

REPUBLIC OF BURUNDI

AFRICAN CHARTER ON

HUMAN AND PEOPLES RIGHTS

First Implementation Report

Bujumbura, September 2010

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ABBREVIATIONS AND ACRONYMS

ABEJ	: Burundian Agency for Youth Employment
AEB	: Burundi Employers Association
ASBL	: Non-Profit making Association
CDE	: Convention on the Rights of the Child (CRC)
CdS	: Health Centre
CEEAC	: Economic Community of Central African States (ECCAS)
CEPGL	: Economic Community of the Countries of the Great Lakes
CESEBU	: Burundian Employers Central Labour Congress
CNC	: National Communication Council (NCC)
CNTA	: National Food Technology Centre.
CNTB	: National Land and Other Assets Commission
CNS	: National Health Accounts.
COSYBU	: Burundi Trade Unions Confederation
CSB	: Burundi Central Trade Union
CSB	: Burundi Confederation of free Trade Unions
CSLP	: Poverty Alleviation Strategic Framework.
DES	: Monitoring and Evaluation Department
DFID	: Department For International Development
EPT	: Education For All
EAC	: East African Community
FBP	: Performance Based Financing
INECN	: National Institute for the Environment and Protection of Nature
INSS	: National Social Security Institute
ISTEEBU	: Burundi Institute of Statistics and Economic Studies
ITAB	: Burundi Institute of Technical Agronomy
LP	: Educational Grammar School
MCVS	: Joint Mechanism for the Scrutiny and Monitoring of the Agreements signed between the two Parties
MFP	: Public Service Mutual Corporation
MICS	: Mingan Island Cetacean Study
MSNRRRS	: Ministry of National Solidarity, of Repatriation of Refugees and Social Re-integration
MSP	: Ministry of Public Health

OAG	: Observatory of Government Action
OIT	: International Labour Organization (ILO)
OMD	: Millennium Development Goals (MDGs)
OMS	: World Health Organization (WHO)
ONG	: Non-Governmental Organization (NGO)
OPA	: Professional Agricultural Organizations
ONPRA	: National Office for the Protection of Refugees and Stateless Persons
OPJ	: Judicial Police Officer (JPO)
OUA	: Organization of African Unity (OAU)
PEP	: Country's Environmental Benefit
PIDCP	: International Convention on Civil and Political Rights
PLA	: Local Development Plans
PNDS	: National Health Development Plan
PNSA	: National Programme on Food Security
RPA	: African Public Radio
SAN	: National Agricultural Strategy
SDAU	: Urban Planning and Development MasterPlan
SETEMU	: Municipal Technical Department
SIS	: Health Information Collection System
SSE	: Effective Monitoring and Evaluation System
RDC	: Democratic Republic of Congo
UNESCO	: United Nations Education, Scientific and Cultural Organization
UNHCR	: United Nations High Commissioner for Refugees
VIH /SIDA	: Human Immuno-deficiency Syndrome (HIV/AIDS)

INTRODUCTION

The African Charter on Human and Peoples' Rights which entered into force on 21 October 1986 was ratified by the Government of Burundi on 28 July 1989. As a result of the socio-political unrest which broke out shortly after this ratification, the latter was only able to submit its Initial Report to the African Commission on Human and Peoples' Rights at the 27th Ordinary Session held from 27 April to 11 May 2000 in Algiers, Algeria.

The present implementation Report was prepared under circumstances which were entirely different from those of the Initial Report. Today Burundi is out of the long period of conflicts which cost thousands of human lives and destroyed lots of infrastructure. It is also currently getting out of the post conflict reconstruction phase to tackle development programmes proper. The first post transition democratic elections were organized in 2005 and the second elections were held at the end of the year 2010.

The preparation of this Report is therefore a manifestation of the national authorities' commitment to the respect for the fundamental rights and freedoms of the human being. The Report is a combination of all those Reports which should have been submitted in 2002, 2004, 2006 and 2008. It was prepared at a time when Burundi was entering a second phase of power management, stemming from the democratic elections organized in conformity with the post transition Constitution.

The contents of this Report are therefore divided into 3 main parts. The first part introduces the physical, social, economic and political situation of the country as well as the normative and institutional human rights framework. The second part throws light on the comments and observations relative to the Initial Report presented by the Government of Burundi. Finally the third part provides information on the different stages of implementation of the contents of each Article of the Charter.

The results indicated within the present document outline the considerable progress made in relation to all the obligations expressed in the different Articles of the African Charter on Human and Peoples' Rights and in particular in relation to the socio-security situation experienced by the country for more than a decade.

PART ONE: GENERAL INFORMATION

I. Presentation of Burundi

Burundi is a country which straddles Central and East Africa. It is a landlocked, East African country with a surface area of 27,834 km² of which 2,700 km constitute land above water level. It is bordered in the North by Rwanda, in the South and East by Tanzania, and in the West by the Democratic Republic of Congo (DRC). The country is divided into 17 Provinces, 129 Districts and 2,908 hills on which are built the 97 neighbourhoods of the Bujumbura Municipality. It has a tropical climate with two main seasons, a long rainy season and a dry season of a little over 3 months.

The national language is Kirundi. French is the language of administration. Other languages such as English and Kiswahili are taught in school.

The recent general population and housing census of 2008 gave an estimate of the population as at 8,038,618 inhabitants of whom 4,111,751 are women. The Capital, Bujumbura, is the most populated City. The Burundian population is very young: the youth and the children represent over 60%. The population density is 310 inhabitants/ km² with:

- An annual population growth rate of 3%;
- A fertility index of 6.3 children per woman;
- A life expectancy at birth of less than 44 years.

The National Constitution stipulates that Burundi is a secular State. The freedom of worship is guaranteed and thus Catholic, Protestant and Muslim religions are the most visible.

At the political level, before the colonial era Burundi had a Monarchy said to be of « divine right » with the « Ganwa Dynasty». It had been colonized by Germany under mandate before the First World War and by Belgium under mandate and under trusteeship from the Second World War up to its Independence on the 1st July 1962. Immediately after independence, Burundi underwent a very long period of internal cyclical crises, among others:

- The assassination on 13 October 1961 of the Prince Louis RWAGASORE, Hero of the national independence.
- Fratricidal crises and civil wars of a genocidal nature followed each other cyclically in 1965, 1969, 1972, 1988, 1991 and 1993 to 2000, date of signature of the cease fire.

- The culminating point of the crises was the assassination on 21 October 1993 of the 1st democratically elected President, His Excellency NDADAYE Melchior Héros in Burundi. From then on Burundi was plunged into a long civil war which lasted more than ten years and which subsided a little with the signature of the Arusha Accord for Peace and Reconciliation in Burundi on 28 August 2000 followed by a 36 month transition divided into two periods of 18 months each.
- During the 2nd transition period, the 2nd phase was characterized by the signature of political Accords and of the cease fire between the Government of Burundi and the former Parties and Armed Political Movements (PMPA), the decisive phase of which had been the signature of the Political Accord and the Forces Technical Accord between the Government of Burundi and the National Council for the Defence of Democracy – Democratic Defense Force (CNDD-FDD), on 16 November 2003, followed by the entry of this Movement, from henceforth a Political Party, into the Country's Institutions (Executive, Parliament, Diplomacy, Public Service and the Parastatals). This process was crowned by the adoption, through a referendum, of a Constitution on the 18 March 2005, taking inspiration from the broad steady-state principles of the Arusha Accord; and the organization of free, transparent and democratic elections of June 2005 which established the present Institutions currently running the country. Even the last armed political Movement, namely the Party for the Liberation of the Hutu People – National Liberation Front (PALIPEHUTU-FNL) had laid down their arms after the signature of the cease fire on the 6 September 2007 and joined the Country's Institutions.

At the economic level, Burundi had, up to 1992, enjoyed sustained economic growth with annual growth rates estimated at 4.3% on average per year for the decade 1980-1991. The budget deficit was less than 5% of GDP and foreign aid was 300 million dollars on average. Meanwhile the level of inflation vacillated between 1.9% in 1992, 31.1% in 1997, 24.3% in 2000, 8.3% in 2004 and 2.7% in 2007.

From 1993, the beginning of the socio-political crisis, national wealth went down by 3% on average per annum and in 2002, it was estimated that production had registered a cumulated reduction of more than 20%. Development aid, predominantly humanitarian granted to Burundi fell from 300 million \$ in 1992 to less than 100 million \$ in 1999. Thus, at the present moment, the Burundian economy is based essentially on agriculture and animal husbandry which still uses archaic methods

(farming with hoes, and status livestock-raising). Agriculture is prone to the vagaries of the weather which are not very favourable to production.

II. Human Rights Normative and Institutional Framework

2.1. Government mechanism for Human Rights Promotion and Protection

Up to the 1990s there was no Public Institution to deal specifically with human rights issues. In April 1992 a Human Rights Centre was created for the first time in Burundi, and placed under the supervision of the Ministry of Justice and Guardian of the Seals. Later, this Centre became the Centre for the Promotion of the Rights of the Individual and for the Prevention of Genocide (CPDPHPG), and was to be placed under the supervision of the Ministry responsible for Human Rights.

Following the June 1993 elections, a Ministry for Social Affairs, Human Rights and Women's Affairs was created in July 1993 and a woman was placed at the head of this Ministry (Decree n° 1/100/2002 of 10 July 1993). Since then a Ministry responsible for Human Rights Issues has figured among the Ministerial Departments from 1993 to date.

The Ministry responsible for Human Rights Issues is responsible, among other things, for:

- Developing Government policy in human rights issues and of contributing to its implementation;
- Promoting and defending Human Rights in collaboration with the other Ministries and Public and Private Organizations concerned;
- Coordinating Human Rights related activities;
- Developing and promoting a programme for peace, human rights education, for tolerance and democratic values in collaboration with other national and international partners;
- Developing and implementing a programme for the prevention of genocide and the eradication of the ideology of genocide in collaboration with the other national and international partners.

A Government Human Rights Commission which, although not in conformity with the Paris Principles, was created in 2000 by Order n° 120/VP1/002/2000 of 11 May 2000 and is on the point of becoming the National Independent Human Rights Commission. Currently the draft law on the

establishment of the Government Commission is before Parliament. At the conclusion of the entire process this Commission is to be governed by a Law.

2.2 Institutional and Legislative Framework

Burundi has ratified and/or acceded to a certain number of regional and international Legal Human Rights Instruments. A certain number of these Instruments, including the African Charter on Human and Peoples' Rights is an integral part of the 18 March 2005 Burundian Constitution in its Article 19.

PART TWO:

OBSERVATIONS RELATIVE TO BURUNDI'S FIRST INITIAL REPORT ON THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS PRESENTED AT THE 27th ORDINARY SESSION OF THE COMMISSION IN ALGIERS FROM 27 APRIL TO 11 MAY 2000

1. Ethnic Groups which make up the Burundian Population

Burundi is composed of 3 ethnic groups, namely the Bahutu, the Batutsi and the Batwa. As had been indicated in the 1st Report, the 3 groups speak the same language and share the same villages. There is therefore no specific village for any specific group although the Batwa have historically been a marginalized group; this being due to the fact that their nomadic way of life has not always favoured them. Thus most of the Batwa are not educated but the on-going social programmes in Burundi endeavour to take them into account along with the other vulnerable groups requiring community assistance.

2. The decline in children's primary school enrolment rate

Where it is true that children have participated in the armed conflicts, it cannot be confirmed that this was the sole factor which constitutes the basis for the decline in the children's level of education. Most of the children had fled the hostilities to areas where there were no reception institutions. The living conditions of most of these children as well as that of their parents were not very conducive to education with the prevailing extreme poverty and uncertainty regarding the future. Today, one may well believe that even the oldest among them have at times doubted the importance of pursuing education.

Nowadays, the situation is far better than that of 2000, and the presidential measures taken in 2006 by the Head of State have made it possible to relaunch all the educational indicators, at all levels.

Thus the net primary enrolment rate is estimated at 84.6%, the gross enrolment rate is estimated at 122.7%; the net admission rate for its part stands at 49.4% and the Gross Admission Rate is estimated at 118.3% for the 2007/2008 school year. Concerning the drop-out and promotion rates, these are estimated at 4.9% and 58.5% respectively for the same period.

There is also need to point out a distinct improvement in the access to Secondary Education. Burundi is still at the stage of issuing encouragement measures for access to Education for all, but it has not yet decided to put in place a system of compulsory primary education.

3. Women's Affairs

If it must be admitted that there still remains much to be done in the realization of full respect for Women's Rights, it should be said that the practice of genital mutilation does not exist in Burundi. Nonetheless other forms of sexual abuse like rape are experienced by women and girls. Likewise, cases of child trafficking, in particular that of young girls, are reported once on a while.

4. The Separation of the Three Powers

The National post transition Constitution of 18 March 2005, recognizes, as did the one that preceded it, the separation of the 3 powers and the relations existing between them are defined in Chapter 7 (Relations between the Executive and the Legislature) and in Chapter 8 (the Judiciary). Thus Article 192 stipulates that « *The initiative of promulgating Laws belongs concurrently to the President of the Republic, to the Government, to the National Assembly and to the Senate* ».

Regarding Article 209, it spells out that « *the Judiciary is impartial and independent from the Legislature and from the Executive* ». In the exercise of his duties the Judge is answerable to only the Constitution and to the Law. The President of the Republic, Head of State, is the guarantor of the independence of the Judiciary. He is assisted in this mandate by the Supreme Council of the Judiciary.

5. The management of Government or of Parliamentary Crises

In accordance with Article 234 of the Constitution of 18 March 2005, « *the High Court of Justice has competence to judge the President of the Republic for high treason, the President of the National Assembly, the President of the Senate and the Vice-Presidents of the Republic for crimes and offences committed in the execution of their mandate* ».

As example, according to Article 115, « *when the Institutions of the Republic, the independence of the Nation, the territorial integrity or the execution of its international obligations are seriously and urgently threatened, and the normal functioning of the Public Service is interrupted, the President of the Republic can declare a state of emergency by Decree-Law, and take all the measures required under such circumstances, after official consultation with the Government, with the Bureaux of the National Assembly and of the Senate, of the National Security Council and the Constitutional Court*».

6. The suspension or the abolition of the Death Penalty

In conformity with Article 44 of the Criminal Code of 22 April 2009, the death penalty has been abolished in Burundi; it is therefore a situation of Law. It no longer figures on the list of the penalties set out.

7. The duration of custody in remand

Its duration is 30 days renewable by judicial order, but according to Article 75 of the Criminal Procedure Code it cannot exceed one year depending on the offences for which the individual is being charged. The duration of the detention in remand is 7 days, renewable only once.

8. The Institution of Ubushingantahe

The Institution of Ubushingantahe is a traditional social institution used for the settlement of social conflicts. Up to very recently its composition was reserved to men only. These represent a group of individuals judged to be of high integrity in the Community and who are recognized and voted as such during an official Community ceremony. Today with the currents of institutional democratization and gender equality, this Institution is becoming increasingly modern and women are also accepted within the Group, on the basis of equality.

9. The exercise of the Right to Culture

In 1996 the Government of Burundi created a « social and cultural fund » (2F per beer consumed) for participation in the Atlanta Games. It should be noted that this was the first time Burundi was participating in the Olympic Games and also the very first time that the country obtained a gold medal for the 5000m. While funds were available it was possible to promote cultural activities alongside the sporting activities. Today, cultural activities are no longer financed from this Fund and since 2004 the entire cultural sector is not financed. Nonetheless the Ministry of Youth, Sports and

Culture has an annual budget of 100,000,000FBu for its various activities. The Provinces and the Districts endeavour to manage as best they can. A small budget line allocated under « arts and culture » serves, for instance, for the purchase of uniforms for the dancers, the actors or the tambourin players. In the area of infrastructure Burundi has 16 Reading Centres distributed across the country.

Regarding Libraries, there is a Department of Archives and a National Library. It had been established by the Decree n° 100/174 of 20 September 1989 with specific responsibilities. The country adopted a « National Cultural Policy » for the promotion of the cultural identity. The Ministry responsible for Culture regularly organizes socio-cultural competitions at the national level and all the national Groups have the opportunity to interact, the Batwa¹ included. It has already adopted the Convention on the protection and promotion of the diversity of cultural expressions and has ratified the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the World, Cultural and Natural Heritage. Research on the cultural heritage of the Batwa is already being carried out in three Provinces of the country.

10. Restrictions on the recognized and guaranteed freedoms

The National Constitution which is currently in force devotes an entire Chapter (Chapter 2) to the Charter on fundamental, and Individual's and Citizen's Rights and Responsibilities. Thus in Burundi, the restriction or the repeal of fundamental rights is prohibited except under certain circumstances which are justifiable by the general interest or by the protection of a fundamental right. It is in this context that Article 19 stipulates that:

« The Rights and Responsibilities proclaimed and guaranteed, among others, by the Universal Declaration of Human Rights, the International Human Rights Conventions, 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 constitute an integral part of the Constitution of the Republic of Burundi. These fundamental Rights are under no restriction or exemption, except in certain circumstances justifiable by the general interest or for reasons of the protection of a fundamental right ».

11. The creation of a National Human Rights Commission

¹ The Batwa are a minority ethnic group in Burundi

The Government Human Rights Commission had been created by an Order of the first Vice-President of the Republic n° 120/VP1/002/2000 of 11 May 2000. It had been completed by the Order n°120/VP//04/2005, of the Vice-President of the Republic relative to the appointment of the members of the Government Human Rights Commission. It is an inter-Ministerial Commission and comprises 16 members. Its basic mission is to safeguard respect for Human Rights in the country. It is placed under the supervision of the Ministry for Human Rights and Gender Issues. Today the process for the establishment of a National Independent Human Rights Commission which respects the Paris Principles is underway. The Government has already adopted it. At this point in time the draft is before the National Assembly.

PART THREE: SPECIFIC INFORMATION RELATIVE TO EACH PROVISION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

Article 1: Recognition of Rights, Responsibilities and Freedoms by the Member States

The Member States of the Organization of African Unity, Parties to the present Charter recognize the Rights, Responsibilities and Freedoms enshrined in the said Charter and undertake to adopt legislative or other measures for their implementation.

Following the ratification by Burundi of the African Charter on Human and Peoples' Rights on 28 July 1989, the country became a stakeholder to several of the diverse international and regional human rights protection and promotion instruments. In recall, up to 2008, it had already more than 25 Human Rights Conventions and Protocols the most significant of which in the area of human rights constitute:

- The Convention for the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948, entered into force on 12 July 1996 and Burundi acceded to it on 22 July 1996.
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 10 December 1984, entered into force on 26 June 1987, Burundi ratified it on 31 December 1992. The Initial Report had been prepared and defended before the Committee.
- ILO Convention n°87 relative to the freedom of Association and the protection of the right to organize, adopted on 9 July 1948, and entered into force on 4 July 1950 and ratified on 11 May 1993.
- The Convention on the Political Rights of Women adopted on 20 December 1952, entered into force on 7 July 1953 and ratified on 31 December 1992.

It should be pointed out at this point that in order to encourage women to participate actively in their country's political affairs, Burundi had provided for a quota of at least 30% for women as set out in Articles 129 and 164 of the Constitution.

The Convention on the Rights of the Child was adopted on 20 November 1989, and it entered into force on 2nd September 1990 on which the Initial Report had been produced in 1997.

The African Charter on the Rights and Welfare of the Child adopted in Addis Ababa in July 1990 was ratified by Burundi on 11 August 2000.

The Constitution of the Republic of Burundi was adopted in March 2005, which links together all the rights and responsibilities enshrined in the Charter.

Finally it should be indicated that alongside the Constitution can be cited the Burundian Penal Code adopted on 22 April 2009, the Criminal Procedure Code, various other Instruments, such as, in particular, the General Orders of the Public Servants concerning the access to the Public Service, the Decree-Law n° 1/ 11 1 of 18 April 1992 on the organization and functioning of the Asbl , the recent establishment of the National Communication Council in order to regulate and closely monitor the activities of media professionals etc, the Citizenship Code, the measure taken by the President of the Republic on his assumption of office in 2005 pertaining to the provision of free primary education.

Article 2: The Enjoyment of Rights and Freedoms

Every individual has the right to enjoy the rights and freedoms recognized and guaranteed in the present Charter with no distinction as to race, ethnic group, colour, sex, language, religion, political conviction or any other opinion, to national or social origin, to fortune, to birth or any other status.

Article 22 of the fundamental law stipulates that « All citizens are equal before the law, which guarantees them equal protection. No individual shall be the object of discrimination for reasons of his origin, his race, his ethnic group, his colour, his language, his social status, his religious, philosophical or political convictions or because of a physical or mental disability, or because he has HIV/AIDS or any other incurable disease ».

To implement this provision and in view of the socio-political and historical situation that Burundi had experienced, a Peace and Reconciliation Agreement had been signed in August 2000 and certain

mechanisms had been set out allowing all Burundian society to fully enjoy these rights. Thus it is stipulated that power sharing between the major ethnic groups, namely the Batutsis and the Bahutus should be carried out on the basis of 40% and 60% (Article 164 of the Constitution); and it was set out that at least three Batwas should be co-opted into the National Assembly and in the Senate to ensure a balanced representation in the decision making institutions. A minimum of 30% of women is also set out by the Constitution. It should also be pointed out that Burundi is well equipped in the combat against Aids and in the protection of persons living with HIV/AIDS; and in particular in the combat against any form of discrimination against them (Law 2005).

Since 2002, a National Anti-Aids Council had been set up to effectively combat this plague and to support persons living with this scourge.

The Government continues to encourage the Associations working in this field by granting them authorization to work on Burundian territory.

Article 3: Equality before the Law

1. *All individuals shall enjoy total equality before the Law*
2. *All individuals shall have the right to equal protection of the Law*

Articles 14 and 13 of the Constitution stipulate that « All Burundians are equal in merit and in dignity, enjoy the same rights and have a right to the same protection by the law. No Burundian shall be excluded from the Nation's social, economic or political activities for reasons of his race, his language, religion, gender or his ethnic origin.

All Burundians have the right to live in Burundi in peace and in security. They should live together in harmony in the respect for human dignity and tolerance for their differences.

Article 4: The inviolability of the human being and respect for human dignity

The human being is inviolable. Every human being shall be entitled to respect for his life and to the physical and moral integrity of his person. No one shall be arbitrarily deprived of this right.

Articles 24 and 25 of the Constitution stipulate that every woman and every man is entitled to life, that every woman and every man is entitled to the respect for his family life, his household and his communications.

Article 5: The Right to the respect for human dignity

Every individual shall have the right to the respect for the dignity inherent in the human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, physical or moral torture, and cruel, inhuman or degrading punishment and treatment shall be prohibited. .

The right to life is a fundamental and inalienable right. Parallel to this the Universal Declaration of Human Rights stipulates in its Article 3 that « everyone has the right to life, to liberty and security of his person » in conformity with Article 4 of the African Charter on Human and Peoples' Rights cited above.

Burundian fundamental law guarantees this right, specifically in its Articles 14, 21, 25 and 26. For example the provisions of Article 25 stipulate that « every woman, every man has the right to the freedom of his person, notably to physical and mental integrity and to the freedom of movement. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment and treatment».

The right to life is protected as soon as the human foetus is formed. Thus the Burundian Penal Code in its Article 505 penalizes abortion by specifying that « any person who, through food, potions, or medication has the intent to cause a woman to abort outside the cases set out by law, shall be punished with imprisonment of one to two years and a fine of twenty to fifty thousand Burundian Francs.

Long considered as being linked to other inflations, the new Burundian Penal Code of April 2009 brought innovations by raising torture high up and by giving a clear and precise definition of torture. Article 204 of this Code considers Torture as « any act through which a pain or acute physical or mental suffering is deliberately inflicted on an individual for the purpose of obtaining information or confession from her or from a third person, to punish him for an act committed by him or by a third party, or who is suspected of having intimidated or put pressure on a third person or for any other reason based on whatever form of discrimination, where such a pain or such suffering is inflicted by a public official or by any other person acting in an official capacity, or on his own initiative, or with his explicit or tacit consent ». The torture does not extend to the colour or to the suffering resulting solely from the legitimate punishment, inherent to these sanctions or caused by them.

It is to be pointed out that the war experienced by this country since October 1993, up to the cessation of hostilities in 2005 gave rise to considerable loss of human life. To date the country continues to experience selective killings linked in particular to land related conflicts and to the settling of scores and to cases of crime. The programme of disarmament of the civilian population which continues to hold arms is showing positive results and this will enable the country to recover its security for good.

Article 6: The Right to Liberty and Security of one's person

« Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and in conditions previously laid down by law; in particular no one may be arbitrarily arrested or detained ».

This right is recognized in Burundi in the country's Constitution and the operative Penal Code.

The 18 March 2005 Burundi Constitution in its Article 22, stipulates that: *« All citizens are equal before the law, which guarantees them equal protection. No one shall be subjected to discrimination for reasons of his origin, his race, his ethnic group, his gender, his colour, his language, his social status, his religious, philosophical or political convictions or because he is affected by HIV/AIDS or any other incurable disease ».*

Decree-Law N° 1/05 of 22 April 2009 on the review of the Penal Code in its Article 477 stipulates that: *« Shall be sentenced to imprisonment of two to five years with a fine of ten to a hundred thousand francs or either of the two, anyone who, either through an anonymous or signed document, has made threats, on orders or conditionally, against individuals or property shall be punishable by at least five years in jail. The verbal threat made on instructions or conditionally, or the threat made by gesture or as a symbol against individuals or property shall be punishable by at least five years of imprisonment, or three months to two years with a fine of ten to fifty thousand francs or either of the two ».*

Every individual has the right to liberty and security of his person. No one may be arbitrarily arrested or detained. No one may be deprived of his freedom except for reasons and in conditions previously laid down by law.

Every individual shall be informed, at the time of his arrest, of the reasons for this arrest and shall receive notification, in the shortest possible time of any charge made against him.

Whosoever is deprived of his liberty through arrest or detention has the right to bring an appeal before the Court so that the latter can immediately make a ruling on the legality of his detention and give instructions for his release if the detention is illegal.

Every individual who is a victim of illegal arrest or detention has a right to redress.

Likewise, Article 23 of the Constitution stipulates that: *« No one shall be treated arbitrarily by the State or by its Institutions. The State has obligation to compensate any individual who is victim of arbitrary treatment on its account or on account of its Institutions ».*

The duration of temporary detention is 14 days. However due to the serious shortage of JPOs, the duration of temporary detention is not respected. It can be exceeded and the jails are sometimes overcrowded.

Article 7: The Right to a Fair Hearing

«1. Every individual has the right to have his cause heard. This right comprises:

- a. the right to seize the competent national Courts about any act violating his fundamental rights as recognized and guaranteed by the Conventions, Laws, Regulations and Customs in force;*
- b. the right to be presumed innocent until proven guilty by a competent Court or Tribunal;*
- c. the right to defence, including the right to be defended by a Counsel of his choice;*
- d. the right to be tried within a reasonable timeframe by an impartial Court or Tribunal.*

2. No one may be condemned for an act or an omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender».

Article 39 of this Constitution stipulates that: *« No one shall be deprived of his liberty except in conformity with the law. No one may be charged detained or judged except in cases determined by the law promulgated prior to the commission of the offences for which he is being charged ».*

The right of each individual to have his cause heard fairly and publicly by a competent, independent and impartial Court or Tribunal established by the law is guaranteed.

In Burundian law, there is no provision setting out the appointment of Counsels by a Court despite the fact that Burundi has ratified the International Convention on Civil and Political Rights (PIDCP) which requires access to the free assistance of a Counsel for those who cannot afford it. The International Conventions compel Burundi to provide legal assistance to children accused of having

broken the Penal Law. The CRC establishes that « children deprived of their liberty have the right to have rapid access to legal assistance or to any other appropriate assistance ».

Burundi is obligated to ensure respect for this right for each child, and not only for those who have the means to pay for this assistance. It is for this reason that there are SOS children's villages, the Government's « Sun Children » project and several Associations working in the defence of the rights of destitute children.

Article 40 of the Constitution stipulates that: « *Any individual accused of a tortuous act is presumed innocent until his guilt has been proven in a public hearing during which all the guarantees necessary for his free defence have been provided for him* ».

Any individual accused of having committed a criminal offence is presumed innocent until proven guilty. On account of the presumption of innocence, which is indispensable for the protection of human rights, the onus of producing evidence is incumbent on the charge, and no one can be presumed guilty so long as the charge has not been established beyond reasonable doubt; the accused has the benefit of the doubt and any person accused of having committed a criminal offence has the right of being treated according to this principle.

It is imperative to systematically refer to the principle of presumption of innocence. Therefore in all the Articles relative to indictment, or more generally to a legal proceedings, it is vital to refer to the presumption of innocence. In most cases, the presumption should figure in the published Article, either clearly or through allusive formulations (use of the conditional tense, quotation of accusing sources, unproven elements which provide openings for the defence, for instance: « the accused is suspected of having », « he is accused of ... », « he will have to answer to the charge of ... », « for the defence the charge has no basis» etc.².

The Burundi Constitution, in its Article 39, paragraphs 3 and 4, stipulates that:

« *The right to defence is guaranteed before all the Courts. No one may be diverted from the Judge assigned to him by law against his will* ».

² The Laws on the Media in Burundi, 2004, page 45.

In Burundi, any person accused of a criminal offence has the right to be informed of the nature and grounds of the charge being made against him in the shortest possible time, in detail and in a language that he understands.

Article 38 of the Burundi Constitution stipulates that: « Every individual has the right, during legal or administrative proceedings, to have a fair hearing and to be judged within a reasonable timeframe ».

Any individual arrested or detained for reasons of criminal misdemeanour shall be brought in the shortest possible time before a Judge or another Authority empowered by law to exercise judicial office, and should be judged within a reasonable time limit or released. The detention of persons who are waiting to be judged should not be the rule but their release should be dependent on guarantees which will ascertain the appearance of the individual concerned at the hearing, and at all the other civil processes and, if need be, at the delivery of the ruling.

Article 41 of the 2005 Constitution stipulates that: « *No one may be condemned for acts or omission which, at the time they were committed did not constitute an offence. Likewise, a penalty greater than that which was applicable at the time the offence was committed cannot be inflicted* ».

Even the Burundian Criminal Code underscores in its Article 4, paragraph 1 that: « *No offence may be punished where it does not figure among the offences set out by law before the offence was committed*».

Article 8: The Right to the Freedom of Conscience and of Religion

« *The freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be subjected to measures restricting the exercise of these freedoms*».

Every individual has the right to the freedom of thought, of conscience and of religion; or of a conviction of his choice, and the freedom to express his religion or his conviction, individually or collectively, in public and in private, through worship and the performance of rituals, through practice and education.

No one shall be subjected to restrictions which may violate his freedom to have or to adopt a religion or conviction of his choice. The freedom to express his religion or his convictions can only be subjected to the restrictions set out by law and which are necessary for the maintenance of security,

law and order and public health, or for reasons of the ethics or the fundamental rights and freedoms of others.

Article 31 of the same Constitution had been deliberately formulated to respond to the concerns expressed in Article 18 of the International Convention on Civil and Political Rights. It specifies that: « *The freedom of expression is guaranteed. The State respects the freedom of religion, of thought, of conscience and of opinion* ».

It can be observed from the foregoing that the Burundian legislative framework is adequately equipped to respond to the different obligations in relation to the respect for the rights relative to the freedom of expression. As for the Administrative, Judicial or other Authorities whose decisions are likely to impact human rights, these generally are, the Administrative Heads at all levels, the Courts and Tribunals and the Defence and Security Forces.

On the means of appeal available to an individual who may claim that his rights have been violated, the means of appeal are available everywhere within the nomenclature of the Burundian judicial system.

Article 9: The Right to the Freedom of Opinion and of Expression

1. *Every individual has the right to information.*
2. *Every individual has the right to express and disseminate his opinions within the law.*

This right is the same for both men and women. In practice the fact that the rural woman is generally illiterate restricts her access to information and moreover the newspapers which inform about the socio-political situation are very expensive except the Ndongezi newspaper which costs one hundred francs, but unfortunately only the activities carried out by the Catholic Church are in it. Even in the households which have radio sets the women tend to listen to them, to the NINDE programme and the news around 18h.00 and that is due to lack of time since they get up early and go to the fields; in the face of this situation the radio sets remain at the disposal of their husbands who do not have much work to do on a day to day basis. The Association of Women Journalists carried out a study on the «Place of the Burundian Woman in the Media in 2001» and the data shows that the women journalists represent 32.8% of the active members of the journalistic profession but only constitute 18% of the Journalists that hold a Managerial position.

This reality influenced the image of women in the media because within the Government's radio and television programmes there are broadcasts which seek to sensitize the population in order to eliminate the prejudices, the stereotypes and the discriminatory language. This in particular consists of the production and broadcasting of the programme « Women's Magazine » and of the various reports dedicated to the Burundian woman.

The Burundian Penal Code sets out sanctions against crime related to information technology in its Articles 467 to 470. For instance, Article 468 stipulates that:

« Whosoever obtains either for himself or for another, an essential fraudulent benefit by entering into a computer system, by modifying or deleting data which is stored, processed or transmitted by a computer system, or by modifying by any technological means the possible use of data in a computing system, shall be sentenced to six months or five years of imprisonment with a fine of fifty thousand francs or to one of these penalties ».

Article 19 of the International Convention on Civil and Political Rights clearly stresses that:

- « 1. No one shall be harassed for his opinions.
2. Every individual has the right to the freedom of expression; this right includes the freedom to seek, receive and disseminate information and ideas of all sorts, without consideration for borders, either orally, or written, in printed or artistic form, or by any other means of his choice.
3. The exercise of the freedoms set out in paragraph 2 of the present Article includes special duties and responsibilities. In consequence it can be subjected to some restrictions which should however be explicitly established by law and which are necessary:
- a) *for the respect of the rights or of the reputation of others;*
 - b) *for the safeguarding of national security, for public law and order, for the public health or morals ».*

9.1. The role of the National Communication Council (NCC)

The current National Communication Council (NCC) is governed by the Law n°1/18 of 25 September 2007 which establishes it as the independent administrative authority responsible for safeguarding the freedom of written and audiovisual communication in the respect for the law, for public law and order and for public decency. All the media houses working on Burundian territory fall within its area

of competence whatever their legal status. The same law defines its composition, organization and functioning.

Generally, the Council guarantees the respect for the pluralist expression of all the media and communication fields of thought.

The Council has the power to make decisions regarding respect for and promotion of the freedom of the media. It also plays an advisory role for Government in communication issues.

In the area of decision making, the Council is mandated to:

- Guarantee the independence of the public and private media, in particular in matters of information;
- Guarantee the free access to sources of information,
- Guarantee the equitable free access by Political Parties, Trade Unions, Associations and citizens to both public and private sources of information and communication:
- Guarantee the rational and equitable use of the public and private media by the Public Institutions each according to its Constitutional mandate;
- Ascertain the smooth running of the media and ensure respect for the commitments contained in their terms of reference.

The Council authorizes, with the strict respect for the principle of equal treatment of the operators, and under the conditions set out by law, the establishment and use of the radio broadcasting or television and cinematographic installations, newspapers and both public and private webmail.

The Council examines the dossiers of requests for professional press cards and accreditation of Journalists. The conditions for the allocation and withdrawal of this card are established by the law on the status of professional journalists and communication technicians.

On advisory issues, the Council gives advice on:

- The quality and content of the audiovisual and media programmes
- The promotion, through the media, of national culture and the protection of fundamental social values.
- Training in media and communication issues.

The Council safeguards the respect for the media law and for the professional code of ethics and deontology through its recommendations and in collaboration with the Ministry responsible for Communications by the:

- Communication Companies and Business Houses on the Net;
- Audiovisual, public and private Communication Businesses;
- Public and Private Newspapers and periodical publications;
- Journalists.

The Council also organizes short training courses for the holders of press cards, for trainee journalists, for freelance journalists and programmes of continued training and specialization for professional journalists and communication technicians.

The Council deliberates on all issues relative to the media and communications. All the draft laws relative to media activities are submitted to it for consideration and comment. In the event that they fail in their obligations the Council transmits observations to the Heads of the Institutions of the faulty Journalists and, should the need arise, imposes sanctions on them as set out by the media law.

9.2. Some historic decisions taken by the NCC

In the NCC's recent history it has taken major decisions in the promotion of press freedom which deserve to be highlighted:

- In 2001, the NCC ruled in favour of acquitting the Head of the Information Agency Net Press who had been jailed for having recaptured a piece of news disseminated on a website domiciled abroad in a publication.
- On 14 July 2005, the NCC suspended the broadcasts of the African Public Radio (RPA) for disparagement in its frequency of this media regulatory Institution.
- On 9 October 2008, the NCC filed away without further action the RPA's formal notice dossier which had agreed to make amends, through the media, for the wrongs caused to the individuals who had laid a complaint to the Council. At the time when Burundi was preparing to hold new general elections in 2010, the NCC again played a delicate role in regulating the media during sensitive times. It had given clear guidance to the media professionals in relation to their responsibilities, the need for accuracy and impartiality, integrity and dignity, the bad behaviour and media offences to be avoided, as well as possible mistakes during this electoral period.

The laws which govern the media in Burundi³ adequately show that this right is respected. The Constitution of the Republic of Burundi in its Article 31 stipulates that: «The freedom of expression is guaranteed. The State respects the freedom of religion, of thought, of conscience and of opinion. »

9.3. The responsibility of the Media sanctioned by the laws on the Freedom of the Press

The International Convention on Civil and Political Rights outlines in its Article 20 the acts which should in any case be prohibited by law. These are any propaganda promoting war and all incitement to national, racial or religious hatred constituting an invitation to discrimination, hostility or violence. For its part the African Charter on Human and Peoples' Rights recognizes in its Article 9, paragraph 2, the right to express and disseminate one's opinions but within the context of the laws and regulations.

Article 31 of the country's fundamental law recognizes that every individual has the right to the freedom of opinion and of expression, but it should be with respect for public law and order and for the law. Likewise, Article 2 of the law governing the media declares the principle of the freedom of the press but lists out a certain number of restrictions. Thus pursuant to Article 10 of the media law, « the Journalist is obligated to refrain from publishing in the Newspaper or from disseminating in an audiovisual broadcast or in any other press organ, information that is liable to violate:

- National Unity;
- Public Law and Order and Security;
- Ethics and public decency;
- Human honour and dignity;
- National sovereignty;
- Individuals' private life ».

Likewise, according to Article 11 of the media law, « the right to disseminate or to publish documents cannot be invoked where the former relate to:

- Secrets of national defence, of public currency and credit, of the security of the State and of Public Security;
- Secrets of private life including personal and medical dossiers;
- Secrets of judicial inquiry at the pre-judgement stage ».

³ Law N° 1/025 of 27 November 2003 governing the Media in Burundi.

The restrictions against the right mentioned above can be found in the Code of Conduct for Political Parties and the Media during the 2010⁴ electoral period and in its Articles 22, 23, 24 and 25 which require the Media to:

- Avoid reporting on political speeches and programmes promoting lies, brain washing, and incitement to ballot rigging.
- Avoid all biased or malicious comments against Political Parties and their programmes and all disparagement of Political Parties or their Candidates.
- Undertake to ban all forms of discrimination by guaranteeing fair and equal access to their organs of expression and impartial treatment of the different political actors.
- Endeavour to guarantee favourable conditions for better output.

The National Communication Council can also seize the Public Ministry about the most serious cases against which no sanctions have been set out within the media related offences but which are liable to threaten the profession. The Council guarantees arbitration in cases of conflicts relative to the exercise of the freedom of the press opposing the Heads of the Institutions and the Journalists or the various press institutions amongst themselves.

NB: The decisions of the Council can be subjected to an appeal for reversal before the Administrative Court.

Article 10: The Right of Association

1. *Every individual shall have the right to assemble freely with others provided that he abides by the law.*
2. *Subject to the obligation provided for in Article 29 no one may be compelled to join an Association.*

Article 32 of the Constitution of 18 March 2005 sanctions « *the freedom (..) of association, likewise the right to set up Associations or Organizations in conformity with the law* ».

For the persons pursuing the same interests Decree-Law n° 1/111 of 18 April 1992 establishing the organic framework for non-profit making Associations guarantees specifically the freedom of Association in the Republic of Burundi.

⁴ Ministry of the Interior, Code of Conduct for the Political Parties and the Media during the 2010 electoral period, February 2010.

On 16 June 2010, the number of non-profit making Associations approved by the Ministry of the Interior totalled 4,180 but some other Associations are still waiting for approval.

There is also the Law n° 1/006 of 26 June 2003 on the organization and functioning of Political Parties. Currently 43 Political Parties have been approved by the Ministry of the Interior.

In the working world there are employers' and workers' unions which have been created to defend their interests. Articles 264 to 290 of the Labour Code deal with the freedom to organize.

Up to 2005, the number of workers' trade unions which were recognized in the Ministry of the Public Service and Labour had been estimated at 48 but today they are about 60. These trade unions are regrouped into 2 central syndicates known as the Confederation of the Burundi Trade Unions, (COSYBU) and the Confederation of the Free Trade Unions of Burundi (CSB) respectively.

Regarding the employers' unions, there are 2, namely A.E.B (Burundi Employers' Association) and the CESEBU (Burundi Employers Central Union).

We must however note that the Associations and the Organizations which try to incite national, racial or religious hatred are prohibited in the interest of others, in conformity with Article 20.2 of the International Convention on Civil and Political Rights which Burundi ratified on 14 March 2010. This Instrument prohibits all incitement to national, racial or religious hatred.

Article 11: The Right to the Freedom of Assembly

Every individual shall have the right to freely assemble with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety of others, health, ethics and rights and freedoms of others.

Article 11 is a follow up of Article 10; Associations, Political Parties and Trade Unions have the right to assemble for objectives aimed at promoting their respective organizations.

Thus the fundamental law of 18 March 2005 sanctions the freedom of assembly in its Article 32 which stipulates: « *The freedom of assembly (...) is guaranteed, (...) in conformity with the law.*

Even the law on Political Parties⁵ guarantees this freedom; Article 12 of this law is worded as follows:

⁵ Law n° 1/006 of 26 June 2003 on the organization and functioning of the Political Parties.

« Political Parties may hold meetings, organize demonstrations and engage in propaganda under the conditions set out by the law ».

However the Mayor, the Administrator, the Provincial Governor and as a last resort, the Minister of the Interior can prohibit all meetings or demonstrations should these be of a nature to disturb public law and order.

Article 12: The Right to the freedom of movement and of residence

1. *Every individual shall have the right to freedom of movement and of residence within the borders of a State provided he abides by the law.*
2. *Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions provided for by law for the protection of national security, public law and order, public health or morality.*
3. *Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions..*
4. *A non-national legally admitted in the territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.*
5. *The mass expulsion of non-nationals shall be prohibited. Mass expulsions shall be that which is aimed at national, racial, ethnic or religious groups.*

The freedom of movement and of residence anywhere on the national territory is guaranteed by Article 33 of the 2005 Constitution which stipulates: *« All Burundian citizens have the right to move around freely and to reside anywhere on the national territory and to leave it and return to it ».*

Considering that Burundi ratified the International Convention on Civil and Political Rights, Article 12 of this Convention compels the State of Burundi to guarantee this freedom to all its citizens, and also to the foreigners legally established on its territory.

Nonetheless restrictions to this freedom to go and come can be imposed, restrictions relative to the protection of national security, public law and order, public decency or the rights and freedoms of others; in short, restrictions which are in conformity with the law.

May we point out that to date, no complaint has ever been made regarding a violation of this freedom of movement by the State or by its Institutions be it from citizens or from foreigners.

Concerning the right of asylum, the Republic of Burundi recognizes this right in Article 50 of the Constitution of 18 March 2005. The Government has put in place the Decree-Law N° 1/32 of 13 November 2008 on asylum and the protection of refugees in Burundi. Three Ministerial Orders regarding asylum have also been promulgated:

- Ministerial Order N° 530/442 of 7 April 2009 on the measures of application of the law N°1/32 of November 2008 on asylum and the protection of refugees in Burundi and relative to the procedures for the requesting of asylum.
- Ministerial Order N° 530/443 of 7 April 2009 on the measures of application of the law N°1/32 of November 2008 on asylum and the protection of refugees in Burundi and relative to the composition, organization and functioning of the Consultative Commission for Foreigners and Refugees and the Appeals Committee.
- Ministerial Order N° 530/881 of 6 July 2009 on the appointment of the members of the Consultative Commission for Foreigners and Refugees (CCER) and the Appeals Committee (CR).

Burundi is also signatory to the 1951 Convention on Refugees and to its 1967 Protocol, as well as to the 1969 OAU Convention governing the aspects relating to problems of refugees in Africa.

The Ministry of the Interior in collaboration with the United Nations Refugee Agency (UNHCR) in 2009 established a specialized bureau for asylum matters. This entity was called the National Office for the Protection of Refugees and Stateless Persons (ONPRA).

On 30 April 2010, the refugees from the DRC living on Burundian territory were 37,308 distributed in the camps and urban centres.

Site Gasorwe in the Muyinga Province: 9,448 in 2,165 households;

Site Musasa in Ngozi Province: 6,515 (1,623 households)

Site Bwagiriza⁶ in Ruyigi Province: 3,541 (627 households)

The Rwandan refugees total 643 and live in the Bukemba and Giharo Sites of Rutana Province.

Urbans: 7,301 (1,477 households)

The asylum seekers total 10,144 namely 2,200 households.

⁶ This Site had been opened after the closure of the Gihinga Site in Mwaro.

12.1. Refugees asylum seekers in Burundi (per country of origin)⁷

Country of origin	Number
DRC	36,442
Rwanda	643
Other countries (Somalia, Sudan)	66
Others under mandate	157
Total	37,308

Pertaining to the prohibition against the expulsion of a non-national legally admitted on the territory of the Republic of Burundi, the Constitution of 18 March 2005 sets it out. Article 59 of the said Constitution stipulates « *Any non-national living in the Territory of the Republic shall enjoy the protection granted to goods and persons pursuant to the present Constitution and to the law...* »).

Article 13: The Right of access to the public functions of the State

1. *Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.*
2. *Every citizen shall have the right of equal access to the public service of his country.*
3. *Every individual shall have the right of access to public property and services in strict equality of all persons before the law.*

The Republic of Burundi recognizes the right to participate in the management of public affairs. Article 16 of the Constitution of 18 March 2005 stipulates: « The Burundian Government should be organized in a manner that allows all Burundians to be represented in it and for it to represent all Burundians; for each one to have an equal opportunity to be part of it; that all citizens have access to the public services and that Government decisions and activities obtain the greatest possible support».

Furthermore, Article 51 of the same Constitution adequately clarifies this right of participation in the government of the country.

« Every Burundian has the right to participate, either directly or indirectly through representatives in the direction and management of State affairs provided it is done under the conditions established by

⁷ Data obtained from ONPRA.

the law, notably regarding age and capacity. Every Burundian also has the right to accede to the public functions of his country ».

The municipal, presidential, legislative and collinear elections allow each Burundian citizen to exercise his political rights without discrimination, in particular:

- The Public's all-encompassing right;
- The right to vote and to be elected;
- Access to public office under conditions of equality.

Article 8 of the 18 March 2005 Constitution guarantees the right to vote and the right to be elected for every Burundian citizen. « *The vote is universal, equal, secret, free and transparent. It can be direct or indirect under the conditions established by the Electoral Code, and is open to all Burundians over 18 years of age in possession of their civil and political rights ».*

Moreover the traditionally discriminated categories, namely women, the youth and the « Batwa » are currently taken into consideration.

To the credit of gender promotion, it should be noted that considerable progress has been made in terms of the integration of girls in the educational system as well as women's empowerment. Regarding girls' education, it is important to emphasize that their number in the primary schools, which represented less than 80% in 2000 in comparison to that of the boys, reached 91% in 2006-2007. However in the Secondary and Higher Education sectors less rapid progress is evident. This has a direct consequence on the participation of women in the country's socio-economic activities.

In the area of women's empowerment it is important to point out that the percentage of women occupying political and economic decision making positions has continued to increase in recent years. To consolidate this encouraging trend, the current Constitution sanctions the participation of women in all the legislative and executive institutions. Thus close to 35% of ministerial positions are occupied by women, while the percentage of women with access to political and economic decision making positions has increased from 11.2 in 2003 to more than 20% in 2007.

Concerning the youth, measures have been taken by the Government to facilitate the effective integration of this category in development activities. Can be cited among others:

- The establishment of the National Youth Council;

- The creation of a Ministry for skills and professional training which plays a key role in the training of children who are not able to access secondary education;
- Implementation of the programme to enhance the participation of the youth in social cohesion activities within their communities;
- The Decree n° 100/92 of 31 May 2010 on the creation, organization and functioning of a Burundian Agency for youth employment « ABEJ »;
- The membership of Burundi in the East African Community which provides an opportunity to young graduates to apply for jobs in the other countries of the community.

For the Batwa Community, the Constitution of 18 March 2005 grants them 3 seats in the National Assembly and 3 seats in the Senate. This Community can also be found in other Institutions. For example, the National Land and other Assets Commission (CNTB), the Finances Head Office, etc.

Article 14: The Right to Property

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

The Constitution of Burundi in its Article 36 stipulates that: « *Every individual has a right to own property. No one shall be deprived of his property except in the interest of public need, in the case and manner established by the law and for fair compensation established beforehand or in the execution of a legal ruling reached on the basis of res judicata* ».

In Burundi, the right to own property is a matter of capital importance and it constitutes part of the recognized human rights. Generally, land represents a matter of dignity for the Burundian. The Burundian population is attached to land and to be landless constitutes a threat and a matter of insecurity. More than 90% of the Burundian population depends directly on the resources drawn from the land through agriculture. For this reason it needs land.

However there is a sector of the population that does not own any land or own small portions of it which are inadequate for agricultural purposes. This is the case of the Batwa and the repatriates.

The issues linked to land management are inevitably crucial and sensitive. The solutions provided constitute important collateral for the future of the Batwa families and for the country.

According to the OAG Survey, the Batwa families have expressed their essential land-related needs:

- 2,800 households require fertile land for cultivation

- 2,385 households do not have land
- 2,814 households need to secure their small landed properties
- 68 households are still governed by the practice of ubugererwa
- 252 households are under threat of sale of their landed property due to poverty.

The following are some of the consequences which figure under the vulnerability of the Batwa:

Smallness of the cultivable land size: on occupied land, distribution of estates, the individualization of the methods of exploitation which give rise to family conflicts whereas the Batwa Community has always been known to live in solidarity.

Degradation and over exploitation of the land: Within the context of the current population pressure, the smallness of the land size has reached such a degree that numerous Batwa families are compelled to over-use the land leading to its degradation;

Illegal occupation of state land: The Batwa families that don't own land and some others that do own land but which in size is small are compelled to establish themselves illegally and anarchically on private or state-owned land which appear to be vacant and at times uninhabitable, unsuited to agricultural purposes. These activities reveal the deficiencies of the State's services which are not able to solve the land problem of the Batwa families. This often results in land conflicts and in the cutting down of trees in certain State forest reserves which cost a lot in terms of financial resources to the State or to the donors;

The tendency of the Batwa is to assimilate the Institution of Ubugererwa to serfdom in place of illegal economic exploitation.

14.1. Challenges of the current system of access to landownership

- Complexity and unwieldiness of the landownership procedures: even though some have been translated into Kirundi such as the 1986 Land Code. The Land Code is not known by its users, namely the Batwa population and the Repatriates. The registration and transfer procedures are highly complex. They involve numerous cycles and stages requiring the input of several departments of the Public Service. In the entire country there are only three offices, BUJUMBURA, NGOZI and GITEGA to deal with the requests and take further action. It is therefore easy to understand their lack of interest in obtaining the documents when they are more concerned about satisfying certain basic needs;

- The high cost of registration: the registration of land requires costs which the Burundian families cannot afford due to poverty. It involves the production of proof of identity, the purchase and transportation of the boundary stones, the moving of a surveyor and his assistant, the production of a land-survey and boundary marking report, the payment of a community tax and sometimes the payment of a contribution for the locals, not to mention other expenditure linked to the allocation of the plot.
- Lack of knowledge about all state land and of up-to-date cartography: the Burundian State and its Services do not currently have sufficient information on state land to allow its equitable management and the allocation of land to the needy, the Batwa and the Repatriates included. All State land has not been demarcated, due to the lack of a satisfactory inventory and effective taking of ownership;
- Absence of a land distribution policy for the landless Batwa: the current trend of allocating land to the Batwa is entangled with the policy of re-integration of repatriates and displaced persons.

14.2. The solutions to the land problems of landless persons

To deal with the land problem, the Government of Burundi has set up a Lands and other Assets Commission (CNTB) by the law n° 1/018 of 14 May 2006 on the mandate, organization and functioning with the perspective of regulating land disputes and other assets of disaster victims. This law defines the disaster victim as any natural person or legal entity despoiled of his property as a result of the tragic events that took place in the country since independence. The same law empowers the CNTB to allocate land to the landless disaster victims in collaboration with the competent authorities.

The final Report of the draft review of the Land Code of 1986 has already been submitted since 31 December 2008 and it has been observed that no provision projects the free assignment of rural land which has already been allocated to the repatriates, to war victims and to vulnerable groups who do not have land like the Batwa. Yet from the practical point of view there are free land transfers which unfortunately are not covered by legal guarantees.

Today, with the large scale return of the repatriates some of whom have neither land nor references, integrated rural villages have been fitted out for them following a procedure of identification of the

available State land. The Batwa are often integrated into these villages but the fact remains that the Administrators do not provide land for cultivation.

But there is a flicker of hope on the horizon, for a very first peace village in GITARA situated in MABANDA District, MAKAMBA Province has started granting households to the landless repatriates and other vulnerable groups while distributing agricultural land with a surface area of 0.5ha.

Today the country has more than 500,289 repatriates of whom several are landless and more than 100,000 refugees who are still in exile. The following table shows clearly the repatriated persons country by country.

14.3. Distribution of Refugees per country

Period	DRC	Rwanda	Tanzania	Others	Total
2002-2003	4,284	219	130,824	322	135,649
2004	879	151	89,039	258	90,327
2005	1,002	4,489	62,338	279	68,108
2006	1,284	615	42,765	251	44,915
2007	45	111	39,506	136	39,798
2008	6	36	94,891	135	95,068
2009	68	2,268	23,969	119	26,424
Total	7,568	7,889	483,332	1,500	500,289

More than 35,000 refugees are still in Tanzania in the Mutabira Camp.

14.4. State of progress of the Peace Villages

Province	District	Name of the integrated village	Capacity of the integrated village	Population of the integrated village		Places still available	State of progress of the works
				No. of hseholds	No. of indivi		
Makamba							Roughcasting of the outside walls underway
	Mabanda	Musenyi/gitara	200 shelters	199	890	01	
	kibago	nyakazi	200 shelters	111	466	89	Brickwork channelling for water drainage underway
Rutana	Giharo	Murembera	60 shelters	25	140	35 households	
		Nkurye II	140 shelters	22	78	118 households	
Total		8 new peace villages	600 shelters	357	1574	243 households	

Article 15: The Right of access to employment and to an equitable salary

Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.

Burundi has ratified the Convention on equal remuneration, 1951 (n°100) and the Convention on paid leave revised in 1970 (n°132) and the Convention on the fixation of the minimum wage, 1970 (n°131).

The right to enjoy fair and favourable conditions of work is recognized and guaranteed by several international, regional and national Legal Instruments. Thus this right which guarantees the well-being of the worker makes it possible for him to be guaranteed a life in dignity.

According to the Decree-Law n°1/067 of 7 July 1993 which reviewed the Burundi Labour Code the salaries or remuneration are considered as follows:

- The basic salary
- Pay in lieu of notice
- Paid leave allowances
- Longevity allowances
- The various payments linked directly to the worker's benefits.

15.1. Incorporation of the international provisions relative to the right to enjoy fair and favourable working conditions at the international level

The Universal Declaration of Human Rights of 1948 in its Article 23, paragraph 3, stipulates that « Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection ».

The Universal Declaration of Human Rights which is a basic text for all the universal instruments links work with remuneration which guarantees the human dignity of the worker and that of his family.

The 1965 International Convention on the Elimination of all Forms of Racial Discrimination, in its Article 5, stipulates: the States undertake to prohibit and eliminate discrimination in all its forms. Likewise for Article 11.1 a, b, c, and d, of the Convention on the Elimination of all forms of Discrimination Against Women which recognizes the rights equal to men and women in employment issues.

15.2. At the national level

a) The Burundi Constitution

The Burundi Constitution which is a basic text with a legally binding nature integrates Article 7 of the Convention as can be observed in Article 57: « of equal competence, every individual has the right, without any discrimination to equal pay for equal work ».

Article 54 recognizes the right of every individual to enjoy fair and satisfactory working conditions and guarantees the worker the fair remuneration of his services or his production.

b) The Labour Code

Article 5 of the Labour Code recognizes that all employment should be fairly remunerated. The remuneration should be sufficient to guarantee decent living conditions for the workers and their families.

c) General Status of Public Servants

Law n°1/28 of 23 August 2006 on the General Status of Public Servants defines remuneration in its Article 40 as constituting the monetary compensation for the work provided, which the Public

Servant receives monthly and which comprises the basic salary and, where relevant, the bonuses and allowances.

15.3. The main methods used to establish salaries in Burundi

A. Level of recruitment

- The recruitment of public servants is done through competition and/or testing under the authority of the National Recruitment Commission established by Ministerial Order of the Minister responsible for the Public Service. This Commission can, by a rational decision, authorize the recruitment of candidates on the basis of qualifications.
- The Commission takes into consideration the experience acquired in relation to the work for which the public servant is appointed, awarding two steps for each year of full experience (see the levels in the appendix). In the case of a Teacher in the formal or informal sectors and for public servants qualified to enter the teaching field, the recruitment of a Teacher is increased by an equivalent of six years of service with the remark « VERY GOOD » in comparison with the salary for recruitment into the public service.

B. Credit Rating and Promotion

The public servant has a right to an annual credit rating and it should reflect, at the exclusion of all other considerations, the work, the productivity and respect for statutory obligations of the public servant during a single year of reference.

The assessment of the public servant's merits is done on the basis of the following criteria:

Punctuality, assiduity, professional relations, the sense of responsibility and of organization, the aptitude for training, the sense of initiative, professional knowledge, output, and the capacity to take decisions.

The credit rating enables the public servant to move up in terms of rank, grade and category.

15.4. Constraints

These Burundian instruments and laws do not actually translate the reality. On the one hand Burundi has just come out of a war which lasted more than a decade and the country is hard put to it to stabilize the prices of food stuffs and other imported products. To this should be added the depreciation of the Burundian currency on the national and international markets. This has given rise

to a leap in market prices whereas the public servant's salary does not increase. The Burundian public servant's purchasing power remains below the purchasing level. The salary of a Burundian has remained at the lowest level for a long time in comparison to that in the other countries of the region.

Concerning the implementation of the Decree-Law on the general status of public servants, a disparity can be observed in the effective implementation of this Decree. Some sectors have a special status which allows them high salaries and other benefits, notably the public servants of the Ministry of Good Governance and Privatization, the officials of the Ministry of Justice, and of the Ministry of Public Health whereas the other sectors are still waiting for the implementation of the General Status of Public Servants. This deficiency has given rise to strikes in the past few days but the Government has taken measures to quell this issue by carrying out a transposition of all the public servants in the public service.

There is a category of workers, in particular house boys and girls who are not covered by the law. The same is true for the watchmen of private individuals and the daily labourers who work in construction sites and plantations. The salary for this category of persons is established on the basis of an agreement between the employer and the employed.

Article 16: The Right to Good Health

1. *Every individual shall have the right to enjoy the best attainable state of physical and mental health.*
2. *The States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.*

16.1. At the legislative and regulatory levels

Certain Codes like the Public Health Code and the Sanitation Code have lapsed while others like the Environment Code do not have Regulations. Burundi also suffers from a lack of domestically adapted standards.

16.2. At the Institutional Level

In 2005 the Government drafted its development policy for the Health sector (PNDS) on the basis of the conclusions of the national forum of the health sector.

This policy is based on four objectives:

- The reduction of the maternal and neo-natal mortality rate,
- The reduction of the infant and child mortality rate,
- The reduction of the prevalence of transmissible and deficiency related diseases and of malnutrition,
- Strengthening the performance of the health sector through the improvement of access to services and quality health care,
- The President of the Republic, on his assumption of office in 2005, took the measure of granting free health and maternity care to children aged less than 5 years.

For this reason the Government took on the objective of:

- Reducing the infant mortality rate for every 1,000 livebirths from 114 to 90 in 2010 and 65 in 2015,
- Reducing the maternal mortality rate from 800 deaths per 100,000 livebirths 560 in 2010 and 392 in 2015,
- Improving the proportion of deliveries assisted by the health staff to bring it to 17% in 2002, to 35% in 2010 and to 60% in 2015,
- Extending the immunization cover up to 85% in 2010 and to 90% in 2015, of reducing the percentage of children suffering from underweight from 30% to less than 10% in 2010,
- Reducing the percentage of children with retarded growth from 52.5% to 35% and with underweight from 39.2% to less than 26% in 2010.

The budget allocated to health in the 2008 Budget Exercise was 21,631,886,735 fbu and in the 2009 Budget the amount allocated to health was 46,192,249,747 fbu and the 2010 Budget Allocation for the Ministry of Public Health was 63,512,077,128 fbu.

About 50% of the population have access to qualified staff for the treatment of regular illnesses and injuries and can procure 20 essential medicines at an hour's walk or travel. Sequel to the presidential measure on the provision of free maternity care, up to 80% of pregnant women are able to see a qualified Doctor in the cities and up to 70% of them in the rural areas are able to do so. Also sequel to the presidential measure for the provision of free health care for children aged less than 5 years, up to 80% of infants can be seen by a qualified Doctor in the urban areas and 70% in the rural areas.

Article 17: The Right to Education

1. *Every individual shall have the right to Education.*
2. *Every individual may freely take part in the cultural life of his Community.*
3. *The promotion and protection of morals and traditional values recognized by the Community shall be the duty of the State within the context of the protection of human rights.*

17.1. Legal Framework

Education as a human right is recognized by the Republic of Burundi and the instruments of Burundian legislation indicate this. In effect Article 19 of the Constitution of the Republic stipulates that: « The rights and responsibilities proclaimed and guaranteed, among other things, by the Universal Declaration of Human Rights, by the International Human Rights Conventions, the Convention on the Elimination of all forms Discrimination Against Women and the Convention on the Rights of the Child constitute an integral part of the Constitution of the Republic of Burundi. These fundamental rights are subject to neither restriction nor dispensation except under certain circumstances justifiable by the general interest or for reasons of protection of a fundamental right».

Article 52 of the Constitution recognizes the fact of being able to obtain satisfaction of the social rights among which Education is the most important since it provides the possibility for one to demand the other rights. « Every individual is justified in obtaining the satisfaction of the economic, social and cultural rights essential for his dignity and for the free development of his person aided by the national effort and in the light of the country's resources ».

Article 53 further clarifies: « Every citizen has a right to equal access to instruction, education and culture. The State has the responsibility of organizing public education and of promoting access to it. Nonetheless, the right to open private schools is guaranteed by the conditions established by the law».

The legal instruments, the most important of which constitute the Decree-Law n°1/025 of 13 July 1989 on the re-organization of the Education System in Burundi as amended by Decree-Law n° 1/36 of 18 September 2002 and Decree n° 100/121 of 30 November 2005 on the re-organization of the National Ministry of Education and Culture in the Articles relative to general mandates also recognize the right to education and recommend, among other things:

- ✓ Promotion of the development of nursery education (early childhood);
- ✓ Establishment and putting into practice of a plan aimed at the generalization of basic education for all children of school going age;
- ✓ Preparation and implementation of Government policy in skills training, literacy education for adults and permanent education.

In April 2000, Burundi participated in the Global Education Forum held in Dakar which had established for the countries six major objectives in the area of Basic Education. Burundi undertook to attain these goals which can be summarized as follows:

- ✓ The protection and education of early childhood;
- ✓ Primary Education: access and retention;
- ✓ Education and Training Programme responding to the needs of the youth and of adults;
- ✓ Literacy education and basic education for adults;
- ✓ Gender parity in education;
- ✓ Quality of Education.

17.2. The Millennium Development Goals

In Burundi the main points of these objectives is recaptured in the different sectorial policies of the Ministry of Education. This was in 1991, 2001 and 2005.

The general objectives of these sectorial policies can be summarized as follows:

- Bringing the education services closer to the beneficiaries by means of a decentralization policy of the educational sector;
- Universal education at the primary level projected for 2010;
- The eradication of illiteracy especially among women;
- The promotion of girls' education at all levels;
- Reduction of the regional differences and disparities through the generalization and periodical updating of the national and regional school map;
- Free school fees: this became a reality in Burundi for the primary level from the 2005-2006 school year.

Burundi subscribed to the Millennium Development Goals (MDGs) which, in the area of education, integrates the main points of the objectives of universal education defined in Dakar and the poverty reduction objectives.

-The Government of BURUNDI has just adopted on the 6 December 2006, the Education and Training Policy Letter which reiterates the 5 priority goals, namely:

1. Attain the universal completion of the primary cycle by 2015
2. Manage in a controlled manner the flow of pupils beyond primary education
3. Improve the quality and relevance of public education
4. Guarantee an equitable educational system
5. Improved efficiency in the use of resources.

A sectorial education development plan is currently under preparation and focuses on 2 priorities:

Improved adequacy in terms of quantity and quality in the flow of the outgoing in the technical, professional and higher education on the one hand, and the market demands in terms of employment and transformation of Burundian society on the other. These priorities constitute the two first objectives of the education strategy.

As the crisis which shook Burundi did not spare the education system, the Government had projected full enrolment for 2010, which confirmed the sectorial policy of 1999 and then that of March 2002.

Furthermore, the EPT Action Plans, prepared but not implemented, projected the objective of universal education for the year 2015. They proposed the rehabilitation and construction of schools by mobilising more parents and outside partners so as to be able to erect at least one school per surveyed sector. They expressed the wish to organize a special programme for girls' education on the one hand and the piloting of special education at the primary level for children on the other. Unfortunately for these children in difficulty no explicit policy in their favour had been defined.

17.3. The development of education and disparities according to gender

Thanks to the President of the Republic's policy of free school education in 2005, enrolment at the primary level has known a dramatic increase.

Table on the development of education and disparities according to gender⁸;

Province	Pupils			Parity
	F	M	Total	
BUBANZA	32582	35159	67741	0.93
BUJA-MAIRIE	32661	33529	66190	0.97
BUJA-RURAL	60217	61693	121910	0.98
BURURI	76260	77288	153548	0.99
CANKUZO	24990	25352	50342	0.99
CIBITOKÉ	46768	51591	98359	0.91
GITEGA	82793	79571	162364	1.04
KARUSI	49723	47469	97192	1.05
KAYANZA	65053	65865	130918	0.99
KIRUNDO	54939	61379	116318	0.9
MAKAMBA	53243	55048	108291	0.97
MURAMVYA	38186	37044	75230	1.03
MUYINGA	51647	58716	110363	0.88
MWARO	34956	33743	686999	1.04
NGOZI	64919	69009	133928	0.94
RUTANA	35673	38573	74246	0.92
RUYIGI	41083	43565	84648	0.94
Total	845693	874594	1720287	0.97

Article 18: The right to protect One's family

1. *The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.*
2. *The State shall have the duty of assisting the family in its mission of safeguarding the morals and traditional values recognized by the Community.*
3. *The State shall ensure the elimination of all forms of discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.*
4. *The elderly and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.*

⁸ According to the 2008/2009 indicators on Primary and Secondary Education in Burundi.

The family is the natural unit and basis of society which should be protected by the State. The State of Burundi adequately fulfils this responsibility. In the old days, the family played a primordial role in the education of the children. In social issues the Burundian used to give priority to mutual social assistance, for instance people helped in the construction of houses for vulnerable persons; orphans were taken in to bring them up until they were of age to make their own decisions and take care of themselves; part of the harvest used to be put aside for the most destitute.

Pertaining to co-habitation, it is a practice which is considered immoral by Burundian tradition. Thus, in its Penal Code the State of Burundi protects the family from this bad practice and more specifically in its Article 351.

The State compels illegal families to regularize their marriage to enable them enjoy social benefits, otherwise it is the children who would be the first to suffer. This facilitates the organization of sensitization sessions pertaining to the registration of births and the registration of marriages as well as campaigns for the legalization of illegal marriages. A registration campaign of non-registered children had been carried out across the entire territory. A measure to facilitate the registration of children and of illegal marriages within the BATWA Community was taken and to facilitate the registration of Civil Status this was decentralized up to the zone.

The protection of women's and child rights is a matter of concern for the State of Burundi. In this respect the first initiative had been to create a Ministry responsible for Women's Affairs, the Ministry of Human Rights and of Gender. One of the major achievements in this area is the recent review of the Penal Code by Burundi which criminalizes violation against women in Articles 535, 536 and 537 of this same Code.

Moreover, in its Constitution, the State of Burundi grants women 30% of the positions in State Institutions.

The State of Burundi has also ratified numerous International and Regional Conventions on the promotion of human rights in general and women's rights in particular, thereby reiterating its commitment to promote and respect women's rights. Concerning the rights of the Child, the Government has pursued its efforts to harmonize the legislation to the Convention on the Rights of the Child, as evidenced by the ratification of the various Conventions and Protocols relative to the Rights of the Child. Progress has been made and there is a Children's FORUM and children journalists have been trained to associate children in the affairs of their country while the FORUM serves as a framework for the expression of all issues relating to early childhood. As for child soldiers, there is a project within the Ministry of Human Rights to deal with the identification, demobilization and re-

integration of child soldiers. Currently, it is the DDR project which takes care of the de-mobilization of child soldiers.

Let us recall here that the Periodic Report on the Convention on the Rights of the Child has just been presented in the month of September 2010.

To protect Elderly persons, a National Institute for Social Security (I.N.S.S) has been created. This Institute manages the retirement benefits and professional hazards for contracted staff. Nonetheless, it should be emphasized that the Elderly persons who are not public servants deserve special attention. The Disabled also do not receive assistance for there is no special treatment reserved for the disabled, but nonetheless there is some hope for them for currently the Ministry for National Solidarity takes care of issues concerning them. This same Ministry is preparing to submit a special law to the Council of Ministers in relation to the Disabled, and in the near future it is hoped that they will receive special treatment.

Article 19: The Right to equality before the law

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Everybody knows that the Burundian people had been colonised by the Europeans as was the case with several African countries. On the 1st July 1962, Burundi became independent and recovered its dignity. Since then Burundi has not been dominated by any country and it does not dominate any country.

All Burundians enjoy State benefits in the same manner. The Government of Burundi, by Decree-Law n° 1/19 of 30 June 1977 abolished the Institution of Ubugererwa which subjected a certain category of citizens to land dependence. Unfortunately this abolition measure has not benefitted all the social classes, for numerous Batwa continue to provide free labour in families which use them as remuneration not only in kind but also as highly insufficient money.

Up to date some administrative authorities have tried to solve this problem of lack of land for the Batwa but major sections of this ethnic group remain without real estate.

Out of 20,155 Batwa households surveyed across the entire country, 85.3% of the Batwa households have real estate and 14.7% of the Batwa households live under the Ubugererwa Institution, namely that they are established on a property over which they have only precarious possession.

Article 20: The Right to Self-determination

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.

2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

3. All peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

The Burundian people live on Burundian territory with frontiers which are well marked out and respected by other peoples. From the political point of view the Burundi Constitution is a document which shows how the political institutions are organized and at the same time serves as a reference document. Aided by the democratic system, the Burundians choose their government themselves from the grassroots to the top.

The Burundian Parliament recently rejected a law authorizing homosexuality, for in Burundi only heterosexuality is acceptable. This shows the self-determination of the Burundian people where several areas in the life of the country are concerned.

The 18 March 2005 Constitution of Burundi, voted in by referendum on 28 February 2005, stipulates in paragraph 7 of its Preamble: « the Burundian people reaffirm their determination to defend the sovereignty and political and economic independence of their country». It also grants considerable freedom of action for the creation of political organizations in its Article 76.

The countries of the sub-region have strongly contributed to the restoration of the peace process in Burundi. They have significantly facilitated the signature of the political accords and that of the cease fire between the Government of Burundi and the former parties and armed political movements. Countries like Tanzania, South Africa and Uganda guaranteed the mediation in the armed conflicts which opposed the Government of Burundi and the former parties and armed political movements. Apart from the countries of the sub-region, the entire international community played a major role in helping Burundi recover peace.

The Burundian State is not indifferent to the assistance of the State Parties to the present Charter. It supported South Africa in its struggle against the Apartheid system as evidenced by the existing diplomatic relations between the two countries. On the other hand the State of South Africa lent Burundi a strong hand during the peace process.

Article 21: The Right to freely dispose of wealth and natural resources

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2 In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.

4. State Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity.

5. State Parties to the present Charter shall undertake to eliminate all forms of foreign exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources. .

The Burundian sub-soil abounds in wealth and natural resources. Nickel is said to be found in MUSONGATI and oil in Lake Tanganyika. Despite the presence of this wealth, it remains unexploited due to lack of the technical means required for its exploitation.

Water is also a very important resource in Burundi and there are several lakes and rivers: Lake Tanganyika, the Northern lakes (Rwihinda, Cohoha and Rweru). Dams have been constructed on several rivers for electricity. The lakes provide fish for food and the rivers provide drinking water.

There used to be a South African Company called ENDOVER which wished to extract the Musongati Nickel but because it was sullied with discrepancies and corruption it had not been able to do so. This shows the effort being made to ensure that the natural resources benefit the Burundian population.

Burundi makes its wealth and natural resources available to any partner. It makes its cash crops available to numerous partners, for instance coffee, tea and cotton, etc.

In order to eliminate all forms of foreign economic exploitation, the State of Burundi is member of Trade Agreements (international and continental). It also endeavours to enable its population to benefit fully from the fruits realized from its national resources. As example, Burundi has just placed the coffee industry in the hands of the population by privatizing it.

Previously most of the income from coffee did not revert to the farmer but now it is he who establishes the price.

Article 22: The Right to Development

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

According to the data drawn from the recent CSLP Review, a survey carried out within the households in 2006, the rate of poverty is estimated at 67% at the national level, of which 69% is in the rural areas and 34% in the urban areas. These estimates are based on a poverty threshold per equivalent adult of 627Fbu/day in the urban areas and of 525Fbu/day in the rural areas.

The results of this same survey provide an insight of the level of poverty prevailing in each of the country's Provinces thereby leading to a better knowledge of the priority regions requiring re-definition and the improved targeting of the programmes. The categorization of the Provinces according to the enormity of the population strength living below the poverty threshold is indicated in the following graph.

22.1. Poverty Index per Province in the 1998-2007 priority panel survey

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

A representative survey within 5,000 households in the rural areas carried out by the World Food Programme, with the technical support of the ISTEEBU, made it possible to define the level of food

security in Burundi and to highlight certain factors of vulnerability. The notion of food security is defined in terms of availability, of access and use of food, that of vulnerability in terms of exposure to risk and of adjustment capacity.

This survey made it possible to estimate the number of households in a state of serious food insecurity at 63,900 namely 4.8% of the country's households, and that of the households in a state of moderate food insecurity at 302,700 namely 23%. Moreover the number of children aged less than 5 in a situation of moderate malnutrition is said to be 26.5% and that of children in a situation of severe malnutrition is 9.2%. More precisely, 52.7% of these children showed a delayed growth rate and 8.4% showed a weight deficiency in relation to their height.

The factors determining food insecurity relate to the wealth of the household and to the possession of assets, of access to land and to the occupation status, or even to the surface area of the farmland. It would appear that the households headed by a woman are more prone to food insecurity and that women diversify their production less and rarely cultivate export crops. In terms of household profiles, the survey made it possible to isolate 5 types of households which are especially at risk.

In the first instance, the households referred to as « marginal », characterized by an elderly head of household, who is little educated, is socially and geographically isolated, with an extremely low average income made up of 60% of transfers and pension payments, with the balance coming from subsistence farming.

The second category which is most affected is that of the landless farmers who live off their labour power for up to 84% of their income, are dependent on the market for food supplies and do not earn enough to invest in productive assets to improve their condition.

The third group is made up of brewers who draw two thirds of their income from the activities of 60 breweries, and the rest from agriculture.

Finally the largest group of actual farmers who draw 90% of their income from agricultural production, representing one third of the total population but whose average income is just half of the average national income.

The survey also made it possible to determine the shocks which the populations had felt most in 2008, firstly, there was the drought for two thirds of the households, then the price increases for a third of them, then hailstorms for 21.8% of them and plant diseases for 18.1%.

The households' capacity to respond to shock is very limited and consists essentially in reducing the quantity of food for each meal and in purchasing cheap food, for close to 90% of the household which experienced a shock. Other possible responses have consisted in reducing the meals for adults in order to preserve the meals for the younger persons (65%), in reducing the number of meals (60.3%), in purchasing the food on credit basis (58.9%) or in borrowing money (52.2%).

Finally the Survey Report indicates that the main causes of food insecurity in the households are due to the decline in agricultural productivity as a result of over-exploitation of the land and the forests, of climate change and of erosion.

Other factors are said to be the small size of the farms, between 0.25 and 0.5 hectares on average, the problem of preservation of the produce at the end of the harvest, the lack of productive assets, the large proportion of inactive youth, the lack of transport infrastructure, the lack of information on agricultural prices (inputs and production), natural disasters and the rise in food prices.

To address the challenges posed by the imperative need to improve food crop production and to guarantee food security for the population, the Government acquired a National Agricultural Strategy based on 4 objectives which are aimed at:

- The sustainable growth of productivity and agricultural production;
- The promotion of agribusiness industries;
- The support to the professionalization of the producers and the development of private initiatives
and
- Building the capacities of management and development of the agricultural sector.

22.2. Tentative solutions to deal with the situation

Diverse programmes supported by the development partners have been initiated over several years and pursued during the year 2008. The main activities realized in this respect constitute:

- The rehabilitation and development of the seed centres;
- The promotion of a strategic stock of fertilizers;

- The rehabilitation of the Imbo irrigation systems;
- The acquisition of equipment for the Associations and the other producer Organizations;
- The combating of plant diseases and pests;
- The relaunching of the Gitega poultry centre;
- The intensification of food crop production;
- The diversification and promotion of new crop varieties;
- Agri-food research/development;
- The promotion of small scale irrigation;
- The multiplication and distribution of healthy cassava seed;
- Building the capacities of agricultural instructors.

Within the market gardening programme there is today 59,970 plants of fruit stock of which 3,288 had been produced in 2008 but only 435 had been disseminated. This data shows that plant distribution is low in relation to production. It should also be noted that some species like plumtrees and pawpaw trees are of low demand.

Likewise the activities initiated within the framework of the Rural Areas Post Conflict Development Programme (PPCDR) have also been launched and are based on 3 components, namely:

- The establishment of mechanisms for sustainable food security,
- The rehabilitation and the construction of rural infrastructure as well as
- The capacity building of the key players in the rural world.

Finally the distribution of improved seeds, of plants and fruit trees and agro-fruit trees and pesticides was pursued and should be intensified specifically to consolidate the food security of the rural populations, in particular the most vulnerable among them. Within this perspective, the already operational agricultural instructors in all the districts should be provided with appropriate resources to enable them accomplish with maximum efficiency their mandate of building the capacities of the population in agricultural issues.

Although the share of agriculture continues to play a prominent role in the formation of GDP, the latter nonetheless remains dependent on major post harvest losses and the low added value of the commercialized products.

By setting up the National Food Technology Centre (CNTA), the Government sought in particular to improve the techniques of preservation and processing of agricultural produce, thereby opening the

way to the development of food product markets and creating new opportunities for farmers to increase their incomes.

The National Food Technology Centre has the mandate of contributing to:

- Development research in foodstuffs processing and preservation technology;
- The conduct of studies and the promotion of agrifood technology and
- To institutional and human resource capacity building.

In keeping with these directives the CNTA supported the Producer Associations through the provision of equipment and training in maintenance for the development of pineapple growing in MUSONGATI. It provided training for women in cookery, in the hotel industry and in the processing of agrifood products and for the youth of the Bujumbura Municipality on the processing of fruit, cereals and soya. Furthermore, private Associations and Organizations presented samples for biological and biochemical analysis to the CNTA. The results of the analysis are available and are filed in the laboratory. The CNTA also supervised and monitored:

- The production of honey and passion fruit concentrate;
- The production of composite flour with separation for Buyenzi Community Medical Centre.

The CNTA further realized three feasibility studies in the:

- Processing of tomato concentrate for the Rugombo Agricultural Producers Organization;
- Processing of tomato paste for the Musigati Producers Organization and Making of bread and composite flour for porridge for the prize-winning Associations of the Gitega Skills Training Centre. Besides the drawing up of the CNTA's Strategic Development Action Plan, a training module in the marketing of food products and cost analysis had been prepared.

22.3. Building institutional capacities

The HIPC Funds allocated to the MINAGRIE/DGPAAE in 2008 enabled the Monitoring and Evaluation Department (DSE) to monitor the implementation and evaluate the impacts and effects of all the projects supported by this Fund.

In order to improve the piloting of the agriculture and animal husbandry development programmes, the Government acquired 3 important instruments, namely:

- The National Agricultural Strategy (SAN),

- The National Food Security Programme (PNISA) and
- The establishment of a high-performance monitoring and evaluation system (SSE). The SSE seeks to facilitate the regular monitoring of the state of progress of the SAN's implementation and the appraisal of its effects and impact on the populations.

The National Agricultural Strategy (SAN) drafted in 2008, covers the period 2008 to 2015 and focuses on four priority areas:

- Sustained growth of productivity and agricultural production,
- Promotion of agri-business industries,
- Support for the professionalization of the producers and the development of private initiatives,
- Building the management and development capacities of the agricultural sector. The National Food Security Programme (PNISA) validated in 2008 is intended to constitute a coherent and integrative framework for the activities to be carried out by the various technical Ministries for the full realization of the four dimensions of food security, namely: availability, the stability of agricultural production, economic and geographic accessibility and the optimal biological utilization of food.

Within the context of the capacity building of the supervision and training institutions organized for the farmers, 816 agricultural instructors were recruited as against 1,000 in 2007 and 287 in 2006. To extenuate the impact of the drought, training modules were prepared and used in training 716 monitors in the Bururi, Makamba, Rutana, and Mwaro Provinces.

Agricultural professionalization is an area under trial in Burundi. In 2008, six training workshops took place to put in place an Action Plan for the Professional Agricultural Organizations (OPA) and their supporting institutions as well as agricultural extension public services. The objective for the year 2008 was to realize ten model operators per census hill capable of having three heaps of ditch composting which would produce 4 to 5 tons of manure per compost heap so as to offset stock shortages of chemical fertilizer.

At the same time, capacity building programmes were carried out in favour of:

- Rural agronomists on fertilization techniques, on production systems, on the processing and preservation of potato, beans, maize and rice seeds;
- Senior officers and technicians as well as seed multiplication groupings and

- ITAB interns.

The activities carried out for the protection and the improvement of the environment seek to achieve three objectives, namely:

- The institutional and technical capacity building of the environmental Departments;
- The promotion of the national natural resource management policy and
- The promotion of the use of natural resources and the improvement of the area.

The building of institutional and technical capacities focused on pursuing the harmonization of the instruments which promote coordinated action to effectively safeguard the environment. The ongoing activities in this context are:

- The finalization and adoption of the regulatory instruments relative to the strengthening and harmonization of the legal framework on the use of natural resources and
- The implementation of the International Conventions on the Environment ratified by Burundi.

Within the framework of the monitoring and implementation of the International Conventions, programmes and projects for the rational management of the Environment were initiated while seminars and workshops were organized for the stakeholders.

Article 23: The Right to Peace and Security

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, State Parties to the present Charter shall ensure that:

a) any individual enjoying the right of asylum under ARTICLE 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State Party to the present Charter;

b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State Party to the present Charter.

23.1. Negotiation of the Cease fire

The Government of Burundi concluded on the 6 September 2007 a global ceasefire Accord with the PALIPEHUTU FNL, the sole armed movement which had pursued hostilities.

The application of the concluded Accords experienced considerable delays. The work of the Joint Verification and Monitoring Mechanism of the Accords signed between the two parties (MCVS) stopped in July 2007 and the elements of the FNL who had participated in this exercise withdrew. A disquieting security situation prevailed sequel to this blockage.

At the end of the year 2007, an extra 12 months was given to the Mediator in the Burundian conflict by the Regional Initiative to enable him relaunch and terminate the inter-Burundian negotiations. A Directorate comprising the United Nations, the African Union and Burundian Civil Society was set up to assist the mediation team to establish a working methodology to accelerate the negotiation process.

On its side the United Nations Security Council renewed the mandate of the United Nations Integrated Bureau in Burundi (BINUB) for a year. Likewise, the African Union was given the responsibility of implementing the Cease fire Accord. The resumption of talks between the parties and the return of the FNL to MCVS in May 2008 made it possible to set in motion a new peace initiative, the re-establishment of trust and the return of security across the entire national territory.

23.2. Demobilization, Disarmament and Reintegration

The policy of demobilization and retraining of soldiers and combatants started in 2003 was pursued through the activities of the National Demobilization, Re-insertion and Re-integration Programme (PNDRR) with the support of MDRP/World Bank. The latter had the objective of participating in the restoration of peace and its consolidation in Burundi and in the sub-region. It also sought to facilitate the implementation of the contents of the Arusha Accord and of the various other ceasefire Accords signed later.

Demobilized persons grouped by Province and by Gender from the 30/10/2003 to 31/05/2010

Province	Number of demobilized	Women	Men
Bubanza	3,340	186	3,154
Bujumbura Mairie	4,039	190	3,849
Bujumbura Rural	1,508	93	1,415
Bururi	3,446	40	3,406
Cankuzo	567	7	560
Cibitoke	1,981	60	1,921
Gitega	1,591	17	1,574
Karuzi	879	4	875
Kayanza	1,683	61	1,622
Kirundo	1,372	12	1,360

Makamba	1,656	18	1,638
Muramvya	1,596	20	1,576
Muyinga	979	3	976
Mwaro	1,330	3	1,327
Ngozi	1,793	16	1,777
Rutana	785	4	781
Ruyigi	952	27	925
TOTAL GENERAL	29,497	761	28,736

Data obtained from the CNDRR/PNDRR

23.3. Professionalization of the Defence and Security Corps

With the support of the BINUB and several other donors and within the framework of the peace consolidation priority plan, the Government of Burundi has carried out a reform of the defence and security forces in order to promote the creation of a professional and Republican army and police Force in harmony with the entire population which would be capable of fulfilling its missions at the national and international levels. It also concerns the promotion of discipline, the respect for human rights and political neutrality through the enhancement of knowledge in military leadership and in international law.

Thus training sessions had been organized for the members of the FDN (NDF) to build their capacities in various fields so as to better execute the command and establish the bases of the professionalization of the Corps.

Likewise, in order to facilitate the transformation of the PNB into a community Police with the capacity to guarantee the security of goods and persons while maintaining respect for republican principles and individuals' rights, numerous training sessions in human rights issues were held.

Finally it is important to underscore that the membership of Burundi to the regional organizations such as the East African Community, has a positive effect at the security level. The participation of the National Defence Forces (FDN) in the Tripartite Plus and ECCAS is an illustration of this. Also the large scale repatriation of Burundian refugees from the neighbouring countries would not have been possible without a high level of security.

23.4. Disarmament of the civilian populations

The proliferation of light arms and small calibre weapons within the civilian population constitutes one of the main offshoots of the long civil war experienced by Burundi. Matching estimates reckon on over 100,000 households which are said to be in possession of light arms and small calibre weapons.

The Government, Civil Society and the development partners are aware of this problem and are of the view that the country cannot completely achieve lasting peace so long as these weapons remain in the hands of the population. It is in this context that the security committees were established in the Districts and the census hills in conformity with the provisions of Articles 277 to 279 of the 18 March 2005 Constitution relative to the National Security Council.

Even Article 277 of the 2005 Constitution sets out the establishment of a Security Council.

Article 24: The Right to a climate that is favourable for development

All peoples shall have the right to a general satisfactory environment favourable to their development.

The environment is the collection of natural elements which surround us as well as the elements of the human condition which touch or affect our lives, such as poverty, diseases, etc.

The environment is a dynamic system defined by the physicochemical, biological and cultural interaction that takes place between man and other living beings, and all the elements of the locality, be they natural, transformed or created by man.

Development is the process of transforming this environment for the well-being of the human group. Global development therefore implies the consumption of both natural and human resources ? while seeking to preserve, re-establish or improve their planning. Sustainable development is one that responds to present needs without compromising the future of future generations to satisfy their own needs. This raises three major areas of reflection. Sustainable development is therefore the paradigm which is generally adopted for the integration of ecological and development policies. This concept could be considered as a matter of wealth and of well being. In searching for well-being, man may well adopt dangerous practices which could bring about the destruction of the ecosystems.

24.1. At the Institutional level

Within the framework of the national natural resource management policy, the Government has initiated a series of activities based principally on the information and training of all the stakeholders on the rational management of the natural resources, punctuated by meetings, field trips and radio broadcast messages regarding the protection of the environment.

In this respect, measures have been taken, in particular the management of both natural and artificial forest reserves and the surveillance of the environment through the granting of logging permits and certificates of environmental conformity for the haulers and workers of mine products and quarries which culminated in:

- The issuing of 85 permits for mining and quarrying works,
- The issuing of 407 permits for transportation work,
- The rejection of 5 requests and
- The levying of fines on the offenders.

Moreover, a temporary document on the country's environmental profile (PEP) as well as a publication by INECN of 4 scientific Bulletins on the protected areas had been disseminated. It should also be pointed out that this Institution carries out environmental surveillance over 157,000 hectares distributed into protected parks and forest reserves across the entire country. Within the framework of its environment and soil protection policy, the Government, with the support of its development partners, continued to carry out its programme of eucalyptus planting, of digging auxiliary contours, of sensitization against bush fires and of re-afforestation.

More specifically the Government envisages a more visible factoring out of the consequences of climate change the impact of which on the populations' living conditions involves challenges for which adapted solutions need to be sought. In this regard it is advocated to:

- Concretize the obligations emanating from the ratification by Burundi of the International Convention on Climate Change including in particular the preparation of a national communication situating the state of greenhouse gases,
- Prepare a plan of action and of adaptation aimed at checking the repercussions on the vulnerable groups and to define an investment programme making it possible to respond to the consequences of climate change.

As of now, Burundi has already embarked on the process to acquire two main regulatory and technical tools for the rational and sustainable management of its lands. These are:

- The National Land Policy Letter
- The Review of the Land Code of certain technical land management tools
- The Investment Code

However other important tools for sustained land management are still lacking, namely the territory's provincial development plans for thirteen remaining Provinces, the Territorial Development Code and the Expropriation Code for public necessity.

24.2. Promotion of Urban Planning and Housing

Promotion of Urban Planning

As a result of the low production capacity level of plots in sufficient quantities and in prices which are at par with the incomes of the majority of the citizens, an anarchic and spontaneous land occupation has developed in the peri-urban zones. This situation involves costly restructuring operations and curbs the orderly extension of the urban suburbs. Moreover, despite the low urbanization level, estimated at 7%, there is still a strong imbalance between the Capital and the provincial urban centres, while the rural centres are not able to develop into genuine poles of development.

The strategies adopted by the Government seek to:

- Define and adopt a National Urban Planning and Housing Policy,
- Update the Urbanization and Development MasterPlan (SDAU) and prepare local development plans (PLA) for the City of BUJUMBURA and the Towns of the interior,
- Draft an Urbanization and Construction Code and guarantee the rational management of the urban spaces to improve a mastered checking of national spaces and of construction.

During the year 2008, the Government pursued its programme of making land available for construction through the following activities:

- Expropriation of sites: This relates to the costs of compensation incurred to facilitate the development of new sites and services (Kirama, Gasekebuye, Ruziba, Bwoga);
- Development and preparation of the plots of land for construction: this programme involves the City of Bujumbura (Kinindo, Kinanira IV, Sororezoll, Gasekebuye, West Kabondo and

Bwiza) and the provincial centres like Gitega, Makamba, Muyinga, Bubanza, Mwaro and Bururi. In total, 2,443 plots will be available on the completion of the exercise.

- Development Studies: These Studies seek to demarcate certain zones of Bujumbura and Bubanza.
- In the short and medium terms it is intended to strengthen the current activities in order to broaden and diversify the access roads to the plots.
- Restructuring of new zones: This concerns the carrying out initially of technical studies to establish new building plots and to thereby enable the low income populations to have access to registered and serviced plots.
- Projects «regional branches». This project concerns the Provinces of Muyinga, Bubanza, Bururi and Mwaro and is aimed at the production of 2,000 plots mainly for residential use.

Promotion of Housing

Besides the persistent imbalance between the supply and demand of building plots, the high costs of house building and the inadequate financing mechanisms constitute major challenges for the fair promotion of housing. The housing deficit is estimated at 13,000 houses per year and constitutes the basis of an excessive increase in rents. The housing proponents have to deal with constraints linked to:

- The lack of resources in the long term,
- A demand which generally cannot be met due to the population's low income,
- The inefficiency of the mortgage system and
- The absence of a clear housing policy.

The alternatives advocated by the Government to solve this thorny issue of housing deficit relate to:

- Encouraging the development of individual savings as a prerequisite to the acquisition of a plot,
- Urging Provident institutions such as the INSS, the MFP and the Insurance Companies to be involved in the housing sector,
- Fiscal motivation of the Bankers and private proponents,
- The promotion of high rise buildings and
- The mobilization of resources from abroad according to the modalities appropriate for housing promotion.

The advocated programmes relate to:

- Rebuilding the stock of 300,000 houses destroyed by the war in the rural areas,
- Creation of village level consolidation Associations,
- Restructuring and cleaning up of certain poor population zones in BUJUMBURA and in the secondary Towns,
- Sensitization of the population on the use of local construction materials and
- Sensitization on the formation of domestic savings to finance the Housing.

Article 25: Measures taken to promote the rights and freedoms contained in the Charter

State Parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

In the effort to promote and guarantee the rights and freedoms contained in the Charter, the Government of Burundi implemented several measures including:

- The teaching of the Universal Declaration of Human Rights at the primary school level,
- At the secondary school level, there are courses on civic education which are based on human rights,
- At the higher education level, courses are taught on human rights and the history of education. A Ministry responsible for Human Rights and Gender was created for human rights promotion and protection.
- Within this Ministry decentralized institutions in the Provinces known as Family Development Centres (CDF) were created and charged with the promotion and popularization of Women's and Child Rights,
- A radio programme on human rights is broadcast every Saturday from 16h.00.

Article 26: The Independence of the Judiciary

« State Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter».

The implementation of this provision of the Charter by Burundi can be seen in the following:

- The sacrosanct principle of the separation of powers advocated by Montesquieu is recaptured in the Constitution of the Republic of Burundi of 18 March 2005 :

This is a reality as the Burundian judicial system is decentralized: the Housing Tribunals in the Districts, the Lower Courts in the Provinces, the Appeal Courts in GITEGA, Bujumbura and NGOZI and the Supreme Court. Also within each Court and Tribunal there is a Prosecutor's Department except in the Housing Tribunals.

- Burundi's commitment in ensuring respect for this provision is evidenced by its ratification of a certain number of international legal instruments, notably the International Human Rights Conventions of 16 December 1966, the African Charter on Human and Peoples' Rights of 18 June 1981, the Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights.

It should nonetheless be pointed out that the National Council of the Judiciary, the highest disciplinary institution is chaired by the President of the Republic, assisted by the Minister of Justice (Art. 219 of the Constitution).

Article 27: Responsibilities towards the Family, Society and the State

1. Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

This provision of the Charter and all the other proclaimed rights and responsibilities constitute an integral part of the Constitution of the Republic of Burundi (Article 19 of the Constitution).

Pursuant to Article 63 of the Constitution, « each citizen has responsibilities towards the Family, towards Society, towards the State and the other Public Authorities ».

Article 66 stipulates that: « each Burundian has the responsibility of protecting the harmonious development of the Family and of working for its cohesion and respect, of respecting his parents at all times, of feeding and assisting them at all times.

A joint analysis of the two provisions of the Charter makes it possible to understand that Burundi has widely integrated the principles of fundamental human rights in its domestic legislation generally and the provisions of the Charter in particular.

Even more, Burundi has a Persons and Family Code, that of 1981, which describes in detail the obligations of each member of the Family.

Nonetheless, a law establishing the Code on Matrimonial, Inheritance and Liberalities Systems was added to strengthen the protection of Families, in particular where inheritance by girls is concerned. The Parliament would do well to pass the draft law on this issue which has been before it for quite a while.

The rights and freedoms of each individual are exercised in the respect for the rights of others, in respect for collective security, morals and the common interest.

This is a value which is strongly and broadly integrated in the Constitution of the Republic since it proclaims the rights and responsibilities of each individual, which in fact is a special feature of the African Charter. Each individual has rights but one should also know that others also have rights.

Article 28: The Right to respect One's fellowmen

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

This provision is fully recaptured by the fundamental law, namely the Burundi Constitution, which quite simply, instead of « Each Individual », says « Each Burundian »; this shows a high degree of appropriation of the African Charter on Human and Peoples' Rights and of the other International Legal human rights protection Instruments by Burundi.

Article 29: The Responsibilities of each Citizen

The individual shall also have the duty:

- 1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need.*
- 2. To serve his national community by placing his physical and intellectual abilities at its service;*
- 3. Not to compromise the security of the State whose national or resident he is;*
- 4. To preserve and strengthen social and national solidarity, particularly when the latter is strengthened;*
- 5 To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law;*
- 6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;*

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Pursuant to Articles 64, 66, 67, 68, 70 and 72 of the fundamental law, all the contents of Article 29 are almost entirely taken into account by the Burundian legislator. With regard to achievements, in particular those which relate to cohesion and mutual assistance within the family, it is important to point out that Burundian culture is sufficiently restrictive in this respect despite the fact that the crisis experienced by the country has profoundly affected the custom.

Pertaining to the African Unity referred to in paragraph 8, the commitment by Burundi is clear and the country loses no opportunity to protect the interests of the Organization. In fact it is a member of the sub-regional Organizations such as the CEPGL, the EAC and ECCAS, they themselves members of the African Union. Burundi respects the territorial integrity of the neighbouring countries and has adhered to the principle of non-aggression which thus promotes African unity. Finally, the fact that Burundi is a Party to the African Charter on Human and Peoples' Rights speaks volumes and the principle of good faith which governs the implementation of the Treaties and Conventions in International Law compels respect by the States for the commitments made.

CONCLUSION

The unreserved adoption of the African Charter on Human and Peoples' Rights by Burundi is evidence of the national will to improve the general living conditions of its population. It is possible to appreciate, through the content of this Report, the great progress achieved despite the difficult socio-political conditions in which numerous projects and programmes have been carried out during more than 13 years of war. These circumstances somehow explain the fact that this Report was produced rather late in relation to the recommendations.

This Report provides an overview of the country's situation concerning the enjoyment of fundamental rights and freedoms such as the right to dignity, to security, to a fair trial, the right to employment and to a fair salary, the right to the social protection of workers, to good health, to a clean environment and to housing, to landownership, to education at all levels and to the effective participation in cultural activities as well as the freedom of opinion and of expression.

In relation to the contents of each Article as well as to the milestones already crossed it can be asserted that the country has embarked on numerous encouraging initiatives. The drafting period of this Report is decisive for the future implementation of the challenges that remain for the Charter. In effect, it corresponds at the political level to an important moment in the life of this country. It marks the end of the elections which could decide on the democratic future of the country for the next 5 years. In particular they will decide on the choice of the national socio-economic and cultural programme.

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Article 16: The Right to Good Health

16.1. Improvement of access to health care

16.1.1. Constraints linked to the still relatively high costs of access to health care

The 2007 National Health Accounts (CNS) show that health expenditure per capita in Burundi is 18,848 FBU (18\$) per annum. This is equivalent to 16.4% of the annual income per capita. Compared to the level of expenditure recommended by the WHO Macro-economic and Health Commission, which is 34\$ per capita per year, this amount appears very low. The direct contribution of the households corresponds to 37% of this amount, namely 7,102 FBU, namely about 6% of the annual income per capita.

The study by the NGO Cordaid carried out in 2008 shows that health expenditure in the Provinces surveyed corresponds on average to 7.7% of the annual income per capita. This proportion is similar across the different socio-economic groups, from 9.7% for « the poorest » socio-economic group, to 7.4% for the « wealthy ». It increases to 8.9% (7.5% for the poorest) in the Provinces of Bubanza and Cankuzo (where Cordaid has been operating since 2006) and to 12.9% (17.1% for the poorest) in the Provinces of Karusi and Makamba (model/indicator Provinces).

16.1.2. State of implementation of the programmes and projects in relation to PNDS/CSLP objectives.

The implementation of the activities advocated by the National Health Development Plan (PNDS 2006-2010) made it possible to achieve the following progress.

16.1.3. Reduction of the maternal and neo-natal mortality rate:

Deliveries in the health institutions increased from 41% in 2007 to more than 55 % in 2008 while 50% of the country's hospitals received competence to respond effectively to obstetrical emergencies (Caesarean sections, etc) which significantly reduced mortality and the disabilities arising from the latter.

Consultations of children aged less than 5 increased from one visit per child per year in 2007 to 2 visits per child per year in 2008. During the year 2008, the referral and counter referral system of obstetrical emergencies was extended to the other Provinces like Kirundo, Muramvya, Mwaro, Kayanza, Bururi and Gitega.

16.1.4. Reduction of the infant and child mortality rate

The Expanded Programme of Immunization made it possible to organize annual campaigns on maternal and child health as well as catch-up campaigns to bring the immunization centres closer to the population. The immunization cover reached 92% in 2008. Referring to the provisional 2008 census data this rate is said to have risen to 101%.

16.1.5. Reduction of the prevalence of transmissible, deficiency-related diseases and malnutrition

The main achievements relate to the prevention and provision of care for malaria, HIV/AIDS and Tuberculosis. Thus in malaria control, the year 2008 had been marked by a 5 Year Funding Agreement of 33 million US dollars from the Global Fund. Anti-malaria medication had been made available in all the health institutions at subsidised prices.

The malarial incidence rate fell to less than 25%, its lowest level since 2004. Insecticide dipped bednets have been distributed to all public health centres for each child that was vaccinated against measles and for women who visited the health centres for their ante-natal consultation. According to PSI Burundi, the percentage of children aged less than 5 and pregnant women sleeping under dipped bednets is reported to have increased from 7 to 32% and from 7 to 30% respectively between 2005 and 2007. In the combat against Tuberculosis the Government had fixed as objective the attainment of a tuberculosis detection rate of 50% and a recovery rate of 85% and the results obtained at the end of the year 2008 are 47% for detection and 86% for the recovery rate respectively. Finally, regarding malnutrition, according to the National Nutrition Survey, the percentage of children aged less than 5 suffering from weight deficiency and retarded growth is reported to have fallen from 39.2 to 35.2% and from 52.5 to 46% respectively between 2005 and 2007, sequel to the improved medical monitoring of young children and the results of the Government's nutrition programme.

16.1.6. Strengthening of the performance of the health sector through the improvement of access to services and the quality of health care

Work was done in the areas of infrastructure, of human resource development, and of medical supplies. The utilization rate of itinerant curative services which represent the number of annual visits per capita, increased from 38% in 2005 to 79% in 2008, is indicative of the broadening of the access to health services for the population.

In the area of infrastructure should be cited the setting up of bio-medical equipment in 10 Health Centres (CdS) and 23 Hospitals, the electrification of 8 CdS and that of 18 others which are ongoing, the maintenance of 8 generators in the BPS, the installation of two generators in the Ministry of Public Health and the provision of water supplies for 3 CdS. Likewise, studies have been carried out on the construction of two hospitals, and the rehabilitation of 9 CdS. The collection of data has been initiated on the state of health institutions in the 17 health Provinces of the country for their future rehabilitation. Also worth mentioning is the construction of rooms and the routine maintenance and servicing of equipment (including biomedical equipment, computing and carting equipment).

In the area of Human Resources, the picture is rather worrying. In effect, despite the increased consultations in the Health Centres, the number of health staff is not increasing and their working conditions are becoming more and more difficult. All in all in Burundi there are only 201 Doctors of whom 87 are in the public sector and 114 in the private sector and the NGOs. Out of the 87 Doctors working in the public sector, 46 of them, namely 52% are administrators based in Bujumbura and in the County Towns of the Provinces. In all, 90 % of the Doctors work in the urban areas. Likewise, 27.34% of the paramedics are in the Capital.

Finally only 42.62% of the Medical Technicians serve 90% of the population. In 2007, the gap between the medical staff strength required by international standards and the staff component actually available was 1,282 individuals. There is need therefore to increase the medical staff by more than 340% category-wise in order to reasonably provide the health system in Burundi with qualified human resources, it being understood that the shortages are greater at the Specialists' level.

Within the framework of the implementation of the 2007-2009 Human Resources Action Plan, the following achievements were registered in 2008, namely:

- (i) Beginning of the drafting process of the human resources policy and development plans,
- (ii) Training reforms in the paramedical schools,
- (iii) Training of Doctors in emergency surgical-obstetrician interventions,

- (iv) Putting in place motivation and destabilization mechanisms for the staff and
- (v) Launching of the contractual approach in some pilot Provinces of the country.

Regarding the supplies of drugs, it is still dependent on the emergency situation which has prevailed for a long time. With an increasingly large supply of drugs, numerous problems have worsened, such as the storage duration (up to more than a year), a supply which is unadapted to the expressed needs, the frequency of stock shortages, the cumbersome administrative ordering procedures and wastage of existing resources. In view of these problems, an « integrated logistical » arrangement had been proposed. This consisted in the gradual transfer of the supply assignment from the health operators to the CAMEBU, in the improvement of the quality and regularity of transportation with the purchase of a second truck equipped with a cold room, in the application of the new Public Contracts Code as well as the targeting of 20 indispensable drugs making their regular stocking a priority.

16.1.7. Implementation of Reforms in the Health System

The progress ensuing from the implementation of the major reforms are generally encouraging and relate to the following areas:

(i) **The establishment of health districts:** This reform started in 2007 with the objective of decentralizing the administrative and technical management of the health sector. The district covers a well defined population of about 150,000 inhabitants. Where there are more than 250,000 inhabitants, the district is sub-divided into two. Each health district comprises a district hospital which is a first referral hospital. The health centres refer the complicated cases to the district level and the latter refers them to the higher level. In 2008, 35 health districts out of 45 had been established, distributed across the national territory. The ten remaining entities were to be established by 2009.

(ii) **The Reform of the SIS:** At this point in time the health information collection system is incapable of providing the necessary data to feed the decision making process of the health professionals. The implementation of the SIS encountered a lot of difficulties the most extreme of which was making the health system « vertical » which favoured the SIS specifics for each programme/illness. It had not been possible to fully execute this reform in 2008, and was to be pursued in 2009.

(iii) Free health care for children aged less than 5 and for deliveries: During 2008, the arrears of 2007 and the bills submitted up to June 2008 were settled; the rest to be reimbursed in 2009. To deal with the delays on the part of the provincial health bureaux, measures were taken to prompt them to submit their bills more rapidly. Thus, the late bills were returned and a special dispensation was required for them to be processed.

(iv) The introduction of Performance based Funding (FBP): At the national level, the objective was to realize the harmonization of FBP funding and the financing of the free provision of care. A regular monitoring of the results of the pilot projects in FBP supported by the NGOs, Health Net TPO in the Gitega Province (Kibuye District) and Cordaid in the Bubanza and Cankuzo Provinces had been carried out. Likewise, the setting up and implementation of new FBP based support projects in the Ruyigi, Cankuzo Karusi and Rutana Provinces by Health Plus and in the Provinces of Mwaro, Kayanza, Bururi (Bururi and Matana Districts) and Gitega (Gitega, Mutaho and Ryansoro Districts) by RSS GAVI were subjected to stronger coordination. Resources had been made available to assist the Provinces which had not yet benefitted from external partner support and to guarantee the fair geographical distribution of the funds.

The results of the FBP approach in the pilot Provinces are highly positive, as shown by the evaluation carried out by Cordaid in comparing two pilot Provinces with two model Provinces and taking into account the initial disparities between them. It appeared that out of the 27 indicators retained for the study 22 were in favour of the FBP system, but none were significantly in favour of the traditional system by « input ». The Government therefore decided to adopt this policy at the national level and to guarantee a harmonization of the various interventions in the Provinces with the support of the sectorial partners.

It had been possible to strengthen the Sectorial Coordination whereas the MSP had continued to play a central role in the sectorial dialogue in the area of health, so as to make progress in the SWAP process (sectorial approach) and to arrive at the signature of a Compact, the objective of which was to enable the country to accelerate the attainment of the MDGs by increasing aid efficiency through enhanced partnership between the Government and the partners within the context of the IHP+ (International Health Partnership initiative, an initiative which brings together several high level partners, including DFID, the World Bank, the WHO and the United Nations and the Governments of 6 pilot countries including Burundi). The annual holding of joint missions between the Government and its partners was a first step in this respect.

a) Access to clean drinking water, to hygiene and sanitation

Concerning hygiene and sanitation, the Government undertook to carry out:

- The development of sources and the rehabilitation of drinking water supply networks,
- The reinforcement of the existing drainage programmes and their extension to the national level,
- The promotion of community management of water supplies,
- The training and sensitization of the populations on hygienic techniques and local sanitation.

b) Sanitation

1. Inventory of waste management

Waste and sanitation management in Burundi is faced with strong challenges in terms of collection and treatment of urban waste as well as the evacuation and treatment of sewage. The treatment of household waste and other solid waste and sanitation is only available in the Capital, Bujumbura.

The Bujumbura Municipal Technical Services (SETEMU) have put in place a system of the weekly collection of waste by trucks. The volume of household waste in the City of Bujumbura is estimated at 137,085m³ per annum and is expected to exceed 210,000m³ by the year 2015. The collection of solid industrial waste is not well organized in Bujumbura. The manufacturing industries have the possibility of collecting and burning their waste on their own land, or of collecting and transporting this waste to the public dumpsite or to an open dumpsite with their vehicles. The average annual production of industrial waste in Bujumbura represents about 64,170 m³.

There are four sewage networks which were constructed on different dates. The networks of the city centre and that of Ngagara date back to 1959 whereas that of Mutanga was constructed in the 1970s. The new network was completed in July 2000, likewise the development of the present purification station which serves the city's new zones. Apart from this new network the others have all fallen into disrepair and need to be rehabilitated for them to be able to collect and sanitize waste water properly.

The purification station was constructed 10 years ago but it remains under utilized. The quantity of water produced in the entire city per year is estimated at about 75 million m³ but the capacity to collect this water by the current sewage network is said to be only 11 million m³ per year. Out of this

quantity of water collected, only 1 million m³ per annum is treated by the purification station due to the fact that some zones are not connected to the sewage network. The technique used is biological lagooning. In the city of Bujumbura, only 38% of the surface area is linked to the public sewage system.

At the national level, according to the 2005 MICS survey, 47.6% of the urban population and 30.8% of the rural population has access to healthy excrement evacuation installations, namely 31.7% at the national level. Major provincial disparities nonetheless remain as is indicated in Table 22 below. The rate of healthy excrement evacuation equipment in installation is thus 4 times greater in Muyinga than in Mwaro, Rutana or Bururi.

Article 17: The Right to Education

17.2. Free and compulsory Education

17.2.1. Formal Education

17.2.1.1. Primary Education.

The objective of primary education is to ensure that by the year 2015 all children, in particular girls, children in difficulty and those who belong to minority ethnic groups, have the possibility of acquiring compulsory, free and quality primary education, and to pursue it up to completion.

With the 1973 reform, the Community Schools which had been advocated and the management of which was supposed to have been entrusted to the surrounding community had not succeeded in increasing the pupil intake.

In 1981 the Government had actually seriously tackled this problem of access to education and projected the full enrolment for the 1987-1988 school year. The gross enrolment rate increased from 29.3% in 1980-1981 to 72.5% in 1990-1991.

Regarding the education of vulnerable children (disabled, orphans, street children, **Batwa** minorities),

- 1- to lighten the parents' burden who today have to shoulder the costs of caretaker, of uniforms and school materials.
- 2- to balance the educational map.

3- to improve domestic output.

1. The Infrastructure:

The reception capacity of the secondary school infrastructure is currently very low in view of the ever increasing social demand for education at this level. It is not rare to find classes of 70, 80 even 100 pupils in our schools.

Pertaining to the absorption capacity of the school construction programmes, concrete proposals are available at 3 levels:

- The control of field data: data collection, determination of the sites and equipping the classrooms with furniture.
- The streamlining of the disbursement procedures.
- The coordination of school infrastructure works.

Regarding the reduction of the provincial disparities in the training of pupils, several measures will be applied to ensure better coverage of the underprivileged zones:

- Definition of the criteria clarifying the notion of underprivileged zone so that these zones are not left static but are able to vary depending on their position in relation to these criteria.
- Effective association of the Teachers' representatives in the posting authorities.
- Action in favour of the re-deployment of Teachers from the urban areas to the underprivileged zones.
- Construction of Teachers' quarters.
- Significant material support granted to Teachers who singly cover a double shift.

*2,060 classrooms were constructed in 2006/2007 from public funds, from projects and by the Communities. 1,450 were under construction during the 2007-2008 school year.

*3,744 Teachers were recruited in 2007 and 3,000 in 2008 including the replacement of Teachers who departed on retirement, transfer, death, resignation...

Hereunder is the summary of the details:

	2008	2009	2010	2015
New Classes	1167	1167	1167	1397
Rehabilitated classrooms	379	379	379	379
Average percentage of repeaters	25%	23%	21%	10%
Completion rate	51%	58%	65%	100%
Percentage of private education	1.6%	1.9%	2.1%	3.5%

Source, Serges Quinin; Consultant's sectorial plan under preparation.

17.2.1.2. General, Public and Communal Secondary

• Some data relative to the pupil strength.

a) General, Public and Communal Secondary

Pupil per study year and per gender

CYCLE	YEARS OF STUDY	F	F+M
1 st Cycle	7 th	19,356	47,014
Teaching	8 th	13,694	31,921
General Communal	9 th	9,910	22,929
	10 th	7,290	17,051
	S/Total	50,250	118,915
1 st Cycle	7 th	1,959	5,126
Teaching	8 th	1,556	4,164
General Public	9 th	1,434	3,718
	10 th	1,148	3,026
	S/Total	6,097	16,034
TOTAL 1st Cycle	7 th	21,315	52,140
	8 th	15,250	36,085
	9 th	11,344	26,647
	10 th	8,438	20,077
	Total	56,347	134,949
2 nd Cycle	3 rd Eco	0	0
Teaching	3 rd LM	301	952
General Communal	3 rd SC	243	820

	Total 3rd	544	1772
	2 nd Eco	0	0
	2 nd LM	231	637
	2 nd SC	129	522
	Total 2nd	360	1159
	1 st Eco	0	0
	1 st LM	168	562
	1 st SCA	0	0
	1 st SC B	104	470
	Total 1st	272	1032
	<i>S/Total</i>	<i>1,176</i>	<i>3,963</i>
2 nd Cycle	3 rd Eco	174	370
Teaching	3 rd LM	1,040	3,083
General Public	3 rd SC	878	3070
	Total 3rd	2,092	6,523
	2 nd Eco	74	175
	2 nd LM	660	1828
	2 nd SC	565	2065
	Total 2nd	1,299	4,068
	1 st Eco	42	127
	1 st LM	583	1710
	1 st SC B	462	1804
	Total 1st	1,124	3,935
	<i>S/Total</i>	<i>4,515</i>	<i>14,526</i>
	<i>Total S/Total</i>	<i>1,176</i>	<i>3,963</i>
2 nd Cycle		5,691	18,489
Grand Total		62,038	153,438

b) Pedagogical Schooling

Pupil per study year and per gender

Sections	Years of Study	F	F+M
Communal LPs	1 st LP	568	1,030
	2 nd LP	419	892

	S/Total	987	1,922
LP Publics	1 st LP	1,421	2,126
	2 nd LP	909	1,308
	S/Total	2,330	3,434
	Total LP	3,317	5,356
Communal Normals	1 st N	268	866
	2 nd N	144	467
	3 rd N	89	339
	4 th N	45	243
	S/Total	546	1,915
Public Normals	1 st N	812	1,833
	2 nd N	443	1,031
	3 rd N	351	840
	4 th N	333	897
	S/Total	1,939	4,601
Total Normals		2,485	6,516
Grand Total		5,802	11,872

Boarding students per study level and per gender

Sections	Years of Study	Boarders	
		F	F+M
Communal LPs	1 st LP	9	19
	2 nd LP	18	28
	S/Total	27	47
Public LPs	1 st LP	1,279	
	2 nd LP	808	
	S/Total	2,087	3,300
Total LP		2,114	3,347
Communal Normals	1 st N	22	55
	2 nd N	6	27
	3 rd N	9	39
	4 th N	4	22
	S/Total	41	143

Public Normals	1 st N	778	1,668
	2 nd N	428	930
	3 rd N	339	735
	4 th N	282	694
	S/Total	1,827	4,027
Total Normals		1,868	4,170
Grand Total		3,982	7,517

c) Private Secondary

Pupils per study year and per gender

CYCLE	YEARS OF STUDY	F	F+M
1 st Cycle	7 th	2,004	3,758
	8 th	1,913	3,399
	9 th	1,654	2,947
	10 th	1,707	3,102
TOTAL 1st Cycle		7,278	13,206
2 nd Cycle	1 st LP	0	0
	2 nd LP	104	177
	Total LP	104	177
	3 rd Eco	59	100
	3 rd LM	122	239
	3 rd SC	44	104
	TOTAL 3rd	225	443
	2 nd Eco	48	90
	2 nd LM	92	201
	2 nd SC	160	303
	TOTAL 2nd	300	594
	1 st N	0	0
	2 nd N	0	0
	3 rd N	0	0
4 th N	0	0	
TOTAL Normals	0	0	
1 st Eco	15	24	

1 st LM	159	419
1 st SCA	0	0
1 st SCB	68	211
TOTAL 1st	242	654
TOTAL 2nd Cycle	871	1,868
GRAND TOTAL	8,149	15,074

The challenges which hinder the harmonious development of secondary education appear essentially in ten (10) areas:

- **The Infrastructure:** The reception capacity of the secondary school infrastructure is currently very low in view of the ever increasing social demand for education at this level. It is not rare to find classes of 70, 80 even 100 pupils in our schools.

- **The lacunate management of communal colleges:**

- lack of adequate infrastructure;
- lack of educational material and equipment;
- lack of staff at the quantitative and qualitative levels;
- over-forecasting in the establishment of schools;
- establishment of communal colleges has not been followed by the gradual suppression of the first cycle secondary boarding schools;
- the problem of administrative supervision: overlapping between the communal administration and the central administration of the National Education Ministry.

- **The lack of Teachers:** The teaching field no longer enjoys the prestige that it had in the past. It is being abandoned more and more in favour of more attractive sectors. Some are unqualified Teachers or Teachers who teach subjects in which they are specialized. As their colleagues in the primary education field, they only receive an encouragement and loyalty allowance. Nonetheless their living conditions remain unsatisfactory. Measures should be taken to encourage the secondary school Teachers.

- **The insufficiency of teaching aids:** The Pedagogical Bureaux (BEPES and BEET) one of whose principal assignments is to produce school books and other educational material to supply the secondary schools are no longer able to adequately accomplish this task.

- The deficiency of the educational and administrative supervision:

The educational and administrative supervision of the secondary schools, in particular the communal colleges distributed throughout the national territory has a lot of shortcomings. The deterioration of the social and political climate in certain schools, sequel to the crisis which the country has experienced greatly disturbed the supervision of the pupils. This is manifested in the authority crisis, the easy going attitudes and general indiscipline.

- A low educational output

All these aforementioned challenges contribute to the lowering of the quality of education at the secondary level whereas deficiencies had already been observed at the primary level.

- The disproportion between the general training and technical training: The rapid increase of the network of secondary schools through the establishment of communal colleges took place solely in favour of general education.

- The problems of private schools in the Burundian education system:

The current situation of private schools is characterized by a number of challenges that need to be addressed:

- Certain private school developers do not respect the law regarding the opening;
- Most of these schools operate in buildings which are inappropriate for education;
- Almost 80% of the teachers in the private schools are temporary teachers who work in the public schools and this prevents them from providing a satisfactory output;
- The teaching aids are insufficient,
- The recruitment and enrolment of the pupils appear to be anarchic, which necessarily influences the education quality.

- The problem of the costs and financing of secondary education: Secondary education incurs high costs for the State. The funds allocated to this level of education are largely swallowed by staff salaries and the upkeep of the boarding pupils.

Despite this, the State's contribution, supplemented by the parents' payments which though low, cannot cover the requirements at this level.

- **A worrying trend in the education system:** Crooked dealings have been observed in the area of educational qualifications and diplomas; school reports are often subjected to forgery; non-respect for deliberation standards is often observed.

The recruitment, teacher transfers, counselling of students at all levels, student enrolment, the preparation of examinations and tests, these are the highly sensitive activities which give rise to attempts at corruption.

17.2.1.3. Secondary Technical Education.

This education is a long way from being free and compulsory. Nonetheless we are making efforts to improve this level of education.

Secondary Technical Education seeks to improve the quality and quantity of secondary technical education for the promotion of self-employment and contribution to the socio-economic development of the country through:

- the implementation of planning and development instruments for technical education,
- increasing the network of secondary technical schools of up to 3% by 2015,
- adapting the training to the needs of the job market,
- increasing the percentage of girls in secondary technical education.

The general comment made in relation to technical education is the inappropriateness of this system of education in relation to the socio-economic realities of the country. The infrastructure provided for it is insufficient and highlights an evident imbalance in terms of its distribution.

One of the features of technical education in Burundi is the chronic deficiency of teaching staff and its educational instability.

Technical education also suffers from inadequate financial resources in relation to its requirements, which results in insufficient materials and equipment.

In order to strengthen technical education, the project « Support for Secondary Technical and Professional Education (ASTP) deals with 3 aspects:

- Rehabilitation and extension of technical schools.
- Training of education advisers from the Technical Education Study Bureau (BEET) and the teachers of the technical schools.

- Supporting the courses of students future prize winners of the technical schools by paying their costs incurred for visits to businesses and supporting the course tutors financially.

The effective training of teaching staff and the creation of new subjects should be made a matter of concern especially today where there are only 36 technical schools with a total student strength of 8,000 pupils.

17.2.1.4. Higher Education and Scientific Research.

This education is neither free nor compulsory. Nonetheless, since 2000 the private Universities have made it possible to increase the numbers in this sector.

Higher Education and Scientific Research seek to achieve the following:

- To guarantee high level intellectual and scientific training for the students and a qualitative moral and civic education to make them into efficient operators in socio-economic development and in the transformation of society.
- To promote the development of research to support national development.

In the area of University Education the years flow into each other and the available educational statistics are those of 2003-2004.

During the 2003-2004 academic year there were 8,545 students whereas there are almost 11,500 in 2008 in the University of Burundi.

It can be estimated that in 2010, the total number of students may well reach 13,000 students.

As for the private Universities, they have a total of 16,364 students. It is therefore possible that in 2010, the number of students in these Universities will be more than 20,000 students.

Higher Education is today confronted by numerous problems which constitute challenges to be addressed if the harmonious development of Higher Education is to be achieved.

Institutional instability is one of the features of higher education. In effect, it has changed structure and supervision several times resulting in a lack of coherence and constancy in its decisions.

The higher education counselling system is not satisfactory. In effect, the orientation criteria for higher education are subjective and ineffective. The counselling Commission works on the basis of

the following criteria: the country's requirements in terms of higher executive level personnel, the choice of candidates and the reception capacity of the Faculties and Institutes.

- Concerning higher executive level personnel, it should be pointed out that no objective study has ever been carried out to determine the requirements per sector of activity.
- The reception capacity of both school and academic infrastructure is becoming more and more limited.
- The educational programmes are badly designed and inappropriate. In effect the predominance of lectures does not sufficiently involve the participation of the students.
- The domestic output of Higher Education is low: the success rate, especially in first year, is relatively low; the average duration of the training programme always tends to be extended due to repeated failures.
- The training of higher education trainers is badly planned while the loss of interest in higher education careers is present even among the teachers of higher education.

For instance, out of 141 Teachers in the University of Burundi who were trained abroad in 1996-1999, 73 Teachers did not come back after the prescribed period. Nonetheless the student numbers have continued to increase.

Article 22: The Right to Development

The Provinces most seriously affected by food insecurity are first of all those of the North East of the country (Cankuzo, Karusi, Muyinga, Ngozi and Kirundo) with more than 63% of the households in a situation of food insecurity. On the other hand the poorest in terms of assets and income are said to be those of the North West (Cibitoke, Bubanza and Rural Bujumbura) mainly because of the conflict which perdured there in 2008. Altogether close to two thirds of the households affected by food insecurity living in only 5 Provinces: 16.8% in Ngozi, 4.3% in Muyinga, 13% in Karusi, 10.5% in Cibitoke and 10.5% in rural Bujumbura.