitled them to pay only 20 per cent of their total health-care costs. Youth centres, where young people could express themselves freely, operated throughout the country and provided them with the necessary information on HIV/AIDS and other communicable diseases.

30. **Ms. Maurás Pérez** said she wished to know whether the Government had a policy to promote the sexual and reproductive rights of adolescents, including their freedom to request and obtain information on those rights, as required under the Convention. She welcomed the fact that adolescents could express themselves with full freedom and confidentiality in youth centres but asked if those centres dealt with issues other than AIDS and if they were concerned more generally with other aspects of adolescents' health and development.

31. **Ms. Herczog** (Country Rapporteur) asked how children whose parents did not have health coverage were taken care of, given the requirement of the Convention for all children to have access to free health care in all areas of health, not just sexual health, until the age of 18.

32. **Ms. Varmah** (Alternate Country Rapporteur) asked whether adolescents could obtain contraceptives, which would reduce the number of cases of HIV/AIDS.

33. **Mr. Filali** said he wished to know whether children whose parents were not employed, were not registered or were foreigners could receive social security benefits.

34. **Ms. El Ashmawi** asked whether the country had a system for collecting disaggregated data on the problems faced by adolescents, particularly health problems such as anaemia, malnutrition, parasitic infections or abuses such as child marriage, harassment or exploitation.

35. **The Chairperson** asked if there was a hotline for adolescents who were in trouble or who were being exploited.

36. **Ms. Nahayo** (Burundi) said that there was no hotline, but that the child could confide in someone who could help them find solutions or intervene on their behalf in cases where the child's rights had been violated. The youth centres did not deal only with HIV/AIDS; they also served as meeting points where young people could discuss their problems in areas such as leisure, sport, associations, training or HIV. Every commune had its own youth centre, which meant that there were 129 in total.

37. With regard to access to contraceptives for adolescents, sexual liberation was not encouraged and the action taken in Burundi was discreet. Contraceptives for men could be found in public places.

38. Free health care was reserved for children up to the age of 5; above that age, only vulnerable children received such care. There was no specific policy for children whose parents were not civil servants. Starting in 2011, employees other than civil servants (such as agricultural workers and those employed in the private sector) would have access to health insurance. Universal coverage was still in the planning stage.

*The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.*

39. **Ms. Nahayo** (Burundi) said that in order to ensure a quality education, teachers attended a refresher course every month that included, inter alia, training in teaching methods. To compensate for the lack of teachers in the country, individuals who had completed secondary school had the option to attend a six-month accelerated training course; upon completion they received a teaching qualification. Owing to a lack of teaching staff, however, teachers were often obliged to teach one class in the morning and another in the afternoon in the same school. In order to prevent rural areas from being disadvantaged in education, incentives in kind or in cash had been introduced to encourage teachers to live outside of Bujumbura.

40. **Mr. Filali** asked if strikes were common in the national education system and what effects they had on the organization of the school year.

41. **Ms. Nahayo** (Burundi) said that the teachers' strike had taken place because the previous Government had broken its promises about teachers' salaries, and that the new Government, which did not have the means to honour those commitments, had had to negotiate with the trade unions. A consensus had been reached and the teachers had returned to work. The Government would seek to maintain dialogue with union representatives so that such situations would not occur again.

42. Parents were involved in school life through parent committees, which helped to resolve educational, financial or behavioural problems that arose in daily school activities.

43. **Mr. Krappmann** asked if parents were legally required to send their children to school and if there were any penalties for those who did not. He wondered whether the current situation remained as worrying as that described in paragraph 320 of the State

party's report, with regard in particular to the high percentage of working children and the high dropout rate, especially in primary school.

44. **Ms. Nahayo** (Burundi) admitted that many children dropped out of primary school in order to work, often with encouragement from their parents, who needed supplementary income. She said that young girls often dropped out to help their mothers with household chores or to help raise their brothers and sisters, and, later on, because they were pregnant. The authorities, including the heads of *collines* (the smallest administrative units in Burundi) and neighbourhood leaders, were trying to curb dropout by raising awareness among parents and by identifying working children so that they could return to school.

45. Children had the opportunity to express their concerns and opinions about school and extra-curricular activities on various radio and television programmes.

46. There was one public orphanage in the country located in Bujumbura and 43 private orphanages, which had been approved by the Ministry of the Interior and had signed partnership agreements with the Ministry of National Solidarity and were thus monitored by the authorities. Other orphanages operated illegally and sought to make a profit at the expense of the children, whom they exploited. It was those establishments that the Government was trying to identify in cooperation with the Family Development Centre so that it could close them down.

47. **Ms. Varmah** (Alternate Country Rapporteur), supported by **the Chairperson**, wondered how anyone could make a profit from an orphanage, given that it was the most expensive form of child protection. She wished to know if there were minimal standards for the management of such establishments.

48. **Ms. Nahayo** (Burundi) said that some establishments that did not respect the law siphoned off the food supplies they received from the State and sold them instead of using them to feed the children. In order to prevent that and other forms of abuse, the competent authorities made on-site visits as soon as they became aware of any possible abuse or other suspicious activities carried out by one of those establishments.

49. She did not have any statistics on the placement of orphans in foster homes or in institutions. Street children were primarily taken care of by the Shelter and Social Rehabilitation Centre, which had been funded since 2008 by the Heavily Indebted Poor Countries (HIPC) Initiative. Since those funds had been allocated, 354 street children had been reintegrated into society.

50. **Ms. Herczog** (Country Rapporteur), noting that according to some sources there were more than 20,000 street children in Burundi, asked whether the Shelter and Social Rehabilitation Centre chose which children it would rehabilitate. She also asked how many national and intercountry adoptions took place.

51. **Mr. Pollar** asked what the Government was doing to prevent children from living on the street.

52. **Ms. Nahayo** (Burundi) said that she did not know exactly how many children were living on the street, but that studies were under way to determine how widespread the problem was. In an effort to prevent vagrancy and to discourage families from sending their children out on the streets to beg, her Government was implementing a policy to provide means of support to families in need and to create income-generating activities. Children were reintegrated mainly through schools or vocational training. Also, the Shelter and Social Rehabilitation Centre aimed to teach vagrant children how to live as part of the community once again.

53. No exact figures were available on the number of national and intercountry adoptions because the Government measures to improve the monitoring of adoption

procedures were still too new. Until recent years, many private lawyers had taken matters into their own hands and had specialized in adoption for profit. Adoptions were now carried out in accordance with Burundian law and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Burundi was also committed to following up on children adopted at home and abroad.

54. **Ms. Varmah** (Alternate Country Rapporteur) said she wished to know whether the State party planned to amend its legislation so that girls would have the same inheritance rights as boys.

55. **Ms. Ntakaburimvo** (Burundi) said that her Government intended to draft an inheritance law that would allow girls to inherit under the same conditions as their brothers. Inequalities in matters of inheritance and succession were most blatant in rural areas, where land was passed down to boys first and foremost. In towns, the courts already made every effort to ensure that boys and girls inherited equally.

56. The Burundian Criminal Code provided for penalties of imprisonment for parents who did not fulfil their maintenance obligations, though other measures were also possible. In the case of a debtor parent who was a civil servant, a portion of their salary could be seized by the State to be used as child support. In the case of farmers, a plot of land could be given to the wife or child. There were, however, a number of difficulties involved in implementing court decisions on the recovery of maintenance for children.

57. The figures mentioned by Committee members claiming there were 500 minors imprisoned in Burundi were not correct. As of 9 September 2010, there were 261 minors awaiting trial, 104 convicted minors and 67 children living with their mothers in prison. No measures had been taken to free children being held with their mothers, because it was difficult to find a solution: in most cases the children wished to remain in prison with their mothers. In theory, minors who were interrogated were not accompanied, because the Burundian authorities had not yet implemented an effective policy on legal assistance for minors. Many minors did, however, receive legal assistance from NGOs, including the services of a lawyer. Cases were conducted in closed session if requested by the minor concerned. Many options were being considered to speed up legal proceedings, because the fact was that the administration of justice was too slow.

58. Since the establishment of the Unit for the Legal Protection of Minors, each regional court, of which there was one in each of the 17 provinces, included three judges and two officers from the public prosecutor's office who specialized in juvenile justice, all of whom had undergone specialized training.

59. **Ms. Varmah** (Alternate Country Rapporteur) welcomed the fruitful dialogue with the delegation of Burundi, which had given the Committee a very clear picture of the situation of children in the country. The Committee had no doubt that Burundi would continue its efforts to further improve protection of the rights of the child.

60. **Ms. Nahayo** (Burundi) said that her delegation had taken due note of the Committee members' recommendations and observations.

*The meeting rose at 6 p.m.*