

Oral presentation of the alternative report to the first periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Thank you Madame Chair for giving us the floor.

Burundian civil society has produced an alternative report through the Group of Women's Associations and NGOs in Burundi (CAFOB), which brings together 52 associations. This report has been validated by 24 member associations as well as by non-members of CAFOB, including l'Action Gouvernementale, la Ligue Iteka, L'Association Chrétienne pour l'Abolition de la Torture, L'Association des Femmes Juristes du Burundi, and Solidarité Femmes Parlementaires, among others.

The report is organised in the following manner:

Implementation of the Committee's conclusions and recommendations.

Progress in the implementation of CEDAW since the presentation of the initial report.

Key concerns of Burundian women regarding the implementation of CEDAW.

We will not enter into the details on the first two points, however, in order to present the principal concerns of Burundian women regarding the implementation of CEDAW, namely:

- 1) Juridical discrimination;
- 2) Juridical gaps;
- 3) Gender-based violence;
- 4) Trafficking of young girls;
- 5) Discrimination in the political participation of women.

1) Juridical discrimination

Some areas of discrimination have not been mentioned in the state report.

- **The Personal and Family Code** still includes discrimination against women in a number of articles:

Article 7 does not guarantee equal rights in the choice of domicile to married

foreigners;

Article 38 gives an auxiliary role to women in the declaration of the birth of a child;

Article 122 institutes the husband as the head of the household;

Article 126 implicitly authorises the husband to sell certain types of goods belonging to the family without his wife's consent;

Article 145 authorises the marriage of minors, which encourages forced marriages and premature marriages.

- **The law on nationality** is gravely discriminatory in the issue of the transmittal of nationality from mother to child. In principle, the Burundian nationality is passed on from the father, and is only passed on from the mother when the father is legally unknown.

While a foreign woman married to a Burundian man can acquire Burundian nationality through a simple declaration, the reverse is not authorised for a foreign man married to a Burundian woman. This is enshrined in articles 2 and 3 of the Nationality Code (c.f. pages 24 and 25 of the report).

- **Regarding the penal legislation**

The penal code treats women and men differently for the crime of adultery. Women are severely punished.

- **At the level of the Labour Code**

Legal discrimination subsists in the labour code and the code on imposts and taxes.

Even though maternity is a social function, the salary of a pregnant woman is halved during the entire time of her maternity leave (article 123 of the labour code).

The laws in force on income tax distinguish between men and women in with regard to their dependents.

2) Juridical gaps

Despite the Committee's recommendations on the initial report and promises by the government, there has been no progress on the Law on Succession, Donations and Marital Regimes. A draft law has been under discussion in the government since 2005, but the latter has recommended that it be submitted to popular consultation before its adoption. This unusual and non-existent procedure can be seen as a dilatory tactic to delay the adoption of this law.

3) Gender-based violence

The number of acts of sexual violence has doubled since the initial report, as is shown in the alternative report from page 10 onwards.

We would particularly like to point out the fact that the penal code only prohibits certain forms of sexual violence, without providing any detailed definitions. This is a gap which the public authorities need to address.

Furthermore, certain forms of sexual violence are not covered by the penal code, and even those which are covered are not punished in accordance with the gravity of the offence.

The practice of friendly settlements, which often results in a marriage between the victim and the violator, must be condemned as it contributes to impunity and to the trivialisation of acts of sexual violence by the community, the grassroots administrators, as well as by the OPJ.

4) Trafficking of young girls

Networks trafficking young girls which have not yet been apprehended by the government exist both inside and outside the country. The most striking example is the trafficking of young girls to Lebanon, which was uncovered in 2006. No significant action has been taken by the government, and the judicial file has been suppressed.

5) Discrimination in the political participation of women

In terms of the political participation of women,

Progress has certainly been made but improvement still remains to be made in all aspects of national life.

At the level of the replacement of deputies of the National Assembly, article 133 of law no. 1/015 of 20 April on the electoral code is misinterpreted, and women find themselves discriminated against because of their sex.

The participation of women at the level of the communal assembly remains unsatisfactory due to the absence of a minimum quota reserved for women. The statistics provided in the report from page 29 to 35 are telling of this situation.

RECOMMENDATIONS

As the guarantor of the implementation of CEDAW, the government should:

- 1) Elaborate policies which take into account equality of the sexes;
- 2) Reform the discriminatory text in the Personal and Family Code;
- 3) Disseminate the Law on Succession, Donations and Marital Regimes without further delay;
- 4) Disseminate a specific law concerning preventive and repressive measures for gender-based violence and the rehabilitation of victims;
- 5) Implement a national policy against sexual violence and design a reparation fund for victims;
- 6) Disseminate a new penal code punishing all forms of sexual violence;
- 7) Revise the electoral code in order to allow the representation of women at the grassroots level.