

Burundi: Human rights situation

Since the end of the civil war in 2005, Burundi has made major efforts towards inter-ethnic reconciliation and establishing a legal and institutional framework for the protection of human rights, albeit with limited effect in practice. The run-up to the general elections scheduled initially for May-June 2015 has sparked political violence and seen space for dissent shrinking rapidly.

Ratification of international instruments

Burundi has ratified [eight](#) of the [ten](#) UN core human rights instruments. At African level, it has ratified [most](#) human rights instruments. According to Burundi's [2005 Constitution](#), international human rights treaties are an integral part of it.

Relations with the EU and EP position

The amount allocated by the [11th European Development Fund](#) (EDF) to Burundi was doubled, compared to the previous EDF, to [€432](#) million, including €17 million in support for civil society. However, in response to a crackdown on opposition protests, the EU and some of its Member States decided in May to [halt part of their aid](#) to Burundi. Given Burundi's decision to go ahead with the elections without meeting basic standards for ensuring their credibility, the EU [withdrew](#) its election observation mission and threatened to suspend its aid.

In a September 2014 [resolution](#), the EP condemned the detention of human-rights defender, Pierre Claver Mbonimpa, and expressed its concern about the detention of opposition members. In a further [resolution](#) adopted in February 2015, it condemned the detention of a journalist, Bob Rugurika, and the restrictions imposed on the freedoms of expression and association and the freedom to hold meetings.

Political context and related issues

Political violence features prominently among the factors hindering respect for human rights. Inter-ethnic tensions between the Hutus ([85%](#) of the country's population) and Tutsis have significantly subsided since the end of the 1993-2005 [civil war](#), which resulted in around [300 000](#) killed. Boycotted by the opposition, the 2010 elections were followed by [widespread violence](#) against politicians, mainly from the opposition, but also from the governing parties and other civil society actors; most of these crimes remain unsolved. The incumbent president's decision in April 2015 to run for a [third mandate](#) has led to a wave of protests, a failed coup and an escalation of violence, raising fears of renewed [inter-ethnic clashes](#) and even [civil war](#). As a result, more than [100 000](#) people have left the country. Nevertheless, Burundi has made some progress in the area of human rights: it has abolished the death penalty, set up [a National Independent Human Rights Commission](#) (2011) and a [Truth and Reconciliation Commission](#) (2014) to inquire into the ethnic massacres committed between independence and 2008.

Human rights in practice

Human dignity

The UN Committee against Torture notes in [its 2014 report](#) that there are credible allegations about acts of torture and killings by the police and the intelligence service, even if significant progress has been achieved in adapting the legislative framework. For example, the army and the police committed extrajudicial killings while [fighting](#) a rebel group infiltrated from DRC at the end of December 2014.

Freedoms and citizens' rights

Political freedoms have come under increased attacks in the run-up to this year's elections. [Harassment of independent media](#) has been widely reported, with journalists prosecuted on trumped-up charges. One such

example was journalist Bob Rugurika, who was [arrested](#) for four weeks at the beginning of 2015 for his coverage of the murder of three [Italian nuns](#) in 2014. He was [freed](#), but remains indicted on criminal charges. Online social networks were [blocked](#), and radio stations prevented from broadcasting during the protests. The foiled attempt at a coup led to a series of [attacks on independent media outlets](#), which remain shut down. Burundi's current press law, which has recently been [declared](#) undemocratic by the East African Community tribunal, sanctions legal action against journalists. A new media law, [greeted](#) as significant progress, is awaiting promulgation by the Senate, after its unanimous adoption by the National Assembly.

Public gatherings and demonstrations have been obstructed on the basis of a [law](#) adopted in 2013. In March, 70 people, the majority of them members of the opposition Movement for Solidarity and Democracy party, were tried in a '[blatantly unfair trial](#)' and 21 were sentenced to life imprisonment. Police have used excessive force against protesters opposing a third re-election bid by the incumbent president. Intelligence and security forces reportedly used live ammunition during demonstrations which left at least [27](#) people dead and hundred others hurt or detained, suffering torture or humiliating treatment. Demonstrators have also committed [violent acts](#), including the [violent murder](#) of a presumed member of a pro-government militia, [Imbonerakure](#). This militia – a youth organisation of the ruling party (CNDD-FDD) – has been accused of [terrorising](#) opponents, a charge the party denies. [Many opponents](#) have been harassed and [some](#) have even been killed, while others have left the country often [citing](#) Imbonerakure as their main source of fear. There have been [reports](#) about Imbonerakure receiving weapons and military training, but the government has consistently denied them, sometimes treating very harshly those who made such allegations, as was the case with Pierre Claver Mbonimpa, who was [imprisoned](#).

Legislative and local elections, boycotted by the opposition, were organised on 29 June, despite calls from the international community to postpone them. They took place in a [climate of violence](#) and in the [absence](#) of international observers, thus lacking credibility.

Given the scarcity of land in a country with a very rapid pace of demographic growth and one of the [highest rates](#) of malnutrition and hunger in the world, the issue of [land ownership](#) has high potential to create conflict and is already causing violence within families and communities. A new [land law](#) adopted in January 2014 amid much controversy is supposed to help solve land disputes between current landowners and returning refugees claiming back their land; it has however been criticised as being [biased](#) towards the latter.

Equality

The [constitution](#) guarantees over-representation of the *Tutsi minority* in the parliament, the government and public enterprises. The small *Twas* (Pygmies) minority is granted three places in each parliament chamber; they [complain](#) however about discrimination with regard to land rights and social services. *Women face* sexual and domestic violence, and [customary inheritance practices](#) discriminate against them in the absence of a succession law. This makes it difficult particularly for women's land rights to be legally defended. The constitution stipulates that at least 30% of parliament members are women, a provision which became reality with the results of the 2010 elections. [Other policies](#) have been put in place to improve gender equality. Homosexuality is [criminalised](#) and [convictions](#) have been imposed.

Solidarity

The constitution guarantees social, economic and cultural rights, and the country has made progress in integrating such rights into its legislation. However, they do not get [sufficient](#) recognition in judicial practice and in domestic policies. The rights to strike and to form trade unions are recognised by the constitution; in practice, [most members](#) of the trade unions are public servants.

Justice

The justice system is weak and under-resourced, which [limits ordinary citizens' access](#) to it. It is also [politicised](#) and [corrupt](#). Impunity for human rights abuses, particularly by state security forces and the ruling party's youth league, is widespread. According to [Amnesty International](#), most extrajudicial killings and other acts of political violence committed between 2010 and 2012 (a period of intense violence) remain unsolved.

Possible evolution

The country is currently confronted with the danger of renewed ethnic violence and possibly full-blown [civil war](#), on one side, and of sliding towards an authoritarian path with civil and political liberties severely restricted, on the other. The most favourable scenario for human rights, also [supported](#) by the EU, would be to solve the crisis peacefully through a political and social consensus, but this is becoming less likely.