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United Nations Development Programme

GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN PUBLIC ADMINISTRATION

BURUNDI CASE STUDY



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KEY FACTS

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HUMAN DEVELOPMENT INDEX RANKING	185 out of 187 countries in 2011. ¹
GENDER INEQUALITY INDICATOR	89 out of 146 countries in 2011. ²
TRANSPARENCY INTERNATIONAL RANKING	172 out of 183 countries. ³ Ranked number one in East Africa for corruption in 2011. ⁴
% OF WOMEN IN CENTRAL GOVERNMENT	42.8 percent women in government. ⁵
% OF WOMEN IN LOCAL ADMINISTRATION	32 percent. ⁶
AFFIRMATIVE ACTION	The Constitution (Article 129) stipulates a minimum quota of 30 percent women in government and the National Assembly (Article 164). Article 143 provides for a public administration representative of the population, including women. ⁷

1 Human Development Report 2011, UNDP http://hdr.undp.org/en/media/HDR_2011_EN_Table1.pdf

2 http://hdr.undp.org/en/media/HDR_2011_EN_Table4.pdf

3 Corruption Perceptions Index 2011, Transparency International <http://www.transparency.org/cpi2011/results>

4 Transparency International http://www.transparency.org/news/pressrelease/20111020_EABI

5 CAFOB, 'Interim report of the study on female expertise and gender promotion institutions in Burundi', December 2009

6 Ibid.

7 National Constitution of Burundi, 2005 <http://www.assemblee.bi/Constitution-de-la-Republique-du>



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EXECUTIVE SUMMARY

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The political situation in Burundi is typical of a post-conflict country that is striving to reconcile the need to consolidate the newly restored peace and responding to the basic needs and demands of the population, while laying the required foundation for sustainable development.⁸

Burundi is one of the world's poorest countries, with a very low Human Development Index ranking (185th out of 187 countries).⁹ As a result of difficulties in access to employment and production factors, women are more affected by poverty than men.

Support from the international community is subject to conditions due to concerns about governance in public administration, including corruption, embezzlement, lack of transparency in recruitment processes, excessive politicization of public administration, etc.

Gender equality is one of the main intervention pillars under the Peace Consolidation Strategic Framework, the second generation Poverty Reduction Strategy Paper (PRSP II), Burundi Vision 2025, and efforts to meet the Millennium Development Goals (MDGs), among others. The National Gender Policy (2011-2025) is also expected to contribute to reducing gender disparities. The same is also expected of the National Programme for Public Administration Reform.¹⁰

Challenges to gender equality in the public administration include the following:

- Uneven policy and legislative terrain. On the one hand, the Constitution enshrines minimum gender balance in line with international norms, but other laws have not been updated accordingly in line with these targets
- Procedures for recruitment and promotion are not generally gender-responsive
- Lack of understanding of gender amongst public servants, who “confuse gender and women”¹¹
- Excessive politicization of the public administration in recruiting or appointing officials to decision-making positions
- Lack of transparency in management of public affairs, including appointments/recruitment in the public administration
- Frequent turnover of technical officials, harming the building of sustainable capacity
- Lack of an administrative culture (inadequate accountability and multi-stakeholder participation in national life)¹²
- Lack of information and data on patterns of participation in the public administration
- Women's unequal access to education in comparison with men, which leads to a lack of qualified women to enter and advance in the public administration.

8 Gender Mainstreaming Strategy, Ministry of Public Security and Ministry of National Defense and Ex-Combatants, April 2011.

9 <http://hdr.undp.org/en/statistics/>

10 Programme National de Réforme de l'Administration Publique (PNRA).

11 Remarks from interviews.

12 National Strategy for Good Governance and the Fight against Corruption, Government of Burundi, 2012, p39.



In spite of these considerable challenges, gender is gradually being mainstreamed in various sectors in the country and good practices exist. For example, a national strategy for gender mainstreaming in the National Defense Force (FDN) was drafted to progressively correct women's rather low representation in the security sector. In the education sector, the implementation of free primary education has enabled progress towards girl/boy parity.¹³ These measures will gradually contribute to improving women's representation in public administrative bodies.

In terms of recommendations, the key priority to support gender equality in the public administration is to mainstream gender into policies and programs. In specific terms, this could include the following measures:

- The public administration should review statutes and regulations, e.g. in recruitment, appointment, promotion and physical amenities and infrastructure to ensure they do not discriminate against women or men, even unintentionally
- Extend the 30 percent quota stipulated in the Constitution to all levels of the public administration and introduce temporary measures to achieve this (e.g. recruitment drives)
- Introduce gender and human rights capacity-building into public service training programs, including obligations under CEDAW and gender-sensitive budgeting
- Gender equality and equal representation should be integrated into all public administration projects, including in public administration reform and local government reform
- Collect, analyse and publicise gender-disaggregated data on participation in the public administration
- The Senate could carry out an assessment on gender balance in public administration and suggest corrective measures as required
- Draft a charter on gender equality in public administration, including a focus on gender-balanced representation as well as gender-responsive public policy
- Abolish discriminatory provisions governing inheritance, matrimonial property regimes and donations, or amend the legislation to do away with inequalities¹⁴
- Raise awareness among the highest-ranking national authorities to ensure gender is mainstreamed in all development strategies.

Burundi can learn from best practices and lessons in the region and also further afield.

¹³ Evaluation of Implementation of Government Measures for Women's Integration at the Decision-making Level, September 2008.

¹⁴ Remarks from interviews.



METHODOLOGY

The research was carried out in mid- to late-2011 and the approach used desk-based methods and primary research through interviews with key stakeholders from the following sectors: public administration, civil society, United Nations and international agencies (see Annex 1: List of Individuals Interviewed).

Drawing on the main project study questions, a questionnaire was drafted and used in the interviews with the targeted stakeholders.

The desk review aimed to establish the existing legislative and regulatory framework. The focus was mainly on national regulatory instruments and legal provisions that contribute to establishing a conducive environment for gender mainstreaming in the public administration (see bibliography).

Constraints included unavailability of certain key respondents, a lack of gender-specific data in all areas including the public administration, and insufficient time. The analysis was limited to government departments in the capital, Bujumbura.



CONTEXT

POLITICAL AND SOCIO-ECONOMIC CONTEXT

Burundi borders three countries: the Democratic Republic of Congo, Tanzania and Rwanda. The Republic of Burundi is a post-conflict country, which has experienced 15 years of civil war, with severe consequences for the population.

According to the most recent population and housing census (RGPH 2008), the population of Burundi is estimated at 8,575,200,000 inhabitants.¹⁵ Women outnumber men in the population, with 4,088,668 women against 3,964,906 men. Women represent more than 51 percent of the total population, that is, a sex ratio of 103 women for 100 men.¹⁶ Data from the National Statistics and Economics Institute of Burundi (ISTEEBU) show that the literacy ratio was 0.356.¹⁷ The political situation in Burundi is typical of that of a post-conflict country striving to reconcile the need to consolidate the newly restored peace with responding to the basic needs and demands of the population, while laying a foundation for sustainable development.¹⁸ The more than two-decades-long crisis has harmed socio-economic sectors and led to an unravelling of the social and cultural fabric, destruction of infrastructure and disorganization in the public administration.

Women and children in particular are severely impacted. Sixty-seven percent of Burundians, the majority of them women, currently live under the poverty threshold on less than one dollar a day.¹⁹

The gross primary school enrolment ratio was 156 percent in 2010, up from just 59 percent in 1987, so this shows progress in education.²⁰ This is the result of a presidential initiative to provide free education from 2005.²¹

PUBLIC ADMINISTRATION CONTEXT

The public administration in Burundi faces a number of challenges that, according to the PRSP II, include:

- Poor pay
- Absenteeism
- Absence of a culture of accountability

¹⁵ <http://hdrstats.undp.org/en/countries/profiles/BDI.html>

¹⁶ Population and Housing Census, August 2008.

¹⁷ Data from ISTEEBU (National Statistics and Economics Institute of Burundi).

¹⁸ Ibid.

¹⁹ Gender Statistics: Burundi. The World Bank. <http://datatopics.worldbank.org/gender/country/burundi>.

²⁰ Note that the gross primary school enrolment ratio can exceed 100 percent due to the inclusion of over-aged and under-aged students because of early or late school entrance and grade repetition. Source: <http://data.worldbank.org/indicator/SE.PRM.ENRR?page=4>

²¹ See <http://www.actionaid.org/where-we-work/africa/burundi/burundi-context-poverty-and-actionaid-burundis-programme>



- Inadequate application of the law separating the political and administrative functions
- Acute shortage of capacity in formulating public policy²²
- A USAID report highlights the contrast with the situation in the past conflict.

'Before 1993, Burundi's public administration was deservedly known as one of the best in Africa. The civil service was small and disciplined; public services were provided in reasonably efficient manner; administrative accountability (as contrasted with political accountability) was satisfactory; and, as a result, corruption was low and predictable. The contrast with today's situation could not be sharper. While the size of government employment, at around 0.6 percent of the population, has remained modest, the severe erosion of salaries, inoperative accountability mechanisms, and the importation of a culture of impunity from the political and military domain into the public administration, have spread corruption throughout the system and effectively eliminated most public service provision.'²³

Faced with the difficulties encountered in the public administration, many skilled men and women leave the service, thus depriving the sector of technically competent and qualified staff.

GENDER EQUALITY CONTEXT

Patriarchal society and low value placed on women outside the home

The traditional roles played by women in society have generally been centred on the home and household. According to UNDP, key constraints to achieving MDG 3 include:

- Unequal access to education
- An increase in gender-based violence including sexual violence
- Delay in the adoption of laws underpinning women's basic human rights, e.g. in marriage.²⁴

Nevertheless, there is some important evidence of the fact that public perceptions are changing in terms of women leaders. A study in 2008 by the Government Activity Observatory (*Observatoire de l'Action Gouvernementale*, or 'OAG') found that there was significant public opinion in favour of women being appointed to decision-making positions (because they had the right to be there) and even that the 30 percent quota should be extended to 50 percent.²⁵ Respondents felt that women brought different skills and competences and, in particular, contributed to strengthening good governance and deepening social analysis through bringing the different perspectives of women to bear.

Also interesting was the perception among many respondents that women in senior positions advance gender equality and discredit gender stereotypes. These last two benefits may be especially significant in post-conflict settings, when public trust is likely to be fragile and a progressive public administration can be especially helpful in restoring it.

22 PRSP II, Section 2.2.3.2. Accelerating implementation of public administration reforms.

23 USAID, Reconstruction for Development in Burundi: Guiding Criteria and Selected Key Issues, 2006.

24 UNDP Burundi country website.

25 Evaluation of Implementation of Government Measures for Women's Integration at the Decision-making Level, September 2008.



Gender gap in access to education

Many Burundians believe that girls need not be educated, as they are supposed to stay at home and deal with household work, as illustrated by the expression, “*Nta mashure y’umukobwa*” (There is no point in educating a girl).²⁶ According to data from the National Statistics and Economics Institute of Burundi (ISTEEBU), the literacy rate of adult females was 0.349 in 2007, against 0.572 for adult males. There are thus many more illiterate women than men.

This poses a long-term problem, as women’s unequal access to education means that there will not be enough adequately qualified women to enter and advance in the public administration. The government’s policy of free primary education since 2005 has had positive impact and the gender parity index in primary education is now 0.99.^{27 28 29}

All those interviewed stated that things are beginning to change. Nevertheless, women emphasized that the legal and socio-economic environment hamper gender equality. Women interviewed confirmed the problems caused by the lack of laws governing inheritance and matrimonial property regimes.

Lack of economic empowerment

According to ISTEEBU data, the female income index is 0.381 versus 0.419 for males. Despite the fact that various laws stipulate equal rights and responsibilities for all, certain inequalities persist and contribute to making Burundian women poorer.

²⁶ Ministry of Public Security and Ministry of National Defense and Ex-Combatants, Gender Mainstreaming Strategy, April 2011.

²⁷ UNICEF article at http://www.unicef.org/education/burundi_28197.html

²⁸ According to ISTEEBU data, the female school enrolment index in 2007 was 0.502, compared to 0.507 for males.

²⁹ ISTEEBU data.



GENDER ANALYSIS OF PARTICIPATION IN PUBLIC ADMINISTRATION

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This section focuses on women's participation in decision making, mainly because this has understandably been the focus of research and public interest so far. Data for the percentage and profile of women's participation in the wider civil service was not available, though, so a number of important analyses are not possible:

- How many women are there in the public administration as a whole?
- What is their presence at each level of the hierarchy?
- What is their participation rate at each age group? (Is there a sharp drop during childbearing years, signalling a need for support in childcare?)
- What is women's education profile compared to men?
- In which sectors are women currently working? (In traditionally feminized ones, e.g. health and education?)
- Which types of positions do women occupy? (e.g. civil service/contractual positions?).

These sorts of data help to identify the talent pool, gaps and key issues impacting on women's access to senior management positions. This is important even for politically appointed positions because there is still a need to identify suitably qualified women and men. A civil service census could be the ideal vehicle to capture such data on a regular basis. Nevertheless, there is some data that allows a general impression of the presence and influence of women in the public administration.

WOMEN'S REPRESENTATION IN PUBLIC ADMINISTRATION DECISION-MAKING POSITIONS

The presence of women in high-level decision-making positions is weak. Women occupy less than 20 percent of the total 326 positions of authority in the central administration and in public enterprises (ministers, heads of department, director generals, departmental chiefs and ambassadors).³⁰ Taking all ministries together, women represent only 18.47 percent in such positions of authority.³¹

A 2010 report by civil society presents a breakdown:

- Women Ministers: 42 percent
- Women Heads of Department (Chef de Cabinet): 3.3 percent
- Women Director Generals: 11.5 percent
- Women Directors: 11.6 percent.³²

³⁰ UNDP Burundi country website.

³¹ 1st periodic report to CEDAW Committee, November 2005.

³² Security Council Resolution 1325: Civil Society Monitoring Report, Table 2: Executive Power 2010 - Percentage of women appointed to various government positions, Global Network of Women Peacebuilders, 2010, supported by Oxfam NOVIB.

GENDER ANALYSIS OF PARTICIPATION IN PUBLIC ADMINISTRATION



The report highlights an important fact – that women’s representation in those positions within the scope of the 30 percent provision in the 2005 constitution is high, and elsewhere it is low.

As the table below shows, only in three ministries listed is women’s presence over the 30 percent mentioned in the Constitution.

Table: Women’s representation in decision-making positions in ministries

NAME OF MINISTRY	NUMBER OF GENERAL DIRECTORS	INCUMBENT		PERCENT-AGE OF WOMEN	NUMBER OF DIRECTORS	INCUMBENT		PERCENT-AGE OF WOMEN
		M	F			M	F	
1. Ministry of Interior	1	4	0	0%	6	6	0	0%
2. Ministry of Public Security	1	4	0	0%	9	7	2	22.22%
3. Ministry of International Relations and Cooperation	4	4	0	0%	15	13	2	13.33%
4. Ministry of National Defense and Ex-combatants	4	4	0	0%	13	13	0	0%
5. Ministry of Planning and Reconstruction	2	2	0	0%	4	4	0	0%
6. Ministry of Finance	2	2	0	0%	7	6	1	14.28%



GENDER ANALYSIS OF PARTICIPATION IN PUBLIC ADMINISTRATION

7. Ministry in charge of Governance and Privatization	3	3	0					
8. Ministry of Agriculture and Live-stock	4	4	0	0%	23	22	1	4.5%
9. Ministry of Higher Edu-cation and Scientific Research	1	1	0	0%	2	1	1	50%
10. Ministry of Primary and Sec-ondary Education	4	3	1	25%	27	26	1	3.7%
11. Ministry of Public Health	3	2	1	30%	23	23	0	0%
12. Ministry of Justice	1	1	0	0%	23	23	0	0%
13. Ministry of Energy and Mines	3	2	1	30%				
14. Min-istry of Information, Commu-nications and Rela-tions with Parliament	-	-	-		4	3	1	30%

GENDER ANALYSIS OF PARTICIPATION IN PUBLIC ADMINISTRATION



15. Ministry of Water, Territorial Development and the Environment	2	1	1	50%	2	1	1	50%
16. Ministry of Transport, Posts and Telecommunications	1	1	0	0%	3	3	0	0%
17. Ministry of Public Administration, Labour and Social Security	5	1	0	0%	10	6	4	40%
18. Ministry of Youth, Sport and Culture	3	2	1	30%	12	11	1	1%
19. Ministry of National Solidarity, Repatriation of Refugees, and Social Reintegration	2	2	0	0%	5	4	1	20%
20. Ministry of Public Works	1	1	0	0%	2%	2	0	0%
21. Ministry of Human Rights and Gender	2	0	2	100%				



GENDER ANALYSIS OF PARTICIPATION IN PUBLIC ADMINISTRATION

22. Ministry of AIDS Control	2	2	0	0%	3	2	1	33%
23. Ministry of the East African Community	2	2	0					
24. Ministry of Professional Education								
25. Ministry of Trade, Industry and Tourism	3	3	0	0%	4	3	1	25%
26. Ministry of Decentralization and Communal Development	-	-	-	-	-	-	-	-

Source: Evaluation of Gender Expertise and Support Institutions for the Promotion of Gender in Burundi, Interim Report, CAFOB, December 2009. Note that this table represents the author's transcription from a hard copy and no explanation of the difference between blank cells and cells with a hyphen (-) was available.

LOCAL AUTHORITIES AND DECENTRALIZED DEPARTMENTS

According to the above 2009 study on women's expertise, gender disparities were even more glaring in the decentralized departments. Out of 132 provincial officials, only 19 were women, that is, 14.3 percent. According to the same study, in local government, 17.6 percent of governors and 30 percent of administrators were women.

SEGREGATION BY SECTOR

Women's presence in non-traditional sectors is very low compared to sectors such as education.

For example, in the Ministry of Agriculture and Livestock, there are 378 women out of a total of 4501 employees (8.3 percent) but only 4.5 percent of Directors and 0 percent of General Directors.³³ This is not representative of the key role of women in the agricultural sector as a whole.

³³ Inventory on gender mainstreaming in pre-PAIOSA/ Belgian Technical Cooperation projects, May 2012.



In the Ministry of National Defense and Ex-combatants, not a single woman occupies a decision-making position and women represent only 0.040 percent of all armed forces personnel.³⁴

WOMEN IN EMBASSIES

Women's representation in national embassies is shown in the table below and is also low.

Table 2: Women's representation in national embassies

POSITION	2001-2002				2004-2005			
	M	F	T	Percentage of women	M	F	T	Percentage of women
AMBASSADOR	14	2	16	12.5%	14	2	16	12.5%
COUNSELLOR	14	2	16	12.5%	14	2	16	12.5%

Source: 1st periodic report to CEDAW Committee, November 2005, p17.

The Minister of the Civil Service, Labour and Social Security is a woman, and believes that it is important to build in a gender dimension in public administration reform.

*"In a post-conflict country like Burundi, there are priority sectors whose legislation must change," she said, adding that Africa's post-conflict countries need strong and durable structures for the public administration. 'Those structures must be reviewed and the gender dimension must be included in the public administration since during the war, leaders don't care about granting positions to women in the public administration.'"*³⁵

This overt support from the Minister suggests that the presence of gender-sensitive women and men in decision-making positions can stimulate a focus on gender equality.

³⁴ Ministry of National Defense and Ex-combatants Gender Mainstreaming Strategy, April 2011.

³⁵ Speaking at the seventh conference of African ministers of public and civil service (2012) <http://www.newtimes.co.rw/news/index.php?i=14910&a=50475> accessed July 2012.



POLICY AND IMPLEMENTATION REVIEW

This section reviews the main legislation and policy impacting on gender equality in the public administration, starting with international and regional frameworks, followed by national legislation and policy in public administration and gender equality. Finally, enabling legislation such as that impacting on work-life balance, maternity, etc. is also reviewed.

INTERNATIONAL AND REGIONAL REGULATORY INSTRUMENTS

United Nations Security Council Resolution 1325/2000 speaks of the need to increase women's participation in decision-making processes in order to promote peace and security and also in conflict prevention and resolution and peacekeeping operations.³⁶ Burundi endorsed this resolution, which also identified the need to include a gender perspective in peacekeeping missions. Burundi does take gender into account in peacekeeping missions, for example in Somalia and in Darfur, by providing specific training to its personnel. Security Council Resolutions 1820, 1888, and 1889 adopted successively in 2008 and 2009, also provide better protection for women.

Burundi ratified the Convention on the Elimination of all forms of Discrimination against women (CEDAW) in 1992, where there is a clear emphasis on women's participation in decision making and temporary special measures to accelerate equal participation.³⁷ The CEDAW Committee observes a number of positive aspects, such as the harmonization of the Convention into the text of the 2005 Constitution. However, the Committee also highlights the need to put in place a 'legal culture supportive of gender equality and non-discrimination'.³⁸

There are also a certain number of African Union Commission instruments such as the African Union Gender Policy.³⁹

Within the sub-region, the Pact on Peace and Security in the Great Lakes region that was adopted during the International Conference on the Great Lakes region laid the foundation for measures to address gender-based violence.⁴⁰

To sum up, a number of national and international policy instruments are in place.

36 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

37 http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

38 Burundi Concluding observations of the Committee on the Elimination of Discrimination against Women (advanced unedited version), January/ February 2008.

39 www.africa-union.org/.../african%20union%20gender%20policy.doc

40 Article 11 [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/60ECE277A8EDA2DDC12572FB002BBDA7/\\$file/Great%20Lakes%20pact_en.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/60ECE277A8EDA2DDC12572FB002BBDA7/$file/Great%20Lakes%20pact_en.pdf)



NATIONAL LEGISLATION AND POLICY

National Constitution (2005)

The August 2000 Arusha Agreement on Peace and Reconciliation for Burundi suggested that women be truly integrated into the decision-making process and rehabilitation programs. Article 13 of the Constitution of the Republic of Burundi (2005) accordingly states:

'All Burundians are born equal in merit and dignity. All citizens enjoy the same rights and are entitled to the same protection by the Law. No Burundian shall be excluded from the social, economic, or political life of the nation by reason of race, language, religion, sex, or ethnic origin.'⁴¹

The 2005 Constitution also established a 30 percent quota to ensure women's participation in decision-making bodies such as the National Assembly and government (Articles 129 and 164). This important outcome was obtained through advocacy by the leaders of women's associations at the time of the Arusha Agreement. As the table below shows, there is a clear increase in women's participation in the relevant organizations following this major national legislative support for gender equality.

Table: Women's representation in elected decision-making bodies

INSTITUTION	YEAR	TOTAL	M	F	PERCENTAGE OF WOMEN
NATIONAL ASSEMBLY	2001	186	149	37	19.9%
	2005	118	81	37	31.35%
SENATE	2002	53	43	10	18.8%
	2005	49	32	17	34.6%

Source: Evaluation of Gender Expertise and Support Institutions for the Promotion of Gender in Burundi, Interim Report, CAFOB, December 2009.

However, this quota was not extended to all positions in the public administration although Article 143 does provide for a representative public administration including women.

The Constitution also provides for a distinction between technical positions and political positions in the recruitment process and for promotions:

'Technical positions are those for which access depends solely on skills and merit-based criteria. These are positions of stability and continuity, and are governed by specific laws.'⁴²

41 National Constitution of Burundi, 2005, Article 13.

42 Law No.01/09 of March 17 2005, establishing the distinction between political positions and technical positions.



National development plans

All national development policy frameworks drafted in Burundi include a gender dimension in their areas of intervention, such as the Peace Consolidation Strategic Framework (2007).⁴³

The first generation Poverty Reduction Strategic Paper (PRSP I) did not include gender dimensions but PRSP II (launched in 2012) has an indicator of parity representation (50 percent) by 2015 at the ministerial, provincial governor and communal administrative levels. This is encouraging and, in turn, indicates a focus on ensuring that there are enough women with the right experience and ability to be appointed to these positions. These high level targets will need to be backed up by a clear strategy of identifying high potential women and supporting them to take up high-level positions through appropriate capacity-building measures, fast track schemes, etc. This can include women already in the public administration, but could also include a recruitment drive to encourage appropriate women to join through lateral entry. In either case, clear criteria and transparent selection procedures are important to avoid any imputations of inappropriate and token appointments. The reforms set out in the PRSP II for public administration reforms include improved recruitment, selection and performance management procedures, which will benefit women and men.⁴⁴

The National Public Administration Reform Programme (PNRA) is an important document and sets out a policy and roadmap for the challenging task of modernizing the public administration. However, the provisions in the Constitution for gender-balanced representation and gender equality concerns have not been harmonized in this key sector strategy, which also carries financial resources to support practical implementation. This is a missed opportunity and will make the increased harmonization or mainstreaming of gender concerns in the implementation phase a challenge. Nevertheless, UN Women has supported a guide to gender mainstreaming in the PNRA and it highlights the importance of women in decision making in public administration and need for good data.

National gender plans and policy

Informed by international instruments such as The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the MDGs, Burundi drafted a National Gender Policy in 2003, but this has not yet been implemented. Gender is not yet fully recognized as a cross-cutting issue among various sectors. The 2003 National Gender Policy was adopted with a view to improving the living conditions of the population in general, and women in particular. Women's participation in decision making is one of the areas addressed.⁴⁵

The new 2011-2025 National Gender Policy is a step forward and aims to correct the historical disadvantages faced by women by providing substantial gender-sensitive budgetary support.⁴⁶

The CEDAW Committee in its observations (2008, see above) expresses concerns about policy gaps and *de jure* equality between women and men in a number of areas and calls on the government to "ensure

43 Article 14 http://betterpeace.org/files/PBC_Burundi_Config_Strategic_Framework_PBC1BDI4_30_Jul_2007.pdf.

44 PRSP II (2012), pp. 42-43.

45 National response to Beijing +10 (2004), p. 7.

46 See <http://www.gnwp.org/wp-content/uploads/2012/02/burundi1.pdf> (refer to pages 76-77) Post-validation draft shared by UNDP country office.



[...] laws and policies that provide for *de jure* equality and seek to eliminate discrimination against women” (Article 12). The recognition of customary law and its negative impacts on the fundamental rights of women is also noted with concern.

An interesting observation of the Committee is that the 30 percent quota is being applied as a ceiling. The corresponding recommendation is to ensure the quota is at least 30 percent and to use temporary special measures to accelerate substantive equality (a key concept) between men and women in a number of fields.⁴⁷ Nevertheless, public administration is not mentioned.

Public administration policy and legislation

The Public Administration Statute (2006) prohibits discrimination in recruitment, pay or dismissals based on sex.⁴⁸ This is in line with the Labour Code.⁴⁹

Recruitment and promotions

In terms of recruitment, Law No. 1/28 (2006) regulating the civil service sets out the composition of the national recruitment commission and explicitly provides for the inclusion of a representative from a ministry with gender equality in its mandate (Article 13). This study has not been able to assess the degree of compliance, but this would be interesting to understand.

It would also be interesting to know whether representatives of either sex have an understanding of gender dimensions of recruitment practices and appropriate questions. This could be the subject of a survey in the future, for example.

The failure to make a distinction between political and public administration posts has also been an obstacle to the promotion and nomination of women and men who have the technical skills required to accede to positions of responsibility. The following observation highlights the issue well:

‘The Ministry of Public Service, which by law is in charge of selecting public officials, rather receives a list of persons to be recruited from the political power, and is required to execute such orders. No job description is ever drafted, thus making it difficult to determine the responsibilities and tasks to be carried out, as well as the skills profile required to occupy such positions.’⁵⁰

Maternity leave

Law No. 1/28 2006 grants women 14 weeks maternity leave and two hours’ break for nursing for the first six months, followed by one hour a day for the following six months (Article 55). This is more generous than the Labour Code, which grants women 12 weeks (although extendable to 14 weeks) and one hour a day for nursing for the initial six months. As the public administration is an important employer of

47 Substantive equality requires that “the State thus must do more than just ensuring that there are no existing laws that directly discriminate against women. It must also take whatever measures are needed to ensure that women actually experience equality in their lives.” Source: <http://cedaw-seasia.org/faq.html#substantive>

48 Public Administration Statute, Loi n° 1/28 du 23 August 2006, Article 6 (1).

49 Law No. 1-037 of 7 July 1993, Article 6.

50 Study on capacity building of public servants. Ref. PABG/VP /CZ/120/2010.



POLICY AND IMPLEMENTATION REVIEW

women, this is significant in absolute terms – in other words, because many women in formal employment are covered. It may also be important as an example to other sectors as good practice.

Whilst the Labour Code stipulates that women are entitled to half of their salary during maternity leave (Article 123), the Law No. 1/28 2006 for civil servants is silent on this issue. Interviews for this case study indicated that there were examples of women in para-public departments receiving 50 percent of their salary.

There are no other provisions for facilities such as nursing facilities or day care, which adds to the challenges faced by women in managing parental responsibilities with work.⁵¹

Paternity Leave

Article 54 (2) of the Public Administration Statute also grants four days of leave for any employee whose spouse is delivering a child. This is an important advance, and it would be interesting to note how many men take this, for example through a future survey.

Equal pay

With respect to salaries, Article 57 of the Constitution of the Republic of Burundi states:

‘For the same level of competence every individual, without distinction, shall be entitled to equal pay for equal work.’

Other benefits

Article 54 of the Public Administration Statute provides for a family allowance to support children.

According to interviews, the specific needs of women for certain services in the public administration are not taken into account. For example:

- There are no separate toilet facilities
- Women’s needs are not considered in the timing of certain meetings that run over until late at night.⁵²

Sexual harassment

Interviews indicated that it was difficult to ascertain the level of such harassment, as there were no studies on the issue. Nevertheless, key respondents felt there was a very strong risk, because gender specificities are not taken into account, especially for toilet facilities, and the culture is patriarchal.

Weak gender machinery in public administration

The National Gender Policy drafted in 2003 faced implementation challenges – for example some bodies to be put in place were never established. Among these are the national gender council, the inter-ministerial technical committee on gender, etc. The focal points established in various sectors are

⁵¹ Remarks from interviews.

⁵² Ibid.



also not functional (no specific mandate, no budget, etc.). These bodies were to have been the linchpins in advocacy for gender mainstreaming in government policies and programmes.

As underscored by some of the people interviewed, the 30 percent quota applied to women in elected office should be extended to positions of authority in the public administration in order to enhance women's participation in decision making.

According to those interviewed, the equality enshrined in the Constitution is largely undermined by traditional practices that confine women to a position of inferiority (patriarchal system and other customs and traditions).

Since the inter-ministerial gender committee and the gender national council described under the National Gender Policy were never established, there is no control body in place. One of the missions of the Senate is to observe and monitor the enforcement of ethnic, gender and geographical balance in appointments. This mission only seems to have been fulfilled where positions of elected office are concerned.

Lack of sex-disaggregated data

Interview respondents confirmed a general lack of sex-disaggregated data that would allow a full analysis of the presence and profile of women and men in Burundi's public administration as well as any trends and patterns. Consequently, questions such as, "Are numbers of women and men going up or down at various levels? Is there sex-segregation in terms of sector? Are there enough adequately qualified and experienced women to meet high-level targets in the new National Gender Policy?" remain unanswered.

A civil service census such as that carried out in Rwanda and many countries could help gather this basic and critical information. This would help to deepen the analysis afforded by this desk review and the qualitative interviews.

Policy summary

To summarize, although gender equality and gender balance are enshrined in the Constitution, this does not include the public administration except at the ministerial level. The new National Gender Policy has relevant indicators, but this has not been harmonized into the PNRA, which is at the heart of setting the agenda in public administration reform in the medium term. This is a missed opportunity and it will be a challenge to address this policy gap in implementation.

Interview respondents highlighted a need for greater capacity and the proper functioning of key institutions such as the national gender council and inter-ministerial technical committee on gender as foreseen in the 2003 National Gender Policy.



SPECIFIC INITIATIVES

This section will focus on nationally and internationally supported initiatives.

National initiatives

Certain ministries are beginning to mainstream gender into their sectors. For example, the sector policies of the Ministry of Defense and Ex-combatants and the Ministry of Public Security contain a gender component. This is a welcome advance in a traditionally male-dominated area.

In certain cases, when a woman is removed from a position of authority, she is replaced by another woman, but there is no specific law requiring this. This practice needs to be institutionalized with specific policies in line with the spirit of gender balance enshrined in the Constitution.⁵³

Geographical redeployment programmes (e.g. Ministries of Health and Education) take into account the gender dimension, according to key respondents.

Certain departments have already set a quota for women on their boards of directors (e.g. the *Office Nationale des Pensions et Rentes* (National Pensions and Annuities Office)).

A capacity-building department for public servants has been established in the Ministry of Labour and Social Security. This is the *Ecole Nationale d'Administration publique* (ENA, the National School for Public Administration), which organizes training sessions aimed at improving the skills of public servants. It is not clear if the courses taught include a gender component.

The Ministry of Finance has a programme to strengthen leadership and management capacity, which has potential to cover gender-responsive budgeting in its material. It would also be useful to examine the gender balance of participants and selection criteria.

Women's groups have been active in lobbying for a presence in the peace negotiations and shaping the Constitution.⁵⁴ Nowadays, women's associations provide much needed training in gender and development, including at the grassroots level on the following themes:

- Establishing gender and governance community development committees (CDC)
- Capacity-building for the National Defense Force (FDN) on gender mainstreaming in Security Sector Reform (SSR)
- Advocacy for gender mainstreaming into the programme for peace consolidation and transitional justice
- Training elected officials on planning and gender mainstreaming evaluation criteria
- Training election observers on gender issues.

⁵³ Remarks from interviews.

⁵⁴ See Women's Political Participation and Influence in Post-Conflict Burundi and Nepal, Peace Research Institute Oslo (2010) for a good analysis of this. The analysis also discusses barriers that hinder women from effectively exercising their voice once elected, and it would be interesting to understand to what extent these issues apply to the public administration.



Women's associations also carry out advocacy and lobbying of decision makers to ensure women's representation in all decision-making positions. Noteworthy among these is the grouping of women's NGOs in Burundi (CAFOB) through its member organizations such as the Association of Women Jurists (AFJ), the Dushirehamwe Association, and the *Observatoire de l'Action Gouvernementale* (OAG), which have all lobbied decision makers to ensure that gender is integrated into legal texts in order to reduce the disparities at the decision-making level. They have also contributed to awareness-raising (awareness-raising for women on 'elect and get elected') and capacity-building on gender and development for leaders of local organizations, elected officials, and ministry officials.⁵⁵

UN and international agencies

The UNDP Gender Team in the Burundi country office has been active in drafting and disseminating policy frameworks. In particular, it has contributed to the drafting of the national gender integration strategy for the Ministry of National Defense and Ex-combatants. UNDP also recruited national and international consultants to assist the public administration reform programme.

UNFPA also contributed to capacity-building in gender and development as well as dissemination and awareness-raising by organizing information days on gender and development and events to disseminate the results of the International Conference on Population, e.g. Gender and Development (Cairo, ICPD 1984), the Beijing Platform for Action, etc. for government members, parliamentarians, and civil society organizations. The UNFPA also provides assistance to civil society organizations that work in the area of controlling gender-based violence (GBV). It has also contributed to awareness-raising with the aim of ensuring gender equality in the public administration.

UN Women is active in supporting the gender policy framework in Burundi and facilitating gender mainstreaming at the national level. It provides technical and financial support to innovative initiatives and strategies aimed at promoting women's emancipation and ensuring gender equality. It also provides support periodically for evaluating the implementation of CEDAW, Resolution 1325 and community recovery projects that include gender issues.

⁵⁵ Remarks from interviews.



SPECIFIC INITIATIVES

UNDP is a member of the thematic group for the National Programme for Public Administration Reform (PNRA), along with other partners (UN Women, World Bank, Belgian Technical Cooperation, etc.).⁵⁶ An international gender expert was to have been recruited for this exercise. The Terms of Reference make a clear link between the need to appoint women to decision-making positions and more gender-responsive public policy.⁵⁷ The Terms of Reference also specify that objectives include:

- To establish a baseline of disparities between men and women in human resource management and suggest actions for more equitable systems
- Identify strategies to improve the access of women to the most public administration and progressively arrive at equality in decision making
- Identify priorities and actions to support better reconciliation of family and professional responsibilities of public administration employees.

The Indicative Cooperation Program (ICP) of the Belgian Technical Cooperation Agency (CTB) includes a component to mainstream gender within priority intervention sectors. For example, gender is considered a priority under the agricultural sector institutional and operational assistance programme with respect to agricultural production, distribution and marketing processes.

⁵⁶ Assistance for structural improvement in the public administration (ASAP).

⁵⁷ Terms of Reference for the recruitment of an international consultant for gender mainstreaming into the PNRA, UN Women, 2011.



KEY ISSUES IN GENDER EQUALITY IN PUBLIC ADMINISTRATION

This section summarizes the main advances and good practices as well as challenges and barriers, drawing on the previous section.

KEY ADVANCES AND GOOD PRACTICES

- The 30 percent quota enshrined in the Constitution serves to promote women's participation in decision-making bodies (government, parliament) and expands the space for women's participation in decision making in general. The provision for representative government including women is also positive.
- The new upcoming National Gender Policy does have relevant indicators, which will hopefully stimulate action throughout the public administration to reach the parity target.
- There appears to be a real political will on the part of the authorities to ensure gender equality in the public administration.⁵⁸
- Increasing public recognition and acceptance of women leaders in general, opening up a space and dynamic to focus on this within the public administration as a key source of formal employment for women.
- The existence of a vibrant women's movement that can contribute to advocacy for gender equality in the public administration and carry out research.
- Some ministry-level initiatives are taking place.

CHALLENGES AND BARRIERS

- Policy gaps especially in the PNRA and the public administration statutes such as:
 - Lack of high-level targets and provision for affirmative measures within the public administration.
 - No provision for important physical facilities such as nursing room, day care, separate toilets.
- No provision for flexible working or other priority given to enabling work-life balance.
- Lack of institutional framework for implementation and oversight of policies.
- Lack of understanding of gender issues in the public administration amongst women and men.
- Recruitments and nominations are not felt to be transparent.⁵⁹
- High staff turnover in the public administration, making capacity development in gender and other areas a challenge.
- Unavailability of gender-disaggregated data on the public administration.
- Lack of capacity-building programmes in gender equality in the public administration.

⁵⁸ Remarks from interviews.

⁵⁹ Evaluation of implementation of government measures for women's integration in decision-making, OAG, September 2008.



RECOMMENDATIONS

RECOMMENDATIONS

In the light of the various challenges facing the public administration, concrete action needs to be undertaken by the different national and international stakeholders. The following recommendations are therefore aimed at high-level decision makers, in particular government members. Senior government officials should strive for gender equality in the public administration and especially in the processes used to recruit or appoint officials to decision-making positions.

Civil society organizations must continue to carry out advocacy and lobbying for equal opportunities in the public administration. The United Nations and other technical and financial partners must also continue to support the implementation of the National Gender Policy with a view to ensuring gender equality in the public administration.

The recommendations are as follows.

Senate

- The Senate should exercise its oversight role and carry out an in-depth review of gender balance and underlying issues in the public administration and suggest corrective measures.
- Women parliamentarians could engage in this issue and be proactive in lobbying for results in this area, including in the area of social security to support working families and women-headed households.
- The Senate should require all government ministries to have an action plan with dedicated resources and leadership in order to achieve an equitable gender balance at all levels of the public administration. These should be made public.

Government

- Urgently consider an update to the PNRA to incorporate gender and representation issues stipulated in the Constitution. If not possible, then prioritize gender in subsequent implementation.
- Update Law No. 1/28 (2006) regulating the civil service to:
 - Include gender and other representation issues articulated in the Constitution
 - Include at least a 30 percent minimum target of women's representation at all levels
 - Include a formal requirement for appropriate affirmative action measures to be taken wherever there are imbalances (such as fast-track leadership schemes for high potential women, and other career boosting development opportunities) in line with CEDAW
 - Protect women's salaries at an equal level to that of men during maternity leave
 - Include provisions to enable men and especially women to manage their family and work responsibilities
 - Ensure that basic facilities are in place, e.g. separate toilets, nursing rooms.
- The ministry responsible for the public administration should be mandated by the Senate to draw up a plan to support the 50 percent target for women and men ministers by 2015 in the upcoming National Gender Policy. This should include a systematic analysis of the pipeline by level,



qualification and experience of potential women including any shortfalls. It should contain support for in-service training and fast-track schemes for women within the PA and externally if necessary. Other measures supporting a network of women civil servants should be established across the sector, as well as in ministries and local governments. Similar plans and experiences in other countries could be studied and adapted.

- The Ministry of Public Administration, Labour and Social Security should also establish selection committees made up of suitably trained and gender-sensitive men and women to ensure gender mainstreaming in recruitment processes. Clear terms of reference should also be established and made public.
- Starting from 2012, the department in charge of structural improvement in the public administration (ASAP) should regularly make available a gender-disaggregated database of all public servants (according to the ASAP director during the interview for this case study, the software for processing the data is already available at The Ministry of Public Administration, Labour and Social Security). Most of this data should be public so that civil society can engage in an informal oversight role.
- Sensitization of all government officials to their rights and responsibilities with regard to gender should be mandatory for all new recruits and before all promotions. The ministry in charge of gender could be supported to design a set of guidelines to mainstream gender in the PA, together with a training programme on gender and development for public servants.
- In the longer term, attention should be paid to ensuring that there is an adequate pool of women with equal access to higher education and affirmative action to speed this up should be considered. This is important to developing a long-term talent pool of potential women leaders in the public administration and beyond.

Civil Society

- Civil society organizations are encouraged to continue their advocacy with decision makers in order to ensure that gender is included in public administration training programs and that all gender inequities in legal texts are abolished.
- Civil society organizations must continue to educate ministry officials on how to draft gender-sensitive budgets.

UNDP and international organizations

- United Nations and other agencies should support capacity-building and advocacy for enhanced presence of women in decision-making positions in the public administration. This needs to be done through at least two channels:
 - Support for gender equality and women's empowerment
 - Public administration reform support – all support to the PNRA for example could make fulfilment of CEDAW observations and Beijing Platform of Action recommendations a condition of support.
- Support Burundi to draw on best practices in the sub-region and wider international context and integrate them into its national development strategies (such as Rwanda, a neighbouring country with a similar culture to Burundi, which has already carried out a civil service census with sex-disaggregated data).



RECOMMENDATIONS

This section concludes with a call to all actors to collaborate in making the Beijing Platform for Action a reality, and specifically:

- Strategic objective G.1. Take measures to ensure women's equal access to and full participation in power structures and decision making
- Strategic objective G.2. Increase women's capacity to participate in decision making and leadership.

Both of these objectives have clear 'actions to be taken' by governments and other actors, which are the basis of the above recommendations.⁶⁰

⁶⁰ See <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm> for the full set of actions, which are a useful resource and should form the backbone of any national policy to increase women's participation in decision making.



CONCLUSIONS

Burundi in many ways has moved quickly to enshrine gender equality in the post-conflict constitution and this gives women's equal access to public decision-making a clear and firm foundation. Harmonizing laws governing the public administration and reform should now be a priority in order not to lose the momentum of this important policy advance.

Some positive results have been recorded with respect to including gender in political decision making where positions of elected office are concerned (National Assembly, the Senate and Communal Councils). The affirmative action measure of including 30 percent of women in these institutions is a step in the right direction with respect to women's participation in decision making. It is a strong argument in favour of eliminating other discriminatory provisions. This practice could also inspire other countries in the sub-region.

There are also encouraging signs that public perceptions are shifting and that women leaders are accepted despite historically patriarchal attitudes and a low value placed on women's roles outside the home. This may be partly a consequence of a desire for better government and a fresh start following the conflict that Burundi suffered.

Gender is also increasingly being effectively mainstreamed in other projects initiated by the government with the support of the international partners. The ongoing National Public Administrative Reform programme is aware of the need for gender equality and the guidelines for mainstreaming gender into this programme, supported by UN Women, are a good entry point.

A dynamic women's association movement is well placed to carry out advocacy and continue to lobby decision makers to apply the 30 percent quota to other positions within the public administration.

To summarize, Burundi is well placed to capitalize on policy gains and move forward to ensure that public administration policy and legislation is in line with the spirit of the constitution. This will need to be backed up by an implementation focus as well a concrete and comprehensive strategy to achieve the high goals for women's participation in decision making by 2015.



ANNEX 1: LIST OF INDIVIDUALS INTERVIEWED

SURNAME AND FIRST NAME	ORGANIZATION REPRESENTED	POSITION
1. Bununagi Clémence	UN Women	Governance Programme Officer
2. Nimpagaritse Goreth	CAFOB	Coordinator
3. Habonimana Balthazar	Bashingantahe National Council	Chair
4. Honorable Ntagwiru-mugara Christine	Association of Women Jurists	Representative
5. Ambassador Domithile Barancira	Cabinet of the Minister of Justice	Advisor
6. Ndacayisaba Marie Goreth	Dushirehamwe Association	Advocacy Programme Officer
7. Sendazirasa Annociate	Ministry of Public Administration and Labour	Minister
8. Hakizimana Potame	ASAP	Director
9. Kandobeke Callixte	Ministry of National Defense and Ex-Combatants	Officer
10. Ndamaniha Frédérique	As above	As above
11. Nihankura Casimile	Idem	Idem
12. Fengure Balthazar	Ministry of Planning	Advisor to Cabinet
13. Barankariza Spés Caritas	Ministry of National Solidarity, Human Rights, and Gender	Director, Gender Department



ANNEX 2: QUESTIONS ASKED DURING INTERVIEWS

1. Is gender equality in the public administration considered a government priority?
2. If so, what measures have already been taken?
3. What legal instruments have been put in place to promote gender equality in the public administration?
4. Are existing policy frameworks robust enough to bring about change?
5. What are the failings or shortcoming of existing provisions related to gender integration in the public administration?
6. Is the human rights-based approach taken into account in designing gender policy in the public administration? If so, what measures have been implemented in the past?
7. Does the existing policy framework include a monitoring and evaluation mechanism? If yes, how is it applied?
8. Are there gender-disaggregated data in the public administration? If yes, are they taken into account in decision making?
9. What are the roles of the various actors that contribute to gender empowerment?
10. Do human resource management policies take into account the gender dimension? Do they encourage equal participation for men and women in the public administration?
11. Are there any incentive measures in place in the public administration to encourage the promotion of women to decision-making positions?
12. Are there any measures in place that are conducive to facilitating the work of women in the public administration?
13. What capacity-building mechanisms have been established to improve women's skills?
14. Does the public service statute include specific provisions that guarantee gender equality in the public administration?
15. What measures have been adopted in this area?
16. Are there any appeal mechanisms in place that would allow women to contest discriminatory recruitment or promotion decisions?



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Note: All websites were accessed in 2011 and 2012



ANNEX 4: ACRONYMS AND ABBREVIATIONS

AFJ	<i>Association des Femmes Juristes</i> (Association of Women Jurists)
AIDS	Acquired Immune Deficiency Syndrome
ASAP	Assistance for Structural Improvement in the Public Administration
CAFOB	<i>Collectif des Associations et ONGs Féminines du Burundi</i> (Coalition of Women's Associations and NGOs in Burundi)
CDC	Community Development Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ENA	<i>Ecole Nationale d'Administration</i> (National School for Administration)
FDN	Forces de Défense Nationale (National Defense Forces)
GBV	Gender-based Violence
ICP	Indicative Cooperation Programme
ICPD	International Conference on Population and Development
ISTEEBU	<i>L'Institut de Statistique et d'Etudes Economiques du Burundi</i> (National Statistics and Economics Institute of Burundi)
MDG	Millennium Development Goals
OAG	<i>Observatoire de l'Action Gouvernementale</i> (Government Activity Observatory)
ONPR	<i>Office Nationale des Pensions et Rentes</i> (National Pensions and Annuities Office)
PA	Public Administration
PAIOSA	<i>Programme d'Appui Institutionnel et Opérationnel au Secteur Agricole</i> (Agricultural Sector Institutional and Operational Assistance Programme)
PNRA	Programme National de Réforme de l'Administration Publique (National Programme for Administrative Reform)
PRSP	Poverty Reduction Strategy Paper
RGPH	<i>Recensement Général de la Population et de l'Habitat</i> (Habitat and Population General Census)
SSR	Security Sector Reform
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development





NOTES



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