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1. Preliminary Observations

Burundi ratified the Convention on the Elimination of All Forms of Discrimination against Women (hereafter Convention) on 8 January 1992.

Burundi is also a party to other international instruments relating to human rights which prohibit implicitly violence against women, *inter alia*: the International Covenant on Civil and Political Rights of which article 2 prohibits discrimination on the basis of sex, article 3 guarantees "the equal right of men and women to the enjoyment of all rights set forth in the Covenant", article 6(1) protects the right to life, article 7 prohibits torture and other cruel, inhuman or degrading treatment or punishment, article 9(1) protects the right to liberty and security of person, and article 24 promises children protection by the state without any discrimination on the basis of *inter alia* sex; the Convention against Torture, which provides protection against violence in a more detailed manner; the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child which constantly uses both feminine and masculine pronouns in its provisions, and which makes it explicit that the rights apply equally to female and male children. OMCT welcomes Burundi's ratification of the African Charter on the Rights and the Welfare of the Child in November 1990.

Article 12 of the Constitutional Act of Transition of 1998 states that: "Respect for the rights and duties proclaimed and guaranteed by the Universal Declaration of Human Rights, the international human rights covenants, the African Charter on Human Rights and People's Rights, and the Charter of National Unity are guaranteed in by the present Constitutional Act." Although the report states on page 7 that "[a]ccordingly, the international human rights instruments are an integral part of Burundi's legislation. However, the first periodic report (UN. Doc. CEDAW/C/BDI/1) of the government of Burundi (hereafter referred to as the government report) does not make clear how these treaties are applied in Burundi: for example, if these treaties are self-executing, and how conflicts between treaties, the Constitution and the laws are solved.

OMCT recognises that since 1993, Burundi is suffering from a civil war which has killed thousands of civilians - many of which were women or children. The present Government under President Pierre Buyoya came to power through a coup d'état in 1996. Since 1999, the former President of South Africa, Nelson Mandela, has worked as a peace negotiator in order to help to restore peace in Burundi.

OMCT acknowledges that the war situation in Burundi has had negative implications for the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

OMCT welcomes the first periodic report of the government of Burundi to the Committee on the Elimination of Discrimination Against Women. However, OMCT regrets that the report hardly focuses on violence against women, especially since women in situations of armed conflict or post armed conflict are particularly at risk of violence, not only by the conflict parties but also in the domestic sphere.

OMCT would like to recall that in its General Recommendation No.19, (Eleventh session, 1992) the Committee on the Elimination of Discrimination against Women (hereafter referred to as CEDAW) recommended that States parties should take all appropriate measures to overcome all forms of gender-based violence whether by public or private act. Moreover, the Committee stated that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, while promoting respect for their dignity and integrity. The Committee

requested States parties to report on the nature and extent of violence and on the measures they have undertaken to overcome violence.¹

Given the government's virtual silence on violence against women, this report will, after general observations on the socio-economic and legal status of women in Burundi, focus on domestic violence, rape, and prison situations. It will look at violence against women that is attributable to the conflict situation in Burundi as the government report remains entirely silent on this matter.

2. Status of Women in Burundi

2.1 Legal Status

Article 13 to article 42 of the Constitutional Act of Transition contains a comprehensive human rights catalogue. Article 17 of the Constitutional Act of Transition states that “[a]ll persons are equal in dignity and in rights and duties without discrimination as to sex, origin, race, religion or beliefs. All persons are equal before the law and are entitled without distinction to equal protection by the law.” Article 36 of the Constitutional Act of Transition provides for equal salary for equal work.

OMCT acknowledges the efforts made by Burundi to set the Code of the Person and the Family (CPF) on the grounds of gender equality. However, certain provisions of the code remain discriminatory against women. For example: article 88 of the CPF states that the age of marriage is 21 for men and 18 for women. Article 122 section 1 of the same code still states that the husband is the head of the family.

Women are also discriminated against in the Penal Code. Article 363 of the Penal Code puts the crime of adultery in terms more favourable to men than to women. Whenever a wife sleeps with another man, it is considered adultery. On the other hand, men just commit the crime of adultery when the circumstances of the crime constitute a *heavy* injury. The code does not say, what needs to be injured and to what degree is an injury considered heavy.

Moreover, the Nationality Code of Burundi does not grant women equal rights with men with respect to nationality of their children. A woman of Burundi nationality who is married to a man of another nationality does not transmit her nationality to her children. She can only pass her nationality to her children if the father of the child is unknown or if the child is not recognised by any one else.

In the case of Burundi it has to be noted that it is not so much the written legal system that hinders women first and foremost from enjoying their rights.² The remaining customary practices and prejudices are far more detrimental to the protection and advancements of women. Furthermore, the effects on the rights of women of the new Code of the Person and the Family remain small in case of the population living in the countryside.³

Inheritance law is still reigned by customs which provide, for example, that women can not inherit land. Unequal inheritance rights leave women dependent on men. In this regard, on page 36, the government report states with regard to rural women: “She cannot inherit either from her father or from her husband. And, paradoxically, she cannot control what she produces, especially if the products are marketable.” As will be shown hereunder, the discriminating inheritance customs lead directly to violence against women.

¹ UN Doc. HRI/GEN/1Rev.2.

² Ligue Burundaise des droits de l'Homme, ITEKA, Rapport annuel 1999, p. 15.

³ Ibid.

Even though polygamy is not allowed according to article 143 of the Code of the Person and the Family, the Special Rapporteur on Burundi mentions polygamy as one of the violations of women's rights occurring in Burundi.⁴ Polygamy has just been forbidden recently and the remaining polygamous marriages remain untouched. As CEDAW states in its general Recommendation 21, “polygamous marriage contravenes women’s right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such ought to be discouraged and prohibited.”⁵

Considering the patriarchal society it is not surprising that domestic violence occurs on a large scale in Burundi. Women are looked upon as property and the men have disciplinary rights over them.

2.2 Socio-economic status

The participation of women in decision-making posts and posts of responsibility in Burundi is alarming. The government admits in its reports that the situation has been deteriorating in the last few years (5% in 1993 compared to 3.1% in 1998). One single Minister out of 22 is a woman and there is not one female Province Governor. As a social group, women are practically isolated from the decision making levels in the legislature and politics. Their lack of chances of being able to make decisions in the political, economic, social and cultural field has serious consequences for the advancement of women and the full realisation of their fundamental rights. Besides, women's needs will only be supplied if women are able to express them and to ensure that they are taken into account when policies and laws are being developed.

Even though the illiteracy rate in Burundi is at 62%, OMCT notes with satisfaction that the government managed to keep the percentage of girls in primary school around 45% regardless of the armed conflict. It is now one of the main tasks to make school available in all parts of the country. However, it has to be noted that the school attendance rate of girls at the secondary or university level is much lower than the rate of boys. This is due to the fact that there are only a few places available at the secondary level and girls in the sixth grade who did not get one of the rare places at the first trial are supposed to help at home or to marry instead of repeating the course and trying to pass the exam the following year. Boys usually simply repeat the course and pass the exam another year. This is due to the fact that women are expected to marry sooner or later and therefore it is not considered necessary that they keep on going with their studies. Furthermore, it is common practice that pregnant girls are driven out of school.

Despite the lifting of the embargo that the neighbouring countries had imposed on Burundi, the economy has not recovered. The Special Rapporteur on Burundi states in her latest report that poverty has deepened in recent months in spite of government efforts to combat corruption, fraud and embezzlement.⁶ Burundi is one of the least developed countries of the world with just 28% of the population having access to safe drinking water, affecting the most vulnerable groups of society, such as women, first.

Many families are now headed by the mother because many men were killed in the violent eruptions since 1993. Furthermore, many families are torn apart with the children usually staying with their mother. In addition, Burundi has a very high fertility rate of 7 children per woman. Women start to have children at an early age and are constantly struggling to meet the the needs of their children.

⁴ UN Doc. A/55/358, Interimreport on the human rights situation in Burundi, submitted by the Special Rapporteur, Mrs. Marie-Thérèse A. Keita Bocoum, September 2000, para. 91.

⁵ UN. Doc. HRI/GEN71/Rev.3.

⁶ UN Doc. A/55/358, Interimreport on the human rights situation in Burundi, submitted by the Special Rapporteur, Mrs. Marie-Thérèse A. Keita Bocoum, September 2000, para. 31.

Sabine Sabimbona from the Association of Women Lawyers in Bujumbura describes the situation of women in the context of Burundi as follows: “As in so many wars, economic hardship and the fear of violence forced thousands of Burundi women to take their children and abandon their land. With nowhere to go, these women joined the internally displaced and sought refuge in camps. Most of these women will not be able to return to their original homes even if peace and security are restored because, under customary law, as applied in Burundi, a widowed woman cannot inherit land from her husband, and her brothers and sister-in-law will not welcome her back.”⁷

Many of these women -obliged to take care of their children, siblings and themselves- find themselves selling their bodies in order to cover the basic needs of their families. This situation is very frequent in the camps of displaced people where women agree to sexual intercourse with soldiers to get security or little remuneration.⁸

Furthermore, Burundi has a huge number of unaccompanied children whose parents died because of AIDS or the conflict or who simply lost their parents during the last years. When there is an attack of some sort, boys tend to flee by themselves while girls rather stay with their younger siblings in order to take care of them. Therefore, one can find thousands of small families in Burundi that are run by a girl. Needless to say that these girls are specially vulnerable because they have the duties of an adult without the adult's possibilities of self-defence.

3. Domestic Violence

3.1 Woman Battering

Many men are no longer able to cope with the needs of their family since the armed conflict has started in 1993. As a consequence, these men feel their position questioned as heads of family as it is often the women who are working in the fields and nourishing the family. Subsequently, they often start drinking and take their frustration out on the women by battering them in order to show who is the head of the family. A study⁹ conducted by the Ligue ITEKA shows that 42% of the women that participated in the study in Bujumbura had experienced some kind of domestic violence. 91% of the women that reported domestic violence were battered. 49% of the girls that reported domestic violence were raped. The study also shows that the main cause of domestic violence is alcoholism (79% of the cases).

It is important to note that domestic violence is also clearly related to the economic position of women. The less resources a woman has, the more likely she is to suffer domestic violence. Poor women made up 65% of the cases of domestic violence. The fact that the husband was rich was in 30% of the cases one of the reasons of domestic violence. This situation is aggravated if one considers the position of adolescents and girls without resources. From all the girl-victims of domestic violence 86% were orphans, 77% were war damaged and 57% were poor. From all the adolescents that were victims of domestic violence, 75% were orphans, 69% were war damaged and 62% were poor. This is a major concern for the ten-thousands of orphans that are in Burundi living in the streets.

⁷ In: Leilani Farha, Women's rights to land, property and housing, Forced Migration Review, April 2000.

⁸ Human Rights Watch, Emptying the Hills, regroupment in Burundi, March 2000, p. 20.

⁹ Ligue Burundaise des droits de l'homme, ITEKA, Réflexion sur la lutte contre les violences faites aux femmes dans les ménages en mairie de Bujumbura, December 1999.

3.2 Marital Rape

Marital rape is not specifically addressed in the Burundian Penal Code. At first sight, marital rape seems to be included in the rape-provisions (article 382-387) of the Penal Code as it does not exclude married couples. However, the courts in Burundi are allegedly considering forced sexual intercourse within a marriage as legitimate.¹⁰

Furthermore, it is still very shameful in the Burundian society to admit to having been raped and the shame is even greater when the rape has occurred within the family. As a consequence, most women would not come forward with a charge of rape against their husbands. Another factor is that many women do not know their rights and they consider it normal that their husband forces them to have sexual relations, an act they do not consider this as rape. This can be concluded from a study of the Ligue ITEKA. From all the women that participated in the study not one reported to have been raped by her husband. Rape is just a category of domestic violence for girl-children in this study (49%). Also, for adolescents, rape seems not to exist. The adolescents only reported sexual harassment in 63% of all the cases of domestic violence. This study shows that the problem of marital rape is not addressed in Burundian society.

4. Violence in the Community

The Burundian culture encourages a raped woman not to show her suffering. As a consequence, hardly any woman reported a rape to the police. In case she goes to the police and her case goes to court, the procedure is reportedly very humiliating for the women especially when the male judge questions the behaviour of the woman before and during the period when the rape took place.

In 1999, there were only 17 cases of rape at the High Court of Bujumbura. Eleven of the cases were settled. For ten of the cases, the following data was available: The age of the victims was between 21 years and 2 years and 8 months. Only one case concerned an adult woman. The fact that a woman does not report a case of rape out of fear and shame leads to the negation of this violence and the impunity of the rapist.

Case: G.N. was raped by her superior, E.S., on 26 June 1999. G.N. reported the rape to the police. Subsequently, she lost her job and the presumed perpetrator was simply moved to another post. The police took him for a short time in pre-trial detention and released him soon after that.¹¹

5. Violence against women in the conflict situation

The impact of the armed conflict on the women's human rights is overwhelming. It is impossible to estimate the amount of individual suffering of Burundi's population. The rights of women are especially violated since women are often the victims but hardly ever the perpetrators.

¹⁰ CHANGE, available at: <http://www.ncsm.net>.

¹¹ Ligue Burundaise des droits de l'homme, ITEKA, Rapport annuel sur les droits de l'homme, April 2000, p. 16.

Cases of violence

31 May 1999, the rebels attacked allegedly some families and killed 4 people in the colline Kimina (Rural Bujumbura).¹²

8 June 1999, the rebels were coming from the Ngongo forest to surround the village of Makombe. They kill within two hours 13 civilians of the village and wound another two. Subsequently, they burn the houses. The military of the near by army base are not intervening.¹³

12 June to 6 July 1999, at least 30 unarmed civilians were killed. They were either shot down from a short distance or burnt alive in a series of ambushes on the national highways.¹⁴

26 June 1999, rebels launch an ambush on a civil minibus. The bus starts to lurch and tips over. The passengers are burnt alive.¹⁵

3 August 1999, rebels attack the centre of Kigwena during four hours. Besides the three soldiers, also eight civilians die.¹⁶

10 August 1999, around 100 rebels attack the market of Kanyosha by firing into the air. The crowd panics and runs away. The military sends a bullet-proof car to reinforce the soldiers at the market. The bullet-proof car opens instinctively the fire on the people trying to climb over the barriers. More than 75 civilians get killed during that day.¹⁷

28 August 1999, rebels attack a quarter of Bujumbura Mairie. 18 civilians of which seven women and one child get killed. The army arrives too late.¹⁸

4 October 1999, rebels launch a punish expedition against the inhabitants of a house at the outskirts of Bujumbura. 10 people get killed. The soldiers knock a ten year old down who was running towards them in order to look for refuge.¹⁹

21 October 1999, rebels attacked the Gikinja colline and massacre 23 civilians of which 12 women and children. Afterwards, they pillaged their houses.²⁰

26 November 1999, several hundred rebels armed with guns, sticks and machetes attacked the regroupment site of Rudehe where 5000 people, over 95% women, were living at that moment. They massacred 16 people: 14 women and 2 men. Subsequently, they pillaged the rooms.²¹

¹² Ibid., p. 10.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid., p. 11.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid., p. 12.

²¹ Ibid.

6. Displaced women

In the fall of 1999, the Tutsi-dominated army and government of Burundi started to forcibly displace up to 80% of the population living in the province of Rural Bujumbura - which surrounds the capital, Bujumbura - from their homes, forcing most into over 50 regroupment camps throughout the province. Mostly Hutus were affected by this regroupment policy. Hutus make up to 85% of the population in Burundi. Often the army forced the population to leave without allowing them time to gather belongings or even food to take with them. At the end of 1999, more than 350'000 people were displaced in Rural Bujumbura province alone. Elsewhere in the country, hundreds of thousands of people were internally displaced or have been forcibly moved, mainly because of the ongoing internal conflict. In some cases the army allegedly killed some people if they were not carrying their orders quickly enough.²²

The camps in Rural Bujumbura were created following an intensification of attacks by armed opposition groups on the capital. The government claimed that the camps were "protection sites" and that the regroupment policy was a security measure to protect civilians from attacks by the mainly Hutu armed opposition groups. However, most of the displaced population had felt safer before being displaced. It seems rather that the army wished to have greater military control over a suspect population and to create a free zone where everyone outside the camps could be considered a member of the armed opposition, and as such a military target.²³

The population in the camps was not allowed to leave the camps everyday in order to go to their fields to collect some food thus leading to severe malnutrition in the camps. Furthermore, the soldiers in charge of the regroupment sites forced the population to provide for water, wood and food for them. These daily duties and the stress of not knowing what the future would bring and how to provide for one's family weakened the dislocated people additionally.

Under international humanitarian law as expressed in the 1998 UN Guiding Principles on Internal Displacement, national authorities have a responsibility that all displacements are effected in safety and with dignity. The authorities have to ensure nutrition, health, safety and hygiene. Article 17 of the Protocol II to the Geneva Conventions prohibits the forced dislocation of civilian population. Exceptions are just allowed in case that the security of the population or imperative military reasons demand such a measure. In either case, the government has the duty to provide the dislocated population with shelter, hygiene, health, safety and nutrition. The measures of the Burundian government fall far short of the provisions of the Guiding Principles and of Protocol II of the Geneva Conventions. The government raised the camps in order to get a tight control over an ethnic group. Furthermore, the way the camps were raised is subject of major concern. The dislocated population was suffering from various and systematic abuses of their human rights. This starts with overcrowding, poor sanitation and inadequate medical care in the camps and reaches extra-judicial killings, rape and torture of the dislocated population by army soldiers. No wonder the Peace Negotiator for Burundi and former President of South Africa, Nelson Mandela, compared the camps with the concentration camps of the Nazis during World War II.

Even though the government claims that all the camps have been dismantled between January and August 2000, there remain doubts that this is not the case. Representatives of the Hutu armed opposition groups claim that not all the camps have been dismantled. Mainly camps raised already in 1993 seem not to have been affected by the governments new policy of dismantling camps.

However, there are various reports of human rights violations during the process of dismantling. The population of these camps was often given just hours to leave the camps before they were destroyed.

²² See AI, Burundi, Conditions in "regroupment" camps: an update, June 2000; Human Rights Watch, Emptying the Hills, Regroupment in Burundi, March 2000.

²³ AI, Burundi, Conditions in "regroupment" camps: an update, June 2000.

There was no nutrition or transport facility provided for them. The victims of this treatment are once more the women who make up the majority in the camps. They have to pick up their things and leave with all their children - possibly ill children because of the systematic malnutrition.

Cases of violence

After rebels attacked soldiers near Nyambuye camp in December 1999, soldiers came to the camp the next day and ordered residents to vacate the camp and gather at the nearby administrative zone office. There they beat men, women, and children, accusing them of having lodged the rebels. "They hit many people, trying to get information, even old women and children too."²⁴

On 7 May 2000, members of the military and gendarmes from Bujumbura mounted an operation on the Kavumu regroupment camp in the province of Bujumbura-rural, to search for arms hidden in the camp. The people regrouped in the camps were divided into groups and searched for hours. They realised afterwards that the military had robbed them of their property and food, which had been transported away by pick-up trucks. In addition to such plunder, five people were killed during the operation. Although the authorities disagreed about the number of victims, they admitted that blunders had been committed and they had carried out some arrests.²⁵

On 18 April 2000, four soldiers raped and brutally abused three young women, aged twenty-five, nineteen, and sixteen, who had come from the Nyambuye camp to get water at the place called Gasanga. They found the young women at the watering place at about 6:30 p.m., just when it was beginning to get dark, and forced them to go a short distance away where they began raping them. Other camp residents who saw the crime taking place went to alert on of the abashingantahe (council of elders), who came with others to rescue the victims. However, because the water source was so far from the camp, the rescuers arrived only after the women had already been abused for more than an hour. Two of the women were able to walk back to Nyambuye with the support of others, but one was so badly injured that she had to be transported by stretcher. She was taken to the Prince Regent Charles Hospital, where she remained under treatment for eleven days. The crime had been so public and the woman's injuries so grave, that her family dared to complain to the local administrator at Isale commune and to "Commandant Gisanganya" Ngarambe at the neighbouring post of Shesheka hill. The commandant supposedly answered that it had been so dark at the time of the rape that the victims could not have seen the assailants clearly and that they were mistaken in thinking they had been soldiers; the rapists, he is reported to have said, had been rebels. The soldiers suspected of having committed the crime have apparently since been transferred to another post.²⁶

In another case reported by the women at Nyambuye, a fifteen-year-old girl was raped by a soldier alongside the path as she came home from selling cassava at the market of Gahabwa. In this case, the family mobilised other camp residents for support, and went to complain to the commander of the post. He apparently did nothing to punish the suspected rapist, who was transferred to another post not long after. Another woman from Nyambuye camp, twenty-two years old, was attacked by a soldier when she went to get water. But others nearby came running and the soldier himself fled. Women at Nyambuye became so concerned about the abuses of girls and young women by the soldiers at the nearby post that they decided to send young men or older women when soldiers required the delivery of water or other services.²⁷

²⁴ Human Rights Watch, *Emptying the Hills, regroupment in Burundi*, March 2000, p. 14.

²⁵ UN Doc. A/55/358, Interimreport on the human rights situation in Burundi, submitted by the Special Rapporteur, Mrs. Marie-Thérèse A. Keita Bocoum, September 2000, para. 42; Human Rights Watch, *Emptying the Hills, regroupment in Burundi*, March 2000, p. 17.

²⁶ Human Rights Watch, *Emptying the Hills, regroupment in Burundi*, March 2000, p. 18.

²⁷ *Ibid.*, p. 19.

One family in a camp has been victimised several times in the last year. They have been robbed twice by armed men in uniform. On the third occasion, on a Saturday night in mid-May 2000, four men - three of them in uniform - forced their way into the home, where parents were sleeping with their eight children. They demanded money but, dissatisfied with the amount, two of them then raped two daughters of the family, one thirteen years of age, the other fourteen. Then they brutalised the girls, one by kicking her in the genitals, the other by sticking a wooden paddle in her vagina. The father of the family ran from the house seeking help. One of the men in uniform shot him in the back, killing him immediately. Relatives of the victims state that soldiers committed the crimes but have brought no formal complaint against them. Asked why not, on family member replied, "Complain? To whom?". In previous cases of crimes that they knew of, victims received no help from either local civilian or military officials, who always took the position that the crimes had been committed by rebels.²⁸

In mid-January of this year, soldiers sent several girls from Nyamaboko camp, one of them seventeen years old, to buy beer for them in Buhonga. On the way home, the seventeen-year-old was stopped at the base of Gisovu hill by a soldier. The others continued on their way, leaving her alone with the soldier. He told her to put down the beer and to take off her clothes. When she refused, he raped her at knife-point. She has complained to no one and is just relieved that the soldier in question has since been transferred elsewhere. She lives in fear that she has contracted AIDS from the rape.²⁹

7. Prison conditions

Prison conditions are harsh in Burundi. One reason is the serious overcrowding of the detention facilities. On 31 December 1999 there were 9312 inmates living in facilities made for 3650.³⁰ Men and women are usually detained separately from each other. However, OMCT notes with great concern that the guards in female prisons are generally men.

Torture is systematically applied in Burundian prisons. A representative of the Burundian government stated that torture was a tolerated practice in the Burundian society in order to extract the "truth" from the suspected.³¹

8. Conclusions and Recommendations

Despite the fact that the Constitutional Act of Transition of Burundi provides for equality between men and women and banning discrimination against women, women do not fully enjoy their human rights on an equal basis with men. In fact, OMCT views that women suffer from discrimination, both from a *de jure* and *de facto* point of view. Women suffer particularly from the attitudes concerning the role of women in the family and society which is based on male superiority and the subordination of women.

The full advancement of women is prevented by the fact that, *inter alia*, according to the law, men are the head of the family, women cannot inherit land, that women receive less education than men and that women's participation in decision making posts is very low. OMCT is very concerned about the low socio-economic status of women in Burundi, which render women particularly vulnerable to

²⁸ Ibid., p. 19.

²⁹ Ibid., p. 19.

³⁰ Ligue Burundaise des droits de l'homme, ITEKA, Rapport annuel sur les droits de l'homme, April 2000, p. 29.

³¹ Aimé-Gaudence Kabuyenge, General Director of the Human Rights Ministry, in: Association Burundaise pour la Defense des droits des Prisonniers (ABDP), Journée de réflexion, 26 June 2000, p. 13.

violence. Furthermore, the lack of laws that effectively prohibit violence against women and marital rape and the lack of political will to abolish gender-discriminatory customary laws and to promote awareness among the population, have intensified acts or threats of violence.

OMCT would urge the Burundian authorities to make a commitment to amend or repeal all discriminatory laws. With regard to customs, OMCT would urge the government to eliminate such customs which requires fundamental changes in societal attitudes and the use of legislative, educational, social and other measures, such as awareness raising campaigns so that traditional customs and attitudes that are discriminatory towards women can be gradually modified and abolished.

Although the authorities often address the problem of domestic violence in Burundi as a "private" matter (e.g. in case of marital rape), OMCT would like to underline that it is a recognised part of international law that States are responsible for their failure to exercise due diligence in the control of private actors by protecting the rights of individuals to exercise their human rights, investigating alleged violations of human rights, punishing the violators of human rights and providing effective remedies for the victims of human rights violations.

OMCT would encourage the government to collect statistical data on domestic violence. Moreover, adequate information should also be provided to the victims of such violence, with regard to their right to obtain compensation.

OMCT is concerned that women in Burundi are not coming forward with complaints of rape. This behaviour is attributable to the reaction of the society and the judiciary on reports of raped women. OMCT would urge the authorities to launch an awareness raising campaign on sexual violence against women.

The grave human rights situation of women in Burundi is aggravated by the ongoing armed conflict. While entire communities suffer the consequences of armed conflict and terrorism, women and girls are disproportionately exposed to violence because of their sex and vulnerable status in society. Women fall victim to all kinds of abuse during armed conflict whether they participate as combatants or are non-participant civilians. The women's subordinate status in Burundian society has been exacerbated by conflict, which places them, and their children, significantly at risk from various forms of harm. These abuses include rape, sexual violence and humiliation, torture, forcible impregnation, sexual slavery, servitude, forcible prostitution. Rape of women has been used as a strategic weapon of war.

OMCT is concerned about the high level of violence related to the armed conflict that women are facing in Burundi. OMCT would urge the authorities to strengthen their efforts towards a peace agreement that includes topics which have an overall influence on the situation of women such as an immediate cease-fire and the prosecution and punishment of violators of female human rights. OMCT would like to stress out that there is no lasting peace without full equality for women and men as emphasized in UNESCO's Statement on Women's Contribution to a Culture of Peace, April 1995.

The culture of Peace and non-violence should be actively encouraged. The material sources and expertise of UNESCO, UNIFEM and UNICEF should be utilised to disseminate and inculcate values of tolerance for diversity, respect for human rights and non-violence and gender sensitivity, particularly among boys and men.

OMCT is gravely concerned about the fact that perpetrators of human rights violations enjoy impunity to a large extent. Human rights violations committed by security forces are often not addressed by the Burundian authorities. OMCT would urge the Burundian government to end its tolerance of violations of human rights of women in order to prevent, investigate, punish and redress such acts.

Finally, OMCT would insist on the need to implement all provisions of the Women's Convention. Moreover, it would insist on the implementation of the Beijing Rules and Platform for Action, the Beijing Plus 5 Outcome Document and the Declaration on the Elimination of Violence Against Women as they are the most relevant international instruments concerned with all forms of violence against women. OMCT would also recommend that Burundi ratifies the Optional Protocol to the Convention, enabling the Committee to receive individual communications relating to Burundi and to conduct inquiries into grave or systematic abuse of women's human rights as well as that it ratifies the Rome Statute of the International Criminal Court adopted in June 1998. This statute recognises gender-based crimes such as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual abuse, in defined circumstances, as a crime against humanity and as a war crime. Furthermore, it makes provisions for the application of gender-sensitive justice through the selection of judges as well as the establishment of a Victims and Witness Unit which must be staffed by individuals with expertise in trauma, including that related to crimes of sexual violence.