



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties
under article 18 of the Convention on the Elimination
of All Forms of Discrimination against Women**

**Combined second, third and fourth periodic reports of
States parties**

Burundi*

* The present report is being issued without formal editing.
For the initial periodic report submitted by the Government of Burundi see CEDAW/C/BDI/1,
which was considered by the Committee at its twenty-fourth session.



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Acronyms and abbreviations

ABUBEF	Family Welfare Association of Burundi
ADDF	Burundian Association for the Defence of Women's Rights
AFJ	Association of Women Jurists
AGEI	African Girls' Education Initiative
ANSS	National Association for People Living with HIV/AIDS
ASAP	Support for the Public Administration Sector
BCB	Credit Bank of Bujumbura
BGF	Management and Finance Bank
BRB	Bank of the Republic of Burundi
CAFOB	Collective of Women's Associations and NGOs of Burundi
CDF	Family Development Centre
CECM	Savings and Credit Union Bank
CNLS	National Anti-AIDS Council
CNRS	National Commission for the Rehabilitation of <i>Sinistrés</i>
CPDHPG	Centre for the Promotion of Human Rights and the Prevention of Genocide
CSA	Arusha Agreement Implementation Monitoring Committee
DPAE	Provincial Department of Agriculture and Livestock-Raising
ENS	École Normale Supérieure (Teachers' College)
FAWE	Forum for African Women Educationalists
IFAD	International Fund for Agricultural Development
FPHU	Urban Housing Promotion Fund
FVS	Families Against AIDS
IDEC	Economic Development Institute
IEC	Information, education and communication
INSP	National Institute of Public Health
ISGE	Higher Institute of Business Management
STD	Sexually transmitted disease
MASPF	Ministry of Social Action and the Advancement of Women
MPDR	Ministry of Development Planning and Reconstruction
MSF	Médecins Sans Frontières (Doctors Without Borders)
MSP	Ministry of Health
NGO	Non-governmental organization

ONUB	United Nations Operation in Burundi
PNLS	National Anti-AIDS Programme
PNSR	National Reproductive Health Programme
PSI	Health Information Project
PMTCT	Prevention of mother-to-child transmission
SWAA	Society for Women and AIDS in Africa
GER	Gross enrolment ratio
NER	Net enrolment ratio
TPO	Transcultural Psychosocial Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
OPEC	Organization of the Petroleum Exporting Countries
DFID	Department for International Development

Summary

Burundi's initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was prepared immediately after the establishment of the post-transition institutions provided for in the Arusha Peace and Reconciliation Agreement for Burundi, signed on 28 August 2000. In addition, it was prepared at a time when the country was emerging from the longest and deepest crisis in its history. Today, Burundi is in a situation between peace and war because the Parti pour la libération du peuple Hutu — Forces nationales de libération (PALIPEHUTU-FNL) movement continues to wage war in some districts, but also because the country is suffering from a severe deterioration in socio-economic conditions.

Despite the gaps that remain in the Convention's implementation, progress has been made since the initial report was analysed in January 2001. Government authorities have continued to strive to advance the status of women and respect for women's rights. The Burundian Government has paid particular attention to the Committee's recommendations, especially in connection with efforts to combat HIV/AIDS and to promote sex education for young people. The pandemic has begun to subside thanks to these efforts.

At the constitutional level, the Convention has been made an integral part of the Constitution of the Republic of Burundi, with the result that the implementation of all its provisions is easier to monitor. Failure to observe those provisions will henceforth be tantamount to a violation of the Constitution.

With respect to decision-making bodies, there is a 30-per-cent quota for women's participation in the Parliament and the Government, which has appointed women to senior posts.

The Government's clear policy of reducing gender disparities at all levels of education and training has resulted in an increase in girls' gross and net enrolment ratios. Their enrolment ratios in secondary and higher education has risen as well. The provision of primary education free of charge will undoubtedly bring about further increases in girls' enrolment ratios.

Progress has also been observed in the area of employment, although disparities remain and are primarily linked to the delays in girls' education.

In terms of health, the maternal mortality rate has begun to decline slightly, while the number of births attended by skilled personnel is rising.

With respect to the economy, the Interim Strategic Economic Recovery and Poverty Reduction Framework includes a particular focus on women. The Government of Burundi has not neglected the concerns of rural women, as shown by its activities to raise awareness of reproductive health issues, provide training for groups of producers, promote income-generating activities under all projects and extend microcredit.

With respect to the institutional machinery for the advancement of women's rights, synergies have been created through the dissemination of the Convention in collaboration with other stakeholders, spreading awareness of women's rights. This enabled many more women to run for office in the various elections that took place recently.

As regards the commitments undertaken at the various international conferences and summits organized by the United Nations, the Government of Burundi has drawn up programmes and plans of action in relation to the International Conference on Population and Development, the Fourth World Conference on Women, the World Education Forum and the Millennium Summit, among others. The most notable progress has been made in promoting girls' education, gender equality, reproductive health and women's empowerment.

The Government of Burundi acknowledges the gaps that remain in the Convention's implementation, and is resolved to eliminate them. Priority will be given to the laws on inheritance, marital property and gifts, the bankruptcy law and the law on the protection of persons living with HIV/AIDS; all these texts are currently before Parliament.

The Government is further resolved to initiate reforms of the Labour Code, the Family Code, the Penal Code, the Nationality Code and the Tax Code to make them consistent with the Convention. It also pledges to maintain and even increase the momentum of its efforts to promote girls' education and women's access to high-ranking posts and decision-making bodies. Special attention will be paid to rural women.

Introduction

1. On 4 April 1991, Burundi ratified without reservation by Decree-Law No. 1/006 the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by General Assembly resolution 34/180 of 18 December 1979 and entered into force on 3 September 1981. The initial report was presented on 17 January 2001. The Convention is an integral part of Burundi's written law. Despite the political and socio-economic difficulties that the country has been facing for decades, efforts are being made to implement the rights protected under the Convention and even other rights.

2. Burundi, which has repeatedly experienced socio-political crises since gaining independence on 1 July 1962, has been mired in its most profound crisis since 21 October 1993. In addition to claiming thousands of human lives, this crisis has triggered displacement, wrought destruction and inflicted suffering. Burundian women have been the hardest hit; in addition to losing their family members, they have been forced to live in conditions of indescribable deprivation and overcrowding, and have suffered assaults on both their physical integrity and their self-respect.

3. The effects of this crisis have been exacerbated by the freeze since 1994 of cooperation and the economic embargo imposed by Burundi's neighbours in the wake of the coup d'état of 25 July 1996. Inter-Burundian peace negotiations involving the Government, the National Assembly, recognized political parties and certain armed groups were held both in the country and abroad, which resulted in the signing of the Arusha Peace and Reconciliation Agreement for Burundi at Arusha on 28 August 2000. The Agreement notwithstanding, the war continued; a transitional Government for an initial period of 36 months subdivided into two periods was established on 1 November 2001.

4. The primary mission of the transitional Government was to negotiate a ceasefire, undertake the institutional reforms provided for by the Agreement and conduct elections at the *colline*, commune, legislative and presidential levels. Unfortunately, it failed in its negotiations with the Parti pour la libération du peuple Hutu — Forces nationales de libération (PALIPEHUTU-FNL) led by Agathon Rwasa, which is still waging war.

5. Since November 2001, when the Arusha Agreement came into force, the Government of Burundi had been involved in ceasefire negotiations as well as implementing the reforms called for in the Arusha Agreement with the support of the international community, guarantor of the application of the Arusha Agreement, and under the watchful eyes of all the political parties with a stake in the end of the transition.

6. The transitional institutions have been phased out following the investiture on 26 August 2005 of Mr. Pierre Nkurunziza, who was President of the Conseil national pour la défense de la démocratie-forces pour la défense de la démocratie (CNDD-FDD), a former armed group which is now a political party. The international community has just expressed its support for the new Government and the Bretton Woods institutions have promised to ease the country's debt by putting Burundi into the category of heavily indebted poor country.

7. It was in this post-crisis context that the periodic report on the implementation of the Convention was prepared. The country is still hovering between war and peace, but with considerable hope for peace. While there has certainly been progress in some areas, others still leave much to be desired.

8. This report has been prepared pursuant to Burundi's legal obligation under the Convention. It is in four parts:

- I. General information on Burundi;
- II. Follow-up to the Committee's comments and recommendations on the initial report;
- III. Review of progress in the implementation of the Convention;
- IV. Measures to implement outcomes of United Nations conferences, summits and reviews.

Part One

General information

1.1. Background

9. Burundi, a landlocked Central African country, has an area of 27,834 km². It is bordered by Rwanda to the north, the Democratic Republic of the Congo to the west and the United Republic of Tanzania to the south-east.

10. Burundi's population was estimated, according to the 2004 partial census, at 7.3 million, with women accounting for 52 per cent. With a population growth rate of 3 per cent and a population density of 239 inhabitants per square kilometre, Burundi is one of the most densely populated countries in Africa. The entire population speaks the same language: Kirundi.

11. Burundi depends heavily on agriculture, which accounts for the bulk of gross domestic product (GDP), and is mainly in the hands of women, who are still using archaic methods. Burundi is one of the three poorest countries in the world, with an annual per capita income estimated at US\$ 110 in 2002; it was US\$ 210 in 1993¹ and is currently much lower.

1.2. Economic and social context

12. The country's economic situation is characterized by a decline in production and revenues, rising prices, dwindling public resources, the freezing of international assistance (during the 1993-2002 period, official investment assistance declined from an annual average of nearly \$300 million to less than \$100 million), shrinking investments, and accumulation of both domestic and external deficits totalling \$148.5 million in 2002. GDP fell by 20 per cent between 1993 and 2002. There is increased poverty, with the proportion of people living below the poverty line rising from 35 per cent in 1992 to 67 per cent in 2002. The quality of and access to basic social services have also deteriorated.

¹ 2004 report on the Millennium Development Goals.

13. There is a considerable social breakdown in Burundi, resulting in the emergence of a new social category, “*sinistrés*” (survivors); the vast majority are women and children heads of household who were unprepared for such a role, which is difficult to play in such precarious circumstances. The precarious social situation is also exacerbated by the high prevalence of the AIDS pandemic, the destruction and lack of maintenance of community infrastructure, and a large number of conflict victims, internally displaced persons and refugees. This crisis has also brought about a considerable increase in the number of orphans and street children. The gradual improvement in security has triggered a massive return of refugees, although there is unfortunately a dearth of infrastructure to accommodate them.

1.3. Political context

14. The political situation has evolved considerably since the signing of the Arusha Peace and Reconciliation Agreement for Burundi. A 36-month transition period divided into two 18-month periods was established. The first period, which started on 1 November 2001, ended smoothly on 30 April 2003. The second period, which was expected to end on 31 October 2004, was extended for 10 months and ended on 26 August 2005 with the investiture of President Pierre Nkurunziza.

15. It was during the second period of transition that a definitive ceasefire agreement was signed at Dar-es-Salaam on 16 November 2003 with the main armed movement, CNDD-FDD, led by Pierre Nkurunziza. The movement then joined the Government and all the transitional institutions as well as the new defence and security force which was being established. An Integrated General Staff of the police and army was established. The new Burundi National Defence Force (BNDF) is made up of the former national armed forces and elements of the former armed groups.

16. Elements who were found ineligible to join BNDF are being demobilized. Former rebel group combatants and former *Gardiens de la paix* elements employed by the Ministry of the Interior and child soldiers are also included in the demobilization exercise. Broadly speaking, apart from some communes that are still under the influence of Agathon Rwasa’s PALIPEHUTU-FNL, there is security in large parts of the country.

17. The Independent Electoral Commission has just successfully conducted elections. Elections at the commune and *colline* levels were conducted for the first time in Burundi; legislative (members of Parliament and senators) and presidential elections were also organized. All but one of these elections — the *colline*-level elections, which were devoid of political connotations — were won by the CNDD-FDD party of Pierre Nkurunziza. It should be noted that the elections took place in a context of stepped-up efforts to popularize the Convention and the active involvement of Burundian women in politics. Women are now key players at all levels.

18. The new Government inherited a difficult socio-economic situation and it will have to negotiate with Agathon Rwasa’s PALIPEHUTU-FNL. It is committed to combating all forms of violence, including violence against women. It is committed to restoring the rule of law, including by combating impunity and fraud.

1.4. Legal context

19. This periodic report has been prepared at a time when Burundi has just adopted a revolutionary constitution on the status of women. It combines elements of the 1992 Constitution, which ushered in democracy, and the Arusha Peace and Reconciliation Agreement for Burundi. Article 19 incorporates the Convention on the Elimination of All Forms of Discrimination against Women and all the other international human rights instruments.

20. However, Burundian legislation still contains some discriminatory laws. They are:

- The Nationality Code, which does not allow Burundian women married to foreigners to pass on their nationality to their children or husbands;
- Inheritance, matrimonial regimes and gifts, which are still governed by customary law that discriminates against women;
- The Code of the Person and the Family, which should be revised, especially article 126, to provide for spousal consent for any act to dispose of common property, and article 88, to make the legal age of marriage the same for men and women;
- The Labour Code, which should be revised to bring the private sector's legislation, especially with respect to paid maternity leave, in line with the Convention;
- The Tax Code, under which a married woman is taxed as a single person without dependants;
- The Penal Code with respect to adultery.

Part Two

Follow-up to the recommendations made by the Committee on the Elimination of Discrimination against Women following the submission of the initial report

21. When Burundi presented its initial report, the Committee asked a number of questions on policies and programmes for rural women, the dissemination of the Convention, abortion, women's freedom of expression, violence against women, girls' education, the budget breakdown, women in prisons, employment, prostitution, marriage and the nationality of children with unknown fathers. After the Burundian delegation had answered all these questions, the Committee made concluding comments and recommendations in the following areas.

2.1. Concluding comments

The Committee made comments in the following areas.

2.1.1. *Difference in marriage age between women and men*

22. Under article 88 of the Code of the Person and the Family, the legal age of marriage is 18 years for women and 21 years for men except in case of force majeure, where the provincial governor may grant an exemption to those who have

not yet reached that age. This provision is based both on customary law and on population-related concerns.

23. Prior to 1 April 1980, when the Code of the Person and the Family was promulgated, matters in that area were governed by custom. A girl could be married at puberty, which she could reach as early as 12 years of age depending on her environment or nutrition. Given the inward-looking orientation of girls' education, society felt that at that age a girl could fulfil what it viewed as her proper role in childbearing, household work and obedience to her husband and in-laws. Boys could also marry as early as puberty.

24. In establishing the age difference, the 1980 legislature also took into account that girls mature earlier than boys. The legislature of 1993 did not wish to change the age out of concern at the population explosion in Burundi. Allowing boys to marry at age 18 might encourage them to procreate even more. As there have been no complaints on this issue, Burundi maintains this distinction.

2.1.2. *The husband as head of household*

25. This authority is granted to the husband by article 122 of the Code of the Person and the Family. In this role, the husband is supported by his wife, who takes his place in the event of his absence or incapacity. It originates in the patriarchal organization of Burundian society.

26. Nevertheless, neither Burundian society nor the law authorizes or tolerates abuse in the exercise of this authority. The major difficulty is that women do not know their rights (abuse can lead to loss of this authority). All that is required is for the woman to report it, which unfortunately is a rare occurrence.

27. The Government of Burundi is aware of the abuse perpetrated by some men. Therefore, in its programme to combat poverty, it has included among its priorities promoting access by women to means of production, for instance land, and control and decision-making power in the management of the household property.²

2.1.3. *The penalization of adultery much more severely for women than for men*

28. The crime of adultery is much more serious for women than for men (article 363 of the Penal Code): "A wife convicted of adultery shall be subject to a fine of one thousand to ten thousand francs. A husband convicted of adultery shall be subject to the same fine, if the circumstances surrounding the adultery render it a serious offence". This differential treatment originates in Burundian culture, which tolerated certain behaviour from men, affirming that the bull, meaning the man, may mate with any cow (*impfizi ntiyimirwa*), that the woman belongs to the family (*umugore n'uw'umuryango*), etc. Nowadays this culture is disappearing, especially since 1993, when the legislature recognized the same grounds for divorce for women and men.

29. The Burundian Penal Code now in effect dates from 4 April 1981, before the revision of the Code of the Person and the Family. The Government of Burundi is aware of the need to amend it. A draft revision of this Code has reached an advanced stage; the revision reflects human rights and gender equality in accordance with the National Gender Policy, especially during a time when the HIV/AIDS pandemic is

² Interim Strategic Economic Recovery and Poverty Reduction Framework.

ravaging the country. Nothing must be left to stand that could encourage licentiousness.

2.1.4. The extent of sexual and domestic violence

30. Sexual violence, more specifically rape, as well as domestic violence, represents a problem of public health and safety. The extent of such violence is of concern, especially in rural areas. The Government has mobilized the Administration from top to bottom, as well as the police force, to stem this scourge. The progress made will be described under article 12 of the Convention.

2.2. Recommendations

The Committee made recommendations in the following areas.

2.2.1. Human rights education: a Government priority

31. For several years, human rights education has been a priority for the Government of Burundi. Accordingly, the Ministry of Human Rights and the Centre for the Promotion of Human Rights and the Prevention of Genocide have been strengthened. The mission of this Centre is to train and inform all social classes about their rights, disseminating information on the laws and international conventions ratified by Burundi, in order to make respect for human rights effective.

32. The Government of Burundi has also set up a governmental Commission on Human Rights that is responsible, inter alia, for the protection of individuals who are victims of human rights violations. The Government of Burundi has received support in those efforts from certain United Nations agencies, in particular the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the human rights section of the United Nations Operation in Burundi (ONUB), the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

33. The Government also collaborates with human rights leagues and civil society associations for the protection and promotion of human rights. A significant number of actors have contributed to the dissemination of the Convention,³ some of which have branches throughout the country. The Convention's dissemination has had a highly positive impact. The Government Action Observatory monitors Government lapses very closely, which requires it to take the necessary precautions and keep a watchful eye on its agents.

2.2.2. Establishment of post-trauma counselling centres

34. The crisis that Burundi has just undergone has had many negative effects, including trauma, which is a new phenomenon. The Government of Burundi is aware of the problem; therefore its governance programme supported by UNDP, particularly its gender component, plans to establish multidisciplinary centres in the four regions of the country. In its programme, UNICEF has detraumatization activities in the schools. Such NGOs as the Society for Women and AIDS in Africa (SWAA), the Transcultural Psychosocial Organization (TPO) and Médecins sans

³ The list of actors is found in the annex.

Frontières (MSF) Belgium also contribute to these activities. The plan to combat HIV/AIDS also includes psychosocial care in its programmes.

2.2.3. Efforts to combat HIV/AIDS

35. The HIV/AIDS epidemic, which was declared in Burundi in 1983, has continued to spread over the past two decades. Seroprevalence of HIV/AIDS was evaluated at 4 per cent in 2002. In order better to address the problem, Burundi established a Minister in the President's Office in charge of AIDS control and also established a new institutional framework for better cross-sectoral management and coordination in order to create the synergies required by the ambitious National Strategic Plan 1999-2003 launched in 1999.

36. The establishment of the Ministry in charge of AIDS control and the changes in the institutional framework have been accompanied by the adoption of a new Action Plan for the period 2002-2006 with 16 programmes.⁴

- *Programme No. 1 — Reduction of high-risk behaviours through information, education and communication (IEC) measures:* its objective is to reduce high-risk behaviours by 80 per cent by 2006 through IEC activities with vulnerable groups, including youth, *sinistrés*, the uniformed services, women with multiple partners, prisoners, individuals living apart from their families to work and persons living with the virus.
- *Programme No. 2 — Promotion of condom use:* promotion of access to and use of condoms has come up against major sociocultural and religious obstacles. In the social-behavioural survey conducted in 2001, 42.6 per cent of adults reported using condoms even in sexual relations with an occasional partner. The National Anti-AIDS Council (CNLS) and the National Reproductive Health Programme (PNSR) make condoms available to national actors and the Health Information Project (PSI) monitors their quality.

This programme targets in particular young men and women, uniformed servicemen, prostitutes and displaced persons.

Distribution of condoms in Burundi, 2002-2004⁵

<i>Institutions</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
PNSR/PNLS/CNLS	3 344 311	4 768 346	6 616 729	14 929 386
PSI Burundi	1 252 240	2 158 579	2 240 400	5 651 219
Other	350 000	115 859		465 859
Total	5 146 551	7 042 784	8 857 129	21 046 464

(Also includes female condoms)

⁴ National Action Plan to Combat AIDS.

⁵ 2003 epidemiological bulletin and CNLS.

The execution of programmes 1 and 2 places particular emphasis on sex education, particularly for young women and men.

- *Programme No. 3 — Voluntary screening and counselling;*
- *Programme No. 4 — Early STD diagnosis and treatment;*
- *Programme No. 5 — Reduction of risk of blood-borne HIV/AIDS transmission;*
- *Programme No. 6 — Prenatal screening and prevention of mother-to-child HIV/AIDS transmission;*
- *Programme No. 7 — Psychosocial care;*
- *Programme No. 8 — Treatment of opportunistic infections;*
- *Programme No. 9 — Antiretroviral treatment;*
- *Programme No. 10 — Promotion of the rights and protection of persons living with HIV/AIDS and vulnerable groups;*
- *Programme No. 11 — Care of AIDS orphans;*
- *Programme No. 12 — Income-generating activities for persons living with HIV/AIDS and the most disadvantaged groups;*
- *Programme No. 13 — Strengthening of the system of information monitoring, gathering and management;*
- *Programme No. 14 — Strengthening planning and monitoring capacity of decentralized programmes;*
- *Programme No. 15 — Strengthening the capacity of national, regional and local associations and NGOs;*
- *Programme No. 16 — Strengthening of the National Anti-AIDS Council (CNLS).*

37. The main funding sources for combating HIV/AIDS are the World Bank, the Global Fund, the Department for International Development (DFID), France, Belgium, Italy and United Nations agencies. For the period 2002-2004, these programmes required a budget of US\$ 110,835,754. Unfortunately, only US\$ 29,069,478, or 44 per cent of the projected amount, could be mobilized.

38. The Interim Strategic Economic Recovery and Poverty Reduction Framework addresses HIV/AIDS extensively as its priority number 5.

39. The efforts made allowed Burundi to raise its performance to rank 16th among African countries according to the 2004 report of UNAIDS. Nevertheless, the Burundian Government has faced budget constraints in its efforts to combat this scourge.

This is the situation regarding the Committee's concerns and recommendations.

Part Three

Specific information on the implementation of each article of the Convention on the Elimination of All Forms of Discrimination against Women

3.1. Institutional and legal framework guaranteeing equal rights

Article 2 of the Convention

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

3.1.1. Constitutional and legal framework

40. The Convention is now an integral part of the Constitution of Burundi, in the words of article 19: “The rights and duties proclaimed and guaranteed inter alia by the Universal Declaration of Human Rights, the International Covenants on Human Rights, 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 shall not be limited or derogated

from, except in justifiable circumstances in the general interest or for the protection of a fundamental right”.

41. Article 13 of the Constitution of the Republic of Burundi stipulates: “All Burundians are equal in value and dignity. All citizens are entitled to equal rights and to equal protection of the law. No Burundian shall be excluded from the social, economic or political life of the nation on account of her/his race, language, religion, **gender**, or ethnic origin”.

42. Article 22 of the Constitution of the Republic of Burundi stipulates: “All citizens shall enjoy equal protection of the law, as well as equal treatment under the law. No one may be discriminated against, inter alia, on grounds of origin, race, ethnicity, **gender**, colour, language, social situation, or religious, philosophical or political convictions, or by reason of a physical or mental handicap or infection with the HIV/AIDS virus or any other disease”.

43. The Arusha Agreement provided for many legal reforms, some of which were aimed at improving the status of women through reform of the Code of the Person and the Family and laws regarding inheritance, marital property schemes and gifts, an area still governed by custom which discriminates against women. Draft amendments and laws were developed but unfortunately it was not possible for Parliament and the Government to consider them because of a full political agenda. During the current term, the Government has made a commitment to give them priority.

3.1.2. *Institutional framework*

44. The Ministry of Social Action and the Advancement of Women and the Ministry of Human Rights, Institutional Reform and National Assembly Relations have been reformed and consolidated into one, called “Ministry of National Solidarity, Human Rights and Gender”.

45. Activities of the Ministry for the Advancement of Women have been strongly supported by human rights leagues and national and international NGOs for the protection of human rights in general and women’s rights in particular, as well as several United Nations organizations and agencies: UNDP, the United Nations Development Fund for Women (UNIFEM), UNICEF, the United Nations Population Fund (UNFPA), OHCHR, ONUB, etc.

3.2. **Measures taken to establish equality between men and women**

Article 3 of the Convention

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

46. In order to guarantee equality between men and women, the Government of Burundi has taken measures and developed policies to guarantee progress in the exercise of human rights and fundamental freedoms on an equal basis.

47. One of these policies is the National Gender Policy, whose primary purpose is to combat the different types of discrimination and inequality affecting women in order to achieve equality between the sexes. The National Gender Policy was adopted by the Council of Ministers in December 2003.

48. To implement the Policy, the Government drew up and adopted a plan of action. Today, the sectoral policies of all the ministries are being revised to incorporate the gender perspective; a handbook has been prepared for this purpose. 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 Secretariat of the National Gender Council, among others.

49. The National Gender Council is a consultative body that will bring together all stakeholders in the field of promoting gender equality in order to better coordinate the actions taken in all areas.

50. The implementation of the National Gender Policy involves all political stakeholders, including the Parliament, the various sectors of public life, territorial administrations and the national commissions established under the Arusha Peace and Reconciliation Agreement for Burundi, whose composition reflects gender balance and which are referred to in the Constitution of the Republic of Burundi. Civil-society organizations and all development partners will also be involved.

3.3. Measures taken to establish de facto equality

Article 4 of the Convention

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

51. De facto equality between girls and boys and between women and men cannot be achieved unless disparities in education are eliminated. Successful efforts have been made in this regard since the consideration of the initial report. Since 1999, the sectoral policy of the Ministry of Education has included efforts to increase girls' school enrolment and the participation of women professionals in various decision-making posts within the Ministry.

52. The Government of Burundi has officially launched the girls' education movement. In 2002, the Ministry of Education, in its sectoral policy, affirmed that the issue of equity in education should also be viewed in terms of gender imbalances. To correct these imbalances, the Ministry of Education established a girls' enrolment unit, offered scholarships to the best candidates irrespective of gender and endorsed the African Girls' Education Initiative (AGEI).

53. As a result of these measures, the gross enrolment ratio (GER) for girls rose from 39 per cent in 1996 to 67.3 per cent in 2002, while the net enrolment ratio (NER) rose from 30 per cent to 50.4 per cent. The gap between girls' and boys' enrolment, which had amounted to 18 per cent in 1997, had narrowed to 6.4 per cent by 2002.

3.4. Measures taken to eliminate prejudices and customary practices harmful to women

Article 5 of the Convention

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

54. The status of Burundian women reflects the patriarchal organization of society, as a result of which girls' education is inward-looking while boys' education is outward-looking.

55. Changing a society that has been organized this way for thousands of years is not easy, but the Government of Burundi has made efforts and progress in this regard since the consideration of the initial report on the Convention's implementation. The Arusha Peace and Reconciliation Agreement and all its protocols provided for the introduction of many reforms aimed at eliminating prejudices against women. In all the relevant legislative and regulatory provisions, the correction of ethnic imbalances, which was identified as one of the solutions to the Burundian conflict, has gone hand in hand with the correction of gender imbalances.

56. Seminars have been held for parliamentarians and members of other decision-making bodies to raise their awareness of gender issues. A parliamentary standing committee has been established, known as the Gender, Equal Opportunity and Child Protection Committee.

57. The *Ubushingantahe*, a traditional institution for the peaceful settlement of disputes, used to exclude women; now, however, it has begun to be extended to women. With the dissemination of the Convention, the organization of training sessions on gender equality and, in particular, the increased political participation of women, prejudices, customary practices and stereotypes concerning women have diminished markedly, although traces of them still remain.

3.5. Traffic in and prostitution of women

Article 6 of the Convention

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

58. Since the initial report was considered, there has been no change with respect to the persistence of war and the impoverishment of families. The crisis in which the country has been mired for 12 years has led to a severe erosion of moral standards. The presence of Government armed forces and armed rebel groups all over the country has worsened the situation. Today, the presence of peacekeeping forces with money to spend is compounding the problem.

59. The crime of rape used as a means of warfare has been defined as a crime against humanity by Law No. 1/004/2003 penalizing the crime of genocide, war crimes and crimes against humanity, in particular article 4 (B) (u), which provides that “war crimes shall include ... other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely any of the following acts:

... (u) rape, sexual slavery, enforced prostitution, enforced sterilization or any other form of sexual violence constituting a grave breach of the Geneva Conventions”.

60. The Government of Burundi is currently drawing up a plan of action to combat violence against women. The child protection police unit has been strengthened and is headed by a woman. The Government, radio stations and national and international NGOs have waged an extensive awareness-raising campaign on the dangers of prostitution.

3.6. Political and public life

Article 7 of the Convention

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

61. Article 4 of the Electoral Code of the Republic of Burundi (20 April 2005) provides that “‘Voters’ means Burundian citizens of either sex who are at least 18 years of age on the date of the election, whose exercise of their civil and political rights is not restricted and who are not otherwise disqualified from voting under the present Code”.

62. Article 51 of the Constitution of 18 March 2005 provides that “All Burundians have the right to participate, either directly or indirectly through their representatives, in the direction and management of affairs of State, subject to the relevant legal conditions, particularly those related to age and competence. All Burundians also have the right to perform public functions in their country”.

63. Article 129 (1) of the Constitution of the Republic of Burundi provides that “The Government shall be open to all ethnic groups. Hutu ministers and deputy ministers shall constitute not more than 60 per cent of the total, and Tutsi ministers and deputy ministers shall constitute not more than 40 per cent of the total. Women shall constitute at least 30 per cent of the total.”

64. Article 164 (1) and (2) provides that “The National Assembly shall consist of at least 100 deputies, of whom 60 per cent shall be Hutu and 40 per cent shall be Tutsi, and of whom at least 30 per cent shall be women, elected by direct universal suffrage for a five-year term, in addition to three deputies of the Twa ethnic group co-opted in accordance with the Electoral Code. In cases where the outcome of the voting does not reflect the above-mentioned percentages, the resulting imbalances shall be corrected by means of the co-optation mechanism provided for in the Electoral Code”.

65. Lastly, article 180 (4) of the Constitution provides that “Women shall constitute at least 30 per cent of the total. Practical arrangements for achieving this, including co-optation where necessary, shall be laid down in electoral legislation”.

66. Thanks to these constitutional provisions and the Government’s commitment, the participation of Burundian women has taken a giant step forward. For the first time in its political history, Burundi has a woman Vice-President of the Republic for social and economic issues and a woman President of the National Assembly, as well as two women Vice-Presidents of the Senate.

Rates of women's parliamentary participation⁶*National Assembly*

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>
2001	157	37	195	19.14
2003	175	45	218	19.17
2005	82	36	118	30.15

Senate

<i>Year</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>
2001	44	10	54	18.15
2005	33	16	49	32.16

67. Women have also gained access to ministerial portfolios that are much more high-profile than those traditionally assigned to them. Women now head the Ministry of Foreign Affairs and International Cooperation; the Ministry of Development Planning and National Reconstruction; the Ministry of Justice; the Ministry of Trade and Industry; the Ministry of Territorial Development, Tourism and the Environment; the Ministry of National Solidarity, Human Rights and Gender; and the ministry of anti-AIDS efforts.

Summary of women's participation in decision-making and other high-level posts

<i>Post</i>	<i>2001-2003</i>				<i>2005</i>			
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>
Minister	22	4	26	15.3	13	7	20	35
Chef de cabinet	23	3	26	11.5	17	3	20	15
Director-General	44	4	48	8.3	44	4	48	8.3
Provincial governor	17	0	17	0	13	4	17	23
Communal administrator	127	2	129	1.5	112	17	129	13.1
National Commission for the Rehabilitation of <i>Sinistrés</i>	22	6	28	21	22	6	28	21
Arusha Agreement Implementation Monitoring Committee	23	6	29	20.6	0	0	0	0
Electoral Commission					3	2	5	40
Central Bank Governor	3	1	3	33.3	2	1	3	33.3
General Administrator/Director	7	0	7	0	7	0	7	0

68. The Arusha Agreement Implementation Monitoring Committee was recently dissolved when the transition period ended. The Independent Electoral Commission, which is not a permanent body, was set up in 2005.

⁶ Records of the National Assembly and Senate of Burundi.

69. There are a number of challenges in connection with the political participation of Burundian women, the most important of which are:

- Improving women's representation at all levels of decision-making;
- Eradicating cultural barriers to women's advancement;
- Eliminating women's economic dependence.

70. **Rates of women's participation in the judiciary, 2004-2005⁷**

<i>Post</i>	<i>1998</i>				<i>2004</i>			
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>
1. Judicial Service Commission	9	3	12	25	12	3	15	20
2. Constitutional Court	4	3	7	42.9	5	2	7	28.5
3. Supreme Court	9	2	11	18.2	5	3	8	37.5
4. National Department of Public Prosecutions	7	1	8	12.5	6	0	6	0
5. Courts of appeal and administrative courts	38	4	51	7.8	24	8	32	25
6. Prosecutors' offices attached to courts of appeal	13	2	15	13.3	15	1	16	6.2
7. Courts of first instance, labour courts and commercial courts	68	24	92	26.1	160	55	215	25.5
8. Prosecutors' offices	41	8	49	16.3	94	24	118	20.3

In senior posts in the relevant departments, there are 5 women and 48 men, meaning that women account for 9.4 per cent of the total. The correction of ethnic and gender imbalances is an ongoing process that will undoubtedly succeed. For the first time, the Minister of Justice is a woman.

3.7. International representation

Article 8 of the Convention

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

⁷ Records of the Ministry of Justice.

71. Rates of women's representation in embassies⁸

<i>Post</i>	<i>2001-2002</i>				<i>2004-2005</i>			
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>
Ambassador	14	2	16	12.5	14	2	16	12.5
Counsellor	14	2	16	12.5	14	2	16	12.5

There has been no progress in terms of international representation, as women are still underrepresented. Nonetheless, given the changes under way, women's representation is likely to improve.

3.8. Nationality

Article 9 of the Convention

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

72. The Nationality Code has been changed since the consideration of the initial report. Burundian women have the same rights as men to acquire, change or retain their nationality. The changes introduced in the Nationality Code concern dual nationality, to which all Burundians who desire it, irrespective of gender, are now entitled. A child whose father is unknown or does not acknowledge paternity has the nationality of the mother.

73. Nonetheless, a Burundian woman married to a foreigner does not automatically confer her nationality upon her child or her husband. This is due, on the one hand, to the very strong attachment of Burundian men to patriarchal forms of social organization, and, on the other hand, to demographic concerns. The Government of Burundi recognizes this as an injustice which will be corrected as international human rights instruments become more broadly known.

3.9. Education and training

Article 10 of the Convention

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights

⁸ Records of the Ministry of Foreign Affairs and International Cooperation.

with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

3.9.1. Access to formal education

74. In the area of education and training, Burundi has adhered to the Universal Declaration of Human Rights, which clearly refers to the right to education in article 26. It has also ratified without reservation the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child from the World Conference on Education for All, held in Jomtien, Thailand, in 1990, to the World Education Forum, held in Dakar, Senegal, in 2000, Burundi has always accepted the objectives relative to education for all.

75. At the World Education Forum in Dakar in 2000, Burundi endorsed the objectives of education for all, in particular:

- Ensure that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;
- Eliminate gender disparities in primary and secondary education by 2015, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality.

76. Burundi has also endorsed the Millennium Development Goals, including the following:

- Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling;
- Promote gender equality and empower women; eliminate gender disparity in primary and secondary education by 2005 and if possible at all levels of education no later than 2015.

77. The Constitution of the Republic of Burundi of 18 March 2005 states in article 53 that “All citizens shall have the right to equal access to instruction, education and culture. It is the duty of the State to organize public education and promote access thereto ...”. These commitments by the Government of Burundi recently became a reality when, during his inaugural address on 26 August 2005, the President of the Republic declared that from the beginning of academic year 2005-2006, primary education would be free of charge. Today, all children of school age are enrolled, but there are still not enough classrooms and teachers.

78. The socio-political crisis which Burundi has just experienced has had a profound effect on access to education in general and on girls' access to education in particular. However, there has been an overall improvement despite persistent disparities at all levels of education.

79. The Department of Preschool Education was established in accordance with Decree no. 100/054 of 19 April 1998. Preschool is for all children ages 3 to 6, regardless of gender. Today there are three types of institutions which are responsible for early childhood education. These are:

- Preschools (*écoles maternelles*), usually housed in primary schools;
- Community day-care centres managed by the Guide Association of Burundi with support from UNICEF;
- Preschool circles (*cercles préscolaires*) managed by the non-profit organization Twitezimbere, particularly in rural areas, and by parent associations.

At the preschool level, it is estimated that girls represent 48.7 per cent of children enrolled, as compared to boys, who represent 51.3 per cent.

Number of children enrolled in 2002-2003⁹

<i>Structure</i>	<i>Number of children</i>	<i>Number of teachers</i>	<i>Ratio of children to teachers</i>
Preschools	8 859	185	48
Preschool circles	16 358	525	32
Community day-care centres	1 025	89	12
Total	26 281	799	33

80. However, preschool education is not available throughout the entire country. Preschools, day-care centres and preschool circles exist only in urban and peri-urban centres. Twitezimbere, a non-profit organization which manages early childhood education in rural areas, covers only 34 communes out of 129. The insecurity which has long prevailed in the country and the inadequate budget envelope have prevented the Government of Burundi from fulfilling its commitments.

81. There are no legal barriers to girls' access to primary, secondary or university education.

82. The obstacles to education for girls include the following:¹⁰

- The direct or indirect cost of education against a backdrop of increasing poverty, which leads parents to sacrifice the interests of girls to other priorities. Now that primary education is free, the situation will improve;
- The lack of role models in certain regions and the persistence of gender stereotypes which have a negative influence on the education of girls;
- Parental illiteracy, which has serious implications for the education of girls, who in such cases are kept at home to provide manual labour;
- The security situation, which is detrimental to girls and causes their parents to fear for their lives or fear that they may be raped;
- HIV/AIDS, which causes girls to become caretakers of the ill;
- The shortage of school infrastructure.

83. Now that Burundi has a woman Vice-President of the Republic, a woman President of Parliament, two women Vice-Presidents of the Senate and a significant number of women deputies, senators and ministers from all parts of the country, young girls now have role models, which will add impetus to the process.

84. Gender disparities in education remain considerable. Nationally, the gap is 19.6 per cent, with girls lagging behind. Analysis of this table shows that the gross and net enrolment rates (GER and NER, respectively) are increasing despite the lower levels of the net enrolment ratio.

⁹ Assessment of early childhood activities, Forum for African Women Educationalists, December 2003.

¹⁰ Sociological study on obstacles to education encountered by girls in Burundi, Ministry of Education, 2004.

Gender disparities in the gross and net enrolment ratios¹¹

	1997-1998		2000-2001		2002-2003		2003-2004	
	Boys and girls	Girls	Boys and girls	Girls	Boys and girls	Girls	Boys and girls	Girls
GER	72.5	45	68	60	77.2	66.8	81.0	70.7
NER	33	29	50.2	45	56.2	50	59.1	53.3

Note: Girls and boys = national percentage. Gender disparities in secondary education.¹²

85. Analysis of the table above indicates severe gender gaps for the four years of school under consideration, to the detriment of girls: in secondary school general studies, 42.2 per cent of students are girls, and in technical secondary schools, 33.8 per cent of students are girls. At the Technical A2, A3 and A4 levels, these gaps are immense.

¹¹ Ministry of Education, reports of the Office of School Planning.

¹² The necessity or urgency of creating vocational training centres in the formal and non-formal sectors, Ministry of Education, March 2005.

Cycle	2000-2001				2001-2002				2002-2003				2003-2004			
	Females	Males	Females plus males	% females	Females	Males	Females plus males	% females	Females	Males	Females plus males	% females	Females	Males	Females plus males	% females
Lower secondary (communal schools)	26 045	29 466	55 511	46.9	26 981	38 862	65 843	41.0	31 724	38 551	70 275	45.1	39 717	51 804	91 521	43.4
Lower secondary (public schools)	6 437	9 986	16 423	39.2	5 828	8 322	14 150	41.2	5 554	9 755	15 309	36.3	5 541	8 901	14 442	42.8
Total lower secondary	32 482	39 457	71 939	45.2	32 809	47 184	79 993	41.0	37 278	48 306	85 584	43.6	45 338	60 625	105 963	42.8
Upper secondary (communal schools)	234	697	931	25.1	316	841	1 157	27.3	910	1 371	2 281	39.9	762	1 712	2 474	30.8
Upper secondary (public schools)	4 908	9 585	14 493	33.9	6 105	6 035	12 140	50.3	3 578	8 118	11 696	30.6	4 209	9 538	13 747	30.6
Total upper secondary	5 142	10 282	15 424	33.3	5 421	7 876	13 297	40.8	4 488	9 509	13 997	32.1	4 971	11 250	16 221	41.2
Total secondary	37 624	49 734	87 358	43.1	38 230	55 060	93 290	41.0	41 766	57 795	99 561	42.0	50 309	71 875	122 184	41.2
Teacher training (for primary school) (communal schools)	434	498	932	46.6	527	539	1 066	49.4	731	668	1 399	52.3	1 208	879	2 087	57.9
Teacher training (for primary school) (public schools)	2 377	1 409	3 786	62.8	2 388	801	3 189	74.9	2 324	1 064	3 388	68.6	2 079	983	3 062	67.9
Total primary school teacher training	2 811	1 907	4 718	59.6	2 915	1 340	4 255	68.5	3 055	1 732	4 787	63.8	3 287	1 862	5 149	63.8
<i>Écoles normales</i> (secondary school teacher training) (communal schools)	37	81	118	31.4	51	157	208	24.5	135	197	332	40.7	117	529	706	25.1
<i>Écoles normales</i> (secondary school teacher training) (public schools)	663	1 035	1 698	39.0	1 346	1 700	3 046	44.2	1 400	2 268	3 668	38.2	1 609	2 414	4 023	40.0
Total <i>écoles normales</i>	700	1 116	1 816	38.5	1 397	1 857	3 254	42.9	1 535	2 465	4 000	38.4	1 786	2 943	4 729	37.8
Total teacher training	3 511	3 023	6 534	53.7	4 312	3 197	7 509	57.4	4 590	4 197	8 787	52.2	5 073	4 805	9 778	51.4
Total secondary general and teacher training education	41 135	52 757	93 892	43.8	42 542	58 257	100 799	42.2	46 355	62 083	108 438	42.7	55 382	76 680	132 062	41.9

Cycle	2000-2001				2001-2002				2002-2003				2003-2004			
	Females	Males	Females plus males	% females	Females	Males	Females plus males	% females	Females	Males	Females plus males	% females	Females	Males	Females plus males	% females
Total private sector	5 823	5 170	10 993	53.0	3 215	2 964	6 179	52.0	5 491	5 268	10 759	51.0	4 535	4 138	8 673	52.3
Total general secondary and private	46 958	57 927	104 885	44.8	45 757	61 221	106 978	42.8	51 846	67 351	119 197	43.5	59 917	80 818	140 735	42.6
Technical secondary, A3 and A4 level (following 5 years of study after primary level)	570	1 790	2 360	24.2	563	1 341	1 904	29.6	719	1 880	2 599	27.7	714	1 199	1 913	37.3
Vocational secondary A2 (upon completion of 7 years of study after primary level)	551	1 580	2 131	25.9	764	1 957	2 721	28.1	1 319	2 162	3 481	37.9	1 455	3 043	4 498	32.3
Total technical and vocational	1 121	3 370	4 491	25.0	1 327	3 298	4 625	28.7	2 038	4 042	6 080	33.5	2 169	4 242	6 411	33.8
Total education	4 807	6 129	10 937	44.0	4 708	6 451	11 160	42.2	53 884	7 139	12 527	43.0	6 208	8 506	14 719	42.2
Secondary	9	7	9		4	9	3		3	7	6		6	0	6	

Gender gaps in higher education¹³

University	1999-2000				2000-2001				2001-2002				2002-2003				2003-2004			
	Females	Males	Total	females %	Females	Males	Total	females %	Females	Males	Total	females %	Females	Males	Total	females %	Females	Males	Total	females %
University of Burundi	1 554	4 424	3 678	25.0	1 643	4 442	6 085	27.0	1 375	4 196	5 571	24.68	1 854	5 700	7 554	24.54	2 144	6 397	8 541	25.0
École normale supérieure	74	228	302	24.5	212	550	762	27.8	449	1 052	1 501	29.9	650	1 189	1 839	36.7	605	1 350	1 955	30.9
National Institute of Public Health	29	42	71	40.8	53	76	129	41.0	38	57	95	40.0	57	55	112	50.8	92	67	159	57.8
Hope Africa University	—	—	—	—	8	18	26	30.7	15	33	48	31.2	16	48	64	25.0	26	105	131	19.8
University of the Great Lakes	—	—	—	—	17	40	57	29.8	49	87	136	36.0	73	169	242	30.0	133	383	516	25.7
Higher Institute of Business Management	—	—	131	—	—	—	118	—	—	—	126	—	—	—	121	—	—	—	161	—
University of Lake Tanganyika	—	—	—	—	168	213	381	44.0	604	638	1 242	48.6	947	908	1 855	51.0	995	1 029	2 024	49.1
Martin Luther King University	47	45	92	51.0	70	62	132	53.0	49	57	106	46.2	42	53	95	44.2	185	136	321	57.6
Ngozi University	9	4	13	69.2	70	62	132	44.6	49	57	106	70.2	42	53	95	68.4	185	136	321	69.2
Grand Séminaire, Buja	—	—	—	—	0	144	144	0	1	130	131	0.7	1	143	144	0.6	1	153	154	0.6
Lumière University	—	—	—	—	—	—	139	—	—	—	177	—	—	—	288	—	—	—	657	—
University of Mwaro	—	—	—	—	—	—	—	—	9	31	40	22.5	27	78	105	25.7	33	110	143	23.0
Total	1 713	4 743	6 585	26.0	2 192	5 571	7 881	27.8	2 660	6 311	9 097	29.2	3 743	8 378	12 242	30.5	4 295	9 766	15 501	27.7

¹³ University of Burundi, private universities.

86. This table shows clear disparities detrimental to women at both the University of Burundi and private universities; in the past five years, women accounted for 26.0 per cent, 27.8 per cent, 29.2 per cent, 30.5 per cent and 27.7 per cent, respectively. No disaggregated statistics are available for the Higher Institute of Business Management (ISGE) or Lumière University. There are also disparities in all faculties of the University of Burundi.

3.9.2. Access to non-formal education

87. The 2002-2004 sectoral policy of the Ministry of Handicrafts, Vocational Training and Adult Literacy focuses on reconstruction of the physical infrastructure that has been destroyed in the three relevant sectors and on the training and social and economic rehabilitation of young people in order to promote self-employment, particularly in the handicrafts sector, in rural areas. This promotion of self-employment is carried out with no distinction of any kind.

Adult literacy rates¹⁴

<i>Year</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
1999	42.04	52.66	32.28
2000	41.99	52.71	32.20
2001	41.94	52.30	32.39
2002	42.06	54.02	32.53
2003	42.14	54.07	32.65
2004	42.16	54.02	32.73

88. This table shows real disparities between men and women, as women's literacy rate (32.73 per cent) is lower than men's (54.02 per cent). This is because the burden of household tasks does not leave women time to attend literacy centres.

89. A guidance and counselling programme for girls has already been established; it has trained five trainers and developed 10 training modules for counselling girls.

90. The Forum for African Women Educationalists (FAWE), an NGO, has launched a number of studies in the hope of changing stereotypes regarding Batwa girls and children. These include a study that focuses on identifying existing gender stereotypes in the schools, a sociological study of barriers to girls' enrolment and a study on the enrolment of Batwa children.

91. Girls and boys have the same opportunity to participate in cultural and athletic activities, as evidenced by the fact that the President of the Burundian National Football Federation is a woman.

¹⁴ Sustainable human development database, September 2005.

3.10. Employment

Article 11 of the Convention

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

92. Access to employment is a development indicator and the Interim Strategic Economic Recovery and Poverty Reduction Framework does address women's issues.

93. Its sixth strategic line of action is entitled "the participation of women in Burundi's social and economic development"; its objectives are to (i) give women greater access to education and to decision-making bodies, (ii) promote women's and children's health and (iii) promote women's access to production inputs. Pursuant to the third of these objectives, the Government of Burundi has undertaken to:

- Apply and develop egalitarian legislation, particularly regarding access to land, which can serve as collateral for borrowing financial resources;
- Increase public awareness of gender equality in order to improve women's status in the home;
- Support job creation initiatives through strengthened non-governmental associations; and
- Lighten women's workload by making appropriate technologies available.

94. Since the initial report was submitted, there has been no change in Burundi's labour law to meet the Convention's requirements. However, the existing laws guarantee men and women the same rights regarding access to employment and related benefits, with the exception of maternity leave, and efforts have been made. Article 57 of the Constitution of the Republic of Burundi states: "All equally qualified persons have the right, without discrimination of any kind, to equal pay for equal work".

95. The problem of women's access to employment is a reality; it is also related to access to secondary, technical and higher education. As stated above, in the section on article 10, the gender-related disparities in the area of education are profound and are therefore reflected in the area of employment. Nevertheless, some progress has been made and additional efforts are under way.

Number of women in selected ministries, 2004¹⁵

<i>Ministry/Office</i>	<i>Management-level officials</i>			
	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>% women</i>
President	2	5	7	28.5
Vice-President	1	5	6	16.6
Labour and Social Security	4	6	10	40
Planning	9	33	42	21.43
Foreign Affairs	14	82	96	14.58
The Interior and Public Safety	0	47	47	0
Police	1	51	52	1.92
Finance	20	55	75	26.67
Civil Service	6	16	22	27.27

¹⁵ Support for the Public Administration Sector (ASAP) Office — Gespers database.

<i>Ministry/Office</i>	<i>Management-level officials</i>			
	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>% women</i>
Human Rights	4	1	5	80
Public Works	3	59	62	4.48
Transport	0	13	13	0
Trade	6	41	47	12.77
Energy and Mines	4	74	78	5.13
Agriculture and Animal Husbandry	7	107	114	6.14
Communal Development	6	18	24	25
Land Management	6	34	40	15
Education	314	1 171	1 485	21.14
Communication	1	4	5	20
Youth, Sports and Culture	9	33	42	21.43
Public Health	9	7	16	56.25
Reintegration	3	9	12	25
Total	513	2 265	2 278	18.47

96. This table shows that far more women hold posts in the “social” fields, such as education and public health. This is, to some extent, a consequence of counselling in the secondary schools and universities. The establishment of counselling support services for girls is therefore timely.

Number of women in selected financial institutions, 2004-2005¹⁶

Bank of the Republic of Burundi (BRB)

<i>Post</i>	<i>1997</i>			<i>2004</i>			<i>2005</i>		
	<i>Men</i>		<i>Women</i>	<i>Men</i>		<i>Women</i>	<i>Men</i>		<i>Women</i>
	<i>No.</i>	<i>No.</i>	<i>% women</i>	<i>No.</i>	<i>No.</i>	<i>% women</i>	<i>No.</i>	<i>No.</i>	<i>% women</i>
Director	3	0	0	2	1	33.3	2	1	33.3
Policy adviser	4	0	0	3	1	25	3	1	25
Department head	10	7	4	11	6	35.3	11	6	35.3
Deputy department head	10	4	29	10	4	28.6	10	4	28.6
Assistant manager	59	82	58	66	78	54.2	68	72	51.4
Administrative staff	76	31	29	73	44	37.6	8	46	35.4

¹⁶ Bank of the Republic of Burundi (BRB), Credit Bank of Bujumbura (BCB), Management and Finance Bank (BGF) and Urban Housing Promotion Fund (FPHU) records.

Credit Bank of Bujumbura (BCB)

<i>Post</i>	<i>2004-2005</i>			
	<i>Men</i>		<i>Women</i>	
	<i>Number</i>	<i>Number</i>	<i>Total</i>	<i>% women</i>
Director-General	3	0	3	0
Director	3	1	4	25
Senior manager	12	1	13	7
Manager	27	12	39	30
Assistant manager	20	15	35	42.85
Administrative staff	73	62	135	45.92

Urban Housing Promotion Fund (FPHU)

<i>Post</i>	<i>2004-2005</i>			
	<i>Men</i>		<i>Women</i>	
	<i>Number</i>	<i>Number</i>	<i>Total</i>	<i>% women</i>
Director	3	0	3	0
Policy adviser	6	1	7	14
Department head	4	4	8	50
Assistant manager	21	15	36	41

Management and Finance Bank (BGF)

<i>Post</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>% women</i>
Director	2	1	3	33.3
Policy adviser	8	1	9	11.1
Department/section head	18	8	26	30.7
Assistant manager	37	25	62	40
Administrative staff	12	1	13	7

97. Highly significant progress has been achieved with respect to employment benefits. Today, women employees of all banks, including the Bank of the Republic of Burundi (BRB), are eligible for mortgages on the same basis as men, regardless of their status.

98. At present, social security covers only the formal sector. Legislation establishing a social security scheme for the informal sector has been promulgated; only the implementing regulations have yet to be adopted.

99. The National Social Security Institute (INSS) recorded the following statistics for 2002:¹⁷

¹⁷ Ministry of Social Action and the Advancement of Women: Evaluation of the dissemination of the Convention on the Elimination of All Forms of Discrimination against Women, February 2004.

- Workers covered by the social security scheme: 110,321
- Men with coverage: 97,916
- Women with coverage: 12,405

100. The following benefits were paid out in 2002:

- Old age pension: 555 men and 28 women
- Disability pension: 13 men and 0 women
- Survivor's pension: 11 widowers and 421 widows
- Hazard allowance: 170 men and 159 women

101. The low number of women who are covered by the social security scheme or receive benefits is attributable to the fact that few women hold jobs. INSS affiliates include private-sector workers, the army and the police, which employ very few women.

102. Women are increasingly represented in the field of public safety (the police and the army), which was long reserved exclusively for men. The National Police and the National Defence Forces employ women, albeit in low-ranking posts since they have only recently been eligible for such posts. Because the integration of these forces is ongoing, statistics are not yet available.

3.11. Health

Article 12 of the Convention

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

103. The 12-year war in Burundi has severely affected the health system and, by extension, access to health care for the Burundian people, especially women. Several thousand people have been compelled to flee their homes and to live in very precarious conditions. The destruction of infrastructure and the looting of health-care centres have reduced the capacity to care for the sick.

104. The Burundian Government's reduced capacity to provide health care does not reflect any gender discrimination. Public funding for the health sector is insufficient and since 1999 has never surpassed 4 per cent of the budget. The sector relies essentially on external aid and accounts for one quarter of the aid provided to Burundi.

105. The priority survey carried out between 1998 and 1999 shows that only 60 per cent of those who become ill seek treatment in a medical facility. According to the survey, 70 per cent of sick persons do not consult a doctor because they cannot afford to do so.

106. Overall, health services are in short supply. According to the database of sustainable human development indicators for 2003, there was one doctor per 38,461 inhabitants, one hospital per 200,000 inhabitants and one health centre per 12,820 inhabitants. The rate of immunization coverage was 66.7 per cent, maternal mortality was 8 per 1,000 live births and life expectancy was only 46 years.

107. The maternal mortality rate is very high owing to a lack of time and resources to ensure adequate care during pregnancy and childbirth. To remedy this problem, traditional birth attendants have been trained and supervised under the National Reproductive Health Programme (PNSR). They are regularly provided with basic equipment, which has helped to reduce the maternal mortality rate and increase the rate of assisted childbirth from 17.6 per cent in 2002 to 22.04 per cent in 2004.

108. Although the adoption of relevant legislation is still pending, since 2004 all medical coverage for civil servants, including childbirth care, has been provided by the Civil Service Mutual Insurance Company. The Government of Burundi is making every effort to facilitate access to health care. It has given health insurance cards to the at-risk population for free consultations and tax-exempt medicines, free emergency care in the event of epidemics and free treatment of tuberculosis and leprosy.

3.11.1. Reproductive health and family planning

109. In the light of the country's rapid population growth and high fertility rate (on average 6 children per woman) and in response to the recommendations of the International Conference on Population and Development, the Government of Burundi has launched a National Reproductive Health Programme (PNSR) which covers the following five areas:

- (a) Safe motherhood, involving four areas:
 - Pregnancy monitoring;
 - Outreach for assisted childbirth by a qualified professional;
 - Breastfeeding;
 - Outreach for prenatal and post-partum consultations and family planning;
- (b) Family planning;
- (c) Combating sexual abuse through training, the provision of equipment for the medical treatment of victims and the use of the media;
- (d) Emergency reproductive health care;
- (e) Combating HIV/AIDS; in this area, PSNR is operating in conjunction with the National Anti-AIDS Council (CNCS).

3.11.2. *Breastfeeding*

110. The survey conducted by PSNR in July 2002 shows that the rate of exclusive breastfeeding until the age of 4 months was 67.8 per cent in rural areas, 50 per cent in urban areas and 60.9 per cent in semi-urban areas. The rate of exclusive breastfeeding until the age of 6 months averaged 23.6 per cent. Moreover, 98.6 per cent of children were breastfed until the age of 6 months, 95.8 per cent until the age of 12 months, 71.6 per cent until the age of 2 years and 49.3 per cent beyond 2 years.

111. Women ceased breastfeeding because they either became pregnant again (47.6 per cent) or found that there was no need to continue breastfeeding (30.4 per cent). Breastfeeding has declined for social, cultural and economic reasons and because of a lack of awareness and the advertising of substitutes.

112. In the light of these circumstances and the importance of breastfeeding for the growth of the child as well as for demographic reasons, the Government of Burundi has taken steps to remedy the situation, including the organization of awareness campaigns for the promotion of breastfeeding at the grass-roots level and through the media. For this purpose, a breastfeeding awareness day was proclaimed. For mothers with nutritional deficiencies, PSNR provides dietary supplements.

3.11.3. *Nutrition status*

113. Malnutrition has been endemic in Burundi since the advent of the 1993 crisis, and it mainly affects the most vulnerable groups, including children, pregnant women and the elderly. It has spread to every age bracket, even to adults and young persons who had been relatively unaffected until now.

114. The rate of acute malnutrition was 8.5 per cent in 1994, 10.1 per cent in 1995 and 18.7 per cent in 1997. These figures began to decline in 1998, from 18.7 per cent in 1997 to 6.7 per cent in 2000. In regions with a high prevalence of acute malnutrition, the Government of Burundi has distributed food, with support from the World Food Programme and some relevant NGOs such as Action against Hunger (Action contre la faim), Gruppo di Volontariato Civile and others.

115. The Government of Burundi, aware of its economic dependence on agriculture and recognizing the primary role played by women in efforts to meet nutritional needs in terms of quality and quantity, has pursued the integration of women into its development policy by strengthening women's education and increasing the school enrolment rate of girls and the literacy rate of women.

116. On-the-job training of women is focused on the following areas:

- The promotion of income-generating activities among rural women's organizations;
- The promotion of cooperative women's organizations;
- The adaptation of rural outreach themes to the genuine needs of women;
- The use of more outreach workers on the ground in the agricultural sector.

3.11.4. *Health information*

117. With respect to health information, the Government of Burundi, with the support of UNFPA, has launched an advocacy project within the Ministry of Communication.

118. The project has the following objectives:

- The implementation of reproductive health rights and their inclusion in the Health Code;
- The involvement and support of political decision makers, religious leaders and community and civic leaders for the development and implementation of:
 - (a) A national population policy which takes into account gender inequalities;
 - (b) Egalitarian laws anywhere inequalities remain.

119. It supported the drafting of a reproductive health code which is gender-sensitive and which is now being considered by the Government. It has also collaborated with UNDP, UNFPA and UNIFEM to support the drafting of bills on inheritance, matrimonial regimes and gifts.

3.11.5. *Burundian women and HIV/AIDS*

120. Burundian women are particularly vulnerable to HIV/AIDS and this vulnerability is an important factor in accelerating the spread of the virus. It is reflected, *inter alia*, by:

- Economic dependence because of the lack of access to land or credit, especially for rural women;
- The increase in widows and orphans stemming from the crisis and leading sometimes to occasional or routine prostitution and therefore to the risk of HIV infection, especially when prostitution is an economic survival strategy;
- Sexual violence during this crisis period in the camps for displaced persons or refugees and elsewhere as a result of the deterioration of moral standards.

121. The national seroprevalence survey conducted in 2002 indicates that seroprevalence is 13 per cent among women versus 5.5 per cent among men in urban areas, 13.7 per cent versus 6.8 per cent in semi-urban areas and 2.9 per cent versus 2.1 per cent in rural areas.

122. The Government of Burundi is strongly committed to combating this scourge, as indicated above. It has established a National Anti-AIDS Council (CNLS) which is presided over by the Head of State himself and has branches in all the provinces of the country, with testing and support facilities in all hospitals and health centres.

123. Several activities have been launched and studies funded under the National Anti-AIDS Programme (PNLS) to incorporate a gender perspective in all its programmes and projects. The Programme has two focal points (usually a man and a woman) in every ministry.

124. The First Lady of Burundi is deeply involved in activities to combat HIV/AIDS within the framework of the NGO African Synergy against AIDS and Suffering.

125. The national plan of action to combat AIDS includes a programme specifically for women: the prenatal testing programme and programme on the prevention of mother-to-child transmission of HIV (PMTCT). In 2000 the seroprevalence of pregnant women ranged from 16 to 25 per cent in urban areas, whereas it increased in rural areas from 1 to 4 per cent and reached 11 per cent in large population areas.

126. The PMTCT programme now extends to 11 locations and cumulative data for 2002-2004 show that 820 pregnant women with HIV and 889 newborns are receiving preventive treatment through antiretroviral drugs. Women are also the main beneficiaries of other programmes under the national plan of action to combat HIV. In fact, they are the ones who easily come to terms with their state of health. As of early November 2004, 3,900 persons living with HIV/AIDS were being treated with antiretroviral drugs, including 2,736 women.

3.11.6. *Violence against women*

127. Today, violence against women is a public health and safety problem. In addition, it constitutes a violation of fundamental rights, including the right to health and physical integrity, and also hinders the advancement and development of women. There are three principal types of violence against women.

(a) *Sexual violence*

128. Although calm prevails in most of the country and a large part of the population is enjoying its benefits, the situation is different for Burundian women, with the phenomenon of rape growing at a frightening pace. In 2003, 983 cases of sexual violence were registered, and 1,675 in 2004. It should be noted that many cases of rape go unreported or are settled among the families involved, especially in rural areas, as a result of cultural constraints.

129. Children are not spared this crime; 43 per cent of the cases handled by the Iteka Human Rights League involve minors; 17 per cent involve children under the age of 10. The Provinces of Ruyigi, Muyinga and Makamba are most affected by this phenomenon. Between January and August 2005, 78 cases were handled by Médecins Sans Frontières (Doctors Without Borders), including 28 cases involving minors under the age of 10 in the Province of Ruyigi, and in the Province of Muyinga 222 cases were handled by the Burundi chapter of the Society for Women and AIDS in Africa (SWAA-Burundi) during the same period, including 117 cases involving minors.

130. Cases of incest have also been reported. The phenomenon of sexual violence, which is reaching alarming proportions, is connected with the harmful aftermath of the long crisis, which has brought about behavioural disorders among men. In fact, this type of problem had never arisen before in Burundi.

(b) *Criminal rape*

131. Rape is being committed increasingly for criminal purposes by persons who know that they are carriers of HIV/AIDS. This situation is not provided for in the Burundian Penal Code. The Government is aware of this and has already launched awareness campaigns to combat this crime, special hearings are regularly organized by courts to prosecute the accused, and severe sentences of up to 20 years' imprisonment are imposed.

132. In addition, the Government is in the process of amending the Penal Code in order to deal properly with all these crimes.

(c) *Domestic violence*

133. Domestic violence against women is becoming more and more alarming, especially in rural areas. This situation stems from displacements linked to the crisis, together with the phenomenon of non-marital relationships and polygamy, which tends to occur especially in the outer provinces of Burundi, on the Imbo and Moso plains. This domestic violence is sometimes fatal.

134. Although efforts have been made and progress achieved in the area of health, obstacles persist. The principal ones include:

- Beliefs and mentalities of certain populations which lead them to consult diviners;
- The inadequacy of health-care infrastructure;
- The lack of necessary financial resources among many families;
- The severe impoverishment of the country.

3.12. Economic and social life

Article 13 of the Convention

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

135. There is no discrimination against women in economic matters at the level of written law. The bankruptcy law, which had long frustrated women by infantilizing them, is now being considered by Parliament. The bankruptcy of a husband will no longer automatically affect his wife's property. If one of the spouses is in business, the matrimonial regime is necessarily that of separation of property. Today, Burundian women, like Burundian men, are restricted by their inability to meet the requirements of financial institutions.

136. Nevertheless, the Government of Burundi recognizes that the lack of legislation on inheritance, matrimonial regimes and gifts may sometimes constitute a barrier for women. As the draft legislation is at an advanced stage, the Government is giving it top priority in order to afford women every opportunity for economic and social advancement.

137. With respect to the right to family allowances, there has been no change since the previous report.

138. With respect to bank loans, Burundian women enjoy this right on an equal footing with men. Since the previous report, the number of loans granted to women has increased, and the nature of the loans has extended to commercial and home loans. Today, women traders or entrepreneurs have an association called the Association des Femmes d'Affaires (Association of Businesswomen).

139. Even the central bank, which had long resisted granting home loans to married women, has finally yielded.

Loans granted by the Bank of the Republic of Burundi (BRB) for the purchase or construction of housing¹⁸

Year	Home loans					
	Men		Women		Total	
	Number	Amount	Number	Amount	Number	Amount
1998	—	—	—	—	—	—
1999	5	32 809 268	9	58 202 091	14	91 011 359
2000	6	66 546 248	16	186 400 002	22	252 946 250
2001	5	55 341 026	17	245 054 098	22	300 395 124
2002	9	116 465 598	11	184 293 450	20	300 759 048
2003	7	59 676 652	17	266 305 048	24	325 981 700
2004	10	135 140 078	16	245 850 822	26	381 990 900
2005	18	243 834 378	28	436 025 337	46	675 859 715

140. The table gives the impression that more women than men receive home loans. Statistically, for the period under consideration, women are indeed more numerous because the measure granting home loans to married women had not been accepted until this time. Men with the same seniority as many of these women had already long since secured these loans.

141. Credits granted to women by the Urban Housing Promotion Fund (FPHU) and the Credit Bank of Bujumbura (BCB) increased substantially in 2005. These were mainly housing and land improvement loans.

Credits granted to women by selected commercial banks¹⁹

Institutions	2004			2005		
	Men	Women	%	Men	Women	%
BGF	8 154 517 000	520 090 000	11.7	4 920 350 000	298 133 000	9.8
FPHU	871 516 462	167 668 328	18	1 203 803 172	354 605 520	22.5
BCB	1 180 144 954	289 739 045	32.5	1 763 752 941	983 808 831	35.3

¹⁸ BRB Board of Directors.

¹⁹ BGF, FPHU and BCB records.

142. Some microcredit financial institutions such as the Savings and Credit Union Bank (CECM) and the Rural Microcredit Fund encourage women to save and grant them credits at favourable rates; 67.3 per cent of CECM credits go to women.

Credits granted by CECM²⁰

Year	Credits		
	Total credits granted	Granted to women	Percentage
2000	279 248 287	194 760 562	77.17
2001	376 761 086	256 197 538	72
2002	617 634 112	444 528 320	71.9
2003	915 309 723	540 716 806	67.99

143. UNDP and some NGOs have introduced microcredits for income-generating activities, small-scale livestock breeding, trade and cattle restocking. Nevertheless, interventions in favour of women remain modest in relation to their needs.

144. The Rural Microcredit Fund and the Twitezimbere poverty alleviation project funded by the Government of Burundi with World Bank support grant credits to rural women's groups and associations engaged in the production and marketing of food products, animal products and handicrafts. However, these groups must be supported by Family Development Centres (CDFs) or Provincial Departments of Agriculture and Livestock-Raising (DPAEs) to ensure that the credits are used appropriately.

145. Financial institutions have changed their practices to ensure that when a credit is granted to one spouse, the consent of the other spouse is required. This has helped to strengthen family security, because some spouses used to take out credits without the knowledge of the other spouse and, often, without using the credits for the family's benefit.

3.13. Rural women

Article 14 of the Convention

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

²⁰ CECM Board of Directors.

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health-care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

146. The Government of Burundi is aware of the precarious situation and living conditions of rural women and has established the following projects to address them:

- *Support for the promotion of reproductive health among rural women*, aimed at improving the living conditions of women and their families through the increased use of information, education and communication (IEC) on reproductive health. The objective of this project is to provide information to encourage more responsible sexual behaviour among men, women, young people and adolescents with regard to reproductive health. This project has three focal points in three provinces, along with a network of community facilitators. It assists associations in their income-generating activities and fund-raising efforts. It falls under the responsibility of the Gender Ministry and is supported by UNFPA.
- *The Rural Recovery and Development Programme* funded by the Government of Burundi, the International Fund for Agricultural Development (IFAD) and the Organization of the Petroleum Exporting Countries (OPEC) has an “advancement of women” component aimed at improving the welfare of women and their families. The objective of this component is to improve the socio-economic status of rural women and the living conditions of their families. This programme supports the Family Development Centres in promoting the establishment of women’s groups, raising awareness and providing information to rural women on family planning and combating HIV/AIDS and other sexually transmitted diseases (STDs). It delivers literacy courses and provides training and information on nutrition, hygiene, the Code

of the Person and the Family, and the Convention. It finances income-generating activities of women's groups and already supports 899 such groups.

With regard to literacy, the programme trains and supports its 1,006 literacy instructors, who provided literacy training to 16,565 people between January 2004 and June 2005 in 216 literacy centres. It has already trained 1,040 rural women leaders. It uses community development plans, and women participate both in the development of these plans and in community development committees. Women represent 43.6 per cent of the members of these committees, but the ultimate goal of this programme is to achieve parity. The Rural Recovery and Development Programme operates in four provinces.

- *The Transitional Programme for Post-Conflict Reconstruction*, which will operate in three provinces, has a “local governance support” component whose main goal is to train and inform women in general and vulnerable women in particular about their rights and also to offer them legal assistance when needed.
- *The Twitezimbere project*, a non-profit association funded by the Government of Burundi and the World Bank, operates in all provinces in the country. It has three main goals: (i) social mobilization and community participation, including local capacity-building; (ii) rehabilitation/construction of community infrastructure; and (iii) early childhood development. In its social mobilization functions, the Twitezimbere project focuses on rural women in particular. Women make up at least 30 per cent of all the community development committees that fall under this project. It grants microcredits for income-generating activities.
- *The Agricultural Rehabilitation and Sustainable Land Management Project* is present in 10 provinces in the country. Its objectives include building agricultural production capacity through improved productivity and diversification, and promotion of income-generating activities to reduce poverty. These two objectives are geared particularly to rural women, who are responsible for food production.

147. The Government of Burundi has set up a Rural Microcredit Fund with an annual budget of US\$ 1.5 million; women represent 40 per cent of the recipients of these microcredits.

148. Other programmes and projects are initiated in rural communities by national and international NGOs. However, Burundi still has a long way to go to meet the considerable needs of rural women, who have long been neglected. Nevertheless, the Government is aware of the situation and constantly seeks support to address it.

149. The best example of the impact of actions taken to support rural women is the positioning of women in *colline* elections: out of 44,742 candidates, 10,072 or 22.5 per cent are women. This is a major step. The need for change is obvious.

3.14. Women's legal capacity

Article 15 of the Convention

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

150. Since the initial report was submitted, not much has changed in this respect. Men and women still have the same legal capacity. Article 22 of the Constitution of the Republic of Burundi of 18 March 2005 guarantees the equality of all Burundian citizens before the law, which provides them with equal protection without any distinction.

151. Nevertheless, with regard to succession — an area that is still governed by custom — men and women do not have the same rights of inheritance, especially with regard to land. As for the inheritance of other property, Burundian jurisprudence is revolutionary. Girls and boys now inherit equal shares of their parents' property. Unfortunately, the Government recognizes that this jurisprudence has not been sufficiently publicized.

3.15. Marriage

Article 16 of the Convention

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

152. Since the presentation of the initial report on the Convention's implementation, men and women have continued to have the same rights with regard to marriage. The situation has greatly improved with the dissemination of the Code of the Person and the Family and the Convention.

153. Today, marriage is protected under the Constitution. Article 29 of the Constitution of 18 March 2005 states: "Freedom to marry and the right to choose one's partner are guaranteed. Marriage can only be entered into with the free and full consent of the intending spouses. Marriage between people of the same sex is prohibited".

154. Article 30 of the Constitution protects the family by stipulating that: "The family is the natural and fundamental group unit of society. Marriage is the legitimate ground on which it is built. The family and marriage are specifically protected by the State. Parents have the natural right and duty to educate and raise their children. They are supported in this task by the State and public authorities. All children, on account of their status as minors, are entitled to receive special protection from their families, society and the State".

155. In Burundi, marriage is also protected under articles 36 and 370 of the Penal Code. The punishable offences are adultery, polygamy, support of a mistress, incest and family abandonment.

156. The crisis that the country has just experienced has also affected families by causing promiscuity, widowhood and poverty. Polygamy is resurfacing, especially in the Provinces of Kirundo, Muyinga and Ruyigi and in the Moso and Imbo regions. The Government has embarked on a public awareness campaign and is calling on civil society organizations to help combat this scourge.

Part Four

Measures to implement outcomes of United Nations conferences, summits and reviews

157. The Government of Burundi has focused on the following conferences and summits: the International Conference on Population and Development, held in Cairo in 1997; the Fourth World Conference on Women, held in Beijing in 1995; the World Education Forum, held in Dakar in 2000; and the Millennium Summit, held in the United States of America in 2000. To implement the outcomes of all these conferences and summits, it has developed and is carrying out various plans of action and sectoral policies.

4.1. International Conference on Population and Development

158. In order to implement the recommendations of the International Conference on Population and Development, the Government of Burundi set up a National Reproductive Health Programme. The progress achieved in this area has been reported above under article 12 on health. The Government's plan of action has three components: (i) reproductive health; (ii) population and development; and (iii) gender issues.

159. The gender component refers to the goals of gender equality, women's empowerment and girls' education. It also refers to the Millennium Development Goals and the Beijing Platform for Action. The progress achieved has been reported above in the evaluation of the implementation of the relevant articles of the Convention.

4.2. World Education Forum

160. The Government of Burundi has developed a sectoral policy to honour the commitments made at the World Education Forum and has created a department for the promotion of girls' education. The progress achieved has been reported above under article 10 of the Convention on education.

4.3. Millennium Development Goals

161. The Government of Burundi has endorsed the Millennium Development Goals, on which it regularly issues progress reports. The Goals overlap with certain articles of the Convention and, as the actors involved are the same, the progress made has been reported above under articles 3, 10, 11 and 12 of the Convention.

4.4. Fourth World Conference on Women

162. The Fourth World Conference on Women, held in Beijing in 1995, was of particular importance to Burundi. After the Conference, the Government of Burundi established a follow-up committee to draw up a national plan of action to implement the Beijing Platform for Action.

163. The national plan of action organized the 12-point Beijing Platform into six areas deemed to have high priority for Burundian women. These areas are:

- Women and a culture of peace;
- Women and health;

- Women and poverty;
- Women, education and training;
- Women’s rights and institutional mechanisms for advancing them;
- Women and communication.

In each of the six areas, the objectives of the national plan are based on the Beijing Platform for Action.

164. Few positive results have been achieved thus far, as the political, social and economic crisis has destroyed the social infrastructure and impoverished the country. However, efforts have been deployed and some progress has been made.

4.4.1. *Burundian women and a culture of peace*

165. Given the context of war, a culture of peace is a priority for women as mothers, wives and educators. There are three objectives under this heading:

- (a) To encourage Burundian women to rediscover values conducive to the emergence of a culture of peace;
- (b) To broaden women’s participation in the peace process;
- (c) To rehabilitate women *sinistrées* and restore their human and moral dignity.

166. As a result of the crisis in Burundi, a Ministry in charge of mobilization for peace was established in 1997. Negotiations within Burundi were launched to advance the internal and external peace processes, and the Peace and Reconciliation Agreement was signed in Arusha on 28 August 2000. Burundian women were involved in the internal negotiations, but only had observer status in the external negotiations. Nonetheless, as a result of strong advocacy, the delegations of the various parties to the conflict integrated women into their ranks, and some of the recommendations formulated by women were reflected in the Agreement.

167. Unfortunately, women have not been involved in ceasefire negotiations. The new authorities have just appointed a team to negotiate with the PALIPEHUTU-FNL armed group; one of the eight members of the team is a woman.

168. In relation to the objectives established, the Ministry for the Advancement of Women, in collaboration with women’s associations and NGOs, has organized a large-scale pacification and economic recovery campaign aimed at women, under which:

- Debates on different topics have been held for displaced and dispersed women and for women who have remained in their communities of origin (*collines*);
- Peace and development committees have been set up in all of the country’s provinces;
- Women leaders have taken training courses on the peaceful settlement of disputes;
- The National Council of Episcopal Churches of Burundi has established a school for peace;

- A study on the traditional role of women in the peaceful settlement of disputes has been conducted;
- A national cultural festival was held on the theme “culture and peace”. As a result, the National Council of *Bashingantahe* for Unity and Reconciliation was opened to women;
- Visits between displaced women and women who remained in the *collines* were organized to restore confidence and enable displaced women to return home;
- Visits to refugee camps in the United Republic of Tanzania were organized;
- Marches calling for peace and non-violence were held;
- Burundian women have mobilized to contribute towards peace efforts.

169. Today, women are involved in reconstruction and are members of the National Commission for the Rehabilitation of *Sinistrés*. Women also served on the Arusha Agreement Implementation Monitoring Committee. However, a number of obstacles to peace initiatives remain. The primary obstacles are the feminization of poverty and the refusal of the PALIPEHUTU-FNL armed group to participate in negotiations.

4.4.2. *Women and health*

170. On the basis of the Beijing objectives in the area of health, the overall objectives of the national plan in this regard are to:

- Reduce the mortality rate among women;
- Reduce the maternal mortality rate;
- Reduce rates of maternal and child malnutrition, anaemia and iodine deficiency;
- Encourage pregnant women to have at least three prenatal check-ups;
- Increase the percentage of births attended by skilled personnel;
- Increase the contraceptive prevalence rate;
- Reduce the HIV/AIDS seroprevalence rate.

The progress made in this regard has been reported above under article 12 of the Convention.

4.4.3. *Women and poverty*

171. The national plan of action includes the overall objective of eradicating poverty and ensuring women’s economic empowerment with a view to sustainable development. The specific objectives are to:

- Increase women’s productive potential by promoting income-generating activities for women;
- Promote the participation of women in development programmes.

The progress made in this regard has been reported above under articles 13 and 14 of the Convention.

4.4.4. *Women, education and training*

172. The national plan of action includes the overall objective of improving women's levels of education to enable them to participate effectively in national development. The specific objectives are to:

- Help reduce gender disparities at all levels of the formal education system;
- Promote functional literacy programmes in the non-formal education system for girls not attending school and for rural women;
- Facilitate access to ongoing training under the vocational education component of the non-formal education system.

As the relevant partners are the same as the ones involved in implementing the Convention, the progress made in this regard has been reported above under article 10 of the Convention.

4.4.5. *Women's rights and institutional mechanisms for advancing them*

173. At the national level, the overall objective is to safeguard women's fundamental rights. The specific objectives are to:

- Improve women's legal status;
- Ensure women's equal access to and full participation in decision-making;
- Establish or strengthen institutional mechanisms for the advancement of women.

174. The Ministry of Social Action and the Advancement of Women, now known as the Ministry of National Solidarity, Human Rights and Gender, is responsible for monitoring the implementation of the Beijing Platform for Action and the Convention. The Ministry is supported in that effort by a number of United Nations agencies, including UNIFEM, UNDP, UNFPA, the OHCHR office in Burundi and the Human Rights Section of ONUB, as well as human rights leagues and women's associations and NGOs.

175. A UNDP-funded project to support the promotion of gender equality, which was carried out by UNIFEM from 2002 to 2004, had a very positive impact, as it helped to change Burundian leaders' attitudes on gender issues. A project to support rural women's advancement and reproductive health, funded by UNFPA, and a project on women and peace, funded by UNIFEM, also helped to enhance respect for women's rights, as set out in the Beijing Platform and the Convention.

176. In the provinces, the Ministry has local structures known as Family Development Centres which enable it to reach the population directly. Women's Centres are places where women can meet and exchange ideas.

177. Women's networks have been established to protect and defend women's rights. They include networks of women parliamentarians, women journalists, gender trainers, and others.

178. The Convention has been translated into the local language to facilitate its dissemination. The Ministry of Social Action and the Advancement of Women has generated synergies with partners to spread awareness of the Convention. The partners involved are the Ministry of Social Action and the Advancement of Women,

the Collective of Women's Associations and NGOs of Burundi (CAFOB), the Centre for the Promotion of Human Rights and the Prevention of Genocide (CPDHPG), the Iteka Human Rights League and the Burundian Association for the Defence of Women's Rights (ADDF).

4.4.6. *Women and communication*

179. Communication is a strategy whose fundamental principles are based on the Beijing objectives. This strategy cuts across all other spheres of activity and provides comprehensive, continuous support for the implementation of the national plan of action.

180. The Ministry responsible for communication has arranged for woman-specific programming on Burundian radio and television, particularly in relation to peace, reconstruction and national reconciliation, elections and other issues. Some private radio stations have also helped to spread the concept of gender. Radio dramas have been produced on the issue of gender equality. In all these campaigns and even in other contexts, the microphone is handed over to women in both urban and rural areas, who readily express their views. Today, women are calling on the media to spread awareness of their concerns and achievements.

181. Information and coordination sessions have been held on priority issues such as health under projects funded by UNFPA and through the network of journalists trained in the gender and reproductive health approach. In the area of poverty reduction, the media have covered certain topics with a view to encouraging women to organize themselves in associations to increase their productivity. In the field of education, awareness-raising campaigns have been waged on girls' education.

182. With respect to women's rights, many programmes denouncing the spread of rape in Burundi have been broadcast, and many activities have been organized by women's associations and human rights leagues in collaboration with United Nations agencies, including protest marches.

183. It should be noted here that the Association of Women Journalists plays a very important role in implementing the Beijing Platform and the Convention. For each topic covered by the Beijing Platform, there is a focal point in each radio station. Although gender-related activities are being carried out, the Ministry responsible for communication does not refer to the Beijing Platform or the Convention.

184. Efforts in this regard are subject to certain constraints, however, including:

- Insufficient human and material resources;
- Lack of gender awareness among certain journalists.

Conclusion

185. This periodic report reflects the Government's desire to highlight the progress made, but also to draw attention to the barriers that still stand in the way of women's advancement in Burundi.

186. The analysis has reviewed the progress made in relation to the comments and recommendations formulated by the Committee on the Elimination of Discrimination against Women when it considered the initial report, to the articles of the Convention and to the commitments undertaken by Burundi at international

conferences and summits organized by the United Nations. Progress has undoubtedly been made, but gaps remain owing to the situation of war and the budget constraints that plagued Burundi during the reporting period.

187. The political and legal context in which Burundi prepared this periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women is nonetheless promising, given the current Administration's commitment to improving socio-economic conditions and stabilizing the country.

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