Country/entity	Burundi
Region	Africa (excl MENA)
Agreement name	Constitution of 18 March 2005
Date	18 Mar 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Burundian Civil War (1993-2005)

The conflict had an ethnic base between Hutu and Tutsi populations, and is one of a set of regionally connected conflicts also addressed n the Great Lakes process. Since independence in 1972, the Burundian political landscape has been polarised and marked by ethnic-based tensions, political assassinations and large-scale violence. For the following two decades, three Tutsi military regimes associated with the Union for National Progress (UPRONA) ruled the country. During these military dictatorships, numerous waves of mass violence resulted from the attempts of various opposition rebels groups to destabilise the three regimes, and the regimes' use of violence to repress these attempts. Despite a wave of hope in the early 1990's, Burundi entered a decade-long civil war in 1993 following the assassination of Burundi's first democratically elected president, Melchior Ndadaye, from the ethnically-Hutu Front for Democracy in Burundi (FRODEBU) by Tutsi opposition in the military.
In 1998 the Arusha Peace Talks commenced and in August 2000, international pressure resulted in the signing of the Arusha Peace and Reconciliation Agreement for Burundi. However, the National Council for the Defense of Democracy (CNND) did not sign. Additionally, and Party for the Liberation of Hutu People (Palipehutu) did not participate in negotiations. These outsiders continued sporadic violence until 2008. In 2015, a new wave of political violence is taking place after President Nkurunziza, from the CNDD-FDD which has been in power since 2005, won a contested third-mandate.
Close
Burundian Civil War (1993-2005)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Burundi: Arusha and related peace process
Parties	The Constitution was passed by the Burundian National Assembly.

Third parties	-
Description	This constitution replaced the 2004 Interim Constitution. The text of the 2004 interim Constitution is identical to the this adopted in March 2005. This latest interim Constitution was adopted to avoid a unconstitutional vacuum. It contains the following chapters: Of the State and the Sovereignty of the People; Of the Charter of Fundamental Rights and Duties, of the Individual and the Citizen; Of the System of Political Parties; Of the Elections; Of the Executive Power; Of the Legislative Power; Of the Relations between the Executive Power and the Legislative Power; Of the Judicial Power; Of the Ombudsman; Of the Corps of Defense and of Security; Of the Local Collectivies; Of the National Councils; Of the International Treaties and Agreements; Of the Revision of the constitution; Of the Particular Provisions for the First Post-Transitional Period; Of the Transitory Provisions; Of the Final Provisions.

Agreement document	BI_050318_Constitution.pdf (opens in new tab) | Download PDF

Women, girls and gender

Participation

Participation→Gender quotas
Page 24, 3. OF THE GOVERNMENT
Article 129, The Government is open to all the ethnic components. It includes at most 60% of Hutu Ministers and Vice-Ministers and at most 40% of Tutsi Ministers and Vice-Ministers. A minimum of 30% of women is assured.

Page 31, 2. OF THE NATIONAL ASSEMBLY,
Article 164, The National Assembly is composed of at least one hundred Deputies on the basis of 60% of Hutu and 40% of Tutsi, including a minimum of 30% of women, elected by universal direct suffrage for a mandate of five years, and of three Deputies originating from the Twa ethnicity co-opted in accordance with the electoral code.

Page 32, 2. OF THE NATIONAL ASSEMBLY
Article 168, The elections of the Deputies takes place following the ballot for the bloc lists by proportional representation. These lists must have a multi-ethnic character and take into account the equilibrium between men and women. For three candidates registered together on a list, only two may belong to the same ethnic group, and at least one in four must be a woman.

Page 34, 3. OF THE SENATE
Article 180, The Senate is composed of:
1. Two delegates from each province, elected by an electoral college composed of members of the communal councils of the considered province, originating from different ethnic communities and elected by distinct ballots;
2. Three persons originating from the Two ethnicity;
3. The former Heads of the State.
A minimum of 30% of women is assured. The electoral law determines the practical modalities, with co-optation the case arising.
Participation→Effective participation
Page 19, 1. OF THE PRESIDENT OF THE REPUBLIC
Article 99, Every candidacy to the presidential elections must be supported [parraineé] by a group of two hundred persons formed taking into account the ethnic and gender components.
The members of the supporting group [groupe de parrainage] must themselves meet the fundamental conditions [conditions de fond] required for eligibility in the general elections.

Page 36, 3. OF THE SENATE
Article 187, The Senate is provided with the following competences:
... 5. Controlling the application of the constitutional provisions by demanding the ethnic and gender representativeness and the equilibrium in all the State structures and institutions, notably the public administration and the Corps of Defense and of Security;

Page 43, 1. OF THE SUPERIOR COUNCIL OF THE MAGISTRATURE
Article 217, The Superior Council of the Magistrature is equilibrated on the ethnic [and] regional plane and between genders.
Participation→Citizenship
Page 6, 1. OF THE GENERAL PRINCIPLES,
Article 12, ... The children born of Burundian men or women have the same rights with regard to the law on nationality.

Page 6, 2. OF THE FUNDAMENTAL VALUES
Article 13, All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race

Equality

Equality→Equality (general)
Page 6, 2. OF THE FUNDAMENTAL VALUES
Article 13, All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Page 8, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN
Article 22, All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES
Article 78, In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES
Article 80, The law guarantees the non-interference of the public powers in the internal functioning of the political parties, except for that of the restrictions necessary to prevent ethnic, political, regional, religious or gender hatred and to maintain the public order.

Page 17, TITLE IV: OF THE ELECTIONS
Article 91, The Commission is given the charge of the following missions: g. To assure the respect for the provisions of this Constitution relative to multi-ethnicity and to gender and to take cognizance of the claims in this respect.
Equality→Social equality
Page 6, 2. OF THE FUNDAMENTAL VALUES Article 13, All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Particular groups of women

No specific mention.

International law	International law→General IHRL, IHL and IL Page 9, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN Article 29, The freedom to marry is guaranteed, as well as the right to choose his or her partner. The marriage may only be concluded with the free and full consent of the future spouses. International law→International human rights standards Page 7, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN Article 19, The rights and the duties proclaimed and guaranteed, among others, by the Universal Declaration of the Rights of Man, the International Pacts relative to the rights of man, the African Charter of the Rights of Man and of Peoples, the Convention on the Elimination of all Forms of Discrimination concerning Women and the Convention relative to the rights of the child are an integral part of the Constitution of the Republic of Burundi.
New institutions	No specific mention.
Violence against women	No specific mention.
Transitional justice	No specific mention.

Institutional reform Institutional reform→Constitution-making/reform
[Summary] This constitution contains references providing for a reform on women's issues including treaty incorporation, rights protection etc.
Institutional reform→Judiciary, judicial reform
Page 41, TITLE VIII: OF THE JUDICIAL POWER
Article 208, ... The procedures of recruitment and appointment in the judicial corps submit imperatively to the concern to promote regional [and] ethnic equilibrium and the equilibrium between genders.
Institutional reform→DDR, army, parastatal or rebel forces
Page 48, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY
Article 247, The Corps of Defense and of Security develop within them a nondiscriminatory, non-ethnicist and non-sexist culture.
Institutional reform→Public administration
Page 25, 3. OF THE GOVERNMENT
Article 135, The members of the Government make or propose the appointments in the public administration and to the diplomatic posts taking into account the necessity to maintain an ethnic, regional, political and gender equilibrium.

Page 26, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION
Article 143, The Administration is largely representative of the Burundian Nation and must reflect the diversity of its components. The practices that it observes in the matter of employment are founded on objective and equitable criteria of aptitude as well as on the necessity to correct the disequilibrium and to assure a wide ethnic, regional and gender representation. The ethnic representation in the public enterprises is provided on the basis of 60% at most for the Hutu and 40% at most for the Tutsi.

Page 26, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION
Article 145, No agent of the public administration or of the judicial apparatus of the State may benefit from a treatment of favor nor be subjected to a partial treatment for the sole motive of their sex, of their ethnic or regional origin or of their political affiliation.
Institutional reform→Other
Page 49, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY
Article 255, The State has the duty to put in place a pertinent policy of reforms in [the] matter of defense and of security that reinforces the unity and the cohesion of the Burundian People, notably by assuring the necessary ethnic, regional and gender equilibriums.

Development Development→Health (general)
Page 8, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN
Article 22, All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

Implementation No specific mention.

Other No specific mention.