



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Initial reports of States parties due in 1992

**Burundi\***

[16 January 2013]

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## Acronyms and abbreviations

CEM	Trade skills training centre
CNTA	National Centre for Food Technology
CSLP	Poverty Reduction Strategic Framework
EAC	East African Community
EFA	Education for All
ENS	Ecole normale supérieure
HIV	human immunodeficiency virus
ILO	International Labour Organization
INSS	National Social Security Institute
ISTEEBU	Burundian Institute for Statistics and Economic Surveys
MDGs	Millennium Development Goals
MFP	Civil Service Mutual Insurance Society
MICS	Multiple Indicator Cluster Survey
MSNRRRS	Ministry for National Solidarity, Repatriation and the Rehabilitation and Reintegration of Conflict Victims
NGO	non-governmental organization
PBF	Performance-based financing
PNSA	National food security programme
SAN	National agricultural strategy
SOCABU	Société commerciale d'assurance du Burundi
SOGEAR	Société générale d'assurance et de réassurance
UCAR	Union commerciale d'assurances et de réassurance
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund

## **Introduction**

1. Burundi ratified the International Covenant on Economic, Social and Cultural Rights (which was adopted on 16 December 1966 and entered into force on 3 January 1976) on 14 March 1990, 14 years after it entered into force.
2. As set out in the pages below, shortly after the Covenant was ratified, Burundi went through a crisis which caused extensive material destruction and loss of life, impacting on social infrastructure and the population's quality of life. Burundi is now increasingly on the road to recovery and to national reconstruction at all levels, particularly at an economic, social and cultural level.
3. The outcomes described in this report demonstrate that a fair degree of real progress has been achieved in regard to all of the obligations set out in the different articles of the Covenant.
4. Indeed, in the section on general information, the report describes the situation of Burundi from a physical, political, demographic, ethnographic, linguistic, economic and legal perspective.
5. As far as progress in regard to the substance of the Covenant is concerned, the report reviews the first 15 articles of the Covenant. The report describes the legal policy background and the situation concerning respect for equality of rights between men and women. All aspects of the right to work in Burundi are covered, as is the social protection of workers in both the formal and the informal sectors. The report sets out what Burundi has already achieved, since ratifying the Covenant, in the health sector, as regards access to adequate food and in terms of the quality of education. Finally, the progress accomplished in the cultural field is clearly set out, noting that Burundi is in the process of preparing a major dossier of proposals seeking to have Karera Falls and Nyakazu Fault included in the World Heritage List [of the United Nations Educational, Scientific and Cultural Organization (UNESCO)].

## **Part one General information**

### **Description of Burundi**

6. Burundi is a landlocked country in East Africa and is 27,834 km<sup>2</sup> in area, 27,000 km<sup>2</sup> of which is land. It is bounded on the north by Rwanda, on the south and east by Tanzania and on the west by the Democratic Republic of Congo. Burundi is divided into 17 provinces, 129 communes and 2,908 collines (the smallest administrative units in Burundi), including 97 districts of Bujumbura Mairie. Burundi has a tropical climate with two main seasons: the longer rainy season and a dry season that lasts just over three months.
7. The mother tongue is Kirundi, but French is the administrative language. Other languages such as English and Swahili are taught in schools and spoken by a small section of the population.
8. The recent general census of the population and housing, conducted in 2008, estimates the population at 8,038,618, 4,111,751 of them women. The capital, Bujumbura, is the most densely populated city. Burundi has a very young population, with young

people and children accounting for more than 60 per cent. Population density is 297 inhabitants/km<sup>2</sup>, with:

- An annual demographic growth rate of 3 per cent;
- A fertility rate of 6.3 children per woman;
- Life expectancy at birth of less than 44 years.

9. Burundi's Constitution specifies that it is a secular country. Freedom of religion is guaranteed and, consequently, Catholicism, Protestantism and Islam are accepted.

10. At a political level, pre-colonization, Burundi was a monarchy, ruled by "divine right" by the Ganwa dynasty. It was colonized by Germany before the First World War, and after the Second World War by Belgium as a mandated trusteeship territory, until independence on 1 July 1962. Just after independence, Burundi suffered a prolonged period of recurring internal crises, including:

- The assassination on 13 October 1961 of Prince Louis Rwagasore, hero of national independence.
- A succession of fratricidal crises and civil wars of a genocidal nature in 1965, 1969, 1972, 1988, 1991 and 1993.
- These culminated in the assassination, on 21 October 1993, of the first democratically elected President, Melchior Ndadaye, hero of democracy in Burundi. After that, Burundi was plunged into a lengthy civil war lasting more than 10 years, which ended in an initial phase of peace with the signing of the Arusha Peace and Reconciliation Agreement for Burundi on 20 August 2000, followed by a 36-month transition divided into two 18-month periods.
- The main feature of the second stage of the second period of transition was the signing of the political and ceasefire agreements between the Government of Burundi and the former armed political movements and parties, the most crucial of which were the political agreement and the Forces Technical Agreement between the Government and the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) on 16 November 2003. This resulted in the CNDD-FDD, which had transformed itself into a political party, being admitted to the country's institutions (the executive, parliament, the diplomatic corps and local and parastatal administrations). That process culminated in the adoption by referendum, on 18 March 2005, of a Constitution inspired by the principles of balance set out in the Arusha Agreement, and the holding, in June 2005, of free, transparent and democratic elections which established the institutions that now run the country. Even the last remaining armed political movement, the Parti pour la libération du peuple Hutu-Front national de libération, has now laid down its arms and is participating in the national institutions.

11. In terms of its economy, Burundi enjoyed sustained growth until 1992, with estimated annual rates of 4.3 per cent on average between 1980 and 1991. The budget deficit was less than 5 per cent of gross domestic product (GDP) and foreign aid averaged US\$ 300 million; the rate of inflation rose from 1.9 per cent in 1992 to 31.1 per cent in 1997, then fell to 24.3 per cent in 2000, 8.3 per cent in 2004 and 2.7 per cent in 2007.

12. Since 1993, when the sociopolitical crisis took hold, national wealth has shrunk by an average of 3 per cent annually, and, in 2002, the overall fall in production was put at more than 20 per cent. Development assistance to Burundi, chiefly humanitarian aid, declined from US\$ 300 million in 1992 to less than US\$ 100 million in 1999. And so, even now the Burundian economy is essentially founded on arable and livestock farming, in which archaic methods (such as hoeing and prestige breeding) remain in use. Agriculture is

subject to vagaries of climate that do nothing to help production, and Burundi is classified as one of the five poorest countries in the world.

## **Legislative and institutional human rights framework**

### **Government mechanism for the promotion and protection of human rights**

13. In terms of respect for human rights, from the time it gained independence to the present day, Burundi has generally been depicted as a State in which there are constant human rights violations on a massive scale, as evidenced by the succession of crises mentioned above, which have cast a pall over the country and claimed many victims. Until the early 1990s, there were no State institutions specifically mandated to address human rights issues. In April 1992, for the first time in Burundi, a Human Rights Centre was set up under the auspices of the Ministry of Justice. Later, this became the Centre for the Promotion of the Rights of the Human Person and Prevention of Genocide and was moved to the Ministry with responsibility for human rights.

14. In July 1993, after the June elections, a Ministry of Welfare, Human Rights and the Advancement of Women, headed by a woman, was set up (Decree No. 1/100/2002 of 10 July 1993). Since 1993, the ministerial departments have always included a ministry with responsibility for human rights.

15. The Ministry's responsibilities include:

- Establishing government policy on human rights and helping to implement it;
- Promoting and defending human rights in cooperation with the other ministries and the relevant public and private organizations;
- Coordinating human rights activities;
- Establishing and promoting a programme of education in peace, human rights, tolerance and democratic values, working with other national and international partners;
- Establishing and implementing a programme for the prevention of genocide and the eradication of the ideology of genocide, again working with the other national and international partners.

16. Although not entirely in keeping with the Paris Principles, a Governmental Commission on Human Rights, which will become the Independent National Commission on Human Rights, was set up in 2000 by Decree No. 120/VP1/002/2000 of 11 May 2000. The process of establishing an Independent National Commission on Human Rights is now at an advanced stage.

17. When the process is completed, the Commission will be governed by statute.

### **Institutional and legislative framework**

18. Burundi has ratified and/or acceded to a number of regional and international human rights instruments. Some of these instruments form an integral part of the Burundian Constitution of 18 March 2005 on the basis of article 19, according to which: "[t]he rights and duties proclaimed and guaranteed by, *inter alia*, the Universal Declaration of Human Rights, the international covenants on human rights and the rights of peoples, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights

may not be subject to any restriction or derogation, except in certain circumstances which are justified in the general interest or the protection of a fundamental right”.

## **Status of dissemination of the Convention and methodology for the preparation of the report**

19. The International Covenant on Economic, Social and Cultural Rights has not yet been translated into the national language. However, all ministerial departments are properly informed about the Covenant through their human rights focal points. During the sessions organized by the ministry with responsibility for human rights, the human rights focal points are given training on the main texts and conventions to which Burundi is party. This training has also been extended to other civil society groups that play an important role in promoting and protecting human rights. A team set up to support the drafting of reports in relation to a number of conventions has, for instance, already received training in this area.

20. Pending the establishment of a standing interministerial committee for the drafting of (initial and periodic) country reports on the conventions ratified by Burundi, a 17-member ad hoc interministerial body has been set up, its members drawn from the Office of the First Vice-President of the Republic and the ministries with responsibility for human rights, foreign affairs, justice, the interior, labour and social security, and good governance. It is this body which, in cooperation with national and international human-rights partners such as civil society, national and international NGOs, certain United Nations agencies, the OHCHR Burundi office and the United Nations Integrated Office in Burundi (BINUB), drafted Burundi's report on the basis of existing documentation on the subject and discussions and surveys in the field.

21. In order to facilitate travel for the members of this body, the Swiss cooperation agency provided resources for communications and mobility, through the OHCHR Burundi office. This is an important example of international (bilateral) cooperation, solidarity and support that deserves to be flagged up.

22. Before being adopted and referred to the Ministry of Foreign Affairs, this report was the subject of broad consultation with all of the abovementioned partners in focused discussions and at a national validation workshop.

## **Part two**

### **Specific information concerning the implementation status of each provision of the Covenant**

#### **Article 1**

##### **The right of self-determination**

##### **General and historical background**

23. Burundi gained independence in the context of the decolonization movement which got under way in the 1960s. Along with its neighbour Rwanda, it celebrated independence on 1 July 1962. Burundi adopted the principle of “Government of the people, by the people and for the people”.<sup>1</sup> The purpose was to proclaim that power now lay with the people, and

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<sup>1</sup> Art. 6 of the Constitution of the Republic of Burundi.

their representatives had to take decisions in the people's interest. Despite the good intention thus demonstrated, Burundi remained under the single party system (Union pour le progrès national) from September 1961 until 1993. The will of the self-proclaimed military and authoritarian government was always regarded as mirroring the collective consciousness, but, in point of fact, everyone was required to accept the government's authority, voluntarily or by force, with the result that freedom of thought and opinion were, so to speak, established at the expense of the collective consciousness.

24. It is certainly the case that, in Burundi, there were movements which became integrated into the single party, such as the Union des Travailleurs au Burundi, the Union des Femmes Burundaises and the Union de la Jeunesse Révolutionnaire de Rwagasore, and, although these movements appeared to be voices for economic, social and cultural development for citizens, they were actually tools for consolidating the de facto power base.

25. Change came gradually with the arrival of multiparty systems in Africa.

26. In Burundi, the signature, on 28 July 1989, of the African Charter on Human and Peoples' Rights opened the way to the establishment of a range of human rights associations, followed by the constitutional referendum of March 1992 which led to the adoption of the first Constitution establishing political pluralism in Burundi. As a result of the adoption of that Constitution, other political opposition parties came into being, reaching the impressive number of 44 in 2010. Ministry of Justice Order No. 550/029/91 of February 1991 and Ministry of the Interior Order No. 530/0273 of November 1994 on non-profit organizations enabled the population to set up civil-society associations even before free and transparent democratic elections were held in June 1993. Unfortunately, the tragic events which Burundi experienced following the assassination of President Melchior Ndadaye, on 21 October 1993, led to inter-ethnic massacres and inflicted damage on a vast scale to both infrastructure and people, with enormous numbers of people displaced, as some sought refuge from the war within the country and others fled into exile abroad. As a result of these tragic events, Burundi lost decades in terms of human rights.

27. In Burundi, although the most basic human rights, including the right to life, were constantly violated by the parties to the conflict, the Republic's institutions continued to function as far as possible. Burundi also continued to stand alongside the other nations in promoting and consolidating the achievements of the millennium based, among other things, on the defence, promotion and protection of human rights, as laid down in the international human rights instruments, including the International Covenant on Economic, Social and Political Rights which forms the subject matter of this report.

### **Legislative and practical framework**

#### *Organization and administration of government*

28. Fifty-six of the 296 provisions that make up the Constitution of Burundi, adopted on 18 March 2005, relate to human rights.

29. Article 52 of the Constitution of 18 March 2005 provides, as a general rule, that "[e]veryone is entitled to the enjoyment of the economic, social and cultural rights indispensable to their dignity and freedom of personal development, as a result of the national effort in this regard [and] bearing in mind the country's resources".

30. According to article 1 of Burundi's Constitution: "Burundi is an independent, sovereign, secular, democratic and unitary Republic, respectful of its ethnic and religious diversity;" article 2 adds that the national territory of Burundi is inalienable and indivisible.



31. On that basis, the Republic's institutions are founded on the principle of democracy, respecting the separation of powers, the primacy of law and the principles of good governance and transparency in the conduct of public affairs.<sup>2</sup> It should be pointed out that, in that regard, a ministerial department responsible for good governance and for the general State inspectorate was set up to ensure that the State institutions were operating properly in the interest of all of Burundi's people; it answers directly to the office of the President of the Republic and includes an anti-corruption brigade and court. Private sector initiatives, including civil-society institutions, maintain partnerships with the State for the purpose of combating corruption and embezzlement. One example is the organization OLUCOME (Anti-corruption and Economic Malpractice Observatory), which is constantly denouncing the misappropriation of funds by the public authorities.

32. It must be stressed, however, that while minor blunders may be recorded here and there, the parties (civil society) and Government always find solutions, which basically explains the good intention to work together, as set out by the Government.

33. According to article 7 of the Constitution: "[n]ational sovereignty belongs to the people who shall exercise it, either directly by way of referendum, or indirectly through their representatives. No section of the population or individual may appropriate the exercise of national sovereignty for themselves".<sup>3</sup>

34. The people's representatives must, therefore, be selected in accordance with the Constitution of the Republic and other legislative texts, such as the Electoral Code which lays down the practical procedures.

35. Moreover, the Government must be constituted inclusively, so that all Burundians are represented within it and it represents them all; that all have equal opportunities to be part of it; that all citizens have access to public services and that the Government's decisions and actions enjoy the greatest possible support.

#### *The right to human dignity*

36. The right to human dignity is always the prime concern of a State that claims to exercise humanity because without it society could not even exist.

37. Article 21 of the Constitution is clearer still, setting out that "[a]ny violation of human dignity shall be punishable under the Criminal Code".

38. Article 22 adds that "[a]ll citizens shall be equal before the law, which shall guarantee them equal protection. No-one may be discriminated against on the grounds of origin, race, ethnicity, gender, colour, language, social situation, religious, philosophical or political convictions or for being a carrier of HIV/AIDS or any other incurable illness".

39. In order to secure day-to-day respect for human rights, a ministry responsible for human rights and gender has been set up and contains two directorates-general, one responsible for the advancement of women and gender equality and the other for human rights and education in peace.

40. Article 26 adds that no-one may be held as a slave or in servitude. All forms of slavery and trafficking in slaves are prohibited, and the State must ensure as far as possible that all citizens are able to lead an existence compatible with human dignity.

41. When the Second Republic came into being, the institution of vassalage was abolished by Decree-law No. 1/19 of 30 June 1977 abolishing the institution of

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<sup>2</sup> Art. 18, para. 2, of the Constitution.

<sup>3</sup> Art. 86 of the Constitution.

*Ubugererwa* which was to be declared null and void. Under the practice of *Ubugererwa*, the owner of land rights, the *shebujja*, transferred the use of land, the *iltongo*, for an indefinite and revocable period, to a farmer, the *mugererwa*, in return for which farmer and his descendants provided various kinds of work and services or supplied worth and foodstuffs to the *shebujja*, thereby demonstrating the allegiance of the *mugererwa* and his descendants to the *shebujja*. Since the establishment of the *Ubugererwa* in regard to the *mugererwa* and his descendants required them to provide personal services on which there was no clear limit, it set in place a form of allegiance incompatible with the principles of equality and social justice.

#### **Initiatives set under way to promote economic rights in Burundi**

42. By Act No. 1/24 of 10 September 2008 on the Code of investments in Burundi, and particularly articles 7, 8 and 13 thereof, the Republic of Burundi guarantees freedom of establishment and the freedom to invest capital to all natural or legal persons seeking to set up an undertaking in its territory. Burundi also guarantees expatriates the grant of visas and the freedom to set up and change residence for investment purposes, subject to immigration legislation and regulations. In the exceptional cases of expropriation in the public interest, the Republic of Burundi guarantees investors a procedure in accordance with the law, with fair and prior compensation; and, where appropriate, that procedure is open to judicial remedy or arbitration, pursuant to article 17 of the same Act.<sup>4</sup>

43. In 2001, by Decree No. 100/137 of 6 June 2006 establishing a committee to monitor economic and social policies, the Republic of Burundi set up a permanent Secretariat responsible for economic and social reform to facilitate the full development of its citizens. The committee is tasked with coordinating the economic and social policies and reforms set in place by Burundi in order to boost economic growth and reduce poverty. To give it the clout it needs, the secretariat falls under the direct authority of the Office of the Second Vice-President of the Republic and is tasked with coordinating the economic and social policies and reforms set in place by Burundi in order to boost economic growth and reduce poverty.<sup>5</sup>

44. An advisory Economic and Social Council was set up in 2006 for the same purpose.

45. There can be no effective economic development for citizens in a country in which there are still internally displaced people and exiles. In an effort to respond to the problems of these disaster victims, the Government has set under way a process of repatriating Burundian citizens on a massive scale and of securing their social and economic integration, taking account of respect for human rights. Its strategy involves caring for the vulnerable by enabling them to become self-sufficient and to participate effectively in the process of social and economic development. With the support of donors and both national and international NGOs, the Government has developed a supplementary programme designed to return disaster victims to their communities by means of:

- Support for resettlement.
- Boosting the production capacity of disaster victims.
- Improving the coordination of measures to benefit disaster victims.
- Improving the capacity to care for those suffering from psychological trauma.

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<sup>4</sup> Act No. 1/24 of 10 September 2008 on the Code of Investments in Burundi.

<sup>5</sup> Art. 2 of Decree No. 100/137 of 6 June 2006 establishing a Committee to monitor economic and social policies.

- Support for persons with a disability.<sup>6</sup>
- The reconstruction and renovation of social infrastructure.
- The policy of “villagization” (which is also an appropriate method of gradually transforming the subsistence economy into a market economy) is also one of the Government’s main priorities when it comes to resettling and reintegrating the displaced and returnees. Burundi has set up and promoted the creation of peace villages to enable them to coexist peacefully.

## **Article 2**

### **Non-discrimination**

46. According to article 54 of Burundi’s Constitution, “[t]he State recognizes that all citizens have the right to work and shall endeavour to create the conditions which render the enjoyment of that right effective. It recognizes that everyone has the right to fair and satisfactory conditions of work and guarantees workers fair remuneration for their services or production”. At a political level, in order to give effect to this right, Burundi revised the Labour Code of 2 June 1966 and Decree-law No. 1/009 of 6 June 1998 on the civil service regulations. The various provisions of Act No. 1/28 of 23 August 2006 on the general civil service regulations secure greater respect for the right to work. At institutional level, a labour court settles disputes between employers and workers.<sup>7</sup> Burundi firmly supports the introduction of resolution 1325 (2000) of the United Nations Security Council and intends that, in future, the decision-taking bodies should consist 50 per cent of women (the latest census showed that more than 50 per cent of the population are women); according to article 129 of the Constitution, “[t]he Government shall be open to all ethnic groups. It shall include at most 60 per cent Hutu ministers and deputy ministers and at most 40 per cent Tutsi ministers and deputy ministers. At least 30 per cent of its members shall be women”.

47. That provision must be strictly adhered to when senior posts are allocated within government, as well as in the other decision-taking bodies, including the National Assembly and the Senate.

48. A Rural Microcredit Fund has been set up to help the rural population to benefit from microcredits so that they can support themselves.

49. Despite the efforts that have been made, the rising unemployment rate is becoming a real problem, and one of the major challenges which the Government must face is to establish new development programmes, essentially in the agricultural sector.

50. Set under way by the Government, the Growth and Poverty Reduction Strategic Framework is one of the tools on which the Government is relying to help the population escape the scourge of poverty.

## **Article 3**

### **Equal rights of men and women**

51. To guarantee the equal rights of men and women, the Government of Burundi has developed policies to ensure equitable progress in the exercise of human rights and fundamental freedoms. One such policy is the National Gender Policy, adopted by the

<sup>6</sup> Growth and Poverty Reduction Strategic Framework Report.

<sup>7</sup> National Report, Universal Periodic Review, December 2008.

Council of Ministers in December 2003 and primarily designed to combat the different types of discrimination and inequality affecting women in order to achieve gender parity. In addition, the National Gender Policy provides for a number of follow-up mechanisms, such as the National Gender Council, the Technical Committee on Gender and the Permanent Executive Secretary to the National Gender Council. The implementation of the National Gender Policy involves all political stakeholders, including parliament, the various sectors of public life and the national commissions provided for in the Arusha Peace and Reconciliation Agreement for Burundi, which take account of gender balance in their composition and which are cited in the Constitution. Civil-society organizations and all development partners will also be involved.

### The right to work

52. Access to employment is an indicator of development, and the Interim Strategic Economic Recovery and Poverty Reduction Framework has not neglected to address women's issues. The sixth strategic theme is entitled "advancing the role of women in development", and its objectives are: (i) to give women greater access to decision-taking bodies; (ii) to promote the health of women and children; (iii) to promote access for women to factors of production.

53. Under the third objective, the Government of Burundi has undertaken to:

- Draft and implement equalities legislation focusing particularly on access to land, which can be used as collateral for access to finance;
- Raise awareness in society of gender equality in order to improve the status of women in the home;
- Support job-creation initiatives by strengthening the association movement;
- Lighten women's workload by making appropriate technologies more widely available.

54. In Burundi, existing legislation guarantees the same rights to men and women in relation to access to employment and the advantages it brings.

55. Article 57 of the Constitution of the Republic of Burundi provides that: "[a]ll equally qualified persons shall be entitled, without discrimination of any kind, to equal pay for equal work".

56. The problem of women's access to work is a reality and is also related to access to secondary, technical and higher education. Gender-related disparities in education are deep seated, and have a consequential impact in the area of employment. Nevertheless, progress has been, and continues to be, made.

Table 1  
Presence of women in selected ministries, 2004

Ministry	Management			% women
	Women	Men	Total	
President's office	2	5	7	28.5
Vice-Presidents' offices	1	5	6	16.6
Employment and Social Security	4	6	10	40
Planning	9	33	42	21.43
External Relations	14	82	96	14.58

<i>Ministry</i>	<i>Management</i>			
	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>% women</i>
Interior and Public Security		47	<b>47</b>	0
Police	1	51	<b>52</b>	1.92
Finance	20	55	<b>75</b>	26.67
Civil Service	6	16	<b>22</b>	27.27
Human Rights	4	1	<b>5</b>	80
Public Works	3	59	<b>62</b>	4.48
Transport	0	13	<b>13</b>	0
Trade	6	41	<b>47</b>	12.77
Energy and Mining	4	74	<b>78</b>	5.13
Agriculture and Husbandry	7	107	<b>114</b>	6.14
Communal Development	6	18	<b>24</b>	25
Land Management	6	34	<b>40</b>	15
Education	314	1 171	<b>1 485</b>	21.14
Communications	1	4	<b>5</b>	20
Youth, Sport and Culture	9	33	<b>42</b>	21.43
Public Health	9	7	<b>16</b>	56.25
Rehabilitation	3	9	<b>12</b>	25
<b>Total</b>	<b>513</b>	<b>2 265</b>	<b>2 278</b>	<b>18.47</b>

57. The table shows that there are more women in posts of a social character, such as education and public health: this is to some extent a consequence of career guidance given at secondary school and university. The establishment of a support service providing career guidance for girls is therefore timely.

Table 2  
**Senior officials in the offices of the President and Vice-Presidents of the Republic**

	<i>Private Secretary</i>			<i>Senior Adviser and equivalent</i>		
	<i>Total</i>	<i>Women</i>	<i>% women</i>	<i>Total</i>	<i>Women</i>	<i>% women</i>
President	<b>3</b>	0	0	<b>16</b>	2	12.5
1st Vice-President	<b>1</b>	0	0	<b>7</b>	1	14.28
2nd Vice-President	<b>1</b>	0	0	<b>7</b>	1	14.28
<b>Total</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>4</b>	<b>13.3</b>

*Source:* Data sourced from the relevant services, July 2008.

58. Women are not well represented in these offices, the staff of which work directly to the high-office holders in preparing and taking decisions. It is at this level that candidates for appointment to positions of responsibility are proposed and considered, especially by private secretaries; consequently, there is no-one to defend the interests of women.

59. The Offices of the President and Vice-Presidents of the Republic ought to serve as an example and reflect the political will to bring women into decision-making positions.

Table 3  
**Women decision-makers and senior office-holders in public and semi-public organizations**

<i>Post</i>	<i>1997</i>			<i>2008</i>		
	<i>Total</i>	<i>Women</i>	<i>% women</i>	<i>Total</i>	<i>Women</i>	<i>% women</i>
Ministers	27	2	7.4	26	8	30.7
Private Secretary	27	3	11.1	23	1	4.34
Director-General	40	1	2.5	56	6	10.7
Director	n.a. 21	n.a.	n.a.	138	23	16.6
Ambassador	16	2	12	20	4	20
Head of public undertaking or autonomous authority	n.a.	n.a.	n.a.	63	10	15.87
<b>Total</b>	<b>110</b>	<b>6</b>	<b>5.45</b>	<b>326</b>	<b>52</b>	<b>15.95</b>

*Source:* National action plan implementing the Beijing action programme, 1998. Data sourced from the relevant services, July 2008.

n.a.: unavailable.

60. Of a total of 110 posts in 1997 and 328 in 2008, women accounted for only 5.45 per cent and 15.85 per cent respectively of all decision-takers and senior office holders in central government and public enterprises. Of a total of 23 private secretaries only one was a woman. Even women ministers are making little effort to advance the interests of their fellow women.

61. The directors-general are pivotal in terms of the technical work carried out in the ministries, but women account for a mere 10.7 per cent. The fact that there are few women in the posts which generate development plans and programmes means that female input is limited.

62. The representation of women within the Government has fallen to 30.7 per cent, compared with the first post-transitional Government, in which 7 out of 20 ministers, or 35 per cent, were women. However, the opening-up to women of ministerial posts such as foreign relations and finance, which were previously the sole prerogative of men, is to be welcomed.

Table 4  
**Representation of women in the senior management of banks, financial institutions and insurance companies**

<i>Institution</i>	<i>Senior management</i>			<i>Management board</i>		
	<i>Total</i>	<i>Women</i>	<i>% women</i>	<i>Total</i>	<i>Women</i>	<i>% women</i>
BRB	3	1	33.33	4	0	0
BNDE	2	1	50	8	0	0
BANCOBU	5	1	20	10	0	0
BCB	8	0	0	11	0	0
BBCI	4	0	0	9	0	8.33
FPHU	3	0	0	6	1	0
ECOBANK	1	0	0	6	1	16.66

<i>Institution</i>	<i>Senior management</i>			<i>Management board</i>		
	<i>Total</i>	<i>Women</i>	<i>% women</i>	<i>Total</i>	<i>Women</i>	<i>% women</i>
SOCABU	5	2	40	10	0	0
UCAR	4	1	25	9	1	11.11
<b>Total</b>	<b>35</b>	<b>6</b>	<b>17,14</b>	<b>79</b>	<b>2</b>	<b>2.53</b>

*Source:* Data sourced from the relevant services, July 2008.

63. It is, obviously, the management board of an enterprise which decides its general policies, as well as what investments to make, the terms and conditions of employment, staff privileges of various kinds and so on. It is quite simply unacceptable that women account for only 2.53 per cent of managerial staff in banks and insurance companies in which the Government has a holding. The case of BRB deserves special attention: it is the central bank which sets the country's monetary policy, but women are not represented on the General Council (the equivalent of the board). This implies that the needs of women are not properly taken into account in this sector.

64. The cases of BCB and FPHU are also lamentable: there is no woman on either the managerial staff or the board. The appointing authorities in the banking and insurance sector have been called to account to remedy this state of affairs. The staff of the University of Burundi is made up of 670 men and 260 women.

65. The staff of the university welfare and support service consists of 467 men and 120 women. These figures highlight the influence of culture and tradition, which have long left women lagging behind because they have only belatedly begun to be educated compared with men.

#### **Data concerning the participation of women in decision-taking and other services (September 2008)**

Table 5  
**Muramvya province**

<i>Sphere</i>	<i>Position</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Political	Heads of service	4		
	Communal administrators	1	4	5
	Heads of zone	1	14	15
	Heads of collines	1	98	99
Education	Communal inspectors	1	4	5
	Primary school heads	18	4	22
	Secondary school heads			
Justice	Presidents of the <i>tribunaux de résidence</i> (local courts)	0		
Health	Hospital directors	0		
	Health centre directors	1		

Table 6  
Cankuzo province

<i>Sphere</i>	<i>Position</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Political	Heads of service	0		
	Communal administrators	2	4	<b>6</b>
	Heads of zone	0		
Education	Heads of collines	4 (Cankuzo commune)		
	Communal inspectors	0		
	Primary school heads	13	50	<b>63</b>
	Secondary school heads	2	16	<b>18</b>
Justice	Presidents of the <i>tribunaux de résidence</i> (local courts)	0		
Health	Hospital directors	0		
	Health centre directors	1		

Table 7  
Mwaro province

<i>Sphere</i>	<i>Position</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Political	Heads of service	2		
	Communal administrators	0	6	<b>6</b>
	Heads of zone	1	15	<b>16</b>
	Heads of collines	6	124	<b>130</b>
Education	Communal inspectors	1	5	<b>6</b>
	Primary school heads	15	70	<b>85</b>
	Secondary school heads	0		
Justice	Presidents of the <i>tribunaux de résidence</i> (local courts)	1	6	<b>7</b>
Health	Hospital directors	0		
	Health centre directors	5	12	<b>17</b>

66. The data concerning the representation of women in decision-taking posts and their presence in other services were collected by the staff of the Ministry in 2009 in four provinces (Muramvya, Cankuzo, Mwaro and Ngozi) to assess progress under the present Government and establish whether the level of 30 per cent of women set out in the Constitution was being met.

#### *Right to land ownership*

67. There is no law on inheritance. However, a married woman has a beneficial interest in the possessions of her household. She acquires this once she has had issue by her husband, and retains it for his lifetime; possessions are otherwise managed under the oversight of the Family Council. With the exception of land, possessions are divided in equal parts between the sons and daughters of their common parents.



68. At present, it is still case law which determines questions of inheritance and unfortunately, in the absence of statute law on the subject, the outcome is contingent on the view taken by the judge hearing the case.

*Right to housing*

69. Burundian women can now be said to have the same rights as men to access to credit from banks. Some female employees and businesswomen are acquiring building plots for houses. This is a considerable advance, since even the central bank, which had long resisted giving mortgages to married women, has finally changed policy.

*Right to health care*

70. There is no discrimination between men and women in Burundi over access to health care.

71. Men and women have the same rights to benefit from all health services. However, in the light of both a very high level of maternal mortality and of the effective resources needed to secure adequate medical supervision during pregnancy and childbirth, a system of free consultations has been set in place for prenatal care and childbirth, but in public hospitals only. Presidential Order No. 100/136 of 16 June 2006 on subsidized health care for children and pregnant women has benefited rural women in particular, as they are generally poor and lack the resources needed to pay for the services provided by hospitals or health centres.

*Right to information*

72. Men and women have the same right to information. In practice, however, the fact that rural women are generally illiterate limits their access to information. In addition, periodicals which deal with social and political issues are very expensive except for *Ndongezi*, which costs FBu100 [and] unfortunately reports on the activities of the Roman Catholic Church. Even in households which possess a radio, time constraints mean that women listen just to *Ninde* broadcasts and the evening news bulletins around 6 p.m., as they rise early and go to the fields. Consequently, it is their husbands, with little work to occupy them from day to day, that use the radios. In 2001, the association of women journalists carried out a survey of Burundian women in the media, which revealed that women accounted for 32.8 per cent of those working in the profession, but only 18 per cent of managerial staff. This situation has had an effect on the image of women conveyed in the media: there are programmes on Government radio and television designed to raise awareness and thus eliminate prejudice and discriminatory stereotypes and language; they include "women's magazine" broadcasts and various programmes devoted to reporting on Burundian women.

*Right to take part in sport and cultural life*

73. There is no discrimination in regard to this right. The national football federation currently has a woman president. Women's cultural activities have been taking place since the turn of the century. Before 2000, there was a ministry for sport and culture, but, although festivals were organized from time to time, it was rocked by constant changes caused by poor governance on the part of the ministers of the time, and this was the underlying cause of the failure to promote culture. The overall objective of the present, democratically-elected Government is to promote sport, the arts and culture in general. The Miss Burundi and Miss Africa contests have already been held in Burundi, demonstrating that conditions here are moving in line with those of the East Africa Community. The Ministry of Youth, Sport and Culture provides encouragement through associations and dance groups.

## **Article 4**

### **Limitations**

74. According to article 19 of Burundi's Constitution, international instruments are to be a point of reference for the Burundian legislature, clearly demonstrating that human rights are not neglected in Burundi's various legal codes and statute law.

75. According to article 19 of the Constitution: "[t]he rights and duties proclaimed and guaranteed by, *inter alia*, the Universal Declaration of Human Rights, the international human rights covenants, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights may not be subject to any limitation or derogation, except in certain justifiable circumstances in the general interest or for the protection of a fundamental right". The various rights which a State must extend to its citizens are, in general, civil, political, economic, social and cultural rights. At the same time, citizens have duties and obligations which they must respect for the general good: these are duties towards the family, society, the State and other public authorities, in the sense that each individual "shall be required to respect the laws and institutions of the Republic" (art. 65).

76. Articles 66 and 67 highlight respect for fellow-citizens and all human beings in order to bolster respect and tolerance and to preserve the harmonious development of the immediate and extended family. The Government of Burundi has amended the Criminal Code to provide penalties for rape and all forms of sexual violence which are proportionate to the true gravity of the offence. The Land Code is under revision, and a land policy has been put in place at the right moment in order to resolve various land disputes, especially concerning repatriated and internally displaced persons. All of these measures to amend the law and to create arrangements to provide support for citizens demonstrate the State's concern to promote the general good in a society in which citizens are called upon to live peacefully and in true harmony.

## **Article 5**

### **Prohibition of abuse of rights and application of most favourable law**

77. The prohibition of abuse of rights is an interpretative clause which is also to be found in article 5 of the International Covenant on Civil and Political Rights. It prohibits abuse in the exercise of the rights recognized by the Covenant, whether by an individual or by a public authority.

78. The limitation of, or derogation from, fundamental rights is prohibited in Burundi except in certain circumstances which are justified by the general interest or the protection of a fundamental right (arts. 19 and 47 of the Constitution of 18 March 2005). However, exceptionally, there may be a limitation of, or derogation from, certain rights (for example the right of free movement) in order to protect the right to life, but for a limited period only.

## **Article 6**

### **Right to work**

#### **Main instruments**

79. The main instruments which apply are the following:

*International instruments*

- The International Convention on the Elimination of All Forms of Racial Discrimination, which commits States parties to prohibit and eliminate all forms of discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women, which recognizes that men and women have equal rights;
- The Discrimination (Employment and Occupation) Convention 1958 (No. 111) of the International Labour Organization (ILO), ratified by Burundi on 11 May 1993;
- ILO Equal Remuneration Convention 1951 (No. 100) concerning the equal remuneration of men and women workers, ratified by Burundi on 11 May 1963.

*Regional instruments*

- The African Charter on Human and People's Rights.

*National instruments*

- The Constitution of 18 March 2005;
- The 1993 Labour Code;
- Act No. 1/28 of 23 August 2006 on the general civil service regulations.

**General**

80. The right to work is guaranteed by the basic law of the State of Burundi. According to article 54 of Burundi's Constitution: "[t]he State shall recognize the right of all citizens to work and shall endeavour to create conditions which make possible the effective enjoyment of this right. It shall recognize the right of every person to enjoy fair and satisfactory conditions of work and shall guarantee the worker fair remuneration for his services or his production".

81. Where exercised, the right to work makes it possible to exercise other rights, such as the rights to food, education, health care, information and so on.

82. The right to work comprises a number of aspects: the right of access to work which is freely chosen, the prohibition of discrimination in employment and the prohibition of forced labour (art. 54 of the Constitution and arts. 1 and 2 of the Labour Code).

**Employment and underemployment: situation, rates and trends**

83. The main features of the employment sector in Burundi are:

- Predominance of self-employment and informal working;
- Low levels of formal salaried employment;
- Low productivity, reflected in relatively low pay;
- A substantial increase in the working population related to demographic growth and urbanization, while incomes are relatively low;
- A high unemployment level in urban centres and significant underemployment in rural areas.

84. The incidence of unemployment and underemployment is strongly, but not exclusively, linked with the social and economic crisis that the country experienced during

more than a decade of war. Businesses and services, in the public as much as in the private sector, ceased or reduced their activities, leading to job losses.

85. Recently, in 2006, two firms made their workers redundant: the Complexe Textile de Bujumbura and the Banque Populaire du Burundi. Many other employers had already closed their doors during the preceding years, including: the Verrerie du Burundi; the Office nationale pharmaceutique; the Office national de mécanisation agricole; the Caisse d'épargne du Burundi; the Caisse pour la mobilisation financière; the Laiterie du Burundi and the Office du transport du Burundi.

86. The suspension of development aid also put a brake on job-creating investment. Finally, the public sector experienced a fall in recruitment as a consequence of lower levels of public resources, leading to an increase in unemployment and underemployment levels. Education, health and justice are the only sectors authorized to recruit.

87. Moreover, according to the human rights organization Ligue Iteka, the failure to update teaching programmes means training remains ill-adapted to employment needs. With the constant increase in the numbers of unemployed individuals with qualifications from university and secondary education, it has become apparent that Burundi's education system is training for training's sake, without taking account of the country's real needs.<sup>8</sup>

88. The unemployment rate is rising in urban areas, with a national average of 13.3 per cent. According to the survey carried out in the capital Bujumbura, in June 2007, by the Burundian Institute for Statistics and Economic Surveys (ISTEEBU), the higher the level of education, the higher the rate of unemployment tends to be, reaching 11 per cent for those of working age who have not attended school, 14 per cent for those with primary education, 19 per cent for those with secondary education and 12 per cent for those with higher education.<sup>9</sup> According to the same report, this is because poor families have no expectation of work suitable for them and join the informal sector at any cost to keep the household going.

89. Analysis of the changes in indicators relating to employment and working conditions between 1990 and 2004 has shown that the primary-sector work force accounts for between 93 per cent and 94 per cent of the total; the secondary sector, which is composed of small businesses, for 2 per cent; and the tertiary sector, which is dominated by business, for only 4 per cent. The primary sector therefore predominates.

90. A priori, the informal sector has grown over the period, and the current estimate is that the informal sector and agriculture employ about 95 per cent of those active in the labour market, while the "modern" sector remains very marginal with 4.9 per cent. According to the survey of priorities carried out between 1998 and 1999, the overall rate of activity was only 86.6 per cent. This reflects the difficulties that Burundi's labour market has in making use of all the human resources available.

### **Women and work**

91. The social and economic difficulties faced by women are all factors which compound their poverty and make them vulnerable. These factors include high numbers of widows, with women heading 21 per cent of rural households; the high proportion (more than 60 per cent) of women among conflict survivors; unequal distribution of tasks within

<sup>8</sup> *Ligue Burundaise des droits de l'homme Iteka: Rapport annuel sur la situation des droits de l'homme au Burundi* (Annual report on the human rights situation in Burundi), 2006 Edition, Bujumbura, May 2007.

<sup>9</sup> ISTEEBU, *Phase 2, enquête secteur informel – Rapport d'analyse* (Phase 2 Informal sector survey – analysis report), Bujumbura, January 2007.

the family; imbalance in the sharing of assets; the traditional mentality which confines women to a subordinate role; and the lack of control over the means of production.

92. Among heads of household, poverty indicators are higher for women than men. According to the survey of the conditions of female conflict survivors in Burundi carried out in 1995, war widows accounted for 26.3 per cent and the number of female heads of household was estimated at 22 per cent of all households.

93. In rural areas, although women play a leading role in the family economy, which is linked to agriculture, they do not have no power to decide how income is used or control over it. Nor do they have access to food-processing technologies.

94. In the formal sector, data from the 2001 study of women's skills and the institutions involved in advancing gender equality indicated that women educated to university level working in the public sector accounted for 17 per cent and men for 83 per cent of the total, compared respectively with 27 per cent and 73 per cent in the semi-public sector and 28 per cent and 72 per cent in the private sector.

95. The majority of women living in Bujumbura are economically inactive, with an activity rate of 43 per cent compared with 68 per cent for men. Those in employment generally have subordinate and poorly-paid jobs. The difficulty faced by women in finding employment is linked to their levels of training and qualification, which are by and large lower than those of men. Here again social and cultural factors play a major part. By Burundian tradition, women are dependent on their husbands and are penalized in relation to inheritance (they are unable to inherit from their fathers and can take charge of the possessions left by their husbands only on behalf of their children).

96. The rate of economic activity for women living in rural areas is more or less identical to that for men (87 per cent compared with 90 per cent). They carry out essential work in producing and marketing agricultural goods, while at the same time taking on core domestic activities (including fetching water and firewood, cooking and raising and caring for children).

#### **Policies and measures to promote employment**

97. The following policies and measures have been adopted to provide work for all those who are available for and seeking employment:

- In 2006, the Ministry of the Civil Service, Labour and Social Security prepared the National Action Plan for Employment and Poverty Reduction, inspired by the Extraordinary Summit of Heads of State and Government of the African Union in September 2004 at Ouagadougou. Drawing on the African Union plan, each member State is developing and implementing a plan of its own tailored to national circumstances. The aim is to create the large numbers of jobs which are essential if poverty is to be eradicated or a significant drop in poverty levels achieved.
- In an attempt to find remedies for excessive levels of youth unemployment, the Government of Burundi, operating via the Ministry of Youth, Sports and Culture, has adopted a draft decree providing for the creation of a Burundi Youth Employment Agency. Another draft measure for the creation of a fund for the encouragement of young entrepreneurs is due to be considered and adopted at the January 2010 meeting of the Council of Ministers.
- To make the public administration more effective, the Government has set up the National School of Administration (ENA) to improve the skills of State employees, and has established the National Employment and Training Observatory to make reliable statistics available on employment issues.

- There are some early signs of progress with increasing job opportunities and incomes, as a result of improved arrangements for supporting microfinance, the adoption of labour-intensive methods and measures taken by the Family Development Centres to support women.
- The Government has demonstrated political will by adding a Ministry responsible for the vocational and professional training sector to the institutional framework.

98. As regards the provisions guaranteeing that work is freely chosen and that conditions of work do not prejudice the individual's fundamental economic and political freedoms, attention should be drawn to the following.

99. In addition to the international conventions to which Burundi is a party, legislation and regulations for the protection and promotion of the right to work have been put in place.

(a) *Legislation on the right to work*

- The 2005 Constitution of Burundi. In addition to article 54 of the Constitution, quoted above, article 52 recognizes the right of everyone to "the enjoyment of the economic, social and cultural rights indispensable to their dignity and freedom of personal development, as a result of the national effort in this regard [and] bearing in mind the country's resources". Article 51 adds that "[a]ll Burundians shall also have the right to have access to public services in their country".
- Decree-law No. 1/037 of 7 July 1993 amending the Labour Code of Burundi in regard to weekly working time and rest days, the employment of women and child labour among other things.
- Decree-law No. 1/009 of 6 June 1998 establishing the civil service regulations which gives every civil servant equality of opportunity without any discrimination (arts. 6(1) and 6(8)) in relation to professional development.

(b) *Bodies monitoring and implementing the right to work*

- The Ministry of the Civil Service, Labour and Social Security. Article 15 of the Labour Code requires the Ministry to follow a proactive policy for the advancement of employment (full employment, obligation to use best endeavours, appropriate social organization of the world of work and the development of human resources).
- The Inspectorate-General of Labour oversees health, safety, pay and fair and favourable conditions of service, as set out in international, regional and national legal instruments.
- The National Labour Council is provided for in the Code to carry out research and make proposals in relation to minimum wage rates, labour legislation and regulation and the application of national and international legal requirements, along with their economic impact.
- The labour courts have jurisdiction over disputes concerning breaches of employment contracts.
- The administrative courts meantime hear disputes relating to State violations of the statutes and regulations governing labour relations.

100. All of these institutions must quite simply improve the quality of the work they do to protect and promote the right to work and the rights of workers.

### Technical and vocational training

101. One of the causes of unemployment is that training is not geared to labour market requirements. Priority is therefore being given to technical and vocational training, along with training in trade skills. For example:

- Technical and vocational training is encouraged in both the public and private sector in secondary schools and in further and higher education;
- The Ministry of National Education, which became a Ministry in 2009, includes a directorate-general for training in trade skills;
- The National School of Administration is operating as a centre for both initial training and continuing professional development;
- Craft training centres take on students who have failed primary and secondary school courses;
- There is a centre for vocational training and professional development.

102. A further sector of adult education and training consists of private centres (CEMs) delivering training in trade skills to adults. The development of the sector has been fairly limited relating to adult literacy: the only figures available have been provided by the founders of the private CEMs for vocational training and go back only as far as the period 2003–2008.

103. Activities relating to adult education and training cover manual skills (such as stonemasonry, carpentry and welding), as well as non-manual skills such as management, information technology, electronics and electrical engineering and community development.

104. At present, only 69 of the 129 communes have at least one CEM, 13 communes have two and 3 have three, while, exceptionally, the commune of Gitega has six.

105. For the medium and long term, the policy is to build at least one CEM in each commune and one Vocational Training Centre (CFP) in each province, to the standards required to enable them to train 20 per cent of workers who are excluded from the conventional education system.<sup>10</sup>

Table 8  
Students enrolled in CEMs, 2003–2008

<i>Years</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2003–2004	62	78	<b>140</b>
2004–2005	136	50	<b>186</b>
2005–2006	120	61	<b>181</b>
2006–2007	126	98	<b>224</b>
2007–2008	208	103	<b>311</b>

*Source:* Reports by operators of private CEMs at a workshop organized by the Directorate-General of Vocational Training to exchange information on their adult educational activities.

<sup>10</sup> Draft national policy on skills training and vocational training, October, 2009.

**Obstacles to providing full employment for all and proposed solutions**

106. There remain many structural constraints to expanding employment:

- Strong pressure on the labour market as a result of a high demographic growth rate (about 3 per cent);
- The narrowness of the market and the fact that the skill profiles of job-seekers are out of line with Burundi's real needs;
- The weakness of economic drivers for the development of business in the country (including massive reliance on imports for most types of equipment, lack of investor confidence, low productivity in the agricultural and informal sectors and galloping inflation);
- Shortfall in the supply side of the labour market caused by weakness in the educational system (including reluctance to send children to school, shortages of schools and teachers and training that is out of kilter with market requirements);
- Although the right to work implies that those unable to gain access to employment will be protected against the effects of unemployment, there is unfortunately no unemployment benefit in Burundi;
- Other social, cultural and political factors.

107. To improve the situation, the Government is seeking solutions that can become effective over time, by way of increasing Burundi's presence in markets in neighbouring countries within the framework of the Common Market for Eastern and Southern Africa, the East African Community (EAC) and the Economic Community of the Great Lakes Countries.

108. According to research by the Government Action Observatory,<sup>11</sup> joining the EAC opens up employment opportunities for Burundi's abundant workforce and a route towards a sustainable approach to providing help for the vulnerable. Because of the free circulation of people, goods and services, the EAC can absorb unemployment in Burundi by making a labour market available. Article 120 of the EAC Treaty states that the member States are to commit themselves to close cooperation over social welfare in the areas of:

- (a) Employment, poverty alleviation programmes and working conditions;
- (b) Vocational training and the eradication of adult illiteracy;
- (c) The development and adoption of a common approach towards disadvantaged and marginalized groups, including children, the young, the elderly and people with disabilities, on the basis of rehabilitation programmes, the establishment of shelters, health-care education and training.

109. In a similar vein, to remedy the saturation of the labour market in the formal private sector, the member States of the East African Community have agreed to adopt an annex to the protocol on the EAC common market providing for the free movement of workers. Individuals from member States have the right to apply for job vacancies anywhere in the region and to be recruited on the same basis as nationals without any discrimination. Experience has, however, shown that there is linguistic discrimination, as only the English language is used, whereas Burundi is a francophone country.

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<sup>11</sup> Government Action Observatory, *Impact de l'adhésion du Burundi à l' East African Community* (Impact of Burundi's access to the East African Community), Bujumbura, April 2009.



110. There is no discrimination founded on legislation, administrative practices or relationships between people or groups based on race, colour, gender, religion, opinion or social origin which prevent or affect the recognition, enjoyment or exercise of equality of opportunity or treatment in relation to employment. For example, non-nationals are employed in the public sector, especially as teachers, and there is no discrimination in salary levels compared with those of nationals. They are, however, employed on a contractual basis.

111. The international community plays a major part in relation to the exercise of the right to work. Even when Burundi was under embargo and undergoing a social and economic crisis, there was significant job creation by humanitarian NGOs.

112. As part of the peace-building process, 17 Peace-building Fund projects have been carried out by the Government in partnership with the United Nations, taking account of various priority areas. These projects provide work for many people. Unfortunately, some have been discontinued.

## **Article 7**

### **The right to just and favourable conditions of work**

113. Burundi has ratified ILO Convention No. 100 (1951) on equal remuneration, Convention No. 132 (1970) concerning annual holidays with pay (revised) and Convention No. 131 concerning minimum wage fixing.

114. The right to enjoy just and favourable conditions of work is recognized and guaranteed by a number of international, regional and national legal instruments. Consequently, that right, which ensures the well-being of workers, also makes it possible to enable them to live in dignity.

115. Wages are, by definition, generally regarded as the consideration for work provided, in other words, wages or remuneration means earnings of any kind capable of being evaluated in cash and determined by agreement or statute, which are owed, under an employment contract or verbal agreement, by an employer to a worker.

116. According to Decree-law No. 1/067 of 7 July 1993 revising Burundi's Labour Code, the following are regarded as wages or remuneration:

- Basic pay;
- Payment in lieu of notice;
- Holiday pay;
- Long-service pay;
- The various allowances directly linked to the services provided by the worker.

### **Incorporation of the international provisions concerning the right to enjoy just and favourable conditions of work at international level**

117. According to article 23, paragraph 3, of the 1948 Universal Declaration of Human Rights, "[e]veryone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection".

118. Under the Universal Declaration of Human Rights, which is the basic text for all instruments of a universal nature, work is provided in return for remuneration which ensures the human dignity of the worker and his or her family.

119. Under article 5 of the 1965 Convention on the Elimination of All Forms of Racism, the States undertake to prohibit and to eliminate racial discrimination in all its forms. The same applies to article 11, paragraph 1(a), (b), (c) and (d), which recognizes that women and men have equal rights in regard to employment.

*At regional level*

120. Article 15 of the African Charter of Human and People's Rights stipulates that "[e]very individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work".

*At national level*

**The Constitution of Burundi**

121. Article 57 of Burundi's Constitution, which is a fundamental and legally binding text, incorporates article 7 of the Covenant as follows: "[a]ll equally qualified persons shall be entitled, without discrimination of any kind, to equal pay for equal work". Article 54 meantime recognizes the right of everyone to enjoy fair and satisfactory conditions of work and guarantees workers fair remuneration for the services provided or production.

**The Labour Code**

122. Article 5 of the Labour Code recognizes that all employment must be fairly remunerated. The remuneration must be sufficient to guarantee workers and their families a decent standard of living.

**General civil service regulations**

123. Article 40 of Act No. 1/28 of 23 August 2006 on the general civil service regulations defines remuneration as the financial consideration for the work provided, which a civil servant receives on a monthly basis, and which includes basic pay and, where applicable, bonuses and allowances.

**The main methods employed to determine wages in Burundi**

*Recruitment level*

124. Civil servants are recruited on the basis of a competition and/or test under the auspices of the national recruitment commission set up by order of the minister responsible for the civil service. On the basis of a decision setting out the reasons, the commission may authorize the recruitment of candidates according to qualifications.

125. The commission takes account of the experience acquired in relation to the job for which the civil servant is being taken on, by according two incremental stages for each full year of experience (see the attached graph).

126. For civil servants who are teachers in the formal or non-formal sectors, as well as civil servants who are qualified teachers, initial pay is increased by the equivalent of six years of seniority assessed as "very good", compared with pay on recruitment to the civil service.

*Assessment and promotion*

127. Civil servants are entitled to annual assessments which, setting aside all other considerations, must reflect work, productivity and compliance with the civil servant's statutory obligations during the reference year only.

128. The quality of the civil servant is assessed on the basis of the following criteria:

- Punctuality, assiduity, professional relationships, sense of responsibility, organizational skills, managerial skills, capacity to take initiatives, professional knowledge, performance and decision-taking ability;
- Assessment enables civil servants to progress by incremental stage, and by grade and category.

*Promotion*

(a) Promotion by incremental stage

129. Promotion by incremental stage enables a civil servant to move up one or more incremental stages within the same grade based on the mark awarded.

(b) Promotion by grade

130. Promotion by grade is a continuous process within a single category, and takes place as follows:

- Moving up four incremental stages from the stage achieved in the sixth year in the grade;
- Identifying in the next grade the incremental stage equivalent to or immediately above the level calculated above.

131. A civil servant who has spent a minimum of six years in a grade and who, by moving up incremental stages has reached at least the eighteenth incremental stage in his or her grade, is promoted up a grade.

132. A civil servant who has reached the final incremental stage within a grade automatically moves up to the next grade.

(c) Promotion by category

133. A civil servant may move up to the next category through training or advanced training recognized by a diploma at a level corresponding to one of levels required for recruitment into the higher category.

134. Promotion by category takes place at the grade and incremental stage of the recruitment level corresponding to the diploma obtained. However, if the point corresponding to that level is lower than the point which the civil servant has already reached in his or her previous category, that person is promoted at the incremental stage corresponding to the point immediately above the point he or she has already achieved.

*Remuneration, bonuses and allowances*

135. Pursuant to article 41 of the general civil service regulations: “a civil servant shall be entitled to remuneration only where he or she has provided service in an effective and timely manner”.

(a) Determining basic pay

136. Within the limits of the resources available to the Government, determination of civil servants’ basic pay takes account of the following criteria:

- General price levels;
- Private sector pay rates;

- Semi-public sector pay rates;
- The level of GDP.

137. The minimum pay rates by category are set in such a way as to ensure that civil servants are accorded dignity and consideration within society.

138. The amount of a civil servant's basic pay is determined on the basis of grade, assessment and the credit accorded for qualifications. That credit is determined by order of the minister with responsibility for the civil service.

139. Civil servants at the same grade and on the same incremental stage receive the same basic pay.

(b) Bonuses

140. Civil servants may be awarded the following bonuses: post-related bonus, performance bonus, incentive bonus, hazard pay, scarcity-value bonus and loyalty bonus.

141. The amounts of and criteria for the award of bonuses are determined by joint order of the ministers responsible for finance and for the civil service, subject to approval by the Council of Ministers.

(c) Allowances

142. The allowances which civil servants may receive are: entertainment allowance, travel allowance, equipment allowance, cash compensation and housing allowance.

143. The amounts of and criteria governing the payment of allowances are determined by joint order of the ministers responsible for finance and for the civil service subject to approval by the Council of Ministers.

144. Burundi has a system of minimum wages set by the Labour Code of 3 April 1980 during the convention on collective bargaining, which was designed to improve working conditions. During the convention, it was decided that the long-service bonus should be increased by 3 per cent. In 1990, it was set at FBu190 per day in the cities of Bujumbura and Gitega to reflect the cost of living.

145. In 2009, during a National Labour Council meeting, the Burundi Employers Association proposed that the guaranteed minimum wage should be increased to US\$1 per day. That proposal has yet to be implemented, but all speakers were unanimous, given that the legislation governing minimum wages is out of date.

*Main causes of concern*

146. The texts and legislation that exist in Burundi do not entirely reflect reality: on the one hand, Burundi has recently emerged from a war which lasted for more than ten years, and the country has difficulty in stabilizing the prices of foodstuffs and other imported products. In addition, the value Burundi's currency has fallen on the national and international markets, with the result that prices on the market have soared, whereas civil servants' pay does not rise. A civil servant in Burundi lacks purchasing power.

147. The wages of Burundians have long been at the lowest level compared with the other countries of the region.

148. There are clearly discrepancies in terms of the actual implementation of the decree-law on the general civil service regulations. Certain sectors benefit from special regulations under which they are accorded substantial salaries and other advantages, including the civil servants of the Ministry of Good Governance and Privatization, of the Ministry of Justice and of the Ministry of Public Health, whereas other sectors are still

awaiting the implementation of the general civil service regulations. This imbalance has recently resulted in strikes, but the Government has taken steps to resolve the issue by implementing the regulations in regard to all civil servants.

149. There is a category of workers, including boys and girls working as household servants, which is not governed by law. The same applies to private guards and day labourers working on building sites and plantations.

#### *Accidents at work*

150. In some tea plants, some workers are not protected against certain types of accident: among other things, there is a desperate shortage of gloves, a shortage of masks and a shortage of boots.

151. In the event of an accident linked to the use of machines, the factory merely provides first aid, leaving the employee to meet the costs of further care.

152. Employees will not have been given preliminary training in the use of rotary machinery before coming to work in a factory, and this is the cause of many accidents. The same applies to those working in the packaging service for the finished product: they face serious problems because of the shortage of masks to protect them from the dust.

Table 9

#### **Reported accidents at work and occupational diseases**

<i>Type</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Accident	1 762	1 927	2 287	2 737	2 719	3 321	3 839	6 028	5 897	3 541	2 000	1 370
At the workplace	1 115	1 217	1 674	2 275	2 260	2 743	3 382	5 523	5 349	3 120	1 534	989
On the way to work	647	710	613	462	459	578	4 575	500	547	421	466	379
Occupational diseases	5	3	2	2	4	8	7	5	1	0	0	2

*Source:* National Social Security Institute.

#### *Leave entitlement*

153. Article 51 of the Act on the general civil service regulations specifies a civil servant's leave entitlement:

- (a) Annual leave of 25 working days.
- (b) Special leave, which covers time off work for family reasons. This may not be split up, refused or carried over and amounts to 5 working days.
- (c) Maternity leave: female civil servants are automatically entitled to maternity leave for childbirth, extending to 14 weeks divided into two periods before and after the birth. The period of maternity leave after giving birth may not be less than 6 weeks. Breastfeeding mothers are entitled to 2 hours breastfeeding per day for the first 6 months and to 1 hour breastfeeding per day for the following 6 months, as of the end of their maternity leave.
- (d) Sick leave which covers all absence for health reasons, including hospital stays and convalescence. A medical certificate must be submitted to the civil servant's immediate superior within 48 hours.
- (e) Leave for training purposes.
- (f) Evaluation leave.

- (g) Leave prior to reposting or retirement.
- (h) Leave in the public interest.

154. The provisions of the instruments relation to leave are included in Act No. 1/28 of 23 August 2006 on the general civil service regulations.

## **Article 8**

### **The right to form and join trade unions**

#### **Legislative framework governing the right to form and join trade unions**

155. Burundi has ratified the International Covenant on Civil and Political Rights and ILO Convention No. 87 concerning freedom of association and protection of the right to organize (1948), as well as ILO Convention No. 98 concerning the application of the principles of the right to organize and to bargain collectively (1949).

156. According to article 23 of the Universal Declaration of Human Rights: “[e]veryone has the right to form and to join trade unions for the protection of his interests”.

#### **The conditions to be satisfied for the purpose of forming or joining a trade union**

157. Article 27 of the Labour Code determines who may join a trade union, namely any person who exercises or has exercised a profession or trade and is over 18 years of age, without restriction based on gender or nationality. Minors under the age of 18 may not join a trade union without the express consent of their parent or guardian.

158. According to article 37 of Burundi’s 2005 Constitution: “[t]he right to set up a trade union, as well as the right to strike, shall be recognized”. Currently, the sole restriction applies to the military and the police.

159. Article 284 of the Labour Code provides that “[a] number of trade unions may amalgamate to form a new trade union. Several trade unions may join together to form a federation or confederation”.

160. Up until 2005, the number of trade unions recognized by the Ministry of the Civil Service and Labour was estimated at 48, but has now reached 54.

161. There are two central trade unions combining a number of trade unions in Burundi, namely the Confederation of Trade Unions of Burundi (COSYBU) and the Confederation of Free Trade Unions of Burundi (CSB), as well as independent trade unions. COSYBU is the umbrella organization for 31 trade unions with 46,000 members, while the CSB is made up of 11 trade unions with 5,000 members.

162. Both confederations are affiliated to the International Confederation of Trade Unions.

163. The trade unions are constantly engaged in dialogue with the Government in an effort to reach agreement on a number of issues relating to the updating of wages.

164. In Burundi, trade unions have the right to exercise the right to strike in accordance with the law.

165. For security reasons, the military and the police service are categorically prohibited from setting up or joining trade unions and from striking.

## Article 9

### The right to social security

166. We all have, during our lifetime, to contend with the threat of the risks that might hamper our work, cause us to lose income and reduce our standard of living. Those risks may affect our physical health (sickness or old age) or financial situation (unemployment). They may also reduce a person's standard of living when it is necessary to meet exceptional expenses, the costs of medical care or family responsibilities.

#### Scope at international level

167. At international level, article 25 of the Universal Declaration of Human Rights stipulates that: "[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care [...] and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

#### Scope at national level

168. At national level, Burundi has Act No. 1/010 of 16 June 1999 on the Social Security Code. According to article 1 of the Code: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

169. In addition, article 6(7) of Act No. 1/28 of 23 August 2006 on the general civil service regulations stipulates that "[c]ivil servants shall be entitled to the benefits under the social security schemes provided for by the Social Security Code".

170. Social protection in Burundi is provided by various institutions including the Civil Service Mutual Insurance Society (MFP) and the National Social Security Institute (INSS) which largely deals with pensions and occupational hazards.

#### *Pensions and occupational hazards*

171. All workers who are covered by the provisions of the Labour Code are subject to the general social security scheme; this includes members of the military and contract employees of the State and public or local authorities who are not covered by a specific social security scheme.

172. Thus, the INSS deals with private companies and semi-public bodies, the communes, the armed forces and contract employees of the civil service. The Ministry of the Civil Service bears responsibility for the pension and occupational risk schemes for civil servants, judges and other officers of the judiciary.

173. The social insurance system is made up of two branches: one covers pensions and the other occupational risks.

174. The INSS manages both branches, whereas the civil service deals solely with pensions for established civil servants.

175. The resources of the INSS are largely made up of the contributions paid by employers and employees, as well as other investment income. The INSS must fulfil its undertakings by paying out the following benefits:

- In terms of pensions:
  - Retirement pensions;

- Invalidity pensions;
  - Survivors' pensions or allowances.
  - In terms of occupational risks:
    - Free medical care;
    - Daily allowances throughout the period of incapacity to work;
    - A single allowance for incapacity to work if the degree of disability is below 15 per cent;
    - A disability pension if the degree of permanent total or partial disability is 15 per cent or higher;
    - Survivors' pensions;
    - Grant for funeral costs.
176. There is no unemployment benefit in Burundi.



Table 10  
Number of people receiving benefits

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Disability allowances	868	1 239	1 762	2 689	1 686	2 140	1 762	2 689	1 774	1 637	897	472	63	776
Widow's or widower's pension	692	712	867	974	1 094	1 107	1 204	1 445	1 587	1 733	1 828	1 835	1 915	1 954
Disability pension	1 924	1 710	2 408	2 803	3 516	2 522	2 286	4 474	5 348	5 850	6 702	8 053	7 045	7 462
Medical care	131	271	-	-	-	-	-	-	-	-	-	-	-	-
Occupational diseases	5	3	2	2	4	8	7	5	1	0	-	2	-	-
Daily allowances	2	2	3	-	0	-	0	0	0	0	-	-	-	-
Orphan's pensions	1 033	1 380	1 726	1 999	2 315	2 230	2 378	2 891	3 168	3 354	3 528	3 559	3 567	3 579
Pensions for relatives in the ascending line	284	368	525	772	1 080	1 995	2 484	4 315	5 595	6 588	7 146	7 524	7 500	7 451
<b>Total</b>	<b>4 939</b>	<b>5 685</b>	<b>7 293</b>	<b>9 239</b>	<b>9 695</b>	<b>10 002</b>	<b>10 121</b>	<b>15 819</b>	<b>17 473</b>	<b>19 192</b>	<b>20 101</b>	<b>20 973</b>	<b>20 660</b>	<b>21 222</b>

Source: INSS.

Tableau 11  
Breakdown of working population by age and gender

Age group and gender	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
<b>Male and female</b>	<b>60 329</b>	<b>54 541</b>	<b>60 940</b>	<b>70 538</b>	<b>80 325</b>	<b>91 916</b>	<b>95 854</b>	<b>106 165</b>	<b>110 321</b>	<b>112 119</b>	<b>114 043</b>	<b>122 778</b>	<b>124 871</b>	<b>128 478</b>
Below 15	555	80	537	382	372	351	345	244	219	-	-	-	56	56
15 to 19	378	1 189	5 750	8 455	4 417	5 331	4 732	4 647	1 402	619	408	320	7	11
20 to 24	6 652	5 536	10 274	16 193	22 356	26 995	25 957	27 332	26 437	20 304	15 103	39 997	1 654	1 971
25 to 29	12 097	10 917	9 889	12 093	14 821	17 867	20 662	26 214	29 255	33 472	34 977	30 091	21 451	23 319
30 to 34	12 264	10 455	9 920	9 322	10 840	11 329	12 331	12 890	15 644	17 394	20 695	38 705	35 965	37 681
35 to 39	10 320	9 445	8 457	8 319	9 102	9 706	9 883	10 886	11 122	11 931	12 461	18 526	21 115	22 037
40 to 44	7 785	7 076	6 883	6 381	7 301	7 740	8 400	8 768	9 602	9 848	10 416	13 027	12 870	13 317
45 to 49	4 729	4 680	4 417	4 790	5 501	6 075	6 250	6 894	7 012	7 756	8 148	10 575	11 899	12 147
50 to 54	2 637	2 386	2 437	2 366	2 925	6 414	3 893	4 231	5 076	5 574	6 088	6 986	8 065	8 219
55 to 59	1 533	1 434	1 257	1 282	1 522	1 763	1 809	2 140	2 327	2 766	3 126	4 054	5 257	5 308
60 to 64	759	685	638	530	656	761	943	1 017	1 222	1 337	1 420	1 428	2 489	2 508
65 and over	620	658	451	425	512	584	649	902	1 003	1 118	1 201	1 069	5 791	1 904

Age group and gender	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
<b>Male</b>	<b>54 305</b>	<b>48 729</b>	<b>55 219</b>	<b>64 128</b>	<b>71 437</b>	<b>81 631</b>	<b>85 027</b>	<b>94 222</b>	<b>97 916</b>	<b>99 280</b>	<b>100 769</b>	<b>14 656</b>	<b>14 025</b>	<b>14 865</b>
Under 15	520	46	498	345	336	317	317	228	205	-	-	-	1	1
15 to 19	378	1 160	5 747	8 346	4 279	5 256	4 677	4 592	1 363	570	375	60	3	5
20 to 24	5 987	5 003	9 721	15 457	20 160	24 144	23 716	25 709	25 311	19 511	14 506	718	120	161
25 to 29	10 249	9 150	8 327	10 420	12 845	15 619	17 825	22 342	25 101	29 124	30 860	4 064	1 101	1 512
30 to 34	10 582	8 813	8 272	7 666	8 964	9 354	10 165	10 617	13 087	14 708	17 645	3 937	4 436	4 741
35 to 39	9 418	8 514	7 533	7 209	7 779	8 192	8 246	8 970	9 145	9 848	10 248	2 308	3 061	3 195
40 to 44	7 298	6 615	6 346	5 804	6 603	6 946	7 416	7 659	8 305	8 416	8 819	1 712	2 145	2 190
45 to 49	4 483	4 415	4 162	4 489	5 120	5 610	5 765	6 281	6 343	6 982	7 270	1 044	1 563	1 582
50 to 54	2 543	2 299	2 321	2 218	2 740	3 191	3 626	3 939	4 717	5 155	5 612	492	805	812
55 to 59	1 492	1 395	1 217	1 236	1 471	1 692	1 723	2 026	2 182	2 593	2 905	247	429	435
60 to 64	751	679	631	521	637	736	912	979	1 178	1 293	1 367	52	171	171
65 and over	604	640	444	417	503	574	639	880	979	1 082	1 162	22	190	60
<b>Female</b>	<b>6 024</b>	<b>5 812</b>	<b>5 721</b>	<b>6 410</b>	<b>8 888</b>	<b>10 285</b>	<b>10 827</b>	<b>11 943</b>	<b>12 405</b>	<b>12 839</b>	<b>13 274</b>	<b>114 122</b>	<b>110 846</b>	<b>113 613</b>
Under 15	35	34	39	37	36	34	28	16	14	-	-	-	55	55
15 to 19		29	33	109	138	75	55	55	39	49	33	260	4	6
20 to 24	665	533	553	736	2 196	2 851	2 241	1 623	1 126	783	597	3 279	1 534	1 810
25 to 29	1 848	1 767	1 562	1 673	1 976	2 248	2 837	3 872	4 154	4 348	4 117	26 027	20 351	21 807
30 to 34	1 682	1 642	1 648	1 656	1 876	1 975	2 166	2 273	2 557	2 686	3 050	34 768	31 529	32 940
35 to 39	902	931	924	1 110	1 323	1 514	1 637	1 916	1 977	2 083	2 213	16 218	18 115	18 842
40 to 44	487	461	537	577	698	794	984	1 109	1 297	1 432	1 597	11 315	10 725	11 127
45 to 49	246	265	255	301	381	465	485	613	669	774	878	9 531	10 336	10 565
50 to 54	94	87	116	148	185	223	267	292	359	419	476	6 494	7 260	7 407
55 to 59	41	39	40	46	51	71	86	114	145	175	221	3 807	4 828	4 873
60 to 64	8	6	7	9	19	25	31	38	44	44	53	1 376	2 318	2 337
65 and over	16	18	7	8	9	10	10	22	24	36	39	1 047	5 791	1 844

Source: ISTEEBU Statistical Yearbook 2007, December 2009.

177. The above data show that there are fewer women than men aged between 50 and 65 who are still working.

178. Rural areas are very much at a disadvantage in terms of social security, as the system is based on wages; without an income, no-one can claim social security. Work on the land is not waged, and is largely done by women, with the result that a significant swathe of the population is without access to the social security system.

179. All civil servants contribute 4 per cent of their basic salary towards these benefits, and the Government contributes 6 per cent of the sum for each civil servant.

180. In the event of an employment injury, a contract civil servant is compensated by the INSS. Established civil servants benefit from health care and are entitled to sick leave of which their official superior must be informed within 48 hours of an employee's absence from work.

181. If sick leave lasts for more than six months, the civil servant must appear before a medical committee which will decide on his or her ability to work. If the civil servant is declared permanently unable to work, that person is dismissed as being physically unfit for work and, depending on length of service ranging from less than 5 to 20 or more years, receives compensation for termination of employment of between two and six months of the most recent gross salary.

182. Every civil servant who has reached the age of 60 can retire. Civil servants may, however, benefit from a one-off five-year extension. In those circumstances, civil servants are entitled to a retirement pension which is calculated according to procedures determined by the social security scheme to which they are affiliated. It should be stressed that the old-age benefits received are not sufficient to provide recipients and their families with an adequate standard of living. Some go further still and say that "to pension someone off is to send them to their grave".

183. Men and women are treated equally in terms of pensionable age, the periods giving entitlement to pension and pension levels.

184. Non-nationals also benefit from the social security scheme, and those who are State civil servants or are working for national or international bodies are included among the contract employees covered by the INSS.

185. The benefits set out above are determined by an act dating back to 1986 which is in need of revision in order to meet beneficiaries' needs.

186. Even though established civil servants are not treated in the same way as contract employees for pension purposes, the Government of Burundi is in the process of drawing up, through the Ministry of the Civil Service and Social Security, a proposal concerning the National Office of Pensions and Occupational Risks specifically for established civil servants.

187. There are in fact private operators facilitating the social security system, but they do not operate in tandem with the public system. The private players are commercial insurance companies and include the Société commerciale d'assurance du Burundi (SOCABU), SOCAR, BICOR, the Société générale d'assurance et de réassurance (SOGEAR) and the Union commerciale d'assurances et de réassurance (UCAR).

188. Other commercial insurance agencies have been set up, including SONAVIE, MUSABU, UCOD and ODAG.

189. There are non-statutory private arrangements for supplementary pensions in which the individual selects the insurance agency to which he or she wishes to make contributions. The amount of the contribution is FBu 5,000 or more a month, depending on the amount the individual is able to pay.

190. According to the data set out in the table below, the trend in the number of claims recorded by insurance and contract (policy) sector for SOCABU, SOGEAR, BICOR and UCAR is as follows:

Table 12

**Trend in the number of claims recorded by insurance sector**

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Motor vehicle	5 079	4 509	4 118	3 145	2 081	2 357	1 050	904	1 435	479	651	785
Transport	309	243	212	88	53	169	175	119	125	6	5	9
Property and casualty	202	148			87	93	282	290	287	20	31	40
Life	245	195			88	109	125	110	135	64	126	187
<b>Total</b>	<b>5 835</b>	<b>5 095</b>	<b>4 330</b>	<b>3 233</b>	<b>2 309</b>	<b>2 728</b>	<b>1 632</b>	<b>1 423</b>	<b>1 982</b>	<b>569</b>	<b>813</b>	<b>1 021</b>

Table 13

**Trend in the number of contracts (policies) issued by insurance sector**

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Motor vehicle	21 685	- 11 759	1 440	6 247	6 727	1 613	1 628	4 460	2 740	3 139	3 783	
Transport	1 866	- 2 758	898	817	1 026	976	1 033	1 177	247	252	271	
Property and casualty	6 212	- 248	151	1 141	1 240	591	854	1 054	409	432	509	
Life	1 269	- 1 269	335	253	228	133	120	118	29	33	37	
<b>Total</b>	<b>31 032</b>	<b>0 16 034</b>	<b>2 824</b>	<b>8 458</b>	<b>9 221</b>	<b>3 313</b>	<b>3 635</b>	<b>6 809</b>	<b>3 425</b>	<b>3 856</b>	<b>4 600</b>	

*Sickness insurance*

191. There are three sickness insurance schemes in Burundi:

- A scheme run by the Civil Service Mutual Insurance Society which takes care of all public and semi-public sector workers and their dependants, that is to say: civil servants (both established and contract civil servants), officials of semi-public companies, administrative staff, the armed forces, communal officials, students in higher education, State and INSS pensioners.
- A scheme for private sector workers which is run by employers themselves under the employment law in force.
- A scheme involving a medical assistance card — commonly known as the sickness insurance card — run by the Ministry of Public Health for the benefit of the informal sector, the rural community and the liberal professions, which provides entitlement to medical care and drug therapy in some State hospitals. However, since the hospitals are run independently, few accept the card, and this is an issue that is currently under review.

192. The MFP obtains its income from two sources:

- Employer and employee contributions;
- Investment income.

193. The MFP is responsible for meeting 80 per cent of the cost of medical care and 80 per cent or 70 per cent of the cost of drugs or medicines depending on the type of product.

Table 14  
**Subscribers to the MFP and their contributions**

<i>Nature of benefits</i>	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number of subscribers	95 688	98 945	103 121	103 565	111 584	112 485	84 587	90 264	99 101	113 145	115 811	113 792	114 059	118 003
Contributions*	1 477 984	1 504 434	1 584 129	1 749 098	1 929 959	2 725 827	2 949 464	3 344 547	3 832 287	4 328 046	4 967 445	5 825 101	7 348 801	9 483 614
Pharmacy bill*	1 042 784	1 017 161	1 359 588	1 225 516	1 503 608	1 344 214	1 551 601	1 882 247	1 972 686	2 277 841	2 475 082	-	2 499 973	3 057 646
Medical treatment bill*	379 986	343 876	384 220	436 470	494 297	429 850	484 591	595 276	981 895	966 347	1 078 161	1 560 881	1 714 272	1 816 246

*Source:* MFP.

\* In thousands.

## **Article 10**

### **The protection of women, mothers and children**

#### **Protection and assistance within the family**

194. Articles 30 of Burundi's Constitution sets out that:

“The family is the natural and fundamental group unit of society. Marriage provides its legitimate foundation. The family and marriage shall be placed under the special protection of the State.

Parents have the natural right and duty to educate and raise their children. They shall be supported in this task by the State and the public authorities.

All children shall be entitled to receive from their family, society and the State the special protection required by their status as minors.”

195. As regards the age of majority, according to article 335 of the Individuals and Family Code, any child reaching the age of 21 is to be deemed an adult and may take decisions for a variety of purposes.

196. As far as marriage is concerned, art 88 of that same Code provides that “[a] man may not marry before reaching the age of 21 and a women may not marry before reaching the age of 18. However, the provincial governor may waive the age limit where there are serious grounds for doing so”.

197. As far as responsibility for supporting and educating children is concerned, article 289, section 1, of the Code stipulates that “[t]he right of care requires both father and mother to support and educate the child in accordance with their situation and means”.

198. As a result of the presidential order making primary education, health care for the under-5s and expectant mothers free of charge, even disadvantaged families are able to provide better care for their children and enrol them in school.

199. It should be stressed that the Individuals and Family Code is in the process of being revised to eradicate certain shortcomings relating to gender equality.

#### **Special protection and assistance for mothers**

200. The Government's determination to ensure that motherhood is healthy and risk free is reflected in the fact that health care and maternity care are free for all women who give birth.

201. Article 122 of the Labour Code stipulates that:

“Maternity leave shall last for 12 weeks and may be extended to 14 weeks, 6 weeks of which must compulsorily be taken after giving birth. When a mother gives birth after the due date, prenatal leave will be extended to the actual date of delivery and the period of compulsory leave to be taken after delivery may not be reduced.

During the period when a woman is entitled to maternity leave, the employer may not terminate her contract of employment. Nor may he terminate the employment contract before or after the period during which it is suspended on the ground of pregnancy or childbirth.”

202. Article 123 of the Code stipulates that semi-public or private companies in the semi-public sector must be affiliated to a body responsible for the provision of maternity benefits.

203. Women on maternity leave are cared for by the body to which their employer is affiliated, and receive, at the employer's expense, half of their average monthly wages in cash at the time when the employment contract is suspended, retaining any benefits in kind to which they are entitled.

204. Article 124 of the Labour Code stipulates that "[w]hile breastfeeding, a mother is entitled to an hour's rest per day for a period of six months. These rest periods shall be remunerated in the same way as working time".

205. The general civil service regulations lay down that maternity leave is to last for 14 weeks, divided equally between two periods before and after delivery.

206. While breastfeeding, a woman is entitled to two hours' nursing time per day during the first six months and one hour per day for the next six months, as from the end of maternity leave.

207. The general civil service regulations also provide that special leave of four working days may be taken when a wife gives birth.

### **Special protection and assistance for children**

208. At an international level, article 2 of the Convention on the Rights of the Child specifies that "States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members".

209. The Universal Declaration of Human Rights stipulates that mothers and children are entitled to aid and special assistance. All children whether born in or out of wedlock enjoy the same social protection.

210. At national level, the Labour Code gives children special protection in article 126, according to which "children under the age of 16 may be employed in undertakings only to perform light and healthy work or for the purposes of an apprenticeship, on condition that the work is not damaging to their health or normal development, or likely to have an adverse effect on their school attendance or their ability to benefit from the education provided".

211. Even article 128 of the Code specifies that:

"The labour inspector may require children and young people to undergo a medical examination in order to determine whether the work they are doing is not too strenuous. The parties concerned shall be entitled to such an examination on request.

A young worker may not be kept in a job which has been recognized as too strenuous for him or her and must be transferred to another suitable position. If that is not possible, the contract shall be terminated by the employer, with payment of compensation in lieu of notice and, where appropriate, a redundancy payment."

212. International assistance is provided by the United Nations Children's Fund (UNICEF) which does everything in its power to combat the worst forms of child labour.

213. Asylum-seekers are covered by Act No. 1/32 of 13 November on asylum and the protection of refugees in Burundi. In addition, there is Order No. 530/443 of 7 April 2009 on the composition, organization and operation of the Advisory Commission for Foreigners and Refugees and of the Appeals Committee.



### The Government's commitment

214. The Government of Burundi has made many efforts to protect children and young people by putting in place a special policy for the protection of minors and morality.

215. The Government has also adopted a national policy for the protection of orphans and vulnerable children.

216. The National Children's Forum is in the process of being set up, and a proposal concerning juvenile justice is being drawn up.

217. Through the Ministry of Human Rights and Gender, the Government of Burundi has developed and adopted a national strategy to combat violence against women. A triennial action plan to implement the strategy has also been developed.

218. Finally, by means of the Criminal Code, which was newly enacted on 22 April 2009, the Government of Burundi has set in place arrangements to punish offences against the family and public morality, particularly offences against the family, against children, marriage, accepted standards of good behaviour and offences involving domestic violence.

## Article 11

### The right to adequate food and housing

219. According to the data extracted from the most recent review of the Poverty Reduction Strategic Framework (CSLP), a survey of households carried out in 2006, the poverty rate is estimated at 67 per cent at national level, which breaks down as 69 per cent in rural and 34 per cent in urban areas. Those estimates are based on a poverty threshold per equivalent adult of FBU 627 per day in urban areas and FBU 525 per day in rural areas.

220. The results of the survey indicate the poverty levels that exist in each of the country's provinces and thus provide a clearer idea of which regions must be prioritized and how programmes need to be redefined and better targeted. The table below lists the provinces according to the percentage of the population living below the poverty line.

Table 15

#### Poverty index by province in the priority survey 1998–2007 sample

<i>Province</i>	<i>Poverty rate in 1998(%)</i>	<i>Poverty rate in 2007(%)</i>	<i>Trend in the poverty rate</i>
Bururi	49.4	30.4	-19.0
Cankuzo	50.0	52.3	+2.3
Cibitoke	71.1	57.8	-13.3
Gitega	90.2	81.2	-9.0
Karusi	76.9	76.9	0.0
Kayanza	63.2	72.6	+9.4
Kirundo	63.6	78.2	+14.6
Muramvya	52.5	61.6	+9.1
Muyinga	77.2	48.1	-29.1
Ngozi	55.6	86.7	+31.1
Rutana	81.8	70.5	-12.3
Ruyigi	96.2	90.4	-5.8
Sample average	68.8	67.8	-1.0

221. A representative survey covering 5,000 households in rural areas conducted by the World Food Programme, with the technical support of ISTEERU, has made it possible to determine the extent of food insecurity in Burundi and to pinpoint certain vulnerability factors. The concept of food security is defined in terms of availability of, access to and the use of food, and the concept of vulnerability in terms of exposure to risk and ability to adjust.

222. The survey made it possible to estimate the number of households seriously lacking food security at 63,900, that is 4.8 per cent of all households, and the number moderately suffering from a lack of food security at 302,700 or 23 per cent of the total. In addition, the number of moderately malnourished children under 5 is estimated at 26.5 per cent and the number of severely malnourished children at 9.2 per cent. More specifically, 57.7 per cent of those children showed delayed growth and 8.4 per cent showed low weight for their size.

223. The provinces most severely affected by food insecurity are primarily those in the northeast of the country (Cankuzo, Karusi, Muyinga, Ngozi and Kirundo) where more than 63 per cent of households are suffering from food insecurity. The poorest in terms of assets and income are, however, the provinces of the northwest (Cibitoke, Bubanza and Bujumbura Rural) primarily due to the conflict that continued there in 2008. In total, almost two-thirds of households suffering from food insecurity live in just five provinces: 16.8 per cent in Ngozi, 4.3 per cent in Muyinga, 13 per cent in Karusi, 10.5 per cent in Cibitoke and 10.5 per cent in Bujumbura Rural.

224. The determinants of food insecurity relate to household wealth and ownership of assets, access to land and occupational status, as well as the size of area cultivated. It appears that households headed by women are more prone to food insecurity, that they diversify their production less and rarely grow products for export. In terms of household profiles, the survey isolated five types of household that are particularly at risk.

225. First are the so-called "marginal" households where the head of household tends to be elderly, poorly educated, socially and geographically isolated, and 60 per cent of whose very low average income consists of transfers and pensions, with the remainder coming from subsistence crops. The second worst affected category is made up of landless peasants who depend on their employment for 84 per cent of their income, depend on the market for their food supplies and do not earn enough to invest in productive assets and improve their condition. The third group consists of brewers who earn two-thirds of their income from the operation of 60 breweries and the rest from farming. Finally, there is the largest group of farmers properly speaking who obtain 90 per cent of their income from agricultural production and represent one-third of the total population but whose average income is half the national average.

226. The survey was also able to determine the shocks to which the population was most sensitive in 2008: firstly, the drought for two-thirds of households, increased prices for one third, the hailstorms for 21.8 per cent and plant diseases for 18.1 per cent.

227. A household's ability to react to shocks is very limited and, for nearly 90 per cent of households, it basically involves reducing the amount of food at every meal and buying less expensive products. Other possible reactions include reducing adults' meals to save food for the younger members of the household (65 per cent), cutting the number of meals (60.3 per cent), buying food on credit (58.9 per cent) or borrowing money (52.2 per cent).

228. Finally, the survey report concludes that the main causes of households' food insecurity are the decline in agricultural productivity as a result of the over-exploitation of land and forests, climate change and erosion.

229. Other factors would be the limited size of agricultural operations, between 0.25 and 0.5 ha on average; the problem of preserving production to the end of the harvest; the lack

of productive assets; the large percentage of unemployed young people; the lack of transportation infrastructure; the lack of information on agricultural prices (inputs and production); natural disasters; and increased food prices.

230. In order to meet the challenges posed by the overriding need to improve the productivity of food crops and guarantee the population's food security, the Government adopted a National Agricultural strategy based on four objectives seeking: (i) sustainable growth of productivity and agricultural productivity; (ii) to promote industry and agri-business; (iii) to support the professionalization of producers and the development of private initiatives; and (iv) to strengthen management capabilities and develop the agricultural sector.

231. Multi-faceted programmes supported by the development partners were initiated several years ago and continued in 2008. The main activities carried out for this purpose are: (i) the rehabilitation and development of seed centres; (ii) promotion of a strategic stock of fertilizers; (iii) rehabilitation of Imbo's irrigation systems; (iv) purchase of equipment for producer associations and other organizations; (v) combating plant diseases and pests; (vi) reopening Gitega's poultry farming centre; (vii) intensifying food crops; (viii) diversifying and promoting new crop varieties; (ix) research and development in food processing; (x) promoting small-scale irrigation; (xi) multiplication and distribution of healthy cassava stock; and (xii) strengthening of agricultural monitors.

232. With respect to the market garden programme, there are now 59,970 grafted fruit plants, 3,288 of which were produced in 2008 but only 435 of which were distributed. These data indicate that the distribution of plants is limited compared to production. It is also to be noted that there is little demand for plum and papaya trees.

233. In addition, activities within the framework of the Post-Conflict Rural Development Programme were also started and revolve around three components, namely: (i) the establishment of sustainable food security tools, (ii) the rehabilitation and construction of rural infrastructure, as well as (iii) the strengthening of rural participants' capacities.

234. Finally, the distribution of improved seeds, plants and fruit and agro-fruit trees and phytosanitary products continues and must be intensified, particularly to consolidate the food security of rural populations, especially the most vulnerable. From this perspective, the agricultural monitors, who are already operating in all of the communes, must be given appropriate resources so that their task of strengthening the population's agricultural skills can be more effectively accomplished.

235. Although agriculture's share in GDP formation continues to be preponderant, it is nonetheless subject to significant post-harvest losses and limited added value for products sold. By establishing the National Centre for Food Technology (CNTA), the Government's specific goal was to improve techniques for preserving and processing agricultural products, thus opening up the way to developing food product markets and creating new opportunities to increase farmers' incomes.

236. The mission of CNTA is to work towards: (i) research and development in processing and preservation technology for foodstuffs; (ii) studies and promotion of food processing technologies; and (iii) strengthening institutional capacities and human resources.

237. In response to these three mandates, CNTA has supported farmers' associations by providing equipment and maintenance training to help develop pineapple production in Musongati. It has trained women in the culinary arts, hospitality and food processing, and young people in Bujumbura Mairie on the processing of fruit, grains and soy. Moreover, private associations and organizations have submitted samples to CNTA for biological and biochemical analysis. The results of analyses are available and kept on file at the

laboratory. CNTA has also supervised and monitored the production of (i) passion fruit nectar and concentrates and (ii) composite flours for weaning children for the community medical centre of Buyenzi.

238. CNTA has also conducted three feasibility studies on facilities to: (i) process concentrated tomatoes for an agricultural producers' association in Rugombo; (ii) process pureed tomatoes for a producers' organization in Musigati; and (iii) produce bread and composite flour for porridge for scholars' associations at the Career Training Centre in Gitega. In addition to the preparation of a strategic action plan for the development of CNTA, a training module on marketing food products and analysing costs was developed.

### **Strengthening institutional capacities**

239. Funds under the Heavily Indebted Poor Countries Initiative allocated to the Ministry of Agriculture and Livestock/Directorate-General for Agricultural Planning and Livestock in 2008 allowed the Monitoring and Evaluation Directorate to monitor performance and evaluate the effects of all projects supported by these funds.

240. In order to improve the management of agricultural and livestock development programmes, the Government has established three important instruments: (i) the national agricultural strategy; (ii) the national food security programme; and (iii) a monitoring and evaluation performance system. The purpose of the monitoring and evaluation performance system is to allow regular monitoring of progress made in implementing the national agricultural strategy and evaluation of its effects on the population.

241. The national agricultural strategy developed in 2008 covers the period from 2008 to 2015 and revolves around four priority strategic axes: (i) sustainable growth of productivity and agricultural production; (ii) promotion of industries and agri-business; (iii) support for the professionalization of producers and the development of private initiatives; and (iv) strengthening of management capabilities and development in the agricultural sector. The national food security programme approved in 2008 seeks to establish a framework for consistency and integration of actions to be taken by the different technical ministries so as fully to realize the four dimensions of food security, i.e. availability, stability of agricultural production, economic and geographical accessibility and optimum utilization of foods.

242. In the context of strengthening the capabilities of instruction and training structures operating in the vicinity of farmers, 816 agricultural monitors were hired as compared to 1,000 in 2007 and 287 in 2006. To mitigate the impact of drought, training modules were developed and used to train 716 monitors in the provinces of Bururi, Makamba, Rutana and Mwaro.

243. Agricultural professionalization is an area being tested in Burundi. In 2008, six training workshops were conducted to establish an action plan for professional agricultural organizations and their support structures, as well as government agricultural extension services. In 2008, the goal was to reach ten model operators per "census colline" who were capable of having three composting pits that could produce 4 to 5 tonnes of manure for composting in order to compensate for breakdowns in the supply of chemical fertilizers.

244. At the same time, capacity-building programmes were conducted for (i) communal farmers on fertilization techniques, production systems, packaging and preservation of potato, bean, corn and rice seeds; (ii) staff and technicians as well as seed multiplier groups; and (iii) trainees of the Burundi Institute of Agricultural Techniques.

245. Actions taken to protect and improve the environment seek to achieve three objectives: (i) strengthening of the institutional and technical capabilities of the environmental services; (ii) promotion of the national policy on national resources

management; and (iii) promotion of the use of natural resources and environmental sanitation.

246. The strengthening of institutional and technical capacities focuses on continuing activities to standardize provisions to promote coordinated interventions to protect the environment effectively. Actions now being taken in this context are (i) completion and adoption of regulatory language on strengthening and harmonizing the legal framework for the use of natural resources and (ii) implementation of international conventions on the environment that have been ratified by Burundi.

247. In the context of monitoring and implementing international conventions, programmes and projects on rational environmental management were started and seminars and workshops were organized for stakeholders.

248. In the context of the national policy on natural resource management, the Government has initiated a series of activities focusing primarily on providing information and training for all stakeholders on the rational management of natural resources, with meetings, on-site visits and radio broadcast messages on environmental protection.

249. Measures were taken for this purpose, particularly the management of both natural and artificial forests and environmental surveillance through the granting of permits to cut down trees and environmental compliance statements for transporters and exploiters of mining and quarry products. This resulted in (i) the issuance of 85 authorizations to exploit quarries and mines; (ii) issuance of 407 transport authorizations; (iii) the rejection of five applications; and (iv) fines being collected from violators.

250. In addition, a preliminary document on Burundi's country environmental profile was disseminated in addition to four scientific bulletins published by the National Institute for the Environment and Nature Conservation on protected areas. It should also be noted that the latter maintains environmental surveillance over 157,000 ha distributed in parks and protected reserves throughout the country. In the context of its policy on environmental protection and soil protection, the Government, with support from its development partners, has continued to conduct its programme on planting eucalyptus, contour farming, brushfire awareness and reforestation.

251. Specifically, the Government plans to consider more visibly the consequences of climate change, whose impact on the population's lifestyle calls for limitations for which suitable solutions must be sought. The recommendations for this purpose are to: (i) give concrete expression to the commitments arising from Burundi's ratification of the International Convention on Climate Change, particularly by preparing a national statement determining the status of greenhouse gases; (ii) develop an action and adaptation plan to counteract the effect on vulnerable groups; and (iii) define an investment programme to respond to the consequences of climate change.

252. In the area of promoting the sustainable use of natural resources and environmental sanitation, actions taken in 2008 targeted the production and planting of forest and agroforest plants to re-establish plant cover and watershed management, thus allowing for increased fertility of arable land.

253. The year 2008 saw the completion of the 2007–2008 forestry campaign and the launch of the 2008–2009 forestry campaign, particularly with the production of forest, agroforest and fruit trees in nurseries and the planting of those plants. Thus, of the projected 57 million plants in 2008, 51 million were produced and planted. The plantations maintained cover of an area of 6,845 ha, while 307.4 km of firewalls were opened or maintained. About 2,888 ha of marsh were managed during 2008, primarily in the provinces of Karusi, Gitega, Kayanza, Ngozi, Makamba and Bujumbura Rural.

254. Despite new procedures for the exploitation of private forest areas, unauthorized felling of trees is reported in several localities for the construction of social projects such as schools, bridges and housing by the Batwa. Illegal cutting was observed at some sites, and an area of 5,677 ha was ravaged by brushfires. In addition, in the context of protecting watersheds and restoring the fertility of land, contour terraces about 1,464 km long were established during 2008.

255. With more than 90 per cent of economic activity concentrated in the agricultural sector, land management has become a crucial issue urgently requiring the definition of a land management policy consistent with sustainable development.

256. The principal challenges to be overcome in this sector are: (i) promoting planned and rational land use, particularly by revising land use and ownership regulation, restructuring and modernizing the offices in charge of land use management, decentralizing land use management, taking inventory of properties and resettling the landless and returnees; (ii) preserving and maintaining the productivity of land; (iii) preventing and managing land disputes; (iv) alleviating demographic pressure on land; and (v) strengthening institutional capabilities. Burundi has already begun the process of acquiring the principal regulatory and technical tools it needs for rational and sustainable land use management. This involves (i) the national land use policy document and (ii) revision of the 1986 land use code. Some technical tools for land use management are also available, including the provincial land use schemes of the provinces of Bubanza, Kirundo, Muyinga and Ngozi.

257. However, some important tools for sustainable land use management are still lacking, namely the provincial land use management schemes for the remaining 13 provinces, the land management code and the code on expropriation for public use.

### **Promoting urban planning and housing**

#### *Promoting urban planning*

258. The limited ability to produce lots in sufficient quantity and at prices consistent with the income of most citizens has resulted in the development of anarchical and spontaneous land occupation in peripheral urban areas. This situation leads to costly restructuring operations and limits the orderly expansion of urban conglomerates. In addition, despite the limited degree of urbanization, estimated at 7 per cent, there continues to be a significant imbalance between the capital and the provincial urban centres, while rural centres are still not becoming true development hubs.

259. The strategies adopted by the government seek to: (i) define and adopt its national housing and urban planning policy; (ii) update the Urban Management and Planning Master Scheme and develop local management plans for the city of Bujumbura and the cities in the interior; (iii) develop an urban planning and construction code; and (iv) ensure rational management of urban areas and increase control over residential and construction sites.

260. During 2008, the Government continued its programme to make buildable land available by means of the following actions: (i) expropriation of sites: this refers to compensation costs paid to facilitate the management of new sites and services (Kirama, Gasekebuye, Ruziba and Bwoya); (ii) management and preparation of buildable land: this programme refers to the city of Bujumbura (Kinindo, Kinamira IV, Sororezo II, Gasekebuye, Kabondo west and Bwiza) and provincial centres such as Gitega, Makamba, Muyinga, Bubanza, Mwaro and Buriri. A total of 2,443 lots will be available upon completion of the operation; (iii) management studies: these studies seek to delimit some neighbourhoods in Bujumbura and Bubanza; (iv) there are short- and medium-term plans to strengthen these activities in order to expand and diversify opportunities for access to lots;

(v) restructuring of new neighbourhoods: this involves conducting preliminary technical studies with a view to establishing new lots and thus giving low-income populations access to recorded and viable lots; (vi) “regional outpost” projects: this project refers to the provinces of Muyinga, Bubanza, Bururi, and Mwaro and aims to produce 2,000 lots basically for residential use.

#### *Promoting housing*

261. In addition to the persistent imbalance between supply and demand for building lots, high residential construction costs and inadequate financing mechanisms are the major challenges to the equitable promotion of housing. The housing shortage is estimated to be 13,000 dwellings per year and is the source of excessive rent increases. Housing developers face limitations related to (i) the lack of long-term resources, (ii) largely insolvent demand due to the population’s limited income, (iii) an ineffective mortgage system, and (iv) the absence of a clear housing policy.

262. The alternatives recommended by the Government to solve this thorny issue of a housing shortage involve (i) encouraging individual savings as a prerequisite to purchasing a lot, (ii) encouraging social welfare institutions, like the INSS and the MFP, and insurance companies to get involved in the housing sector, (iii) tax incentives for bankers and private developers, (iv) encouraging high-rise buildings, and (v) mobilizing external resources in line with methods suitable for housing promotion.

263. The recommended programmes relate to (i) rebuilding the stock of 300,000 dwellings destroyed by war in rural areas, (ii) creating group associations in villages, (iii) restructuring the sanitation of certain poor neighbourhoods in the city of Bujumbura and in the secondary cities, (iv) raising the population’s awareness about the use of local building materials, (v) raising awareness about making domestic savings to finance housing.

## **Article 12 Healthcare**

### **Improving access to healthcare**

#### *Constraints associated with the perennially high costs of access to health care*

264. The 2007 National Health Accounts show that per capita healthcare expenses in Burundi are FBu 18,848 (US\$18.00) per year. This is equal to 16.4 per cent of annual per capita income. This amount seems quite low compared to the level of expenses recommended by the Macroeconomics and Health Committee of the World Health Organization, which is US\$34 per capita per year. The direct contribution made by households represents 37 per cent of this amount, or FBu 7,102, or about 6 per cent of per capita annual income.

265. The study conducted in 2008 by the NGO Cordaid shows that health spending in the provinces studied represents an average of 7.7 per cent of annual per capita income. This percentage is similar across the different socio-economic groups, from 9.7 per cent for the “poorest” socioeconomic group to 7.4 per cent for the “fortunate” groups. It increases to 8.9 per cent (7.5 per cent for the poorest group) in the provinces of Bubanza and Cankuzo (where Cordaid has been operating since 2006) and to 12.9 per cent (17.1 per cent for the poorest group) in the provinces of Karusi and Makamba (control provinces).

*Progress made in implementing programmes and projects related to the National Health Development Plan/Poverty Reduction Strategic Framework*

266. The implementation of activities recommended by the National Health Development Plan (2006–2010) has made it possible to achieve the following.

*Reduction of maternal and neonatal mortality rates*

267. Childbirth in healthcare facilities rose from 41 per cent in 2007 to more than 55 per cent in 2008, while 50 per cent of the country's hospitals have received at least one authorization to respond effectively to obstetrical emergencies (by performing caesarean sections, for example), noticeably reducing mortality and the disabilities consequent on such emergencies.

268. Check-ups for the under-5s have increased from one visit per year in 2007 to two visits per year in 2008. During 2008, the referral and counter-referral system for obstetrical emergencies was extended to other provinces such as Kirundo, Muramvya, Mwaro, Kayanza, Bururi, and Gitega.

*Reduction of the infant and child mortality rate*

269. The Expanded Programme on Immunization has made it possible to conduct annual mother-child health campaigns as well as catch-up campaigns to bring the population's vaccination centres to the same level. Vaccine coverage reached 92 per cent in 2008. According to provisional data from the 2008 census, this rate would increase to 101 per cent.

*Reduction of the prevalence of transmissible diseases, deficiency disease, and malnutrition*

270. The principal advances relate to the prevention and management of malaria, HIV/AIDS and tuberculosis. Thus, to combat malaria, in 2008, Burundi reached an agreement with the Global Fund on funding over five years amounting to US\$33 million. Anti-malarial medications were made available in all healthcare facilities at subsidized prices.

271. The incidence of malaria fell to less than 25 per cent, its lowest rate since 2004. Insecticide-treated mosquito nets were distributed in all public health centres for all children who received the measles vaccine and women who visited healthcare facilities for prenatal care. According to Population Services International Burundi, the percentage of children under the age of five and pregnant women who sleep with an insecticide treated mosquito net increased from 7 per cent to 32 per cent and from 7 per cent to 30 per cent, respectively, between 2005 and 2007. As regards combating tuberculosis, the Government set itself the goal of reaching a tuberculosis detection rate of 50 per cent and a cure rate of 85 per cent [for 2008]. The results achieved at the end of 2008 were a 47 per cent detection rate and an 86 per cent cure rate. Finally, as regards malnutrition, according to national nutrition surveys, the percentage of children under the age of five with low weight and delayed growth fell from 39.2 per cent to 35.2 per cent and from 52.5 per cent to 46 per cent, respectively, between 2005 and 2007, following better medical follow-up of young children and the results of the Government's nutrition programme.

*Strengthening health sector performance by improving access to services and quality of care*

272. Actions were taken in the area of facilities, strengthening human resources, and the provision of medication. The utilization rate of ambulatory care services, which represents



the number of annual visits per capita, increased from 38 per cent in 2005 to 79 per cent in 2008, and demonstrates the expansion of access to health services for the population.

273. In the area of facilities, mention should be made of the biomedical equipment installed at 10 health centres and 23 hospitals, the electrification of 8 health centres, with an additional 18 in progress, the maintenance of 8 electrical generators in the Provincial Health Offices, the installation of two generators at the Ministry of Public Health and the supplying of water to three health centres. In addition, studies were conducted on the construction of two hospitals and nine health centres, as well as on rehabilitation. Data began to be collected regarding the condition of health facilities in the country's 17 health provinces with a view to their future rehabilitation. It is also interesting to note the construction of maintenance shops and routine maintenance of equipment (including biomedical, computer and cartage equipment).

274. As far as human resources are concerned, the findings are rather troubling. In effect, despite the increase in health centre visits, the number of health personnel has not increased, and their working conditions are increasingly difficult. For the whole of Burundi, there are only 201 physicians, with 87 in the public sector and 114 in the private sector and NGOs. Of the 87 physicians in the public sector, 46 of them or 52 per cent are administrators posted to Bujumbura and the provincial headquarters. In total, 90 per cent of physicians work in urban areas. In addition, 27.34 per cent of paramedical staff are to be found in the capital.

275. Finally, only 42.62 per cent of medical technicians serve 90 per cent of the population. In 2007, the shortfall between the number of medical personnel required by international standards and the number actually available was 1,282 individuals. Thus, medical personnel would have to increase by more than 340 per cent if Burundi's health system were to be reasonably provided with qualified human resources, bearing in mind that the most serious shortages are in the specialties.

276. In the context of implementing the 2007–2009 Human Resources Action Plan, the following actions were taken in 2008: (i) start of the process of drawing up the human resources development policy and plans; (ii) reform of training in paramedical schools; (iii) training of physicians in surgical-obstetrical emergencies; (iv) the introduction of incentive and retention mechanisms for personnel; and (v) the launch of a contractual approach in certain pilot provinces in the country.

277. The supply of medicines remains contingent on the prevailing and long-standing situation of emergency. As the supply of medicines becomes increasingly significant, many problems are exacerbated. These include: shelf life (up to more than a year); supply that is out of kilter with expressed needs; frequent breakdowns in inventory; the administrative burden of ordering procedures; and the waste of existing resources. An "integrated logistics" approach has been proposed to tackle these problems.

278. This consists of: gradually transferring supply tasks from health agencies to the Central Purchasing Body for Essential Medicines (CAMEBU); improving the quality and regularity of transport with the purchase of a second truck equipped with cold storage; implementing the new public procurement code; and targeting 20 essential drugs the regular supply of which will be a priority.

#### *Implementation of reforms in the health system*

279. Areas of progress achieved as a result of implementing major reforms are all encouraging and relate to the following:

(i) The establishment of health districts: This reform began in 2007 for the purpose of decentralizing the administrative and technical management of the health sector.

A district covers a well-defined population of about 150,000 inhabitants. When there are more than 250,000 inhabitants, the district is divided in two. Each health district includes a district hospital that is a first referral hospital. Health centres refer complex cases to the district level and the district level refers them to a higher level. In 2008, 35 out of 45 health districts were established and distributed throughout the country. The ten remaining districts should be established in 2009.

(ii) Reform of the health information system (HIS): Currently the HIS is not able to provide the data needed for decision-making by health professionals. The implementation of the HIS has run into several difficulties, among them the extreme “verticalization” of the health system’s organization, which gives preference to having a specific HIS for each programme/illness. It was not possible to implement this reform fully in 2008 and it will thus have to be continued in 2009.

(iii) Free health care for the under-5s and for expectant mothers. During 2008, arrears from 2007 were paid off in addition to invoices submitted up to June 2008; the rest will be paid in 2009. To deal with delays claimed by the provincial health offices, measures were taken to encourage them to submit their invoices more promptly. Thus, late invoices are sent back and a special dispensation is required to process them.

(iv) Introduction of performance-based financing (PBF): At the national level, the goal is to harmonize PBF and the financing of free care. Regular follow-up was conducted on the results of the pilot PBF projects supported by the NGOs Health Net TPO in the province of Gitega (Kubuye district) and the Cordaid in the provinces of Bubanza and Cankuzo. In addition, there was increased coordination in relation to the installation and implementation of new assistance projects based on the Peace-building Fund in the provinces of Ruyigi, Cankuzo, Karusi and Rutana by Santé Plus and the provinces of Mwaro, Kayanza, Bururi (Bururi and Matana districts) and Gitega (Gitega, Mutaho, and Ryansoro) by RSS GAVI. Some resources were made available to support provinces that still do not have support from external partners and to ensure geographic equity in the distribution of funds.

280. The results of the PBF approach in the pilot provinces are very positive, as shown by Cordaid’s evaluation comparing the two pilot provinces with the two control provinces, and taking into account the initial inequities among them. It appears that of the 27 indicators used in the study, 22 favour the PBF system and none significantly favours the traditional “input” system. The Government has thus decided to adopt this policy nationally and to guarantee standardization of the various interventions in the provinces, with the support of partners in the sector.

281. The Sectoral Coordinating Office was strengthened, while the Ministry of Public Health has continued to play a central role in the sectoral dialogue on health, in order to move forward with the sector-wide approach process and anticipate the signing of a pact, the purpose of which is to allow the country to accelerate the achievement of the Millennium Development Goals (MDGs) by increasing the effectiveness of aid through increased partnership between the Government and the partners in the context of the IHP+ initiative (International Health Partnership, an initiative that puts together several high-level partners including the Department for International Development, the World Bank, the World Health Organization and the United Nations and the governments of six pilot countries including Burundi). Annual joint missions between the Government and its partners are the first phase in this process.

282. In 2005, the Government drew up its development plan for the health sector on the basis of the conclusions of the national consultations on health. The policy turns on four objectives:

- Reducing the maternal and neonatal mortality rates;

- Reducing the infant and child mortality rates;
- Reducing the prevalence of transmissible diseases, deficiency diseases and malnutrition;
- Boosting health sector performance by improving access to services and quality of care.

283. On taking up office in 2005, the President of the Republic made health care for the under-5s and expectant mothers free of charge.

284. In that regard, the Government has set itself the objective of:

- Reducing the infant mortality rate per 1,000 live births from 114 to 90 in 2010 and to 65 in 2015;
- Reducing maternal mortality from 800 deaths per 100,000 live births to 560 in 2010 and 392 in 2015;
- Raising the percentage of medically assisted births to 17 per cent in 2002, 35 per cent in 2010 and 60 per cent in 2015;
- Extending vaccination coverage to 85 per cent in 2010 and 90 per cent in 2015, and reducing the percentage of underweight children from 30 per cent to fewer than 10 per cent in 2010;
- Reducing the percentage of children suffering from retarded growth from 52.5 per cent to 35 per cent, and the percentage of underweight children from 39.2 per cent to fewer than 26 per cent in 2010.

285. In the 2008 Budget Act, budgetary resources amounting to FBu 21,631,886,735 were allocated to health; in the 2009 Budget Act F 46,192,249,747 were allocated to health; and the 2010 Budget Act allocates FBu 63,512,077,128 to the Ministry of Public Health.

286. The infant mortality rate in 2008 was 60.77 per 1,000.

#### *Access to drinking water, hygiene and sanitation*

287. As far as hygiene and sanitation are concerned, the Government has undertaken to:

- Manage sources of and renovate drinking water supply networks;
- Upgrade existing sanitation plans and extend them to the national level;
- Encourage community management of water supply;
- Educate the population in and raise their awareness of hygiene and environmental sanitation techniques.

#### *Drinking water*

288. The Government's goal is ultimately to guarantee access to inexpensive drinking water for all strata of the population, particularly the poorest, by adopting appropriate measures, particularly to deal with the problems of (i) the disparity of water resources; (ii) water safety and recession; (iii) wasted water resources; and (iv) limited financing invested in water supply projects.

289. Water production in 2008 fell by 3.9 per cent compared to the level achieved in 2007. The volume of water produced fell from 38.9 cubic meters in 2007 to 37.4 cubic meters in 2008.

290. According to the latest representative data available on the national level and drawn from the 2005 MICS survey, 79.7 per cent of the urban population and 63.4 per cent of the rural population had access to an improved (potable) source of water.

291. During 2008, the number of subscribers rose from 38,069 to 40,513 households, an increase of 6.3 per cent between 2007 and 2008. In rural areas, 120 sources of water were fitted out in addition to other potable water supply projects in secondary centres (Kirundo, Cankuzo, Rutana, Ruyigi, Cibitoke, Kayanza, Karusi and Gitega drinking water supplies). Water supply projects were also carried out by the Communal Water Authorities and the NGOs. In addition, a systematic national inventory was made of hydraulic and sanitation facilities in order to update the data for the National Water Master Plan. Along the same lines, the Government is planning integrated water management, including irrigation, transportation and hydroelectric production in order to strengthen the bases for increased productivity and growth. From this perspective, while placing particular emphasis on maintaining a regular water supply, training in water management and conservation on slopes will be given high priority.

### Sanitation

#### Status of waste management

292. Waste management and sanitation in Burundi is facing significant limitations in terms of collection and treatment of urban waste, as well as the removal and treatment of waste water. The treatment of household waste and other solid waste and sanitation is available only in the capital of Bujumbura.

293. The Municipal Technical Services (SETEMU) of Bujumbura have set up a system of weekly rubbish collection using trucks. The volume of household waste generated in the city of Bujumbura is estimated at 137,085 m<sup>3</sup> per year and should exceed 210,000 m<sup>3</sup> by 2015. Uncollected household waste and solid waste that accumulates is strewn throughout the city. SETEMU collects only 20 per cent of the waste produced in the city, disposed of at the municipal dump in Buterere. The operation of this dump allows for neither systematic compacting nor uniform coverage of waste. The dump is located in an unsealed sandy area, which means that ground water is contaminated.

294. The collection of industrial solid waste is not well organized in Bujumbura. Manufacturing companies can either collect and incinerate waste on their own land or collect and transport it in their vehicles to the municipal dump or an unlicensed dump. Average annual production of industrial waste in Bujumbura represents about 64,170 m<sup>3</sup>.

295. There are four sewer systems constructed at different times. The city-centre and Ngagara system dates from 1959, while the Mutanga system was constructed in the 1970s. The new system was built in July 2000, along with the current purification plant that serves the new sections of the city. Other than this new system, the rest is dilapidated and all requires renovation, so that waste water can be collected and treated in an acceptable way.

296. The purification plant was built ten years ago but remains under-used. The quantity of water produced throughout the city per year is estimated to be about 75 million m<sup>3</sup> but the current sewer system's capacity to collect this water is estimated at only 11 million m<sup>3</sup> per year. Of this quantity of water collected, only one million m<sup>3</sup> are treated annually by the purification plant because some neighbourhoods are not connected to the sewer system. The system used is biological lagooning. In the city of Bujumbura, only 38 per cent of the area is connected to the public sewer system.

297. At national level, according to the 2005 MICS survey, 47.6 per cent of the urban population and 30.8 per cent of the rural population has access to sound solid waste disposal facilities, or 31.7 per cent nationally. Nonetheless, strong provincial disparities

persist, as shown in Table 22 below. The availability of sound solid waste disposal facilities is thus four times higher in Muyinga than in Mwaro, Rutana or Bururi.

Table 16  
**Percentage of population using healthy solid waste disposal facilities, by province**

<i>Province</i>	<i>Percentage</i>
Bubanza	42.0
Bujumbura Mairie	51.5
Bujumbura Rural	31.9
Bururi	13.5
Cankuzo	20.3
Cibitoke	28.7
Gitega	26.5
Karusi	17.2
Kayanza	38.9
Kirundo	54.1
Makamba	14.6
Muramvya	36.3
Muyinga	63.3
Mwaro	16.7
Ngozi	25.1
Rutana	14.1
Ruyigi	21.0
<b>Total</b>	<b>31.7</b>

298. At an institutional level, problems identified include (i) the absence of a national policy on hygiene and sanitation, (ii) the absence of a national land management master plan, including the master urban planning plans for the various cities in the country, and (iii) the lack of a lead institution in sanitation.

299. On the legislative and regulatory level, some codes, such as the public health code and the hygiene code, are obsolete, while other codes such as the environmental code lack enforcement provisions. Burundi also suffers from a lack of provisions adapted to the national context.

300. At a technical level, the country faces particular problems such as (i) the inadequacy and disrepair of existing sanitation facilities, (ii) the inadequacy of appropriate logistical material, (iii) the lack of planning when conducting studies, and (iv) the lack of an updated database in the area of hygiene and sanitation.

301. Regarding international cooperation, there is inadequate pooling of experiences at regional level, and an absence of common substantive projects at regional and subregional level.

302. In the area of capacity-building and research, the gaps noted are (i) limited education for the population on the subject of hygiene and sanitation, (ii) the lack of restrictive action to induce manufacturers to pre-treat their waste water before disposing of it; (iii) a shortage of qualified human resources, and (iv) a lack of opportunities for on-the-job training and research.

## Recommended measures and actions

303. In order to rehabilitate, develop and expand the public solid waste and sanitation management system, recommended projects relate to (i) technical studies; (ii) development of the public dump and access routes; (iii) purchase of waste transport equipment; (iv) construction of a sewer system in unconnected neighbourhoods (Gihosha and Gikungu); (v) development of a purification plant south of Bujumbura in order to establish a programme to support the construction of better latrines; and (vi) purchase of ploughing equipment for the city and river management.

304. In addition, with the completion of the national policy on hygiene and sanitation, there are plans to conduct surveys on hygiene and sanitation and a study on standardization of latrine models in school settings nationwide. Specifically, projects are scheduled to rehabilitate sanitation facilities in targeted primary schools in Kirundo, Muyinga, Cankuzo, Ruyigi, Rutana, Bururi, Makamba, Bujumbura Rural, Karusi and Gitega.

305. Vaccination coverage of children from birth to 11 months in 2007:

- Tuberculosis: 301,496 (87 per cent);
- Polio: 269,232 (85 per cent);
- DTP-Hib/HepB3: 283,196 (89 per cent);
- VAR: 272,528 (86 per cent).

306. Vaccination coverage to prevent tetanus in women aged between 12–45 of childbearing age in 2007:

- Women vaccinated before becoming pregnant: 124,791;
- Anti-tetanus vaccine 1–5: 211,924;
- Women protected: 284,556 (16.5 per cent);
- Pregnant women vaccinated against tetanus: 120,999 (31.1 per cent);
- Women who have benefited from prenatal care: 910,175;
- Women who have benefited from postnatal care: 68,721.

Table 17

**Vaccination coverage of children from birth to 11 months**

	<i>Tuberculosis</i>	<i>Polio III</i>	<i>DTP-Hib/HepB3</i>	<i>Measles</i>
AA	282 488	242 599	249 101	227 289
HAA	43 311	30 034	30 034	29 422
HP	11 073	7 822	8 282	8 159
<b>Total (%)</b>	<b>94</b>	<b>86</b>	<b>88</b>	<b>81</b>

307. Number of protected pregnant women who have received ATV 2 to 5: 162,697. The coverage rate is 42 per cent.

308. In 2008, life expectancy was 51.71 years.

309. It is estimated that approximately 50 per cent of the population are able to access qualified practitioners for the treatment of common diseases and injuries, and to obtain 20 essential medicinal products within an hour's walk or journey away.

310. As a result of the presidential order providing free care during pregnancy, 80 per cent of women have access to qualified doctors in urban areas and 70 per cent in rural areas.

311. As a result also of the presidential order providing free care for the under-5s, 80 per cent of children have access to a qualified doctor in (70 per cent in rural areas).

312. People living in camps for displaced persons and returnees in transit camps are less well provided for.

(a) A Ministry for National Solidarity has been set up to monitor the situation of this population group and, following medical assistance, the figures are as follows:

Table 18

Years	Achievements			Budget	Observations
	Supplies Drugs	In-patient	Out-patient		
2005					The data for 2005 are not available at the Department of Social Integration, as this was the responsibility of the Ministry for the Rehabilitation and Reintegration of Displaced Persons and Returnees until October 2005.
2006	2 169	2 169	548		In-patient treatment related to in-patients in the Bujumbura hospitals which are partners of the MSNRRRS
2007	4 830	1 275	1 502		<i>Idem</i>
2008	2 780	1 081	861		<i>Idem</i>
2009	2 860	1 208	732		<i>Idem</i>

(b) In the national annual budget, the ministry responsible for this population group saw its budget increase from FBu 3,241,463,920 to FBu 6,370,748,115.

(c) The ministry responsible for this population group has set objectives for 2010 with a view to improving performance. The objectives are as follows:

- To urge the ministry responsible for combating AIDS to assist children born of HIV-positive mothers who have been weaned too early;
- If resources are available, to ensure that applicants for assistance are visited to assess the appropriateness of providing such assistance;
- To enhance the capabilities of social welfare assistants in terms of how responsive they are and their capacity to make social welfare enquiries;
- To instruct the poor in activities which will generate income to enable them to look after themselves;
- To bring together those running centres for persons with a disability and private orphanages to discuss the issue of working with the MSNRRRS;
- To carry out spot checks in the centres for persons with a disability and private orphanages to assess what they are achieving and the use of the subsidies accorded to them;

- To urge donors to fund medical assistance for vulnerable groups;
- To review the question of issuing a certificate of poverty and a health insurance card entitling everyone to claim medical assistance;
- To design a system enabling the poor in the interior of the Burundi to benefit from medical assistance;
- To urge the office of the MSNRRRS to provide the medical assistance service with means of transport so that it can ascertain whether some individuals seeking assistance are cheating, either at home or in the various hospitals;
- To continue to help vulnerable children at risk;
- To continue to accord microcredits to the vulnerable to enable them to care for themselves;
- A commission has been set up to assess how to ensure that all vulnerable people in all of Burundi's hospitals can benefit from medical assistance;
- To continue to take in orphans and abandoned children with a view to placing them in orphanages.

313. The ministry responsible for health has taken measures to deal with any contingency, and those measures are broadcast on both public and private radio stations in order to keep people informed.

## **Article 13**

### **Right to education**

#### **Legislative framework**

314. As evidenced by Burundian legislation, the Republic of Burundi recognizes education as a human right. Article 19 of the Constitution of the Republic states that: “[t]he rights and duties proclaimed and guaranteed by, *inter alia*, the Universal Declaration of Human Rights, the international covenants on human rights and the rights of peoples, the African Charter on Human and Peoples’ Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights may not be subject to any restriction or derogation, except in certain circumstances which are justified in the general interest or the protection of a fundamental right”.

315. Article 52 recognizes the right to the fulfilment of social rights, education being the most important of them because it opens the way to the exercise of the other rights: “[e]veryone is entitled to the enjoyment of the economic, social and cultural rights indispensable to their dignity and freedom of personal development, as a result of the national effort in this regard [and] bearing in mind the country’s resources”.

316. Article 53 further specifies that: “[a]ll citizens shall have the right to equal access to instruction, education and culture. It shall be the duty of the State to organize public education and promote access thereto. The right to found private schools shall nevertheless be guaranteed, subject to the conditions laid down by law”.

317. Burundi has also ratified the International Covenant on Economic, Social and Cultural Rights of 16 December 1996, which underscores the right to education, the right to work and the right to enjoy the benefits of scientific progress. Article 13 of the Covenant specifies that primary education is to be compulsory and available free to all; and that



secondary and higher education are to be made accessible to all by the progressive introduction of free education.

318. Legislation — including most significantly Decree-law No. 1/025 of 13 July 1989 on the reorganization of education in Burundi, as amended by Decree-law No. 1/36 of 18 September 2002, Decree No. 100/121 of 30 November 2005 on the reorganization of the Ministry of National Education and Culture which deal with general responsibilities — also recognizes the right to education and advocates, among other things:

- Encouraging the development of preschool education for young children;
- Drawing up and putting into practice a plan for universal basic education for all children of school age;
- Establishing and implementing Government policy for education in trade skills, adult literacy and continuing education.

319. In 1990 Burundi ratified the Convention on the Rights of the Child, which states in article 28 that “States Parties recognize the right of the child to education” and sets out action that they must in particular take “with a view to achieving this right progressively and on the basis of equal opportunity”. This article is reproduced word for word in article 11(3)(a) of the African Charter on the Rights and Welfare of the Child, which Burundi has also ratified.

320. In 1990 Burundi took part in the World Conference on Education held at Jomtien in Thailand at which participants proposed the principle of Education for All (EFA), and it signed up to the commitments developed at the Conference.

321. In 1998 the Government of the Republic of Burundi acceded to the Convention against Discrimination in Education, adopted by the General Conference of UNESCO on 4 December 1969, by passing Act No. 1/007 of 1 December 1998 on the accession of the Government of Burundi to the Convention.

322. In April 2000, Burundi took part in the World Education Forum at Dakar, which set six major goals for countries in relation to basic education. Burundi has undertaken to achieve these goals, which may be summarized as follows:

- The protection and education of children in early childhood;
- Access to and retention in primary education;
- Education and training programme in tune with the needs of young people and adults;
- Literacy and basic education for adults;
- Gender equality in education;
- Quality education.

323. In Burundi, these goals were basically incorporated, in 1991, 2001 and 2005, in the different sectoral policies of the ministry with responsibility for education.

324. The general objectives of these sectoral policies may be summarized as follows:

- Bringing education services closer to users through a policy of decentralizing the education system;
- Universal primary school attendance by 2010;
- Elimination of illiteracy among women in particular;
- Encouraging education for girls at all levels;

- The reduction of inequalities and regional disparities through the general introduction and periodic updating of the school zoning map;
- Free school education, which has been a reality in Burundi at primary level since the 2005/06 school year.

325. Burundi has subscribed to the MDGs which incorporate, in the field of education, the essential features of the goals of universal education laid down in Dakar and the objectives of poverty reduction.

326. The Government of Burundi recently adopted, on 6 December 2006, a memorandum on education and training policy which reflects the five priority goals, namely to:

- Achieve universal education at primary level in 2015;
- Manage the progression of students beyond primary education in a controlled manner;
- Improve the quality and relevance of the public education system;
- Guarantee equality in the educational system;
- Use resources more efficiently.

327. A sectoral plan for the development of education is being drawn up, with the focus on two priorities:

- Achieving universal education at primary level.;
- Better dovetailing, from both a qualitative and a quantitative perspective, the supply of students completing technical, vocational and higher education, with the requirements of the labour market and the modernization of Burundian society.

328. These priorities are the two primary goals of the strategy for education.

### **Free and compulsory education**

#### *Formal education*

##### Primary education

329. The goal for primary education is to ensure that, by 2015, all children, and especially girls, children in difficulty and those from ethnic minorities, have access to primary education which is free, compulsory and of high quality, and are able to complete the whole process of primary schooling.

330. Under the 1973 reform, the communal schools, which were recommended, and were to be managed by the local community, failed to increase student numbers.

331. In 1981 the Government tackled the problem of access to education head-on, and planned full enrolment for the school year 1987/88. The gross enrolment rate increased from 29.3 per cent in 1980/81 to 72.5 per cent in 1990/91.

332. As the crisis which has rocked Burundi did not spare the education system, the Government has set the objective of full enrolment in 2010, confirmed in its sectoral policies of 1999 and March 2002.

333. In addition, the EFA action plans, which were drawn up but not put into effect, set the objective of universal education by 2015. They provided for the refurbishment and construction of schools by taking additional action to mobilize parents and external partners in order to provide at least one primary school per "census colline". They set out the intention of organizing a special programme for the education of girls and piloting special

education for children [in difficulty] at primary level. Sadly, for these children in difficulty, no specific policy to assist them was established.

334. Thanks to the policy of abolishing school fees, adopted on the initiative of the President of the Republic in 2005, there has been a sharp increase in primary school enrolment.

335. Table 19, showing trends in school attendance and gender disparities, illustrates this, drawing on indicators for primary and secondary education in Burundi for 2008/09.

Table 19  
**School enrolment levels and gender disparities**

<i>Province</i>	<i>Students</i>			<i>Parity</i>
	<i>F</i>	<i>M</i>	<i>Total</i>	
Bubanza	32 582	35 159	<b>67 741</b>	0.93
Bujumbura Mairie	32 661	33 529	<b>66 190</b>	0.97
Bujumbura Rural	60 217	61 693	<b>121 910</b>	0.98
Bururi	76 260	77 288	<b>153 548</b>	0.99
Cankuzo	24 990	25 352	<b>50 342</b>	0.99
Cibitoke	46 768	51 591	<b>98 359</b>	0.91
Gitega	82 793	79 571	<b>162 364</b>	1.04
Karusi	49 723	47 469	<b>97 192</b>	1.05
Kayanza	65 053	65 865	<b>130 918</b>	0.99
Kirundo	54 939	61 379	<b>116 318</b>	0.9
Makamba	53 243	55 048	<b>108 291</b>	0.97
Muramvya	38 186	37 044	<b>75 230</b>	1.03
Muyinga	51 647	58 716	<b>110 363</b>	0.88
Mwaro	34 956	33 743	<b>686 999</b>	1.04
Ngozi	64 919	69 009	<b>133 928</b>	0.94
Rutana	35 673	38 573	<b>74 246</b>	0.92
Ruyigi	41 083	43 565	<b>84 648</b>	0.94
<b>Total</b>	<b>845 693</b>	<b>874 594</b>	<b>1 720 287</b>	<b>0.97</b>

336. There are no specific programmes of education for vulnerable children such as those with disabilities, orphans, street children and the Batwa minority, except for some initiatives by UNICEF and a number of charitable organizations. Although the gross and net enrolment rates have increased, a step-change is still required. The fact is that measures are needed to:

- Provide help with expenses for parents who currently bear the costs of childcare and school uniforms and materials;
- Achieve balance in the school zoning map;
- Improve internal performance.

## Infrastructure

337. The capacity of the secondary school infrastructure to offer places is currently under great pressure from the accelerating social demand for schooling at this level. It is not unusual to find class sizes of 70, 80 or even 100 in our schools.

338. There are specific proposals at three levels for action based on school-building programmes to expand school capacity:

- Understanding the data on the ground: data collection, site surveys and the equipping of classrooms;
- Simplifying procedures for the disbursement of funds;
- Coordinating measures relating to school infrastructure.

339. In order to reduce disparities between provinces in terms of teacher-student ratios, a number of measures will be taken to achieve better coverage in disadvantaged areas:

- Establishing criteria for the definition of “disadvantaged areas”, so that boundaries do not remain fixed but can change based on assessment in the light of the criteria;
- Effectively involving teachers’ representatives in the bodies which decide on postings;
- Steps to encourage the redeployment of teachers from urban towards disadvantaged areas;
- Construction of accommodation for teachers;
- Providing significant material incentives for teachers working double shifts alone.

340. In 2006/07 2,060 classrooms were built either as part of public funding programmes or projects or by communities, and 1,450 [were] under construction during the 2007/08 school year.

341. In 2007 and 2008 respectively, 3,744 and 3,000 teachers were recruited, including as replacements for those leaving as a result of retirement, transfer, death or resignation.

Table 20

**Developments in teaching capacity**

	2008	2009	2010	2015
New classrooms	1 167	1 167	1 167	1 397
Refurbished classrooms	379	379	379	379
Average repetition rate (%)	25	23	21	10
Completion rate (%)	51	58	65	100
Share of private education (%)	1.6	1.9	2.1	3.5

*Source:* Serges Quinin; Consultant for the sectoral plan currently being prepared.

## Teachers’ circumstances

342. Analysis of the data on teachers’ qualifications for 2008/09 shows that, overall, the majority of teachers in public primary education possess the requisite qualifications with an average of 91.2 per cent, and qualification levels higher than 86 per cent in all provinces. Teachers are regarded as the best paid civil servants, with an average salary equivalent to six times the per capita gross domestic product. They also benefit from allowances to provide incentives and reward loyalty, performance and double-shift working.

## General secondary education

343. Secondary education is neither free nor compulsory. However, efforts are being made to provide for the universal provision of general secondary education and secondary-level teacher training.

344. The role of general secondary education and secondary-level teacher training is to promote the development of the individual and provide students with civic, moral, scientific and intellectual training by:

- Increasing the capacity of schools to offer places;
- Improving the quality of teaching and learning;
- Expanding scientific and literary courses and courses in teaching training;
- Reinforcing moral values and HIV/AIDS prevention;
- Promoting self-financing measures.

*Some data on student numbers*

## Public and communal general secondary schools

Table 21

**Students by year of study and gender**

<i>Level</i>	<i>Year of study</i>	<i>F</i>	<i>F+M</i>
Communal general secondary schools, Level 1	7th	19 356	47 014
	8th	13 694	31 921
	9th	9 910	22 929
	10th	7 290	17 051
	<b>Subtotal</b>	<b>50 250</b>	<b>118 915</b>
Public general secondary schools, Level 1	7th	1 959	5 126
	8th	1 556	4 164
	9th	1 434	3 718
	10th	1 148	3 026
	<b>Subtotal</b>	<b>6 097</b>	<b>16 034</b>
<b>Total Level 1</b>	<b>7th</b>	<b>21 315</b>	<b>52 140</b>
	<b>8th</b>	<b>15 250</b>	<b>36 085</b>
	<b>9th</b>	<b>11 344</b>	<b>26 647</b>
	<b>10th</b>	<b>8 438</b>	<b>20 077</b>
	<b>Total</b>	<b>56 347</b>	<b>134 949</b>
Communal general secondary schools, Level 2	3rd (economics)	0	0
	3rd (modern languages)	301	952
	3rd (sciences)	243	820
	<b>Total 3rd</b>	<b>544</b>	<b>1 772</b>

<i>Level</i>	<i>Year of study</i>	<i>F</i>	<i>F+M</i>
	2nd (economics)	0	0
	2nd ((modern languages)	231	637
	2nd (sciences)	129	522
	<b>Total 2nd</b>	<b>360</b>	<b>1 159</b>
	1st (economics)	0	0
	1st (modern languages)	168	562
	1st (science A)	0	0
	1st (science B)	104	470
	<b>Total 1st</b>	<b>272</b>	<b>1 032</b>
	<b>Subtotal</b>	<b>1 176</b>	<b>3 963</b>
Public general secondary schools, Level 2	3rd (economics)	174	370
	3rd (modern languages)	1 040	3 083
	3rd (sciences)	878	3 070
	<b>Total 3rd</b>	<b>2 092</b>	<b>6 523</b>
	2nd (economics)	74	175
	2nd (modern languages)	660	1 828
	2nd (sciences)	565	2 065
	<b>Total 2nd</b>	<b>1 299</b>	<b>4 068</b>
	1st (economics)	42	127
	1st (modern languages)	583	1 710
	1st (science A)	37	294
	1st (science B)	462	1 804
	<b>Total 1st</b>	<b>1 124</b>	<b>3 935</b>
	<b>Subtotal</b>	<b>4 515</b>	<b>14 526</b>
<b>Total 2nd level</b>		<b>5 691</b>	<b>18 489</b>
<b>General total</b>		<b>62 038</b>	<b>153 438</b>

Teacher training (primary)

Table 22

**Students by year of study and gender**

<i>Sections</i>	<i>Year of study</i>	<i>F</i>	<i>F+M</i>
Communal teacher training colleges	1st	568	1 030
	2nd	419	892
	<b>Subtotal</b>	<b>987</b>	<b>1 922</b>

<i>Sections</i>	<i>Year of study</i>	<i>F</i>	<i>F+M</i>
Public teacher training colleges	1st	1 421	2 126
	2nd	909	1 308
	<b>Subtotal</b>	<b>2 330</b>	<b>3 434</b>
<b>Total teacher training colleges</b>		<b>3 317</b>	<b>5 356</b>
Communal colleges of education	1st	268	866
	2nd	144	467
	3rd	89	339
	4th	45	243
	<b>Subtotal</b>	<b>546</b>	<b>1 915</b>
Public colleges of education	1st	812	1 833
	2nd	443	1 031
	3rd	351	840
	4th	333	897
	<b>Subtotal</b>	<b>1 939</b>	<b>4 601</b>
<b>Total colleges of education</b>		<b>2 485</b>	<b>6 516</b>
<b>General total</b>		<b>5 802</b>	<b>11 872</b>

Table 23  
Boarders by year of study and gender

<i>Sections</i>	<i>Year of study</i>	<i>Boarders</i>	
		<i>F</i>	<i>F+M</i>
Communal teacher training colleges	1st	9	19
	2nd	18	28
	<b>Subtotal</b>	<b>27</b>	<b>47</b>
Public teacher training colleges	1st	1 279	
	2nd	808	
	<b>Subtotal</b>	<b>2 087</b>	<b>3 300</b>
<b>Total teacher training colleges</b>		<b>2 114</b>	<b>3 347</b>
Communal colleges of education	1st	22	55
	2nd	6	27
	3rd	9	39
	4th	4	22
	<b>Subtotal</b>	<b>41</b>	<b>143</b>
Public colleges of education	1st	778	1 668
	2nd	428	930
	3rd	339	735

<i>Sections</i>	<i>Year of study</i>	<i>Boarders</i>	
		<i>F</i>	<i>F+M</i>
	4th	282	694
	<b>Subtotal</b>	<b>1 827</b>	<b>4 027</b>
<b>Total colleges of education</b>		<b>1 868</b>	<b>4 170</b>
<b>General total</b>		<b>3 982</b>	<b>7 517</b>

Private secondary

Table 24

**Students by year of study and gender**

<i>Level</i>	<i>Year of study</i>	<i>F</i>	<i>F+M</i>
Level 1	7th	2 004	3 758
	8th	1 913	3 399
	9th	1 654	2 947
	10th	1 707	3 102
<b>Total Level 1</b>		<b>7 278</b>	<b>13 206</b>
Level 2	1st (teacher training)	0	0
	2nd (teacher training)	104	177
	<b>Teacher training total</b>	<b>104</b>	<b>177</b>
	3rd (economics)	59	100
	3rd (modern languages)	122	239
	3rd (sciences)	44	104
	<b>Total 3rd</b>	<b>225</b>	<b>443</b>
	2nd (economics)	48	90
	2nd (modern languages)	92	201
	2nd (sciences)	160	303
	<b>Total 2nd</b>	<b>300</b>	<b>594</b>
	1st (college of education)	0	0
	2nd (college of education)	0	0
	3rd (college of education)	0	0
4th (college of education)	0	0	
<b>Total college of education</b>	<b>0</b>	<b>0</b>	
1st (economics)	15	24	
1st (modern languages)	159	419	
1st (science A)	0	0	
1st (science B)	68	211	
<b>Total 1st</b>	<b>242</b>	<b>654</b>	
<b>Level 2 total</b>		<b>871</b>	<b>1 868</b>
<b>General total</b>		<b>8 149</b>	<b>15 074</b>



345. The smooth development of secondary education essentially faces challenges in ten different areas:

(a) Infrastructure. The capacity of the secondary school infrastructure to offer places is currently under great pressure from the accelerating social demand for schooling at this level. It is not unusual to find class sizes of 70, 80 or even 100 in our schools.

(b) Poor management of communal colleges by the communes:

- Inadequate infrastructure;
- Lack of equipment and teaching materials;
- Inadequate numbers and quality of staff;
- Underestimation of demand in planning numbers of new schools;
- The fact that the creation of the communal colleges was not followed by the phasing-out of boarding at the first level of secondary education;
- Problems of administrative supervision because of the overlap between the communes and the central administration of the Ministry of National Education.

(c) A shortage of teachers. The teaching profession no longer enjoys the prestige it once had, and is increasingly being abandoned for sectors that have more to offer. Some teachers are unqualified or teach disciplines in which they do not specialize. Like their primary school colleagues, they receive only incentive and loyalty allowances; their living standards continue to be unsatisfactory. Measures need to be taken to incentivize secondary school teachers.

(d) Shortage of teaching materials: the Secondary Education Curriculum Planning Office and the Technical Education Office, whose main responsibilities include producing teaching materials to supply secondary schools, are no longer properly able to perform that task.

(e) Inadequate teacher and administrative staff ratios to students: there are shortfalls at secondary level, in particular in the communal colleges distributed over the whole country. The deterioration in the social and political environment in some education establishments — a consequence of the crisis that Burundi has been experiencing — has further hampered student training, as evidenced by a crisis of authority, a falling-off in standards and general breakdown of discipline.

(f) Poor teaching performance. The combined effect of these challenges is a decline in the quality of teaching in secondary schools, while shortcomings had already been recorded at primary level.

(g) An imbalance between general and technical education. The rapid expansion of the secondary school network following the establishment of the communal colleges has benefited general education exclusively.

(h) Problems relating to private education in Burundi's education system: currently, private schools face a range of challenges, including:

- Some promoters of private schools fail to comply with the law on opening such schools;
- Most private schools are set up in premises which are unsuitable for teaching purposes;
- Almost 80 per cent of those teaching in private schools are also employed on temporary contracts in State schools, which do not provide them with an adequate income;

- There is an ongoing shortage of teaching materials;
- Arrangements for recruiting and enrolling students are chaotic, with the inevitable knock-on effects on the quality of teaching.

(i) Problems related to the costs and financing of secondary education, which are a heavy burden on the State. Funds allocated to secondary education are mainly absorbed by staff salaries and the care of boarders. Despite that, State intervention, supplemented by an admittedly small parental contribution, is not enough to cover the needs of secondary education.

(j) A worrying tendency towards corruption in the education system. Embezzlement has been uncovered in relation to school certificates and diplomas; school reports are often falsified and a failure to comply with decision-taking standards is frequently observed. The recruitment and transfer of teachers, guidance for students at all levels, student enrolment and the setting of examinations and tests are all highly sensitive matters which lead to attempts at corruption.

#### Secondary technical education

346. This form of education is anything but free or compulsory, but the Government is making efforts to improve it.

347. The objective set for secondary technical education is to improve it, in both qualitative and quantitative terms, so as to promote self-employment and contribute to Burundi's socio-economic development by:

- Putting tools in place for the planning and development of technical education;
- Expanding the secondary technical school network by 3 per cent by 2015;
- Aligning courses with labour market requirements;
- Increasing the percentage of girls in secondary technical education.

348. There is general agreement that technical education is out of line with Burundi's socio-economic circumstances. There is a shortage of infrastructure and a glaring imbalance in the distribution of what infrastructure is available.

349. One of the features of technical education in Burundi is the desperate shortage of teachers and uncertainty as to whether they will remain in the profession.

350. Technical education also suffers from a lack of financial resources compared with needs, leading to a shortage of equipment.

351. The project "Support for Secondary Technical and Vocational Education" covers three areas of activity to improve technical education:

- Refurbishment and expansion of technical schools;
- Training for the teaching advisers employed by the Technical Education Office and for teachers in technical schools;
- Supporting internships for students expected to graduate with qualifications from technical schools by meeting the costs of visits to businesses and giving financial support to internship providers.

352. Effective training for teachers and the creation of new courses must be a priority, not least because at present there are only 36 technical schools with a total complement of 8,000 students.

## Higher education and scientific research

353. These are neither free nor compulsory. Since 2000, however, the private universities have made it possible to increase numbers.

354. The objectives of higher education and scientific research are:

- To provide students with high-level intellectual and scientific education and quality civic and moral training to equip them to play an effective part in socioeconomic development and the transformation of society;
- To promote the development of research to underpin national development.

355. As regards university teaching, [the years become telescoped and] the academic statistics available are those for 2003/04.

356. During the academic year 2003/04, there were 8,545 students at the University of Burundi, compared with almost 11,500, in 2008.

357. It is estimated that in 2010 the total number of students will be about 13,000.

358. The private universities have a total of 16,364 students, so it is likely that they will have more than 20,000 students by 2010.

359. Higher education currently faces many problems representing challenges that must be addressed if it is to develop smoothly.

360. There is a lack of institutional stability in the sector. Its structure and governance have changed repeatedly, leading to a lack of coherence and consistency in decision-making.

361. The guidance system steering students towards higher education is unsatisfactory, and based on subjective and invalid criteria. The career guidance commission operates on the basis of the following criteria: Burundi's need for senior managers, the choice of candidates and the capacity of faculties and institutes to provide places.

- No objective, sector-by-sector study to establish the need for senior managers has ever been carried out.
- The capacity of both the school and higher education infrastructure to take in students is becoming increasingly limited.
- Courses are poorly designed and out of line with needs. They rely predominantly on formal lectures with inadequate student participation.
- The internal performance of higher education is weak: success rates are relatively poor, especially in the first year, and the average length of training is constantly increasing because of repeated failures to achieve pass grades.
- The training of teachers in higher education is poorly planned, while disillusionment with teaching careers in higher education is observable even among those training teachers in higher education.

362. For example, out of 141 teachers at the University of Burundi who were training abroad in 1996–1999, 73 failed to return on completion of the prescribed period of study. Meanwhile, student numbers have continued to rise.

Table 25  
**Trends in student: teacher ratios at the University of Burundi**

<i>Year</i>	<i>Student numbers</i>	<i>Staff numbers</i>	<i>Student: teacher ratio</i>
1985–1986	2 137	325	7
1990–1991	3 184	324	10
1995–1996	4 639	311	15
2000–2001	5 978	276	22
2005–2006	10 250	289	35

*Source:* Professor Joseph Ndayisaba: *Orientations générales de l'enseignement supérieur au Burundi*, Bujumbura, February 2008, p. 46.

363. To maintain the 2005/06 ratio of 35 students per teacher, 1,000 teachers will be needed in 2015, but if the number of teachers remains constant, each teacher will have 117 students on average.

364. Is increasing the number of universities the answer?

#### Public Institutions

- The Higher Military Institute (ISCAM), established by Decree No. 100/219 of 7 November 1975;
- The University of Burundi, formed by the merger of three existing institutions, established by Decree No. 100/101 of 18 October 1977.
- The Higher Institute of Police (ISP, formerly ENAPO), established by Decree No. 100/55 of 31 March 1987;
- The National Institute of Public Health, established by Decree No. 100/090 of 20 May 1995;
- The Ecole normale supérieure (ENS) (teacher training college) established by Decree No. 100/135 of 15 October 1999.

#### Private institutions

- The Higher Institute of Business Management (ISGE), approved by Decree No. 100/94 of 17 June 1987, confirmed by Decree No. 14/5/1990;
- The Major Seminary of Bujumbura, approved by ministerial order confirming the New Agreement of 28/21/1990 between the Catholic Church and the State of Burundi;
- The Higher Institute of Management Monitoring (ISCG)) approved by Ministerial Order No. 610 of 6 March 1995;
- The Martin Luther King University (UMLK) approved by Ministerial Order No. 530/190 of 11 May 1998;
- The University of Ngozi approved by Ministerial Order No. 530/264 of 7 May 1999;
- The Higher Institute of Technology (IST) approved by Ministerial Order No. 610/353 of 12 May 2000;
- The Light University of Bujumbura approved by Ministerial Order No. 610/M.5./1245 of 13 June 2000;

- The University of the Great Lakes (UGL) approved by Ministerial Order No. 530/451 of 20 June 2000;
- The University of Mwaro approved by Ministerial Order No. 530/101 of 21 February 2001;
- The University of Lake Tanganyika (ULT) approved by Ministerial Order No. 610/4059 of 11 December 2003;
- UNITELEMATIQUE approved by Ministerial Order No. 530/126 of 27 February 2004;
- Hope Africa University (UEA) approved by Ministerial Order of 12 July 2004.

365. Despite the increase in the number of universities, teacher numbers remain inadequate.

Table 26

**Trend in teaching staff numbers at the University of Burundi from 1985 to 2005**

Years	Level of study					Total
	Doctorate	%	Masters	Engineer	Degree	
1985–1986	189	51	9	46	127	<b>371</b>
1995–1996	116	50	35	23	56	<b>230</b>
1997–1998	125	52	12	28	75	<b>240</b>
1999–2000	138	43	56	20	104	<b>318</b>
2002–2003	114	47	52	19	54	<b>239</b>
2005–2006	116	40		173		<b>289</b>

Source: MPDR, CURDES *Etude Rétrospective Burundi 2025. Education Formation Emploi* by A. Mivuba, December 2004, p. 127.

366. The most alarming point to note is the marked reduction in the number of teaching staff, especially those qualified at the highest level. This is apparent, not just at the University of Burundi, but also in the private universities.

367. In 1985/86, [they] had 371 teaching staff, 189 of them with doctorates. In 2005/06, there were only 289, 116 with doctorates, a reduction of 22 per cent and 39 per cent respectively.

368. In the three universities in existence in 1997/98, 21 members of teaching staff held doctorates out of a total of 38, or 55 per cent. In 2000/01, they numbered 102 out of 221, or 46 per cent, while the proportion of lecturers with first degrees had increased from 8 per cent to 30 per cent. At ENS, the trend was the same. This means that there has been a reduction in the qualification level in three types of institution: the University of Burundi, ENS and the private universities.

369. Finally, the proportion of staff on part-time contracts in private universities varies from 60 per cent to almost 90 per cent; most come from the University of Burundi.

370. This is illustrated in the following two tables on the levels of staff on part-time contracts in four private universities in 2004/05 and in subregional universities in 2004/05 (survey by Professor G. Midende on *La fuite des cerveaux à l'Université du Burundi, semaine EPT*, 2007 edition quoted by Professor Joseph Ndayisaba in *Orientations générales de l'enseignement supérieur au Burundi*, No. 52).

Table 27  
Part-time/contract working in four private universities in 2004/05

University	Burundian part-time contracted	Full-time	Total	% part-time contracted
Ngozi	64	13	77	83
Mwaro	43	1	44	98
ULT	93	23	116	80
Light Univ.	97	4	101	96
<b>Total</b>	<b>297</b>	<b>41</b>	<b>338</b>	<b>88</b>

Table 28  
Levels of part-time/contract working

Location	Science.	Medicine.	Law	Literature/humanities	Applied science	Psychology and educational sciences	Economics and administration	Total
Kivu	6	7	3	3	1	0	2	22
Rwa	7	0	3	6	1	2	1	20
<b>Total</b>	<b>13</b>	<b>7</b>	<b>6</b>	<b>9</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>42</b>

371. The main reason for this sharp drop in numbers of the most highly-qualified university teachers is the “brain-drain”, both domestic (in that the private universities are over-dependent on teaching staff) and external.

372. The external “brain-drain” is more alarming. In the academic year 2005/06, 119 teachers with doctorates were in post at the University of Burundi, 186 who had been sent away for training had not returned and 35 were working full-time in universities in Rwanda, adding up to a wastage rate of 65 per cent. The consequence is that the University of Burundi and the private and subregional universities are sharing between them the scant teaching resources left at the University of Burundi.

#### Higher education funding

373. Burundian higher education is among the most intensively funded in Africa. The cost per student is around US\$800 per year. Salaries account for 31.1 per cent and bursaries and transfer payments for almost 52 per cent, and the bulk of spending on salaries (more than 70 per cent) goes on non-teaching staff.

Table 29  
Share of current expenditure on education by level, 1990–2004

Level	1990	1994	1999	2000	2001	2002	2003	2004
Primary	47.5	42.0	41.6	39.2	42.4	41.7	44.6	44.4
Secondary (general)	24.3	27.6	29.6	28.2	27.4	27.8	26.4	24.4
Secondary (technical)	5.9	5.0	5.4	5.0	4.9	5.0	4.1	3.7
Higher education	22.3	25.4	23.4	27.6	25.3	25.4	24.8	27.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 30  
**Allocation of the budget for education in 2000, 2004, 2005 and 2006**  
**(in FBu thousands)**

	2000	%	2004	%	2005	%	2006	%
State expenditure	118 860 521	100	217 778 680	100	195 294 080	100	290 140 071	100
Education	16 621 900	14	33 834 686	15	39 885 718	20	57 376 890	20
Kamenge University Hospital (CHUK)	370 722	2	497 081	1	541 818	1	663 282	1
University welfare and support service	1 370 482	8	857 040	2	957 370	2	991 955	2
University of Burundi	1 639 131	10	2 610 740	8	2 657 739	7	2 799 769	5
Ecole normale supérieure	300 000	2	1 010 165	3	1 338 947	3	1 330 212	2

374. Burundi spends more than some other African countries on higher education. The annual unit cost of teaching per student is also higher, at US\$718.70, compared with US\$228.70 in some countries in sub-Saharan Africa. Higher education receives very little funding from external donors.

#### *Informal education*

375. The Government relies on informal education arrangements to help compensate for the lack of universal access to education absence at all educational levels.

#### *Adult literacy training*

376. The objective for adult literacy training is to improve literacy rates for adults, including women, by 50 per cent by 2015, and to give all adults equal access to programmes of basic and continuing education.

377. A national framework plan for adult literacy training, which reflects the diversity of national circumstances, was drawn up in 1989 and piloted in four communes. The programme was revised in 1995 to reflect the results of the pilots. The technique used is the "semi-global" method, which accords a major role to the student.

378. A number of programmes and agents are involved:

- The ActionAid programme employs a liberation-based technique based on 17 key words, used as a basis for learning to read, write and calculate and is closely associated with the National Literacy Service. A global methodological approach is applied.
- The programme of the Catholic Church in its *Yaga Mukama* centres for informal education is based on the primary school syllabus.
- The programmes of the protestant churches, in which learning continues until the Bible has been mastered, are based on literacy training as an aid to evangelism.

379. Those involved in adult literacy training include: the National Literacy Service, the Enfants Soleil project, the Family Development Centres, Women for Peace and Development, the Catholic Church, the Community of Pentecostal Churches of Burundi, the Episcopal Church, Jehovah's Witnesses, the Seventh-Day Adventist Church, a variety of not-for-profit organizations and NGOs, ActionAid, the Norwegian Refugee Council, the Jesuit Refugee Service, the Gruppo di Volontariato Civile, INADES-Formation, the Kamenge Youth Centre, the Literacy Volunteer Team, the Burundian Association for Adult

Education, Orphan's Aid, Helps Chanel Aid, the Australian Relief Programme, Action Against Hunger and the Self-Help Support Organization.

380. Despite the large number of organizations active in this field, the results have not lived up to expectations, as the following table on literacy rates for 2006 illustrates.

Table 31  
**Estimated literacy rates, 2006**

<i>Province</i>	<i>Literacy rate</i>
Bubanza	40.1
Bujumbura Mairie	73.3
Bujumbura Rural	46.1
Bururi	54.5
Cankuzo	49.3
Cibitoke	40.0
Gitega	60.3
Karusi	39.0
Kayanza	49.8
Kirundo	36.2
Makamba	53.7
Muramvya	52.5
Muyinga	39.2
Mwaro	53.3
Ngozi	33.2
Rutana	39.6
Ruyigi	44.9
Burundi	49.0
Urban areas	71.0
Rural areas	45.3
Male	55.4
Female	43.2

*Source:* QUIB 2006.

381. Literacy training for adults poses real problems. In principle, the best way forward would be to begin by carrying out a census of illiterate adults and go on to produce a plan for adult literacy training, focusing particularly on women and even the Batwa minority.

#### Vocational training

382. The objective is to make available vocational training available which is capable of combating poverty at all levels by:

- Improving the capabilities of the vocational training sector to plan and manage;
- Providing a centre for training in practical trade skills in each commune;
- Developing courses geared to national needs.



Table 32  
**Staff in secondary and technical schools**

<i>Schools</i>	<i>Number of schools</i>	<i>Staff 2006–2007</i>	<i>Forecast numbers 2010 (number of schools)</i>	<i>Forecast in 2010 (staff)</i>
Secondary school	725	58 838	800	69 000
Technical Schools (overall)	36	8 000	45	10 000

*Sources:* Educational Planning Office, School statistics for 2006/07 (except for forecasts for 2010).

383. Vocational training aims to equip students with theoretical and practical knowledge and with the attitudes needed to pursue an occupation. It leads in the short term to vocational qualifications, which are also essential to Burundi's integrated and sustainable development.

384. Vocational training includes both initial and continuing training (including advanced training and retraining), delivered in public or private facilities or in businesses, and may be accredited by a report, certificate, qualification or diploma.

385. Training takes three main forms: on-the-job training, instruction in trade skills regarded as basic vocational training, and other vocational training.

386. Within the new framework for the development of vocational training, training is delivered through Vocational Training Centres at secondary level and Higher Vocational Training Centres at higher level.

387. As a result of the crisis that Burundi has suffered, a large number of CEMs were destroyed, looted or occupied by other services. Of the 155 centres that existed before the crisis, 90 remain but are in an unsatisfactory, semi-operational state because of problems with infrastructure, equipment and funding.

388. Vocational training bodies include the Directorate of Trade Skills Training and the Directorate of Trade Skills Planning, within an overarching Directorate-General of Vocational Training.

389. The number of students engaged in vocational training varies between 3,000 and 5,000 depending on the year in question.

390. In the Directorate-General of Vocational Training as a whole, there are about 500 trainers and 600 administrative and support staff.

391. The sector has a great many problems to resolve, including principally the following:

- The difficulty in obtaining reliable statistical data on needs;
- Difficulties with planning, follow-up and evaluation;
- The diverse initial profiles of trainees;
- Inadequate sector funding;
- Training which is not geared to employment needs;
- A lack of equipment, consumables and logistical capacity;
- Shortcomings in the quality and quantity of infrastructure in Burundi;
- Lack of programmes tailored to local socioeconomic conditions;
- A lack of written training material, especially in Kirundi;

- Inadequate quality and quantity of trainers;
- Salaries which do not provide sufficient incentives;
- Low level of business and local authority involvement;
- Difficulty in introducing trainees into the labour market once qualified;
- The absence of a crossover point between formal technical education and informal vocational training.

392. The strategies the sector still needs to acquire are:

- Establishing a clear national policy for the sector;
- Bringing training into line with the real needs of society, taking account of technological developments;
- Refurbishing, constructing and equipping infrastructure;
- Strengthening income generation teams in training centres;
- The effective involvement of businesses and the private sector in the vocational training system:
- Mobilizing funding.

#### *Costs and financing of education*

393. A sectoral plan for the development of education and training has been prepared for the period 2009–2016 with the aim of improving the performance of the Burundian education system.

394. The financial framework for 2009–2011 is as follows:

Table 33

#### **Balancing medium-term financing requirements (on the scenario adopted for 2016) (in FBu billions, 2008 values)**

	2009	2010	2011	2009–11
State resources, current	104	108	113	325
State resources, capital	12	13	13	38
External resources (current + capital)	51	53	54	158
Total resources	167	174	180	521
Total resources	187	204	221	612
Funding requirement	20	30	41	91

*Source:* Sectoral Plan for the Development of Education and Training (PSDEF), p. 92.

Table 34

#### **Balancing the action plan (in FBu billions, 2008 values)**

	2009	2010	2011	2009–11
External funding (current + capital)	51	53	54	158
Additional national funding (current)	22	26	26	73
Additional national funding (capital)	12	13	13	38

	2009	2010	2011	2009–11
Total additional national funding	34	38	39	111
Summary of costs (current + capital)	111	120	128	359
Final funding requirement	27	29	36	92

Source: PSDEF, p. 92.

395. Respect for the right to education is conditioned by crisis that Burundi has experienced, and continues to experience today.

396. What is more, the rate of demographic growth in Burundi puts it among the most densely populated countries in Africa. The corollary of this is that there are large numbers of children needing schools and individuals with qualifications at the various levels of education are failing to find employment. The adults of tomorrow are the children of today, and ignoring this simple truth compromises the future, not only of children, but of society itself.

397. The right to education has the potential to reduce poverty significantly since, in a world which revolves around work, access to schooling is the key to employment.

## **Article 14**

### **The right to universal primary education**

398. Primary education in Burundi is free of charge but not, as yet, compulsory. Steps have been taken to move towards compulsory primary education:

(a) The memorandum on education and training policy adopted by the Council of Ministers in 2006 recommends:

- Expanding physical intake capacity;
- Adjusting the way in which primary schools operate by making it a priority to reduce the grade repetition rate, the target being to bring it down from 32 per cent in 2006 to 10 per cent in 2015;
- Stimulating demand for education so as gradually to reduce the number of pupils dropping out before the sixth year of primary education, based on the following strategy:
  - The construction of a close-knit network of primary schools to cut journey times;
  - The development and implementation of measures to help children from disadvantaged social and/or regional groups;
- Expanding private education to ease pressure on the public sector;
- Recruiting teachers in sufficient numbers to maintain quality and improve teacher: pupil ratios in State schools.

(b) Preschool education is to be improved by developing and improving all aspects of the protection and education of children in early childhood, particularly in regard to the most vulnerable and disadvantaged children. The projections are as follows:

Table 35  
Trend in staff numbers

<i>Organizer</i>	<i>Initial staff</i>	<i>Average increase annually</i>	<i>Forecasts for 2016</i>
1. State schools	5 600	290	8 500
2. Private schools	6 550	413	10 677
3. Community structure	17 678	15 232	170 000

*Source:* Sectoral plan.

399. The trend in relation to education coverage is clearly to double intake capacity in the State sector, but above all substantially to develop community education. As far as demand for education is concerned, the issue will be to identify the relevant vulnerable groups and take the measures best adapted to countering their disadvantages.

(c) The signature of Ministerial Order No. 620/CAB.MIN./1358 of 20 October 2009 on the creation, mandate, composition and operation of the primary school management committee which is tasked with:

- Devising and implementing a school development plan in conjunction with the official responsible for the school zoning map and other partners in the education system;
- Campaigning for the purchase and maintenance of infrastructure, equipment and teaching materials;
- Ensuring that all children have access to and are able to remain at school, taking account of gender and the situation of orphans and other vulnerable and marginalized children;
- Conveying to the competent educational and administrative bodies parents' complaints and suggestions for improvement;
- Supporting head teachers in monitoring the proper attendance of teachers and pupils, and reporting to the provincial directorate for education and the provincial inspectorate for basic education;
- Helping the local community to gain a better understanding of how best to get involved in school activities;
- Supporting head teachers in following up pupils' school results;
- Setting under way programmes to enhance the capacities of teachers and parents;
- Improving the school environment;
- Establishing networks between the committees so that communicate internally and with each other, enabling them to pool experience and teaching tools.

(d) The annual organization of EFA week and of community dialogue, with the support of UNICEF.

## Article 15 Cultural Life

### Legislative measures supporting the right to take part in cultural life

400. In 1996, the Government of Burundi created the Social and Cultural Fund — a levy of BFu2 was imposed on every beer sold — with a view to taking part in the Atlanta Olympic Games. Although this was the first time Burundi had taken part in the Olympics, the national team won a gold medal in the 5,000 m.

401. In the circumstances of the time, the Fund had to be managed by two ministries: the Ministry of Youth, Sport and Culture and the Ministry of Finance. As the crisis in the country worsened, a significant proportion of the fund was handed over to the Ministry for the Reintegration and Resettlement of Displaced and Repatriated Persons. While the fund remained available it was possible to promote cultural alongside sporting activities.

402. As things stand, cultural activities have ceased to be financed from the fund, and the cultural sector as a whole ceased to benefit from it from 2004. Nonetheless, the Ministry of Youth, Sport and Culture has an annual budget of FBu 100,000,000 for its various activities. The provinces and communes try to manage as best they can. The budget contains a small vote under the heading “art and culture”, which is used to finance items such as sports kit and costumes for dancers and drummers.

403. By way of infrastructure, Burundi has 16 reading centres, distributed as follows:

Table 36  
Distribution of reading centres

<i>No.</i>	<i>Province</i>	<i>Number</i>	<i>Location (commune)</i>
1.	Bujumbura Mairie	2	Ngagara Musaga
2.	Bujumbura Rural	1	Jenda
3.	Bururi	1	Rumonge
4.	Cankuzo	1	Cankuzo
5.	Cibitoke	1	Cibitoke
6.	Gitega	1	Gitega
7.	Kayanza	1	Gatara
8.	Kirundo	1	Kirundo
9.	Muramvya	1	Kiganda
10.	Mwaro	1	Kibumbu
11.	Ngozi	2	Ngozi Busiga
12.	Rutana	2	Gihofi Rutana
13.	Ruyigi	1	Ruyigi

404. On the basis of Decree-law No. 100/303 of 26 October 2007 on the establishment, organization and operation of the Burundian Centre for Reading and Cultural Activities, centres for reading and cultural activities are being set up at a decentralized level. Burundi has two living museums which contribute to the preservation of national culture: the Living Museum of Bujumbura and the National Museum of Gitega. In the National Museum's

exhibition gallery an ethnographical and archaeological collection consisting of 416 objects and 46 photographs is on display. There is a reserve collection in which some 800 items are carefully stored. At the Museum of Bujumbura, there is free entry to an area with a car park, a reception point housed in a straw hut, a refreshment area and a craft village. There is an entry charge to an area with an animal park, a traditional house (or *rugo*) and a gallery displaying ethnographic items.

405. There is a National Library and Archives Service, set up by Decree No. 100/174 of 20 September 1989.

406. The functions of the National Archives include:

- Holding documentation of all kinds generated by all public bodies and services;
- Managing all of this material from the point at which it is received at the central registry;
- Overseeing all registries at provincial level and in the communes that hold current and semi-current records;
- Overseeing the keeping of current records in State bodies and services;
- Repatriating and reassembling historic archive material which has been taken out of the country;
- Ensuring that the material that it holds is put to use for administrative, historical, cultural and educational purposes;
- Running the legal deposit library;
- Collecting, transcribing and publishing oral traditions;
- Publishing the periodical *Culture et Société* (Culture and Society);
- Organizing the National Library.

407. The National Library was set up in 1989 by the same Decree (No. 100/174 of 20 September) that established the National Archives.

408. The National Library does not, however, work on a collaborative basis with other institutions which share the same objectives, although the original idea was that it would act as a central service supporting a network of all the national units. For the future, Burundi intends: to develop a clear policy on books and a legal and regulatory framework designed to ensure that legal deposit requirements are observed; to set up a school for information and communication technologies; and to develop partnerships with other, more advanced institutions.

409. Burundi has no theatres and no cinemas as such. The existence of private ventures such as the Ciné Caméo (Caméo Cinema) and the French Cultural Centre must, however, be acknowledged. Initiatives planned by the Ministry of Youth, Sport and Culture include the construction of a multi-purpose venue for live performances. At local level, some theatrical initiatives are taking place in schools, using school infrastructure which is often not really fit for purpose.

410. There are no craft villages in Burundi, but there are small shops selling art objects here and there in major urban centres.

411. Burundi has already adopted a national cultural policy in order to promote national cultural identity. The ministry responsible for culture regularly organizes sociocultural

events at national level, providing opportunities for all national groups to come together, including the Batwa.<sup>12</sup> It has already adopted the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Convention for the Safeguarding of the Intangible Cultural Heritage (which in Burundi includes the *kubandwa* festival, *ibicuba* singing and *imvyino* dance music, traditional *ibisokozo* riddles, *ibitito* storytelling and *ingoma* drumming, along with the language) and the Convention on the Protection of World Cultural and Natural Heritage. In this connection, the Government of Burundi has already taken the following measures:

- Prepared an indicative list of Burundi' cultural, natural and mixed assets. Because of their unique features, the Government of Burundi has put forward Karera Falls and Nyakazu Fault as the first sites to be documented and their inclusion in the World Heritage List of UNESCO applied for.
- Translated the cultural policy of Burundi into Kirundi and published it in an edition of 300 French language and 300 Kirundi booklets. It has also organized a workshop to raise awareness of national focal points on the cultural policy document.
- Funded a technical survey for the refurbishment of the *palais des arts*.
- In 2007, carried out a partial inventory of the intangible cultural heritage in the provinces of Rutana, Mwaro, Bururi and Gitega; this will shortly be supplemented by an inventory at the national level in the course of the next two years.
- Taken action to preserve and promote languages, including the Burundian mother tongue: various activities have been organized on 21 February annually for the past nine years to celebrate International Mother Language Day. As 2008 was the International Year of Languages, activities for that year were launched on 11 May with a conference on: "Kirundi:<sup>13</sup> a foundation for genuine peace and sustainable development."
- Organized four workshops attended by United Nations agencies and senior staff from ministries, civil society and the media, and aimed at incorporating the principles of cultural diversity into development policies.
- Translated the Universal Declaration on Cultural Diversity of UNESCO into Kirundi and published an edition of 500 copies in French and in Kirundi, and organized a national awareness-raising workshop on the subject.

412. A research project has already been carried out in three provinces (Muyinga, Bubanza and Mwaro) on the cultural heritage of the Batwa minority, who are always taken into account when national festivals and other cultural events are organized. An application has been submitted for Japanese funding for a project to contribute to the improvement of socioeconomic conditions of the Batwa community in Burundi; themes include an inventory of the intangible cultural heritage of the Batwa, training in trade and craft skills and adult literacy training.

413. Shows, cultural exhibitions, song, dance and events of all kinds are covered by the local media. There are regular cultural broadcasts to pass Burundian culture on to children and young people and to non-nationals living in Burundi. That type of broadcast always features in weekly radio and television schedules. Under agreements between the media and cultural groups, cultural events provide the theme tunes of radio or television broadcasts.

<sup>12</sup> The Batwa are an ethnic minority in Burundi.

<sup>13</sup> Kirundi is the common mother tongue of all the people of Burundi.

414. In the interests of safeguarding the cultural heritage of mankind, Burundi has already ratified the Convention concerning the Protection of the World Cultural and Natural Heritage. It has also submitted a dossier seeking to have Karera Falls included in the World Heritage List of UNESCO because of the site's unique features.

415. According to article 58 of Burundi's Constitution: "[e]veryone shall have the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author". Burundi has made an important advance in the protection of copyright by passing Act No. 1/021 of 30 December 2005 on the protection of copyright and related rights in Burundi. The Act establishes freedom of artistic production, including the freedom to disseminate the results of such production, along with the limitations and restrictions which apply to this freedom. Essentially, the Act is made up of two parts:

- The protection of intellectual property rights, under three sections: general provisions and rights protected; the copyright owner (author and copyright owner, works by more than one author, audio-visual works, moral rights and proprietary rights); and limitations (limitations on property rights, just remuneration for reproduction for private purposes, transfer, publishing contracts, agency agreements, contracts for performance and duration of copyright);
- The protection of performers, producers of sound recordings and broadcasting organizations (related rights) under three sections: definition of performers and acts requiring their permission (acts requiring the permission of performers, just remuneration for the use of sound recordings, note on the protection of sound recordings, acts requiring the permission of broadcasting organizations, limitations on protection, just remuneration for reproduction for private purposes and the scope of the Act).

416. In Burundi, vocational training properly speaking in the cultural and artistic sector cannot really be said to exist. There is, however, a national school of art, the *Ecole technique secondaire d'art*. There are also a number of centres and private initiatives providing informal training in improved methods of working with clay.

417. There are no schools teaching disciplines such as dance, music and theatre.

418. The 1983 Act on the protection of the cultural heritage makes an important legislative contribution to maintaining, developing and disseminating culture. Culture is disseminated through cultural broadcasts; this is done using the public and private media which contain cultural sections. Cultural clubs and associations provide further pathways for spreading and promoting culture. No particular attention is given to indigenous or otherwise disadvantaged groups, but the Department of Culture has already made a start on an inventory of the cultural heritage of the Batwa minority, which has already been conducted in ten provinces. The results will be published in a twice-yearly review, *Culture et Société*.

419. The main difficulties are a lack of equipment, finance and human resources (staff do not have specific training in such cultural disciplines as archivism, museum curatorship, choreography and the performing arts).

#### **Legislative and other measures to make the benefits of scientific progress available to all**

420. Burundi has a National Library and two national museums to safeguard the natural heritage of mankind. Nature reserves also exist and contribute to the conservation of dwindling natural species. There is an environmental body, the National Institute for the Environment and Nature Conservation, which is appropriately organized and staffed.



421. When it comes to ensuring that there is a good flow of information on technical progress, the media are always briefed to make certain that every new development is widely publicized. Similarly, material on all research projects by Burundian nationals can be consulted at the National Library, although the progress of research within the country has been restricted because of the period of insecurity that the country has been living through for more than 13 years.

422. The technical progress made by Burundi has been achieved while preserving respect for human rights, including the rights to life, health, individual freedom and private life. The national authorities nevertheless appreciate the importance of taking early action to avert possible human rights violations. There are well-known indicators in the lyrics of songs, as in any other cultural works (material which, for instance, violates the right to private life of other citizens is regarded as unacceptable, regardless of the production quality or, indeed, of whether the original authors are being imitated).

423. Article 12 of the Act on copyright and related rights states that “[n]either the producer nor the owner of a portrait shall have the right to reproduce or exhibit it without the consent of the person represented, or of that person’s successors in title, for a period of 20 years following his or her death”. According to article 40, “[a]uthors may reserve the right to indicate to the body responsible for the management and protection of their interests how they wish the works concerned to be exploited. Similarly, the terms of contracts commissioning the works must be brought to the attention of, and approved by, the copyright owner”.

#### **Legislative measures to protect the moral and material interests resulting from any scientific, literary or artistic production**

424. Everyone appreciates that it is vital to regulate technical progress; however, implementing the law on copyright is problematic because there is no implementing legislation in place. There is, as yet, no office responsible for dealing with these rights, and available staff at the relevant ministry has little training in the administration of these rights.

#### **Measures taken by the Government to support, advance and disseminate science and culture**

425. The Government of Burundi has a department for scientific research, within the Ministry of National Education, working under the auspices of the Directorate-General of Higher Education and Scientific Research. The University of Burundi, the only public university, is the only institution with a department for scientific research, but its terms of reference differ from that of the ministerial department.

426. About ten private universities have been set up over the course of the past decade, contributing to the dissemination of knowledge and culture and providing the obvious benefit of relieving the pressure on the University of Burundi, which was stretched to breaking point. Graduates of these private institutions are already present on the labour market.

427. As a further contribution to the spread of knowledge, the public authorities have set up colleges in the communes in an attempt to bring schools closer to students and thus resolve the problem of the low rate of access to State secondary education. The authorities have also authorized the creation of private primary and secondary schools; students completing studies in these schools are entitled to take part in the national tests and competitions held at the conclusion of the primary and secondary levels, provided they meet the conditions laid down by the General Inspectorate for Education. The system is subject to statutory regulation.

**Legal, administrative and judicial measures to ensure respect and protection for the freedom essential for scientific research and creative activity**

428. The social and political crisis that Burundi has recently experienced has had a negative impact on research; it is, however, fair to say that some research has been done and results have been achieved. The primary objective has, of necessity, been to restore peace.

429. There are no restrictions on information exchange between researchers, writers, artists and others, or between the latter and their research institutions, so long as the rights of a third party are not violated, and provided they comply with the internal rules of the institution they have signed up to.

430. Burundi lacks the resources to support budding scholars, and the same is true in relation to professional associations, trades unions and organizations concerned with research and creative activities. The national education sector has modest resources which have been allocated to the academic and scientific research directorate of the University of Burundi. The health sector is also supported through the National Institute of Public Health. It must be acknowledged, however, that the funding allocated to research is minimal.

431. Workers' associations are supported by being given official recognition, by enhancing their capabilities through training and by involving them in the management of their sector.

**Measures to promote scientific and cultural cooperation**

432. The ratification by Burundi of the abovementioned international conventions of UNESCO has removed possible barriers and given it the right to participate at regional and international level and in cultural and scientific exchanges.

433. Scholars, writers, artists and researchers have opportunities to take part in symposia, seminars and cultural events related to their activities to the extent that the national budget permits. On occasions where participation is absolutely essential, some partner agencies of the United Nations may provide support to the Government. It goes without saying that the main factor which limits participation by Burundian representatives is the lack of financial resources, which often prevents the country both from sharing its own experience and from learning from others.

434. For some 13 years, for researchers as for artists and performers, the main barrier to fulfilling their potential has been the war. An equally significant challenge has been the "brain drain" of researchers to countries offering better funding for research and better remuneration.

435. The main international partner in the preservation of cultural rights is UNESCO, but bilateral partners also occasionally provide specifically-targeted support.

436. In conclusion, Burundi is glad to report that, since the Covenant was ratified, no piece of legislation or national policy or measure has prejudiced the cultural rights for which it provides. While this document is merely an initial report, further reference material exists in the form of the universal periodic review and other sectoral reports already produced by Burundi.

**General conclusion**

437. The adoption by Burundi, without reservations, of the International Covenant on Economic, Social and Cultural Rights was the first expression of the national determination to improve the general living conditions of the population. As the report's content has

shown, a great deal of progress had been achieved in spite of the difficult social and political conditions under which many policies and programmes have been pursued during more than 13 years of war. That is also the reason why the report has been submitted rather later than recommended.

438. The report provides an overview of conditions in Burundi in relation to the right to work and to decent working conditions, workers' right to social protection, the rights to health, food, housing and education at all levels, and the right to play an effective part in cultural life.

439. In terms of both the individual articles of the Covenant and of the progress made, it must be said that Burundi has embarked on sufficient encouraging initiatives.

440. The period at which this report is being drafted will be critical in meeting the remaining challenges posed by the Covenant. It comes at an important juncture in the political life of the nation, when preparations are in train for elections which will decide the democratic future of the country over the next five years. Those elections will in particular determine the socioeconomic and cultural path that Burundi will follow.

## Annex

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