



Convention on the Rights of the Child

Distr.: General
8 July 2026
English
Original: French
English, French and Spanish only

Committee on the Rights of the Child

Combined third to fifth periodic reports submitted by Burundi under article 44 of the Convention, due in 2015* **

[Date received: 29 March 2024]

* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



I. Introduction

1. The Republic of Burundi ratified the Convention on the Rights of the Child by Decree-Law No. 1/032 of 16 August 1990. The initial report on the implementation of the Convention (CRC/C/3/Add.58) was submitted to the Committee on the Rights of the Child in 2000 (CRC/C/15/Add.133). The second periodic report on the implementation of the Convention (CRC/C/BDI/2) was submitted to the Committee on the Rights of the Child in 2008 (CRC/C/BDI/Q/2/Add.1).
2. The present report constitutes the third to fifth periodic reports and addresses the concerns and recommendations of the Committee, issued in 2010, regarding the second periodic report.
3. It was developed under the coordination of the ministry responsible for the promotion and protection of children's rights, through an interministerial standing committee tasked with drafting initial and periodic reports and following up on recommendations.¹
4. The report was reviewed and endorsed at workshops held in 2023, with participation by members of the standing committee, development partners and civil society organizations working on child protection issues. The report covers the period from 2010 to 2023.
5. With regard to methodology, data collection was conducted in three phases: (i) an analysis of legal instruments on child protection; (ii) field visits and interviews with key stakeholders working on children's issues; and (iii) documentary research.

A. Presentation of Burundi

6. Burundi is an East African country that has a surface area of 27,834 km², 25,950 km² of which is land. Although landlocked, it lies on Lake Tanganyika (32,600 km², of which 2,634 km² belongs to Burundi) at the eastern end of the Great Rift Valley. Rwanda lies to the north, Tanzania to the south and east, and the Democratic Republic of the Congo to the west.
7. The population of Burundi was estimated at 11,495,438 inhabitants in 2017 and could reach 14.9 million by 2030,² with a natural growth rate of 2.4% per year, an average household size of 4.8 people and a total fertility rate of nearly 5.9 children per woman.³ According to the population pyramid, young people and children account for more than 60 per cent of the population.⁴
8. The administrative organization of Burundi has four levels: the provinces, the communes, the collines (hills) and the districts. The national language is Kirundi. The official languages are Kirundi and the other languages determined by the Constitution.⁵ The national currency is the Burundi franc. The principle of the separation of powers is guaranteed by the Constitution.
9. In terms of politics, a new Constitution was promulgated in 2018. Burundi held peaceful and transparent elections in 2015 and 2020, which resulted in the establishment of democratically elected institutions. Furthermore, Burundian refugees of all ages have continued to return voluntarily to their native country since 2018.
10. As for the economy, Burundi devised the National Development Plan 2018–2027 and “Vision Burundi: Emerging country by 2040, developed country by 2060” as part of the structural transformation of the economy.

¹ Member ministries include: the Ministry of Human Rights, Social Affairs and Gender, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Justice, the Ministry of the Interior and Patriotic Education, the Ministry of Public Security, the Ministry of Civil Service, Labour and Employment, the Ministry of National Defence and Veterans Affairs and the Ministry of Public Health and AIDS Control.

² National Development Plan 2018–2027.

³ Population and Housing Census, Third Demographic and Health Survey 2016–2017.

⁴ National Statistics Institute.

⁵ Constitution of Burundi, art. 5 (1).

B. Definition of the child

11. Under article 19 of the Constitution of Burundi, the rights and obligations enshrined in and guaranteed by duly ratified international human rights instruments are an integral part of the Constitution.

12. Act No. 1/27 of 29 December 2017 amending the Criminal Code reflects the definition of a child set forth in article 1 of the Convention on the Rights of the Child and article 2 of the African Charter on the Rights and Welfare of the Child. Under article 535 of the Criminal Code, the term “child” refers to any person under the age of 18 years.

13. Articles 335 and 337 of the Persons and Family Code specify that the age of majority is 21 years.⁶ The legal age of marriage is 18 years for girls and 21 years for boys. The minimum voting age is 18 years.

14. Pursuant to Ministerial Order No. 630/1 of 5 January 1981, the minimum age for employment established in the Labour Code is 16 years. Burundian legislation protects minors against participation in armed hostilities, as the Constitution provides that no child may be used directly in an armed conflict and that the protection of children must be ensured in periods of conflict (art. 45). The minimum age for voluntary enlistment in or recruitment to the Burundi government armed forces was raised from 16 to 18 years pursuant to Act No. 1/17 of 29 April 2006 on the status of enlisted personnel in the National Defence Force.

II. General measures of implementation (arts. 4, 42 and 44)

15. Following the Committee’s 2010 concluding observations on the second periodic report, the Government established a legal framework aimed at strengthening the promotion and protection of children’s rights. It includes:

(a) Act No. 1/19 of 10 September 2013 on the organization of primary and secondary education, which introduced free compulsory education;

(b) Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and protection for victims of trafficking;

(c) Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence;

(d) Act No. 1/27 of 29 December 2017 amending the Criminal Code, which strengthens the protection of children’s rights through, inter alia, an increase in the age of criminal responsibility from 13 to 15 years, the recognition that being aged under 18 years constitutes a mitigating circumstance and the introduction of measures to protect children against domestic violence, incitement to immoral behaviour, procuring, prostitution, rape, kidnapping, fraudulent adoption, sale, exploitation and pornography, among others;

(e) Act No. 1/03 of 10 January 2018 on the protection and promotion of the rights of persons with disabilities;

(f) Act No. 1/09 of 11 May 2018, amending the Code of Criminal Procedure, which contains provisions that prioritize the best interests of minors under the age of 18 years who are in conflict with the law;

(g) The Act of 7 June 2018 promulgating the Constitution of the Republic of Burundi: articles 30 (3), 44, 45 and 46;

(h) Act No. 1/07 of 12 March 2020 amending Act No. 1/012 of 3 March 2018 on the Healthcare Services Code;

(i) Act No. 1/12 of 12 May 2020 on the Social Protection Code;

(j) Act No. 1/07 of 29 October 2020 amending Act No. 1/22 of 30 December 2011 on the reorganization of the higher education system;

⁶ The Persons and Family Code is being revised for harmonization purposes.

(k) Act No. 1/09 of 13 November 2020 amending Act No. 1/08 of 28 April 2011 on the general organization of the public administration;

(l) Act No. 1/11 of 24 November 2020 amending Decree-Law No. 1/037 of 7 July 1993 amending the Labour Code;

(m) Act No. 1/06 of 19 March 2021 on the Chemicals Management Code;

(n) Act No. 1/09 of 25 March 2021 amending the Environmental Code;

(o) Act No. 1/025 of 25 November 2021 regulating migration in Burundi;

(p) Organic Act No. 1/27 of 9 December 2021 amending Organic Act No. 1/03 of 20 February 2017 on the mission, organization, composition and operation of the Burundian National Police;

(q) Decree No. 100/090 of 28 October 2020 on the mission, organization and operation of the Ministry of Education and Scientific Research, including article 9 (8) on the establishment of an office for inclusive education among the specialized offices and structures directly reporting to the Minister.

16. At the institutional level, a framework conducive to the protection of children's rights has been strengthened. Noteworthy actions include:

(a) The establishment in 2011 of a Department of Children and Families under the Ministry of National Solidarity, Social Affairs, Human Rights and Gender;

(b) The establishment in 2011 of the National Independent Human Rights Commission, one of whose members is a representative of children's rights organizations;

(c) The establishment of the National Technical Coordination Committee for Child Protection;

(d) The establishment of a national task force to promote girls' education within the Ministry of Education and Scientific Research;

(e) The establishment of the Permanent Secretariat for Social Protection under the ministry responsible for human rights;

(f) The establishment of a multisectoral national committee for the elimination of the worst forms of child labour;

(g) The development across the Ministry of Justice of divisions or units for minors in conflict with the law and for victims of sexual violence in district courts and public prosecutors' offices attached to courts of appeal;

(h) The improvement of detention conditions for children through the establishment of two rehabilitation centres for minors in conflict with the law;⁷

(i) The establishment in 2011 of the Juvenile Justice Unit in the Ministry of Justice;

(j) The specialized police unit responsible for the protection of minors, which works with various categories of at-risk children;

(k) The establishment in 2012 of the National Children's Forum, which enables children to participate in all decisions that affect them.

(l) The establishment of five integrated centres for the provision of holistic care to victims of gender-based violence;

(m) The establishment of child protection committees at the national, provincial, communal and colline levels.

17. Burundi has also adopted policies and programmes to improve the realization of children's rights. These include:

⁷ Ministerial Order No. 550/663 of 17 April 2015 establishing rehabilitation centres for minors in conflict with the law (in Rumonge and Ruyigi).

- (a) The National Child Protection Policy 2020–2024;
- (b) The Ministry of Justice sectoral policy for 2016–2020, as revised for the period 2023–2027;
- (c) The national strategy for preventing the phenomenon of children in street situations and adult beggars and for their reintegration into the community;
- (d) The National Strategy on Alternative Care for Children;
- (e) The National Strategy for the Socioeconomic Reintegration of Disaster Victims;
- (f) The 2010–2015 action plan to eliminate the worst forms of child labour, including the commercial sexual exploitation of children, developed by the Ministry of Civil Service, Labour and Employment;
- (g) The Minimum Standards for Children in Institutions or Children Deprived of a Family Environment.

18. The international conventions and other agreements in force in Burundi include:

- (a) Act No. 1/05 of 5 April 2012 on the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- (b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 2013;
- (c) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, ratified in March 2014.

19. To coordinate policies relating to children and monitor the implementation of the provisions of the Convention, Burundi has established the following mechanisms:

- (a) The ministry responsible for child protection, whose primary mission is to roll out policies and initiatives to support vulnerable groups, including children, and which coordinates and implements the National Policy on Orphans and other Vulnerable Children through the Department of Children and Families;
- (b) The Ministry of Justice, which includes the Juvenile Justice Unit;
- (c) The ministry responsible for civil registration matters, which also has a specialized unit for the protection of minors and public morals;
- (d) The Ministry of Civil Service, Labour and Employment, which is addressing the issue of child labour through the 2010–2015 action plan to eliminate the worst forms of child labour;
- (e) The Ministry of Education, which coordinates educational activities for children at the preschool, compulsory and post-compulsory levels;⁸
- (f) The Ministry of Public Health and AIDS Control, which runs programmes to promote and protect children's health via the Expanded Programme on Immunization, the National Reproductive Health Programme and the Programme for the Prevention of Mother-to-Child Transmission;
- (g) The Ministry of East African Community Affairs, Youth, Sports and Culture, which coordinates activities to promote youth participation and development.

20. At the local level, a community-based mechanism for the promotion and protection of children's rights, known as the Child Protection Committee, has been established at the colline, communal and provincial levels under the coordination of the Provincial Coordination Committee for Child Protection.

⁸ Post-compulsory education includes vocational training and literacy programmes, with pathways in modern literature and science.

21. In general, the various sector-specific ministries work in synergy to promote and protect children's rights. Several measures have been taken to raise public awareness of the national and international legal instruments on children's rights that Burundi has adopted or ratified.

22. International non-governmental organizations (NGOs) and civil society organizations working on children's issues are involved in promoting the Convention. For example, since 2012, the Ministry of Justice and the Ministry of Public Security have been collaborating with the NGO International Bureau for Children's Rights to integrate children's rights and juvenile justice into basic, in-service and specialized training programmes. In 2015, 217 judges and 75 police officers received training on children's rights and juvenile justice. The objectives of these various information and training tools are to: (i) raise public awareness of children's rights; (ii) ensure a thorough understanding of the principles and content of the various texts relating to children's rights and draft implementing legislation under domestic law; and (iii) build the capacity in the area of children's rights to promote behavioural change.

23. To strengthen programmes aimed at raising awareness of children's rights, efforts are under way to translate legal texts and training manuals into Kirundi, the national language. Groups of trainers have been formed to educate the public and raise awareness about children's rights. Public and private media play an essential role in promoting children's rights. For instance, programmes on human rights in general, and children's rights in particular, are produced and broadcast on the national radio channel by the Centre for the Promotion of Human Rights and Prevention of Genocide.

24. In addition, children are involved in peer education. For example, 25 budding child journalists, trained and supervised by the United Nations Children's Fund (UNICEF), host programmes on children's rights.

25. With regard to the preparation and endorsement of reports and their dissemination to the general public, the present report was prepared through a participatory process involving all government bodies and NGOs concerned with children's issues. It was endorsed following discussions held at a national workshop bringing together the relevant stakeholders. Its dissemination is ensured by these stakeholders through the distribution of copies and the organization of regional seminars.

26. Follow-up to the recommendations made by the Committee on the Rights of the Child is conducted by the Standing Committee for the Drafting of Initial and Periodic Reports, in coordination with the Department for Treaty Bodies, Special Procedures and the Universal Periodic Review of the United Nations, as well as other mechanisms housed within the ministry responsible for human rights.

III. General principles

A. Non-discrimination

27. Article 13 of the Constitution states that: "All Burundians are equal in merit and dignity. All citizens have the same rights and are entitled to the same protection under 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." Article 13 is supplemented by article 22, which states that: "All citizens are equal before the law, which affords them equal protection. No one may be discriminated against on the grounds of origin, race, ethnicity, sex, colour, language, social situation, religious, philosophical or political beliefs, physical or mental disability, HIV/AIDS status or having any other incurable disease." The content of these articles is reflected in the appropriate measures taken by the Government of Burundi to improve access to services, including those that benefit children. These measures include:

- (a) Free healthcare for children up to the age of 5 years;
- (b) Free delivery care and free prenatal and postnatal check-ups for mothers;

- (c) Establishment of school cafeterias that provide food to more than 600 students;
- (d) Free basic education.

28. In addition, the 2018–2027 National Development Plan is designed to help significantly reduce poverty and improve the living conditions of women and children. It has led to improved access to basic social services, including civil registry offices, community health centres and schools.

B. Best interests of the child

29. The Constitution states that the best interests of the child, as enshrined in article 3 of the Convention, must be the primary consideration in all actions taken with respect to children by courts, administrative authorities and public and private social welfare institutions.

30. In criminal matters, safeguarding the best interests of the child is a priority for the legislature:

- (a) Article 28 of the 2017 Criminal Code raises the age of criminal responsibility to 15 years;
- (b) Article 29 provides for reduced sentences in cases where the perpetrator of or accomplice in an offence is a minor between the ages of 15 and 17 years;
- (c) Article 30 sets forth a list of protective, educational and supervisory measures that may be ordered in the interests of a minor. These include a warning, a reminder of the law, handing the child over to a parent, guardian or trusted individual, etc.;
- (d) The Code of Criminal Procedure, meanwhile, contains an entire chapter on the judicial protection of children in conflict with the law.

31. With regard to marriage, the Persons and Family Code protects the interests of children. For example, during the divorce process:

- (a) Article 172 provides that during divorce proceedings, at the request of either party, the court may, in the interests of the family and the children, order the spouses to live separately and decide on the return of personal belongings;
- (b) Article 175 provides that, during the proceedings, the judge may order that all or some of the minor children be placed in the custody of either the father, the mother or a third party, taking into account the interests of the children.

32. In addition, capacity-building sessions for government officials and civil society actors in their respective fields of work are regularly organized to equip them with the knowledge necessary to serve the best interests of the child.

C. Right to life, survival and development

33. Article 21 of the Constitution states that human dignity must be respected and protected. This statement is reinforced by article 24, which states that every human being has the right to life. Any violation of a child's dignity or rights is punishable under the Criminal Code, including: (i) abortion (arts. 528–534); (ii) infanticide (art. 214); (iii) exposure or abandonment of a child (art. 535); and (iv) inciting a child to commit unlawful acts or acts likely to endanger his or her health, morals or development (art. 541).

34. In the health sector, the Government has developed several other measures aimed at accelerating progress towards Sustainable Development Goal 3 by reducing child mortality and improving maternal health. Furthermore, on the legislative front, a law providing legal protection for persons living with HIV/AIDS was passed in 2005.⁹

⁹ Act No. 1/08 of 12 May 2005 on the Constitution of the Republic of Burundi.

D. Respect for the views of the child, providing information to children and promoting their participation (arts. 4, 7 and 12)

35. Freedom of expression is enshrined in article 31 of the Constitution. Children in Burundi are free to exercise their right to seek, receive and disseminate information and ideas by all legal means. In 2012, the Government established the National Children's Forum, which serves as a legal framework for children's participation and expression in respect of all matters that concern them.

36. The Forum constitutes or has given rise to: (i) a forum for dialogue between its members and other citizens; (ii) a place for children to express themselves; (iii) a forum for consultation and advocacy to better protect children and ensure their survival, development and participation; (iv) a framework for informing the public and raising awareness about the implementation of the various instruments that protect children's rights, such as the Convention and the African Charter on the Rights and Welfare of the Child; (v) the creation of a children's hotline (+257 116), which serves as a mechanism for raising the alert about, preventing and reporting violations of children's rights and for the adoption of appropriate measures in response; and (vi) clubs in schools where children can express their opinions.

37. Lastly, the Day of the African Child, which is celebrated on 16 June each year, is an opportunity for children to express their opinions.

V. Civil rights and freedoms

A. Name, nationality, identity and birth registration

38. Article 12 of the 2018 Constitution states that: "Burundian nationality is acquired, retained and lost under the conditions established by law. The law on nationality grants children born to a Burundian father or a Burundian mother the same rights." Article 34 of the 2018 Constitution states that: "No one may be arbitrarily deprived of his or her nationality or of the right to change nationality." Dual nationality is now recognized under Act No. 1/013 of 18 July 2000, amending the Nationality Code. Dual nationality is enjoyed by any individual who acquires a second nationality in addition to his or her original one.

39. In Burundi, birth registration is free. Article 37 of the Persons and Family Code states that: "Births must be registered within 15 days. A fine is imposed for late registration to discourage irresponsible parents." Registrars are responsible for registering births. Birth certificates can be obtained by contacting the civil registry office of the commune where the child's mother lives and where the child was registered. Late birth registration campaigns have been conducted since 2010.

40. Standard registration processes are continuing as usual, although civil registry services are suffering from a lack of electronic data. Nevertheless, pursuant to the recommendation made by the African ministers responsible for civil registration at a meeting in Durban, South Africa, a system for collecting vital statistics has been set up, making Burundi a pioneer among French-speaking African countries.

41. According to the 2010 demographic and health survey,¹⁰ the birth registration rate is 70% for children under 2 years old and 78.7% for children aged 2 to 4 years. When it comes to place of residence, the rate is higher in urban areas, at 86.6%, and lower in rural areas, at 74.1%, and the rate stands at 75.4% for boys and 74.9% for girls.

42. As regards statelessness, article 3 of the Nationality Code states that: "A child born in Burundi to legally unknown parents or found in Burundi is presumed by law to be Burundian, unless it is established that the child was not born on Burundian soil."

¹⁰ 2010 demographic and health survey, pp. 43–44.

B. Freedom of expression

43. Article 31 of the Constitution guarantees freedom of expression. Across the country, there are more than a dozen public and private radio stations that broadcast special programmes for children and young people to support their psychological, intellectual and sociocultural development. Information and communications technology, although introduced only recently, allows children to access a wealth of information that is useful for their development, including through social media.

44. However, Burundi does not yet have a monitoring tool that would allow these resources to be adapted for use by children. Nevertheless, the Child Journalists Programme, which addresses the objectives set out in articles 12–14 and 17 of the Convention, has been running since 2006. Children who participate in the Programme are given the tools to raise awareness among other children, the general public and decision makers in Burundi and elsewhere about the situation of the country's most vulnerable children. These child journalists make films on issues that affect children.

C. Freedom of thought, conscience and religion (art. 14)

45. Article 31 of the Constitution states that the State respects freedom of religion, thought and conscience. As with freedom of expression, children exercise the rights granted to them by law up to the age of 18 years.

D. Freedom of association and of peaceful assembly

46. Article 32 of the Constitution guarantees freedom of assembly and association, as well as the right to form associations or organizations in accordance with Act No. 1/02 of 27 January 2017, which establishes the organizational framework for non-profit organizations and limits membership to persons who have reached the age of majority (21 years). However, children may join youth movements of a cultural, sporting, social or religious nature.

E. Protection of privacy (art. 16)

47. The right to privacy is enshrined in articles 28 and 43 of the Constitution. Article 28 provides that all men and women are entitled to respect for their private and family life, their home and their personal communications. Article 43, meanwhile, states that no one may be subjected to arbitrary interference with his or her privacy, family, home or correspondence, nor to attacks upon his or her honour and reputation. This family environment helps to preserve children's privacy and to promote their development.

F. Protection of children from abuse and ill-treatment

48. Article 25 of the Constitution states that: "No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment." Article 44 of the Constitution states that: "Every child has the right to special measures to ensure or improve the provision of the care needed for his or her well-being, health and physical safety, and to be protected from ill-treatment, abuse and exploitation."

VI. Family environment and alternative care

49. The Burundian family structure consists of three levels: the nuclear family, the household or family compound, and the extended family. Owing to the sociopolitical crisis that Burundi has been experiencing since 1993, as well as the HIV/AIDS pandemic, this family structure has been disrupted to such an extent that there are now single-parent families,

as well as a new phenomenon known as child-headed households.¹¹ Ever-spreading poverty has adversely affected family structures and children's living conditions.

50. To address these challenges, the Government has launched programmes to improve the socioeconomic situation of low-income households for the welfare of children. These include, in particular: (i) the implementation of the National Social Protection Policy, which covers the entire population by extending social security to the informal sector; (ii) the implementation of the Merankabandi national social safety net project to provide financial support and promote the economic recovery of low-income families; (iii) the funding of rural cooperatives to support the economic recovery of low-income households; (iv) the establishment of the Women's Investment and Development Bank to support the economic recovery of households; (v) the promotion of private investors, which has led, in particular, to the creation of the Burundi Community and Agricultural Bank; (vi) communal development plans, which also contribute to the economic recovery of households in keeping with local priorities and contexts; and (vii) government subsidies for fertilizers.

A. Parental supervision (art. 20)

51. Under article 30 of the Constitution, parents have the inherent right and duty to raise and educate their children. This is achieved through education, spiritual, cultural and moral guidance and other activities utilizing information and communications technologies, such as radio, television and mobile phones, with a view to children's holistic development and respect for the best interests of the child.

B. Parental responsibilities (art. 20 (1))

52. Parental responsibilities, as described in article 30 of the Constitution, are also recognized in Title X of the Persons and Family Code, on parental authority, which is defined as the set of prerogatives which fathers and mothers exercise over the person and property of the child in the child's interest (art. 284). In addition, article 289 of the Code specifies that the right of custody entails an obligation on the part of the father and the mother to support and raise the child in accordance with their circumstances and means.

53. However, in cases of abuse of parental authority, physical abuse against a child, gross misconduct or absolute incapacity, the competent court may temporarily or permanently deprive the father or mother of parental authority over their child (art. 298).

C. Separation from parents (arts. 19 (2), 3 and 25)

Children deprived of a family

54. Under article 19 (2) of the Charter, every child who is separated from one or both parents has the right to maintain personal relationships and regular, direct contact with both parents. The Persons and Family Code also grants custody of the child to the parents,¹² unless the competent court decides to separate the child from its parents in the context of divorce or deprivation of parental authority.

55. A study of the situation of children in residential centres in Burundi showed that there were 98 centres, with a total of 5,520 children (2,619 girls and 2,901 boys), and that additional centres were under construction. Of the 98 centres, 15 provide care for children with disabilities. The study also showed that 50 centres were opened during the crisis period (1993–2005) and 15 between 2006 and 2011.¹³ Today, there are 125 residential centres.

¹¹ Refers to children who are required to assume parental responsibilities before reaching the legal age for marriage.

¹² Persons and Family Code, title XI, chap. I.

¹³ Minimum Standards for Children in Institutions or Children Deprived of a Family Environment, December 2011, p. 5.

56. To coordinate the management of children's residential centres, the Government, with the support of development partners, adopted the Minimum Standards for Children in Institutions or Children Deprived of a Family Environment. The Department of Children and Families under the ministry responsible for human rights coordinates, monitors and evaluates the operations of these centres.

57. To guide its efforts to protect children deprived of parental care, the Government adopted a reference document for stakeholders in the sector, namely, the National Strategy on Alternative Care for Children and the related operational plan.

Children in street situations

58. The quantitative study conducted in 2010 identified 3,253 children in street situations in the country's three major cities (Bujumbura, Gitega and Ngozi), where the problem is most prevalent. The study divided street situations into three categories:¹⁴ (i) "the street as a source of income", which refers to children who are sent out or accompanied by their parents or relatives or are rented to acquaintances and who spend the day on the street and return home in the evening with the money they have obtained through begging, which they give to whoever sent them out; (ii) "the street as a shelter", which refers to children who are living in an unhealthy family environment and are therefore obliged to spend their days and nights on the street; and (iii) "the street as an identity", which refers to children who, over time, come to believe that the street is an ideal place to live and eventually lose touch with their families, usually making up the population of young adults living on the streets.

59. To curb the problem of children in street situations and adult begging, the Government adopted a new national prevention strategy in 2022, which also provides for their reintegration into the community. There are also centres focused on family, social and employment reintegration and on primary, secondary and tertiary education for children removed from the streets (see the table in the annex on children removed from the streets). Since the campaign began in June 2022, 1,455 children in street situations have been reunited with their families after staying in temporary shelters. A national platform comprising stakeholders in this field (government agencies and civil society) is implementing the activities outlined in the action plan related to the national prevention strategy.

D. Family reunification (art. 25 (2) (b))

60. Children separated from their parents as a result of emergencies, such as internal displacement caused by natural disasters or external displacement caused by armed conflict, must be reunited with their parents as soon as possible. Since the Government endorsed the Inter-Agency Guiding Principles on Unaccompanied and Separated Children and the Guidelines for the Alternative Care of Children, many initiatives have been undertaken to ensure the protection of children in emergency situations. For example, more than 400 unaccompanied or separated children have been identified; some have been reunited with their biological or extended families, while others have been placed with volunteer foster families. A national coordination framework has been established through the Committee for the Protection of Children in Emergencies, which is responsible for developing and implementing the child protection contingency plan.

E. Maintenance (art. 18 (3))

61. No child may be deprived of support because of his or her parents' marital status. Thus, article 172 of the Persons and Family Code clearly states that the best interests of the child must be taken into account during divorce proceedings. Moreover, during the proceedings, the judge may order that all or some of the minor children be placed in the custody of either the father, the mother or a third party, taking into account the interests of the children. In addition, article 185 states that regardless of the person to whom custody of

¹⁴ Final report on the qualitative study of the phenomenon of children in street situations in Burundi (Bujumbura, 2010).

the children is granted, the father and mother retain the right to oversee the maintenance and upbringing of their children and must contribute to these to the best of their ability. The spouse to whom custody of the children has not been awarded has visitation rights.

62. Pursuant to article 186, the dissolution of the family through divorce does not deprive children born into that family of the rights and benefits guaranteed to them by law or by their parents' marriage agreements; however, these rights and benefits are available in the same manner and under the same circumstances as they would have been had there been no divorce.

F. Adoption and periodic review of child placement (art. 24)

63. In Burundi, adoption is governed by Act No. 1/004 of 30 April 1999 amending the provisions of the Persons and Family Code relating to the adoption of children. For the first time, the Act regulates international adoption in conformity with the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, to which Burundi acceded by Act No. 1/014 of 6 June 1998 and which entered into force on 1 February 1999.

64. In accordance with this law, the Department of Children and Families under the ministry responsible for human rights is the central authority empowered to promote cooperation and collaboration with the central authorities of other States (see the table in the annex).

G. Child abuse, neglect and exploitation (arts. 16 and 27)

65. Under article 44 of the Constitution, every child has the right to special measures to ensure or improve the care necessary for his or her well-being, health and physical safety, and to be protected from abuse, ill-treatment and exploitation. Corporal punishment is prohibited in schools. Article 298 of the Persons and Family Code provides for the termination of parental authority in case of abuse of that authority or of physical abuse against a child. Furthermore, the Criminal Code punishes domestic violence committed against children (arts. 559 and 560), incitement to immoral behaviour and child prostitution (art. 563), the facilitation of prostitution (arts. 566–570) and rape of a child (art. 577). It is worth noting the recent adoption of Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence.

VII. Basic health and welfare

66. Burundi has adopted the National Health Policy 2016–2025,¹⁵ which includes measures to promote the health of the general population and, in particular, that of mothers and children.

A. Survival and development (art. 5)

67. This topic was discussed earlier in paragraphs 35 and 36.

B. Children with disabilities (art. 13)

68. Article 22 of the Constitution guarantees equal protection to all individuals. Indeed, no one may be discriminated against for having a physical or mental disability, HIV/AIDS or any other incurable disease. Burundi ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto in 2014. The Government has made significant efforts in the area of the rights of persons with disabilities. Noteworthy instruments include Act No. 1/03 of 10 January 2018 on the promotion and protection of the rights of persons with disabilities, as well as the associated national implementation policy and 2020–2024

¹⁵ National Study on Child Poverty and Inequality in Burundi, June 2009.

action plan, and Decree No. 100/125 of 9 August 2019 on the establishment, mandate, composition and operations of the National Committee on the Rights of Persons with Disabilities. In 2022, Burundi also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

69. The statistical data from the first volume of the 2008 general population and housing census, which was published in December 2011, show that children with disabilities aged 0–14 years can be broken down as follows: 22,340 blind, 10,879 deaf, 6,190 mute, 2,518 deaf-mute, 6,389 with lower limb impairments, 3,723 with upper limb impairments, 6,369 with mental impairments and 17,247 with other disabilities.

70. Burundi has made considerable effort to ensure that children with disabilities can enjoy all their rights, including the right to health. A centre equipped to care for persons with physical disabilities, namely, the National Centre for Orthopaedic Devices and Rehabilitation, has been established in Gitega, and other centres for social and vocational rehabilitation in Bujumbura and Ngozi are now operational.

71. In addition to these centres, there are a number of specialized schools for students with sensory disabilities:

- (a) The Ephata school for the deaf-mute in Kamenge, Bujumbura;
- (b) Five schools for the blind – one in Mutwenzi, Gitega, one in Gihanga, Bubanza, the Uwiragiye Foundation in Kabezi, Bujumbura, the Kanura Centre and the Cesda Centre;
- (c) Two schools for children with mental disabilities – one in Akamuri, Bujumbura, and the Mutwenzi medical and educational institute in Gitega;
- (d) Three schools for children with physical disabilities – the Saint-Kizito Centre in Ngagara, the Centre for the Handicapped in Kiganda and the Makamba Centre.

72. In addition, the Government encourages initiatives by national and international organizations. Thus, the Union of Persons with Disabilities of Burundi was formed and is actively involved in raising public awareness and promoting the rights of disabled persons, in particular their right to healthcare and to education. The Government also provides financial support to national centres for persons with disabilities.

C. Health and health services (art. 14)

73. The Constitution of 2018 affords all persons the right to health (art. 55). This issue is addressed through the Sustainable Development Goals, specifically Goal 2 to end hunger, achieve food security and improved nutrition and promote sustainable agriculture, Goal 3 to ensure healthy lives and promote well-being for all at all ages and Goal 6 to ensure availability and sustainable management of water and sanitation for all.

74. The main health-related policy and strategy documents are: (i) Vision Burundi 2025; (ii) successive Strategic Frameworks for Poverty Reduction, covering the periods 2006–2011, 2012–2016 and 2016–2025; (iii) the National Health Policy 2016–2025; (iv) the National Health Development Plan 2019–2023; (v) the National Development Plan 2018–2027; and (vi) “Vision Burundi: Emerging country by 2040, developed country by 2060”.

75. To implement these policies, the Ministry of Public Health and AIDS Control has adopted the following strategies: (i) the subsidization of healthcare for children under 5 and pregnant women, including free obstetrical services in healthcare facilities; (ii) the scaling up of results-based financing for healthcare facilities (health centres and hospitals) since 2011; and (iii) specific health programmes in healthcare facilities under the National Health Development Plan 2011–2015, such as (a) treatment of childhood illnesses (2011–2014), (b) treatment of acute malnutrition (2010), (c) the programme to promote the Centres for Learning and Nutritional Rehabilitation, (d) the vaccination and supplemental nutrition programme, which provides vitamins and minerals to children and pregnant and breastfeeding women.

D. Access to healthcare

76. Burundi has implemented free healthcare for children under 5 years and free obstetrical care. Although healthcare facilities are often overwhelmed, the Government is making efforts to combat maternal and infant mortality. According to the 2016/17 Demographic and Health Survey, infant mortality stood at 47% (56% in urban areas and 46% in rural areas), while child mortality was 78% (64% in urban areas and 79% in rural areas). As part of efforts to provide universal health coverage, Burundi has taken steps to ensure that every commune has a hospital; hospitals are already operational in 74 of the 119 communes.

E. Maternal health

77. In Burundi, nearly all pregnant women receive prenatal care from a healthcare provider, but only 29.8% attend the recommended number of appointments (at least four) and only 19.9% have their first prenatal appointment early in their pregnancy (during the first trimester). Furthermore, few women receive a comprehensive package of high-quality services during prenatal visits (94% for weight measurement, 61% for blood tests, 55% for blood pressure measurement and 24% for urine tests). Some two thirds of women (60.4%) receive postnatal care, 49% of whom receive such care within 15 days of giving birth. The rate of assisted childbirth has continued to rise – from 13% in 2005 to 76.6% in 2014 –¹⁶ as a result of the subsidization of healthcare for children under 5 years and pregnant women, including obstetrical services.

F. Nutrition for children under 5 years

78. With regard to children's right to food, article 30 (3) of the Constitution of 2018 provides that every child has the right to special protective measures from his or her family, society and the State, as required by his or her status as a minor. Furthermore, article 44 of the Constitution stipulates that all children have the right to special measures to ensure or improve the care needed for their well-being, their health, their physical safety and their protection against ill-treatment, abuse or exploitation.

79. To improve food and nutritional security, the Government has implemented the National Agricultural Investment Plan, which consists of four programmes: (i) sustainable growth in production and food security; (ii) professionalization of producers and promotion of innovation; (iii) development of agribusiness; and (iv) institution-building.

80. Challenges nonetheless remain: (i) child malnutrition caused by a combination of multisectoral factors, including poverty, food insecurity, inadequate child feeding and limited access to safe drinking water, sanitation and quality healthcare; and (ii) deficient infant and young child feeding practices.

81. Breastfeeding is a widespread practice in Burundi, with an estimated average duration of 2 years and 8 months.

G. Social security for child development, access to water, hygiene and sanitation

82. In 2006, Burundi introduced free healthcare for children under 5 years and free obstetrical care. The Social Protection Code and the 2020 National Social Protection Policy are now in effect. Burundi has also carried out major initiatives, namely, the relaunch of universal health coverage and the establishment of a unified social register. In addition, the Government has taken measures to improve the living conditions of pensioners affiliated with the National Social Security Institute, the National Office for Pensions and Occupational Risks (for civil servants, judges, prosecutors and judicial officers) or the Civil Service Mutual Insurance Fund.

¹⁶ See the table in the annex.

83. Burundi is sparing no effort to ensure food security and the health of its population in general, and more specifically that of children, with a particular focus on infant health. This is reflected in: (i) political will at the highest level, with the President of the Republic repeatedly stating “Let every mouth have food to eat and every pocket have money”; (ii) the introduction of school cafeterias, supported by the National School Feeding Programme, initiated by the First Lady of Burundi, to combat malnutrition in schools; (iii) the creation of the second-generation Multisectoral Platform for Food Security and Nutrition, which is headed by a permanent executive secretariat that reports to the Office of the Prime Minister; and (iv) the adoption of Decree No. 100/091 of 12 October 2020 on the mandate, organization and operations of the Ministry of the Environment, Agriculture and Livestock, whose primary responsibilities cover concerns related to food security and malnutrition. The National Agricultural Policy also addresses this concern effectively. In consultation with the Ministry of Public Health and AIDS Control, it is working to address all the challenges raised by the Committee.

84. Also of note is the social protection programme, whereby cash transfers are made to the poorest families with children under the age of 12 years across the country through the Merankabandi national social safety net and employment project (phase 2).

85. Article 2 (3) and (4) of Decree No. 100/093 of 9 November 2020 on the mandate, organization and operations of the Ministry of Public Health and AIDS Control clearly outlines the Ministry’s role in the prevention, treatment and management of various diseases. This is also reflected in the National Health Policy 2016–2025. Article 3 of the Decree sets forth the Government’s general responsibilities regarding the health of the population as a whole, including children.

H. Care for orphans

86. To promote the health of orphaned children, the Government has adopted the National Policy on Orphans and Other Vulnerable Children. This policy is directly tied with the provision of free access to healthcare for children under 5 years and to obstetrical care and with the National Action Plan for Orphans and Vulnerable Children developed by the Ministry of Public Health and AIDS Control. At the institutional level, the Government has established a ministry responsible for social affairs, which encompasses the Department of Children and Families. There is an official orphanage¹⁷ that cares for orphaned children (see the tables in the annexes for information on the number of orphaned children).

VIII. Education, leisure and cultural activities

87. Article 53 of the 2018 Constitution provides that: “All citizens have a right to equal access to instruction, education and culture. The State has a duty to organize and promote access to public school education. The right to establish private schools is, however, guaranteed under the conditions laid down by law.” Furthermore, article 30 (2) of the Constitution establishes that “parents have the inherent right and duty to raise and educate their children. The State and the public authorities provide them with support to do so.” The education sector remains a major focus in Burundi, as demonstrated by the priority given to issues in this area.¹⁸

88. Despite the impact of the sociopolitical crisis, Burundi has developed policies, strategies, laws, programmes and plans to promote access to education for all. The relevant national strategies include: (i) Vision Burundi 2025; and (ii) the National Development Plan for the period 2018–2027. Burundi has also implemented a reform that has resulted in the transition from the former primary and secondary education system to the basic education system.

¹⁷ The official orphanage in Bujumbura is overseen by the Ministry of Human Rights, Social Affairs and Gender.

¹⁸ Such issues are addressed in strategic planning instruments including Vision 2025 and the first and second versions of the Strategic Framework for Growth and Poverty Reduction.

89. Other policies are currently being implemented with the aim of eradicating all forms of discrimination in access to education, particularly against girls; these include the gender equity in education strategy, adopted in August 2012, and the National Gender Policy for the period 2012–2025, adopted in June 2012.

90. In terms of laws governing the education sector, in addition to the Constitution, the Government has adopted the Act on the organization of basic and secondary education.¹⁹ The Act is intended to bring about a school system that benefits from both short- and long-term planning and is decentralized and more equitable. In addition, the revised Criminal Code of 2017 includes provisions establishing penalties for offences that seriously violate the dignity of girls and women, such as rape and sexual and gender-based violence.

91. The development and implementation of the Education and Training Sector Development Plan for the period 2012–2020 have led to the introduction of reforms within the Burundian education system, including the effective implementation of basic education since the start of the 2013/14 school year. This reform has resulted in considerable progress.

A. Progress achieved by subsector

Preschool education

92. In the area of preschool education, the three-point Education and Training Sector Development Plan provides for early childhood development as follows:²⁰ (i) approximately 10% of children aged 4–6 years are currently enrolled in preschool institutions; (ii) the goal for 2020 is to enrol 50% of children in this age group – 87% in community-based facilities and 10% in public facilities – through the implementation of relevant measures; (iii) such measures will include awareness-raising in addition to subsidies for community-based organizations. Table I in annex 2, which pertains to education, provides information on the results achieved at this educational level as of 15 November 2014.

Basic education

93. An increasing number of students are being enrolled in the post-basic education cycle following the relaxation of admission requirements for the seventh grade, for which an admission rate of 70% of sixth-grade students was recorded in 2014, compared to 60% in 2013. With regard to efforts to increase teaching time at all levels, the projections in the sectoral strategy for the period 2012–2020 include the construction of 1,500 classrooms per year for the first three cycles of basic education and 670 classrooms per year for the post-basic education cycle.

94. The following information concerns the number of students enrolled in a given cycle, regardless of their age, in relation to the official school-age population: ages 7–12 or 6–11 for primary (the first three cycles of basic education), ages 13–15 or 12–14 for cycle 4 (the final cycle of basic education) and ages 16–18 or 15–17 for post-basic education (the second cycle of secondary education). The number of post-basic educational institutions for general education and teacher training increased from 1,001 in the 2020/21 school year to 1,023 in the 2021/22 school year. The private sector is not very developed, accounting for only 4.8% of all such institutions.

95. School coverage in Burundi is comprehensive, and gender parity is ensured. In 2015, the gross enrolment ratio was 134.3%. This ratio, which was more than 100%, indicates that the country had sufficient capacity to enrol all children in the official age group for the first three cycles of basic education in the 2018/19 school year. In the 2019/20 school year, the gross enrolment ratio increased by 2.2 percentage points for children aged 6–11 years and by 1.7 percentage points for children aged 7–12 years. This ratio reflects the fact that many more children who are older than the expected age for this level – because they entered the system late or have repeated one or more grades – are still in the system.

¹⁹ Act No. 1/19 of 10 September 2013 on the organization of basic and secondary education.

²⁰ Education and Training Sector Development Plan, pp. 38 and 39.

96. In terms of quality, strategies to reduce the number of students who repeat a grade have been defined and are based on: (i) the establishment of regulations governing the criteria for progression to the next grade and the promotion of collective decision-making; (ii) the adoption of new evaluation methods; (iii) the review of curricula; (iv) efforts to train and raise awareness among teachers and other actors regarding the harmful consequences for students who are made to repeat a grade; (v) the introduction of semi-automatic progression to the next grade within two-year subcycles; and (vii) efforts to streamline educational pathways and increase access to the seventh grade.

97. Teacher-training institutes are currently being restructured with a view to bringing teacher numbers into line with actual needs and making training more practical to enhance teacher professionalization. Efforts made in this connection include, for example, the creation of new vocational courses at the post-basic education and university levels to meet the country's needs.

98. Improved management and oversight of the school system and decentralization, which are considered to be key elements of school governance, have resulted in an improvement in the quality of education. Initiatives to achieve this goal are focused on: (i) the transfer of powers to decentralized bodies; (ii) the operation of planning departments at the commune level; (iii) the recruitment and transfer of staff at the commune level; (iv) the redeployment of teaching staff to address the shortage of teachers in certain areas; (v) close monitoring of education by inspectorates at the commune level and the establishment of a framework for consultation with local authorities; and (vi) the establishment of school management committees in schools providing basic education and the revitalization of such committees in secondary schools.

General secondary education and secondary-level teacher training

99. Burundi has seen growth at this level of education owing to the expansion of schools at the commune level, which account for 79.8% of students enrolled in general secondary education and secondary-level teacher training. Over the last 10 years, the number of students has tripled, rising from 132,062 to 443,226 between 2003 and 2013, with the proportion of girls increasing from 40% to 45% during that period. Nevertheless, performance at this educational level is poor, as reflected by a pass rate of less than 50%, compared with a rate of nearly 80% on assessments administered by the schools.²¹ This poor performance is due to a shortage of qualified teachers, overcrowded school facilities and inadequate and unsuitable equipment and laboratories.

Gross enrolment ratios and gross completion rates for the fourth cycle of basic education (F4) and post-basic education

<i>Indicator</i>	<i>Cycle</i>	<i>Students</i>		
		<i>Female</i>	<i>Male</i>	<i>Male and female</i>
Gross completion rate (13 years old, seventh grade)	F4	41.5%	34.6%	38.0%
Gross enrolment ratio (13–15 years)	F4	49.3%	39.4%	44.4%
Gross completion rate (at 15 years old)	F4	31.7%	26.3%	29.0%
Gross completion rate (at 16 years old, first year of post-basic education)	Post-basic education	25.4%	22.5%	24.0%
Gross enrolment ratio (16–18 years)	Post-basic education	35.3%	32.0%	33.7%
Gross completion rate (at 18 years old)	Post-basic education	28.3%	28.4%	28.4%

100. The indicators for post-basic education coverage show an improvement on the previous year. The gross rate of access rose from 19.5% to 24%, and the gross enrolment ratio rose from 29.3% to 33.7%. There has been a decline in the indicators for the fourth cycle of basic education, with the exception of the completion rate, which has remained nearly the

²¹ See annex 2: Basic public education.

same. The gross rate of access for the seventh grade has fallen from 41.7% to 38.0%, and the gross enrolment ratio has fallen from 46.2% to 44.4%.

B. Instruction in trades, vocational training and manual crafts (art. 28)

101. To facilitate the integration of young people into the labour market, the Government has included instruction in trades, vocational training and technical education in the Education and Training Sector Development Plan. Vocational training activities are offered at a centre providing instruction in trades and vocational and artisanal training. The programmes on offer cover a number of sectors, including construction, agriculture and livestock, food production, carpentry, accounting, secretarial work and home economics.

102. The national qualifications and certification framework provides for the continuation of training into higher education. Although centres for instruction in trades were previously classified as part of the non-formal sector, under the national policy on instruction in trades, the subsector is being formalized and can provide an alternative post-basic education for students who do not have access to basic education.

103. Between 2004 and 2014, the number of students in technical and vocational education increased following the creation of new programmes – in fields such as electronics, industrial electricity, economics and computer science – in rural provinces.

104. In addition, a variety of initiatives have been undertaken to improve the quality of learning. These include technical and teacher training using the “training-in-action” approach, the development of core modules and instructor guides in 10 educational fields and the development and pilot testing of training programmes.

105. The Government has also signed implementation agreements with certain centres to optimize their logistical and teaching arrangements with a view to establishing a guarantee fund to facilitate the establishment of microenterprises by basic technical and vocational education graduates.

C. Inclusive education

106. The Government continues to support five special schools for students with sensory disabilities; see paragraph 71. Of the children known to be living with disabilities, 1,167 attend mainstream schools and 580 attend special schools, including 60 children with visual disabilities at the Akamuri Centre and 54 at the Kanura Centre, 130 children with auditory disabilities at the Ephata Centre and 178 at the Cesda Centre, and 158 children with physical disabilities at the Kizito Centre.

D. Girls’ education

107. Regarding girls’ education, the Government is making efforts to eliminate the discrimination connected with traditional attitudes and the school environment. Following the abolition of school fees for basic education in September 2005, during the 2014/15 school year, the gross enrolment ratio rose to 133.4% for girls and 135.4% for boys. In the same year, the net enrolment ratio was 93.9% for girls and 94.9% for boys. In 2014, the grade repetition rate was 22.2% for girls and 23% for boys. In the same year, the dropout rate was 6% for girls and 7.8% for boys.

108. In the 2018/19, 2019/20, 2020/21 and 2021/22 school years, the gross enrolment ratio reached 112.8% for girls and 112.6% for boys. The net enrolment ratio, which is 86.5% for ages 7–12 years, indicates that there are still children in this age group who are not enrolled in school and children who leave school early. Another consistent finding is that there are disparities between the provinces, with ratios ranging from 76.8% in Bururi to 97.8% in Makamba. The figures also show that the policy of enrolling children in school from the age of 6 years is increasingly being implemented, with an increase of 1.4 percentage points in the net enrolment ratio for children aged 6–11 years.

109. This progress was achieved through the following measures: (i) the introduction of free primary school education since 2005; (ii) the adoption of the gender equity in education strategy in 2012, accompanied by a regularly monitored action plan to promote girls' education for the period 2012–2020; (iii) the implementation, since the start of the school year in September 2013, of the basic education reform with a view to increasing enrolment capacity to accommodate the large number of students; (iv) the implementation of the child-friendly school model; and (v) the coordination and funding of initiatives aimed at promoting girls' and women's education through the United Nations Girls' Education Initiative (UNGEI), including awareness-raising among parents and the establishment of UNGEI committees at the provincial and commune levels to identify and enrol girls who are not attending school or who have dropped out.

110. Progress has been made in efforts to reduce the school enrolment gap between girls and boys, which fell from 7.8 in 2014 to 2.5 in 2015. A number of challenges remain, including: (i) the cost of uniforms, supplies, transportation and other expenses, which is becoming an excessive burden for some parents; and (ii) isolated cases of sexual and gender-based violence.

E. Leisure, recreation and cultural activities

111. Burundi incorporates leisure, recreational and sports activities for children and young people into its education system. These activities are implemented by the Ministry of East African Community Affairs, Youth, Sports and Culture. In this sector, two pieces of legislation have been enacted: Act No. 1/26 of 30 November 2009 on the reorganization and promotion of sports activities in Burundi and the Decree-Law on the establishment, organization and operation of the Rundi Academy.

112. With regard to cultural activities, several initiatives have been carried out, including: (i) the establishment of the Burundian Centres for Reading and Cultural Activities, 13 of which are now in operation, replacing the Centres for Reading and Cultural and Social Activities; (ii) the organization, since 2013, of national Kirundi- and French-language theatre competitions in schools, in which the five best plays in each language are awarded prizes;²² (iii) the organization of a song contest, in which children are encouraged to participate, by the Musicians' Association during the Festival of Music; and (iv) the provision of support to various private sociocultural centres for children and young people, such as the Don Bosco Centre in Buterere, Bujumbura Mairie, the Kamenge Youth Centre, the Wallis Centre in Musaga, drumming clubs,²³ Intore dance clubs located in all communes and women's dance clubs.

113. At these centres, young people begin learning about careers in the arts, music and sports, such as gymnastics, in addition to other topics, such as sexual and reproductive health.

114. In the area of sports, various sports federations have been established and remain in operation. Children in and out of school receive coaching in grass-roots sports in particular.

115. There is a national policy that promotes access to sports activities for young people.²⁴ However, only urban centres have some sporting infrastructure. In rural areas, sports activities are hardly ever held. Young people who are not in school rarely participate in other forms of recreation, such as theatre and the arts, even though these activities can promote cultural enrichment.

²² This activity is so popular with students that 100 plays are produced each year.

²³ These clubs, like women's dance clubs, have a large number of child participants, who usually accompany their parents.

²⁴ The National Youth Policy concerns young people aged 15–35 years, which includes children; see p. 19.

IX. Special protection measures

A. Children in situations of emergency

Refugee, returned or displaced children

116. Article 50 of the Constitution of 2018 provides that the right of asylum is recognized under the conditions provided for in law. Refugees' effective access to their rights is guaranteed under articles 24, 25 and 26 of Act No. 1/25 of 5 November 2021 regulating migration in Burundi. Matters related to refugees are governed by Decree No. 100/069 of 30 May 2022 on the organization, duties and operation of the National Office for the Protection of Refugees and Stateless Persons. The Office has a department that deals with persons with specific needs, such as children, persons with disabilities and older persons.²⁵

117. Generally speaking, Burundi receives requests from asylum-seekers without any distinction. These requests are dealt with in accordance with the law. As of the end of October 2021, Burundi was hosting 83,458 persons (78,706 refugees and 4,752 asylum-seekers), 50.5% of whom were women and girls and 49.5% of whom were men and boys. The vast majority (99%) are from the Democratic Republic of the Congo and have fled the violence in North Kivu and South Kivu Provinces. The others have come from Rwanda, Uganda and Somalia. As of the end of October 2021, around 37% of refugees were located in urban areas, mainly in Bujumbura Mairie (32,086 refugees), and 63% were hosted in five refugee camps in the Provinces of Ruyigi (Bwagiriza and Nyankanda camps, with 9,790 and 9,778 refugees respectively), Cankuzo (Kavumu camp, with 16,542 refugees), Muyinga (Kinama camp, with 7,507 refugees) and Ngozi (Musasa camp, with 8,501 refugees). A total of 61% of refugees in the camps are children aged below 18 years.²⁶ The criterion of the best interests of the child is taken into account when determining the refugee status of unaccompanied minors. For example, two children from the Democratic Republic of the Congo have been granted refugee status on this basis.

118. On taking office in June 2020, the new Head of State, Evariste Ndayishimiye, made the repatriation of refugees his top priority. By means of visits to various refugee camps, the new authorities are working to raise awareness among Burundian refugees in the region about voluntary return to their country. Between June 2020 and November 2022, more than 119,000 Burundian refugees returned home from neighbouring countries. In 2023, Burundi plans to repatriate at least 70,000 Burundians from countries in the East African Community, primarily Tanzania, Uganda, the Democratic Republic of the Congo and Rwanda. According to the latest figures published on the website of the Office of the United Nations High Commissioner for Refugees (UNHCR), as of 31 October 2022, the total number of Burundian refugees still in exile was estimated at 256,700. In the region, Tanzania is the leading host country for Burundian refugees, with a total of 126,205 people. It is followed by Rwanda (48,369), the Democratic Republic of the Congo (41,836) and Uganda (40,290).

Children in armed conflict, including specific measures taken to protect and support children (article 22)

119. The Government of Burundi has enacted legislation prohibiting the involvement of children in armed conflicts. Article 45 of the 2018 Constitution stipulates that no child may be directly used in an armed conflict and that the protection of children is guaranteed during periods of armed conflict. Burundi has also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which was adopted by the General Assembly on 26 June 2000.

²⁵ Articles 12 (9), 13 (12) and 17 (7) of Decree No. 100/069 of 30 May 2022 on the organization, duties and operation of the National Office for the Protection of Refugees and Stateless Persons.

²⁶ Data shared by UNHCR, November 2021.

B. Children in conflict with the law (art. 17)

Administration of juvenile justice

120. The legal framework of Burundi provides for a juvenile justice system built on substantive and procedural rules that guarantee protection for the rights of children in conflict with the law. The relevant provisions of Act No. 1/27 of 29 December 2017 amending the Criminal Code contribute to the development of the juvenile justice system in Burundi. Article 28 of the Act sets the age of full criminal responsibility at 18 years, while article 29 sets the age of diminished criminal responsibility at 15 years and prohibits the sentencing of children to a prison term exceeding 10 years. Article 30 provides for alternatives to criminal prosecution and alternatives to imprisonment.

121. Furthermore, with a view to implementing the provisions of the Criminal Code establishing alternatives to imprisonment, an order was issued in January 2014 setting out the conditions for the performance of community service, including by minors.

122. Chapter VIII of the 2018 Code of Criminal Procedure is devoted in its entirety to the procedures governing preliminary investigations, preliminary hearings, prosecutions and trials in cases involving minors under the age of 18 years. The main changes introduced in the Code are described below:

- (a) Mandatory legal assistance for children during all phases of proceedings;
- (b) Mandatory presence of the child's parents or relatives;
- (c) Mandatory investigation of the child's social situation;
- (d) Mandatory separation of minors from adults in detention (establishment of rehabilitation centres for minors in conflict with the law);
- (e) Prompt processing of cases involving minors;
- (f) Mandatory in camera proceedings during the trial phase;
- (g) Establishment of specialized juvenile chambers at the courts of major jurisdiction (*tribunaux de grande instance*) and courts of appeal;

123. In addition, a National Legal Aid Strategy and accompanying action plan focusing on minors have been designed; the measures set out include the establishment of a legal aid fund for vulnerable groups, including child victims and children who have committed offences.

124. At the institutional level, a national unit for legal protection for children was created within the Ministry of Justice pursuant to Ministerial Order No. 550/993 of 23 June 2010. A juvenile justice working group comprising various stakeholders is conducting an in-depth examination of the issue of children in conflict with the law.

125. In addition, three rehabilitation centres for minors in conflict with the law – two for boys in Rumonge and Ruyigi and one for girls in Ngozi – were established by Order No. 550/663 of 17 April 2015 and are currently operational.

Children deprived of their liberty, including any form of detention, imprisonment or placement in a care facility, and compliance with the provisions of article 5 (3) of the Charter prohibiting the imposition of the death penalty on children

126. In the case of children in conflict with the law, deprivation of liberty must be used only as a measure of last resort and for the shortest period possible. Similarly, children in detention must be afforded safeguards with respect to protection and education. To that end, article 287 of the Code of Criminal Procedure provides that when pretrial detention of a minor cannot be avoided due to the nature or seriousness of the offence, he or she may be detained only in a rehabilitation centre or in a special wing of a prison authorized to house minors and that where no such centre or wing is available, the minor may be detained in an adult prison where effective separation from adults can be guaranteed.

Reform, family reintegration and social rehabilitation

127. In order to implement the Sectoral Policy on Justice and the Rule of Law, Burundi has established a more humane criminal justice system focused, in particular, on juvenile justice, with the goals of providing care and support for juveniles from the moment of their arrest and preparing for their reintegration, beginning with their placement in rehabilitation centres and continuing through to their effective reintegration into their communities.

128. Juvenile rehabilitation centres provide a comprehensive package of healthcare, education and psychosocial support services. Vocational training programmes covering life skills are also organized for the minors placed in the centres. Recreational activities and psychosocial support services are organized for children and women in detention facilities.

C. Children of imprisoned mothers

Special treatment for convicted pregnant women and mothers of infants and young children

129. In Burundi, there are still no alternatives to detention for pregnant women and mothers of young children. However, measures have been taken within the prison system to provide special food rations until a long-term solution can be found for this group of children.

130. Currently, a few organizations are conducting ad hoc support initiatives such as: (i) providing medical care for pregnant women who are HIV-positive; (ii) helping to prepare children for reintegration into their biological families; (iii) providing occasional nutritional support and clothing; and (iv) establishing a daycare centre equipped with a range of toys at the MPIMBA Central Prison.

131. Similarly, the Ministry of Justice and the Ministry of National Solidarity, Social Affairs, Human Rights and Gender, in partnership with UNICEF, international organizations and civil society, have developed a national strategy to reduce the number of children living in prison with their mothers.

Prohibition on imprisoning a mother with her child

132. Act No. 1/24 of 14 December 2017 on the reform of the prison system permits the child of a female prisoner to be detained with her until he or she reaches the age of 3 years. There are still no alternatives to imprisonment for pregnant women and mothers with young children. However, there are no other clear legal provisions regarding protection and care for these children.

133. The separation of men and women in prison settings, as well as efforts to combat sexual violence against women in these settings, may offer interim solutions, as they can significantly reduce the number of pregnancies and births in prisons. The implementation of the new sectoral policy enacted by the Ministry of Justice ensures access to healthcare and education services.

134. Article 32 of the new Code of Criminal Procedure introduces a new provision aimed at reducing or even prohibiting the detention of a woman and her child. The article stipulates that women who are more than six months pregnant or who are breastfeeding a baby under the age of 6 months cannot be held in custody, except in connection with a serious offence and with authorization from the public prosecutor's office.

D. Children in situations of exploitation

Economic exploitation, including child labour

135. According to statistical data from the 2008 General Population Census, 90% of the population of Burundi lives in rural areas and the majority of the population – 52% – is under the age of 18 years. The vast majority of children in Burundi inevitably suffer from the direct and indirect consequences of the conflict.

136. Children are sometimes the victims of certain forms of violence. Some children are forced to take on adult responsibilities to support themselves and their families.

137. In order to address the issue, Act No. 1/11 of 24 November 2020 amending Decree-Law No. 1/037 of 7 July 1993 amending the Labour Code prohibits the employment of children under 16 years of age, with the exception of the forms of employment authorized by the Minister of Labour, such as light work and apprenticeships, that have no adverse effect on children's health, development and education. The Act also prohibits night work for children under 18 years.

138. In September 2009, the National Action Plan for the Elimination of the Worst Forms of Child Labour 2015–2025 was adopted in parallel with national labour regulations. The National Action Plan sets out six areas of action: (i) strengthening legislation; (ii) advocacy and awareness-raising in relation to child labour and the relevant legal provisions; (iii) strengthening institutional capacity; (iv) the promotion of education for all; (v) support for poor/disadvantaged families, prevention, removal from the streets, rehabilitation and socioeconomic integration; and (vi) coordination and programme management.

139. The National Action Plan is an integral part of the Second National Strategic Plan for Poverty Reduction, and its implementation is overseen by the Ministry of the Civil Service, Work and Employment.

Drug abuse

140. Article 505 of the 2017 Criminal Code defines narcotics as substances or plants that are classified as such pursuant to the provisions of the order issued by the Minister for Health. Except in the cases and under the conditions specified by ministerial order, the cultivation, sale, transportation, possession and use of narcotics are prohibited, and those responsible are subject to criminal penalties.

141. Article 506 of the Criminal Code sets out criminal penalties for anyone who has illegally produced, imported, manufactured or exported narcotics. To address this problem, the Government has established agencies dedicated to prevention and enforcement through the anti-drug police and the judicial system. A drug enforcement unit has been established within the criminal investigation police.

142. With regard to the provision of detoxification services, Burundi has the Kamenge Neuropsychiatric Centre and psychosocial support centres, whose remits include detoxification for drug addicts, including minors. The centres include the Kamenge Neuropsychiatric Centre, the Saint Francis of Assisi Centre, the ALUMA Centre and the Bright Future Generation facility. A platform for psychosocial and mental health professionals was set up in 2012.

143. The centres receive support from the Government, through the Ministry responsible for human rights, in the provision of medical care for children with substance use disorders. For example, 55 cases were opened and closed in Bujumbura Mairie in 2021 and 17 children were taken into custody and sent to the centres.

Abuse and torture

144. To protect the best interests of children in Burundi, the Persons and Family Code provides that the courts may, *inter alia*, deprive a father or mother of parental authority over their child in cases of abuse of authority or if the father or mother physically abuses the child.²⁷ If both parents are deprived of parental authority, the judge appoints a guardian in accordance with the conditions set out in law.

²⁷ Article 298 (a) and (b) of the Persons and Family Code.

145. Torture is defined as any act committed by a public official or similar person by which suffering is intentionally inflicted on another person for such purposes as obtaining information or a confession. The Criminal Code contains the definition set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²⁸

146. Similarly, article 209 of the Criminal Code provides that prison terms imposed on persons responsible for torture cannot be shortened. Corporal punishment can be used against children.

147. However, school regulations prohibit the use of corporal punishment against children. Awareness campaigns are continually being conducted to prevent any actions that endanger children's physical well-being.

Sexual exploitation and abuse

148. Burundi has adopted Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence.²⁹ Article 34 of the Act states that any person found guilty of sexual slavery as defined in article 2 of the Act shall be punished by life imprisonment and one or more of the additional penalties provided for in article 60 of the Criminal Code.

149. Article 60 of the Act stipulates that any person who incites gender-based violence through indecent attire, pornographic or bellicose images, inhumane acts (including words, writings, dancing or games) or other acts of a similar nature shall be punished by imprisonment for a term of between 6 months and 3 years and/or a fine of between 50,000 and 100,000 francs and that the penalty is doubled if the victim is a minor.

150. Other measures to combat sexual exploitation have been put in place, including: the drafting of the National Strategy to Combat Gender-based Violence and the implementation of the accompanying 2018–2022 Action Plan; the establishment of comprehensive centres for combating gender-based violence, which are now operational in the Provinces of Makamba, Muyinga, Gitega, Rumonge and Cibitoke; the national strategy of the National Police on combating gender-based violence; the implementation of a policy on combating violence and sexual or psychological harassment in the workplace; the establishment of juvenile units and vice squads in all provinces; the establishment of gender focal points in all police stations and courts; the organization, beginning in June 2017, of a public education and awareness campaign on the law that specifically addresses sexual and gender-based violence, with a particular focus on providing support to students who are victims of sexual violence; the organization of “Zero Pregnancy” campaigns in schools and the existence of a policy that reintegrates students who are single mothers into the school system; the provision of equipment and tools to raise awareness among young people about preventing teenage pregnancies and promiscuity; the establishment of parent-teacher committees to foster a supportive and equitable school environment; the establishment and strengthening of school clubs dedicated to combating gender-based violence; the establishment of a 116 helpline to assist children who have experienced various forms of violence; and the Humura Kibondo campaign, which has been run annually since 2017 to raise awareness and reassure young people.

Other forms of abuse and exploitation, such as begging and early pregnancy

151. Child begging continues to occur in Burundi. Children are sometimes made to beg by adults or their parents, who use them to earn money. This matter is being addressed through the long-term national strategy for preventing and tackling the issue of street children, which was adopted by the Government in December 2013. The strategy was updated in 2022 and became the national strategy for preventing the phenomenon of street children and adult beggars (table showing the number of children and adult beggars removed from the streets).

²⁸ Criminal Code of 2027, art. 204.

²⁹ Articles 33–40 of Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence.

Sale and trafficking of children and abduction

152. In Burundi, human beings are not for sale: any contract pertaining to an individual him- or herself is illegal and has no legal effect.

153. With regard to violations of individual liberty, articles 244 and 249 of the 2017 Criminal Code criminalize trafficking in and the smuggling of persons. Several measures have been taken to curb the phenomenon of trafficking in children, and several prosecutions have been launched to deter perpetrators. These efforts are reflected in the fact that Burundi moved from Tier 3 to the Tier 2 Watch List in the 2021 Trafficking in Persons Report issued by the department of the United States Government responsible for issues related to trafficking in persons.

154. Furthermore, the relevant law has been fully implemented; pursuant to article 7 thereof, the Consultation and Monitoring Commission on Preventing and Suppressing Trafficking in Persons was established on 24 January 2022. Burundi would also like to emphasize that, in the same vein, it has launched awareness-raising and outreach campaigns to publicize the anti-trafficking legislation passed in 2014 among vulnerable populations in the border provinces, specifically Makamba, Rumonge and Muyinga, as well as among various civil servants and administrative staff, including personnel from Burundian diplomatic missions abroad. It is also important to note that, through cooperation with NGOs working to promote and protect human rights and United Nations agencies such as UNICEF and the International Organization for Migration, some victims have been rescued.

155. For the record, as part of its cooperation with transit and destination countries and with a view to increasing the number of bilateral and multilateral agreements aimed at regulating labour migration, the Government of Burundi has ratified Act No. 1/18 of 18 May 2022, which sets out the bilateral agreement between Burundi and Saudi Arabia on the recruitment of domestic workers. A total of 17 agencies have been established and are now operational.

E. Children who are victims of harmful social and cultural practices or practices that affect their well-being, dignity, normal growth and development: child marriage

156. This practice does not exist in Burundi.

Early and/or forced marriage

157. In Burundi, early marriage and forced marriage are considered violations of human rights that jeopardize children's health and well-being. Accordingly, the Government of Burundi has committed to preventing and eliminating these practices by enacting laws that criminalize them and establish a minimum age for marriage. These include, in particular, Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence. Articles 39 and 44 of the Act criminalize forced union or forced marriage, which are punishable by imprisonment for a term of between 3 months and 2 years and a fine of between 50,000 and 100,000 Burundi francs (F Bu). (Article 39).

158. Article 44 of the Act stipulates that a parent, guardian or any other person who facilitates the marriage of a child who has not yet reached the legal age shall be punished with a sentence of between 5 and 10 years' imprisonment and a fine of between F Bu 200,000 and F Bu 500,000. Decree-Law No. 1/004 of 28 April 1993 reforming the Persons and Family Code sets the minimum age for marriage at 18 years for girls and 21 years for boys. (Articles 88 and 89).

All forms of female genital mutilation

159. Female genital mutilation is neither permitted nor practised in Burundi.

F. Children from minority groups

160. Burundi enjoys a level of cultural and linguistic homogeneity that is rare in Africa. While the Twa, who make up 1% of the country's population, could be considered an Indigenous and minority group, it cannot be claimed that their children are deprived of any rights. The authorities have focused their attention on protecting children from minority groups, and measures have been taken to ensure their effective protection.

161. The Government covers the educational expenses for Twa children attending secondary school in the same way as it does for students from low-income families. Both public and private media play a role in promoting and protecting the rights of Twa children. As a result of the Government's introduction of free primary education in 2009, the number of Twa children in basic and post-basic education is increasing. Free healthcare for pregnant women and children aged under 5 years has also provided the Twa with access to healthcare. The Government also moved to allow children who passed the national entrance exams to enrol in boarding schools in 2022 even if they did not achieve the required score.

G. Children who require special protection owing to situations of risk and vulnerability, such as street children and children orphaned by HIV/AIDS

162. Children in Burundi account for more than half of the total population. The conflict in Burundi has weakened family structures, leaving many children orphaned or otherwise vulnerable. Studies estimate that one in five children (about 900,000) are orphans, one third of them having lost their parents to war and another third having lost their parents to AIDS. Around three quarters of orphans, particularly those who are vulnerable or affected by HIV, live with their extended family, who are often unable to meet their basic needs. Approximately 7% of orphans have no guardian, and many have to live on the streets, while 5,520 children live in 98 residential centres, most of which do not provide even the minimum level of services necessary to ensure the children's well-being.³⁰

163. Often, children living in extreme poverty or who have difficulty living with their own families owing to factors such as alcoholism or abuse become street children. They are deprived of the right to food, drinking water, healthcare, general support, housing and family life. They are also deprived of physical protection, which leaves them vulnerable to violence on the streets.

164. Accordingly, to curb this phenomenon, the Government of Burundi has implemented the following instruments: (i) the National Child Protection Policy 2020–2024; (ii) the national strategy for preventing the phenomenon of street children; (iii) the National Strategy on Alternative Care for Children; and (iv) the Minimum Standards for Children in Institutions and Children Deprived of a Family Environment.

165. In addition, a national platform comprising stakeholders in this field (government agencies and civil society) has been established to implement the national action plan aimed at combating and preventing the phenomenon, identifying victims and reintegrating them into their families and communities. These measures were taken to shore up other government initiatives such as the Enfants Soleil Support and Reintegration Centre and the Enfants Soleil Project, which are aimed at removing children from the streets and reintegrating them into society and the labour market (see table in the appendix for the number of children removed from the streets and reintegrated.)³¹

³⁰ National Child Protection Policy 2024–2028, p. 9.

³¹ Source: Enfants Soleil Project, Ministry of National Solidarity, Social Affairs, Human Rights and Gender.

X. Responsibilities of the child

166. Children in Burundi have duties and responsibilities towards their parents, their family, society, the State and any other legally recognized community, as well as towards the international community. Under the Convention, children have responsibilities towards their family, community and country. These responsibilities are also enshrined in the Constitution, articles 63, 66, 67 and 72 of which prescribe a number of duties for citizens.

167. Within the Ministry of East African Community Affairs, Youth, Sports and Culture, two directorates have been established to work in the youth sector and help young people form associations: the Directorate for Youth Associations and the Directorate for Youth Economic Integration. The Directorate for Youth Associations is aimed at strengthening young people's organizational capacity, while the Directorate for Youth Economic Integration promotes entrepreneurship and offers strategic pathways to self-reliance with the aim of helping young people become productive.³²

168. Most young Burundians are involved in youth associations which are scattered throughout the country and provide support and promote self-reliance. The types of organizations are as diverse as their areas of focus. Examples include sports and cultural organizations, mutual aid organizations, self-advocacy organizations, organizations dedicated to fighting poverty, organizations dedicated to fighting AIDS and religious organizations.

Conclusion

169. In the present report, which combines the second to sixth periodic reports on the implementation of the Convention on the Rights of the Child, it should be noted that Burundi has spared no effort to ensure a protective environment for its children.

170. There is a strong political will in the country to continually improve the situation of children, which is reflected in the legislative, judicial and administrative measures taken by the State.

171. In addition, Burundi enjoys excellent cooperation with national partners such as FENADEB and international partners such as UNICEF and other United Nations agencies, which support the country in its efforts to implement the action plans developed for children.

172. However, challenges remain in the effective implementation of children's rights, particularly in the areas of health and education. Limited resources, which have been affected in particular by years of conflict, have had a negative impact on the economic situation in general and that of households in particular, and have resulted in limited access to basic social services. In the area of health, malnutrition and infant, child and maternal mortality remain persistent problems, while inadequate teacher training and a mismatch between infrastructure and student enrolment are factors that hinder children's education.

173. The Government remains ready to engage with the Committee on the Rights of the Child to ensure that the rights of children are adequately protected.

³² Patriotic Education and Training Programme, Burundi.