

# Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basededonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basededonnees.DatabaseUnit@irb-cisr.gc.ca).

3 June 2013

### **BDI104437.FE**

Burundi: Protection and resources for women victims of spousal abuse (2010-June 2013)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Spousal abuse situation in Burundi**

Freedom House points out in its 2013 annual report that Burundi has "a serious problem with sexual and domestic violence," and adds that "these crimes are rarely reported" (2013). Similarly, the United States Department of State *Country Reports on Human Rights Practices for 2012* indicates that rape, sexual violence and other forms of domestic violence are "serious problems" in Burundi (US 19 Apr. 2013, 20).

A report prepared by the African Development Bank Group (AfDB), the "premier" development finance institution in Africa (AfDB 22 May 2013), following a mission to Burundi in October and November 2010, states that [translation] "domestic violence affects practically one in two women" (ibid. Nov. 2011, 50). The report's authors add that specific data on gender-based violence, which includes rape and domestic violence, is still difficult to obtain because women [translation] "do not contact the police or go to court" (ibid., 27, 50). Furthermore, according to an article published by Radio Nederland Wereldomroep, a Dutch public broadcaster (RNW n.d.), [translation] "it is difficult for the victim to acknowledge publicly that they have been raped or beaten," especially because of the negative social judgment often made of separated or divorced Burundian women (RNW 8 Nov. 2010).

#### **2. Legislation**

The Penal Code was revised in April 2009 (Burundi 2009). Article 554 of Law No. 1/05 of 22 April 2009, on the revision of the Penal Code (*Loi N°1 / 05 du 22 avril 2009 portant révision du Code pénal*) provides the following:

[translation]

Any act of sexual penetration, of any nature and by any means, committed by an adult on a minor under 18 years old, even consenting, shall be deemed violent rape.

Simply having carnal knowledge of a minor under 18 years old, even consenting, shall also be deemed violent rape.

Domestic rape is punishable by imprisonment for eight days and a fine of ten thousand francs (about C\$6.70 (XE 3 June 2013)] to fifty thousand francs or by one of these sentences alone (Burundi 2009).

The penalties are set out for different circumstance in articles 555 to 562 of the statute (ibid.). Section 3 of Chapter II of title VIII of the Penal Code on rape is attached to this Response.

With respect to domestic violence, the Penal Code of 2009 provides the following:

[translation]

Article 535:

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 fifty thousand francs.

Article 536:

Any person who forces a woman to conceive and carry to term a pregnancy is punishable by imprisonment for three to five years. Any person who forces a woman to abort will be punished by the same sentences.

Article 537:

Any person who banishes from the family home their spouse, child, or any person for whom they are responsible and who is unable to care for themselves, is punishable by imprisonment for one to two years (ibid.).

## 2.1 Implementation of the Law

According to the report by the AfDB, women victims of violence lack confidence in the judicial system and police services in Burundi (Nov. 2011, 27). According to the article by Radio Nederland Wereldomroep, police [translation] "often" try to reconcile women and the perpetrators of the violence (RNW 8 Nov. 2010). Quoted in the same article, the president of the Association for the Defence of Women's Rights (Association pour la défense des droits de la femme) explained that [translation] "when a woman dares to file a complaint, the first reaction of the police officer is to say to her: Careful, it's your husband, it's your brother-in-law. You're going to cause problems for yourself. The police do not see that a crime that was committed" (ibid.).

The RNW article also states that [translation] "the Burundian law on the repression of violence against women is not deficient in itself; it is the application of the law that still poses problems" (ibid.). Similarly, the report by the AfDB points out that [translation] "laws are not applied" in cases of gender-based violence (Nov. 2011, 52). *Country Reports 2012* points out that "[t]he government did not enforce the law uniformly" (US 19 Apr. 2013, 20).

Further information on the application of the law could not be found among the sources consulted by the Research Directorate within the time constraints.

## 3. Resources

According to *Country Reports*, the Seruka Centre (Centre Seruka) provides shelter to rape and domestic violence victims and offers them counselling (US 19 Apr. 2013, 21). According to an article published by the UN Development Programme, the Seruka Centre has been in existence since 2004 and [translation] "cares for victims of sexual violence, medically, psychosocially and legally" (UN 12 Mar. 2012). The centre's main office is located in the neighbourhood of Kigobe, in Bujumbura, and it also works in the provinces of Bubanza, rural Bujumbura, Cibitoke and Muramya (ibid.). In addition to offering medical, psychological and legal support to victims of violence, the centre also provides them with a health promotion service that [translation] "acts as an awareness cell and links the centre to the communities" (ibid.). In addition, the centre follows up with victims of sexual violence, communicating with them regularly for a period of one year (ibid.). Every month, more than 100 women and young girls who are victims of sexual violence receive support from the centre (ibid.; *IWACU Voix du Burundi* 10 Mar. 2013).

According to the report by the AfDB, the services offered to women who are victims of gender-based violence in Burundi face some challenges, in particular because of

[translation]

the poor coordination of gender-related interventions, the mismatch between the institutional framework and the cultural realities, the low rate of coverage of projects in the zones at risk, the lack of resources for interventions to fight the violence, the limited reception and treatment of victims of violence, and the lack of information from women (Nov. 2011, 51-52).

Corroborating information and information on the resources provided to victims of spousal abuse could not be found by the Research Directorate within the time constraints.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

- African Development Bank Group (AfDB). 22 May 2013. "La BAD en bref." <<http://www.afdb.org/fr/documents/publications/afdb-in-brief/>> [Accessed 3 June 2013]
- \_\_\_\_\_. November 2011. *Profil genre du Burundi*. <<http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/PGP%20Burundi%20%C3%A9dit%C3%A9.pdf>> [Accessed 16 May 2013]
- Burundi. 2009. *Loi N°1 / 05 du 22 April 2009 portant révision du Code pénal*. <<http://www.refworld.org/docid/4c31b05d2.html>> [Accessed 27 May 2013]
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- IWAKU Voix du Burundi. 10 March 2013. Nadine Sahabo. "Centre Seruka : "Sortir les victimes de violences sexuelles de l'ombre." <<http://www.iwacu-burundi.org/spip.php?article5001>> [Accessed 28 May 2013]
- Radio Nederland Wereldomroep (RNW). 8 November 2010. "Le calvaire des femmes battues du Burundi". <<http://www.rnw.nl/afrique/article/le-calvaire-des-femmes-battues-du-burundi>> [Accessed 23 May 2013]
- \_\_\_\_\_. N.d. "Who Are We?" <<http://corporate.rnw.nl/english>> [Accessed 3 June 2013]

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United States (US). 19 April 2013. Department of State. "Burundi." *Country Reports on Human Rights Practices for 2012*. <<http://www.state.gov/j/drl/rls/hrrpt/2012/af/204095.htm>> [Accessed 27 May 2013]

XE. 3 June 2013. "Convertisseur de devises XE." <<http://www.xe.com/currencyconverter/convert/?Amount=10000&From=BIF&To=CAD>> [Accessed 3 June 2013]

### Additional Sources Consulted

**Oral sources:** Attempts to contact the following people and organizations were unsuccessful: Association des femmes juristes du Burundi; Centre des femmes pour la paix; Centre Seruka; Ligue burundaise des droits de l'homme (Ligue ITEKA).

**Internet sites, including:** AllAfrica.com; Amnesty International; Association de réflexion et d'information sur le Burundi; Burundi – République du Burundi; Factiva; Fédération internationale des ligues des droits de l'homme; GlobalRights; Human Rights Watch; Institut de statistiques et d'études économiques du Burundi; International Crisis Group; Minority Rights Group; United Nations – Office of the High Commissioner for Human Rights, World Health Organization, Refworld, UNICEF; Voices of America; World Bank.

### Attachment

Burundi. 2009. "Du viol." *Loi N°1 / 05 du 22 April 2009 portant révision du Code pénal*. Title VIII, Chapter II, Section 3. <<http://www.refworld.org/docid/4c31b05d2.html>> [Accessed 27 May 2013]

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Date modified: 2014-06-11 [Top of Page](#)