



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
2 November 2016

English only

**Committee on the Elimination of Discrimination
against Women
Sixty-fifth session**

Summary record of the 1436th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 26 October 2016, at 3 p.m.

Chair: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Combined fifth and sixth periodic reports of Burundi (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-18721 (E) 311016 021116



* 1 6 1 8 7 2 1 *

Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



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

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fifth and sixth periodic reports of Burundi (continued)
(CEDAW/C/BDI/5-6; CEDAW/C/BDI/Q/5-6 and Add.1)

1. *At the invitation of the Chair, the delegation of Burundi took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Hakizimana** (Burundi) said that, despite the patriarchal nature of Burundian society, it was possible for women to occupy a post in a decision-making body such as the National Assembly or Senate and perform their duties diligently while being a dutiful wife at home. Women occupying such posts were well placed to defend women's interests and to ensure the gradual elimination of all forms of discrimination and violence against women.
3. The level of representation of women in the *collines* (hillside settlements), the country's smallest administrative division, was much lower than in other decision-making bodies, as candidates for positions of leadership in those communities were not affiliated with any political party and no election lists were drawn up. While women were free to stand for election to those positions, they often lacked the financial means to run a successful election campaign and consequently lost out to their male counterparts.
4. The Constitution established a mandatory quota of 30 per cent representation of women in the National Assembly and the Senate. In the National Assembly, 44 out of 121 members were women, of whom 28 were Tutsi, 15 were Hutu and 1 was Twa, while in the Senate, 19 out of 41 members were women, of whom 5 were Hutu, 13 were Tutsi and 1 was Twa. The Tutsi ethnic minority was therefore better represented than the Hutu ethnic majority within the National Assembly and the Senate.
5. **Ms. Girukwishaka** (Burundi) said that women had accounted for around 76 per cent of voters and around 22 per cent of candidates in the most recent election. The Ministry of Human Rights, Social Affairs and Gender, in partnership with civil society, had organized a workshop to analyse the election results and to assess the impact of efforts to raise public awareness of the need to increase women's participation in decision-making processes. The workshop had been attended by a representative of the Independent National Electoral Commission who had provided participants with guidance on devising a strategy to meet or exceed the quota of 30 per cent representation of women in elected assemblies and in technical posts. The outcome of the workshop would feed into preparations for the country's next elections, which were scheduled to take place in 2020.
6. **Ms. Nkerabirori** (Burundi) said that it was true that the Nationality Code discriminated against women insofar as it prevented a Burundian woman married to a foreign national from transmitting her nationality to her child, whereas single mothers did enjoy that right. However, article 12 of the Constitution of 2005, which prevailed over the Nationality Code, provided that any child born to a Burundian mother or a Burundian father was entitled to Burundian nationality. Burundian nationality was granted to children born to a Burundian mother and a foreign father by means of a special ordinance issued by the Ministry of Justice. However, children born to a Burundian mother and a foreign father, despite having acquired Burundian nationality, were not considered to belong to any of the ethnic groups making up the country's population and could therefore experience difficulties in exercising their political rights, as the Constitution of 2005 laid down strict quotas for ethnic representation in the Government, the National Assembly and the Senate.

7. The Persons and Family Code defined a child's father as the man who formally recognized him or her as his offspring. Fathers were required to formally recognize their children within two weeks of their birth. After that period, single mothers could register the birth of their child alone and the child's father was recorded as unknown on his or her birth certificate.

8. In the past, the question of dual nationality had been the subject of a lengthy debate in Burundi. Although, previously, it had been thought that Burundian citizens were only entitled to hold Burundian nationality, they were in fact entitled to acquire a second nationality, as confirmed by the Constitution of 2005.

9. While the phenomenon of statelessness was recognized in Burundi, the process for determining whether a person was stateless was lengthy and cumbersome. Moreover, the fact that the civil registry office had only been operational since 1980 further complicated that task. However, persons determined to be stateless were entitled to acquire Burundian nationality.

10. **Ms. Jahan** said that it was her understanding that, although the right of a Burundian woman married to a foreign national to transmit her nationality to her child was guaranteed by the Constitution of 2005, the State party had still not amended the Nationality Code to bring it into line with article 9 of the Convention. She asked whether the State party had set a timeline for the amendment of the law and whether a woman could register the birth of her child independently of her husband.

11. **Ms. Schulz** said that the State party had, on a number of occasions, used the fact that a given law had entered into force before the adoption of the Constitution of 2005 to justify the fact that the law did not comply with the principle of equality and non-discrimination enshrined in both the Constitution of 2005 and the Convention. It was not clear from the text of the previous Constitution, that of 1992, whether international treaties prevailed over domestic law in Burundi. She asked whether, before the adoption of the Constitution of 2005, the State party had applied a monist system whereby an international treaty was incorporated into national law upon ratification and had effect automatically in national or domestic laws. If that were the case, the Convention should technically already be part of the domestic legal framework, as Burundi had ratified it back in 1991.

12. **Ms. Nkerabirori** (Burundi) said that it was the Constitution of 2005, and not the Nationality Code, that guaranteed the right of a Burundian woman married to a foreign national to transmit her nationality to her child. The special ordinance issued by the Ministry of Justice to grant Burundian nationality to children with non-Burundian fathers was sanctioned by the Constitution of 2005. Regrettably, the Nationality Code was still not in conformity with the Constitution of 2005 or with article 9 of the Convention. It was hoped that the process of amending the Code would begin in the near future; otherwise it could be declared unconstitutional. In Burundi, the Constitution of 2005 prevailed over all domestic laws and any laws that were not in line with the Constitution had to be amended. All the international treaties ratified by Burundi became part of the Constitution and thus prevailed over domestic laws.

13. While a child's father was required to recognize him or her formally as his offspring, if he was to be absent for the two weeks following the child's birth, the child's mother could register the birth herself by producing the couple's marriage certificate. Single mothers were also required to register their children within the two-week deadline.

14. **Ms. Schulz** asked whether there was a procedure in place whereby persons who had been negatively affected by a law that was unconstitutional could bring a complaint before the courts and, if so, whether the courts were empowered to provide those persons with a remedy.

15. **Ms. Nkerabirori** (Burundi) said that persons in that situation could file a suit with the Constitutional Court on the grounds that a given law was unconstitutional.

16. **Ms. Niyongere** (Burundi) said that article 19 of the Constitution of 2005 provided that the rights and duties set forth in international human rights treaties ratified by Burundi, including the right to a nationality, were an integral part of the Constitution.

17. There was no gender bias in the recruitment of staff within the judiciary. The difference between the number of male and female staff was not attributable to gender-based discrimination. By way of example, the Vice-President of the Supreme Court of Burundi was a woman and there was a more or less equal number of men and women serving as Supreme Court judges. A woman presided over 1 of the country's 4 courts of appeal, 1 of the country's 2 administrative courts, both of the country's labour courts and 8 of the country's 20 regional courts. In the capital, the majority of the judges presiding over local courts were women. However, few women judges presided over the country's more remote courts of law, as most female judges tended to live in cities and wished to remain close to their families. In the future, more efforts should be directed towards increasing the representation of women in the public prosecution service, where it was significantly lower.

18. **Ms. Gbedemah** said that the Committee had received reports that, although education was compulsory in Burundi, school attendance was not enforced, which led to lower enrolment and grade progression rates for girls, difficulties in collecting data, truancy and unequal access to education. She asked what measures had the State party taken to guarantee the provision of free basic education and to enforce compulsory school attendance, particularly in the light of the commitments that it had made at the World Education Forum in Dakar, Senegal, in 2000.

19. In its 2010 concluding observations (CRC/C/BDI/CO/2), the Committee on the Rights of the Child had raised concerns over overcrowding in schools, the shortage of classroom materials and the insufficient number of trained teachers and available school facilities. It had also called upon the State party to improve the quality of education through revising outdated curricula and decreasing the student-teacher ratio, ensuring that teachers were well trained and fully qualified and incorporating human rights and child rights in the curricula of schools, all while paying special attention to girls. The delegation should outline the measures taken to address the concerns raised and to act upon the recommendations made by the Committee on the Rights of the Child and provide statistical data when they were available.

20. The Committee had learned from alternative sources that students who failed the examination set at the end of the nine-year period of compulsory education were obliged to stay at home for one year before they became eligible to take it again. She asked what strategies had been put in place to minimize the negative impact of having to sit a year out of school, which could encourage delinquency, truancy and dropout. Had the State party considered running remedial or short-term vocational courses during the year out? To what extent was the failure of students to pass the examination attributable to poor teaching?

21. In its previous concluding observations (CEDAW/C/BDI/CO/4), the Committee had expressed its concern over the significant disparity between boys and girls in education and the low rate of girls' enrolment, which might be due to stereotypes relating to girls. It had also called upon the State party: to take measures to eliminate traditional attitudes perpetuating discrimination against girls; to ensure equal access for girls and women to all levels of education; to ensure the retention of girls in school, including through temporary special measures; and to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, adult education and training and the allocation of adequate financial resources. She invited the delegation to describe the measures taken to address the concerns raised and to act upon the

recommendations made by the Committee in 2008. She asked what proportion of the State budget was spent on education, how many girls had returned to school after having fallen pregnant, whether those girls were able to return to the same school and follow the same courses as before, what measures had been taken to protect girls from sexual assault on the way to and from school and how many perpetrators of sexual assault had been identified and punished. The Committee would also appreciate disaggregated statistical data on the number of children in special education and on the enrolment, attendance and grade progression rates of children in Burundi.

22. **Ms. Acosta Vargas** said that she would be interested in hearing more about the efforts made by the State party in establishing a body on wage equality. Noting that work had got under way on reforming the Labour Code, she asked which discriminatory provisions were to be amended and when the new Code was expected to be adopted. She wondered what social protection was available to the large numbers of women working in the informal sector and whether there was any policy in place to increase the number of women in the formal sector, in line with International Labour Organization (ILO) recommendation No. 204 concerning the transition from the informal to the formal economy. Given that domestic work was not regulated in Burundi, she asked whether the State party planned to ratify the ILO Domestic Workers Convention, 2011 (No. 189). She would be interested to hear about the results of the National Action Plan for the Elimination of the Worst Forms of Child Labour, which had ended in 2015. Since Burundi had ratified the Convention on the Rights of Persons with Disabilities in 2014, she wondered whether the Government planned to enact legislation on the rights of persons with disabilities, including provisions on the employment of women with disabilities.

23. **Ms. Chalal** said that the State party was to be commended on a number of positive developments in the health sector, including the maintenance of free health care for children under the age of 15 and pregnant women, the 2014-2017 Strategic Plan to Combat AIDS, which included a gender focus, and the implementation of the National Integrated Programme on Food and Nutrition. However, according to recent World Food Programme estimates, more than four million Burundians faced food insecurity. The Committee was concerned that despite the State party's efforts, marginalized groups, such as the Batwa, refugees and persons with disabilities, continued to face difficulties in accessing health services. The Committee was also concerned by the lack of health-care facilities in rural areas, difficulties in accessing medicines and contraceptives, the lack of women in senior positions in health-care facilities and the concentration of medical staff in the capital. She wished to know how the State party planned to curb the deterioration of sexual and reproductive health services given the high rates of maternal and infant mortality. In that regard, she drew attention to the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality from the Office of the United Nations High Commissioner for Human Rights (OHCHR). She wondered whether other measures were planned to reduce the vulnerability of the many women in rural areas living with HIV/AIDS. Were there any plans to amend the law on reproductive health to allow for abortion in cases where the pregnancy was the result of rape or incest? How did the State party plan to promote women's access to obstetric and basic neonatal services and sexual and reproductive health services? She would be interested to know the amount of the State budget allocated to the health sector, and whether it was being increased. Lastly, she would appreciate information on health-care services available to women in detention.

24. **Ms. Nkerabirori** (Burundi) said that it was true that corporal punishment continued to be practised in the State party and was considered a way of disciplining children. Of course, there was a difference between a light slap and real violence. In partnership with the United Nations Children's Fund (UNICEF), the Government had recently launched a 24-hour free helpline staffed by social workers and psychologists for children to report

problems, including abuse. The helpline was currently only available in Bujumbura, but it was hoped that it would be extended nationwide.

25. **Ms. Bajinyura** (Burundi) said that girls who had dropped out of school were automatically reintegrated into the education system, without having to apply to the committee established under the Ministry of National Education, Higher Education and Scientific Research. School principals were aware of their obligation to accept the return of such students. In 2016, the system had been changed to ensure not only the protection of the schoolgirls but also of their babies; accordingly, young mothers had to spend one year at home with their babies before returning to school. Statistics on the school dropout rate were produced for every academic year; in the 2014/15 school year, just over 10,000 students had dropped out at the secondary level, 4,356 of whom were girls. The statistics did not show how many girls had dropped out due to pregnancy. Since the enactment of the new legislation on education in 2012, efforts had been focused on ensuring that school was actually free, but attention would now be turned to the compulsory nature of education and the obligation on parents to send their children to school. The girls' enrolment rate was higher than that of boys at the primary level, but dropped significantly at the secondary and university level. There were many reasons for the high dropout rate among girls, including the expectation that, as they got older, girls should help out at home. With regard to teacher training, it was true that, due to demand, some teachers were hired even though they did not have specific teaching qualifications, although they did hold degrees in other subjects. Many graduates sought employment in the education sector because of a lack of job opportunities in other sectors. During the crisis, when many qualified teachers had been killed or had left the country, persons without any qualifications at all had been hired as teachers — although only at the primary level — and had received in-service training to provide them with the necessary skills. No exact figures were available on the numbers of teachers with and without teaching qualifications. The Ministry of Education received 23 per cent of the national budget. A special fund for education had been set up and, as of 2017, would provide supplementary funds to support educational needs not covered by national budget.

26. **Ms. Nkerabirori** (Burundi) said that replies to some of the questions on employment would be provided in writing. Work on the revised Labour Code was at an advanced stage, but, as it involved tripartite negotiations between the Government, employers and workers, the final text would have to be agreed upon by all parties. Draft legislation on the right to work for persons with disabilities was also at an advanced stage, and only one article — concerning whether persons with disabilities should have a designated seat in the parliament or the Government — was still being debated. It was hoped that a final draft would be submitted to the Government shortly. Only 5 per cent of Burundians — those employed in the formal sector — were covered by the current social protection system; the intention was thus to move gradually towards a system of social protection that covered all workers, perhaps involving a microcredit system. The National Commission for Social Protection had been operational for three years and the Social Protection Support Fund had been created to finance social protection programmes. The Government was keenly aware of the need to reduce economic vulnerability.

27. **Ms. Girukwishaka** (Burundi) said that awareness-raising was a major component of the Government's national reproductive health programme. Given the demographic challenges the country faced, it was important to educate people about family planning, dispel misconceptions about the use of contraceptives and ensure access to reproductive health services and contraception in health centres across the country. Secondary health posts providing family planning services had been set up close to faith-based health facilities that did not provide them. A range of activities around reproductive health were organized with the support of civil society organizations and the United Nations Population Fund.

28. **Ms. Nkerabirori** (Burundi) said that the number of women with HIV/AIDS on antiretroviral treatment was increasing and had quadrupled in recent years. Major efforts had also been made to enhance protection against mother-to-child transmission.

29. **The Chair** asked whether the national programme on reproductive health also covered access to abortion.

30. **Ms. Nkerabirori** (Burundi) said that abortion was illegal in Burundi, even if the pregnancy was the result of rape. Only therapeutic abortion — where the doctor had to choose between the life of the mother and the baby — was permitted.

31. **Ms. Pomeranzi** said there was a need for further information on how gender equality issues were mainstreamed into anti-poverty policies and the new social protection strategy. Noting that a range of funds and schemes had been established in Burundi for the economic empowerment of women, she asked whether they were used to support women in engaging in economic activities or simply to meet their basic needs. Was women's work considered part of the country's economic potential? She would be interested to know the reasons for the reduction in the number of loans awarded to women in recent years according to statistics from the African Development Bank.

32. **Ms. Acosta Vargas** asked what steps had been taken to increase the participation of women in the development and implementation of the 2008-2015 National Agricultural Strategy and the 2012-2017 National Agricultural Investment Plan and how were women agricultural workers consulted on such programmes. Noting that women continued to face difficulties in registering ownership of property, she wondered what steps had been taken to ensure that article 36 of the Constitution, which provided that all persons had the right to own property, prevailed over the discriminatory custom of allocating land exclusively to men. Were there any plans to promote land ownership by women, especially Batwa women and those displaced from their lands? She would be interested to know whether the target of 83 per cent drinking water supply coverage had been achieved, and whether any progress had been made in installing new and renewable energy sources. She would appreciate further information about the timeline for inclusion of rural workers in the National Social Protection Plan and specific policies for the protection of Batwa women. With regard to women in detention, she would be interested to know whether the possibility of applying alternatives to detention for women with young children had been considered and whether inmates had access to free legal aid. She wondered whether there were any plans to introduce free labour and delivery services for refugee women and whether any special measures were taken to meet the basic needs of widows, single mothers and older women.

33. **Ms. Girukwishaka** (Burundi) said that initiatives to improve the economic empowerment of women had been undertaken under the national gender policy. Through the efforts of the Government and other partners, such as UN-Women, women were able to obtain loans to assist them in income-generating activities. Banks generally required borrowers to pledge property as a security against loans but, since women were often unable to do so on account of their low income or lack of title to land, a guarantee fund had been established for that purpose. The guarantee fund covered 8 of the 18 provinces in Burundi and helped women with low incomes to obtain microcredits. As regards the remaining 10 provinces, the Government had created a budget line to aid women's economic empowerment and provided financial assistance to women's organizations.

34. The International Day of Rural Women was celebrated annually in Burundi. On that day, the Government arranged for rural women to meet with bank managers in order to highlight the need for more gender-sensitive banking policies. The Government hoped that such efforts would encourage banks to revise their policies, particularly as it was proven that women were more likely to repay loans than men. As part of the celebrations of the International Day of Rural Women, exhibitions were organized and successful

businesswomen were invited to talk, thereby offering rural women an example of what economically empowered women were capable of achieving.

35. **Ms. Nkerabirori** (Burundi) said that the Constitution unequivocally guaranteed the right of every Burundian, both male and female, to have access to land. However, family land was often passed down to male members of the family only, which presented a problem for women, particularly as 90 per cent of Burundians earned a livelihood through agriculture. The prevailing mentality encouraged women to relinquish the family land to which they were now entitled to their male siblings on account of the fact that women would eventually marry and could therefore live off the land belonging to their husbands. However, the situation was gradually changing, even in rural areas.

36. Efforts were being made by the Government to encourage the settlement of the Batwa, who were traditionally nomadic people. For instance, the Government was considering how to distribute State-owned property to the Batwa and encouraged them to register their marriages and the birth of their children.

37. There were instances of children of women prisoners being kept in detention facilities together with their mothers, but such women were given priority when presidential pardons were granted. However, certain crimes were not easily pardoned and, in such instances, women were obliged to remain in detention even if they had children. An alternative to the current situation was being sought. The Ministry of Human Rights, Social Affairs and Gender ensured that the basic needs of all vulnerable persons, including single mothers, were met. With regard to access to drinking water, Burundi was a mountainous country and persons in rural areas were often required to walk long distances in order to access water. Support from the international community was necessary to improve the situation.

38. **Ms. Gbedemah** said that corporal punishment was a gender issue, because it affected boys and girls in different ways. According to the Convention on the Rights of the Child, corporal punishment in schools should be avoided because it legitimized violence. She was also concerned by the State party's approach to teenage pregnancy. In Burundi, girls were asked not to attend school for a certain period of time following the birth of their child in the interests of bonding. Such girls should be encouraged to return to school as soon as possible in the same way that women were encouraged to return to work a short while after giving birth. She reminded the delegation of its commitments relating to education under the Dakar Framework for Action and the Millennium Development Goals, both of which contained objectives with an aim to be achieved by 2015. Moreover, she encouraged the State party to reconsider its approach to children who were obliged to spend one year out of school after failing their exams before they were able to retake them. Remedial training would keep such children occupied and would reduce the rate of delinquency and teenage pregnancy.

39. **Ms. Schultz** said that she was concerned by the response of the State party regarding early marriage contained in paragraph 64 of the replies to the list of issues (CEDAW/C/BDI/Q/5-6/Add.1). Although the school reforms, which merged six years of primary school with three years of secondary school into a single block, ensured that girls would be more aware of reproductive health upon finishing their first stage of education, they were still too young to enter into marriage. She also wished to know whether article 143 (a) of the Civil Code, which rendered the marriage of a prepubescent child null and void, was enforced.

40. She asked whether the State party intended to revise legislation that currently criminalized abortion, particularly in light of the rapid population growth of the country. According to a study conducted by the State party itself in 2013, roughly 50 per cent of all abortions in Burundi were backstreet abortions, which were well known to be harmful to

the health of women. In addition, 28 per cent of women aged 16-20 experienced an unwanted pregnancy. The matter was a public health issue that needed to be addressed.

41. She would appreciate information on the measures taken to prevent the transmission of HIV/AIDS within the sex and drug trade. She wondered whether Burundi found itself in the paradoxical position in which the Ministry of Justice prosecuted sex workers while the Ministry of Health provided them with condoms.

42. **Ms. Acosta Vargas** said that she would welcome an answer to her earlier questions regarding the evaluation of certain strategies implemented by the Government, such as the Strategic Framework for Growth and Poverty Reduction and the National Agricultural Investment Plan. If the Government wished to improve the economic participation of women, women must be involved in the planning of such strategies.

43. Although she appreciated that social change could only occur gradually, the Government was capable of accelerating such change by ensuring that the rights of women were constitutionally guaranteed. For instance, laws restricting women's access to land should be declared unconstitutional. She also asked whether the Government had achieved its aim to extend drinking water supply coverage to 83 per cent of the population by 2015, how the Government was assisting women in their transition from the informal to formal economic sector, whether the State party intended to ratify ILO Convention No. 189 and how the Government was progressing in its implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour.

44. **Ms. Nkerabirori** (Burundi) said that, prior to the school reforms, children had been required to take an entrance examination after six years of primary education in order to enter secondary school. If they had failed the test, they could retake it after a year or they might drop out of school entirely. By increasing the number of years of compulsory education to nine, girls were able to stay in school for longer, which helped to increase the age at which they would have children. Girls might be as old as 18 or above when finishing their compulsory education, depending on the age at which they began to attend school. Moreover, the Persons and Family Code prohibited marriage before the age of 18 unless special authorization was provided by a provincial governor. Unfortunately, people were able to cheat the system by lying about their age, which was facilitated by the fact that the civil registration system in Burundi was not computerized.

45. In response to other questions posed by the Committee, Burundi was not ready to decriminalize abortion. The Government distributed condoms not only to sex workers but also to married men and women in an effort to prevent the transmission of HIV/AIDS. Burundi had exceeded its 2015 targets for drinking water supply coverage, but she was unable to provide exact figures. Regarding the ratification of international conventions, the Government had established a department within the Ministry of Human Rights, Social Affairs and Gender which was responsible for addressing issues pertaining to United Nations treaty bodies. The department would consider the possible ratification of any outstanding treaties and optional protocols.

Articles 15 and 16

46. **Ms. Schultz** said that the revision of the Persons and Family Code and the adoption of the bill on inheritance, matrimonial property and gifts were essential to changing societal attitudes towards women. She hoped that both laws would have entered into force by the time Burundi submitted its subsequent periodic report. The bill on inheritance, matrimonial property and gifts was necessary in order to ensure that the economic life of a woman was not governed solely by customary law. The absence of a law on such issues prevented the economic independence of women, led to high numbers of property disputes, demeaned women and girls and violated article 2 of the Convention. The preliminary draft of the bill

had been completed and, upon a first reading, the draft appeared to be in line with the Convention.

47. Currently, men were the sole inheritors of assets and were entitled to most assets in the event of a divorce unless a woman was lucky enough to have her case heard by a judge who was willing to make a decision based on equality rather than customary law. Moreover, as the decisions of judges were rarely published, in the event that a judge ruled in favour of equality, it was unlikely that such a ruling would set a legal precedent.

48. Furthermore, the issue of common-law couples needed to be addressed. Women living in such situations currently had no economic rights in the event that the couple separated, nor did the children born as a result of the common-law partnership. The issue was not addressed in either the revision of the Persons and Family Code or the bill on inheritance, matrimonial property and gifts and would benefit from being considered as a separate matter in order not to delay the adoption of the two above-mentioned laws. She reminded the delegation of general recommendations Nos. 21 and 29 of the Committee, which might be of use to Burundi in resolving the numerous issues concerning common-law couples.

49. **Ms. Bajinyura** (Burundi) said that students who did not pass the exam at the end of the ninth year of compulsory education either attended a vocational training course or repeated the ninth grade. Such an approach ensured that all children were occupied by some form of educational activity.

50. **Ms. Girukwishaka** (Burundi) said that the Government conducted periodic campaigns in order to encourage common-law couples to register their partnership and any children born of the union. Couples benefited from reduced registration costs, as the fees were subsidized by organizations that cooperated with the Government in carrying out such campaigns.

51. **Ms. Nkerabirori** (Burundi) said that common-law couples were not perceived in the same way in Burundi as in Europe. In Burundi, common-law partnerships were often formed as the result of a man leaving but not divorcing his legal wife and beginning a relationship with another woman. Under new legislation on gender-based violence, that practice was prohibited. Moreover, the Persons and Family Code entitled a child born of a common-law partnership to have his or her paternity recognized before the law. Following a court decision that established the paternity of a child born out of wedlock, the child was entitled to the same rights as legitimate children.

52. **Ms. Gbedemah** said that it was common practice in Africa for couples to begin the process of a customary law marriage but not to complete it. However, certain countries had put into place legal provisions which could serve as an example to Burundi in avoiding property disputes in the event of the separation of the couple. For example, Ghanaian law recognized the property rights of women in common-law partnerships when a number of conditions were met.

53. **Ms. Nkerabirori** (Burundi) said that she would like to thank the Committee for helping Burundi in its progress towards eliminating discrimination against women. The Government was committed to improving the situation of women and would analyse and implement, where possible, the recommendations provided by the Committee.

The meeting rose at 5.15 p.m.