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International

Burundians Say Peace Must Include Tough Rape Laws

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As postwar Burundi prepares for a reconciliation process based on South Africa's, women's rights advocates say the first step must be bringing the perpetrators of sexual violence to justice. Second in a series on African women and the rule of law.

BUJUMBURA, Burundi (WOMENSENEWS)--At a small rape clinic run by Doctors Without Borders in Bujumbura, the capital of the small East African nation of Burundi, young rape victims line up for antiretroviral medication to treat HIV.

Although the war has ended, the rape crisis continues.

Luk Van Baeren, a field officer at the clinic, says it sees about 10 victims of sexual violence each day, and says he thinks that's only the tip of the iceberg.



Patricia
Ntahorubuze

His patients suffer enormous shame and alienation in a country that still heavily stigmatizes rape.

The family of 15-year-old Nadege Mininani, for instance, expelled her from her home after her rape resulted in pregnancy and told her she had brought shame upon them.

She said she would never prosecute; she would be too embarrassed and, besides, wouldn't even know how.

Van Baeren says only about 1 percent of his patients follow through with judicial recourse.

"There are no laws for rape," he says. "There is a lack of rule of law in general."

After 13 years of civil war, 27 years of dictator rule and violence between Hutu and Tutsi ethnic groups, much of Burundi's infrastructure is suffering. The long war resulted in a lawless police and army force, and a judicial system in shambles unprepared to process the huge number of legal battles piling up at its doors.

Peace-Building Commission

The government, aided by the international community, is attempting to rebuild the nation. The World Bank has pledged more than \$130 million in aid to finance education and community development. The United Nations has switched tactics in Burundi from peacekeeping to peace-building, with the establishment of one of the first U.N. peace-building commissions.

As part of its reconstruction effort, the country is hoping to stage tribunals for war criminals and a truth and reconciliation commission, but no date has been set. The truth commission will be modeled on that of South Africa, which was hailed for its ability to help heal a divided country through the simple use of organized, public confession and forgiveness.

But as Burundi struggles to maintain a delicate peace, women's rights advocates are calling for nationwide legal and social reforms to address the countless crimes of sexual violence committed during the war and to reform the country's legal treatment of rape.

Eugene Nindorera, Burundian activist and former human rights minister, says the new, post-war government must make substantial changes to its legal system if it really wants to protect the rights of women, something it has yet to do.

"We didn't change how to respect human rights, how to have a rule of law. Rule of law is something that is very fundamental for good governance."

He says the current government seems to favor ignoring the perpetrators of human rights abuses, in part because many government officials fear prosecution themselves for crimes committed during the war.

"We can't accept the impunity that has been acceptable for all these years, so we have to struggle against impunity," Nindorera says. "We have to put in jail all these people who are responsible. To strengthen human rights and the justice is very important, but it's not seen as very important, according to the resources that are accorded to these different sections. It's frustrating."

Justice Key to Reconciliation

Nindorera and other activists say Burundi cannot enjoy a lasting peace until the women of the country see justice for the violence they have endured. That means any reconciliation effort must prioritize the criminalization of sexual violence.

"It is important for those who have committed these crimes to be punished. It is in the interest of the Burundi citizens," said Patricia Ntahorubuze of the Bujumbura-based Association of Women Lawyers, Burundi. "All of the violence that was committed against women must be addressed first."

In Rwanda, the prosecution of crimes of sexual violence committed during the genocide was deemed so serious and sensitive that sex crimes were removed from the dockets of the local 'Gacaca' genocide courts and placed firmly in the jurisdiction of the national courts so as to publicly acknowledge the gravity of rape crimes, explained Domitilla Mukantaganzwa, executive secretary of the National Service of Gacaca

Jurisdictions in Kigali, Rwanda.

The biggest obstacle on the road to justice lies in Burundi's historic laxity toward rape. The rape laws on the books are vague, outdated and insufficient, says Ntahorubuze. As of today, there is really no law specifically criminalizing rape.

"There has to be a separate specific law for crimes of sexual violence. Right now, the law is obscure. Under the reforms of the penal code, the government must create a specific law which will promote prevention," she said.

Strengthening Rape Laws

Her organization, along with others, is petitioning the government to revise and strengthen the laws around sexual violence and is advising a special judicial review committee convened by concerned activists. She says that rape was so endemic during the war that the peace process will be useless if it fails to properly address the issue.

"The government needs to harmonize the laws so as to make them more applicable to the events of today and make them consistent with the new constitution, the peace accords and the International Criminal Court."

In Burundi, as in much of the African Great Lakes region, women's bodies have served as a battleground for ethnic violence and political warfare. Official statistics are scarce, but the United Nations and New York-based Human Rights Watch report that government soldiers and rebels raped Burundian women and girls in epidemic proportions during the war.

On a recent visit to the region, U.N. Human Rights Chief Louise Arbour called the number of victims of sexual crimes in the region appalling.

"In Burundi, there is also a lot of deficit in the capacity or willingness of the justice system to address these issues," she said at a press briefing in June.

Ntahorubuze says criminals convicted of petty theft typically serve longer prison sentences than those convicted of rape.

"It is a problem because there is a tendency to treat these incidents as lesser crimes. This is a sin because many who are brought to court on rape charges are immediately released," she said. Many victims don't bother seeking prosecution because they know nothing will be done.

Often, crimes of sexual violence are resolved in what is locally called the "friendship way," with an exchange of cows or cash, according to the Bujumbura-based human rights group League Iteka.

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For more information:

League Iteka:

<http://www.ligue-iteka.africa-web.org/>

Human Rights Watch, Rape in the Burundian War:

<http://www.hrw.org/reports/2003/burundi1203/7.htm>

Women's eNews series, Africa's Women Crack Open Its Universities:

<http://www.womensenews.org/article.cfm/dyn/aid/3062/>

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