



REPUBLIC OF BURUNDI



MINISTRY OF HUMAN RIGHTS,
SOCIAL AFFAIRS AND GENDER

AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD INITIAL IMPLEMENTATION REPORT

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LIST OF ACRONYMS

ABUBEF Burundian Association for Family Welfare

ACRWC African Charter on the Rights and Welfare of the Child

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

AIDS Acquired Immunodeficiency Syndrome SR Health Reproduction

ANC Prenatal Consultation

ARV Anti Retroviral

AU African Union

BINUB United Nations Integrated Office for Burundi

CAM Medical Assistance Card

CDFC Family and Community Development Centre

CDS Health Centre

CPE Child Protection Committee

CRC Convention on the Rights of the Child

DRC Democratic Republic of Congo

EDS Demographic Health Survey

ESEC Commercial Sexual Exploitation

FENADEB National Federation of Associations working on childhood in Burundi

FOSA Health Training

ILO International Labour Organization

IRC International Rescue Committee

STIs Sexually Transmitted Infections

MFP Civil Service Health Fund

MFPTSS Ministry of Public Service, Labour and Social Security

MDPHASG Ministry of Human Rights, Social Affairs and Gender

MDPHASG Ministry of Human Rights, Social Affairs and Gender

MSNDPHG Ministry of National Solidarity, Human Rights

MSPLS Ministry of Public Health and the Fight against AIDS

NGO Non Governmental Organization
OVC Orphans and Other Vulnerable Children
PNDS National Plan for Sanitary Development
PNS National Health Policy
PRSP Strategic Framework for Growth and Poverty Reduction
PSDEF Sector Plan for the Development of Education and Training
EP / CNLS Permanent Executive Secretariat of the National Council for Combating AIDS
OAU Organization of the African Union
SWAA-BURUNDI Society for Women against Aids in Africa
UNHCR High Commissioner for Refugees
UNICEF United Nations Children's Fund HIV Human Immunodeficiency Virus

I. INTRODUCTION

1. The protection of the rights of the child is a concern of the Government of Burundi, and the multifaceted actions undertaken in this area translate this commitment. In domestic law, we can cite in particular the adoption of numerous laws and the subscription to several international instruments
2. At international level, Burundi ratified the United Nations Convention on the Rights of the Child in 1990 and has already submitted 2 periodic reports of its implementation to the Committee on the Rights of the Child.
3. At regional level, the African Charter on the Rights and Welfare of the Child was adopted on 9 July 1990 by the 26th Summit of Heads of State and Government of the Organisation of African Unity (OAU), current African Union (AU) in Addis Ababa (Ethiopia).
4. The Republic of Burundi ratified the Charter on 28 June 2004; which implies the commitment of Burundi to prepare an initial report in accordance with Article 43 (1) of the said Charter.
5. In the light of this provision, Burundi prepared its initial report on the implementation of the African Charter on the Rights and Welfare of the Child.
6. This report therefore covers the period from 2004 to 2016 in consideration of the date of entry into force of the Charter in Burundi. This report is prepared in accordance with the guidelines proposed by the African Committee of Experts on the Rights and Welfare of the Child according to the following framework: General measures of implementation;
 - The definition of the child;
 - The general principles of child protection;
 - Civil rights and freedoms;
 - Family environment and alternative care;
 - Basic health and well-being of the child;
 - Education, recreation and cultural activities;
 - Special measures for the protection of the child;
 - The responsibilities of the child.
7. The initial report is written when Burundi has just been through- since April 2015- a socio-political situation characterised by a climate of insecurity in certain parts of the country. This situation has a negative impact on the realisation of children's rights. Thousands of children have had their basic rights violated, a number of which have crossed the border with or without their parents. With a view to stabilising the country, an inter-Burundian dialogue has been initiated internally and externally, and a mediator appointed by the sub region is working to bring together the protagonists' positions.

1. DESCRIPTION OF THE COUNTRY



Burundi is an East African country with no access to the sea and a land mass of 27,834 km². To the North is Rwanda, to the South and East, Tanzania; in the West, the Democratic Republic of Congo. The country is subdivided into 18 provinces,¹ 119 municipalities and 2,908 hills including 97 districts of the Bujumbura City Council. The national language is Kirundi. The official language most used in the administration is French. Other languages such as English and Kiswahili are learned at school and spoken by part of the population.

The recent general population and housing census of 2008 found that the population of Burundi was 8,038,618 inhabitants of which 51.15% are women. The Burundian population is very young: young people and children exceed 60%. The population density is 391.2 inhabitants / km² with an annual population growth rate of 3.7%. Bujumbura, the capital, is the most populated city in the country.³

II. GENERAL MEASURES OF APPLICATION

9. By virtue of Article 19 of Law No. 1/010 of 18 March 2005 on the Constitution of the Republic of Burundi, the rights and duties proclaimed and guaranteed by the African Charter on the Rights and Welfare of Children are integral part of the written Burundian law.

10. In accordance with the Charter, the Government of Burundi has put in place a legal framework aimed at strengthening the protection and promotion of the rights of the child. These include:

¹ Until 24 March 2015, Burundi had 17 provinces, the 18th was created by Law n° 1/10 du 26 mars 2015 on the creation of the Rumonge province and the delimitation of the provinces of Bujumbura, Bururi and Rumonge.

² <http://www.Statistiquesmondiales.Com/burundi.htm>

³ According to the 2008 general census of population and housing, the city of Bujumbura accounted for 476,822

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- (1) Law No. 1/10 of 18 March 2005 promulgating the Constitution of the Republic of Burundi: Articles 30 (3), 44, 45 and 46 of the Basic Law respectively guarantee children's rights to special measures in order to ensure or improve care for their well-being, health and physical safety and for them to be protected from ill treatment, abuse and exploitation. It also provides for the protection of the child in the event of armed conflict while his detention can only be a last resort.
 - 2) Law No. 1/05 of 22 April 2009 revising the Penal Code includes innovations that further protect the rights of the child, such as the revision of the age of criminal responsibility from 13 to 15 years, the mitigating excuse for children under 18, measures to protect the child from domestic violence, incitement to debauchery, procuring, prostitution, rape, abduction, fraudulent adoption, sale, exploitation, pornography, etc. ;
 - 3) Law No. 1/03 of 3 April 2013 revising the Code of Criminal Procedure, which contains provisions giving priority to the best interests of minors under 18 in conflict with the law;
 - (4) Law No. 1/28 of 29 October 2014 on preventing and combating trafficking in persons and protecting victims of trafficking;
 - 5) Act No. 1/19 of 10 September 2013 on the organisation of basic and secondary education, making free basic school education;
 - 6) Legislative Decree No. 1/024 of 28 April 1993 reforming the Code of Persons and the Family as amended by Law No. 1/004 of 30 April 1999 amending the provisions of the Code of Persons and Family related to adoption. This code strengthens the rights of the child to ensure his/her best development;

 - (7) Legislative Decree No. 1/037 of July 7, 1993 amending the Labour Code of Burundi, defines children who are dependents of a worker (Article 15), prohibits night work for children under 18 (Article 119), regulates the rest of a child worker (Article 120) and the work of children and youth (Article 126 et seq.);
 - 8) Law No. 1/13 of 22 September 2016 on the prevention, protection of victims and the repression of gender-based violence.
 - 9) It should also be noted that there is a draft Child Protection Code

11. At institutional level, a framework conducive to the respect of the rights of the child has been strengthened. It should be noted in particular:

- 1) The creation since 2011 of a Department of the Child and the Family within the Ministry of National Solidarity, Human Rights and Gender, currently the Ministry of Human Rights, Social Affairs and Gender;
- 2) The establishment of the National Independent Commission on Human Rights in 2011, one of whose members comes from child rights associations;
- 3) The establishment of the National Coordinating Committee on child protection;
- 4) Establishment of a national unit for the promotion of girls' education in the Ministry of Basic and Secondary Education, Vocational Education, Vocational Training and Literacy;
- 5) The establishment of the Permanent Secretariat for Social Protection in the Ministry of Public Service, Labour and Social Security;
- (6) The establishment of a national multi sectoral committee for the elimination of the worst forms of child labour;

7) Institutionalisation within the Ministry of Justice, chambers and sections for juveniles in conflict with the law and victims of sexual violence at the Courts of Instance, the Prosecutor's Office of the Courts of Appeal;

8) Improving the conditions of detention of children through the establishment of two re-education centres for minors in conflict with the law.⁴

9) The existence of a child judicial protection unit in the Ministry of Justice since 2011;

(10) The specialised police unit responsible for the protection of minors that deals with the different categories of children exposed to danger;

11) The establishment of the National Children's Forum which allows them to be consulted in all the decisions that concern them;

12) The creation of an integrated pilot centre for comprehensive care (psychological, social, material, legal, medical and community) of victims of gender-based sexual violence called HUMURA CENTRE, operational since July 2012 and located in centre of the country. Three more Integrated Centres are already operational in MUYINGA, MAKAMBA and CIBITOKÉ district hospitals

13) The establishment of child protection committees (CPE) at provincial, communal and hill level.⁵

12. Burundi has also adopted policies and programs aimed at improving the well-being of children. These include:

1) The National Orphans and Other Vulnerable Children (OVC) Policy adopted in September 2008;

2) The National Strategy for Socio-Economic Reintegration of Conflict-Affected People adopted in 2009. This strategy targets three groups consisting of returnees, internally displaced persons and ex-combatants;⁶

3) The 2010-2015 Action Plan to Eliminate the Worst Forms of Child Labour, including the commercial sexual exploitation of children developed by the MFPTSS;

4) The 2011-2015 Ministry of Justice and the 2016-2020 Sectoral Policy that contain amendments aimed at filling the gaps found in the juvenile criminal justice system in order to be in harmony with the African Charter on Human Right and the well-being of the child;

5) The National Child Protection Policy (2012-2016) taking into account the principles and provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. This policy is articulated around strategic orientations, identified from the challenges revealed by the evaluation and mapping of the child protection system in Burundi. These

⁴ Ministerial Order No. 550/663 of 17 April 2015 establishing the Rehabilitation Centres for minors in conflict with the law (Rumonge and Ruyigi)

⁵ Refers to the smallest subdivision of the territory in Burundi

⁶ Strategic Framework for Growth and Poverty Reduction CSLPII, page 48, paragraph 176

directions are: (i) laws, policies, standards and regulations, (ii) cooperation, coordination and collaboration, (iii) strengthening the technical and institutional capacity of stakeholders for prevention and response to child protection;

6) Mapping and evaluation of the system of protection of the rights of the child;

7) The national strategy to prevent and combat the phenomenon of street children;

8) The National Child Protection Policy (PNPE);

9) Minimum standards for children in institutions or deprived of a family environment;

13. With regard to the Conventions or other international treaties in force in Burundi, the following should be mentioned:

1) Legislative Decree No. 1/13 of 16 August 1990 ratifying the Convention on the Rights of the Child;

(2) Law No. 1/13 of 17 September 2007 ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(3) Law No. 1/05 of 5 April 2012 on the ratification of the Additional Protocol to the United Nations Convention against Transnational Organized Crime (Palermo Convention, Annex II) to Prevent, Suppress and Punish Trafficking in Persons, particular women and children; (

4) Law No. 1/008 of 22 July 1996 ratifying ILO Convention No. 138 on Minimum Age for Admission to Employment;

(5) Law No. 1/12 of 20 June 2001 ratifying ILO Convention No. 182 on the worst forms of child labour and immediate action for their elimination;

6) Law No. 1/04 of 18 January 2005 ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

14. In relation to the initiatives taken to promote positive cultural values, traditions and practices and to discourage those which are incompatible with the rights, duties and obligations set out in the Children's Charter, the Republic of Burundi adopted in 2013 a programme on patriotic education and training. Title V of the programme places particular emphasis on the training of the population and the youth in positive traditional cultural values such as solidarity, mutual social assistance, forgiveness and mutual tolerance, patriotism, the sense of discretion (*ibanga*) and responsibility, dignity (*ubufasoni*) and respect for others and oneself, humanism and personality (*ubuntu*) and castigate anti values.

15. With a view to coordinating child-related policies and monitoring the implementation of the provisions of the Children's Charter, Burundi has put in place the following mechanisms:

- The Ministry of Human Rights, Social Affairs and Gender, whose main mission is to conduct policies and actions for vulnerable groups, including children. The Ministry is also in charge of the coordination and implementation of the National Policy for Orphans and Other Vulnerable Children (OVC), with the creation within the General Directorate of Social Assistance and National Solidarity, of a Department of Children and Family (DEF). This Ministry is designated as a key ministry for the promotion and protection of children and coordinates the implementation of the National Child Protection Policy through the National Child Protection Coordination Technical Committee (CTCNPE) ;

- The Ministry of Justice, which deals with activities related to the theme "Children and Justice", and who hosts the "Juvenile Unit", which coordinates all activities in this area at national level;

- The Ministry of the Interior and Patriotic Training, through the Department of Population, coordinates civil status activities including the registration of births and deaths in registration offices and centres;
- The Ministry of Public Security, which includes a specialised unit in charge of the protection of minors and the protection of morals;
- The Ministry of Public Service, Labour and Employment which deals with the problem of child labour through the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour 2010 -2015 ;
- The Ministry of Education, which coordinates activities in the field of children's education at pre-primary, basic and post-basic level;⁷
- The Ministry of Public Health and AIDS which has the mandate to implement the country's health policy and the fight against HIV. Programmes dedicated to the promotion and protection of children's health are implemented. These are: Expanded Programme on Immunization (EPI), National Programme for Reproductive Health (PNSR), National AIDS Control Programme (PNLS);
- The Ministry of Youth, Sports and Culture, which coordinates the activities of youth promotion, participation and development. Mobilisation around the associative activities, capacity building of youth associations, sports and social activities for the children, are among the prerogatives of this Ministry.

16. At local level, a community mechanism for the promotion and protection of the rights of the child called the Child Protection Committee (CPE) has been set up at municipal, communal and provincial levels under the coordination of the CDFCs, which are decentralised entities of the Ministry of Human Rights, Social Affairs and Gender.

17. In general, the different sectoral ministries work in synergy for the promotion and protection of the rights of the child. In this regard, several actions have been undertaken to popularize the national and international legal instruments on children's rights respectively adopted and ratified by Burundi. Guides and elaborate training modules helped launch training actions across the country.

18. International NGOs and Civil Society Organisations working for children contribute to the dissemination of the Charter and raise awareness about the rights of the child. By way of example, since 2012, the Ministries of Justice and Public Security have been working with the NGO International Bureau for Children's Right, IBCR, to mainstream children's rights and juvenile justice in initial training programmes, as well as ongoing and specialised training. In 2015, 217 magistrates and 75 police officers were trained on the rights of the child and juvenile justice.

19. In May 2016, the Ministry of Justice organised a 3-week training course on Children's Rights and Juvenile Justice for magistrates prosecuting or dealing with cases involving juveniles in conflict with the law. Thanks to these ongoing trainings of magistrates and police officers, we went from 440 minors aged 15 to 18 years old in conflict with the law in 2012 to 151 at the beginning of 2016.

These various information and training tools aim to:

- popularise the rights of the child;
- Ensure a thorough understanding of the principles and content of the various child rights instruments and develop the implementing domestic instruments;

⁷ The post-basic school includes vocational training and literacy, subjects on modern Letters and Science

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- Allow training beneficiaries to integrate the content of these child rights instruments into professional activities and practices;
 - Build capacity to promote behavioural change.

20. In order to reinforce the programmes of popularisation of the rights of the child, actions are undertaken for the translation into Kirundi, the national language, of legal texts and training manuals. Clusters of trainers have been set up to inform and sensitise the population on the rights of the child. Public and private media play an essential role in promoting the rights of the child. Thus, a weekly programme on human rights and children's rights is produced and broadcast on the National Radio by the Centre for the Promotion of Human Rights and Prevention of Genocide. Articles on human rights and children's rights are produced and published in the official journal "The New Burundi" by the same Centre.

21. In addition, international NGOs and civil society organisations working for children contribute effectively to the dissemination of the Charter and awareness raising on the rights of the child. For example, the Government of Burundi, in collaboration with OIDEB (Ineza Observatory for the Rights of the Child in Burundi), with the support of UNICEF, drew up a training module on the rights of the child .

22. It should be noted that children themselves participate in peer education. This was the case for the 25 children journalists trained and supervised by UNICEF who facilitate programmes on the rights of the child, including one community programme.

23. With regard to the development, validation and dissemination of reports to the general public, this report was developed through a participatory process involving all State and non-governmental bodies concerned with children's issues. As for its validation, it took place through following the discussions held during a national workshop bringing together the relevant actors. It will be disseminated amongst all stakeholders the distribution of copies of the report and the organisation of regional feedback seminars.

24. Follow-up of the recommendations to be formulated by the African Committee of Experts on the Rights and Welfare of the Child will be carried out by the Standing Committee for drafting initial and periodic reports with the co-ordination of the Department of Treaty Bodies, Special Procedures and Universal Periodic Review and other mechanisms of the United Nations System hosted by the Ministry of Human Rights, Social Affairs and Gender.

III. DEFINITION OF THE CHILD

25. Law No. 1/05 of 22 April 2009 amending the Penal Code incorporates the definition of the child enshrined respectively in Article 1 of the Convention on the Rights of the Child and Article 2 of the African Charter on the Rights and Welfare of the Child. According to Article 512 of the Code, "the term child means any person under the age of eighteen". This law sets the age of criminal responsibility at 15 years and mitigates the criminal liability of children under 18 years of age.

26. With regard to the civil majority, the Code of Persons and the Family in its articles 335 and 337 indicates that the civil majority is 21 years old. In this regard, there is an ambivalence in that the

Government of Burundi has not yet reviewed the existing law to harmonise it with the Convention which states that "a child means every human being under the age of 18, unless the majority is attained earlier under the law applicable to the child, majority is attained earlier "(art.1).

27. The age of marriage is 18 for girls and 21 for boys. Nevertheless, there are cases in the country, of young girls who marry or who voluntarily or forcibly engage in sexual acts while they have not yet reached adult age. This situation is particularly attributable, in addition to the traditional bad practices of early marriage, to the perverse and multiform effects of a war that took place in the country and which resulted in promiscuity in places and homes, rapes, depravation of morals and the erosion of public morality, debauchery and prostitution associated with poverty, clash of cultures, consumption of drugs and impunity, to name but a few.

28. With regard to the voting age, it is 18 years old.

29. The Labour Code in Burundi sets the minimum age for admission to employment at 16 years of age. Ministerial Ordinance No. 630/1 of 5 January 1981 regulating child labour prohibits the work of any child under 16 years of age.

30. The Burundian legislation protects minors against participation in armed conflicts, as the Constitution provides that "No child shall be used directly in armed conflict and the protection of children shall be ensured in times of conflict" (article 45). The minimum age for voluntary recruitment or recruitment into government armed forces has increased from 16 to 18 years. Indeed, the law n ° 1/17 of April 29, 2006 on the statute of members of the National Defence Force specifies that in order to be enrolled within this Force as a military man, it is compulsory to be at least 18 years old.

31. In terms of the minimum legal age, it therefore appears that for two very specific situations (age of civil majority and age of marriage for boys), there is a difference between the definition of the child in the Charter and that of the Burundian legislation which sets it at 21 years old. In short, there is a typology of definitions of the word "child" according to the fields in which we work.

IV. GENERAL PRINCIPLES

a) Non-discrimination

32. Article 13 of the Constitution of the Republic of Burundi states that "All Burundians are equal in merit and dignity. All citizens enjoy the same rights and are entitled to the same protection of the law. No Burundian will be excluded from the social, economic or political life of the nation because of his or her race, language, religion, sex or ethnic origin ". Article 22 complements Article 13 by stating that "All citizens are equal before the law, which gives them equal protection. No one shall be discriminated against because of his or her origin, race, ethnicity, sex, colour, language, social status, religious, philosophical or political beliefs, because of a physical or mental disability or suffering from HIV / AIDS or any other incurable disease. "The requirements of these articles are reflected in the good steps taken by the Government of Burundi to improve access to services, especially those for children. This includes:

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- Free child care until the age of 5;
 - Free care for women giving birth and maternal pre- and post-natal consultations;
 - Compulsory education for all children at basic school level, etc.

33. Moreover, the process of administrative decentralisation and the Strategic Framework for Growth and Poverty Reduction 2nd Generation (PRSP II) are part of a vision of substantially reducing poverty and improving the living conditions of women and children. These efforts are aimed at improving people's access to basic social services (civil registration centres, community health centres, schools).

b). The best interests of the Child

34. Burundian legislation emphasises the safeguarding of the best interests of the child. Under Article 19, which incorporates the Charter, the Constitution of Burundi states that the best interests of the child set forth in article 3 of the CRC must be the paramount consideration in all measures taken by the courts, administrative authorities, public and private social protection institutions in respect of the child.

35. In criminal matters, safeguarding the best interests of the child is the priority of the legislator:

➤Article 28 of the Penal Code raises the age of criminal responsibility and sets it at 15 years;

➤Article 29 mitigates the penalties imposed when the perpetrator or accomplice of an offense is a minor of fifteen years of age and less than eighteen;

➤Article 30 sets out a list of protective, educational and supervisory measures that may be taken in the interest of a minor. The following measures can be noted, amongst others: warning, to be reminded about the law, handing over to the parents, the guardian or to a trustworthy person, etc.

➤The Code of Criminal Procedure contains a whole chapter on the judicial protection of children in conflict with the law.

36. In terms of marriage, the Code of Persons and the Family protects the best interests of the child. For instance, during the divorce process:

- Article 172 states that during divorce proceedings and at the request of one of the parties, the court rules in the interest of the household and children, on the separate residence of the spouses and the delivery of personal belongings.
- Article 175 provides that during the proceedings the judge shall order, in the interests of children, that all or some of them be entrusted to the custody of either the father, the mother or third party.

37. In addition, capacity-building trainings of Government and civil society actors are continuously organised, in their various areas of intervention, with a view to transmitting knowledge (knowledge, know-how and skills) required for the best interests of the child.

38. It should be acknowledged that even though laws and actions are being implemented, many challenges remain to be overcome in order for this principle to be effectively translated into practice. Indeed, access to social services remains insufficient, especially for the poorest and in rural areas. Despite the measures taken for the protection of the child, some traditional conceptions mean that practices harmful to the health, well-being and development of the child persist.

16. c). Right to life, survival and development

40. The Constitution of Burundi states in article 21 that human dignity is respected and protected. Article 24 corroborates that all human beings have the right to life. Any violation of the dignity and rights of the child is punishable under the Penal Code, including (i) abortion (article 505-511), (ii) infanticide (article 212); (iii) the exposure and neglect of the child (article (513), (iv) incitement leading a child to commit unlawful acts or likely to compromise his/her health, morality and development (article 518); .

41. In terms of health, several other measures to accelerate the achievement of MDG4 "reduce under-five mortality" and MDG5 "improve maternal health by 2015" were developed by the government.⁸ In addition, at the legislative level, a law on the legal protection of persons infected with HIV / AIDS was promulgated in 2005 (Law No. 1/08 of 12 May 2005).

d) et e). Respect for the views of the child, information of children and promotion of child participation (Articles 4, 7 and 12)

42. Article 31 of the Constitution recognizes that freedom of expression is guaranteed. The state respects freedom of religion, thought, conscience and opinion. The Burundian child may freely exercise his/her right to seek, receive and disseminate information and ideas by all legal means. The year 2013 brought an innovation in promoting the rights of the child, with the establishment of the National Children's Forum, which is a legal framework for the expression of children on all issues that concern them. The Forum also has delegations at regional and local level. The Children's Forum represents both:

- a space for consultation between its members and other citizens of the country;
- platform of expression for children;
- a space for consultation and advocacy for better protection, survival, development and participation of children;
- an information and awareness-raising framework for the population on the implementation of the various instruments protecting the rights of the child (Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child , etc.) In addition, the establishment by Burundi of a hotline (+257) 116 allows children to report in case of danger.

Clubs created in schools allow children to express their opinions, despite the absence of an independent board of students at the level of each school. Finally, on the occasion of the International Day of the African Child celebrated on June 16 of each year, the children take this opportunity to express their opinions.

⁸ See the section on the health and well-being of the child

V. CIVIL RIGHTS AND FREEDOMS

a). Name, nationality, identity and birth registration

43. Name and nationality are important elements in the identification of a person, particularly the child who must acquire them from birth, The Code of Persons and the Family (Decree-Law No. 1/024 of April 28, 1993) devotes certain articles to *the name* and entrusts the administration with the duty to inform any Burundian citizen of the actions to be carried out as soon as a child is born. He/she must register the child at the registry office in which the mother is domiciled within fifteen days at the latest, or else, he/she is liable to a penalty through the payment of a fine. In the event of a late registration, the registering person is liable to a fine, the amount of which varies according to the delays noted. In the case of a natural child of unknown father, it is normally the mother who must register the birth.

44. With regard to nationality, the Constitution of the Republic of Burundi of 18 March 2005 specifies, in article 12, that "the Burundian citizenship is acquired, preserved and lost according to the conditions determined by the law. . Children born to Burundian men or women have the same rights under the nationality law ". Article 34 of the same Constitution provides that "no one shall be arbitrarily deprived of his nationality, nor the right to change it" Law No. 1/013 of 18 July 2000 on the reform of the Nationality Code now enshrines dual citizenship. The latter is given to anyone who acquires a second nationality in addition to the nationality of origin.

45. With regard to identity, the Government continues to make efforts to preserve the identity of the child who acquires his name from the moment of his birth, at the same time as he acquires the nationality of his country. This concern can be observed even through programmes in Kirundi language teaching the at all levels. Other important aspects are carried out by various stakeholders, including radio broadcasts on the teaching of Burundian art, cultural clubs, traditional dances and songs, poems, etc.

46. With regard to birth registration, the Code of Persons and the Family is explicit as mentioned above. However, some factors may be at the root of non-registration of births, including: (i) the remoteness of civil registration offices, (ii) ignorance or lack of information, (iii) negligence, (iv) shame of mothers of natural children, (v) the collection of municipal taxes owed by parents in the event of birth registration.

47. Sensitisation efforts through meetings and radio broadcasts are being conducted by the authorities to explain to the public the value of registering their children at birth, through civil registration offices by emphasising the benefits of the registration (access to health care, acquisition of school documents, etc.).

48. In addition, a generalised exemption has been granted to internally displaced, returnees and dispersed persons with a view to allowing the registration of births without incurring penalties provided for by law. The renewal of this exemption is done every year at the end of a workshop seminar on civil status organised for the provincial controllers of civil status and the socio cultural advisers of the Province Governors.

49. Also, SOS Children⁹ has already launched a civil registration programme in Bujumbura with the following objectives:

- (i) To regularize the vital statistics by the systematic registration of street children whose births have never been recorded at the civil status level;
- (ii) (Sensitise families on the importance of birth registration through the administration;
- (iii) Give every street child their identity to preserve their rights and their future.

50. As a first step, the project ensured the registration of 251 children in 8 homes managed by the Humanitarian Action for the Protection and Development of Children (OPDE) as part of its reintegration missions of street children. Subsequently, an awareness campaign on the importance of birth registration was conducted in three areas of Bujumbura City Council selected as pilot sites: Kamenge, Kinama, and Buterere. The three localities are very poor entities from which most of the street children of the capital come from

51. In 2012, more than 115,000 Burundian children whose births were not registered had access to a birth certificate as part of a free late registration campaign organised from 16 March 2012 in 4 municipalities of Kirundo Province and 4 of Muyinga Province. This two-month campaign organised by the Ministry of the Interior in collaboration with the Organisation *Geste Humanitaire* and with the technical and financial support of UNICEF, took place until May 15, 2012 in the Municipalities of Kirundo, Busoni, Vumbi and Bugabira (Province of Kirundo), as well as in the municipalities of Muyinga, Giteranyi, Gasorwe and Butihinda (Muyinga Province).

52. The 2012 campaign follows the campaign that was organised in 2010 in 24 communes of Bujumbura and Bujumbura Mairie Provinces, which had provided birth certificates to 56,700 children out of a total estimate of some 100,000 unregistered children in these communities. The total number of unregistered children in the eight municipalities of Muyinga and Kirundo reached by the 2012 campaign was estimated at approximately 177,000 children.

53. Regular registration continues as usual. However, civil status services suffer from a lack of computerised data. Nevertheless, the recommendation of the African Ministers in charge of the civil status at the meeting held in Durban in South Africa, set up a system of collection of vital statistics and which propelled Burundi to the first place among the Francophone African countries. To this end, an ad hoc National Steering Committee chaired by His Excellency the First Vice-President of the Republic has been operational since 2014.

54. It should be noted that, according to the 2010 DHS¹⁰, the birth registration percentage of children under 2 is 70% while that of children aged 2 to 4 is 78.7. With regard to the dwelling place, the urban area which comes in first place with 86.6% and secondly the rural area with 74.1% of which 75.4 male and 74.9 female.

⁹ The mission of the organisation is to raise awareness on birth registration

¹⁰ EDS 2010 page 43 to 44.

b) Freedom of expression

55. The Constitution of the Republic of Burundi guarantees the right to information. Access to various sources of information, both national and international, for the promotion of social, spiritual and moral well-being and their physical and mental health is guaranteed to Burundian children.

56. At national level, more than a dozen of public and private radio stations broadcast special programmes for children and youth for their psychological, intellectual and socio-cultural development. The school radio (NDERAGAKURA) has been created and contributes to this end. The introduction of Information and Communication Technologies (ICT) in Burundi, although recent, allows children through social networks, to access a variety of information useful for their development. However, Burundi does not yet have a monitoring tool for better child-friendly exploitation.

57. It should be noted that the programme "children journalists", which is the translation of articles 12, 13, 14 and 17 of the CRC, has been operational in Burundi since 2006. The aim of this programme is to prepare these children to sensitise other children, the general public and decision makers in Burundi and elsewhere about the situation of the most vulnerable children in the country. These very children journalists make films on the themes "children".

c). Freedom of thought, conscience and religion (art.14)

58. Article 31 of the Constitution stipulates that "the State respects freedom of religion, thought and conscience". As with freedom of expression, the child exercises the rights within the adult age of the eighteen-year that the law confers on him.

d) Freedom of association and peaceful assembly

59. Article 32 of the Constitution guarantees freedom of assembly and association, as well as the right to found associations or organisations in accordance with the law. The decree-law of April 18, 1992 on the organic framework of non-profit associations only allows membership of associations to those who have reached the adult age of 21 years. However, children can join youth movements of cultural, sports, social, religious, etc. nature.

e).Protection of privacy (art.16)

60. The protection of privacy is enshrined in the Constitution of the Republic of Burundi in Articles 28 and 43. Article 28 states that every woman and every man has the right to respect for his/her privacy and family life, his/her home and personal communications. Article 43 provides that no one shall be subjected to arbitrary interference with his/her privacy, family, home or correspondence, or to his honour and reputation.

f) Protection of children against abuse and ill treatment

61. Article 25 of the Constitution provides: "... No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. "The same Constitution also states in article 44 that" Every child has the right to special measures to ensure or improve the care necessary for his/her well-being, his/her health and physical safety and to be protected from ill treatment, abuse or exploitation ".

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

62. The Burundian family environment is at three levels: the extended family, the household or family compound and the nuclear family. Following the effects of the socio-political crisis in Burundi since 1993 and the HIV / AIDS pandemic, the family structure has been disrupted to such an extent that there are currently single-parent families as well as a new phenomenon known as child headed households.¹¹ The ever-increasing impoverishment has negatively affected the family structure and has not spared the living conditions of children. Some ended up in / on the streets, neglected by their parents, neglected or abandoned, thus facing exposure to situations of violence, exploitation, discrimination and abuse.

a) Parental guidance (art. 20)

63. According to article 30 of the Constitution, "... parents have the natural right and duty to bring up and raise their children". In Burundi, as elsewhere in the world, the child is first and foremost evolving within his nuclear family. It is therefore up to the biological parents to supervise the child in all aspects of human life.

64. In the old days, the extended family and the community participated in the upbringing of the child. With the increasing modernisation of society, other actors are currently contributing to the upbringing of the Burundian child. This is reflected in school, spiritual, cultural and moral guidance programmes and other activities using ICT such as radio, television and mobile telephony However, the role of parents remains paramount in the supervision of the child with a view to achieving his/her full development in terms of his/her best interests.

b) The responsibility of parents (art. 20.1)

65. The responsibility of the parents, as described by Article 30 of the Constitution, is also included in the Code of Persons and the Family in Title X on parental authority defined as "all the prerogatives that the father and mother exercise on the person and assets of the child in his interest "(section 284). Article 289 of the same code also states that "the right of custody entails for the

¹¹ Refers to children who have to assume parental responsibility before the authorised age of marriage.

father and mother the obligation to maintain and raise the child in accordance with their situation and means. "

66. However, in cases of abuse of parental authority, ill treatment of the child, known misconduct or absolute incapacity, the relevant court may temporarily or permanently deprive the father or mother of parental authority over the child. (article 298).

67. Unfortunately, although the primary responsibility for raising children lies with the parents, many of them find it difficult to take care of them because of the precariousness of their living conditions. These difficulties are both related to the macroeconomic situation which is not conducive for growth and the low level of household income.

68. Thus, the poverty index shows that the population living below the poverty line is 68%, of which 69% and 34% respectively in rural and urban areas.¹² The consequence of this situation is that the lack of family livelihood means that parents cannot raise their children in conditions that are adequate for their survival and well-being.

c) Separation from parents (art. 19.2,3 and 25)

Children deprived of family care.

69. In accordance with paragraph 2 of Article 19 of the Charter, the Code of Persons and the Family assigns the custody of the child to his parents (Chapter I of Title XI) unless the relevant court decides on the separation in case of divorce or forfeiture of parental authority. In the event of divorce, the judge decides on the placement of a child considering the interest of the child while in the case of parental deprivation, the judge appoints a guardian. In both cases, the child does not have the opportunity to participate in the deliberations, the primary role of which rests with the relevant court.

70. The socio-political crisis that erupted in 1993 in Burundi has led nearly 1.2 million people to move within the country or to seek refuge in neighbouring countries. In the best of cases, the children moved with their parents, which did not exclude that there were unaccompanied children. Of these IDPs, 49 per cent were under the age of 15 and 6 per cent were heads of households.

71. An analysis of the situation of children in care centres in Burundi has shown that there are currently 98 centres with a total number of 5,520 children (2,619 girls and 2,901 boys) and that other centres are under construction. Of the 98 care centres, 15 are for children with disabilities. The results of this analysis also show that 50 centres were opened during the crisis period (1993 - 2005) and 15 centres were opened during the years 2006-2011.¹³

72. With a view to coordinating the management of children's care centres, the Government, with the support of technical and financial partners, has adopted the Standards Minima for the alternative care of children deprived of family care. The Child and Family Department of the Ministry of

¹² UNICEF, National Study on Child Poverty and Disparities in Burundi, June 2009, p.12

¹³ Minima de standards pour les enfants en institutions ou privés d'un environnement familial au Burundi, Décembre 2011, p. 5

Human Rights, Social Affairs and Gender provides coordination and monitoring and evaluation of the functioning of these centres.

Children in street situation

73. Concerning street children, the quantitative survey carried out in 2010 recorded 3,253 in the 3 big cities of the country (Bujumbura, Gitega and Ngozi) where the phenomenon is the most prevalent. This study divided street children into three typical profiles¹⁴: (i) **Street- working**, which refers to the category of children sent or accompanied by their parents or relatives or hired by those around them. These are children who spend the day in the street and return at night bringing money to those who sent them begging (ii) **Street-family** for children living an unhealthy climate in their families. They are forced to spend the day and night on the street and (iii) **Street -living** is a group of children who, over time, have the idea that the street is a great place to live. These kids are forgetting their families and they are usually young adults on the street.

74. With a view to curbing this phenomenon, the Government has adopted the National Strategy for Preventing and Combating Children in Street Situations. A national platform of stakeholders in this field (State Department, Civil Society) implements the activities of the Action Plan of the said Strategy.

d) Family reunification (art 25.2b)

75. A child separated from his / her parents following emergency situations such as internal and external displacement related to armed conflict or natural disasters should be reunited as quickly as possible with his / her family. The Government of Burundi has adhered to the Guiding Principles on Unaccompanied and Separated Children, which advocates that, in the event of separation due to conflicts or natural disasters, they must be promptly identified and a family search undertaken with due diligence for the purposes of reunification.

76. In addition, a National Platform for Disaster Risk Reduction and Disaster Management with its branches at the provincial level ensures the management of issues related to the protection of children and women affected by these situations. For instance, more than 400 unaccompanied or separated children were identified, some reunited with their biological or extended families or with foster families.

e) Child maintenance (art.18.3)

77. No child may be deprived of maintenance because of the marital status of his parents. Thus, Article 172 of the Code of Persons and the Family makes it clear that the interests of the children must be taken into consideration during the divorce proceedings. It stipulates that "during the proceedings, the judge shall order, having regard to the interests of the children, that all or some of them be entrusted to the custody of the father, of the mother, or of a third party ". This article is complemented by the provisions of article 185 which states that "Whoever the child is entrusted to,

¹⁴ Final report of the qualitative study on the phenomenon of children in street situations in Burundi, Bujumbura, 2010,

the father and mother retain the right to supervise the upkeep and upbringing of their children and must contribute to the proposal of their faculties. A right of access is granted to the spouse to whom the custody of the children has not been entrusted. Article 186 adds that "the dissolution of the household by divorce does not deprive the children born of this household of the rights and advantages provided to them by the laws or marriage agreements of their father and mother; but there is access to these rights and benefits only in the same way and under the same circumstances in which they would have been if there was no divorce. "

f) Adoption and periodic assessment of the child's placement (art 24)

78. In Burundi, adoption is governed by Law No. 1/004 of 30 April 1999 amending the provisions of the Code of Persons and the Family on adoptive parentage. The novelty of this law is that it regulates international adoption in accordance with the 1993 Hague Convention on Protection and Cooperation in respect of Inter country Adoption, to which Burundi acceded by Law No. 1/014 of June 6, 1998, which came into force on February 1, 1999.

79. Under this law, the Child and Family Department of the Ministry of Human Rights, Social Affairs and Gender has been designated as the "Central Authority" to promote cooperation and collaboration with the central authorities of other states. For this purpose, the Central Authority shall ensure that the child is provided with the guarantees and standards equivalent to those existing in the case of national adoption.

80. This law has filled a gap in the placement of children abroad. Currently, the same authority follows up on the approval decision from the relevant authority of the host country in matters of inter country adoption.

81. Also, a support unit for the Central Authority has been set up by the Ministry in charge of child protection with the mission of assisting the Central Authority with regard to the main decisions in relation to adoption.

Table I : Children adopted from 2009 to 2015

Period Level	2009	2010	2011	2012	2013	2014	2015	Total
National ¹⁵	19	19	16	25	20	31	17	147
International ¹⁶	7	4	5	18	32	29	17	112

g) . Abuse, neglect and exploitation of the child (art 16 and 27)

82. Article 44 of the Constitution stipulates that "Every child has the right to special measures in order to provide or improve the care necessary for his well-being; his/her health and physical safety and to be protected from ill treatment, abuse or exploitation ". Corporal punishment is prohibited in schools. These measures are set out in the Penal Code and the Code of Persons and the Family, which contain provisions aimed at protecting the child against any form of violence, physical injury, brutality or exploitation, including sexual violence. Thus, article 298 of the Code of Persons and the Family provides for the deprivation of parental authority in case of abuse of the parents and abuse against the child. The Penal Code punishes domestic violence against children (section 535); incitement to debauchery and child prostitution (article 539 (2)), encouraging prostitution (article 547 (1)) and rape of a child (article 556 (1)).

83. Sexual abuse has been exacerbated during the civil war and the waves of violence it has engendered. Data compiled by NGOs working in Burundi show more than 2700 cases of sexual assault in 2007. The recent promulgation of Law N ° / 13 of 22 September 2016 on prevention, protection of victims and repression of gender based violence should be pointed out.

84. The Government of Burundi has set up a National Centre for the Prevention and Care of Victims of Gender-Based Violence in the Centre of the Country (Humura Centre of Gitega) in order to prevent and support victims of sexual violence and prosecute the perpetrators of these crimes

VII. BASIC HEALTH AND WELL BEING

85. The Government of Burundi is aware that it is its duty to ensure children's enjoyment of the right to health. This is reflected in the 2005-2015¹⁷ National Health Policy (NSP), which includes measures to promote the health of the general population, and of mothers and children in particular.

¹⁵ Source : District Court in Bujumbura City

¹⁶ Source : Ministry of Human Rights, Social Affairs and Gender, Department of Children and Family / Central Authority

¹⁷ National Forum on Child Poverty and Disparities in Burundi, June 2009

a. Survival and development (art 5)

This section was developed earlier in paragraphs 39 and 40

b. Children with disabilities (art 13)

86. Article 22 of Burundi's 2005 Constitution guarantees equal protection to all individuals. Indeed, "No one may be discriminated against (... ..) because of **a physical or mental disability** or because he suffers from HIV / AIDS or any other incurable disease. ". Burundi has also ratified the UN Convention of the Rights of Persons with Disabilities in 2014 and it is in the process of developing national instruments for its domestication.

87. The statistical data provided by Burundi's 2008 general population and housing census, Volume 1, published in December 2011, indicate that children aged 0 to 14 living with disabilities are in the following categories: 22,340 Blind, 10,879 Deaf, 6,190 Mute, 2,518 Deaf-Mute, 6,389 lower limb impairment, 3,723 upper limb impairment, 6,369 Mentally impaired and 17,247 Other. The major problem faced by these children is their stigmatisation by society.

88. Burundi has taken many initiatives to ensure the enjoyment of all rights for children with disabilities, including the right to health. Indeed, a centre equipped to take care of the mobility impairment, namely the National Centre of Apparatus and Rehabilitation (CNAR) of Gitega was created. Other National Socio-Professional Reintegration Centres in Bujumbura and Ngozi are functional.

89. In addition to these centres are five special needs schools for the sensory disabled:

- The EPHATA deaf-mute school from Kamenge in Bujumbura;
- Two schools for the blind of Mutwenzi in Gitega and of Gihanga in Bubanza;
- Two schools for the care of mentally disabled children of Akamuri in Bujumbura City and the Medico-Pedagogical Institute of Mutwenzi in Gitega, etc.

90. It should also be noted that the Government encourages the initiatives of national and international organisations. It is in this context that the association of disabled persons called "Union of Disabled Persons of Burundi" was born and is actively involved in raising awareness and fighting for the rights of disabled people, including their medical care and their education. In addition, the Government financially supports the National Centres for the Disabled.

c. Health and health services (art 14)

91. The 2005 Constitution recognises the right to health for all (Article 55). Children's health is a concern of the Government of Burundi which has resulted in the pursuit and achievement of the two Millennium Development Goals (MDGs): MDG4, which aims to reduce by two-thirds the mortality rate infant-juvenile for the period 1990 to 2015, and the MDG5 which aimed at improving maternal health by reducing the maternal mortality rate from 1990 to 2015 in order to increase access to universal reproductive medicine. This aspect is tackled through the Sustainable Development Goals (SDGs), specifically through the SDGs 2,3,6 which are respectively, *eliminate hunger, ensure food security, improve nutrition and promote sustainable agriculture, enable all to live in good health and to promote the well-being of all at all ages, guarantee access for all to water and sanitation and ensure sustainable resource management of water.*

92. In order to achieve these objectives, emphasis has been placed on neonatal care, integrated management of childhood illnesses at the health facility level and at the community level, child nutrition (MDG4), as well as emergency obstetric and neonatal care and birth spacing (MDG5). The main policy documents related to health are:

- Burundi Vision 2025;
- Strategic Framework for Poverty Reduction I & II successively in 2006-2011 and 2012-2016;
- National Health Policy 2006-2015;
- National Health Development Plan (PNDS) 2006-2010 and 2011-2015;
- National Strategy for Reproductive Health 2010-2015;
- Multi sectoral Strategic Plan for Food and Nutrition Security 2014-2017.

93. To implement these policies, the Government of Burundi, through the Ministry of Public Health and the Fight against AIDS (MSPLS), has adopted the following strategies:

- Care subvention for children under 5 and pregnant women, including free deliveries in health care;
- Scaling up of performance-based funding in health facility (health centres and hospitals) from 2011;
- Specific health programmes in health facilities derived from the PNDS 2011-2015 such as the management of childhood illnesses (2011-2014) and the management of acute malnutrition (2010);
- Different national guidelines or high-impact interventions have been developed and scaled up at national level such as community-based management of childhood illnesses and the introduction of new vaccines.

Access to health care

94. The network of health centres and hospitals is well developed in Burundi for the population living less than 5 kilometres from a health facility.

95. Because of the free treatment for pregnant women and children under 5, health centres are often overwhelmed. In addition, significant problems of quality of service occur (reinforcement of the necessary technical capacities, lack of adequate equipments, need to improve the sanitary infrastructures, etc.). This affects the right of access to care, but the Government is making efforts in the fight against maternal and infant mortality.

Maternal health

96. In Burundi, the fertility of adolescent girls is high.¹⁸ Indeed, one in ten (11%) 15-19 year old girls have already had a child: 7% are already mothers and 3% are pregnant for the first time. Early motherhood is higher among uneducated girls (23%) than girls with secondary education or higher (6%).

97. Nearly all pregnant women received prenatal care from a health provider, but only 29.8% paid the recommended number of visits (at least 4) and only 19.9% made their first antenatal visit to an early stage of pregnancy (in the first trimester of pregnancy).¹⁹ In addition, few women receive a full package of quality services during antenatal care (94% weighting, 61% blood test, 55% blood

¹⁸ EDS 2010

¹⁹ Ditto

pressure measurement and 24% urine test).²⁰ Two-thirds of women (60.4%) received postnatal care, 49% of whom received 15 days postpartum.²¹

98. The rate of assisted delivery has continued to increase with the care subvention for children under 5 and pregnant women, including childbirth. It went from 13% in 2005 to 76.6% in 2014.²²

99. HIV prevalence (1.4%) is relatively low compared to countries in the region. The risk of mother-to-child transmission of HIV remains high due to lack of information on HIV, and social norms based on the woman's decision-making ability. According to the 2014 National AIDS Council (NAC) Report, the number of HIV-positive pregnant women receiving full antiretroviral prophylaxis to reduce the risk of mother-to-child transmission was at 73%. The number of newborns of HIV-positive mothers who received prophylaxis was 48%. The number of children on ARVs was 2,440 out of a total of 5,760 or 42%. In 2014, only 77 children out of 2,300 orphans and vulnerable children who felt stigmatized / discriminated against were assisted.

Health of children under 5 years

100. Infant and child mortality (children under 5 years) is high. In fact, out of 1,000 live births, 96 children die before reaching their fifth birthday (infant-child mortality), 31 die between 0 and 28 days (neonatal mortality)²³ and 59 between 0 and 12 months (infant mortality). Under-5 mortality is linked to several causes such as pneumonia, diarrhoea, malnutrition and neonatal causes (during the first 28 days of life).

101. In fact, high-impact interventions such as free health care for children under five, the well-performing Expanded Programme on Immunization, have facilitated the reduction of under-five mortality. The Expanded Programme on Immunization (EPI) shows better results. The 2015 Government, WHO and UNICEF Joint Report (JRF 2015) shows that 93% of children aged 0 to 11 months received the TB vaccine, 94% received the 3 doses of the polio vaccine and the 3 doses of Pentavalent (vaccine against 5 diseases: diphtheria, tetanus, whooping cough, hepatitis B and haemophilus influenzae type b). The proportion of children vaccinated against measles (1st dose) is 93%.

102. Thanks to its good results, Burundi has been eligible for the Global Alliance for Immunization (GAVI) to introduce the pneumococcal vaccine in 2011, the second dose of measles vaccine in January 2013, the vaccine against Rotavirus diarrhoea in December 2013 and inactivated polio vaccine (IPV) in November 2015. In addition, Burundi has good vaccine coverage for these new vaccines: 94% of children from 0 to 11 months received the 3 doses of the vaccine anti-pneumococcal, 96% received the 2 doses of rotavirus diarrhoea vaccine and 65% received the 2nd dose of measles vaccine (JRF 2015). Data from the 2010 DHS and the 2012 vaccination coverage survey corroborate and show that 83% of children aged 12 to 23 months are vaccinated.

²⁰ ISTEERU and MSPLS, PMS Surver, 2012

²¹ Statistics Yearbook 2014

²² Ditto

²³ EDS 2010

103. According to the 2014 statistical yearbook of the MSPLS, malaria constitutes 42% of consultations in CDS (18% of children have a fever episode in the last 2 weeks). To counter this trend, Long-Lasting Insect Nets (LLINs) are offered to pregnant women during prenatal consultations and a successful LLIN distribution campaign has been organised. The high prevalence (15%) and the recurrence of episodes of diarrhoea and respiratory infections (9%) also lead to an overload in the health centres.²⁴ One of the key interventions to reduce attendance at health centres by sick children is to prevent childhood illnesses (diarrhoea, respiratory infections and malaria) at the community level. This approach was adopted by Burundi in 2014 and is being scaled up gradually. For greater impact, these activities are associated with the promotion of birth spacing and the management of obstetric and neonatal complications.

Nutrition of children under 5 years

104. With regard to the right of children to have access to food, article 30, paragraph 3, of the 2005 Constitution provides that "every child shall have the right, from his family, to society and to his family, to the special protection measures required by his status as a minor ". Similarly, Article 44 of the same Constitution provides that "Every child has the right to special measures to ensure or improve the care necessary for his/her well-being, health and physical safety and to be protected from ill treatment, abuse or exploitation. Finally, Article 66 of the Constitution above states that "Every Burundian has the duty to preserve the harmonious development of the family and to work for the cohesion and respect of this family, to respect at all times his parents, to feed them and to assist them in case of necessity.

105. Given this situation, with the support of the World Bank, Burundi will start its social protection programme through cash transfer to the poorest families in 4 provinces and the point of entry was precisely this problem of malnutrition.

106. Also, the following actions have been undertaken to improve food and nutritional security:

- Implementation of the National Agricultural Investment Plan (PNIA: 2012-2017), which is composed of 4 programmes: Sustainable growth of production and food security, Building the skills of producers and promotion of innovation, Development of sectors and Agribusiness and Strengthening Public Institutions. This Plan is the operational tool for the National Agricultural Strategy (SAN, 2008-2015) and the Comprehensive Africa Agriculture Development Program (CAADP).
- Currently, the implementation of the NAIP is being evaluated and then reformulated and extended until 2020. The SAN will also be reformulated over the period 2006-2020 during this second half of the year 2015 ;
- National Fertilizer Subsidy Programme (PNSEB) in force since 2012;
- Establishment of the National Integrated Food and Nutrition Programme in 2009;
- Programme of fast multiplication for healthy maize, rice, cassava, potato, banana and oil palm equipment, implemented since 2011;
- Repopulation of the Livestock, implemented since 2008;
- Programme for Promoting Learning and Rehabilitation Centres (FARN);

²⁴ ISTEERU and MSPLS, PMS Survey, 2012

-
- Immunization and nutritional supplementation programme for vitamins and minerals for children and pregnant and lactating women.

107. Nevertheless, there are challenges:

- In Burundi, the 2010 Demographic Health Survey shows that 58% of children under 5 are chronically malnourished, too small in age and therefore stunted;
- Malnutrition among children is due to a combination of multi sectoral factors including poverty, food insecurity, inadequate nutrition of the child, difficulty of access to drinking water and hygiene, difficult access to quality health care;
- Infant and young children feeding practices need to be improved. Breastfeeding is a widespread practice in Burundi and the average duration of breastfeeding is estimated at 2 years 8 months.

Access to water, hygiene and sanitation

108. Hygiene and sanitation practices and access to safe drinking water are key factors in the prevention of childhood diseases including diarrhoea, kwashiorkor and acute respiratory infections. At the national level, 75% of households drink water from an improved source, including 44% from protected sources and 23% from public taps or standpipes. Of the 23% of households that consume water from an unimproved source, 14% use an unprotected source and 8% use surface water. The proportion of households that consume safe water is higher in urban than in rural areas (85% vs. 74%). In urban areas, in 42% of cases, households have a tap installed inside or outside the dwelling (in the yard / plot) and 34% get their supplies from a public tap / standpipe. On the other hand, in rural areas, these proportions are only 1% and 22% respectively. A quarter of rural households drink water from an unimproved source (25%), 15% of which comes from an unprotected source.²⁵

109. About 60 per cent of Burundian households still use unimproved toilets, of which 56 per cent are latrines without slabs / open holes. The level of unimproved toilet use is higher in rural than in urban areas (64% vs. 27%). Nearly one-third of households (31%) use unshared improved toilets, of which 29% are slums with slabs. There is no significant variation by place of residence for unshared improved toilets (32% in rural areas versus 31% in urban areas). In addition, less than one in ten households (8%) have shared sanitation facilities and this proportion is much higher in urban areas than in rural areas (43% vs. 5%).²⁶

86. The key health indicators from 2005 to 2015 are in the appendix

d. Social security and services and facilities for the development of the child

²⁵ EDS 2010.

²⁶ Ditto

111. According to the data collected in the Health Financing Study for Burundi in 2014,²⁷ prior to 1980, the State fully supported the health care of civil servants in the public service, the Armed Forces and university students including for consultations, para-clinical examinations and for medication.

112. From 27 June 1980, a health insurance scheme for public servants and similar employees was established by Decree-Law No. 1/28 and subsequently the Mutual of Public Service (MFP) was created by Decree-Law No. 100/107. Under this new mechanism, the State contribution has been reduced to the payment of the employers' contribution, the care coverage being provided by the insurance company at 80% and 20% of co-payment by the beneficiary

113. As early as 28 July 1983, the provision of health care for workers in private commercial and industrial enterprises as well as for the personnel of para-statal institutions not subject to the Civil Service Statute was established by decree no. # 1/17.

114. Since April 2, 2003, the medical and health care arrangements for the needy were particularly regulated by the joint Ministerial Order No. 630/530/445 of the Minister of Public Health and AIDS Control and the Minister of the Interior. The necessary details had to be provided as to the identification of the needy requiring medical assistance, the bodies involved in the management of medical and health assistance of these and the source of resources.

115. As of 2006, the policy of free care was launched for children under 5, pregnant women and childbirth. With nearly four (4) years of experience in April 2010, the Government decided to combine this free service with the Performance Based Financing programme. Initially supported by debt relief funds through the Heavily Indebted Poor Countries Initiative (HIPC) mechanism, the financing of these initiatives was supported by the joint financing of the Government and its technical and funding partners through the Performance Based Financing (PBF) Approach

e. Orphan care

116. The crisis in the country since 1993 has taken lives, including heads of families, leaving widows and orphans behind. This category faces enormous challenges in accessing health care and requires support from the Government and partners in the sector.

117. Regarding the health of orphaned children, the Government of Burundi has adopted the National Policy for Orphans and Other Vulnerable Children (PNOEV). This policy is directly related to the policy of free access to health care for children under five and for pregnant women; but also with the National Action Plan for Orphans and Vulnerable Children developed by the Ministry of Public Health and the Fight against AIDS.

118. At the institutional level, the Government has set up a Ministry of Social Affairs, which includes a Child and Family Department. It should also be noted that there is an Official

²⁷ Study on Health Financing in Burundi, Bujumbura, May 2014

Orphanage²⁸ which takes care of children who have no family. Private Orphanages (care centres) were cited (see paragraph 66).

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

119. Article 53 of the 2005 Constitution provides that "Every citizen has the right to equal access to instruction, education and culture. The State has the duty to organise public education and to promote access to it. However, the right to found private schools is guaranteed under the conditions set by law. In addition, paragraph 2 of Article 30 of the same Constitution further provides that "parents have the natural right and the duty to educate and raise their children. They are supported in this task by the State and the public authorities ". Thus, the education sector remains one of Burundi's major concerns. This is evidenced by the priority given to issues relating to it.²⁹

120. Despite the consequences of the socio-political crisis, Burundi has developed policies, strategies, laws, programmes and plans to promote access to education for all. As national strategies, it is worth noting (i) *Burundi Vision 2025*, (ii) *PRSP II*.

121. To this end, Burundi introduced a reform that allowed for the transition to a basic education system. In fact, the certificate of completion of primary studies is no longer issued and the basic school issues the certificate of completion of the cycle after year 9

122. In this context, the priorities are:

- (i) Reduction of the repetition rate;
- (ii) the increase in actual teaching hours;
- (iii) the revision of school programmes and curricula;
- (iv) strengthening the system of initial and in-service training of teachers and;
- (v) improving the management and piloting of basic education.³⁰

123. Other policies are being implemented with the aim of eradicating all forms of discrimination in access to education, particularly for girls, including "the gender equity strategy paper on Education", (August 2012), *The National Gender Policy 2012-2025, adopted in June 2012*. "

124. The development of the "Gender Equity Strategy Paper on Education" provided a strategy for gender equity in the education sector and accompanying action plans on reducing disparities in

²⁸ Official Orphanage of Bujumbura which is under the supervision of the Ministry of Human Rights, Social Affairs and Gender.

²⁹ Different strategic planning instruments such as Vision 2025, PRSP I and II.

³⁰ CSLPII, p. 21

social, economic and physical status. The implementation of these action plans aims to promote equity in terms of access, retention and completion for all children.³¹

125. The "*National Gender Policy*" emphasises the improvement of the socio-cultural status of women with a view to eliminating cultural barriers to the advancement of women, including access of girls to education in the same way as the boy. To fulfil its commitments, the Government has continued to apply the free school fees measure to primary education in order to achieve the goal of universal education, including children from poor families.

126. In terms of the laws regulating the education sector, the Government has, in addition to the Constitution, the law on the organisation of basic and secondary education.³² It advocates for a planned school in the short and long term, a decentralised school and a more equitable school. In addition, the Revised Penal Code of 2009 provides for the punishment of offenses that seriously undermine the dignity of girls and women, such as rape, sexual and gender-based violence.

127. The elaboration and implementation of the 2012-2020 Education and Training Development Sector Plan has made it possible to introduce reforms within the Burundian education system, notably the effective implementation of the basic school since the beginning of the academic year 2013-2014. This reform has made considerable progress.

Progress achieved by sub sectors

- **Pre-school education**

128. At pre-school education level, the PSDEF provides for the development of early childhood in three areas namely:³³

- (i) The increase and diversification of preschool provision for children aged 4 to 6,
- (ii) Awareness and education of parents for the support to 0-3 years
- (iii) as well as the improvement of learning. Children in pre-school education account for about 10% of children aged 4 to 6 years.

129. The plan for 2020 is to welcome 50% of children in this age group (4 to 6 years): 87% will be educated in community institutions and 10% in public institutions through the implementation of actions and awareness raising measures but also through subsidies to community institutions. Table I of appendix 2 in relation to education provides information on the results achieved up to November 15, 2014 at level of education.

- **Basic education**

³¹ Ministry of Basic and Secondary Education, Vocational Education, Vocational Training and Literacy. **Gender Strategy Paper**, p.3

³² Law n° 1/19 du 10 septembre 2013 on the organisation of basic and secondary education in Burundi

³³ PSDEF, p. 38-39

130. Cycle 4 of basic education is welcoming an increasingly large number of students, following the relaxation of entry requirements in the seventh year, for which access rate has been set at 70% of pupils in 6th year in 2014, compared to 60% in 2013. Compared to the increase in access to actual teaching hours at all levels, the forecasts of the 2012-2020 sectoral strategy concern the construction of 1500 classrooms per year for the first 3 basic cycles and 670 classrooms per year for the fourth cycle. Similarly, over the period from 2011 to 2013, 828 classrooms were built.

87. Table II: Public basic education³⁴

Status	No. of schools	No. of classrooms	Students			Teachers	
			F	M	F+ M	F	M
Public/State	2633	19653	726.157	712.104	1438261	13960	15379
Public under accreditation	1256	10768	370.234	357.827	728061	10161	7057
Private	144	1012	18.145	17.608	35753	603	769
Business schools	2	13	408	349	757	5	15
Total	4035	31446	1.114.944	1.087.888	2.202.832	24.729	23.220

132. National coverage is almost complete and gender parity is assured. The Gross Enrolment Rate (GER) was at 134.3% in 2015.

133. In terms of quality, strategies to reduce repetition have been defined and are based on:

- (i) The introduction of regulatory texts on the criteria for achieving school success and the promotion of collective deliberations;
- (ii) (ii) the prohibition of repetition at the request of the parents;
- (iii) (iii) the adoption of new methods of evaluation;
- (iv) (iv) programme revision;
- (v) (v) The training-sensitization of teachers and other actors on the harmfulness of repetition,
- (vi) (vi) semi-automatic promotion within under-cycles of two-year each and; (vii) the smoothness of school pathways and the increase of access in year 7.

³⁴Ministry of Education, Higher Education and Scientific Research, Yearbook 2014 / 2015.T1: Statistics of Preschool and Basic Education, p.7

134. Within the framework of the school reform, the Ministry in charge of education designed and developed the curricula, teaching materials of cycle 4, the programmes for grade 7, 8 and 9. Training of teachers and educational coaches have been organised since September 2013.

135. Teacher training institutions are being restructured with the aim of harmonising the number of teaching staff with the actual needs of teachers on the one hand, and making training more practical for greater skills of teachers on the other hand.

136. Improving the quality of education is a consequence of the management and piloting of the school system as well as decentralisation, considered as key elements of school governance. To this end, the initiatives focus on the transfer of competences to deconcentrated structures, the operation of planning services at the commune level, the recruitment and transfer at the commune level, the redeployment of teaching staff in order to address the lack of teachers in certain communities, the close educational follow-up provided by the municipal inspectorates, as well as the setting up of a consultation framework with the local authorities.

137. The school's management committees are set up in basic schools and are revitalised in the secondary schools.

138. Table II of annex 2 in relation to education shows the evolution of indicators in this sector.

- **General and pedagogical secondary education**

139. Burundi is expanding this level of education thanks to the development of communal schools, which host 79.8 per cent of the total secondary and general education students. The number of students has tripled over the past ten years, from 132,062 to 443,226 between 2003 and 2013, and the proportion of girls has increased from 40% to 45% over the period. In addition, despite the aforementioned increases in attendance, the gross enrolment rate is low at only 41.1%. School retention is also low especially for girls whose completion rate is estimated at 26% and 11.5% for Cycle 1 and 2 respectively, compared to 28% and 16.2% for boys.

140. Nevertheless, this level of education is characterised by poor performance, which is reflected in a success rate of less than 50%, compared to nearly 80% for school-based assessments.³⁵ These poor performances are linked to the lack of qualified teachers, of school infrastructures, equipment and adapted laboratories.

Challenges :

- - Insufficient level of teacher training;
- - Insufficient and disproportionate infrastructure compared to the number of students;
- - School laboratories are not equipped.

³⁵ Annex 2 : Basic public education

- **Vocational education and training and craft (art. 28)**

141. In order to facilitate the integration of young people into the labour market, the Government has included vocational education, vocational training and technical education in the Sectoral Plan for the Development of Education and Training.

142. With regard to technical and vocational education, during the period from 2004 to 2014, the number of students increased following the creation of new modules such as the electronics section, the industrial electricity section, the economic section and computer science in rural provinces. However, public technical schools are less attended by girls. Over the past two years, the Government has provided equipment and signed partnerships with the private sector.

143. In addition, in order to improve the quality of learning, multifaceted actions have been carried out. These include technical and pedagogical training through the "**training / action**" approach, the development of basic modules and trainer's guides in 10 sectors, the development of training programmes and their experimentation.

144. The Government has also signed implementing agreements with certain centres to optimise their material and educational organisation, with a view to setting up a guarantee fund to facilitate the creation of micro-enterprises by the laureates of the TVET programme and the organisation of insertion clusters.

145. The following table shows the enrolment at this level of education during the 2014-2015 school year.

Table III: Technical and Professional Education A2 and A3

Tableau III: Technical and vocational education ³⁶

Status	Nb E co le s	Nb S a ll e s	Students			Teachers		
			F	B	F+B	F	B	F+B
Public/State	57	300	5741	11678	17419	17	727	898
Public Under accreditation	22	69	1514	2332	3846	47	162	209

³⁶Ministry of Education, Higher Education and Scientific Research, Yearbook 2014/2015, Statistics of preschool and basic education. T1, p.8

Private	126	877	1542 6	1160 6	2703 2	18	142 0	1607
TOTAL	205	1246	2268 1	2561 6	4829 7	40	230 9	2714

Inclusive education

146. The Government continues to support five special needs schools for the students with sensory disabilities:

- The deaf-mute EPHATA school of Kamenge in Bujumbura;
- Two schools for the blind of Mutwenzi and Gihanga respectively in the provinces of Gitega and Bubanza;
- Two schools for the care of mentally disabled children in Akamuri in Bujumbura City and the Medico-Pedagogical Institute of Mutwenzi in Gitega.

147. Of the children known to be living with disabilities, 1167 are enrolled in mainstream schools, 580 in special needs schools (of which 60 are visually impaired at KAMURI centre and 54 at KANURA Centre, with hearing impairment 130 at Ephata and 178 at CESDA centre and finally 158 children with a physical disability at the KIZITO centre).

148. In its June 2011 Inclusive Education project, Handicap International conducted a study on the situation of children with disabilities in the Provinces of Gitega and Bujumbura City. This study counted 925 children living with disabilities, including 518 boys and 407 girls, 56% boys and 44% girls in the communities; 712 were in school, including 415 boys and 297 girls, i.e. 58% boys and 42% girls.³⁷

Girls' education

149. In the field of girls' education, the Government of Burundi is making efforts to eliminate discrimination related to traditional attitudes and the school environment.

150. With the abolition of school fees in September 2005, the gross enrolment ratio (GER) in the 2014-2015 school year increased to 133.4 per cent for girls and 135.4 per cent for boys. . The net enrolment rate (NER) is 93.9% for girls and for boys it is 94.9% in the 2014-2015 school year. The gender parity index at the national level in primary education increased to 1.05 in 2015.

151. Progress has been achieved through the following actions:

- Free primary school since 2005;
- Adoption of the Gender Equity in Education Strategy in 2012 accompanied by a regularly monitored 2012-2020 action plan for the promotion of girls' education;
- Implementation of the 9-year basic school reform since the start of the school year in September 2013 in order to increase the service capacity in order to admit a large number of pupils;
- Implementation of the Child Friendly School model;

³⁷ Handicap International / Burundi Programme

- Coordination and capitalisation of initiatives aimed at promoting the education of girls and women by the United Nations Girls' Education Initiative (UNGEI) including raising awareness among parents, setting up UNGEI committees at provincial and communal level in order to identify girls who do not attend school or who have dropped out and enrol them in school;

152. Results of school retention and school success remain mixed. The repetition rate was 22.2% for girls and 23% for boys in 2014. In the same year, the drop-out rate for girls was 6% and 7.8% for boys.

153. The table below shows the evolution of the gross enrolment rates of girls and boys between 2011 and 2015 in public and general secondary education.³⁸

Tableau IV : Evolution of girls' education between the school years 2010-11 and 2014-15

	2010-11	2011-12	2012-13	2013-14	2014-15
Girls	21,7	26,3	29	33,4	41,7
Boys	32	38 ,1	38	41,2	44,2
Différence TBS	10,3	11,8	9	7.8	2.5

154. Progress has been made in reducing enrollment gaps between girls and boys, from 7.8 in 2014 to 2.5 in 2015.

155. The parity index remains low in the general and pedagogical secondary education: 0.78 and in technical and vocational education: 0.52. In the PSDEF 2012, the need for efforts to be made at this level in terms of gender parity is affirmed.

Challenges:

- Weight of the cost of uniforms, school supplies, transport, various contributions, ..., becoming an overload for some parents;
- Persistence of sexual and gender-based violence;
- Insufficient resources.

A. Leisure, recreation and cultural activities

156. Burundi integrates leisure, recreation and sport activities for young people and children into its educational system, which is implemented by the Ministry of Youth, Sports and Culture. In this regard, two legal documents have been adopted. These are law n ° 1/26 of November 30, 2009

³⁸ Indicators on education in Burundi 2010-11, 2011-12 and 2012-13, 2013-2014, 2014-2015

reorganising and promoting sports activities in Burundi and the Decree-Law establishing the organisation and operation of the Academy "Kirundi". This last legal document is a revival of the Kirundi Academy which existed years ago and aimed to ensure the safeguarding and dissemination of this language, which is increasingly being lost among the youth, following the influence of several factors, notably the phenomenon of globalisation. This activity is part of the implementation of the Language Policy that was adopted.

157. With regard to cultural activities, several actions were carried out, among others:

- i. the creation of the Burundian Reading and Cultural Animation Centres (CEBULAC), 13 of which are functional and will replace the Reading and Cultural and Social Activities Centres (CLACS);
- ii. the organisation in schools of the national theatre competition in Kirundi and French since 2013, where the five best plays are awarded per language;³⁹
- iii. the organisation of a song contest on the occasion of the *Fête de la musique* by the Amicale des Musiciens, which encourages the participation of children,
- iv. support of the various private centres for youth and children socio-cultural guidance such as the centres: Don Bosco Centre of Buterere (Bujumbura City), Kamenge Youth Centre, Wallys Centre of Musaga, Drum clubs⁴⁰, intore dancers clubs located in all municipalities, the women's dance clubs. In these centres, youth are learning arts, music, sports, gymnastics and other topics such as sexual and reproductive health.

158. In the field of sport, various sports federations (at least 24) are organised; children in school and out of school are supervised especially for mass sports.

159. There is a national policy promoting youth access to sports activities.⁴¹ However, only urban centres have some infrastructure. In rural areas, sports activities are practically unorganised. Other aspects of recreation such as drama and arts are not common practices among out-of-school youth, even though these are activities that promote cultural development.

IX. SPECIAL PROTECTION MEASURES

a) Children in emergency situation

i) Refugee, returnee or displaced children

160. Burundi adopted a law on asylum and the protection of refugees on 8 November 2008. This right is recognised in article 50 of the Constitution and was concretised by the promulgation of law no. 13 November 2008 on asylum and refugee protection in Burundi. This law has been implemented through three ministerial ordinances concerning asylum, namely:

³⁹ This activity records the enthusiasm of students to the point that we have a production of 100 pieces per year.

⁴⁰ These clubs, like those of women's dances, have a large participation of children who, most of the time, accompanied by their parents. .

⁴¹ The National Youth Policy speaks of young people between the ages of 15 and 35, including children, p. 19

- Ministerial Ordinance N ° 530/442 of 07 April 2009 on the implementation measures of Law N ° 1/32 of November 2008 on asylum and refugee protection in Burundi and on asylum procedures ;
- Ministerial Order N ° 530/443 of 07 April 2009 implementing the law n ° 1/32 of 13 November 2008 on asylum and refugee protection in Burundi and on the composition, organisation and functioning of the Consultative Commission for Foreigners and Refugees and the Appeals Committee;
- Ministerial Order No. 530/881 of 6 July 2009 appointing members of the Consultative Commission for Foreigners and Refugees (CCER) and the Appeals Committee (CR);
- The adoption and promulgation of this law were followed by the creation of the National Office for the Protection of Refugees and Stateless Persons (ONPRA) in May 2009. This body is the secretariat of the Consultative Commission for Foreigners and Refugees (CCER) which has the mandate of coordination and monitoring of issues relating to asylum.

161. Under this law, almost 3,000 children under the age of 18 in the camps and many unregistered refugee children living in families of mainly Congolese origin were provided, like other refugees, with protection of UNHCR.⁴²

162. As of 30 April 2016, the population (refugees and asylum seekers) aged from 0 to 17 and registered by ONPRA / UNHCR is 31,550, of which 15,567 are girls and 15,983 are boys.⁴³

163. With regard to unaccompanied refugee children, the "best interests of the child" criterion is taken into account for granting refugee status. For instance, 2 Congolese children were given a refugee status through this assessment.

i.i.) Children in armed conflicts, including specific measures taken for the protection and supervision of children (article 22)

164. The Government of Burundi has taken legislative measures prohibiting the participation of children in armed conflicts. For example, article 45 of the 2005 Constitution provides that "No child may be used directly in armed conflict. The protection of children is ensured in times of armed conflict. Burundi has also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the United Nations General Assembly on 26 June 2000. In addition, Law No. 1/18 of 29 April 2006 on the status of the men of the National Defense Force states that to be recruited in the National Defense Force as a military man, one must be at least 18 years old.

165. However, before the cease-fire was signed, armed groups used children during the armed conflict. From 1993 to 2001, the coalition to end the use of child soldiers estimated that 14,000 children had been involved in the armed conflict ravaging the country.

166. As early as 2002, the Government of Burundi undertook a Disarmament, Demobilization and Reintegration (DDR) programme for children who participated in armed conflicts with the following objectives:

⁴² Review of progress on the human rights situation since 2008 (the year of submission of the Universal Periodic Review) until 2012, p.16

⁴³ UNHCR Burundi

-
- Demobilise all child soldiers (estimated at 3,000) involved in military training of the government army and in targeted rebel factions over a period of twelve months;
 - Reintegrate into their communities all demobilised child soldiers in an eight-month period;
 - Ensure that mechanisms to prevent the recruitment of children by all parties to the conflict are established and operational in a period of eighteen months.

167. The groups of children targeted by the programme are:

- (i) child soldiers recruited by the government army;
- (ii) community police; and child combatants in the armed movements that signed the ceasefire agreements. At the end of this national disarmament, demobilisation and reintegration (DDR) programme, the second phase began in 2009 under the leadership of a technical coordination team in the Transitional Demobilisation and Reintegration Programme (TDP) who demobilised 7734 ex combatants including 626 children. In total, 3654 children left armed groups between 2004 and 2009.⁴⁴

168. It should be noted that for the protection and supervision of children in times of armed conflict, the four Geneva Conventions of 12 August 1949 relating to the treatment of war victims and its two additional protocols relating to the respect of human rights in times of armed conflict, of which Burundi is a party, are applied.

b) Children in conflict with the law (art.17)

i. Administration of juvenile justice

169. The Burundian legal framework provides for a juvenile justice system based on substantive rules and procedural rules that guarantee the protection of the rights of children in conflict with the law. Indeed, the relevant provisions of Law No. 1/05 of 22 April 2009 revising the Penal Code are key elements to the building of juvenile justice in Burundi. With regard to the above-mentioned law, article 28 establishes full criminal responsibility at 18 years of age, while article 29 reduces criminal liability to 15 years with the impossibility of sentencing children to a criminal sentence of more than ten years. . Article 30 provides for alternative measures to criminal prosecution and alternative measures to imprisonment.

170. Moreover, with a view to putting into practice the Penal Code on the establishment of alternative measures to the deprivation of liberty, an ordinance laying down the conditions for the implementation of community service, particularly for minors, was released in January 2014.

171. With regard to the criminal procedure, Law No. 1/10 of 3 March 2013 revising the Code of Criminal Procedure enshrines the whole of Chapter VIII in the procedure followed for the preliminary investigation, instruction, prosecution and trial of minors under eighteen years of age. This law mainly brings the following innovations:

- compulsory legal assistance for children during all phases of the proceedings;
- Compulsory assistance of the child by parents or relatives;

⁴⁴ Review of progress on the human rights situation since 2008 (the year of submission of the Universal Periodic Review) until 2012, p. 6 p.16

- The obligation of a social investigation of the child;
- mandatory separation of minors with adults in detention;
- the speedy processing of the minors' cases;
- During the judgment phase the hearing must take place in closed session;
- The creation of specialised juvenile sections in the High Courts and in the Courts of Appeal.

172. In addition, a National Strategy for legal aid with a focus on minors and its action plan has been developed, including the setting up of a legal aid fund for vulnerable groups including minor victims or minors offenders.

173. At institutional level, a National Unit for the Judicial Protection of the Child was established by Ministerial Order No. 550/993 of 23 June 2010 within the Ministry of Justice. A "juvenile justice" working group of different partners deals in depth with the issue of children in conflict with the law.

174. In addition, two rehabilitation centres for minors in conflict with the law were established by Ordinance No. 550/663 of 17 April 2015 and are functional in the South (Rumonge) and East (Ruyigi) of the country.

175. The various initiatives to harmonise the system of administration of juvenile justice with international standards have led, on the one hand, to reducing the number of juveniles in detention, and to improving their conditions of detention. Indeed, while in 2010, there were over 400 detained juveniles at national level and over 120 children living with their mothers in detention centres, by the end of 2013, 226 were detained and 62 children were detained with their mothers in prison. This is noted in the table below:

Table V: Prison situation of minors as of 23/12/2016

prisons	Service capacity	Number of detainees	Number of prosecuted		Number of sentenced		Minors prosecuted		Minors sentenced		Infants	
			H	F	H	F	G	F	G	F	G	F
Bubanza	100	409	176	7	217	9						4
Bururi	250	272	167	7	88	10					2	1
Gitega	400	919	443	29	423	24					2	6
Mpimba	800	3578	2425	100	1008	44				1	9	10
Muramvya	100	620	292	12	304	12						3
Muyinga	300	504	191	12	290	11						
Ngozi(F)	250	125		25		89		6		5	16	11
Ngozi (H)	400	1455	553		902							

Rumonge	800	1177	288	9	863	17					2	2
Rutana	350	299	107	2	177	12	1					2
Ruyigi	300	591	216	6	353	16					2	1
Ruyigi Centre	72	65					15		50			
Rumonge Centre	72	37					22		15			
Total	4194	10051	4858	209	4625	244	37	6	65	6	33	40

Source : Ministry of Justice, Report of the Directorate General of Penitentiary Administration of 2016.

ii. Children deprived of their liberty, including any form of détention, imprisonment or placement in child care facility and compliance with article 5 (3) of the Charter prohibiting the imposition of death penalty on children

176. The deprivation of liberty of children in conflict with the law must be a measure of last resort and for a period as short as possible. Similarly, a detained child must be provided with protection and education guarantees. That is why article 229 of Law No. 1/10 of 03 March 2013 revising the Code of Criminal Procedure provides: "Where the nature and gravity of the offense make the preventive detention of the minor inevitable, he can only be detained in a rehabilitation institutions or in a special section of a prison which is qualified for accommodating minors. In the absence of a rehabilitation institution or special ward, the minor may be detained in a prison for adults where the separation from adults is effective. "

177. With regard to custody and placement of the child, it should be noted that under article 226 of the above-mentioned law, only the judge may entrust custody of the minor to a foster family, a specialised institution a care centre, an institution for vocational training or care.

178. The minor's guardian or care institution is required to present him/her to the officer of the Public prosecutor whenever it is required. According to article 227 of the same law, the decision to detain a minor must be justified. It should specify the duration which will expire no later than the date of judgment. Where the minor's interest so requires, the custody order may be reviewed or revoked at any time.

179. With regard to death penalty for children, it is important to note that, under Law No. 1/5 of 22 April 2009 on the Revision of the Penal Code, death penalty has been abolished even for adults. Moreover, under article 29 of the same Law, a child can not be imposed a criminal sentenced of more than ten years imprisonment.

iii. Reform, family réintégration and social rehabilitation

180. In order to translate the Sectoral Policy on Justice and the Rule of Law into reality, Burundi has put in place a humanised criminal justice system, integrating workers into the criminal justice system with the aim of taking care of the victims and monitoring the minor from his/her arrest but also, prepare his/her reintegration from his/her stay in the rehabilitation centres until his/her effective reintegration into his/her community.

181. In addition, in the rehabilitation centres for minors, a package of health services, education and psychosocial care is provided. Vocational training projects are also organised (life project with minors) for minors admitted to these centres. Leisure activities and psychosocial care are organised for children and women in detention facilities.

c) Children of imprisoned mothers

i. Special treatment for pregnant women and mother of infants and Young children who have been found guilty by the law

182. There is still no alternative solution in Burundi for detention of pregnant women and mothers with young children. But provisions have been made in the prison environment to provide special rations while waiting for a sustainable solution for this category of children. Under the auspices of the General Directorate of Penitentiary Administration, UNICEF and BINUB supported the development of terms of reference for a qualitative study on this phenomenon. This study will serve as a basis for a national reflection workshop to propose solutions adapted to this category of children.⁴⁵

183. At present, some organisations are taking ad hoc actions for the different forms of care through:

(i) intervention in the medical care of pregnant mothers with HIV;

(ii) participation in the preparation of reintegration of children in their family of origin;

(iii) timely intake of nutritional support and clothing; and

(iv) the initiation of a crib equipped with various toys at the MPIMBA central prison.

(v) In the same vein, the Ministry of Justice and Human Rights, Social Affairs and Gender in partnership with UNICEF, BNUB, International Organisations and Civil Society have defined a strategy on the phenomenon of children living in prison with their incarcerated mothers.

ii. Prohibition of imprisoning a mother with her child

184. There are still no alternatives to the placement of pregnant women and mothers with young children. Act No. 1/016 of 22 September 2003 on the penitentiary system recognises the imprisonment of a woman with her young child until the age of three. However, there are no other clear legal provisions on the protection and supervision of these children.

⁴⁵ United Nations, Committee on the Rights of the Child, Written Response of the Government of Burundi to CRC / C / BDI / Q / 2, on the consideration of the second periodic report of Burundi (CRC / C / BDI / 2), Geneva, 14 September 2010, page 6.

185. The separation of men and women in the prison environment as well as the fight against sexual violence against women in these environments may offer intermediate solutions, since they may significantly reduce pregnancies and child birth during incarceration.

186. With regard to health care and education, the implementation of the new sectoral policy of the Ministry of Justice provides access to these services.

187. An innovation that aims to reduce / prohibit the detention of women and their children is article 32 of the new Code of Criminal Procedure which stipulates that a pregnant woman of over six months or who breastfeeds an infant under six months of age may be held in custody only for the crimes and on authorisation of the Public Prosecutor.

d) Children in situation of exploitation and abuse

i. Economic exploitation including child labour

188. According to statistics from the 2008 General Population Census, 90 per cent of Burundi's population lives in rural areas, while the majority of the population (52 per cent) is under the age of 18 years. The vast majority of Burundian children inevitably suffer from the direct and indirect consequences of the conflict.

189. Very often, children are victims of the worst forms of violence. Some children are forced to take on the responsibilities of adults to support themselves and their families.

190. In order to combat these abuses, Decree-Law No. 1037 of 7 July 1993 revising the Labour Code of Burundi prohibits child labour before the age of 16, except for those jobs authorised by the Minister such as light work and apprenticeship that do not harm the health, development and education of children. It also prohibits night work for children under 18 years of age.

191. In addition to national labour regulations, in September 2009, Burundi adopted the National Action Plan (NAP) for the Elimination of the Worst Forms of Child Labour (WFP).

192. In addition, the NAP provides for 6 areas of intervention:

- (i) strengthening of legislation;
- (ii) advocacy and sensitisation on child labour and related legal provisions;
- (iii) institutional capacity building of stakeholders;
- (iv) promoting Education For All (EFA);
- (v) support to poor / needy families, prevention, withdrawal, rehabilitation and socio-economic integration,
- (vi) programme coordination and management. 1

93. As of 2015, the NAP advocates for the elimination of the worst forms of child labour in Burundi; by 2025, the NAP will serve as a reference tool that has promoted the elimination of the worst forms of child labour.

194. The NAP is part of the PRSP II and is implemented by the Ministry of Public Service, Labour and Employment.

ii. Drug abuse

195. Article 489 of the Burundian Criminal Code of 2009 defines narcotics as "substances or plants classified as such under the provisions of the Ordinance of the Minister responsible for public health". Except in the cases and conditions determined by order of the Minister, the cultivation, sale, transport, possession and consumption of narcotics is prohibited, and the perpetrators are criminally punishable (sections 490 and 491 of the same Code).

196. The law criminalises anyone who has illegally produced, imported, manufactured or exported narcotics (Article 492), the facilitation of others to use narcotics (Article 493 (1)), the holders / users of fictitious or illegal prescriptions of convenience for the use of prohibited products (paragraph 3 of Article 493), provocation to commit the offense (Article 495, 1 °).

197. The judicial penalties provided for are imprisonment, the penalty of fine (article 492 to 495), the confiscation of the material and the installation used to commit the offense, the confiscation of the products which are the subject of the offense, the destruction doping products (Article 496), and the judge may make socio-judicial follow-up (Article 497). However, these penalties may be cumulative.

198. Despite the intervention of the legislator, the narcotics phenomenon is growing. The legal system put in place for the repression of the phenomenon does not succeed in curbing it. Children are the most threatened section of the population, and the fight against the scourge remains one of the main concerns of the Burundian authorities.

199. There is little reliable information on cases of abuse of narcotics by Burundian children; the related statistical data are not available. Specific prevention programmes specifically targeting child victims of doping products are not sufficiently developed. As a result, children living on the streets who use drugs and / or alcohol are increasingly growing in number.

200. In order to deal with this problem, the Government has set up prevention and repression bodies through the police and the judiciary. A drug control unit has been set up within the judicial police.

iii. Abuse and torture

201. In order to safeguard the interest of the Burundian child, the law prohibits the abuse of parental authority or the abusive exercise of guardianship. The legal prohibition naturally involves judicial sanctions.

202. Article 298 (a) and (b) of the Code of Persons and the Family provides that the court may notably deprive the father or mother of parental authority over their child in case of abuse of authority or when the father or the mother are committing child abuse. If the deprivation is imposed with regard to the 2 parents, the judge will appoint a guardian according to the conditions fixed by the law.

203. With regard to torture, article 204 of the Burundian Criminal Code upholds the definition of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture is therefore any act inflicted by a public official or similar, by which suffering is intentionally inflicted on a person for the purpose of obtaining from her information, confessions, etc.

204. Similarly, article 209 of the Criminal Code provides that the criminal penalties applicable against those responsible for torture are non commutable. During childhood, punishments can take the form of corporal punishment.

205. However, school regulations prohibit the administration of corporal punishment of children. Awareness campaigns are constantly being carried out against any action affecting the physical integrity of the child.

iv. Exploitation and sexual abuse

206. According to a study carried out by the United Nations Integrated Office in Burundi (BINUB) in 2007, 97 per cent of victims of sexual violence are female and 3 per cent are male. In addition, 34% of victims are under the age of 12 and 14% are under the age of five. Of the 900 cases of sexual violence recorded by UNICEF in 2007, 50% concern minors. The 2012 evaluation of the phenomenon of commercial sexual exploitation of children in Burundi revealed that exploitation and sexual abuse exist.⁴⁶ Also, the data compiled by NGOs report more than 1,000 cases of sexual assault per year. These data are incomplete, however, since most cases of sexual abuse and sexual violence are not reported or documented. Apart from the cases known by the criminal courts, many victims remain silent for fear of reprisals with a settlement often concluded amicably.

207. In the context of the prevention and repression of this phenomenon, the Government of Burundi severely criminalises acts of rape, particularly those committed against a minor. Indeed, Article 554 of the Penal Code describes as violent rape any act of sexual penetration committed by an adult against a minor under the age of eighteen, even consenting. Article 556, on the other hand, increases penalties from 15 years to 30 years when the rape is committed in particular on a minor under 15, by an ascendant, by a person who abuses the authority that his duties confers on him, by an educator and a minister of religion. It should be noted that a law on prevention, protection of victims and repression of gender-based violence was promulgated on 22 September 2016.

⁴⁶ Study conducted in 2012 by the Ministry of Public Service, Labour and Social Security

i. Other forms of abuse and exploitation such as begging, early pregnancy,

208. Child begging is a phenomenon that exists in Burundi. Sometimes children are encouraged by adults or their parents who use them to earn the proceeds of begging. This theme is addressed by the National Strategy for the prevention and sustainable fight against the issue of street children adopted by the Government in December 2013. This strategy identifies actions in three areas:

- (i) those related to prevention;
- (ii) appropriate response and care actions;
- (iii) Those relating to the coordination of the various stakeholders in this sector.

vi. Child sale, trafficking and kidnapping

209. In Burundi, human beings cannot be sold: any contract that concerns an individual himself is illegal and can not produce any effect in law.

210. With regard to violations against individual freedom, the criminal law of 2009 punishes trafficking and smuggling of persons (Articles 242 and 243) and kidnapping (Articles 244 and 245).

211. Article 242 of the Penal Code punishes by imprisonment any person who has entered into an agreement for the purpose of alienating, free of charge or not, the freedom of a third person. Money, goods and other valuables received in execution of the agreement are confiscated. The same provision penalises persons who have entered into agreements for the purpose of sexual exploitation of the victim.

212. Similarly, article 243 punishes the act of removing individuals from Burundi with a view to enter an agreement abroad for the purpose of sale, trafficking and abduction. The penalty provided by law is aggravated if the victim is a child under 18 years of age.

213. Burundi has recorded 4 judicial cases opened in 2013 against human traffickers, 3 court cases in 2014, 3 court cases in 2015 and 4 court cases as at 30 June 2016.⁴⁷ In general, the victims are underage girls and women who return to their homes once their cases are closed.

214. To counter this phenomenon, a law on trafficking in persons, including children, was promulgated in October 2014 by the Head of State and a National Action Plan for its implementation was also adopted.

215. At regional level, Burundi is signatory to the Palermo Protocol and has joined the multilateral cooperation agreement to combat trafficking in persons, particularly women and children.

⁴⁷ Reports from the Juvenile Police and Moral Protection

216. These initiatives include, on the one hand, the use of a common system for the surveillance of trafficking and the sharing of information to facilitate investigations and legal proceedings and, on the other hand, necessary and effective protection and support to the victims. In the short term, a mechanism for identification, repatriation, reintegration of victims of trafficking, research and prosecution of the perpetrators of such crime is implemented.

217. With regard to abduction, the Penal Code defines the offense of kidnapping as the fact, without the order of the constituted authorities and in the cases provided for by law, of arresting, abducting, detaining or to sequester a person. The perpetrator is punishable by a prison sentence and may be sentenced to life imprisonment (Article 244 Penal Code). The maximum penalty is also imposed on a person who has abducted or had arrested, get arrested, detained, or get detained persons for the purpose of selling them as slaves or who has disposed of persons under his authority for the same purpose (article 245).

e) Children victims of social and cultural harmful practices or affecting the well being, dignity, normal growth and development of the child

i. Betrothal of girls and boys

218. This kind of betrothal between families is not known in Burundi. The parents give the latitude to their children to choose their future spouse.

ii. Early and forced marriage

219. In Burundi, early and forced marriages are relatively common practices. Between 1987 and 2006, although the law sets the legal age of marriage at 18, 14% of urban children and 18% of children in rural areas married before the age of 18. Poverty is the main motivation. The phenomenon of early child marriage compromises their normal growth. In Burundi, the phenomenon is much more pronounced for girls than for boys and is one of the leading causes of death among married and single girls aged 15-19. The rate of girls who are married before the age of 15 was estimated at 2.9% in 2005 and the rate of those who were married before the age of 18 was estimated at 20.4%, 9.6% of women aged between 15 and 19 years old are married or in a relationship. Of these married girls or those in early-relationship, 12.7% did not attend school compared with 2.3% who completed high school.⁴⁸

iii. Any form of female genital mutilation

146. The practice of FGM is not authorised or known in Burundi.

f) Children from a minority group

⁴⁸ Report on Child Poverty and Disparities in Burundi, p. 70

221. Burundi enjoys a rare cultural and linguistic homogeneity in Africa. Indeed, if we can consider Batwas as an indigenous and minority population (1% of the total population), no one can argue that their children are deprived of any right whatsoever. The protection of children from a minority group has received the attention of the authorities and measures have been taken to ensure their effective protection.

222. The Government supports the school needs of Batwa children in secondary school, as it does for needy students. Public and private media participate in the promotion and protection of the rights of Batwa children.

g) Children in need of special protection because they are in situation of risk and vulnerability, such as street children and HIV/AIDS orphans

223. Children in Burundi represent more than half of the total population. The conflict in Burundi has weakened family structures, leaving several orphans and vulnerable children. It is estimated that one in five children is orphaned (about 900,000), one third of them because of the war and another third whose parents died of AIDS. As a result, $\frac{3}{4}$ orphans, especially those vulnerable or affected by HIV, live in extended families that are often unable to meet their basic needs. 7% of orphans do not have guardians and often live on the street and 5,520 children are supported through the 98 care centres which, in most cases, do not provide a minimum of necessary services for the well being of the children.⁴⁹

224. Often children who find themselves in extreme poverty and have difficulty living with their own families, sometimes because of alcoholism or abuse, become street children. The latter are deprived of the right to food, drinking water, health, care, housing and family life. They are also deprived of physical protection, being exposed to violence in the street.

225. Thus, to curb this phenomenon, the Government adopted in December 2013, a National Strategy for the Prevention and Fight against the Phenomenon of Children in Street Situations. A National Platform of Stakeholders in this sector (State Service, Civil Society) implements the National Action Plan which aims at the prevention, the identification of victims and their reintegration in their families and communities as well as the fight against this phenomenon. These measures were taken to reinforce other actions of the Government through notably the Centre for Supervision and Rehabilitation of Sun Children (*Enfants Soleil*) (CERES) and the Sun Children (*Enfants Soleil*) Project (PES) whose goal is to remove children from the street and to reintegrate them into professional life. At the beginning of each year, after reintegration, the Centre proceeds to register new street children.

147. This is illustrated in the tables below:

⁴⁹ National Child Protection Policy (PNPE), p. 9

Table VI : Number of children removed from the street, reintegrated by CERES from 2007 to June 2016

Year	School reintegrati on (-15 years)	Professional reintegration (employment)	Total
2007	-	129	129
2008	35	70	105
2009	22	50	72
2010	30	50	80
2011	30	50	80
2012	84	50	134
2013	50	40	80
2014	50	30	80
2015	60	30	90
2016	50	40	90
TOT	411	539	950

Table VII : General Humanities laureates of the and reintegrated children

School year	General Humanity and technical laureates	Children reintegrated at socio Professional level	Total
2007-2008	8	42	50
2008-2009	12	79	91
2009-2010	18	120	138
2010-2011	6	101	107
2011-2012	9	120	129
2012-2013	7	80	87
2013-2014	6	50	56
2014-2015	5	30	35
Total	71	622	693

Source : Enfants Soleil Project of MDPHASG, October 2016

227. The very positive contribution of Government Partners⁵⁰ actively involved in this sector is also helping to restore the dignity of hundreds of street children.

X. Responsibilities of the child

228. The Burundian child has duties and responsibilities towards his parents, his family, society, the State and any other legally recognised community as well as towards the international community.

⁵⁰ Civil society organisations actively participate in the fight against the phenomenon of children in street situations

The responsibility of the Burundian child is stated in Article 63 of the Constitution "Every citizen has duties towards the family and society, towards the State and other public authorities".

229. The child has, according to his age and his abilities and subject to the restrictions, pertaining to his level of discernment, the duty to:

1. Respect all human beings, especially his/her parents, guardian or guardian, superiors and elderly people in all circumstances and, if necessary, assist them;
2. Respect other children;
3. Respect one's identity, language, cultural and national values;
4. Respect the natural environment and work for its protection;
5. Respect the constitution and other laws of the Republic;
6. Work for the respect of human rights and the rights of the child;
7. Respect the reputation and honour of others;
8. Work for the cohesion of his/her family and for the good of the national and international community by putting his/her physical and intellectual capacities at their disposal;
9. Work to safeguard public order, public health and morals;
10. To work for the preservation and strengthening of the solidarity of society and the nation;
11. Contribute to the best of his/her abilities, in all circumstances and at all levels, to the promotion and realisation of national unity and African unity;
12. To love one's homeland. In the school programmes of the child, civic education programmes are included to enable him/her to understand the merits of developing a patriotic feeling;
13. Follow the basic education provided by his/her parents and the state.⁵¹

230. At the level of the Ministry of Youth, Sports and Culture, two directorates have been set up which work in the youth sector to help young people organise themselves into associations. These are the Directorate of the Associative Movement of the Youth and that of the Economic Integration of the Youth. The first aims to strengthen the organisational capacity of young people and the second helps young people to get into the production circuits, by promoting entrepreneurship, by proposing some strategic ways for self-management to be a reality.⁵²

231. Most Burundian youth are supervised in Youth Associations spread throughout the country, and they work towards guidance and promotion of self-care. In addition, the types of associations are as diverse as their areas of intervention. Thus, we meet sporting and cultural associations, charities, self-help associations, associations fighting against poverty, those fighting AIDS, religious associations, etc.

⁵¹ Draft Code of Child Protection

⁵² Patriotic Education and Training Program in Burundi

CONCLUSION

232. At the end of this initial report on the implementation of the African Charter on the Rights and Welfare of the Child, it should be noted that Burundi has started to ensure that its children a protective environment.

233. Moreover, Burundi has a strong political will to improve the situation of the child, which is reflected in the legislative, judicial and administrative measures that the State has already taken.

234. However, the difficulties encountered in effectively implementing the rights of the child in key areas such as health and education should not be overlooked. The limited resources due in particular to the many years of conflict have had a negative impact on the country's economy in general and that of households in particular resulting in limited access to basic social services. In the area of health, malnutrition, infant and child mortality are still prevalent, and low levels of education are one of the factors undermining the Government's efforts in children's education.

235. Burundi has an important asset because it enjoys excellent collaboration with national partners such as FENADEB and international partners such as UNICEF and other agencies of the United Nations system that assist it in its efforts to implement action plans developed for children. This partnership makes it possible to see, despite the challenges, a significant evolution in the field of the rights of the child.

236. Finally, the Government of Burundi is ready to interact with the African Committee of Experts on the Rights and Welfare of the Child with a view to achieving an adequate protection of the rights of its children.

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