

Economic Security

Definition

1. **How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

The basis of economic, social and cultural rights is mentioned in article 52 of the Constitution of the Republic of Burundi of June 07, 2018. The article provides that "Everyone is entitled to obtain the satisfaction of economic, social and cultural rights indispensable to the dignity and free development of his person, thanks to the national effort and taking into account the resources of the country". Article 27 states that "The State shall ensure as far as possible that all citizens have the means to lead an existence worthy of human dignity". This article underlines the obligation of the State, recalling that it is the obligator.

Moreover, in Burundi the ICESCR has constitutional value, since article 19 of the Constitution stipulates that "The rights and duties proclaimed and guaranteed, among others, by the international texts relating to human rights duly ratified are an integral part of the Constitution".

In addition, the International Convention on Human Rights are an integral part of the Constitution of the Republic of Burundi. These rights are not subject to any restriction or derogation, except in certain circumstances that can be justified by the general interest or the protection of a fundamental right". On this basis, it can be said that international human rights treaties are an integral part of the Burundian legal system and constitute tools that allow:

- the right to development for older people as active participants and beneficiaries;
- active, free and meaningful participation for these older people and the organizations that represent them in all issues related to sustainable development;
- the active, free and meaningful participation of all these people in the socio-economic and political process;
- and access to prompt remedies and reparations when their rights are violated.

Scope of the rights

2. **Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:**

- a) **right to social security; including regular adjustment of benefits with changes in living costs;**

This reference to legal standards is in Law No. 1/12 of May 12, 2020 on the social protection code in Burundi in its articles 3 and 4.

- b) **right to adequate standard of living, including housing, clothing, food and water, among others;**

The reference to the legal standards concerning this right can be found in Article 5 of Law No. 1/12 of May 12, 2020 on the social protection code in Burundi.

In addition, partnership agreements between the Ministry of Solidarity and reception centers for the older persons and associations working in the field of the protection of the older persons

exist and give access to annual subsidies, payment of water and electricity bills, tax exemption for goods and services from abroad;

c) right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustment exists;

The right to work is set out in Articles 6, 7, 8 and 10 of the ICESCR and detailed in General Comment No. 18 of the ICESCR. This recognizes the right of workers to earn their living through freely chosen work, under conditions which do not infringe human dignity. The ICESCR also states that workers must have a fair wage, and be free from discrimination. The right to work also concerns the right to associate and negotiate better working conditions, to join a union and the right to strike.

-A retirement pension improvement policy has been developed. The Government has already recommended to social security institutions to see how this can be implemented.

There is not yet a legal minimum wage in our country.

d) prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;

The grounds prohibiting discrimination are on article 2, paragraph 2 of the ICESCR which states that "States parties to this Convention undertake to guarantee that the rights set forth therein shall be exercised without any discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status".

Also, the additional protocol to the African Charter on Human and People's Rights relating to the rights of the older persons in its article 6 provides for protection against discrimination in access to employment while article 7 provides that older persons are entitled to adequate pensions.

e) the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information; and rights to peaceful assembly and freedom of association;

The Constitution of Burundi guarantees them all these rights in its articles 31 and 32. These articles provide that freedom of expression, assembly and association are guaranteed.

ESCR are interdependent with other human rights: since the 1993 World Conference on Human Rights in Vienna, ESCR and civil and political rights have been considered to be closely linked, even inseparable. For example, when a person is arbitrarily detained, their right to health, food and others are likely to be violated as well. And conversely, if a person does not enjoy their right to education, they will be less likely to fully benefit from their right to freedom of expression and thus to participate in civil and political life.

f) active, free and meaningful participation of older persons and their representative organizations in all matters related to ensuring their economic security, including in political processes;

The Universal Declaration of Human Rights in its article 21 states that:

1. Everyone has the right to take part in the government of his country, either directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people is the basis of the authority of public powers; this will must be expressed by genuine elections which must take place periodically, by equal universal

vote and by secret ballot or following an equivalent procedure guaranteeing the freedom of the vote.

-In the Protocol to the African Charter on the Rights of Older Persons: Article 3, it is provided that all State parties shall ensure that they take corrective measures against any form of stigmatization of the elderly, Article 15 State parties undertake to adopt laws and measures allowing older people to express their opinions and participate in socio-political life.

g) access to prompt remedies and redress when older persons' above mentioned rights are violated.

There are state structures and institutions, not to mention civil society organizations, which take action to guarantee these rights for the older persons.

Older people or their families can apply to state institutions whenever necessary or when their rights are violated. These include services offered by the administration and justice.

As a vulnerable group, older people enjoy benefits such as easy access to services and their prioritization in obtaining services.

State obligations

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfill the above-mentioned rights to ensure older persons' economic security?

The State of Burundi should accelerate the process in the adoption and promulgation of the law on the protection of the older persons.

Implementation

4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' economic security?

The main challenge is the unequal treatment of the older persons.