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Statement submitted by Association pour l'integration et le développement durable au Burundi, Human Rights Watch, Indigenous People of Africa Coordinating Committee, RESO-Femmes and Women's Global Network for Reproductive Rights, non-governmental organizations in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

The purpose of this statement is to denounce violence against women and girls and to propose strategies for eliminating and preventing all forms of violence against women and girls in Burundi in general and against indigenous Batwa women and girls in particular. We first denounce the violations of women's rights, in particular:

- Non-participation of Batwa women in Burundi Government institutions
- Non-attendance at school and illiteracy of Batwa girls and women
- Failure of the Burundian Government to punish gender-based violence.

Concerning the first point, we first explain the arrangements for Burundian women to exercise the right to participate in decision-making. In general, women's participation in public institutions respects the principles of the Arusha agreement, providing for at least 30 per cent of women in the various decision-making institutions, in order to combat discrimination affecting the political and civil rights of women. This has already been done, allowing women freely to express their views and to participate in the search for solutions to problems of this kind. However, Batwa women in Burundi are still discriminated against and marginalized, because they are not included in the 30 per cent quota for decision-making institutions in Burundi or in the life of the country. Yet articles 13 and 14 of the Constitution of Burundi encourage everyone without discrimination to participate in decision-making. The right of all persons to participate in public affairs is also mentioned in article 13 of the African Charter of Human and Peoples' Rights and in the Convention on the Elimination of all Forms of Discrimination against Women. The fact that Batwa women are not represented in decision-making institutions perpetuates the violence against this vulnerable category of women and girls; no women participate in the sectors of national life responsible for adopting measures to punish the perpetrators of acts of violence, including sexual harassment, assault and ill-treatment by husbands and by other social groups.

In order to eliminate this discrimination against Batwa women:

- The United Nations Indigenous Peoples' Partnership must be promoted in Burundi to guarantee the civil and political rights of Batwa women and girls
- The Government of Burundi must ratify the 2003 Maputo Protocol to the African Charter concerning women's rights in Africa
- Seminars must be organized to make Batwa women aware of their right to participate in decision-making bodies
- Legislation must be proposed to the Government of Burundi to integrate these rights into the national Constitution
- The Constitution of Burundi must be revised to incorporate laws guaranteeing Batwa women's right to participate in decision-making
- The African Commission on Human and Peoples' Rights and the Human Rights Council must be invited to monitor implementation in Burundi of the Convention on the Elimination of All Forms of Discrimination against Women.

As far as education is concerned, very few girls in the indigenous population of Burundi even complete their secondary studies and indigenous girls in Burundi

do not attend school because their parents cannot afford it. No girls from the Batwa community have yet completed university studies.

About 15 girls have completed secondary school and the illiteracy rate is 80 per cent for the over 4 million Burundian women. As a result, they find it very difficult to earn a living. According to the survey of 26 October 2012, most women and girls in the provinces of Gitega and Muramvya have to beg for clothes and food at the beginning of the school year. Because of these problems, these girls never complete their studies. They are also forced into early marriage, making them more vulnerable to HIV/AIDS.

In order for Batwa girls to receive an education, the Government of Burundi must:

- Guarantee free education from primary school to university
- Promote the United Nations Indigenous Peoples' Partnership in Burundi in order to guarantee the right to education
- Make the parents of Batwa indigenous girls aware of the need to send their daughters to school
- Enact legislation establishing penalties for men or boys who force minor girls to marry
- Distribute food to parents so that Batwa girls can attend school.

As regards the last point, Batwa indigenous women in Burundi are subjected to violence connected with their horrible living conditions. They do not have the necessary income or other resources to be independent. Most Batwa women earn a living by making traditional pottery, which is no longer profitable today. Some say that land containing clay (the raw material for traditional pottery) is being expropriated by non-Batwa Burundians; others say that the clay pots cannot be sold because of competition from industrial production.

Women in the Batwa community are unable to buy their own clothes; their husbands do this for them. This situation of complete subjugation leaves open the possibility of sexual harassment by husbands and even of physical violence if women refuse to have sexual intercourse. Polygamy is another problem: in the Batwa community: a man may have two or as many as four wives, which is contrary to the legislation in force in Burundi. Sometimes the first wife is driven out of the home. In the 1970s and up until 1988, some men had as many as 10 wives. In addition, Batwa marriages are often not officialized and husbands can threaten to cast off their wife and marry another woman. In addition, Batwa women with HIV/AIDS are dying because they have no access to health care and support.

As far as access to equitable justice is concerned, Batwa women are not on the same footing as men. According to Burundian custom, women cannot speak in the presence of men. This tradition is an offshoot of the proverbs encouraging marginalization of women and discrimination against them. For example, there is a proverb saying that the hen does not sing when the rooster is present. There are no laws to protect Batwa indigenous women against these evils.

In order to eliminate and prevent these acts of violence:

- Appropriate measures must be adopted, by enacting legislation in Parliament to punish husbands who commit acts of violence against Batwa wives

- There must be equality before the law between Batwa women and men and the other components of Burundian society
- Measures must be incorporated in Burundian legislation to promote the economic, social and cultural development of Batwa women
- The United Nations Indigenous Peoples' Partnership must be implemented in Burundi in order to inform and train Batwa women for other work and entrepreneurial activities through indigenous organizations
- HIV/AIDS awareness seminars must be organized, since Batwa women are currently not informed about this scourge
- Awareness seminars must be organized to make Batwa men abandon the practice of polygamy, which is a factor in the spread of HIV/AIDS among the Batwa minority
- The World Food Programme must provide food to Batwa women during training courses on entrepreneurship and other work.
