

AFRICAN UNION

African Committee of Experts on the
Rights and Welfare of the Child



UNION AFRICAINE

Comité Africain d'Experts sur les Droits et
le Bien-être de l'Enfant

الاتحاد الأفريقي

*"An Africa Fit for
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**CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE AFRICAN
COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)
ON THE INITIAL REPORT OF THE REPUBLIC OF BURUNDI ON THE STATUS OF THE
IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF
THE CHILD**

I. INTRODUCTION

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) extends its compliments to the Government of the Republic of Burundi and wishes to acknowledge with thanks the receipt of the initial report on the status of the implementation of the African Charter on the Rights and Welfare of the Child (the African Children's Charter/the Charter) which was submitted in accordance with the State Party's obligation under article 43 of the Charter. The ACERWC considered the initial report of the Republic of Burundi during its 31st Ordinary Session, which was held from 24 April to 04 May 2018 in Bamako, Mali.
2. The Committee also congratulates and appreciates the Government of Mali for sending its Delegation led by H.E Nivyabandi Martin, Minister of Human Rights, Social Affairs and Gender, with whom the Members of the ACERWC had a productive discussion with. The dialogue indeed helped the Committee to better understand the measures that the State Party has undertaken towards the implementation of the Charter as well as the challenges it is facing. After a careful consideration of the facts in the Report and the information provided during the constructive dialogue, the Committee has developed and adopted the following concluding observations and recommendations which, in the Committee's view, provide guidance to better enhance the implementation of the provisions of the African Children's Charter.

II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER

3. The Committee recognizes with appreciation the various legislative and institutional measures undertaken by the State Party that can better facilitate the implementation of the African Children's Charter including:
 - a. The ratification of various international human rights instruments including the UN Convention on the Rights of the Child as well as its first and second Optional Protocols, the ILO Conventions on Minimum Age for Admission to Employment and on the Worst Forms of Child Labour and Immediate Action for their Elimination;
 - b. The adoption of the National Child Protection Policy;
 - c. The Adoption of Law no 1/17 of on the Statute of Members of the National Defence Force which raises the age of recruitment in the military to 18 years of age;
 - d. The establishment of the Ministry of Human Rights, Social Affairs and Gender with a Department of Children and Family;
 - e. The establishment of the National Coordinating Committee on Child Protection to coordinate activities on child protection in various sectors; and
 - f. The establishment of the National Independent Commission on Human Rights in 2011;

III. FURTHER DEVELOPMENTS, AREAS OF CONCERN AND RECOMMENDATIONS

A. General measures of implementation

4. The Committee notes with appreciation that the State Party has taken an initiative to draft Child Protection Code and Succession Bill; however the Committee is concerned that the draft laws are not adopted yet. The Committee recommends that the State Party adopts these laws in the foreseeable future and ensures that the laws are in line with international and regional child rights instruments. The Committee further encourages the State Party to harmonize its laws such as its Family Code with accepted international standards and instruments. The Committee further recommends that the State Party harmonizes its customary laws and norms with its legislation as well as international and regional child rights instruments.
5. The State Party alluded to the fact that lack of resource and rampant population growth are main challenges in the implementation of the provisions of the African Children's Charter. The Committee therefore encourages the State Party to devise programs that can generate funds. Such programs might include encouraging small scale production at family level, creating more employments, and collaborating with partners.
6. The Committee, while noting that various sectors operate in the area of children's rights, recommends that the State Party organizes a coordination mechanism in which several government organs work in collaboration to ensure that the provisions of the Charter are fully implemented. To this end, the Committee encourages the State Party to consider establishing a coordination body or to broaden the mandate of the National Coordinating Committee on Child Protection to also cover all child rights issues.
7. During the constructive dialogue with the State Party, the Committee noted that there is lack of updated data on children's rights issues due to lack of technology for data collection and analysis. The Committee encourages the State Party to establish disaggregated data collection mechanism in each sector. It is recommended that the State Party collaborates with partners and stakeholders for improved data collection system.
8. With regards to the State Party's engagement with CSOs, the Committee notes that the Government has adopted a new CSO law in 2017. The Committee recommends that the State Party undertakes efforts to assert that the new CSO law does not prevent the effective operation of CSOs in the State Party and their provision of basic services to children.

B. Definition of a child

9. The Committee commends the State Party for legally harmonizing its definition of the child with the African Children's Charter and particularly for increasing the age of recruitment to security forces from 16 to 18. The Committee also notes with appreciation that the age of marriage is in conformity with the Charter and further encourages the State Party to ensure that the age of marriage is adhered to and no customary law contradicts the legally acceptable age.

C. General principles

Non-discrimination

10. While the Committee notes that the Government of Burundi has laid down the principle of non-discrimination in its constitution and is undertaking various

measures to ensure the realization of non-discrimination among children, the Committee is concerned that discrimination among various groups of children persists in the State Party. The Committee regrets that inheritance is regulated by custom which excludes girls from succession and that the Government has not adopted legislation to end such discrimination. The Committee urges the State Party to adopt legislation to regulate inheritance and thereby ensure that girls are not discriminated against during succession.

11. The Committee is also concerned about the discrimination faced by the minority Batwa children who do not have access to basic services and are discriminated in schools and social arena. The Committee recommends that the State Party provides adequate services such as education and health services to the Batwa children and ensure that they are not discriminated by service providers. Moreover, the Committee recommends that the Government supports the Batwa children who are disproportionately economically disadvantaged. The Government should also hold accountable the perpetrators of marginalization and discrimination against the Batwa children.
12. In addition, the Committee recommends for the State Party to take actions to ensure that children with disabilities and children with albinism are not socially stigmatized and discriminated in accessing services. Perpetrators of child abuse against children with albinism should also be investigated prosecuted thoroughly.

Best interest of the child

13. The Committee commends that the State Party has enacted various legislation that ensure the best interest of the child in all aspects. The Committee further recommends that the State Party translates the principle of the best interest of the child in judicial proceedings, administrative procedures and in decision making procedures. The Committee recommends that both substantive issues and procedural matters are geared by the principle of the best interest of the child in order to ensure that children's right and welfare is protected in all matters concerning them.

The right to life, survival and development

14. While appreciating that the Constitution of Burundi ensures the right to life, the Committee notes with concern that 37 children have been reportedly killed during the 2015 unrest and that no investigation and prosecution has been pursued to hold perpetrators accountable. The Committee recommends that the State Party shows due diligence to investigate and prosecute the perpetrators and undertakes safeguarding measures to prevent such killings.
15. The Committee commends the gradual reduction of child mortality and encourages the State Party to continue undertaking efforts targeted towards further reducing child mortality. The Committee recommends that the State Party undertakes efforts to address the main causes of child mortality such as malaria, diarrhea, respiratory infections, and malnutrition.
16. The Committee also observed that there are challenges in relation to food security; severe acute malnutrition, cholera outbreak in Lake Tanganyika shoreline, and lack of access to clean water which endanger the life, survival and development of children

in the State Party. The Committee further notes that these situations and humanitarian needs are exacerbated by the political unrest. The Committee recommends that the State Party increases its investment in agriculture in both large and small scale agricultural activities. The Committee recommends that the State Party address knowledge gaps in the agriculture sector and encourage families to engage in agricultural activities with a view to ensuring food security for children. Moreover, the Committee encourages the State Party to develop risk management strategies and boost emergency food support. In order to further address malnutrition, the Committee recommends that the State Party promotes exclusive breast feeding for the first six months and breast feeding up to two years of children's age. The Committee also encourages the State Party to promote improved nutrition with the means available to most households and raise awareness about the nutrition children should get. The Government of Burundi should also incorporate nutritional aspects in its agricultural investment.

17. The Committee notes that the State Party has a large amount of water resource and hence recommends that the State Party undertakes measures to improve its management of water resource to ensure that both urban and rural communities have access to clean drinking water. The Committee stresses that the provision of clean potable water can significantly reduce diarrhea and cholera outbreaks.
18. The Committee further encourages the State Party to address preventable diseases which are affecting the lives of many children. The State Party is encouraged to increase the level of immunization and vaccination to children across all regions and undertake other preventive measures such as distribution of mosquito nets to prevent malaria, promote and provide for sanitation and hygiene to prevent diarrhea, and promote nutritious diet to prevent malnutrition and stunting.

Participation of the child

19. The Committee notes with appreciation the establishment of the National Children's Forum as a platform for the participation of children and the celebration of the Day of the African Child with the participation of children. The Committee recommends that the National Children's Forum is inclusive by involving children in various situations including children with disabilities. Moreover, the State Party is encouraged to ensure that platforms such as the National Children's Forum are not limited to consultations but also offer an opportunity for children to participate in decision making in matters concerning them in line with their evolving capacities. The Committee also recommends that the Government of Burundi consults children in policy and law making and also sensitizes government officials, parents, traditional and community leaders and other stakeholders on the right of children to be heard and the importance of their participation.

D. Civil rights and freedoms

Name, nationality, identity and registration at birth

20. While appreciating that birth registration is free, the Committee notes with regret that there is a penalty for late registration and that there is a cost to obtain birth registration certificate. Furthermore, the Committee notes that birth registration is not

accessible in all regions, mainly in rural and remote areas. Taking into consideration that birth registration is a prerequisite to medical and other basic services, the Committee strongly recommends that the State Party takes concrete and urgent measures to make birth registration and certification free, to remove the penalties associated with late registration, and to decentralize birth registration facilities and reach all regions through mobile birth registration units as well as providing such services in health care centers. The Committee also recommends that the State Party undertakes sensitization efforts to create awareness about the importance and process of birth registration. Additionally, the Committee encourages the State Party to address issues of statelessness by ascertaining that all children born in the State Party who would otherwise become stateless are granted Burundian nationality and all children born in the State Party are immediately registered irrespective of their nationality.

Freedom of expression, conscience, thought, religion, assembly, and protection of privacy

21. The Committee notes with appreciation that there are broadcast platforms which allow children to express themselves and share their ideas. The Committee recommends that the State Party introduces such platforms in all regions and ensure that children in rural areas also have an opportunity to express themselves.
22. The Committee commends the Constitutional provisions which guarantee freedom of thought and assembly for everyone. The Committee suggests that the State Party contextualizes the implementation of these provisions in a way that it can be applicable to children as well. The Committee encourages the State Party to promote a balance between freedom of religion, thought, and conscience of children with parental responsibilities to guide children. Moreover, the State Party is encouraged to strike a balance with freedom of association of children and the legal requirement to attain majority to be a member of an association. The State Party should allow children to enjoy their right to freedom of association pursuant to the African Children's Charter in line with their evolving capacities.
23. With respect to the right to privacy of children, the Committee has been informed that the investigation of certain sexual abuse cases violate the right to privacy of children. The Committee recommends that the State Party ensures the right to privacy of child victims and witnesses is protected by training law enforcement and judiciary, regulating administrative and judicial proceedings, and developing child friendly proceedings in courts to protect privacy of children.

Protection against abuse and torture

24. The Committee, during the constructive dialogue with the Delegation of the State Party, learned that there is a Ministerial Decree which bans corporal punishment in schools. However, the Committee is concerned that the Decree is not fully implemented and that corporal punishment persists in schools and at home. The Committee therefore recommends that the State Party sensitizes teachers and parents about the negative impact of corporal punishment on the wellbeing of children and promotes positive disciplining of children through trainings on parenting and classroom management. The Committee also recommends that the State Party

sanctions teachers who perpetrate corporal punishment and further ban corporal punishment at home setting.

E. Family environment and foster parentage

25. The Committee notes that poverty affects large number of the population of the State Party and that such economic challenge affects parents in discharging their parenting duties. In such situations the State Party is required to assist parents and caregivers to enable them fulfill the basic needs of the children they are rearing. The Committee recommends that the State Party strengthen its cash transfer program and operationalize the cash transfer in all provinces of the State Party giving priority to regions highly affected by poverty. The Committee further encourages the State Party to introduce additional family support programs targeted to make families productive such as agricultural entrepreneurship.
26. Due to the recent political unrest in the State Party, the number of refugees migrating to neighboring countries, particularly unaccompanied minors has significantly increased. The Committee recommends that the State Party collaborates with receiving countries and ensure that unaccompanied minors are protected and reunited with their parents or caregivers.
27. The Committee notes that there is high rate of orphans in the State Party due to factors such as HIV and that mostly these children are catered by extended families that have economic challenges. The Committee recommends that the State Party also involves in maintaining orphans by providing supports to their extended families that are providing care for the orphans, promoting domestic foster care and adoption for orphans by others who have better economic stand, and establish support system for orphans in schools, health care services, and other services. Moreover, special support in terms of cash transfer and other mechanisms should be provided to child headed families.
28. The Committee recommends that the State Party works towards deinstitutionalization of children and ensure sustainable family environment for all children including orphans. The Committee encourages the State Party to promote domestic adoption through sensitization and incentives. In situations where children are institutionalized, the Committee recommends that their institutionalization is temporary until they are placed in an alternative family environment and that the State Party undertakes continuous monitoring and evaluation of institutionalized care facilities for children.

F. Basic health and welfare

29. The Committee notes with appreciation the effort exerted by the Government of Burundi to improve the health service for children through the enactment of the National Health Strategy, the provision of free health service for children under five years of age, free delivery service for pregnant women and health insurance for civil servants. However, reports show that the provision of free medical aid for children and expectant mothers is affected by lack of adequate budget for the health sector. Even though there is increase in the budget allocated for the health sector, the increase is not proportional to the rapid population growth and the already existing demand. The Committee recommends that the State Party implements its National

Health Strategy which aims at increasing the investment in the health sector through innovative financing. The Committee also recommends that the State Party strongly collaborates with relevant donors to supplement its scarce budget for the health sector. Furthermore, the Committee recommends for the State Party to promote delivery in health centers and train skilled birth attendants to make the free delivery service for expectant mothers effective.

30. Despite the formal rule of free delivery for expectant mothers, the Committee is concerned that reports show that teenage girls who get pregnant are deprived of free birth delivery. If this happens to be true, the Committee regrets that such discrimination exists and strongly recommends that the State Party prohibits such differential treatment and ensures that teenage pregnant girls get free medical service from prenatal until post-delivery.
31. The Committee is cognizant of the various challenges the State Party faces in relation to health care service delivery. Health care centers are not accessible to rural and remote areas. There is a challenge with the quality of the health service delivered due to lack of necessary facilities, poor infrastructure, lack of trained medical personnel especially in rural areas, and inefficient referral system in the health system network. The Committee recommends for the State Party to:
 - a. Increase the physical accessibility of health care facilities by building more centers in rural and remote areas;
 - b. Devise a system in which the health system can provide free service for children from economically disadvantaged families in addition to fully operationalizing the already existing free medical care for under five children;
 - c. Decentralize trained medical care personnel into all provinces and districts and also train more skilled medical personnel to respond to the lack of medical personnel;
 - d. Improve the referral system among the various levels of health services in the State Party to ensure efficient service delivery and ease of case management;
 - e. Ensure that health care centers have the necessary infrastructure, hygiene, and equipment needed to deliver quality service by increasing funds available to the sector and by soliciting support from donors and other stakeholders; and
 - f. Raise awareness about accessing health services to ensure that the society is utilizing the existing service for the wellbeing of their children.
32. In addition the Committee is concerned with the trend of high HIV/AIDS transmission rate. In this regard, the Committee recommends that sexual reproductive health education and services are provided in all provinces of the State Party. Moreover, the Committee encourages the State Party to prevent mother to child transmission of the virus by sensitizing mothers with HIV to consult health workers during prenatal, antenatal, and post-delivery times. The State Party is further encouraged to provide health service for such mother with a friendly and stigma free environment.
33. Concerning the rights and welfare of children with disabilities, the Committee commends that the State Party enacted a law on the protection of children with disabilities in 2014 and appreciates that there are centers for the treatment of children with disabilities in some provinces. The Committee further encourages the State Party to:

- a. Provide full package treatment including early identification, prevention, treatment, and rehabilitation of disabilities;
- b. Provide inclusive health service which accommodates children with various kinds of disabilities as a priority and until inclusion is achieved to establish the centers for children with disabilities in all provinces; and
- c. Collaborate with other stakeholders to fully implement the 2014 law.

G. Education, leisure and cultural activities

34. The Committee commends that the State Party has made primary education free and compulsory. However, the Committee has been informed that there are informal fees imposed on parents, which is discouraging economically disadvantaged parents to send their children to schools and that the quality of education is not satisfactory. While the Committee appreciates that the gender disparity in school enrolment has significantly decreased, the Committee is concerned that there are still disparities in some provinces such as Cibitoke, Kirundo, and Muyinga where girls are not attending schools as much as boys. Moreover, the Committee is concerned that there is a high and increasing rate of dropout from schools especially dropout of girls from secondary education. The Committee appreciates the introduction and promotion of vocational trainings; nevertheless, concerns have been raised that the promotion of vocational training is encouraging school dropouts. The Committee therefore recommends that the State Party:
- a. Fully implements free and compulsory primary education by removing all kinds of fees including indirect and informal fees;
 - b. Increases the accessibility of schools especially in rural and remote areas with a view to increase the net enrolment rate of schools;
 - c. Provides free learning materials and school feeding programs to encourage school enrolment. The Committee recommends that back to school campaigns can be used to involve other actors and the community in ensuring that children have learning materials;
 - d. Increases investment in education by progressively increasing budgetary allocation for the education sector;
 - e. Promotes education for girls in provinces where gender disparity in education exists;
 - f. Collects data to identify the pull-out and push-out factors for the dropout of children particularly girls from schools;
 - g. Intensifies its efforts to address the causes that lead to dropouts such as poverty, violence, and other factors by promoting family engagement, alternative education, and ensuring safe learning environment to ensure retention of children, particularly girls, in schools;
 - h. Ensures that the promotion of vocational training should not lead to dropout from the regular education and that the promotion of vocational training mainly targets children who are already out of school or who cannot progress throughout secondary education; and
 - i. Elevates the quality of education by training teachers, reducing the teacher to student ratio, and improving learning facilities in schools.

35. With regards to education for children with disabilities, the Committee notes that there are poor facilities in special schools. Moreover, the Committee notes that there is non-implementation of the inclusive education policy. The Committee strongly recommends that the State Party strives towards inclusive education through adjustment in infrastructures and facilities of regular schools such as building ramps, and making brails available. Moreover, the State Party is encouraged to train special need teachers. Improved facilities should also be provided in special schools until full integration of children with disabilities in mainstream education is achieved.

H. Special protection measures

Refugee and displaced Children

36. The Committee commends that the State Party adopted Law No. 1/32 of 13 November 2008 on asylum and refugee protection. The Committee would like to encourage the State Party to implement the said law and to apply the same protection to children who are internally displaced within the State Party due to various factors. The Committee recommends that refugees and displaced children are provided with all necessary basic services such as education, health, birth registration and justice services.

37. The Committee notes that the State Party is mainly a sending country in terms of children in emergency situations. Reports indicate that hundreds of thousands of children flee from the State Party to neighboring countries and that this situation has been escalated by the 2015 political unrest. Moreover, reports from UNHRC inform that there is lack of funding to support the refugee situation in Burundi which has led to poor support to Burundian refugees. The Committee recommends that the State Party strives towards reducing the number of children fleeing by addressing the root causes. For children who flee unaccompanied, the Committee is encouraged to facilitate their return and reunification with their parents by providing the necessary legal and financial support to the unaccompanied minors. Accompanied child returnees should also be provided with support for their reintegration in the community and their reinstatement in schools and other services. The Committee also recommends that the State Party collaborates with neighboring countries and donors to ensure that child migrants and returnees get the attention they deserve from the international community and that it solicits supports from other actors through international cooperation.

Children in conflict with the law

38. The Committee commends the adoption of Law No. 1/10 of 3 March 2013 revising the Criminal Procedure Code to improve the services provided for children in conflict with the law. However, the Committee notes with concern that children in conflict with the law are not provided with free legal aid due to lack of resources, and specialized children's court. In this regard, the Committee recommends that the State Party increases the budgetary allocation and also mobilizes resource through cooperation with other stakeholders to ensure that children in conflict with the law are provided with free legal aid service. The Committee encourages the State Party to establish children's courts and train juvenile judges.

39. The Committee also recommends that the State Party ensures that children are diverted from the regular justice proceeding and children's cases are adjudicated in a fast-tracked proceeding. Furthermore, the Committee recommends that children in conflict with the law are not subjected to custodial sentences as a matter of priority and when it is inevitable to pronounce custodial sentence, children should not be detained with adults.
40. The Committee commends the establishment of rehabilitation centers for children in conflict with the law. Nevertheless, the Committee notes that the rehabilitation centers only exist in two regions of the State Party. The Committee recommends that such rehabilitation centers are established in all regions of the State Party to ensure the separation of children from adults in detention facilities as well as the proper rehabilitation and reintegration of children in conflict with the law.

Children in armed conflict

41. The Committee notes with concern that the war that took place in the State Party affected a large proportion of children; and that children were recruited in the hostile situation both by the Government and other groups. The Committee recommends that the State Party intensifies its rehabilitation and reintegration programs to children affected by the war including school reintegration, birth registration, and provision of other basic services.

Children of imprisoned caregivers

42. The Committee observes from the State Party report that children are imprisoned with their caregivers and that pregnant women are also detained in the regular prisons. The Committee notes that Act No. 1/016 of 22 September 2003 on the penitentiary system allows children to be imprisoned with their mothers until the age of 3 without having any other law or regulation on the care and service provision for children imprisoned with their caregivers. And even though article 32 of the new Criminal Procedure Code provides that pregnant and breastfeeding women are detained in custody for selected crimes and with the authorization of the public prosecutor, its application is limited to pregnant women above six months of pregnancy and mothers who have less than six month old infant. This is not in line with the Charter which provides equal protection to all pregnant women and mothers of infants and younger children.
43. The Committee strongly urges the State Party to undertake measures to protect children or imprisoned caregivers. The Committee recommends that the State Party ensures that, as a matter of priority, caregivers and expectants are sentenced to custodial penalties without limiting such protection to selected expectants or infants. In cases where custody is mandatory, the Committee recommends that children are not imprisoned with their caregivers or that caregivers detained with their children are provided with separate detention facilities. While the State Party works towards establishing separate detention centers for such caregivers, the Committee recommends that the State Party renovates the current prisons to provide separate and safe space within the prison. The Committee also recommend that children in

detention facilities have access to education, recreation, health services, as well as clean and safe environment.

44. For further guidance on the protection of children of imprisoned caregivers, the Committee encourages the State Party to make reference to its General Comment No 1 on article 30 of the African Children's Charter.

Sale, abduction and trafficking of children

45. The Committee notes with appreciation that the State Party has criminalized the sale, abduction, and trafficking of children and that it has adopted an Anti-Trafficking Act of 2014. Despite this, the Committee is concerned that reports indicate there is lack of adequate investigation and prosecution of cases of trafficking of children and perpetrators are not held accountable. Moreover, the Committee notes that there is a situation in the State Party where girls are trafficked for economic and sexual purposes both internally and out of the country, particularly Middle East. The Committee recommends that the State Party:

- a. Fully implements the Anti-Trafficking Act and accordingly establish and operationalize the Consultation and Monitoring Committee established by the Act to coordinate anti-trafficking efforts, and ensure that all concerned government organs are involved in preventing trafficking of children in their respective sectors such as in tourism, labour, military and so forth;
- b. Ensures that there are trained personnel in its offices to identify trends of sale and abduction of children as well as children who are victims;
- c. Trains its law enforcement and judiciary on how to effectively prosecute and sentence perpetrators of sale, abduction and trafficking of children;
- d. Provides appropriate care for victims of sale, abduction and trafficking victims for their rehabilitation and reintegration and ensures that such care services are child friendly;
- e. Regulates the migration of its citizens to the Middle East and other places to ascertain that children are not trafficked to other countries for economic or sexual reasons; and
- f. Collaborates with transit and receiving countries on the return of children who have been trafficked from the State Party.

Drug abuse

46. The Committee commends that the State Party has adopted a strategy to combat drug abuse. However, the Committee has been informed that there is a high rate of drug abuse in the State Party mainly by children in the street. The Committee recommends that the State Party provides rehabilitation services to these children including medical support. In cases where children are involved in the drug supply chain, the Committee encourages that such children are detained in rehabilitation facilities. The Committee further recommends that the State Party conducts studies and surveys to know the scale of drug abuse by children which then can inform its intervention strategies and action plans.

Children in street situation

47. There are high numbers of children in the street situation due to factors such as poverty and political unrest. During the constructive dialogue with the State Party, the Committee noted that there is an initiative to remove children from the street. However, it was noted that the removal is not satisfactory given the large number of children on the street and there are some allegations that force has been used to remove children from the street. The Committee encourages the State Party to strengthen its initiative to remove children from the street and further recommends that such removal is accompanied by rehabilitation and training of the children to ensure that they do not go back to the streets. The centers in which they are put in after removal should provide them with vocational training or skills to be reintegrated in schools. Moreover, the Committee would like to remind the State Party that the main aim of removing children from the street is to benefit the children and hence no force should be applied in the removal and the process is in the best interest of the child. Finally, the Committee recommends that children removed from the street do not get institutionalized permanently; rather that they are reunified with their parents, or provided with alternative care or settlement.

Child labor

48. The Committee notes with appreciation the adoption of the National Action Plan for the Elimination of Worst Forms of Child Labour and encourages the State Party to fully implement the Action Plan for better results. While the Committee notes that the minimum age of employment is 16 years, it observed from the State Party report that there are exceptions to this age for light and non-harmful works. Children between 12 and 16 years of age can engage in selected works. To monitor that children of any age do not engage in hazardous works, the State Party should define what light and non-harmful works are.

49. The Committee is concerned that children engage in worst forms of child labour and children in rural areas work exclusively without attending schools. Children are also recruited as domestic workers and subjected to long working hours and heavy works despite the legal prohibition of night works for children. The Committee recommends that the State Party works towards the removal of children from hazardous and heavy works and holds those who abuse children accountable.

50. Furthermore, the Committee reminds the State Party that it considers child begging as one of the worst forms of child labour and hence recommends that the State Party integrates measures to end child begging in such Action Plans. In addition, the Committee encourages the State Party to consider the informal sector in all its interventions against child labour. Perpetrators who employ children in hazardous works, who employ children who are below the minimum age and who contravene the domestic as well as international law in this area should be held accountable and proper investigation, and prosecution. The Committee stresses the importance of labour inspection to remove children who are employed below the legal standard and hence recommends that the State Party strengthens its labour inspection both in the formal and informal sectors.

Harmful social and cultural practices

51. The State Party report acknowledges that child marriage and forced marriage exist and that girls are the most affected. Moreover, reports show that girls who get pregnant are mostly forced to get married. The Committee however is not able to fully grasp the scale of child marriage as the data provided in the Report dates back to 2006. The Committee recommends that the State Party updates statistics on child marriage and assess the progress. The Committee recommends that the State Party fully implements its Code of Persons and Family which sets the age of marriage at 18. In addition, the Committee recommends for the State Party to legally prohibit forced marriage and prosecute perpetrators of both child marriage and forced marriage. The State Party is encouraged to also develop policies and laws to protect children at risk of child and forced marriage and to provide comprehensive support for girls who escape such marriages. The Committee recommends that the State Party undertakes sensitization of communities, traditional and religious leaders, about the negative impacts and legal consequences of child and forced marriage.

I. Responsibilities of the child

52. The Committee commends that the State Party, as mentioned in its report, gives due regard to the age and ability of the child as well as the restrictions provided in the African Children's Charter in implementing the responsibilities of the child. The Committee encourages the State Party to include the responsibilities of children in their education and to inform parents and teachers as well as community leaders that the responsibilities of children should in no way lead to violations of the Charter, particularly provisions on the prohibition of child marriage, involvement of children in hostilities, and child marriage.

J. Conclusion

53. The African Committee of Experts on the Rights and Welfare of the Child appreciates the measures undertaken and efforts invested by the Government of Burundi towards the implementation of the African Children's Charter. The Committee aspires for the implementation of these recommendations. The Committee would like to indicate that it will undertake a follow up mission to assess the implementation of these recommendations in the foreseeable future. The Committee would also like to invite the State Party to submit its combined periodic report in 2020, which the Committee considers as the first periodic report.

54. The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of the Republic of Burundi the assurances of its highest consideration.