



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **BURUNDI**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 3<sup>rd</sup> session, 2008**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Burundi, and the failure to rectify this in proposed draft legislation, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight with concern Burundi's disregard for the Committee's recommendations, and strongly recommend that Burundi introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.**

## **1 Legality of corporal punishment in Burundi**

1.1 Corporal punishment is lawful in the **home**, in **schools**, and in **alternative care settings**.

1.2 In the **penal system**, corporal punishment is unlawful as a sentence for crime, but it is not prohibited as a disciplinary measure in penal institutions. Interview research with children in conflict with the law and with parents and law enforcement officials, carried out in 2006-2007, found that many children have been beaten while in detention.<sup>1</sup>

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 In 2000, following examination of the state party's initial report, the **Committee on the Rights of the Child** expressed concern "that corporal punishment continues to be practised at home and in some schools and that domestic legislation does not prohibit its use" (CRC/C/15/Add.133, para. 40). The Committee recommended prohibition by law in the family, schools, juvenile justice and alternative care (para. 41).

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<sup>1</sup> Human Rights Watch (2007), *Paying the price: Violations of the rights of children in detention in Burundi*