

Guiding questions for the thirteenth session.

Focus area 1: Right to health and access to health services

National legal and policy framework

1. **What are the legal provisions and policy frameworks in your country that guarantee the right of older persons to the enjoyment of the highest attainable standard of physical and mental health, including access to promotive, preventive, curative, rehabilitative and palliative health facilities, goods and services?**

The right to health of the older persons is guaranteed by:

- the Constitution of Burundi in its article 55 which states that every person has the right to access health care;
- the universal declaration of human rights in its article 25 which states that everyone has the right to a standard of living adequate for the health, and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services; and the right to security in the event of unemployment, sickness, invalidity, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- the Protocol To The African Charter On Human and Peoples' Rights On The Right Of Older Persons In Africa in its article 1(al10) ,11 and 15, which speaks about the commitments made by the States Parties in terms of residential care facilities and access to health services for the older persons ;
- the social protection code in Burundi in its article 5 which states that everyone has the right to a standard of living adequate for the health, and well-being of himself and of his family, including food, clothing, housing;
- A national social protection policy of 2012 which emphasizes the access to health care for vulnerable groups in general and for older persons in particular.

2. **What steps have been taken to ensure that every older person has access to affordable and good quality health care and services in older age without discrimination?**

- The State of Burundi has set up the National Social Protection Commission which grants Health Insurance Cards to the older persons who are in vulnerable conditions;
- A program of access to health care through the health insurance card for 12,000 vulnerable older persons has been set up.
- A feasibility study for free health care for the older persons is being prepared;
- The State has signed partnership agreements with 3 centers under the responsibility of religious congregations and 2 associations under the responsibility of civil society organizations working in the field of the protection of the older persons, which collect them and occupy.

3. **What data and research are available regarding older persons' right to health and access to health care and services? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor the full realization of the right to health of older persons.**

12,000 vulnerable older persons benefit from a health care access program through the health insurance cards.

4. **What steps have been taken to provide appropriate training for legislators, policymakers, and health and care personnel on the right to health of older persons?**

- Every first of October, there is a session of training for legislators, administrators and all stakeholders on the rights of the older persons.

-A measure to strengthen institutional capacities for the establishment and monitoring of mutual health insurance, in particular through the development of trainers' manuals, awareness modules and other teaching materials has been taken in the national social protection policy;

Progressive realization and the use of maximum available resources

5. **What steps have been taken to align macroeconomic policies and measures with international human rights law, to use maximum available resources for the realization of older persons' right to health, such as through expanding fiscal space, adopting targeted measures and international cooperation?**

For the full realization of the right to health, a measure has been taken in requiring a feasibility study for free health care for the older persons. This study is under process.

Equality and non-discrimination

6. **What are the challenges faced by older persons in their enjoyment of the right to health, including the impact of intersectional discrimination and inequality based on age, gender, disability and other grounds?**

While waiting for the measure of free care for all the older persons, those who are living in rural areas still have difficulty to meet their needs in terms of health care.

For now, only workers retired for the age limit of the Public Sector fully enjoy the right to health and access to health services; those in the semi-public and private sectors benefit from it partially.

7. **What measures have been taken to eliminate ageism and discrimination based on age, including discriminatory laws, policies, practices, social norms and stereotypes that perpetuate health inequalities among older persons and prevent older persons from enjoying their right to health?**

There is a Project for the social protection of the older persons that the State must take all necessary measures to eliminate harmful traditional practices, including accusations of witchcraft, which affect the well-being, health, life and the dignity of older people and especially older women. It is also provided that the State protects the older persons against all forms of exclusion, discrimination, abuse, neglect, abandonment, mistreatment, stigmatization and violence.

8. **What measures have been taken to ensure that older persons are able to exercise their legal capacity on an equal basis with others, including making an informed consent, decisions and choices about their treatment and care?**

The Constitution guarantees all these rights in 31st and 32nd articles. These articles state that freedom of expression, assembly and association are guaranteed.

In the draft law on The Rights Of Older Persons, article 10 will guarantee them access to information. Also, article 29 instructs associations of the older persons, centers and non-governmental organizations working in the field of the older persons to raise awareness and inform the older persons of their rights and duties. Finally, the 35th article, stipulates that any older person, holder of the older person's card, benefits in priority from legal aid.

Accountability

9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for the denial of their right to health?

In the draft law of the protection of the older persons, provision is made for a National Committee for the Rights of the Older persons whose president, on his own initiative or at the request of any interested person, will file a complaint in the event of violation of the rights granted to the older persons.

This prerogative granted to the chairman of the committee can be exercised ex officio by the Public Prosecutor within the jurisdiction of the older persons whose rights have been violated.

10. What mechanisms are in place to ensure the effective and meaningful participation of older persons living in different geographic areas of the country in the planning, design, implementation and evaluation of health laws, policies, programs and services that affect them?

Apart from the fact that older persons are guaranteed the right to participate fully in political and public life directly or through freely chosen representatives, mechanisms have been put in place so that every older person can have the opportunity to have a say in the planning, design, implementation and evaluation of health laws, policies, programs and services that affect them.

Thus, social protection committees have been established from the top to the bottom so that any older persons can access this mechanism regardless of the municipality where he lives.

- A national social protection committee headed by the Communal Administrator.
- A provincial social protection committee headed by the Provincial Governor in collaboration with the provincial social protection officer;
- A National Social Protection Committee headed by the Minister in charge of National Solidarity;
- A national social protection committee headed by the President of the Republic which is in close collaboration with the National Social Protection Commission;

These committees hold meetings once a year to examine the status of the rights of older persons who are in vulnerable conditions and who benefit from free healthcare;