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

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

1. The Committee considered the combined fifth and sixth periodic report of Burundi (CEDAW/C/BDI/5-6) at its 1435th and 1436th meetings, on 26 October 2016 (see CEDAW/C/SR.1435 and CEDAW/C/SR.1436). The Committee's list of issues and questions are contained in CEDAW/C/BDI/Q/5-6 and the responses of Burundi are contained in CEDAW/C/BDI/Q/5-6/Add.1.

#### **A. Introduction**

2. The Committee appreciates that the State party submitted its combined fifth and sixth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-sessional working group. It welcomes the presence of the State party's delegation as well as its oral presentation and the further clarifications provided in writing in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party's delegation which was headed by Ms. Elisa Nkerabirori, Assistant to the Minister for Human Rights, Social Affairs and Gender and included representatives of the national Senate, the Ministry of Human Rights, Social Affairs and Gender; the Ministry of Education, Vocational Training and Scientific Research; the Department of Justice; and the Permanent Mission of Burundi to the United Nations Office at Geneva.

#### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's combined second, third and fourth periodic reports (CEDAW/C/BDI/4) in undertaking legislative reforms, in particular the adoption of:

(a) Law N° 1/13 of 22 September 2016 on the prevention, protection of victims and the repression of sexual and gender based violence;

(b) Law N° 1/28 of 29 October 2014 on the prevention and the repression of human trafficking and the protection of trafficking victims;

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\* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).

(c) Law N° 1/04 of 5 January 2011 on the creation of the Independent National Commission on Human Rights; and

(d) Law N° 1/05 of 22 April 2009 amending the Criminal Code and the Code of Civil Procedure to strengthen sanctions for acts of violence against women, provide a clearer definition of rape and criminalize sexual harassment.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the National Gender Policy (2012 - 2025) and the creation of a Ministry of Human Rights, Social Affairs and Gender.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2014;

(b) Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in 2013;

(c) Additional Protocol to the UN Convention against Transnational Organized Crime, 2012; and

(d) Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, both in 2008.

## C. Principal areas of concern and recommendations

### Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliament, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### General Context

8. The Committee notes that the State party has been facing political instability since April 2015, which has resulted in an increase in violence and high levels of insecurity in the State party. The Committee is particularly concerned that this situation, along with non-adherence to the rule of law in the State party, has contributed to an increase in serious acts of sexual and gender based violence committed against women and girls by the police, military and the ruling party's youth league, *Imbonerakure*. The Committee regrets the State party's intention to withdraw from the Rome Statute of the International Criminal Court (ICC), its rejection of the United Nations Independent Investigation on Burundi (A/HRC/33/37) and the consequent declaration of the Experts as *persona non grata* in the State party, its rejection of cooperation with the Commission of Inquiry established by the Human Rights Council (A/HRC/33/24), and its ongoing reassessment of its cooperation with and the presence of the Office of the High Commissioner for Human Rights in the State party.

9. **In line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee calls upon the State party to:**

- (a) Effectively combat impunity and comply with its due diligence obligation to prevent, investigate, prosecute and punish violence perpetrated against women and girls by the police, military and *Imbonerakure*;
- (b) Provide systematic training on women's human rights to all law enforcement officials, the military and the *Imbonerakure*;
- (c) Ensure unhindered access by United Nations entities, including the Office of the High Commissioner for Human Rights and the Commission of Inquiry in Burundi (A/HRC/33/24), to all areas; and
- (d) Continue cooperating with the ICC Prosecutor regarding the ongoing preliminary examination and any eventual formal investigation or prosecution, to enable the Prosecutor to monitor and document as well as determine the full scale and scope of human rights violations perpetrated against the civilian population, including women and girls.

#### **Women, Peace and Security**

10. The Committee welcomes the National Action Plan (2012-2016) for the implementation of Security Council Resolution 1325 (2000) on women, peace and security. However, it notes with concern the insufficient resourcing and ineffective application of the Action Plan and the lack of meaningful and inclusive participation of women in decision-making and peace negotiations, including in the resolution of the current conflict.

11. **The Committee recalls its General Recommendations No. 25 (2004) on temporary special measures and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and urges the State party to:**

- (a) **Ensure the meaningful and inclusive participation of women in resolving the current conflict and developing and implementing restorative justice measures to rebuild trust and sustainable peace within communities affected by the violence in the current conflict;**
- (b) **Ensure the renewal of the National Action Plan in line with the recommendations of the Global Study on the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women, peace and security, and develop capacity-building programmes for women seeking to participate in such processes; and**
- (c) **Establish a roadmap with a clear time frame, benchmarks and a dedicated budget to implement the renewed National Action Plan; and develop indicators for regular monitoring of its implementation; and provide for accountability mechanisms.**

#### **Discriminatory laws**

12. The Committee appreciates that articles 13 and 22 of the 2005 Constitution of Burundi enshrine the principles of equality and non-discrimination. However, the Committee reiterates its concern (CEDAW/C/BDI/CO/4, para. 11) that the State party has done little to amend existing laws that discriminate against women, *inter alia*, the Code of the Person and the Family (Art. 38, 88, 122 and 126), Nationality Code (Art. 4), Labour Code (Title 4), and the Criminal Code (Art. 353-357, 363 and 539). Although it acknowledges the State party's efforts to initiate the review of some of these laws, the Committee is concerned that there is no envisaged time frame for their revision or repeal. Furthermore, it reiterates its concern (CEDAW/C/BDI/CO/4, para. 13) that the application of customary law in light of the legal vacuum concerning matters of inheritance, matrimonial regimes and gifts results in women's inability to enjoy their rights under articles 13, 14, 15 and 16 of the Convention.

13. **The Committee draws attention to the links between articles 1 and 2 of the Convention and Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere. It recommends that the State party accelerate its law reform process and within a specific time frame repeal all discriminatory provisions and harmonize all laws in line with the Convention and ensure their effective implementation.**

#### **Access to Justice**

14. The Committee welcomes the direct incorporation of the Convention into the 2005 Constitution of the State party by virtue of its article 19. However, it is concerned that the provisions of the Convention are neither cited in judgments nor consistently complied with in judicial decisions. The Committee is also concerned about reports of lack of judicial independence resulting in impunity for perpetrators of acts of discrimination against women, including sexual and gender based violence. It notes that, in practice, the justice system remains inaccessible to most women due to barriers such as lack of knowledge about their rights and the limited availability of legal aid.

15. **The Committee, recalling its general recommendation No. 33 (2015) on women's access to justice, reiterates its previous recommendation (CEDAW/C/BDI/CO/4, para. 16) that the State party:**

(a) **Continue its efforts to reform and strengthen the judicial system including through the provision of systematic capacity-building to judges, prosecutors, lawyers, the police and other law enforcement officials on the Convention, as well as on the Committee's general recommendations and its jurisprudence under the Optional Protocol;**

(b) **Allocate sufficient resources to the legal assistance fund as well to non-governmental organizations facilitating women's access to justice; and**

(c) **Enhance women's awareness of their rights and their legal literacy in all areas covered by the Convention, to enable them to claim their rights.**

#### **National machinery for the advancement of women**

16. The Committee welcomes the renewal of the National Gender Policy (2012-2025) and the creation of a dedicated budget line. However, the Committee is concerned that the institutional framework of the State party lacks the coordination and resources necessary to ensure its effective implementation.

17. **The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, and the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, reiterates its recommendation (CEDAW/C/BDI/CO/4, para. 22) that the State party allocate the necessary human, technical and financial resources to ensure the implementation of the National Gender Policy and the establishment of its monitoring mechanisms, including the National Gender Council.**

#### **National human rights institutions**

18. The Committee welcomes the statutory establishment of the Independent National Commission on Human Rights in 2011. It is concerned, however, that the independence of the National Commission may be jeopardized by its insufficient action taken to investigate and report on allegations of human rights violations, including acts of violence against women.

19. **The Committee reminds the State party of its responsibility to ensure that the Independent National Commission on Human Rights is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), annexed to General Assembly resolution A/RES/48/134 of 20 December 1993, in particular with regard to its independence, and to work with it to enhance women’s awareness of their rights and their ability to claim those rights.**

#### **Women human rights defenders**

20. The Committee expresses deep concern about the restrictions imposed on women human rights defenders, including women’s organizations and women lawyers, since the onset of the current crises, including increased surveillance and fear of retaliation for advocating for women’s rights. The Committee notes with concern that NGO representatives feared reprisals for attending the Committee’s dialogue with the State party. It further regrets that women human rights defenders have had to leave the State party to seek protection for their life and personal safety.

21. **The Committee urges the State party to:**

(a) **End acts of intimidation and harassment and respect and protect the peaceful activities of all women human rights defenders, in particular, by guaranteeing their freedom of movement, expression, assembly and association, liberty and integrity of the person, as well as access to justice; and**

(b) **Prevent, investigate, prosecute and adequately punish attacks and other forms of abuse against women human rights defenders, and take effective measures to end impunity for such acts.**

#### **Temporary special measures**

22. The Committee notes the adoption of the Guide to Gender Mainstreaming in the National Programme for Public Administration Reform by the State party. However, it regrets the lack of information on its specific measures to accelerate the achievement of substantive equality of women and men.

23. **In line with article 4, paragraph 1, of the Convention and the Committee’s General Recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt further temporary special measures with specific targets and incentives, outreach and support programmes, legal sanctions, special budget allocations, and other proactive results-oriented measures, to accelerate the achievement of substantive equality of women and men, particularly in the fields of education, rural development and health, and with special attention to women with disabilities and Batwa women.**

#### **Gender based violence against women**

24. The Committee welcomes the recent promulgation of the Law N° 1/13 of 22 September 2016 on combatting sexual and gender based violence as well as the revision of the Criminal Code in 2009 to include severe sanctions for violence against women. The Committee is concerned that:

(a) Gender-based violence against women remains highly prevalent in the State party and that domestic violence is tolerated owing to deep-rooted patriarchal attitudes (CEDAW/C/BDI/CO/4, para. 23);

(b) Cases of violence against women are underreported for reasons including stigmatization by family and community members, fear of reprisal, and impunity of perpetrators;

(c) Women who are older, belonging to the Batwa, internally displaced, refugees, with albinism or/and with disabilities are at an increased risk of violence committed with impunity in the absence of specific measures of protection; and

(d) There is a lack of systematic data collection on the investigation, prosecution and sentencing of acts of gender-based violence against women, limited access for women and girls to victim assistance and protection, and a limited number of shelters in the State party.

**25. The Committee recalls its general recommendation No. 19 (1992) on violence against women and recommends that the State party:**

**(a) Implement the 2016 law effectively and enhance the prevention and protection of victims and the prosecution of perpetrators of sexual and gender based violence and to that end provide systematic training on all its provisions to judges, law enforcement personnel and lawyers;**

**(b) Ensure that victims are de-stigmatized and encouraged to report incidents of gender-based violence, and that they have access to effective protection and redress, including compensation, and prosecution of perpetrators by a competent criminal court;**

**(c) Remove obstacles faced by victims of gender based violence in gaining access to justice, including by eliminating the requirement of a medical certificate to initiate criminal proceedings for rape;**

**(d) Provide sufficient assistance and protection to women and girls who are victims of gender-based violence, including by increasing the number of shelters and providing medical treatment, psychosocial rehabilitation and reintegration programmes, especially in rural areas, and through coordination of interventions and of support services in cooperation with civil society organizations and international partners;**

**(e) Effectively implement the National plan to combat gender-based violence (2010), and allocate adequate resources to ensure its implementation in a coordinated and effective manner, paying special attention to women in situations of vulnerability;**

**(f) Intensify public awareness efforts, through consistent strategic media campaigns and educational programmes to address gender-based violence and discrimination against women; and**

**(g) Ensure systematic collection and analysis of data on all forms of gender-based violence against women, disaggregated by age, region and relationship between the victim and the perpetrator.**

#### **Gender-based violence against women in conflict**

26. The Committee is seriously concerned about the exacerbation of violence against women in the State party since the onset of the internal conflict in April 2015. It has received disturbing reports that members of the ruling party's youth league, the *Imbonerakure*, have repeatedly gang-raped women who are family members of perceived government opponents. It has also received reports which have consistently documented different forms of violence against women, including physical abuse, rape and other forms of sexual violence, mutilation and torture, perpetrated by the security forces including during house searches, mass arrests, and flight from the country. The Committee notes with concern the lack of demonstrated efforts of the State party to document cases of sexual violence having occurred during the conflict, and widespread impunity due to the absence of investigation, prosecution and punishment of perpetrators of violence against women in conflict, and victims' lack of access to justice and reparations.

27. In line with the Convention and General Recommendation No. 30 (2013), the Committee recommends that the State party:

- (a) Immediately issue orders to the police, military and the *Imbonerakure* prohibiting all forms of violence against women;
- (b) Investigate, prosecute and adequately punish all cases of violence against women, and ensure reparations for victims;
- (c) Ensure women's access to justice by, *inter alia*, adopting gender-sensitive procedures to investigate sexual violence; conducting training and adopt gender-sensitive codes of conduct and protocols for the police and military; and building the capacity of the judiciary so as to ensure its independence, impartiality and integrity;
- (d) Prioritize the protection of victims and witnesses from reprisals whenever they seek access to justice or cooperate with the judiciary;
- (e) Ensure access by women victims of sexual violence to comprehensive medical treatment, mental health care and psychosocial support provided by health professionals who are appropriately trained to detect sexual violence and to treat its consequences, as well as to forensic testing; and
- (f) Ensure that sexual violence is raised early and consistently in the resolution of the conflict and, ultimately, that it is adequately addressed in a peace agreement; and continue rejecting amnesties for gender-based crimes, in particular sexual violence.

#### **Trafficking and exploitation of prostitution**

28. The Committee welcomes the 2014 law on the prevention and repression of trafficking in persons and the protection of victims of trafficking, and notes its implementation through a multi-sectorial action plan (2014-2017) and the establishment of a National Committee. However, it continues to be concerned (CEDAW/C/BDI/CO/4, para. 27) about the lack of a coordinated and effective response by the State party to the increasing number of women and girls being trafficked out of the country for purposes of domestic servitude and sexual slavery. It notes the insufficient budget of the National Committee to perform its mandate. It regrets the absence of a disaggregated data collection system on both trafficking in women and girls and exploitation of prostitution, including on the number of victims, investigations, prosecutions, convictions and punishments. It further remains concerned that prostitution is punishable by a term of imprisonment and a fine, exposing women to a risk of violence and abuse, including by the police.

29. The Committee reiterates its previous recommendation (CEDAW/C/BDI/CO/4, para. 28) and draws attention to Sustainable Development Goal 5, target 5.2 to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:

- (a) Ensure sufficient human, technical and financial resources for the effective implementation and monitoring of the 2014 law combatting trafficking in persons and its multi-sectorial action plan;
- (b) Provide continuous capacity-building for law enforcement officials on the early identification, referral and rehabilitation of trafficking victims;
- (c) Prevent, prosecute and adequately punish traffickers and perpetrators of related human rights violations and adopt gender-specific protection measures for women and girl victims;
- (d) Carry out nationwide education and awareness-raising campaigns about the risks and criminal nature of trafficking;

(e) Systematically collect sex-disaggregated data on both exploitation of prostitution and trafficking in persons;

(f) Amend article 539 of the draft revised Penal Code to decriminalize women in prostitution; and

(g) Ensure that perpetrators of violence against women in prostitution are prosecuted and punished, and that victims are provided with gender-sensitive protection and support.

#### **Participation in political and public life**

30. The Committee welcomes the Constitutional quota of 30% representation of women in Government, Parliament, and in the Senate (arts. 129, 164 and 180) and the resulting increase in the participation of women in political life. However, it notes that the representation of women at the provincial and district level (*collines*) is very low and there is no comprehensive strategy to address the obstacles faced by women to participate in decision-making, which include prevailing patriarchal political culture based on gender stereotypes and the limited skills, education and lack of economic independence of women in the State party.

31. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making at the national and local levels and:**

(a) **Adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004), including through specific training of women on public campaigning sustained by financing;**

(b) **Undertake awareness-raising activities targeting the general public and political parties on the importance of the participation of women in decision-making, with the aim of eliminating patriarchal attitudes and stereotypes regarding the roles of women and men in society; and**

(c) **Establish a disaggregated data collection system on the participation of women representing different ethnicities as well as Batwa women in public life and decision-making positions in all sectors and at all levels.**

#### **Nationality**

32. The Committee reiterates its concern (CEDAW/C/BDI/CO/4, para. 29) that article 4 of the Nationality Code does not comply with article 9 of the Convention because it does not allow a Burundian woman married to a foreigner to transmit her nationality to her husband or children on the same basis as a Burundian man married to a foreigner. The Committee further notes with concern the discriminatory provision of the Persons and Family Code (article 38) under which registration of a child's birth can only be effected by the father, and by mothers in very specific cases. It further notes the high rates of unregistered births.

33. **The Committee reiterates its recommendation (CEDAW/C/BDI/CO/4, para. 30) that the State party amend the Nationality Code and the Persons and Family Code so as to bring them in line with article 9 of the Convention, and ensure the registration of all births.**

#### **Education**

34. The Committee welcomes the measures in place to increase the enrolment and retention of girls in school, including the adoption of a policy on the reintegration of girls



into school after pregnancy, the establishment of school meal programmes, and training of school teachers and students on combatting violence against women. However, the Committee is concerned that:

- (a) The drop-out rate for girls at the secondary level is extremely high owing, inter alia, to early marriage and pregnancy, indirect school costs, malnutrition, child labour, preference to send boys to school, and the lack of enforcement of compulsory education;
- (b) Access to education is extremely limited for girls who are internally displaced, refugees, Batwa, those with albinism and those with disabilities, particularly due to discrimination and inability to pay fees;
- (c) The quality of education remains low due to the lack of sufficiently trained teachers and high student-teacher ratio;
- (d) The post-pregnancy re-integration policy requires girls to be absent from school for one year; and
- (e) Girls are often victims of sexual and gender based violence on the way to and from school as well as on school premises and that perpetrators of such acts regularly enjoy impunity due to the frequent lack of investigations into these allegations.

**35. The Committee, in line with Sustainable Development Goal 4, target 4.5 to eliminate gender disparities in education, recommends that the State party:**

- (a) Enforce compulsory education up to the ninth grade;**
- (b) Eliminate the indirect costs of schooling, increase the number of schools and trained teachers and improve the quality of teaching and school infrastructure, including school meal programmes;**
- (c) Eliminate policies requiring a waiting period of one year before re-admitting to school young mothers and those who do not pass the High School exam on the first sitting;**
- (d) Implement targeted measures to ensure access to education for Batwa girls, girls with disabilities and internally displaced girls;**
- (e) Raise public awareness about the importance of women's and girls' education and reinforce a zero-tolerance policy with respect to sexual abuse and harassment at school, ensuring that perpetrators are punished appropriately, corporal punishment is abolished in practice, and that victims are ensured access to health-care, psychological services and reparations; and,**
- (f) Establish a robust gender-disaggregated data collection system in the education system, covering special needs education, school net enrollment and retention, and incidents of sexual and gender-based violence in school settings, including their resolution, and enforce the Committee's previous recommendations (CEDAW/C/BDI/CO/4, para. 32).**

### **Employment**

36. The Committee welcomes the revision of the Labour Code to strengthen women's rights at work and eliminate the persistent wage gap. It further notes the existence of an advanced draft law protecting the right to work for persons with disabilities. The Committee remains concerned (CEDAW/C/BDI/CO/4, para. 33) that women are concentrated in the informal sector in unskilled and low-paid jobs without social protection. It is further concerned about the lack of the protection of domestic workers from exploitation and sexual abuse and that child labour has not yet been banned and that girls continue to be exploited, particularly in domestic work.

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

(a) **Expedite the revision of the Labour Code and ensure that it guarantees substantive equality of women and men, prohibits labour discrimination and enshrines the principle of equal pay for work of equal value;**

(b) **Expedite the adoption of the draft national employment policy which addresses job creation for persons with disabilities and ensure it reflects the special needs of women with disabilities;**

(c) **In line with ILO Recommendation 204 (2015) concerning the Transition from the Informal to the Formal Economy, progressively achieve the status of formal employment by ensuring a gradual transition from informal to formal labour, improving working conditions, and guaranteeing access to social protection.**

(d) **Ratify ILO Convention No. 189 (2011) concerning decent work for domestic workers;**

(e) **Strictly prohibit child labor and raise the minimum age of employment in line with ILO Convention No. 138 (1973); and**

(f) **Adequately resource the implementation of the National Action Plan to combat and eliminate the worst forms of child labour and conduct monitoring through inspections, particularly in rural areas and domestic households.**

#### **Health**

38. **The Committee welcomes the marked reduction in the rate of new HIV infections among children. It is concerned, however, about:**

(a) **Women's limited access to basic health care services, in particular for rural women, women with disabilities, refugees and internally displaced women;**

(b) **The persistently high ratios of maternal and infant mortality, HIV/AIDS prevalence among women in prostitution and in rural areas, and acute malnutrition affecting women; and,**

(c) **The unavailability, unaffordability and inaccessibility of modern contraceptives and sexual and reproductive health services in the State party, criminalization of abortion and that 45% of incarcerated women are serving sentences up to 20 years imprisonment on conviction for abortion and infanticide.**

39. **The Committee, recalling its general recommendation No. 24 (1999) on women and health, to Sustainable Development Goal 3, targets 3.1 and 3.7 on the reduction of global maternal mortality ratios and ensuring universal access to sexual and reproductive health services, recommends that the State party:**

(a) **Increase the budgetary allocation to basic health care and sexual and reproductive health services, affordable modern contraceptives and family planning services, giving priority to women in rural areas, young women and girls, women with disabilities and refugee and internally displaced women;**

(b) **Reduce maternal mortality by improving access to basic pre- and post-natal care, emergency obstetric services, skilled birth attendance and post abortion care, as well as access to specialist care, throughout the territory of the State party, and taking into consideration the Technical Guidance of the Office of the United Nations High Commissioner on Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and corr. 1 and 2);**

(c) **Decriminalize abortion and expand the grounds on which abortion is permitted to include cases of rape, incest, risk to the life and health of the mother or**

severe malformation of the foetus and prepare guidelines on post-abortion care to ensure that women who are pregnant as a result of rape or incest have free access to safe abortion services; and

**(d) Ensure the Strategic Plan to combat AIDS (2014-2017) includes a strategy to reduce the vulnerability of women and girls and to fight the stigma and discrimination against women and girls living with HIV/AIDS.**

#### **Economic and social benefits**

40. The Committee welcomes that gender equality is a first priority of the strategic framework on combatting poverty (CSLP II) and that the strategic framework has established a fund to finance agricultural activities of rural women. However, the Committee is concerned that most women still face barriers to their economic empowerment, given their poor socio-economic condition, the stereotypes against them, and limited access to credit for failure to meet banks' requirements as well as the right to land tenure due to unequal inheritance rights.

**41. The Committee recommends that the State party strengthen its efforts to promote the economic empowerment of women through ensuring easier access to employment, credit, land and other resources and by eliminating discriminatory laws and practices that constitute barriers to their full participation in economic life.**

#### **Rural women**

42. The Committee notes the establishment of community mechanisms to promote the participation of rural women in development programmes through a minimum quota of 30%, but remains concerned that in practice they are not included in decision-making. It is further concerned about the precarious situation of and high poverty rates among rural women, exacerbated by increasing scarcity of arable land – an essential means for their survival. It further notes with concern that women encounter legal and administrative barriers in registering their land contrary to article 36 of the Constitution, due to the application of discriminatory customary rules whereby land is allocated exclusively to men.

**43. The Committee recalls its General Recommendation No. 34 (2016) on the rights of rural women and recommends that the State party:**

**(a) Increase the participation of women in the development and application of the renewed National Agricultural Strategy and the National Agricultural Investment Plan;**

**(b) Ensure protection for rural women workers, especially those working informally, in social protection policies, especially social security, maternity and retirement under the National Social Protection Plan; and**

**(c) Ensure women do not encounter any legal or administrative impediments in exercising their Constitutional right to land ownership.**

#### **Refugee and internally displaced women**

44. The Committee notes that the political instability and security situation in the State party since April 2015 has resulted in more than 50,000 persons being internally displaced and 320,000 persons seeking refuge outside the country, the majority of whom are women and children. It further notes that over 50,000 refugees from neighbouring countries reside in the State party. It has received consistent reports indicating that women and girls in contexts of internal and external displacement are at heightened risk or have been subjected to sexual violence and exploitation. The Committee is concerned that no preventive measures are being taken by the State party to ensure protection against forced displacement, as well as access to basic services by displaced women and girls.

45. The Committee recalls that the Convention applies at every stage of the displacement cycle, as indicated in its General Recommendation No. 30 (2013) and recommends that the State party:

(a) Address the specific risks and particular needs of different groups of refugee and internally displaced women and girls who are subjected to multiple and intersecting forms of discrimination, such as rural women, elderly women, widows and women with disabilities;

(b) Adopt practical measures to prevent all forms of violence against women and girls, including sexual violence and exploitation, and ensure their protection;

(c) Ensure that accountability mechanisms are in place in all displacement settings and provide victims with immediate access to medical services, and in particular, to sexual and reproductive health services including quality obstetric care; and

(d) Establish a data collection system on the number of IDPs disaggregated by sex, age, and ethnicity, as well as on their living conditions.

#### **Disadvantaged groups of women**

46. The Committee is concerned:

(a) About the absence of a strategic plan to promote the socio-economic rights of disadvantaged groups of women in the State party, including women with disabilities, Batwa women and women with albinism, and the absence of social protection specifically addressing their needs;

(b) That widows, single mothers, and older women in the State party, are victims of discrimination; and

(c) That the physical and societal barriers, including severe stigmatization and discrimination, faced by these women under all areas of the Convention, reinforce their situation of exclusion, extreme poverty and vulnerability to gender-based violence and sexual exploitation.

47. The Committee recommends that the State party:

(a) Enact a comprehensive law on the social protection of persons with disabilities, Batwa and persons with albinism and establish a mechanism to monitor its enforcement, ensuring that perpetrators of discrimination and gender-based violence against them are adequately punished and that victims are adequately compensated;

(b) Carry out a census to establish the number of persons with disabilities, Batwa and persons with albinism in the State party, disaggregated by sex, age and region; and

(c) Ensure that women in situations of vulnerability benefit from special measures in accessing justice, political and public life, education, income generating activities and health care, including sexual and reproductive health services.

#### **Women in detention**

48. The Committee notes with concern that 45% of women in prison are held in pre-trial detention, indicating the inefficiency of the criminal justice system. It is further concerned about the conditions of detained women, including overpopulation in prisons, the lack of systematic separation from male detainees and from convicted inmates, as well as inadequate access to adequate food and health care. The Committee is also concerned at the number of women detained with infants and young children as well as the lack of any social

care and protection measures for the children of detained women who are separated from their mothers.

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

(a) **Urgently address the excessive duration of pre-trial detention and immediately liberate women accused of non-serious crimes; and**

(b) **Implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') and guarantee separation of detained women and men, placing female guards in charge of the supervision of women detainees, and ensuring adequate health facilities and services, as well as appropriate treatment, in particular for pregnant women and women detained with their children.**

#### **Marriage and family relations**

50. The Committee is concerned that its previous recommendations issued in 2001 (A/56/38, para. 56) and 2008 (CEDAW/C/BDI/CO/4, para. 12) to prioritize the revision of the Code of the Person and the Family, to grant the same rights for both spouses in matters of ownership, acquisition, management, enjoyment and disposition of property, and to end discrimination and standardize the age of marriage for everyone, have not been implemented. Furthermore, the Committee notes that pending the finalization of a draft law on inheritance, matrimonial regimes and gifts which exists since 2009, customary law continues to govern these matters, depriving women of their rights under articles 13, 14, 15, and 16 of the Convention. The Committee is further concerned about the absence of a statutory framework regulating de facto unions and ensuring economic equality of women and men, particularly upon their dissolution.

51. **The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations, No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, and joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, recommends that the State party:**

(a) **Urgently finalize and adopt the draft revised Code of Persons and of the Family as well as the draft law on inheritance, matrimonial regimes and gifts, in line with the recommendations accepted by the State party during its Universal Periodic Review in 2013 (A/HRC/23/2, para. 515);**

(b) **Establish monitoring mechanisms for the follow up of their effective implementation, particularly in rural areas; and**

(c) **Expedite the elaboration and adoption of legislation regulating economic aspects of de facto unions.**

#### **Data collection and analysis**

52. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.**

#### **Optional Protocol and amendment to article 20, paragraph 1, of the Convention**

53. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

#### **Beijing Declaration and Platform for Action**

54. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

55. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

56. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

#### **Technical Assistance**

57. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

#### **Ratification of other treaties**

58. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

#### **Follow-up to concluding observations**

59. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 33 and 51(a) above.

#### **Preparation of the next report**

60. The Committee invites the State party to submit its seventh periodic report in November 2020. In case of delay, the report should cover the entire period until the time of its submission.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

61. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).

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