

**UNITED**



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ACRONYMS AND ABBREVIATIONS

|         |   |
|---------|---|
| ABUBEF  | Family Welfare Association of Burundi                   |
| APEF    | Association for the Economic Advancement of Women       |
| ASAP    | Support for Public Administration Sector                |
| BRB     | Bank of the Republic of Burundi                         |
| CECM    | Savings and Credit Union Bank                           |
| CPF     | Code of the Person and the Family                       |
| CPPF    | Coordination Office of the Family Planning Programme    |
| EVF/EMP | Education for Family Life/Education in Population       |
| UNFPA   | United Nations Population Fund                          |
| IEC     | Information, Education, Communication                   |
| MASPF   | Ministry for Social Action and the Advancement of Women |
| MPDR    | Ministry of Development Planning and Reconstruction     |
| NGO     | Non-governmental organization                           |
| SAP     | Structural adjustment programme                         |
| PSI     | Health Information Project                              |
| GDP     | Gross domestic product                                  |
| AIDS    | Acquired immunodeficiency syndrome                      |
| UFB     | Union of Women of Burundi                               |
| HIV     | Human immunodeficiency virus                            |

## INTRODUCTION

By Decree-Law No. 1/006 of 4 April 1991 Burundi ratified without reservation the Convention on the Elimination of All Forms of Discrimination against Women. In so doing, Burundi undertook to apply the Convention meticulously.

Two years after signing the Convention Burundi entered the period of socio-political crisis which has been going on since October 1993 and has had an adverse impact on all areas of national life. In addition to costing thousands of human lives, the crisis has driven hundreds of thousands of people from their homes. More than 70 per cent of these people, their number estimated in 1994 at 10 per cent of the country's population, were women and children,<sup>1/</sup> who were living in conditions of indescribable deprivation and overcrowding. The effects of this crisis have been exacerbated by the blockade imposed in 1996 on a land-locked country already damaged by civil war.

It was in this context that the present assessment of the implementation of the Convention was prepared. Thus, this is not an ideal time for delivering fine performances with regard to the protection of human rights in general and of women's rights in particular. In presenting this initial report Burundi is absolutely determined to describe the situation as it is.

The underlying purpose of this document is not only to examine the texts of Burundi's legislation relating to the Convention but also to highlight the measures taken in the various sectors involving women. In the light of the Convention, a brief analysis has been made of the situation of women in several big areas.

Part 1 gives some general information about Burundi, while Part 2 contains specific information on the implementation of each provision of the Convention.

## PART 1: GENERAL INFORMATION

### 1. BACKGROUND

Burundi is a land-locked country in sub-Saharan Africa, situated in the Great Lakes region between the Democratic Republic of the Congo, Rwanda and Tanzania. It has an area of 27,834 km<sup>2</sup>, including 2,000 km<sup>2</sup> of lakes, and a population estimated in 1997 at 6.4 million, with a density of 219 inhabitants per square kilometre. Burundi is thus one of the most overpopulated countries of Africa. With a growth rate of 2.8 per cent a year combined with an increasingly young profile, the population will total 12.3 million in 2025.<sup>2/</sup>

Agriculture provides the livelihood of 93 per cent of the population; this means that the strong demographic pressure leads to over-farming of the land and

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<sup>1/</sup> Study on the situation of women stricken by the crisis in Burundi. Projets UPP/APF, Bujumbura, April 1995.

<sup>2/</sup> State of World Population Report, UNFPA, 1997.

fragmentation of family farms, many of which are under one hectare in size. Agricultural production, which contributes 56 per cent of GDP, is left in the hands of women, who number an estimated 51 per cent of the total population.

Burundi is in the category of least developed countries, with an annual per capita income of 155 dollars in 1993.<sup>3/</sup> The situation has deteriorated owing to the socio-political crisis which broke out in October 1993 and is compromising the development prospects of a country which in the past had delivered generally acceptable economic performances, with a relatively large degree of advancement of women.

The current socio-political and economic situation is well described in the Rapport National de Développement Humain au Burundi 1997, some elements of which are reproduced in sections 1.1 and 1.2 below.

#### 1.1. The socio-political situation

Since 1993, three years after independence, Burundi has been experiencing socio-political crises characterized by ethnic conflicts. The latest and deepest crisis dates from the start of the democratization process in 1992. It broke out on 21 October 1993 following the assassination of the elected President, Melchior Ndadaye, and the subsequent ethnic genocide and massacres. The President's death created an institutional vacuum. In order to fill it, two big political families - the presidential group and the opposition - established a Government Agreement, which failed to function harmoniously or to counteract the increasing and widespread insecurity.

This situation led to the changes of 25 July 1996, which restored to power the former President, Major Pierre Buyoya. In order to restore security, the new authorities undertook a general peace programme, including an internal dialogue and negotiations with the armed groups. The political parties and civil society were involved in these two processes. Relations between the Executive and the Legislature improved. This improvement manifested itself in particular in the joint recognition of the Political Platform on the Transition Regime, which is the fundamental reference text for the present institutions.

#### 1.2. The economic and social context

The political scene has had a strong influence on a socio-economic situation characterized before the crisis by relatively good economic performances.

Since 1986 the Government had been carrying out a programme of economic reforms designed to restore the economic and financial balances and create a favourable environment for lasting and sustained economic growth. The main economic-strategy measures taken since that time have had limited effects, which themselves have been undermined by the development of the crisis. In fact, two of the main features of the current social and economic context are stagnation of the fundamental operations and the blockade decreed by the countries of the subregion. This has rendered the overall socio-economic situation even more

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<sup>3/</sup> Rapport National de Développement Humain au Burundi 1997.

precarious, and every comment made on this subject testifies to a collapse of all the indicators. Although the average growth rate was maintained at 3.8 per cent a year between 1986 and 1992 and although during that same period the 1980-1985 inflation rate of 9 per cent was brought down to an average of 6 per cent,

- The inflation rate reached 26 per cent in 1996;
- GDP fell by 20 per cent between 1992 and 1996, and farm output by 22 per cent. Before 1993 the country had enjoyed food self-sufficiency but now depends heavily on international aid;
- The proportion of the population living below the poverty line increased from 34.84 per cent in 1992 to 58.12 per cent in 1996. The situation has continued to deteriorate day by day.

In social terms, in addition to the loss of human life, many people have been dispersed or displaced or turned into refugees with their property destroyed. Thirty per cent of the education and health infrastructure has been damaged or destroyed.

### 1.3. The legal context

The traditional society is a patriarchal and patrilinear one, in which a woman is constantly under the protection of a father, brother, uncle, husband or family council. Women have more duties than rights and must subordinate themselves to the customs and practices governing the relations between men.

Statute law has tried to correct this situation, and the Code of the Person and the Family (CPF), as amended in 1993, illustrates the wish of the Legislature to pull down the traditional obstacles to the emancipation of women.

Decree-Law No. 1/088 of 6 June 1998, promulgating the Constitutional Act of Transition of the Republic of Burundi, states: "Respect for the rights and duties proclaimed and guaranteed by the Universal Declaration of Human Rights, the international human rights covenants, the African Charter on Human and People's Rights, and the Charter of National Unity are guaranteed by the present Constitutional Act" (art. 12).

Accordingly, the international human rights instruments are an integral part of Burundi's legislation. Article 15 of the same Decree-Law states: "All persons are equal in dignity and in rights and duties without distinction as to sex, origin, race, religion or beliefs. All persons are equal before the law and are entitled without distinction to equal protection by the law."

Since the signature of the Convention in 1991 two decree-laws have introduced fundamental changes in the legal situation of women in Burundi:

- Decree-Law No.1/024 of 28 April 1993, amending the Code of the Person and the Family (CPF); and
- Decree-Law No. 1/037 of 7 July 1993, revising the Labour Code.

Code of the Person and the Family (CPF)

The 1993 amendment of the CPF demonstrate Burundi's determination to eliminate the de facto and de jure discrimination inherent in the status of women in Burundi:

- Abolition of polygamy;
- Abolition of the unilateral repudiation formerly the exclusive privilege of the husband;
- Divorce made a judicial matter, and its grounds now the same for men and women;
- Regulation of the age of marriage: 18 years for women and 21 years for men;
- Right of girls to express their free consent to marriage;
- Custody of children granted automatically to the mother, without application to the family council, if the father is absent or incapacitated;
- Right of joint management of family property granted to women;
- Right of joint management of family property granted to the wife if the husband is absent; etc.

Under the former CPF, relations between spouses were based on the notion of the wife's obedience. The 1993 reforms instituted new family relations based on equality of rights and duties, respect for human dignity, and a concern for justice.

Labour Code

The Labour Code as revised in 1993 is part of a social policy designed to secure social justice, economic and social development, and liberalization of employment. Chapter V deals specifically with women and work:

- Pregnant women;
- Women taking maternity leave;
- Rights of women during the breastfeeding period.

However, improvements could be made in this Code to provide further protection of the rights of women workers and the maternity-related rights. At

- Women taking



### Criminal Code

The Criminal Code has not been revised to bring it into line with the new provisions of the CPF.

### Nationality Code

The Nationality Code does not authorize women married to foreigners to pass Burundian nationality to their husbands or children under the same conditions as apply to men married to foreigners.

### Areas still governed by customary law

Matrimonial arrangements, succession, and legacies and gifts are still governed by customary law. These areas should be regulated by statute law to bring them into line with the requirements of equality as stated in the Constitutional Act of Transition and the various international instruments to which Burundi has acceded.

## 2. CONDITIONS UNDER WHICH CERTAIN RIGHTS ARE PROTECTED

There are two institutions - the Ministry for Social Action and the Advancement of Women, and the Ministry for Human Rights, Institutional Reform and Relations with the National Assembly - whose responsibilities include ensuring respect for the Convention. They are supported in this work by human rights leagues and women's NGOs (Association of Women Lawyers, associations working in the fields of micro-credit, family welfare, peace, etc.).

The first-mentioned Ministry is responsible for the coordination, monitoring and evaluation of the state of implementation of international and national resolutions on the advancement of women. In 1998 it finalized a national action plan for the implementation of the Beijing Platform for Action. Measures to be carried out up to 2000 were specified for six areas regarded as priorities for the advancement of women:

- Women, peace and culture;
- Health;
- Education and training;
- Women and poverty;
- Women's rights and institutional machinery for their promotion;
- Women and communication.

The implementation of this plan will enable Burundi to take a step forward in the incorporation of its women in the development process.

PART 2: SPECIFIC INFORMATION ON THE IMPLEMENTATION OF EACH  
PROVISION OF THE CONVENTION

1. INSTITUTIONAL AND LEGAL FRAMEWORK GUARANTEEING EQUAL RIGHTS

Article 2 of the Convention

However, there are still defects in the Criminal, Labour and Nationality Codes, as pointed out above.

#### Institutional framework

A ministry for the advancement of women was created in 1983 by Decree-Law No. 100/5 of 13 February on this ministry's organization. Its mission is to:

- Formulate the Government's policy for the advancement of women and their incorporation in the country's socio-economic development;
- Attend to this policy's implementation.

This Ministry, in conjunction with the Union of Women of Burundi (UFB), has introduced many changes to promote the advancement of women. It is thanks to UFB awareness-raising activities that parents have begun to send their daughters to school. Through UFB, women and girls have learned to move outside the closed family environment in which tradition would confine them. UFB was also behind the drafting of the CPF. The Ministry has contributed to the improvement of some of the provisions of the CPF. Although the presence of women in public affairs is still a small one, it is thanks to the work of these two bodies that this progress has already been made by the women of Burundi.

In the 1990s the work of these two bodies began to be supplemented by the activities of women's associations in various fields: the law, micro-credit, family welfare, peace, etc. Many of them joined together to form the Collective of Women's Associations and NGOs of Burundi (CAFOB).

There are also legal aid services for women in the Ministry and in the Association of Women Lawyers. These two services need support to make them more operational.

## 2. MEASURES TAKEN TO ESTABLISH EQUALITY OF OPPORTUNITY 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.

The State of Burundi has taken certain measures to ensure the full development and advancement of women with a view to guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality. In the political field, for example, there was the creation of the Ministry for Social Action and the Advancement of Women. In the economic and social fields the Government has encouraged the establishment of women's associations and development projects for women. These initiatives and programmes were conceived as means improving the situation of women and facilitating their access to education, jobs, training, and welfare in general.



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.

The status of Burundi's women has long been determined by their role as wives and mothers. Their standing in society depended on the number of children, especially boys, that they produced. Although relegated to second place in the life of society, women were respected and consulted as wives and mothers, but they were not allowed to express themselves in public. Still today at traditional festivals or ceremonies, even when they are the parties principally concerned, women express themselves by delegation. The difficult beginnings of education for girls, who at the outset took only courses in domestic science or nursing or courses for non-teaching classroom assistants, have helped to keep women at this inferior level.

Following the creation of the Union of Women of Burundi (UFB) women became aware of the role that they could play in society, apart from the role of wife and mother. But the weight of prejudice still bears down on them, for very few women occupy leading positions in the National Assembly, the civil service, the magistracy, or public or private corporations.

In addition, traditional society was more stringent and demanding with respect to girls. For example, a pregnant girl used to be condemned to death by her own family. And still very recently she would definitely have been driven out of the school system. But the situation has improved, and a girl can resume her studies after giving birth, although in a different school.

#### 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.

The Government has taken legislative measures to suppress all forms of traffic in women and exploitation of their prostitution. Articles 371-390 of the Criminal Code, in the chapter dealing with immoral acts, provide severe penalties for prostitution, incitement to debauchery or prostitution, acts of indecency, and rape.

However, following the crisis the phenomenon of prostitution has taken on new dimensions owing to the extreme poverty of the affected population and the overcrowding in the camps where they live.

##### Prostitution

In order to prevent this social evil, the law states that any person who engages in prostitution may be ordered by decision of the local court (cour de résidence), whose functions include ruling on a person's status and capacity, to comply for a period not exceeding one year with one or several restrictions, including the following:

- Not to leave the area specified in the decision;

- To undergo measures of examination, treatment or care, in a hospital if necessary.

person or soliciting for purposes of prostitution may be sentenced to three months' to three years' imprisonment and a fine of between 10,000 and 50,000 francs (art. 377).

Furthermore, a person who acts as any kind of intermediary between persons habitually engaging in prostitution is liable to the same penalties (art. 378).

Facilitation also consists of knowingly letting or renting the whole or a part of a building or any other premises for purposes of the prostitution of another person. This also constitutes an offence punishable by one to three years' imprisonment and a fine of between 6,000 and 50,000 francs or by only one of these penalties (art. 379).

#### Indecent acts, rape and affronts to public decency

These offences are connected with prostitution and deserve mention here. Even though they are of general scope, they have been established in order to discourage traffic in women and their exploitation. The reason is that the victims of these offences are usually women.

Articles 382-390 of Book II of the Criminal Code offer clear definitions of indecent acts, rape, and affronts to public decency and specify how these offences are committed and the penalties to be imposed. Even a sentence of death or life imprisonment may be imposed if a rape or affront to public decency

There is no discrimination against women in Burundi with regard to voting. Legislative Order No. 2/249 of 1 August 1961 states that voters are persons aged 18 years or over. Article 4 of Decree-Law No. 1/22 of 16 March 1993, which contains the Electoral Code, states: "Voters are citizens of Burundi of either sex aged 18 years or over on the date of the election, in possession of their civil and political rights and not suffering any of the forms of electoral incapacity specified in the present Code."

Women may also stand for election, and there are indeed women representatives of the people. Women have the right to take part in the formulation and implementation of State policy, hold public office, and perform all public functions at all levels of the Government. Women also have the right



3.4 per cent in 1998. The post of Prime Minister was held by a woman from July 1993 to February 1994.

The following are the main constraints which limit women's participation in public life and produce their low rates of participation in decision-making posts:

- Weight of tradition, which perpetuates women's inferiority complex and prevents them from engaging in politics and asserting themselves;
- Low enrolment rate of girls at the higher levels of education;
- Absence of concrete measures to encourage the promotion of women to posts of responsibility; otherwise, the women's participation rate

Women's participation in the Judiciary

| Post   | Total | Men | Women |      |
|--|-------|-----|-------|------|
|  |       |     | No.   | %    |
| Higher Council of the Magistrature               | 12    | 9   | 3     | 25.0 |
| Constitutional Court                             | 7     | 4   | 3     | 42.9 |
| Supreme Court                                    | 11    | 9   | 2     | 18.2 |
| Office of Prosecutor General of the Republic     | 8     | 7   | 1     | 12.5 |
| Courts of Appeal and Administrative Court        | 52    | 38  | 14    | 26.9 |
| Prosecutor's offices attached to Court of Appeal | 15    | 13  | 2     | 13.3 |
| Offices of Prosecutor of the Republic            | 49    | 41  | 8     | 16.3 |
| Court of First Instance, Commerce, Labour        | 92    | 68  | 24    | 26.1 |
| Criminal Investigation Police                    | 153   | 144 | 9     | 5.9  |
| Local courts                                     | 439   | 363 | 76    | 17.3 |
| Total  | 838   | 696 | 142   | 16.9 |

Source: Ministry of Justice, October 1998.

As the table shows, women are also under-represented in the Judiciary. But in contrast with other institutions the degree of representation decreases from the top downwards, i.e. from the higher to the local jurisdictions.

7. 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.

The Nationality Code establishes the equality of men and women with regard to changing or retaining Burundi nationality. Neither marriage to an alien nor change of nationality by the husband during marriage alters the nationality of the wife without her consent, renders her stateless or forces upon her the nationality of the husband.

The Code accords an advantage to a foreign woman married to a national of Burundi with respect to acquisition of Burundi nationality: article 1 (d) allows the foreign woman to acquire Burundi nationality by option. She merely has to make a simple declaration to a notary public within the two months following the marriage. Once a foreign woman has obtained Burundi nationality she automatically acquires the political, civil and economic rights and the other rights attached thereto.

But a woman of Burundi nationality who marries an alien does not transmit her nationality to him on the same terms. Consequently, any children born of the marriage will not have the mother's nationality either.

There are two possibilities for the nationality of the children:

- A child born of a known father who acknowledges him automatically has the father's nationality, for Burundi society is patriarchal and does not accept dual nationality;
- A child who is born of an unknown father and is not acknowledged by any one automatically has the mother's nationality. Discrimination persists on this point: a Burundi woman gives her nationality to her child only when the child is born of an unknown father and is not acknowledged by any one else.

A further point on nationality: minor children may travel abroad on either their mother's or their father's passport, and the wife is entitled to obtain passports for such children without her husband's consent.

## 8. EDUCATION

### Article 10 of the Convention





In 1979 the illiteracy rate was 88.2 per cent for women and 70.1 per cent for men.<sup>4/</sup> In 1990 women accounted for 74.6 per cent of illiterates and men for 66.1 per cent.<sup>5/</sup> This improvement is due to the improvement in the school attendance rate for girls (the organized adult literacy programme is a very recent initiative). The work of the National Literacy Service created in May 1991 has been impeded by a very low enrolment rate of 12 per cent of the potential beneficiaries, exacerbated by a high drop-out rate of 26 per cent and a shortage of training personnel.

The Service is nevertheless collaborating effectively with the various development programmes with a view to designing functional literary booklets (on family planning, campaign against AIDS and other sexually transmitted diseases, hygiene, nutrition, etc.). The Catholic Church has made an outstanding contribution to improving women's literacy.

The National Reproductive Health Programme and the projects and NGOs supported by the United Nations Population Fund (UNFPA) have developed an information, education and communication programme designed to furnish better information to the public on reproductive health by means of the gender approach. Several measures have been taken:

- Community and social-mobilization leaders, most of them women, have been trained. This training equips them to raise the awareness of people in general and women in particular about the benefits of breastfeeding and antenatal and postnatal medical checks, and about AIDS, women's rights with respect to reproductive health, nutrition of mothers and infants, immunization, etc.;
- Reproductive health topics of particular interest to young people (AIDS/STDs, unwanted pregnancies, etc.) have been incorporated in primary and secondary education programmes and are raising young people's awareness;
- Training has also been given to girl guides and boy scouts. This method raises the awareness of young people who attend the classes and of those who do not;
- A network of journalists informed about the gender approach and reproductive health has been set up. This network cooperates with the Advocacy Project of the Ministry of Communication. Regular radio programmes are broadcast as part of this work.

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<sup>4/</sup> Report on the General Population Census 1979, Ministry of the Interior, Population Department.

<sup>5/</sup> Report on the General Population Census 1990, Ministry of the Interior, Population Department.



In the legal texts women have the same right to work as men. Article 35 of the Constitutional Act of Transition states: "The State accords the right to work to all citizens and shall endeavour to create the conditions to render the exercise of this right a5cfhe 0(render)-0(states:)-60mioyt





Although women do not advance to become directors in the Central Bank, there has been some effort at integration: in 1997 women held 33.3 per cent of managerial posts, as against 26.07 per cent in Parliament in 1998, 3.7 per cent in the central administration in 1997, and 16.9 per cent in the magistracy in 1998.

Even if women's access to managerial posts in the Bank has improved, they are not entitled to the same benefits as men: between 1991 and 1997 only three women, compared with 28 men, obtained a housing loan. This is due to the Bank's practice, for up to June 1999 it would allow only women heads of household to receive this kind of benefit. Fortunately, this practice has been abolished. Since 1 July 1999 loans have been granted according to objective criteria unconnected with the sex of the applicant.

In the case of health care, moreover, women's dependants do not enjoy the same benefits as men's.

Where fundamental freedoms are concerned, the Bank's rules impose dress and hairstyle restrictions on women (no trousers, no braids), which are felt by women to constitute mental aggression and discrimination.

Distribution of posts between men and women in some  
 commercial banks and financial institutions

| Post                 | 1991 |       |    | 1997 |       |    |
|----------------------|------|-------|----|------|-------|----|
|                      | Men  | Women |    | Men  | Women |    |
|                      | No.  | No.   | %  | No.  | No.   | %  |
| Directors            | 19   | 1     | 5  | 27   | 5     | 16 |
| Directors' advisers  | 26   | 3     | 10 | 27   | 5     | 16 |
| Service heads        | 43   | 11    | 20 | 41   | 16    | 28 |
| Deputy service heads | 8    | 0     | 0  | 8    | 1     | 11 |
| Section heads        | 14   | 12    | 46 | 20   | 13    | 39 |
| Subtotal-1           | 110  | 27    | 20 | 123  | 40    | 25 |
| Managers             | 48   | 35    | 42 | 53   | 71    | 57 |
| Assistant managers   | 108  | 165   | 60 | 138  | 181   | 57 |
| Administrative staff | 148  | 67    | 31 | 150  | 51    | 25 |
| Others               | 60   | 18    | 23 | 57   | 2     | 3  |
| Subtotal-2           | 364  | 285   | 44 | 398  | 305   | 43 |
| Total                | 474  | 312   |    |      |       |    |

Housing loans granted to staff by some commercial banks and  
 financial institutions (in millions of Burundi francs)

| Year | Total loans | Men |        |   | Women |        |   |
|------|-------------|-----|--------|---|-------|--------|---|
|      |             | No. | Amount | % | No.   | Amount | % |
| 1991 | 40 579 114  |     |        |   |       |        |   |
| 1992 | 65 195 881  |     |        |   |       |        |   |
| 1993 | 93 177 959  |     |        |   |       |        |   |
| 1994 | 160 130 827 |     |        |   |       |        |   |
| 1995 | 116 035 959 |     |        |   |       |        |   |
| 1996 | 123 851 881 |     |        |   |       |        |   |
| 1997 | 189 126 608 |     |        |   |       |        |   |

- Housing loans for women increased from 1991 to 1994 but fell back from 1994 almost to their 1991 level. Has the crisis had a particular effect on women in this respect?
- Other types of loan granted to women have not shown a constant pattern.

These two facts point to the absence of any approach giving priority to the principle of equality between men and women.

## 10. 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.

It must be made clear at the outset that the health services are confronted with problems connected with the country's lack of resources and that the health of the population at large suffers as a result. Women are no exceptions to this rule even though there is no discrimination against them. The precariousness of the health situation is caused by several factors: the high birth rate, poverty, malnutrition, lack of information, and excessive burdens of work; all these factors further undermine women's health.

The crisis which broke out in 1993 has aggravated a situation which was relatively good in some respects. It led to the degradation or destruction of almost 30 per cent of the existing infrastructure, cutbacks in care personnel (death, displacement, emigration), disruption of the supply system, etc. The decline in a number of health indicators testifies to this situation:

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1993

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During the crisis

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Health infrastructure

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Anti-AIDS campaign

No legislation is currently envisaged to protect HIV-infected persons with respect to employment, marriage, divorce or travel. A bill does exist but has not yet been enacted. Sexually transmitted diseases, which prepare fertile ground for HIV infection, are advancing at an alarming rate in Burundi. The HIV seropositive rate in urban areas was under 1 per cent in 1983 but it was estimated at 21 per cent in 1997. The rate has undergone the same lightning-fast increase in rural areas, from 0.73 per cent in 1983 to 5.9 per cent in 1997.<sup>7/</sup> This pandemic risks the total destruction of the achievements in the improvement of health over the past 50 years. At the present rate the current life expectancy of 52 years, which had been forecast to stand at 60 years in 2010, will be only 39 years by then.<sup>8/</sup> The aggravating factor is the forced migration resulting from the crisis, for the poverty and overcrowding in the camps often lead to looser behaviour and prostitution.

At present the rate of bed occupancy by AIDS patients in the internal medical services ranges from 4 to 40 per cent in rural hospitals and from 60 to 70 per cent in the hospitals in Bujumbura. The number of known deaths is over 9,000 a year for the whole country. The number of AIDS orphans was estimated at 45,000 in 1998.<sup>9/</sup>

In the fight against AIDS the detection measures and the capacity to care for the sick remain inadequate to cope with the scale of this scourge:

- The National Anti-AIDS Programme (PNLS) coordinates the activities. It is concerned mainly with AIDS-prevention. There is also a care service, which ought to be decentralized to the provinces. The results obtained by these arrangements are very poor owing to the suspension of bilateral cooperation and the blockade. Only 15 per cent of AIDS patients and 5 per cent of the orphans are being cared for. The highest authorities are aware of the seriousness of the problem, and the battle against AIDS is now a priority for Burundi. The President of the Republic undertook to triple the PNLS/STD budget for the 1999-2000 financial year and to increase it by 5 per cent a year for the duration of the 1999-2003 strategic plan;
- One of the activities of the NGOs and the projects financed by UNFPA is to inform the people about means of combating AIDS. Some of them distribute free condoms;
- The Health Information Project undertakes the social marketing of condoms;
- AIDS patients and orphans are receiving social care from some NGOs (SWAA/Burundi, FVS, and religious groups).

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<sup>7/</sup> Rapport National de Développement Humain au Burundi 1997.

<sup>8/</sup> Ibid.

<sup>9/</sup> Ibid.

### Distribution of health services between rural and urban areas

The care personnel and health facilities are distributed unevenly between the capital, Bujumbura, and the rest of the country. Bujumbura has 4 per cent of the population (235,440 in 1990) but it alone employs 39.2 per cent of the paramedical personnel, 66.2 per cent of the general practitioners, and 68 per cent of the specialists. Despite this imbalance, it should be noted that the service rate is regarded as satisfactory, for it is estimated that 80 per cent of the population lives within a radius of eight kilometres of a health post.

### Abortion

Abortion is prohibited in Burundi and punished by law. Abortion occupies first place among offences against the family order - an extremely controversial topic. It is a moral, philosophical and even religious problem, to which no universally acceptable solution can be found.

The people of Burundi are traditionally respectful of human life, even if the crises which periodically shake the country give the opposite impression. Articles 353, 355 and 356 of Book II of the Criminal Code demonstrate that human life may not be attacked with impunity, even if the life in question is still in the womb. For example, article 353 states: "Any person who by means of food, drink, drugs, violence or any other means causes a woman to abort, except in the cases specified by law, shall be sentenced to imprisonment for a term of between six months and two years and to a fine of between 1,000 and 5,000 francs."

The same penalties are applicable to women who voluntarily secure an abortion (art. 356). It is also stipulated that if an attempted abortion causes the death of the woman, the guilty parties shall be sentenced to 20 years' imprisonment (art. 355).

The only acceptable abortions are therapeutic ones, when the baby is sacrificed to save the mother. Even in such cases the abortion must be approved by two doctors in accordance with the code of medical ethics (art. 357).

Without wishing to go too far in liberalizing abortion, as several Western countries have done, in order to solve a social or demographic problem, Burundi's Legal Code allows that the social requirements of the place where the abortion would take place shall be taken into consideration (art. 357.2). It would in fact be wrong to go against the current trend and ignore certain social necessities, such as the need to alleviate the distress of a pregnant woman.

Since abortion is an offence punishable by law, many abortions are carried out secretly. There are no official statistics on the number of illegal abortions brought before the courts. The scale of the complications resulting from illegal abortion is unknown. Such complications are difficult for the health system to deal with, for the women come to hospital too late.

A study on maternal mortality conducted in three Bujumbura hospitals revealed that 6.5 per cent of cases of secret abortion were prosecuted. Another study showed that illegal abortions accounted for 8 per cent of all admissions in the maternity service and that 45 per cent of the persons admitted were







Loans made to women by commercial banks  
(in millions of Burundi francs)

| Period | Total loans | Women's share |     | Men's share |      |
|--------|-------------|---------------|-----|-------------|------|
|        |             | Amount        | %   | Amount      | %    |
| 1993   | 33 672.7    | 300.7         | 0.9 | 33 372.0    | 99.1 |
| 1994   | 39 794.2    | 309.4         | 0.8 | 39 484.8    | 99.2 |
| 1995   | 37 922.1    | 527.1         | 1.4 | 37 395.3    | 98.6 |

Source: Report of the seminar on strategies for promoting women entrepreneurs, Projet Best 1996.

In order to alleviate this situation, women have banded together in loan associations, which have achieved perceptible results.

Loans made within the framework of the women's  
associations movement in Bujumbura City

Amounts loaned (in Burundi francs)

Year

The big obstacle is women'





(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;

Men and women have the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children (arts. 299-334, 288-290 and 245-261).

The minimum age for marriage is fixed at 21 years for men and 18 years for women (art. 88). Exceptions to this rule are established by law (arts. 89-93). Exceptions may be made only on serious grounds, such as pregnancy.

The registration of marriages in the official registry and the publication of bans are compulsory (arts. 113-119).

## CONCLUSION

The general social, economic, political and legal context within which Burundi is addressing the question of the elimination of all forms of discrimination against women is not a very auspicious one. As we have seen, the country has been in a peculiar situation since 1993 owing to the ongoing crisis, which weighs heavily on all the country's boys and girls but even more oppressively on the most vulnerable groups among the affected population: the poor, the elderly, the children and the women. The most elementary rights such as the right to life or the right to shelter are daily trampled under foot, as in all countries at war.

The brief analysis set out in these pages will have shown that, despite the persisting difficulties,

- The question of the advancement of women has already been incorporated among the concerns of the authorities and of the general public;
- Burundi's legislators have amended a number of laws which damaged women's rights;
- More women have entered the labour market, and women have also taken up some senior posts.

But as a result of the crisis the situation of women has deteriorated in the sensitive areas of health, education, etc. Many women are living below the poverty line, especially the ones continually displaced by the crisis. Genuine promotion of human rights in general and of women's rights in particular requires, in addition to the political will manifested in the ratification of international conventions and treaties and the enactment of laws and other instruments for their implementation, resources which measure up to these ambitions. Joint efforts by Burundi and the international community are essential if this challenge of eliminating all de jure and de facto discrimination against women is to be taken up.

At the institutional level, the Government will reinforce the two ministries responsible for promoting all human rights and especially the rights of women:

- The Ministry for Human Rights, Institutional Reform and Relations with the National Assembly;
- The Ministry for Social Action and the Advancement of Women.

Moreover, the establishment of a national multidisciplinary commission on the advancement of women will make it possible for the specific needs of women to be taken into consideration in all sectors. This commission will have special responsibility for monitoring the measures for the advancement of women taken in various fields.

At the legal level, in the near future the Government will have to take decisions on the areas still governed by customary law, which is impeding the promotion of equality of opportunity between men and women. The existing laws



will be publicized and strengthened by implementation measures. This commitment was solemnly stated by the Second Vice-President of the Republic, who is responsible for economic and social affairs, on International Women's Day in 1999.

At the economic and social level, the Government will reinforce the strategies for the advancement of women, which are being translated into action through programmes incorporating the specific needs of women in all sectors. The participatory approach in which women occupy a leading place will be encouraged in the formulation of development policies. As main producer of the nation's wealth, rural women will have to receive the attention of the planners, so that their living conditions may be ameliorated through a better distribution of basic social services, the introduction of improved technology, easy access to safe water, upgraded housing, etc.

At the conclusion of this report on the state of the implementation of the Convention, the Government of Burundi would like to call upon the international community for its support, which is more than essential at this time of profound socio-political crisis, to sustain Burundi in its quest for peace and development. With all the good intentions in the world, the situation of women will remain dependent on the country's overall level of development.

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