



# Convention on the Rights of the Child

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Committee on the Rights of the Child  
Fifty-fifth session  
13 September–1 October 2010

## Consideration of reports submitted by States parties under article 44 of the convention

### Concluding observations: Burundi

1. The Committee considered the second periodic report of Burundi at its 1553rd and 1555th meetings (see CRC/C/SR.1553 and 1555), held on 16 September 2010 and adopted, at the 1583rd meeting, held on 1 October 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report as well as the written replies to its list of issues (CRC/C/BDI/Q/2/Add.1) and commends the frank and self-critical nature of both the report and the replies to the list of issues. The Committee also welcomes the constructive dialogue with a high-level delegation at a senior level, which allowed a better understanding of the situation of children in the State party.

#### B. Follow-up measures and progress achieved by the State party

3. The Committee welcomes the adoption of the new Burundian Penal Code in 2009 increasing the minimum age of criminal responsibility from 13 to 15 years old.

4. The Committee welcomes the ratification by the State Party to the following instruments:

(a) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2007) and on the involvement of children in armed conflict (2008);

(b) The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of the International Labour Organization (ILO) (2002).

5. The Committee welcomes the release of all children associated with the “Forces Nationales de Libération” (FNL) through a formal disarmament, demobilization and

reintegration process and that those children were reunified with their families in June 2009.

### **C. Factors or difficulties impeding the implementation of the Convention**

6. The Committee notes that years of war and armed conflict continue to have a negative impact on the situation of children and hamper progress in the effective implementation of the rights enshrined in the Convention.

### **D. Main areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

7. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's initial report in 2000 (CRC/C/15/Add.133). Nevertheless, the Committee notes with regret that many of these recommendations have not been significantly addressed.

8. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or not sufficiently implemented. These issues include those related to the monitoring mechanisms, birth registration, discrimination against the Batwa minority and juvenile justice.**

##### **Legislation**

9. While welcoming the efforts made by the State party to harmonize its legislation with the principles of the Convention, the Committee is concerned that plans to adopt a comprehensive legal instrument gathering all provisions relating to the rights of children have not yet been completed. The Committee is also concerned that customary laws and practices are not in conformity with the provisions and principles of the Convention, in particular that the Persons Family Code contains some restrictions to succession rights for girls.

10. **The Committee urges the State party to take, as a matter of priority, all appropriate measures to elaborate and adopt a comprehensive legal instrument gathering all provisions relating to the rights of children (Child Act), and to ensure adequate human and financial resources for full implementation of the provisions of the Child Act, when approved. The Committee also recommends that the State party take steps to ensure that customary laws and practices are in conformity with the provisions and principles of the Convention on the Rights of the Child. The Committee also recommends that the State party adopt the draft law on succession and harmonize the Persons Family Code and other legislative national instruments with the Convention.**

##### **Coordination**

11. The Committee notes the recent decision by the Government to streamline existing institutions and create a Ministry of National Solidarity, Human Rights and Gender and

within it the Directorate for the Protection of the Rights of Children. While noting that the new Ministry is charged with the responsibility of elaborating and implementing a national policy for the protection of children, the Committee expresses concern that this may take a long time and not be given the necessary priority given the broad mandate of the Ministry and the time required to fully establish it. The Committee is also concerned that the Directorate for the Protection of the Rights of Children lacks human, technical and financial resources. The Committee is also concerned that, at local level, the centres of family development, which are charged with the coordination and implementation of the policies regarding children, women and the family, are not extended to all provinces and communes.

12. **The Committee strongly recommends that high priority be given by the State party to fully enabling the new Ministry of National Solidarity, Human Rights and Gender to elaborate and adopt a national policy for children, covering all rights of all children, from which a national strategy will be derived and coordinated. In doing so, the Committee urges the State party to consult and coordinate with all relevant ministries and civil society, including with children and adolescents, in order to establish a coordinated and comprehensive system of child welfare and protection. The Committee also recommends that the State party allocate adequate and specialized human and financial resources to the Directorate for the Protection of the Rights of Children and give it the appropriate power to exercise its day-to-day coordination, monitoring, evaluation and executive functions at national and local levels.**

13. **The Committee recommends that the State party ensures that the centres of family development are extended to all provinces and communes and are fully staffed, funded and equipped.**

#### **National Plan of Action**

14. While welcoming the National Plan of Action for Orphans and Vulnerable Children in 2008, the Committee remains concerned at the lack of a comprehensive children's rights policy in the State party and at the absence of an up-to-date national strategy, related plan of action and appropriate budget for the implementation of a children's rights policy in priority areas.

15. **The Committee encourages the State party to adopt a comprehensive national plan of action on children's rights, which is operationalized in a plan of action and related sectoral plans that addresses fully all of the rights of the child enshrined in the Convention. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for full implementation of the plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies.**

#### **Independent monitoring**

16. The Committee notes the draft law for the establishment of a national independent Human Rights Commission which is currently before the Parliament. The Committee, however, reiterates its concern at the absence of an independent mechanism to monitor the implementation of the Convention on the Rights of the Child in Burundi.

17. **The Committee recommends that the State party promptly adopt the draft law for the establishment of a national independent human rights commission, which will include a specific unit dealing with children's issues, in order to monitor the implementation of the Convention on the Rights of the Child, in accordance with the Principles relating to the status of national institutions for the promotion and**

protection of human rights (Paris Principles, General Assembly resolution 48/134) and take into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR).

#### **Allocation of resources**

18. The Committee, while noting efforts to reduce military expenditure, is concerned that the percentage of total budget allocated to social infrastructure and social services including health, education, water and sanitation remains insufficient.

19. **The Committee urges the State party to prioritize and increase budgetary allocations for children at national and local levels, and in particular to ensure that the concerned ministry receives adequate financial and human resources to carry out its work relating to children. The Committee further recommends that the State party introduce budget tracking with regard to child rights, with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF. In this regard, the Committee recalls its recommendations adopted following the day of general discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States".**

#### **Data collection**

20. While noting the establishment of the socio-economic database developed by the Burundi Institute of Statistics and Economic Studies, the Committee is concerned at the inadequacy of the existing database on children in general, and in particular data in relation to children in vulnerable situations.

21. **The Committee encourages the State party to continue to strengthen its data collection system with the support of its partners and to use this data as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The State party should ensure that information collected contains up-to-date data on a wide range of vulnerable groups including former child combatants, children living in poverty, children in street situations and child labourers. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.**

#### **Dissemination and awareness-raising**

22. While the Committee notes with appreciation the sensitization and awareness-raising campaigns in relation to the rights of the child, it regrets that efforts for the promotion of the Convention have been limited to urban areas.

23. **The Committee recommends that the State party expand its awareness-raising campaigns to reach populations outside of urban areas. The Committee urges the State party to strengthen its efforts to ensure that the provisions of the Convention are widely known, understood and accepted by adults and children.**

### Training

24. The Committee notes with concern that the training provided to, inter alia, law enforcement officials, members of the judiciary, teachers, the media, health-care professionals, personnel of childcare institutions and alternative families remain inadequate.

**25. The Committee recommends systematic training on the Convention for all professional groups working for and with children, including law enforcement officials, members of the judiciary, teachers, the media, health-care professionals and personnel of childcare institutions and alternative families.**

### Cooperation with civil society

26. While noting the State party's information on the involvement of civil society in the elaboration of national policies regarding children's rights, the Committee is nevertheless concerned that civil society organizations have not been involved in the follow-up to the Committee's previous concluding observations or afforded adequate opportunities to present their views during the preparation of the State party's second periodic report.

**27. The Committee recommends that the State party continue and further strengthen its collaboration with civil society and widen the scope of cooperation so as to ensure cooperation on a broad level in all areas related to the promotion and protection of the rights of the child. The Committee also recommends that the State party encourage the active and systematic involvement of civil society, including NGOs, in the promotion of children's rights, including their participation in the elaboration of its periodic reports and follow-up to concluding observations.**

### International cooperation

**28. The Committee notes with concern the heavy dependence of the State party on international cooperation, both through budget and programme support, and encourages both the donors and the State party to ensure that appropriate financial and technical resources are provided for the implementation of the Convention.**

## 2. General principles (arts. 2, 3, 6 and 12 of the Convention)

### Non-discrimination

29. The Committee notes as positive that article 22 of the Constitution incorporates the principle of non-discrimination. It remains concerned however that de facto discrimination of children prevails and is tolerated in the State party, in particular vis-à-vis girls (with regard to access to education and succession rights), children born out of wedlock, albino children, children belonging to the Batwa minority and those placed into *kafala* families.

**30. The Committee urges the State party to continue and strengthen its efforts to eradicate all discriminatory laws from its legislation and in practice. In particular, the Committee urges the State party to adopt legislation with a view to ensuring that the practical application of the Constitution's provisions guaranteeing the principle of non-discrimination are in full compliance with article 2 of the Convention. The Committee also encourages the State party to review legislative instruments as well as to adopt a comprehensive strategy, including awareness-raising, to eliminate discrimination on any grounds and against all vulnerable groups especially the girls (with regard to succession rights and access to education), children born out of wedlock, albino children, children belonging to the Batwa minority and those placed into *kafala* families.**

### **Best interest of the child**

31. The Committee welcomes that the recognition of the principle of the best interest of a child in article 44 of the Constitution and the Family Code in relation to parental responsibility. However, the Committee remains concerned that the principle of the best interest of the child is neither incorporated into all current legislation concerning children, nor sufficiently applied in practice, in particular in judicial and administrative decisions.

**32. The Committee recommends that the State party continue and strengthen its efforts to ensure that the general principle of the best interest of the child is appropriately integrated in all legal provisions, in particular in judicial and administrative decisions as well as in projects, programmes, and services that have an impact on children in accordance with article 3 of the Convention. The Committee further requests the State party to ensure that the best interest of the child is integrated into all future revisions of legislation, in particular the Family Code and in the Child Act, when approved.**

### **Right to life and survival**

33. While taking note of measures adopted by the State party for the protection of albino children, the Committee expresses serious concern at reports according to which albino children have been massacred in Ruyigi and Cankuzo.

**34. The Committee urges the State party to take immediate action to avoid any future massacres of albino children in Ruyigi and Cankuzo. The Committee also urges the State party to investigate, prosecute and condemn the perpetrators of such crimes. Furthermore, the Committee recommends the State party to undertake preventive measures to bring to an end such crimes.**

### **Respect for the views of the child**

35. While taking note of the State party's commitment to establish a children's forum, the Committee expresses concern at the fact that children from poor households, out-of-school children, orphans and children in street situations are deprived of their right to participation in decision-making processes including in civil, penal, judicial and administrative proceedings.

**36. The Committee recommends that the State party continue and strengthen efforts to implement article 12 of the Convention and promote respect for the views of all children at any age in families, schools and communities and in administrative and judicial proceedings. The Committee urges the State Party to:**

**(a) Establish the Children's Forum and ensure that its composition is representative of all segments of society, including those children who need special protection;**

**(b) Take effective measures to ensure that the child's right to be heard is respected and implemented in all civil and penal judicial proceedings and administrative proceedings, including those concerning children in alternative care;**

**(c) Take effective measures to enhance understanding of the value of the right of the child to be heard in all institutions related to children and at all levels of society, especially at community level, including through awareness-raising activities and training for adults and children themselves (inter alia, peer training) on relevant skills to facilitate their effective participation in all matters affecting the child;**

**(d) Drawing the State party's attention to general comment No. 12 (2009) on the right of the child to be heard.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

37. The Committee notes the Presidential Decree of 2006 that guarantees free birth registration for all children up to the age of 5 years and the project to promote universal birth registration and conduct a campaign to register children under 5 in Bujumbura Mairie and Bujumbura Rural. However, the Committee is deeply concerned that a very large number of children are neither registered at birth nor at a later stage.

38. **The Committee recommends that the State party:**

(a) **Continue to take all necessary measures, including retroactively, to ensure access of all children to free birth registration as early as possible and take steps to identify those children who have not been registered or obtained an identity document;**

(b) **Create institutional structures that are accessible and free, for example, by introducing mobile units, especially in rural and remote areas and for internally displaced persons and refugee camps;**

(c) **Enhance families' awareness of the importance of registering the birth of their children, as a way to access fulfilment of their rights and**

(d) **Seek technical assistance from UNICEF, among others, for the implementation of these recommendations.**

#### **Corporal punishment**

39. The Committee notes with interest that the new Penal Code of 2009 has increased penalties for cruel, inhuman and degrading treatment against children. However, the Committee is concerned that corporal punishment continues to be practiced in some schools and that domestic legislation does not explicitly prohibit corporal punishment in the home, schools, and alternative care settings and as a disciplinary measure in penal institutions.

40. **The Committee urges the State party to take all the necessary measures to eradicate corporal punishment, and in particular:**

(a) **Undertake a review of current legislation to explicitly prohibit the use of corporal punishment in all areas, including in the home, schools, alternative care settings and the penal system;**

(b) **Introduce public education, awareness-raising and social mobilization campaigns in cooperation with the media, on the harmful effects of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, non-violent, participatory forms of child-rearing and education;**

(c) **Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment; and**

(d) **Take into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia).**

#### **Violence against girls**

41. The Committee welcomes the fact that the State party has become a member of the International Conference on the Great Lakes Region and has thus adopted the Protocol on

the Prevention and Suppression of Sexual Violence against Women and Children. However, the Committee is gravely concerned that the incidence of rape and other sexual violence against women and girls remains high, including domestic violence despite express prohibition in the penal code and the definition of rape as a crime. The Committee is further concerned that enforcement is poor, victims are discouraged or afraid of reporting rape, many are ostracized and stigmatized, judges fail to take accusations seriously and few cases are successfully investigated and prosecuted.

42. **The Committee urges the State party to pass legislation on sexual and gender based violence, thus domesticating the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children of the International Conference on the Great Lakes Region, and to ensure that legislation as well as the revised penal code are disseminated and applied.**

**Follow-up to the United Nations study on violence against children**

43. **With reference to the Secretary-General's study on violence against children (A/61/299), the Committee recommends that the State party:**

(a) **Take all necessary measures to implement the recommendations of the United Nations study on violence against children, taking into account the outcome and recommendations of the Eastern and Southern Africa Regional Consultations (held in Johannesburg, South Africa, 18-20 July 2005);**

(b) **Prioritize the implementation of the recommendations of the Study to eliminate all forms of violence against children, paying particular attention to the following recommendations:**

(i) **Prohibit all forms of violence against children;**

(ii) **Enhance the capacity of all who work with and for children;**

(iii) **Provide recovery and social reintegration services;**

(iv) **Create accessible and child-friendly reporting systems and services;**

(v) **Ensure accountability and end impunity; and**

(vi) **Develop and implement systematic national data collection and research.**

(d) **Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**

(e) **Seek technical cooperation in this respect from OHCHR, UNICEF and the World Health Organization (WHO), and other relevant agencies: inter alia, ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners;**

(f) **Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report; and**

(g) **Cooperate with and support the Special Representative of the Secretary-General on violence against children.**



#### **4. Family environment and alternative care (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)**

##### **Family environment**

44. The Committee regrets the impact of the growing impoverishment on many families, making their living conditions very precarious. The Committee expresses concern that this situation has an impact on children due to difficulties faced by parents to bring up their children, some of which have found themselves in the street, neglected by their parents or abandoned, and are thus at great risk of becoming victims of violence, exploitation, discrimination, abuse or neglect.

**45. The Committee recommends that the State party elaborate and implement policies and programmes that strengthen the family and provide necessary support to families to enable them to care for their children and safeguard their welfare. Programmes should be provided with adequate human and financial resources, including qualified staff in the area of child rights.**

##### **Children deprived of family environment**

46. The Committee expresses its concern about the large number of children deprived of parental care, inter alia, abandoned children and orphans, including those affected by HIV/AIDS. The Committee is also concerned about the limited availability of alternative family-care facilities as well as the poor quality of living conditions and lack of institutions responsible for the monitoring and evaluation of residential settings.

**47. The Committee recommends that the State party undertake the necessary measures to protect the rights of children without parental care and address their needs and, inter alia:**

**(a) Undertake a study to assess the situation of different categories of children placed in institutions (residential care) and adopt measures to improve their living conditions and the services provided;**

**(b) Allocate adequate human, financial and other resources to ensure effective implementation of the National Plan of Action on Orphans and Vulnerable Children;**

**(c) Establish an independent human rights commission for the monitoring and evaluation of childcare institutions in all states to ensure that they operate in consistency with the rights and best interests of the child;**

**(d) Set clear standards for children without parental care and ensure comprehensive mechanisms of periodic review and monitoring of placement, in the light of article 25 of the Convention and the Guidelines for the Alternative Care of Children contained in General Assembly resolution 64/142 adopted on 18 December 2009.**

##### **Adoption**

48. The Committee regrets the lack of information and data on the practice and follow-up of domestic and intercountry adoption of children.

**49. The Committee recommends that the State party provide more information and data on domestic and international adoptions, ensure that the principle of the best interest of the child guide the adoption process and improve follow-up regarding the situation of adopted children.**

## **5. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3; of the Convention)**

### **Children with disabilities**

50. Noting the efforts by the State party, the Committee is concerned at the situation of children with physical and mental disabilities, in particular the limited access to education and health-care services. The Committee is further concerned that poor health conditions, poverty and years of armed conflict are leading to an increase in the number of children with disabilities.

51. **The Committee recommends that the State party:**

(a) **Revise and adopt legislation in order to fully protect all children with disabilities, and establish a monitoring system, which carefully records progress made and identifies shortcomings in implementation;**

(b) **Provide community-based services that focus on enhancing the quality of life of children with disabilities, meeting their basic needs and ensuring their inclusion and participation;**

(c) **Carry out awareness-raising campaigns to combat existing discriminatory attitudes and sensitize the public about the rights and special needs of children with disabilities, encourage their inclusion in society and promote respect for the right of children and their parents to be heard;**

(d) **Make every effort to provide programmes and services for children with disabilities with adequate human and financial resources;**

(e) **Equip schools with the necessary facilities for the inclusive education of children with disabilities and ensure that they can choose their preferred school or move between regular schools and special needs schools according to their best interests;**

(f) **Provide training for professional staff working with children with disabilities including teachers, social workers, health care professionals; and**

(g) **Take into account, in this regard, the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities.**

### **Health and health services**

52. The Committee notes with appreciation the significant efforts of the State party in the field of health, notably the programme which provides free health care for pregnant mothers and children under 5. However, the Committee remains concerned at low immunization rates, high levels of malnutrition and micro-nutrition deficiencies, extremely poor health conditions among children in general and in particular children over 5 who have no access to adequate health care. Further, the Committee is concerned at high mortality rates among children, high maternal mortality rates, the limited number of hospitals and health centres that are operational, the limited drug supply and relatively high cost of medicines, including generic drugs, and the concentration of health-care professionals only in Bujumbura city.

53. **The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by all children. Furthermore, the Committee**

recommends that the State party strengthen its efforts to improve the health situation of children, including through:

- (a) Ensuring the provision of necessary medical assistance and health-care access to all children, with emphasis on the development of primary health care;
- (b) Strengthening its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination;
- (c) Increasing its efforts to further reduce maternal mortality throughout the country, including specific actions to prevent post-partum bleeding and other major causes of maternal death;
- (d) Pursuing immunization efforts, including through improved outreach activities and efficient implementation of the full package of integrated interventions in all health districts;
- (e) Ensuring that all segments of society are informed of and have access to education and support on the use of basic knowledge of child health and nutrition; and
- (f) Seeking technical cooperation from UNICEF and WHO.

#### **Breastfeeding**

54. The Committee regrets the absence of systematic data collection on breastfeeding practices, the absence of a national breastfeeding committee and the lack of breastfeeding promotion.

55. **The Committee recommends that the State party establish a national breastfeeding committee and systematically collect data on practices of breastfeeding ensuring at the same time the enforcement of the International Code of Marketing of Breast-milk Substitutes. The State party should also promote baby-friendly hospitals and encourage breastfeeding to be included in training of nurses.**

#### **Adolescent health**

56. The Committee remains concerned at the lack of an adolescent health-care policy, particularly with regard to reproductive health, early teenage pregnancy, mental health and problems related to the inhaling of substances such as glue and the use of marijuana.

57. **The Committee recommends that the State party make additional efforts to develop a comprehensive adolescent health-care policy and to provide reproductive health education and specialized assistance for the treatment of mental, reproductive and other health concerns of adolescents. In this context, the Committee recommends that the State party seek assistance from UNICEF and WHO.**

#### **HIV/AIDS**

58. The Committee notes with appreciation that the Ministry of Health has made the Prevention of Mother to Child transmission a priority integrating it into the HIV/AIDS Strategic Plan for 2007-2011. However, the Committee is concerned that HIV has increased in rural areas. The Committee is also concerned by the weak health-care system, particularly the shortage of qualified health staff at all levels and the lack of basic equipment and medical supplies. The Committee is further concerned that a high number of children born to HIV-positive mothers are orphans and that adolescents and youth are affected by sexually transmitted infections.

59. **The Committee recommends that the State party:**

- (a) Ensure implementation of the HIV/AIDS Strategic Plan for 2007-2011;
- (b) Ensure universal and cost-free access to antiretroviral therapy;
- (c) Improve access to health care and psychosocial care for children orphaned by AIDS and those who are HIV-positive;
- (d) Promote awareness and prevention of HIV/AIDS in schools and out of school children as well as the youth;
- (e) Strengthen measures to expand facilities and medical training for diagnosis, early detection and treatment of HIV-infected children;
- (f) Enhance efforts to combat discrimination against children infected with HIV and/or affected by HIV/AIDS;
- (g) Improve efforts to prevent mother-to-child transmission of HIV and to improve availability of contraceptives throughout the country;
- (h) Take steps to collect disaggregated data on the prevalence of HIV/AIDS in the State party and on HIV orphans, which can be used for the development, implementation and monitoring of policies and programmes and
- (i) Improve protective and preventive support for AIDS orphans.
- (j) Take into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights.

#### **Standard of living**

60. The Committee notes with concern that a large proportion of families and children in the State party continue to live in extreme poverty, especially in rural areas. The Committee is also concerned at the low level of access to clean water and sanitation which represents the major cause of diarrhoea amongst children and that access to clean water is limited, particularly in rural areas.

61. **In accordance with article 27 of the Convention, the Committee urges the State party to increase its efforts to raise the standard of living among the rural and urban population living in poverty. The Committee further recommends that the State party rehabilitate damaged water supply systems, including improvement of unprotected springs, install water supply systems in priority areas where households use surface water and promote better community participation in water-point management.**

#### **Children in prison with their mothers**

62. The Committee expresses serious concern that some children are born in prisons and/or have accompanied their mothers in prisons. The Committee is also concerned at their poor living conditions and at the fact that children are deprived of their right to health and education which is inappropriate for their physiological and psychological development.

63. **The Committee recommends that the State party ensure that living conditions in prisons and facilities provided are adequate for the child's physical, mental, moral and social development in accordance with article 27 of the Convention, including access to health and education services and when appropriate seek alternative measures to institutional confinement for pregnant women and mothers with young children.**

## 6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

### Education, including vocational training and guidance

64. The Committee appreciates the Government's decision on free primary education for all children in 2005 which has increased considerably the enrolment rates. However, the Committee remains seriously concerned by:

- (a) The fact that the enrolment in early childhood education and pre-school remains low;
- (b) The limitation of compulsory school education to six years, the poor primary school attendance and completion rate and the low secondary school enrolment rate;
- (c) The large number of school dropouts, especially of girls;
- (d) The lack of vocational education and training, including for dropout children;
- (e) The overcrowded schools and shortage of classroom materials; and
- (f) The insufficient number of trained teachers and available school facilities.

65. **The Committee recommends that the State party:**

- (a) **Ensure access to and completion of at least primary school and progressively expand compulsory education to secondary school up to grade 10 (16 years) , in all regions of the State party and pay particular attention to girls;**
- (b) **Make quality early childhood education and preschool accessible to all children, including children growing up under poor and disadvantaged living conditions;**
- (c) **Create and strengthen promotion of vocational education and training, including for children who have dropped out of primary or secondary schools, especially for girls;**
- (d) **Improve the quality of education through, inter alia, revising outdated curricula and decreasing the student-teacher ratio, ensuring at the same time that teachers are well-trained and fully qualified and that they receive adequate salaries;**
- (e) **Include human rights and child rights in the curricula of schools; and**
- (f) **Take into account the Committee's general comment No. 1 (2001) on the aims of education.**

## 7. Special protection measures (arts. 22, 38, 39, 40, 37 (b) and (d), 30, 32-36 of the Convention)

### Unaccompanied, internally displaced children and refugee children

66. The Committee remains concerned at the very large numbers of persons who have become refugees or internally displaced within the country and the situation of those displaced children who are unaccompanied. The Committee is particular concerned by the number of people who have been forcibly resettled and by inadequate, life-threatening conditions in resettlement camps, and the poor health and education services available to camp populations. The Committee is also concerned at the lack of information on the status and extent of unaccompanied, internally displaced, refugee and asylum-seeking children.

67. The Committee urges the State party to make every effort to protect the civilian population from displacement and to implement its plans to end forced resettlement, giving particular attention to the situation of unaccompanied children and the need for effective family tracing. The Committee further urges the State party to ensure that all displaced children and their families, including those who have been resettled, have access to essential health and education services and to consider the need for continued access to such services during the often slow process of return to communities of origin. The Committee also urges the State party to provide returning children and their families with assistance in re-establishing themselves in their homes. In addition, the Committee urges the State party to continue to work closely with UNHCR towards establishing conditions conducive to the return of refugees in safety and in the context of a durable solution. The Committee requests the State party to provide information in its next periodic report on the status and extent of unaccompanied, internally displaced, refugee and asylum-seeking children.

#### **Children in armed conflict**

68. The Committee notes that the State party has set 18 years as the minimum age for recruitment into the Armed Forces. However, the Committee is concerned about the possible gaps within the recruitment process due to a lack of adequate birth registration. The Committee welcomes the establishment of the National Commission for the Rehabilitation of Disaster Victims by Act No. 1/17 of 13/12/2002, which is in charge of rehabilitating children who were victims of the Burundian conflict. However, the Committee is concerned at the lack of physical and psychological recovery for all children affected by armed conflict, in particular those who were displaced and separated from their parents.

69. The Committee urges the State party to:

- (a) Take all possible measures to prevent the recruitment of children and enforce its legislation strictly; and
- (b) Provide physical and psychological recovery measures for all children affected by armed conflict, including those separated from their parents and landmine victims, while paying particular attention to children in female-headed households.

#### **Economic exploitation including child labour**

70. While welcoming the adoption of the National Plan of Action for the Elimination of the Worst Forms of Child Labour 2010-2015, the Committee is concerned that child exploitation, including child labour is widely practised in the State party. The Committee is also concerned at the lack of a labour inspectorate to ensure effective implementation of child labour laws both in the formal and informal sectors.

71. The Committee urges the State party to:

- (a) Effectively implement the National Plan of Action for the Elimination of the Worst Forms of Child Labour 2010-2015;
- (b) Give priority to addressing the vulnerable situation of child domestic workers and children working in dangerous conditions;
- (c) Bring its legislation into conformity with the ILO Conventions concerning Minimum Age for Admission to Employment, 1978 (No. 138) and concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182), and put in place mechanisms to protect working children, including children working in the informal sector;

(d) **Establish the labour inspectorate to ensure effective implementation of child labour laws, both in the formal and informal sectors; and**

(e) **Continue seeking assistance from ILO and UNICEF.**

#### **Children in street situations**

72. The Committee notes the efforts made by the State party to address the widespread phenomenon of children in street situations, through, inter alia the establishment of centres for care protection and reintegration of children in street situations. However, the Committee is concerned at the high number of children in street situations who have been identified in main towns, predominantly children living in poverty and HIV/AIDS orphans.

73. **The Committee reiterates its previous recommendation and urges the State party, inter alia, to:**

(a) **Develop and implement, with the active involvement of the children themselves, a comprehensive strategy with adequate resources to address the root causes, as well as define preventive and protective measures, and establish annual targets for the reduction of their numbers;**

(b) **Implement in close cooperation with the children themselves, NGOs and other relevant institutions, the project to address the phenomenon of children in street situations;**

(c) **Support family reunification programmes or alternative care, preferably family type care measures, and ensure they fully take into account the best interests of the child and**

(d) **Ensure that children in street situations have access to education and are supported to stay in school, and provide them with adequate health services, shelter and food, bearing in mind the specific needs of girls.**

#### **Sexual exploitation and abuse**

74. The Committee is concerned at the high levels of child abuse, in particular sexual abuse in the school and regrets the lack of statistics and mechanisms to receive, monitor and investigate reports of cases of child abuse and analyse its root causes. The Committee is further concerned at the lack of a comprehensive policy to counteract child abuse.

75. **The Committee recommends that the State party:**

(a) **Make every effort to ensure that schools are safe places for children, in particular for girls, and that they are free from sexual and physical violence;**

(b) **Take the necessary measures to prevent child abuse and neglect, including sustained preventive public education programmes;**

(c) **Establish effective mechanisms to receive, monitor and investigate reports of cases of child abuse and, when required, initiate prosecutions of perpetrators in a manner that is child-sensitive and ensures the privacy of the victims and**

(d) **Provide children victims of sexual or other forms of abuse with the necessary psychological and other support for their full recovery and social reintegration.**

### Administration of juvenile justice

76. The Committee notes with interest the establishment of a National Plan of Action on Juvenile Justice for the period 2009-2010 and the recent establishment of a national unit for the judicial protection of children (*cellule nationale de la protection judiciaire de l'enfant*) within the Ministry of Justice. However, the Committee is concerned that the criminal juvenile justice system is not in place in the whole country, since juvenile courts has not yet been established in all provinces, and faces serious problems of corruption and lack of capacity to effectively prosecute cases. In particular, the Committee is concerned at:

- (a) The fact that the Criminal Procedure Act and the national strategy for juvenile justice have not yet been adopted;
- (b) Reports according to which children are detained, prosecuted, tried and eventually sentenced by the same courts and following the same procedures as adults;
- (c) The failure to separate minors from adults in detention centres due to the lack of a specific juvenile detention centre;
- (d) Violations of due process rights including the right to legal assistance;
- (e) The fact that often children stays in pretrial detention for long period, awaiting for trial; and
- (f) Reports of ill-treatment, coerced confessions, sexual violence and prostitution in incarceration.

77. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular, articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice:**

- (a) **Establish a child-focused juvenile justice system which operates in all Provinces, with separate courts and fully and promptly implement international law and standards regarding children in conflict with the law;**
- (b) **Speed up the adoption of the revised Criminal Procedure Act and the national strategy on juvenile justice;**
- (c) **Ensure the acceleration of procedures, in order that all children accused of crimes are brought promptly to trial;**
- (d) **Ensure that incarceration of children is used as a last resort and imposed for the minimum time possible and that children are always detained separately from adults, whether in police detention or in prisons;**
- (e) **Investigate and if appropriate prosecute or otherwise sanction persons accused of physically or sexually abusing detained children;**
- (f) **Guarantee free legal assistance to all children accused of crimes;**
- (g) **Take the necessary steps to ensure that persons working with children in the justice system, juvenile judges, etc. receive appropriate training; and**
- (h) **Ensure that community based rehabilitation alternatives are in place nationwide;**



(i) **Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members, which include UNODC, UNICEF, OHCHR and NGOs, and to seek technical advice in the area of juvenile justice from members of the panel.**

#### **Children belonging to minority or indigenous groups**

78. The Committee remains concerned that Batwa children suffer from discrimination in relation to the enjoyment of their rights, including the rights to health care, food, survival and development. The Committee is particularly concerned at the discrimination faced by the Batwa girls who do not attend school or complete primary or secondary school.

79. **The Committee urges the State party urgently to take measures to strengthen the representation of Batwa in national policymaking and to elaborate a plan of action to protect the rights of Batwa children, including in particular those rights of persons belonging to minorities and indigenous peoples. The Committee recommends that the State party:**

(a) **Take all measures to ensure that Batwa children, especially Batwa girls benefit from the policy of free primary education including the possible creation of a fund to cover essential items for education (such as school materials, clothing and nutritional support);**

(b) **Create effective policies and programmes to improve the marginalised situation of Batwa girls; and**

(c) **Collect accurate data disaggregated by ethnicity and gender in order to develop and monitor effective programmes for Batwa girls.**

### **8. Ratification of international human rights instruments**

80. **The Committee recommends that the State take all necessary steps to ratify:**

(a) **The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**

(b) **The Convention on the Rights of Persons with Disabilities and its Optional Protocol;**

(c) **The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(d) **The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

### **9. Follow-up and dissemination**

#### **Follow-up**

81. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.**

### Dissemination

82. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

## 10. Next report

83. The Committee invites the State party to submit its next combined third, fourth and fifth periodic report by 1 October 2015. The Committee draws attention to its harmonized treaty specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit their report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

84. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention.

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