

Flygtningenævnets baggrundsmateriale

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Country	Burundi
SIGI 2019 Category	N/A
SIGI Value 2019	N/A

Discrimination in the family		N/A
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	10%
	Legal framework on household responsibilities	75%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	-
	Legal framework on divorce	25%

Restricted physical integrity		32%
	Legal framework on violence against women	50%
	Proportion of the female population justifying domestic violence	73%
	Prevalence of domestic violence against women (lifetime)	47%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	75%
	Female population with unmet needs for family planning	30%

Restricted access to productive and financial resources		N/A
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	-
	Share of managers (male)	73%
	Legal framework on access to non-land assets	25%
	Share of house owners (male)	83%
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	25%
	Share of account holders (male)	52%

Restricted civil liberties		N/A
	Legal framework on civil rights	100%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	-
	Legal framework on political participation	0%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	64%
	Legal framework on access to justice	25%
	Share of women declaring lack of confidence in the justice system	-

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Introduction

Burundi has faced politico-ethnic crisis and armed conflict, spawning from a military coup in 1993 (Impunity Watch, 2014). The Arusha Agreement for Peace and Reconciliation in Burundi in 2000 marked the end of the armed conflict and brought relative stability to the country (Impunity Watch, 2014). A new Constitution was adopted in 2005. Transitional justice mechanisms have been implemented by the State – notably a Truth and Reconciliation Commission (TRC) and a Special Tribunal (launched in 2014).

1. Discrimination in the family

a) Overarching legal framework for marriage

The Constitution of Burundi (2005) guarantees the freedom to marry and to choose one's partner, while stipulating that no marriage can be contracted without the consent of the future spouses (art. 29). The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based Violence establishes that anyone who kidnaps a girl to marry her or to have her married will be punished by three months to five years of imprisonment and to a fine (art. 38). Forced unions are also prohibited, including forcing a widow to marry her step-brother or step-father (levirate marriage) or forcing a girl to marry the husband of her deceased sister (sororate marriage) (art. 39). In addition to the prohibition of the levirate and sororate marriages, harmful practices against windows are also prohibited under the Law on the Protection of victims and the Prevention and Punishment of Sexual and Gender-based Violence, such as anyone who forbids the surviving spouse to enjoy the goods of marriage is liable of imprisonment of one to three years and a fine (art. 59). The Code of Persons and Family only recognises civil marriages and does not provide for official registration of customary/religious marriages or informal partnerships. Informal or de-facto unions are not regulated by law.

b) Child marriage

The legal age of marriage is 18 years old for women and 21 years old for men (Code of Persons and Family, art. 88). The governor of the province can, however, grant an authorisation for marriage under the legal age in extenuating circumstances (*motif grave*) (Code of Persons and Family, art. 88). The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence prohibits child marriage – prohibiting anyone to marry under the legal age or when the person does not have the biological, physical and psychological capacity to marry (art. 2). The Law additionally stipulates that a parent, a legal guardian or anyone who encourages the marriage of a child is punishable by five to ten years of imprisonment and a fine (art. 44). There are no public measures or awareness-raising or education programmes are being conducted on child marriage.

Child marriage remains a concern in Burundi for girls between 15 and 18 years old (UNICEF, 2016). Marriage of girls under 15 years old is low (UNICEF, 2016). The CEDAW Committee (2016) has called for the standardisation of the legal age of marriage between men and women. Furthermore, the

CEDAW Committee (2016) notes that child marriage and pregnancy constitute one of the factors contributing to high dropout rate of girls at the secondary level.

c) Household responsibilities

The Code of Persons and Family establishes the husband as the head of household (art. 122). The spouses share rights and responsibilities towards their children (Code of Persons and Family, art. 123). The CEDAW Committee (2016) has called for the amendment of article 122 of the Code of Persons and Family, which establishes the husband as the head of household. The law provides women with the same rights as men to be the legal guardians of their children during marriage and in informal unions (Code of Persons and Family, art. 285). Additionally, the Code of Persons and Family provides women with the same rights and responsibilities as men with regard to their children during marriage (art. 123). Furthermore, the law provides married women with the same rights as men to choose where to live, as the Code of Persons and Family stipulates that spouses decide together where to live (art. 124). The law provides unmarried women with the same rights as unmarried men to choose where to live, as the Constitution guarantees the right of every Burundian to circulate freely and to establish his/her residence anywhere on the territory (art. 33).

The roles and responsibilities of women and men within the family remain gendered (Emery, 2013). Women in Burundi continue to face discriminatory distribution of work in the household; women are usually tasked with domestic work, children and family care while men are in charge of important decisions and to provide financially and materially for the family (APDH et al., 2016). Motherhood holds a high social value but women's subordinate role to male family members with regards to decisions concerning the home and the family persists (Emery, 2013).

d) Divorce

The Code of Persons and Family provides women and men with the same rights to initiate divorce, either by a joint request from the spouses or by one of the spouses according to a determined cause (adultery, excess, abuses or serious insults) (art. 158 & 187). The law provides women with the same rights as men to be the legal guardian of their children after divorce; custody and visitation rights are decided by the judge (Code of Persons and Family, art. 185).

Women's lack of economic independence and lack of access to land impedes on their ability to support themselves after divorce (Emery, 2013). Either women tend to remain in unsuccessful marriages or tend to prefer de-facto separation rather than going through formal divorce procedures (Emery, 2013).

e) Inheritance

There are no laws regulating inheritance rights, matrimonial regimes and gifts in Burundi. Customary law is applied in those domains. The CEDAW Committee (2016) stresses that the application of customary law with regards to inheritance impedes on women enjoying their rights and being protected. This legal gap puts women in a vulnerable position with regards to inheritance as according to customary law women and girls are not entitled to inherit from their husbands and fathers (Action Aid, 2016).

Burundi's social structure is patrilineal one, and male family members from the deceased's paternal line are privileged in terms of inheritance, according to customary law (ITEKA & FRIDE, 2011). "Under customary law in Burundi daughters do not inherit. According to the categories and order of inheritance, daughters are not considered to be legitimate children. In other words, family ties with their father are not recognised for them (ITEKA & FRIDE, 2011: 6). Unmarried daughters who stay at home and divorced women who rejoined their family are entitled a small plot of land for subsistence farming but their children are prohibited from inheriting (ITEKA & FRIDE, 2011). According to customary law, the fate of widows is decided the family-in-law who decide if they should be expelled from the property or marry the brother of the deceased (ITEKA & FRIDE, 2011). If they rejoin their family, they are entitled to a small land plot from the father's property for subsistence (ITEKA & FRIDE, 2011). Denying women and girls of their rights to inheritance impedes on women's economic empowerment and contributes to women living in poverty (ITEKA & FRIDE, 2011).

Furthermore, some judges have reportedly set legal precedent by enforcing the Constitution and international agreements signed by Burundi over customary law, with regards to inheritance (ITEKA & FRIDE, 2011). But the decision over which law to apply to the discretion of the judge (ITEKA & FRIDE, 2011).

2. Restricted Physical integrity

a) Violence against women

The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence was adopted in 2016. It provides a comprehensive definition of gender-based violence and a comprehensive approach to address the investigation, prosecution and punishment of perpetrators and the protection and support services for victims.

The Law tasks the government to establish training programmes on gender and gender-based violence for professionals, including education professionals (art. 9 & 10). The Law plans for the creation within all police of a specialised unit or focal point on gender-based violence (art. 11). The State is to create welcome centres and emergency shelters for victims who will have access to medical, psychosocial, judicial, legal and social reinsertion services (art. 20). Judges specialised in gender-based violence are to be appointed in prosecutor offices and chambers specialised in gender-based violence are to be established within high courts (art. 28). The Law additionally plans for legal aid for victims (art. 30). Victims are entitled to compensation under the Law (art. 58).

Civil society organisations and NGOs provide help and services to victims of gender-based violence, such as the Seruka Centre which is a Burundian organisation that helps victims of sexual violence (Human Rights Watch, 2016).

The Ministry of Human Rights, Social Affairs and Gender developed a national strategy on gender-based violence and its plan of action (CEDAW, 2015). Besides, the State has also set an obligation for all ministerial institutions to include gender in their sector policy and to establish a separate budget (CEDAW, 2015). At the local level, the centres for familial and community development are tasked with planning and implementing all actions for the prevention and protection against all forms of gender-based violence towards women and children and conduct awareness-raising and educational

activities. The National Gender Policy aims in addition to contribute to reducing gender-based violence (MSNDPHG, 2012).

The African Development Bank (2011) reports that the decades of armed conflict have fostered a culture of normalisation of violence in Burundi. The most widespread forms of gender-based violence are rape and domestic violence. Other forms include: expropriation, abandonment, stigma, physical abuse and expulsion from the family home (African Development Bank, 2011).

Reports highlight an increase of violence against women in the context of the political crisis starting in 2015. Women may face rape and other forms of sexual violence, domestic violence, torture, enforced disappearance, extrajudicial execution and human trafficking. Some of these crimes are allegedly committed by armed and police forces and the Imbonerakure (a militia group) (Coalition de la Société Civile, 2016). The political repression extends to women involved in the opposition parties and women from civil society (Coalition de la Société Civile, 2016).

Some factors limiting the prosecution of perpetrators of gender-based violence are namely under-reporting due to cultural barriers, fear of reprisal, stigma and judicial decisions settled out-of-court (Coalition de la Société Civile, 2016). It is thought in some communities that a woman who was raped must hide her suffering – which may discourage women from reporting the rape (African Development Bank, 2011). Consequently, women do not report crimes to the police, especially in cases of domestic and sexual violence (African Development Bank, 2011). The report shows that women fear exposing themselves to the justice system where judges have been reported to express derogatory remarks towards women victims of violence (African Development Bank, 2011). The absence of confidentiality when registering a complaint is another barrier for women (African Development Bank, 2011). In addition, when reporting a crime, women may risk reprobation, exclusion from their communities and discrimination (African Development Bank, 2011).

The CEDAW Committee (2016) notes that women who are older, belonging to the Batwa group, internally displaced, refugees, with albinism and/or with disabilities are particularly vulnerable to gender-based violence and the legal framework does not take into account their specific needs.

b) Domestic violence

Domestic violence is a criminal offense under the Penal Code and punishable by three to five years of imprisonment and a fine (art. 535). The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence defines domestic violence as all acts of physical, sexual, psychological or economical violence that occur within the family or within the family home (art. 2). Amicable settlement for any gender-based violence is considered complicity to the act of violence under the Law (art. 23).

The CEDAW Committee (2016) highlights that domestic violence is tolerated in Burundi and few prosecutions are reached. The Committee (2016) additionally notes the limited options of shelters for women throughout the country.

c) Rape

The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence includes sexual violence and rape. Rape is also addressed in the Penal Code (art. 554-562) and is punished by 5 to 15 years of imprisonment and a fine (art. 555). Art. 555 specifies that this applies even if the victim is married to the author of the crime. Aggravated forms of rape and sexual violence include additional sentences (Penal Code, art. 556 – 558).

Domestic rape is punished by the Penal Code of 8 days of imprisonment and/or a fine (art. 554). Under the Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence, marital rape is punished by 15 to 30 days of imprisonment and/or a fine.

In addition, the Law prohibits a form of marital rape according to customary practice, called “Gukanda (umuvyeyi)” whereby a man can force his wife to have sexual intercourse after giving birth even if she has not recovered (art. 2).

The Law additionally includes a provision stating that rape is considered to include customary practices such as: when a step-father forces his step-daughter to have sexual intercourse with him on the day of his son’s wedding; when a step-father forces his step-daughter to have sexual intercourse; when a person is forced to have sexual intercourse with a traditional healer for the cure to work (art. 33).

Rapes have been reported, allegedly connected to the political crisis in 2015 (Human Rights Watch, 2016). It appears that rapes were being perpetrated on women during attacks on their homes, while male family members – usually members of the opposition parties – were also targeted (killings or abductions). Human Rights Watch (2016) estimates that high rates of rape occur in Burundi.

The UN High Commissioner for Human Rights condemned reported chants to impregnate or kill opponents and expressed concern over allegations of serious human rights violations by the militia (UNHR, 2017).

d) Sexual harassment

Sexual harassment is covered in the legal framework under the Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence and the Penal Code and is punished by one month to two years of imprisonment and a fine (art. 563). The legal framework possesses a broad definition of sexual harassment and includes that this is an abuse of authority on the part of the author of the crime conferred by his/her role (Penal Code, art. 563). Cyber-harassment or cyber stalking is not covered by the legal framework. There is little available information on the occurrence of sexual harassment in Burundi.

e) Female genital mutilation

Female Genital Mutilation (FGM) is considered a criminal offense under the Penal Code (art. 222 on mutilation) and is punished by imprisonment of ten to 20 years and a fine. The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence additionally lists FGM as a form of violence against women. It does not appear that FGM is a concern in Burundi.

Abortion on request is considered a criminal offense under the Penal Code (art. 505-510). A woman who seeks an abortion for herself is punishable of one to two years of imprisonment and a fine. Legal abortion is limited to cases where the physical health of the woman or her life is at risk and when performed by a doctor (Penal Code, art. 511).

The CEDAW Committee (2016) has called for the amendment of the criminalization of abortion, highlighting that 45% of incarcerated women are serving sentences up to 20 years of imprisonment on conviction for abortion and infanticide.

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Regarding land, the law provides married and unmarried women with the same rights as married and unmarried men to own, use, make decisions and use as collateral (Land Code, art. 12 & 5). Regarding property and other non-land assets, the law provides married and unmarried women with the same rights as married and unmarried men to own, use, make decisions and use as collateral (Constitution, art. 36). Regarding marital property, a married woman has the same rights as a married man to administer; the Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence guarantees that spouses are entitled to enjoy equally the property and goods of the marriage (art. 7). Additionally, the Land Code establishes joint land titling and there are no restrictions for married couples or informal unions in the law (art. 23). In terms of public measures, at the local level, the centres for familial and community development are charged with promoting gender equality in urban and rural areas and to contribute to the enhancement of rural women's well-being and their families. The State has set up a minimum quota of 30% of women in rural development programme as well as a fund to finance agriculture activities by rural women, as part of the strategic framework on combating poverty (CEDAW, 2016).

The legal gap concerning matrimonial regimes and inheritance means that women are not protected with regards to their access to land and property in cases of divorce, separation or inheritance; in those cases, customary law is applied. The CEDAW Committee (2016) notes the discriminatory provision (art. 126) in the Code of Persons and Family, whereby marital property is considered to include land acquired by inheritance, the family house, the farm which is the joint efforts of the spouses, according to legal or customary certifications and norms. One shortcoming of the Land Code is that it protects legally land owners that possess a legal certificate or ownership according to customary norms (APDH et al., 2016).

Inheritance is the primary way to acquire land in Burundi. According to customary law, land is inherited through the male member of the paternal line (Action Aid, 2016). Additionally, husbands are customarily the owner and administrator of land and property; while women are usually allowed to use land, they have no control over it (Action Aid, 2016). The *igiseke* is one example of land that is available to women as it is a parcel of land collectively attributed to girls for usufruct (APDH et al., 2016).

The Action Aid report reveals that there is a lack of remedies available for women with regards to land and property and judges and local actors abide by customary norms (Action Aid, 2016). Furthermore, the report points to barriers women face when they wish to register land (Action Aid, 2016). Registration of family land is usually under the name of the husband or a male kin (Action Aid, 2016). Divorced and unmarried women are particularly discriminated against with regards to land ownership and registration (Action Aid, 2016).

Reports highlight the vulnerability of Batwa women (APDH et al., 2016). The Batwa, a pygmy people, have been historically marginalised in Burundi with regards to access to land (APDH et al., 2016). Batwa communities are nomadic and hunters-gatherers which collided with the rise of private property under the colonisation (APDH et al., 2016). Today, they are left with practically no land (APDH et al., 2016). There are reports that the small parcels of land the Batwa communities own are often sold by the male heads of family to pay debts or to survive (APDH et al., 2016).

Women are under-represented in operational structures, such as cooperatives and rural committees (APDH et al., 2016). As an example, on ten rural cooperatives (supervised by the organisation CAPAD), there are 140 women out of 644 members, representing 22% (APDH et al., 2016).

More women reportedly proceed to courts to settle on land issues (APDH et al., 2016). The APDH shows that in 2014, in 10 residential tribunals out of 1 807 land disputes, 877 of these were introduced by women, representing 49%. This may be explained partly by a greater awareness to land rights (APDH et al., 2016). With regards to family land disputes introduced by women to courts, judicial decisions vary (APDH et al., 2016). In the absence of a specific law on inheritance, judges may decide either to apply the principle of equality enshrined in the Constitution, or to base their decision on customary law (APDH et al., 2016).

b) Secure access to formal financial resources

The legal framework provides married women with the same rights as married men to open a bank account at a formal institution (Constitution, art. 52). Married/unmarried women are granted the same rights as married/unmarried men to obtain credit (Constitution, art. 52).

The National Gender Policy sets to reinforce women's access to means of production, to technology and to credit (MSNDPHG, 2012). The Ministry of National Solidarity, Human Rights and Gender deposits guarantee funds to micro-credit institutions to increase women's access to micro-credit (CNIDH, 2016).

The exclusion of women from owning land renders their access to credit difficult. Without the possibility to use land or property as collateral, credit is often denied to women by credit institutions (APDH et al., 2016). In the years 2013-2014, estimations show that 30% of women obtained credit from two main credit institutions (CECM – Caisse Coopérative d'Épargne et de Crédit Mutuel & FENACOBUR) (APDH et al., 2016).

c) Workplace rights

The Labour Code ensures to everyone equality of chances and treatment in employment and work without any discrimination concerning hiring, promotions, remuneration and termination of contract

(art. 6). The Constitution (art. 57) and the Labour Code (art. 73) mandate equal remuneration for work of equal value.

The law prohibits women from entering certain professions; the Ministerial Ordinance N° 650/287 establishes that women cannot be hired for work which would expose them to high risks for their health.

The Labour Code provides for 12 weeks of paid maternity leave paid for by the employer (50%) and the social security system (50%) (art. 122). The Code protects women's employment security when they are on maternity leave (art. 122). Employees are additionally entitled to two paid weeks of circumstantial leave, with 50% of wages paid by the employer (art. 131). The legal framework does not provide for paid parental leave.

The Labour Code guarantees that any person can freely engage in a professional activity of choice for his/her own account or in the service of someone else or to recruit employees and can freely change profession (art. 1). The Code of Persons and Family stipulates that each spouse has the right to engage in a profession, industry or business according to her/his choice (art. 127).

The National Gender Policy sets out to promote the equal position of women and men in the economy, notably by reducing the time and arduousness of domestic work, to support women's economic power in all productive sectors and to contribute to equal access to the job market (MSNDPHG, 2012).

Women are usually involved in low-skilled activities (APDH et al., 2016). Estimations show that 67% of women who work have no level of instruction (APDH et al., 2016). Women are involved primarily in the agriculture sector (APDH et al., 2016). In other sectors, women represent 36% of the workforce – usually in low-skilled positions or in the informal sector (APDH et al., 2016). Furthermore, the CEDAW Committee (2016: 12) stresses that “most women continue to face barriers to their economic empowerment, given their poor socioeconomic condition and the stereotypes against them, in addition to their limited access to credit for failure to meet banks' requirements and the right to land tenure owing to unequal inheritance rights’.

4. Restricted Civil liberties

a) Citizenship rights

The Constitution guarantees that women and men hold the same rights with regards to nationality (art. 12). The Nationality Code provides women with the same rights as men to acquire nationality. The legal framework also provides unmarried women with the same rights as unmarried men to change or retain their nationality (Nationality Code, art. 21 & 22).

However, the Nationality Code contains discriminatory provisions. Married women and men do not enjoy the same conditions to retain or change their nationality and married women cannot confer their nationality to a foreign spouse on an equal basis with married men. There is no provision in the National Code on the right of Burundian women to confer nationality to their foreign spouse while men can automatically confer nationality to their foreign spouse. Article 4 of the Nationality Code stipulates that upon marrying a Burundian citizen, a foreign wife takes the Burundian citizenship automatically. In addition, foreign men who are married to Burundian women are entitled to waived

conditions to apply for naturalisation (art. 7). Additionally, the law does not provide women with the same rights as men to confer nationality to their children. The Nationality Code stipulates that a child is Burundian by birth when his father is Burundian (art. 2). A mother can confer nationality to her children only if the father is unknown or if he has refused to acknowledge the child (art. 2).

Furthermore, the legal framework does not provide women with the same rights as men to register the birth of their children. The Code of Persons and Family stipulates that the father is the one responsible for registering the birth of his child, in the absence of the father, by default the mother would register the birth of her child (art. 38). Delayed birth registration can be authorised by the provincial governor (Code of Persons and Family, art. 45).

Married and unmarried women are provided with the same rights as married and unmarried men to apply for identity cards, passports and to acquire passports and other travel documents for their minor children (IRBC, 2014). Additionally, married/unmarried women are provided with the same rights as married/unmarried men to travel outside the country (Constitution, art. 33).

The Constitution recognises and prohibits multiple discrimination on the grounds of race, language, religion, sex or ethnic origin (art. 22 & 13).

b) Voting

The Electoral Code guarantees the right of every citizen to vote in all elections (art. 4). There is little information on women's voting rights in Burundi.

c) Political voice

The right of all Burundian to access public and political office (including legislature, executive and judiciary) is enshrined in the Constitution (art. 51). Furthermore, the Constitution sets a 30% quota of women in Government, the National Assembly and the Senate (art. 129, 164 & 180). The Electoral Code establishes that municipal councils must be composed of 30% of women (art. 182). The National Independent Electoral Commission is set to ensure compliance with the Constitution, notably with the gender quotas and can reject candidate lists (Electoral Code, art. 103). Furthermore, the State has published a guide to gender mainstreaming as part of the national programme for public administration reform (CEDAW, 2016). The National Independent Commission on Human Rights CNIDH (2016) reports that the constitutional quota is met in all instances (CNIDH, 2016).

Nonetheless, the CEDAW Committee (2016: 9) stresses that women are underrepresented at the provincial and district level, due notably to "prevailing patriarchal political culture based on gender stereotypes and the limited skills, education and lack of economic independence of women".

The CEDAW Committee (2016) expresses concerns over women human rights defenders in Burundi in light of the recent political crisis, noting that some women's rights organisations fear reprisal for their activities and some activists had to leave Burundi for protecting their life and personal safety.

d) Access to justice

The legal framework provides married/unmarried women with the same capacity as married/unmarried men to be sued and to sue (Constitution, art. 22). Additionally, a

married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's, in all types of court cases (Constitution, art. 38).

The legal framework includes elements ensuring that women are able to exercise their capacity to sue, notably the Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence which stipulates that the State provides legal aid for victims of gender-based violence (art. 20) and that all acts of intimidation in the aim to prevent a judicial procedure concerning gender-based violence is punishable of imprisonment of 10 years and a fine (art. 47). The law further stipulates that the intimacy of victims and witnesses in procedures concerning gender-based violence is protected, in particular their personal details and their physical safety (art. 28). In addition, specialised judges on gender-based violence are appointed and specialised chambers have been created (art. 28).

The Ministry of National Solidarity, Human Rights and Gender is responsible for the State's actions with regards to gender. The Independent National Commission on Human Rights has the power to receive and resolve complaints on human rights issues – including gender.

The CEDAW Committee (2016) notes that access to justice is difficult for women due partly to a lack of judicial independence, lack of knowledge on women's rights and the limited availability of legal aid.

Impunity Watch (2014) reports that there is a lack of financial, human and material means to take into account women's specific need in the judicial system and a lack of sensitivity from judicial actors. Women face obstacles in accessing justice due to cultural perceptions of gender-based violence in addition to discriminatory practices within the judicial system (Impunity Watch, 2014). The report identifies four major obstacles: a lack of information and awareness on gender-based violence; fear of reprisals partly due to the inexistence of legal provisions for the protection of victims and witnesses; legal aid not being systematically delivered, weight of socio-cultural factors (Impunity Watch, 2014). The report concludes that these obstacles reinforce the mistrust victims feel for the judicial system, also fed by growing impunity for perpetrators (Impunity Watch, 2014). Victims have reported facing discriminatory attitudes and perceptions amongst judicial actors (Impunity Watch, 2014). They reported general disregard for cases of gender-based violence and a complaisance on the part of certain judges and administrative staff for perpetrators (Impunity Watch, 2014). Victims also evoked the corruption of the justice system (Impunity Watch, 2014).

Impunity Watch (2014) notes that the mandate of the Truth and Reconciliation Commission (TRC) does not include a gender-specific approach, despite demands by civil society. The law contains limited provisions to address gender within the TRC; it requires the Commission to count 4 women out of the 11 commissioners and to establish a protection and assistance unit for victims and witnesses – including specialists on gender -, and the establishment of provincial bureaux respecting ethnic balance and parity (Impunity Watch, 2014). Women faced several forms of violence during the conflict, such as systematic rape, forced marriage, torture or forced enrolments in the armed forces (Impunity Watch, 2014). The victims interviewed by Impunity Watch (2014) expressed particular concerns over those transitional justice processes – notably regarding their protection and safety including anonymity and confidentiality. Moreover, their concern lies with the question of reparations (Impunity Watch, 2014).

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