

## COI QUERY

<b>Country of Origin</b>	<b>BURUNDI</b>
<b>Title</b>	<b>Situation of women in Burundi</b>
<b>Reference period</b>	1 January 2021 – 27 March 2023
<b>Topic(s)</b>	<ol style="list-style-type: none"> <li>1. <a href="#">Forced marriage in Burundi</a> <ol style="list-style-type: none"> <li>1.1. Prevalence of forced marriages</li> <li>1.2. Legal framework</li> <li>1.3. Implementation of the law and treatment by the state, including access to shelters for victims and general treatment by society</li> </ol> </li> <li>2. <a href="#">Domestic violence in Burundi</a> <ol style="list-style-type: none"> <li>2.1. Prevalence of domestic violence</li> <li>2.2. Legal framework</li> <li>2.3. Implementation of the law and treatment by the state, including information on availability of shelters for victims</li> </ol> </li> </ol>
<b>Date of completion</b>	30 March 2023
<b>Query Code</b>	Q6-2023
<b>Contributing EU+ COI units (if applicable)</b>	N/A

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# COI QUERY RESPONSE – Burundi

## Situation of women in Burundi

### 1. Forced marriage in Burundi

#### 1.1. Prevalence of forced marriage

The annual U.S. Department of State (USDOS) 2022 Country Report on human rights practices informs that forced marriages in Burundi “reportedly” take place “with frequency mainly due to economic pressures and early or unwanted pregnancy” despite being illegal.<sup>1</sup> The 2021 USDOS Country Report notes that it happened “with frequency in Muslim communities”.<sup>2</sup> Corroborating information on the prevalence of forced marriage within Muslim communities in Burundi could not be found among the sources consulted by EUAA within the time constraints.

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<sup>1</sup> USDOS, 2022 Country Report on Human Rights Practices: Burundi, 20 March 2023, [url](#), p.42

<sup>2</sup> USDOS, 2021 Country Report on Human Rights Practices: Burundi, 12 April 2022, [url](#), p. 41

In relation to early marriage, according to United Nations Children's Fund (UNICEF), 19% of women under 18 years old are married or in union.<sup>3</sup> Another source published in 2022 cite a 28.11% prevalence of early marriage in Burundi.<sup>4</sup>

## 1.2. Legal framework

Article 29 in the Burundi Constitution adopted in 2018 states [informal translation] "Freedom of marriage is guaranteed, as is the right to choose one's partner. Marriage cannot take place without the free and full consent of the future spouses".<sup>5</sup>

The Civil Code establishes in Article 88 that [informal translation] "men need to be at least 21 years old and women 18 years old in order to get married, nevertheless the age criteria can be waived if the provincial governor considers serious reasons to do so".<sup>6</sup> Article 89 states [informal translation] "the man and the woman who has attained their majority cannot get married without the consent of their father and mother".<sup>7</sup> Article 90 states that [informal translation] "in case where one of the parents refuses, the Family Council can be asked about a marriage consent by one of the parents or future husband".<sup>8</sup> Article 91 establishes that [informal translation] "the Family Council's decision can result in consenting to the marriage or confirmation of the refusal or the imposition of a reflection period upon the future spouses not exceeding six months, at the end of which the marriage can take place".<sup>9</sup> Article 92 states that [informal translation] "if both parents are deceased or are absent, consent is granted by the Family Council of the future husband".<sup>10</sup>

The UN Human Rights Committee recommended setting the same legal age for men and women to get married.<sup>11</sup>

The law on Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence adopted in 2016 establishes the definition in Article 2 of [informal translation] "forced union" as "union concluded without the consent of one of the partners"; [informal translation] "forced marriage" as "union concluded without the consent of spouses or without the consent of one of the spouses" and the definition of [informal translation] "early marriage"

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<sup>3</sup> UNICEF, Country Profiles, Burundi, n.d., [url](#)

<sup>4</sup> BMC Public Health, Determinants of early marriage among married women in nine high fertility sub-Saharan African countries: a multilevel analysis of recent demographic and health surveys, 22, 2355, 15 December 2022, [url](#)

<sup>5</sup> Burundi, Constitution of 2018, 7 June 2018, [url](#), p. 7

<sup>6</sup> Burundi, Décret-loi N° 1/024 du 28 Avril 1993 portant Reforme Du Code Des Personnes Et De La Famille, 28 April 1993, [url](#)

<sup>7</sup> Burundi, Décret-loi N° 1/024 du 28 Avril 1993 portant Reforme Du Code Des Personnes Et De La Famille, 28 April 1993, [url](#)

<sup>8</sup> Burundi, Décret-loi N° 1/024 du 28 Avril 1993 portant Reforme Du Code Des Personnes Et De La Famille, 28 April 1993, [url](#)

<sup>9</sup> Burundi, Décret-loi N° 1/024 du 28 Avril 1993 portant Reforme Du Code Des Personnes Et De La Famille, 28 April 1993, [url](#)

<sup>10</sup> Burundi, Décret-loi N° 1/024 du 28 Avril 1993 portant Reforme Du Code Des Personnes Et De La Famille, 28 April 1993, [url](#)

<sup>11</sup> UN Human Rights Committee, Third periodic report submitted by Burundi under article 40 of the Covenant, due in 2018, 13 November 2020, [url](#)

as "the act of getting married to one person when he or she has not reached the legal age to get married, the biological, physical and psychological capacity".<sup>12</sup>

Article 38 of the above-mentioned law imposes a penalty [informal translation] "between three months to five years of sentence and a fine from fifty thousand to one hundred thousand Burundian Franc whoever kidnaps a woman to get married with her or force her to marry someone else".<sup>13</sup> Article 39 punishes [informal translation] "any person guilty of a forced union as defined in Article with a sentence between three months to two years and fine from fifty thousand to one hundred thousand Burundian Franc". Such union [informal translation] "is void according to the relevant provision contained in the Personal and Family Code due to the absence of consent of the victim". Article 39 imposes the same penalties on forced marriage [informal translation] "imposed upon a widow with her brother-in-law or father-in-law" and "imposed upon a woman to get with her sister widower".<sup>14</sup> Article 44 punishes [informal translation] "between three months to five years of sentence and a fine from fifty thousand to one hundred thousand Burundian Franc a parent, legal guardian, or any other person who favours a marital union of a minor who has not yet attained the legal age".<sup>15</sup>

While not strictly relating to the issue of forced marriage, Burundi is signatory to several treaties relevant for the situation of women and children: Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Rights of the Child.<sup>16</sup> It is also signatory to the African Charter on Human and Peoples' Rights<sup>17</sup>; and the Protocol on the Rights of Women in Africa.<sup>18</sup>

### **1.3. Implementation of the law and treatment by the state, including access to shelters for victims and general treatment by society**

According to the submission by Amnesty International (AI) in 2022 to the 43rd Session of the Universal Periodic Review (UPR) Working Group Amnesty International (AI) "The 2016 Law to Protect Victims, Prevent and Repress Gender Based Violence faces application challenges as clauses it refers to in the Penal Code are no longer in existence since the 2017 revision of the penal code. The law also fails to provide reparations to victims of sexual and gender-based

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<sup>12</sup> Burundi, Law on Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence, 22 September 2016, [url](#), p. 3

<sup>13</sup> Burundi, Law on Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence, 22 September 2016, [url](#), p. 12

<sup>14</sup> Burundi, Law on Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence, 22 September 2016, [url](#), p. 13

<sup>15</sup> Burundi, Law on Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence, 22 September 2016, [url](#), p. 12

<sup>16</sup> UN Human Rights Treaty Bodies, UN Treaty Body Database, Burundi, n.d., [url](#)

<sup>17</sup> African Union, List of countries which have signed, ratified/acceded to the African Charter on Human and People's Rights, 15 June 2017, [url](#)

<sup>18</sup> African Union, List of countries which have signed, ratified/acceded to the protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 16 October 2019, [url](#)

violence”.<sup>19</sup> Further sources corroborating this information could not be found within the time constraints to complete the query.

Information was scarce among the sources consulted by EUAA within time constraints. However, the following information may be relevant. In a joint letter to permanent representatives of member and observer states of the United Nations (UN) Human Rights Council several human rights organisations state “the Government of Burundi continues to reject Council resolutions, refuses to meaningfully cooperate with UN human rights bodies and mechanisms, and has explicitly refused to cooperate with the Special Rapporteur [on the human rights situation in Burundi]”.<sup>20</sup>

In 2021, USDOS reported that “The Ministry of the Interior discouraged imams from officiating at illegal marriages”.<sup>21</sup> Additional sources to corroborate this information could not be found on publicly available sites within the time constraints to complete the query.

Under the directory of the Global Partnership to End Child Marriage, Girls not Brides, there are nine members based in Burundi working to end child marriage and support vulnerable women: Association d'Aide aux Femmes et Enfants Vulnérables au Burundi (AFEVBU); Initiative pour la Promotion de la Santé Rurale et du Développement Intégré au Burundi (IPSDI-Burundi); Community Outreach Burundi (COB); Mamas for Burundi Association (MAFOBA); Action For Community Recovery and Integrated Development (ACRID); Burundi Child Rights Coalition (BCRC); Conseil Consultative de Femme Africaine (CCOFA); Association pour la Solidarité et l'Assistance Socio-Sanitaire (ASASS-BURUNDI); and Solidarité des Femmes Burundaises pour le Bien être Social et Progrès au Burundi (SFBSP-Burundi).<sup>22</sup> No further information on access to shelters for victims and general treatment by society could be found within the time constraints of this query response.

## **2. Domestic violence in Burundi**

### **2.1 Prevalence of domestic violence**

According to a government survey carried out in 2017, in Burundi, 27,9 % of women aged 15-49 years have experienced intimate partner physical and/or sexual violence in the last 12 months, while 48,5% of women in this age group have experienced intimate partner physical and/or sexual violence at least once in their lifetime.<sup>23</sup> United Nation Population Fund (UNFPA) data displaying intimate partner violence by age group and province show that the highest percentage of women victims of domestic violence is between 15 and 19 years old, with a share of 37,8 %. The province registering the highest number of victims is Muramvya, followed

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<sup>19</sup> AI, Burundi: New Administration's Broken Promises to Improve Human Rights, 11 October 2022, [url](#)

<sup>20</sup> GCR2P, Burundi: Extend the Special Rapporteur's mandate, 18 August 2022, [url](#)

<sup>21</sup> USDOS, 2021 Country Report on Human Rights Practices: Burundi, 12 April 2022, [url](#)

<sup>22</sup> Girls Not Brides, Member Directory, Burundi, n.d., [url](#)

<sup>23</sup> Republic of Burundi, Third Demographic and Health Survey in Burundi 2016-2017 [Troisième Enquête Démographique et de Santé au Burundi 2016-2017], Decembre 2017, [url](#), p. 363.

by Kirundo and Rumonge.<sup>24</sup> The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) mentioned in its Humanitarian Needs Snapshot 2022 a study by UNFPA showing that 80% of gender-based violence reported to the assessed municipalities consisted of intimate partner violence.<sup>25</sup>

Furthermore, according to the latest data (2017) from the World Health Organisation (WHO), 63% of women aged 15 to 49 years old consider a husband to be justified in hitting or beating his wife under certain circumstances.<sup>26</sup> Data on the prevalence of domestic violence during the reference period of this query response could not be found among the sources consulted within the time constraints.

A local newspaper mentioned data from the Seruka center, which receives and takes care of victims of multiple forms of violence in Bujumbura. The center registered 37 cases of domestic violence from December 2022 to February 2023.<sup>27</sup>

In a report analysing the humanitarian crises that received the least media attention in 2021, CARE International states that one in three women in Burundi has experienced intimate partner violence in 2021.<sup>28</sup> The local NGO Ligue Iteka published a report on the human rights situation in Burundi, recording 101 cases of sexual and gender-based violence between January and December 2021. The province of Karuzi registered the highest number of cases, followed by Muramvya, Rutana and Kayanza.<sup>29</sup>

## 2.2 Legal framework

Domestic violence is a crime in Burundi under the Penal Code<sup>30</sup>, and under the Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence.<sup>31</sup>

According to Article 558 of the Penal Code [informal translation] ‘Any person who subjects their spouse, child or any other person living with them to cruel, inhumane or degrading treatment is punishable by imprisonment for three to five years and by a fine of 50, 000

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<sup>24</sup> UNPFA, Population Data Portal, Burundi - SDG Indicator 5.2.1 Intimate Partner Violence, n.d., [url](#).

<sup>25</sup> OCHA (UN Office for the Coordination of Humanitarian Affairs), Burundi: Humanitarian Needs Snapshot 2022 February 2022 ( Burundi : Aperçu des Besoins Humanitaires 2022 (février 2022) ), 28 February 2022, [url](#), p.103.

<sup>26</sup> WHO, Data portal, Portion of females 15-49 who consider a husband to be justified in hitting or beating his wife - Africa, n.d., [url](#).

<sup>27</sup> Region Week, Burundi: Government called to pay attention to domestic violence against women issues, 13 March 2023, [url](#).

<sup>28</sup> CARE International, The Most Under-Reported Humanitarian Crises of 2021: 10 humanitarian crises that didn't make the headlines, [url](#) p. 15.

<sup>29</sup> Ligue Iteka, Annual report of the Burundian League for Human Rights "ITEKA", January-December 2021, 24 May 2022, [url](#), p. 10.

<sup>30</sup> Republic of Burundi, Law No. 1/27 of 29 December 2017 on the Revision of the Penal Code (Loi n°1/27 du 29 décembre 2017 portant révision du Code pénal), available at [url](#).

<sup>31</sup> Republic of Burundi, Law No. 1/13 of 22 September 2016 on Prevention, Protection of Victims, and Repression of Gender-based Violence (Loi n°1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre), 22 September 2016, [url](#).

francs'[approximately EUR 22].<sup>32</sup> Article 577 of the Penal Code also punishes domestic rape by eight days of imprisonment and/or a fine of 10,000 to 50,000 Burundian francs [approximately EUR 4 to 22].<sup>33</sup>

The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based violence defines domestic violence as [Informal translation] 'any act of physical, sexual, psychological or economical violence that occur within the family' (Article 2(x)).<sup>34</sup>

The Law on Prevention, Protection of Victims, and Repression of Gender-based Violence, as translated by the Immigration and Refugee Board of Canada (IRB), introduces the following provisions:

'Article 11: In each police station, a specialized unit or focal point for gender-based violence will be established that receives technical support from a psychologist and/or social worker subject to the approval of the Ministry of Public Safety.'<sup>35</sup>

Article 19: The State will establish crisis centres and shelters to assist victims immediately after an incident occurs and to protect victims from their attackers until the matter is resolved by the appropriate authority.'<sup>36</sup>

Article 23 considers [informal translation]. 'The amicable settlement for gender-based violence complicity to the act and punished with the same penalty as that provided for this offence. Anyone who attempts to obstruct investigations aimed at the prosecution of such offences, acts or facts is punished with the same penalty as that provided for this offence. If the author of this obstruction is an administrative agent, an administrative, judicial or police authority, the penalty is doubled. Recidivism is punished by double the penalty provided for this offence.'<sup>37</sup>

Article 26 states that any act of domestic violence [informal translation] 'should be regarded as an aggravating circumstance'.<sup>38</sup>

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<sup>32</sup> Republic of Burundi, Law No. 1/27 of 29 December 2017 on the Revision of the Penal Code (Loi n°1/27 du 29 décembre 2017 portant révision du Code pénal), available at [url](#).

<sup>33</sup> Republic of Burundi, Law No. 1/27 of 29 December 2017 on the Revision of the Penal Code (Loi n°1/27 du 29 décembre 2017 portant révision du Code pénal), available at [url](#).

<sup>34</sup> Republic of Burundi, Law No. 1/13 of 22 September 2016 on Prevention, Protection of Victims, and Repression of Gender-based Violence (Loi n°1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre), 22 September 2016, [url](#).

<sup>35</sup> Republic of Burundi, Law No. 1/13 of 22 September 2016 on Prevention, Protection of Victims, and Repression of Gender-based Violence (Loi n°1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre), 22 September 2016, available at: [url](#).

<sup>36</sup> Republic of Burundi, Law No. 1/13 of 22 September 2016 on Prevention, Protection of Victims, and Repression of Gender-based Violence (Loi n°1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre), 22 September 2016, available at: [url](#).

<sup>37</sup> Republic of Burundi, Law No. 1/13 of 22 September 2016 on Prevention, Protection of Victims, and Repression of Gender-based Violence (Loi n°1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre), 22 September 2016, [url](#).

<sup>38</sup> Republic of Burundi, Law No. 1/13 of 22 September 2016 on Prevention, Protection of Victims, and Repression of Gender-based Violence (Loi n°1/13 du 22 septembre 2016 portant prévention, protection des victimes et répression des violences basées sur le genre), 22 September 2016, [url](#).

### **2.3 Implementation of the law and treatment by the state, including information on availability of shelters for victims**

In the Third periodic report submitted by Burundi under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government informed the Committee Against Torture (CAT) of the implementation of dispositions on domestic violence found in the Penal Code.<sup>39</sup> The Burundian Government further mentioned different measures adopted to prevent and punish gender-based violence. ‘Specialized chambers’ were established in courts, and committees were set up ‘at the provincial, communal and colline levels’ to combat sexual and gender-based violence. Training on domestic violence is provided to the judges of these ‘specialised chambers’ and to police officers. In 2017, new integrated support centers were set up to assist domestic violence victims in Cibitoke, Makamba and Muyinga Provinces. Furthermore, the government mentioned the existence of the state-run Humura centre and the privately-run Seruka and Nturengaho centres.<sup>40</sup>

In April 2022, USDOS published its annual country report on human rights practices covering 2021, in which it criticises the lack of implementation of the specific law on gender-based violence. The report states that the government ‘did not enforce the law uniformly’ despite rape and domestic violence being serious issues in Burundi. Furthermore, USDOS notes that the law meant to create a special court for gender-based crimes and increase penalties for police officers and judges who conceal violent crimes against women and girls. As of August 2021, the special court had not been established, and no police officers or judges had been prosecuted for those crimes under the law.<sup>41</sup> Trial International confirms the ‘profound structural insufficiencies in matters of justice and reparations’ for women victims of violence in an article releasing a case update on a victim of sexual violence in Burundi.<sup>42</sup> In February 2022, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) states that victims of domestic violence lack effective community support mechanisms and knowledge of the legal procedures available to deal with these situations. Lack of support especially affects returning or displaced women and girls. OCHA also explained that although assistance for victims of violence has improved, there are still challenges regarding the availability of trained staff and the geographic accessibility of specialised health centres dealing with victims of Gender-based violence (GBV)<sup>43</sup> UNHCR and UNDP confirms that intimate partner violence continues to be a risk for returning refugee women and girls, ‘who often lack effective community support mechanisms and awareness of the legal procedures’.<sup>44</sup> The Covid-19 pandemic has also impacted the operational capacities of humanitarian partners. A survey

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<sup>39</sup> Republic of Burundi, published by CAT (UN Committee Against Torture), Third periodic report submitted by Burundi under article 19 of the Convention, due in 2018 [14 September 2020], 14 February 2022, [url](#), p.16.

<sup>40</sup> Republic of Burundi, published by CAT (UN Committee Against Torture), Third periodic report submitted by Burundi under article 19 of the Convention, due in 2018 [14 September 2020], 14 February 2022, [url](#), para. 95-97.

<sup>41</sup> US Department of State, 2021 Country Reports on Human Rights Practices: Burundi, 12 April 2022, [url](#), p.38.

<sup>42</sup> TRIAL International, A Rare Win for a Victim of Sexual Violence in Burundi, 21 January 2021, [url](#).

<sup>43</sup> OCHA (UN Office for the Coordination of Humanitarian Affairs), Burundi: Humanitarian Needs Snapshot 2022 February 2022 (Burundi : Aperçu des Besoins Humanitaires 2022 (février 2022)), 28 February 2022, [url](#), p.103-104.

<sup>44</sup> UNDP, UNHCR, Burundi: Refugee return and reintegration plan (January - December 2021), 15 February 2021, [url](#), p. 16.

conducted by the organisation Gender Based Violence AoR in Burundi shows a reduction in the deployment of care services for GBV survivors.<sup>45</sup>

In its 2022 report on Burundi, Amnesty International (AI) comments on the failure of the Burundian government to protect women's rights: 'A woman who was missing for three months after leaving her husband was accused of "family abandonment", an offence punishable by up to two months in prison. Before going to the police, she had been in hiding at a safe house run by a women's rights organization, which was in turn accused of threatening state security'.<sup>46</sup> Freedom of House further explains that in Burundi sexual and domestic violence are 'rarely reported to law enforcement agencies' and perpetrators continue to be treated with impunity.<sup>47</sup>

### **Centres and projects for victims of GBV:**

Information on recent projects and centres for victims of domestic violence in Burundi during the reference period could not be found among the sources consulted within the time constraints. The following information might be of use:

In 2019, the Burundian Ministry of Health, supported by the World Health Organization (WHO), trained 120 health workers to identify, treat, and report cases of gender-based violence. The project was implemented in 120 health facilities over five provinces.<sup>48</sup>

Since 2016, Burundi Red Cross (BRC) implemented a sexual and gender-based violence (SGBV) project in Bujumbura Municipality and in four IDP sites (Rural Bujumbura and Rumonge). The project includes health response services, psychosocial support (PSS), legal and economic support and referral to safe house services.<sup>49</sup>

The Immigration and Refugee Board of Canada mentioned as examples of non-governmental support services for victims of gender-based violence the Collective of Women's Associations and NGOs of Burundi<sup>50</sup> and the Association of Women Jurists of Burundi,<sup>51</sup> which run six integrated support services centres for survivors of GBV in the provinces of Bururi, Muramvya, and Mwaro. The centres offer psychological and legal support.<sup>52</sup>

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<sup>45</sup> Gender Based Violence AoR, Country Report – Burundi, 7 March 2022, [url](#)

<sup>46</sup> AI, Amnesty International Report 2021/22 - Burundi, 29 March 2022 Burundi 2021, [url](#).

<sup>47</sup> Freedom House, Freedom in the World 2022 - Burundi, 24 February 2022, [url](#).

<sup>48</sup> WHO, In Burundi, health at the heart of the fight against gender-based violence, 1 March 2023, [url](#).

<sup>49</sup> Red Cross and Red Crescent Movement Sexual and Gender-Based Violence Working Group, Sexual and Gender-Based Violence Good Practices from Burundi, 9 November 2021, [url](#)

<sup>50</sup> Collectif des associations et ONGs féminines du Burundi (CAFOB), A propos de CAFOB, n.d., [url](#).

<sup>51</sup> UNHCR, Association des Femmes Juristes du Burundi, 27 October 2011, [url](#) ; 50 Million African Women Speak, Association of Women Lawyers of Burundi – AFJB, n.d., [url](#).

<sup>52</sup> Canada IRB, Burundi: Gender-based violence (GBV), including domestic and sexual violence; impact of COVID-19; state protection and support services available (2019–July 2021), 30 July 2021, [url](#).

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