

BURUNDI

By mid-2020, Burundi was offering protection to 85,952 refugees and asylum-seekers from the Democratic Republic of the Congo (99 per cent), Rwanda and five other countries). The country has been hosting mainly refugees from the DRC for almost 20 years. Given that the security situation in eastern DRC is not expected to stabilize in the foreseeable future, most of these refugees will likely remain in Burundi for years to come. Burundi also contains about 131,000 internally displaced persons, eighty per cent of which are displaced due to cyclical flooding as well as drought and landslides. The other twenty per cent are experiencing protracted displacement since the months of unrest that followed the political upheaval in 2015, which also caused a sharp drop in the urban formal and semi-formal economies. Burundi is currently a low-income country and ranked 185 out of 189 on the 2019 Human Development Index (HDI). Despite these challenges, the Government of Burundi has generally maintained an open-door policy to people seeking international protection, subject to restrictions in response to COVID-measures, and has shown a willingness to increase refugee access to livelihoods and public services, in line with relevant provisions made in the national legislation but subject to limitations of the overall adequacy of such services.

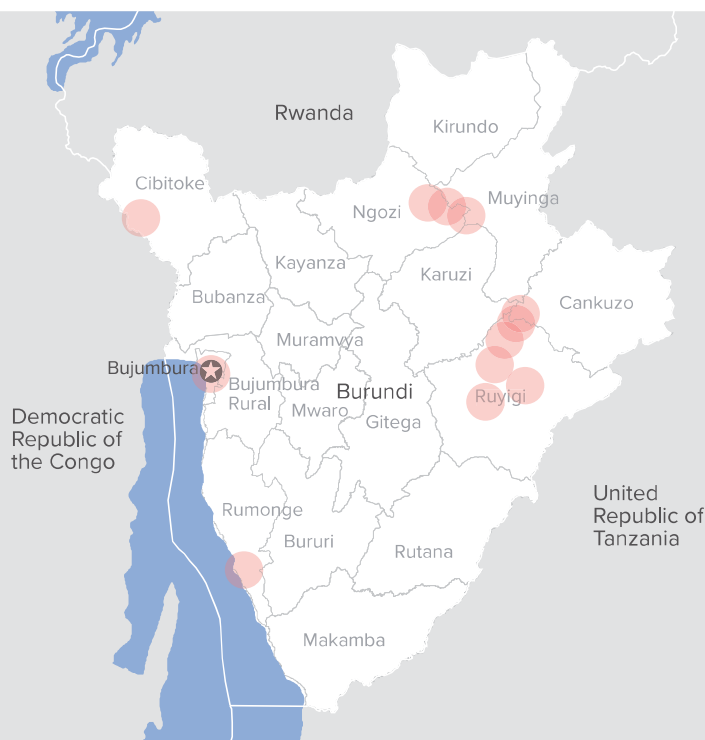
KEY POPULATION DATA

76,880
Refugees

9,072
Asylum-seekers

0.75%
of the country's population (11,530,580)
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:
NOVEMBER 2018



Around one third of the refugees in Burundi live in urban locations, primarily around Bujumbura, while the others reside in the country's five camps in the border provinces of Muyinga, Ruyigi, Ngozi and Cankuzo.

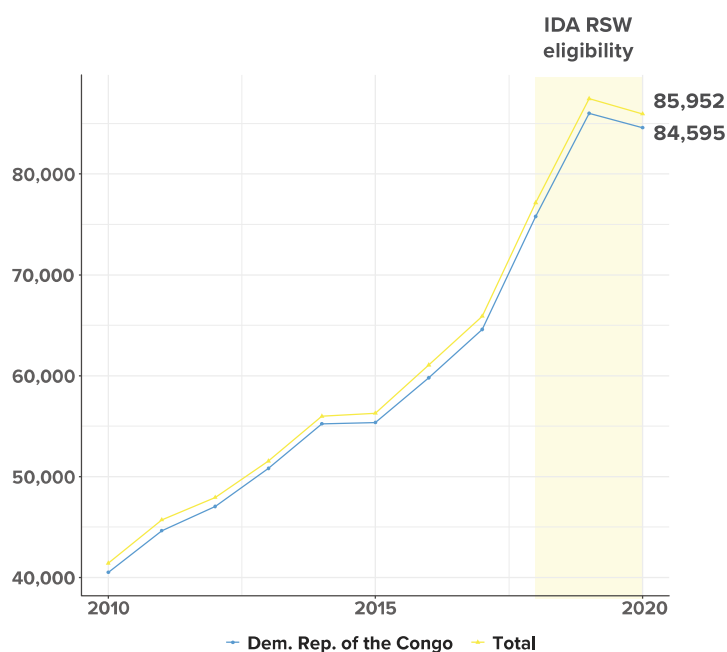


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

Between July 2017 and June 2020, there were limited changes in national policies relating to refugees and host communities in Burundi. Some of the main policy changes affecting to both refugees and host communities include:

- The adoption of the 2018 Constitution, which among other things provides for property rights and access to health care for everyone and the protection of the fundamental rights of all children.
- The launch of a five-year birth registration campaign in June 2018 which also includes refugee children.
- The update of the national Child Protection Policy (2020–2024) articulated around five strategic orientations, including preventing and responding to violence, exploitation, discrimination, abuse and neglect.
- The adoption of the Law on Social Protection Code, in May 2020, which applies to all persons in Burundi and provides for a pensions regime to cover old age and disability risks.
- The drafting of a 2018 contingency plan, which was updated in April 2020, to respond to mass inflows of refugees from the Democratic Republic of the Congo.

Some deterioration was observed in the application of existing policies, notably those relating to freedom of movement, as a result of the preventive measures taken by the Government against the Ebola disease and then the COVID pandemic as well as other security measures. This negatively impacted the socioeconomic situation of refugees in Burundi. Since 2019, it has indeed become increasingly difficult for camp-based refugees to obtain exit permits for moving freely outside the camps. In addition, the Government temporarily closed its borders in March 2020, preventing the arrival of asylum seekers through official border checkpoints. In addition, in parallel, the Government directed the National Office for the Protection of Stateless Persons and Refugees (Office National de Protection des Réfugiés et Apatrides – ONPRA) to temporarily suspend registration and the refugee status determination (RSD) for new asylum seekers and to clear the backlog of existing RSD and appeal cases. The restrictions have also had a negative impact on camp-based refugees' livelihoods, especially those with small businesses or (casual) labour engagements outside the camps.

The government's political will to further refugee inclusion in national services, promote the progressive self-reliance and economic integration of refugees, and improve the well-being of host communities is reflected by the 2018 Burundi Refugee and Host Community Support Strategy, which was developed in the context of eligibility for the IDA18 Sub-Window for refugees and host communities (RSW). A High-Level Interministerial Committee, comprising the Office of the President, the Offices of the First and Second Vice-Presidents and the Ministries of Finance, Interior and Social Affairs, was established to endorse strategic approaches and priorities for development responses to forced displacement.

In late 2018, the National Assembly of Burundi endorsed accession to the 1954 [Convention Relating to the Status of Stateless Persons](#) and the 1961 Convention on the Reduction of Statelessness. While this was approved by the lower chamber, it was yet to be discussed and approved by the high chamber, of the Senate as at 30 June 2020.

Burundi was not among the invitees of the 2016 Leaders' Summit on Refugees. While it did endorse the Global Compact on Refugees, the country did not make any pledges during the first Global Refugee Forum.

POLICY DIMENSIONS (AS AT 30 JUNE 2020)

1 Host Communities

1.1 Support for communities in refugee-hosting areas

The Government of Burundi committed to decentralization reform with the adoption of the 2009 National Decentralization Strategy. Although these processes and policies do not directly refer to refugees and host communities, they apply in refugee-hosting areas to the benefit of both population groups. However, Burundi has not yet entered financial devolution. There are shortcomings in implementing the decentralization and devolved planning processes due to lack of financial resources for sub-national government institutions, which have limited implementation capacities. In April 2011, the Government of Burundi adopted a [National Policy on Social Protection](#) (NPSP), underscoring the importance of reducing widespread poverty and vulnerability through the provision of social safety nets aiming to improve the lives of the most vulnerable. An interministerial coordination body, the National Social Protection Commission, was established in April 2013. A Secretariat (Secrétariat Exécutif Permanent de la Commission Nationale de Protection Sociale – SEP/CNPS) has been supporting the implementation of the NPSP since 2014 and developed a [National Social Protection Strategy](#) that delineates the Government’s priorities. The Strategy notes that social protection covers the entire population of Burundi without distinction, with a particular focus on the poorest and most vulnerable.

In May 2020, the Government of Burundi passed a [Law on Social Protection Code](#) (Law 1/12), which defines the legal framework for the provision of contributory and non-contributory social protection, describes available contributory regimes for formal and informal workers and details the eligibility criteria for social assistance. The Law foresees that a social registry will be the main targeting instrument for social protection programmes. While giving priority to the neediest and most vulnerable population groups and emphasizing inclusion and poverty eradication objectives, neither the National Policy nor the National Strategy on Social Protection nor the Social Protection Law make explicit reference to social safety nets or other social programmes targeting host communities.

1.2 Social cohesion

Since 2005, the country has embarked on a decentralization process in the hope of improving local governance and strengthening basic infrastructure and service delivery in rural communities. Increasing the autonomy of the “municipalities” was seen as a way to maintain peace and improve social cohesion, given that rural communities were feeling discontented and economically and politically marginalized vis-à-vis the power-centric urban centres.

Although the national legal framework in Burundi does not specifically entail provisions on social cohesion or the identification, prevention and mitigation of potential social tensions and risks of violence in refugee-hosting areas, there is generally a relatively positive interaction between refugees and host communities. The main sources of tension between the two communities relate to competition over scarce natural resources (wood, fuel, groundwater and cultivable land) and the perception of rising market prices attributed to increased demand due to the presence of refugees. The Government’s ban on wood collection around the camps has had a positive effect on community relations. The presence of refugees and the implementation of related assistance projects have provided host communities with access to health care, water and additional markets as well as job opportunities for Burundian nationals, which have positive effects on the relationship between both communities. The protracted exiles of some refugee communities, particularly those from the Democratic Republic of the Congo, have resulted in increased cross-socialization and mixed marriages with host communities.

Neither camp-based nor urban refugees are reported to be subject to systematic discrimination or ostracism on the part of the host communities, which are generally observed to be very tolerant towards

foreign nationals and refugees alike. Isolated incidents involving refugees and members of the host community do occur, but not at a significantly higher rate than incidents between host community members. Most such incidents are motivated by personal disputes rather than xenophobia or hostility towards refugees.

Citizen engagement is promoted under Burundian decentralization policies; however, this does not extend to non-citizens including refugees. The 2009 National Decentralization Strategy, which was updated in 2019, positions citizens as active participants in decision-making processes regarding their own development, including by promoting the ‘participation of all the populations in defining and implementing economic and social development policies in their localities including at the lowest levels (hills/districts)’. Refugees in the camps do have an active elected representation system (refugee committees) established by ONPRA in cooperation with UNHCR. This system is guided by the Electoral Guide for Refugee Representatives in the camps in Burundi developed by signed in May 2014 by ONPRA and UNHCR. There are also mixed committees composed of refugee representatives and host community representatives such as hill chiefs, zone chiefs, school directors, etc. These mixed committees are instrumental in facilitating peaceful coexistence between the two communities. ONPRA facilitates their establishment and the municipal authorities endorse their membership. Refugees and host populations have generally developed solid relationships through their representatives, both in urban areas and in camps.

1.3 Environmental management

Preserving and restoring the environment is one of the Government’s strategic policy priorities, notably through the [Burundi Vision 2025](#), the Strategic Framework for Poverty Alleviation (PRSP II), the [National Agricultural Strategy](#) (SAN), the [National Plan for Agriculture Investment](#) (PNIA), the [National Forest Policy](#), the National Policy on Combating Climate Change and its [Action Plan](#), the National Water Policy and Law 1/10 of May 2000 establishing the [Environment Code](#). While these policies do not directly refer to refugees or host communities, they apply to them and can be implemented in refugee-hosting areas for the benefit of both populations.

The refugee presence has had negative impacts on the natural environment in and around the five camps due to high population concentration and the overextended lifetime of the camp settlements. Such impacts include environmental degradation, deforestation, drainage problems from stormwater runoff, water table contamination, soil erosion, ravine creation and landslides. In an effort to minimize the environmental impacts of deforestation, the Government has made it illegal for refugees to collect firewood in the vicinity of the camps. UNHCR provides all camp-based refugees with alternative energy for cooking in the form of biomass briquettes.

1.4 Preparedness for refugee inflows

The Ministry of Interior, through ONPRA, is in charge of coordinating preparedness for refugee inflows.

In 2018, ONPRA, in collaboration with UNHCR, drafted a contingency plan to respond to mass inflows of refugees from the Democratic Republic of the Congo. The plan was updated in April 2020.

2 Regulatory Environment and Governance

2.1 Normative framework

The legal framework in Burundi is largely consistent with international protection standards and principles. Burundi is a State Party to the [1951 Convention and the 1967 Protocol relating to the Status of Refugees](#), albeit with reservations to the Protocol limiting refugees’ access to wage-earning employment (Article 17), the right to education (Article 22) and freedom of movement (Article 26). Burundi is also a State party to the [1969 OAU Convention](#) and has ratified other core international human rights instruments.

The status and treatment of refugees in Burundi is governed by Law No 1/32 of 13 November 2008 on Asylum and Protection of refugees (the 2008 Asylum Law) and two ministerial implementing orders: [No 530-442 on asylum application procedures](#) and [No 530-443 on the composition, organization and functioning of the Advisory Commission for Foreigners and Refugees and the Appeals Committee](#). The two ministerial orders date from April 2009. Despite reservations declared upon accession to the 1967 Protocol, the 2008 Asylum Law incorporates the basic principles and standards of protection including refugees' right to work (Articles 65 and 66), access to public education (primary education) and health care on a par with Burundian nationals (Article 67), as well as freedom of movement and residence (Article 74). However, refugees' full realization and enjoyment of their rights is at times impeded by the country's overall development challenges, as well as political and security constraints.

The 2008 Asylum Law provides for a Refugee Status Determination (RSD) process on an individual and group basis. ONPRA receives asylum-seekers and registers them in the refugee database supported by UNHCR. It carries out RSD and presents its recommendations to the sub-committee of the Consultative Commission for Foreigners and Refugees, which reaches a first-instance decision. A rejected asylum-seeker has the right to appeal before the Appeal Committee. Asylum-seekers have the right to avail themselves of the assistance of the lawyer or legal counsellor of their choice at first instance and appeal. UNHCR is an observer with an advisory role at both first-instance and appeal. In practice, UNHCR participates as an observer in the sub-committee sessions to which it can provide verbal observations and where scheduled, in the Appeal Committee.

The 2008 Asylum Law also lays down specific provisions applicable in the event of a massive inflow of persons fleeing a situation of generalized violence. Under such circumstances, the Ministry of Interior grants prima facie refugee status to these persons within a maximum of six months of their arrival.

While the legal and institutional arrangements for RSD in Burundi are considered generally satisfactory vis-à-vis international standards, there are practical challenges regarding the ability of ONPRA to ensure the efficiency, integrity and adaptability of its RSD procedures. ONPRA has an accelerated RSD procedure for asylum-seekers from the northern and southern Kivu provinces and the provinces of Haut Uele, Bas Uele, Ituri and Maniema in the Democratic Republic of the Congo due to the ongoing situation of generalized violence there. Meanwhile, a standard individual case-processing methodology is in place for other provinces of the Democratic Republic of the Congo, for asylum-seekers from Rwanda and from other countries of origin. UNHCR seeks to provide on-the-job training and coaching to further develop the RSD competencies of the ONPRA RSD interview team.

Asylum-seekers are registered by ONPRA and data is stored in the database system managed by ONPRA and UNHCR. Since March 2020, as a precautionary measure against COVID-19, all border points have been closed to asylum-seekers and refugees, while registration of newly arrived asylum-seekers has been halted.

2.2 Security of legal status

Duly documented refugees and asylum-seekers benefit from the legal right to stay in the country. The 2008 Asylum Law provides for refugees to have access to national refugee ID cards and asylum-seekers to have attestations until the end of the asylum procedure. More specifically, Articles 5 to 7 of Order No 530-443 provide for access to temporary residence permit to asylum-seekers that are renewable for a six-month period pending the review of their asylum application including at the appeal level. These temporary residence permits are issued by the General Commission for Migration (Commissariat Général des Migrations – CGM). Refugee ID cards are renewable for a three-year period. There is no issuance of residence permits to refugees because refugee ID cards and registration proofs are in practice regarded as authorizations to stay in Burundi. Residence permits are issued to other eligible foreigners.

From 2019 to 30 June 2020, there was no known case of refoulement including push-back or deportation without trial.

2.3 Institutional framework for refugee management

Established by [Order No 530/443 of 7 April 2009](#) and [Decree No 100/13 of 29 January 2009](#), ONPRA, reporting to the Ministry of Interior, Community Development and Public Security, is responsible for implementation of the 2008 Asylum Law. ONPRA holds primary responsibility for the administration of refugee affairs and for the day-to-day management of the refugee response. The same Order and Decree also establish and set out the functions of the interministerial Consultative Commission for Foreigners and Refugees (Commission Consultative pour Etrangers et Réfugiés – CCER) and the Appeals Commission (Comité de Recours – CR). The CCER, responsible for Refugee Status Determination (RSD) at first instance, is composed of senior government officials from several ministries (Foreign Affairs; Interior; Human Rights and Social Affairs, Education, Justice, and Civil Service), the General Migration Commissariat (Commissariat Général des Migrations – CGM) and the Intelligence service (Service National des Renseignements – SNR). ONPRA provides the secretariat for CCER. The CR, responsible for appeals of cases rejected at first instance, is composed of senior officials appointed from several ministries and headed by a representative of the Ministry of Interior. The CCER and the CR are the main governmental coordination structures.

The Government, through ONPRA, plays an important role in establishing, administering and managing the camps. UNHCR provides strong support in terms of camp coordination and camp management, as well as in the provision of shelter and non-food items.

Refugee inputs are not sought in national or local decision-making, but refugees have had active elected representation structures (refugee committees) in the camps since 2010 (see 1.2 Social cohesion).

The Burundi National Statistical Bureau (Institut de Statistiques et d'Etudes Economiques du Burundi, ISTEEDU) began data collection for its most recent national living conditions survey (Enquête Intégrée sur les Conditions de Vie des Ménages au Burundi, EICVMB) in 2020 and the exercise is expected to be concluded in 2021. Refugees are not currently included in this survey or in any of the country's other national surveys, including the first [Voluntary National Review in 2020](#) monitoring progress against the SDGs

2.4 Access to civil registration and documentation

Refugees aged 14 or over receive official personal identification in the form of a refugee ID card. This card bears the name of ONPRA and the signature of the CCER President. These cards are electronic, and enable refugees to apply for documents such as driving licences. Refugee ID cards also allow refugees to open a bank account, obtain a telephone Subscriber Identity Module (SIM) card and access other services (see 3.4 Financial and Administrative Services). While there are no policy limitations hindering refugees from obtaining and renewing their documentation, technical difficulties regularly cause delays in the issue of refugee ID cards, thereby exposing individual refugees to possible arrest and detention.

Asylum-seekers receive a temporary residence permit that bears digital photos of the applicant and their relatives and is signed by the police authorities (Commissariat Général des Migrations). This temporary residence permit serves as an ID card for asylum-seekers and is accepted as identification by banks and telecommunication institutions. However, it needs to be accompanied by a supporting letter from ONPRA in order for the bearer to have access to bank and telecommunication services.

In line with Article 73 of the Asylum Law, Convention Travel Documents (CTD) are issued by the CGM to refugees who meet the documentary requirements to establish a legitimate reason for travelling abroad, such as trade activities or education needs. CTD are issued pursuant to UNHCR guidance and are compliant with International Civil Aviation Organization (ICAO) standards.

However, Burundian law enforcement officials and authorities generally have limited familiarity with the documentation issued to refugees and asylum-seekers. This negatively impacts the ability of refugees to enjoy some of their rights (to work and to move freely, for instance) and to access services. Refugees regularly report concerns about the risks of being arrested and detained. UNHCR and its partners are

addressing this issue with the authorities. ONPRA and UNHCR work jointly to increase refugees' awareness of their rights and obligations and also regularly organize training workshops on asylum procedures and refugee rights and obligations for judiciary and police and law enforcement officials, particularly those based at border crossings and in provinces hosting refugee camps.

The Asylum Law stipulates that the personal status of a refugee is governed by Burundian law (Article 63) and recognizes the rights deriving from a personal status acquired in another country, notably resulting from marriage (Article 64). Refugees and asylum-seekers are entitled to register vital events such as births, marriages, divorces, and deaths occurring in Burundi and to receive the corresponding documentation, including birth certificates. Book one of the Civil Code, on persons and family (April 1993, updated 2006) applies to refugees as it does to nationals for registering and receiving documentation for vital events.

Late birth registration is governed by the provisions of Article 45 of the Book one of the Civil Code on persons and family regulating late declarations of births, which stipulates fines for any delay of over 14 days. However, since March 2017, a ministerial order has been issued that exempts late birth registrations from fines in the case of vulnerable children, including refugee and returnee children. This order, which has been extended until the end of July 2021, also governs the implementation of a five-year birth registration campaign launched by the government of Burundi on 13 June 2018, which includes refugee children.

Birth registration in the camps and transit centres is conducted differently, depending on the location. In the refugee camps of Kavumu (Cankuzo province) and Nyankanda (Ruyigi province), the civil registrar visits the camps once a week to register newborns based on the birth notification issued by the medical centre. A few days later, extracts of the resulting birth certificates are sent to ONPRA to register these children as refugees benefiting from the derivative status and issue them with appropriate documentation. At Bwagiriza (Ruyigi province), Musasa (Ngozi province) and Kinama (Muyinga province) refugee camps, refugees have to go to the respective local municipality to register their children. They then collect the birth certificate extracts a few days later. As for the Cishemere transit centre (for asylum-seekers), newborns are registered at Buganda commune, which is around 8 to 10 km away. ONPRA facilitates the transport of the parents and their two witnesses.

2.5 Justice and security

Refugees enjoy a level of security comparable to that of nationals in the same areas... While overall security has improved since 2015, the United Nations commission of inquiry has regularly reported on ongoing security concerns and localized insecurity throughout the country. The population is, in fact, confronted with crimes of a minor and sometimes violent nature, some committed by armed groups targeting homes at night. The September 2019 report indicates a climate of impunity, particularly for cases of violations of political rights committed in Burundi since May 2018. UNHCR has received little indication of refugees being systematically targeted or singled out for verbal abuse or physical violence based on their foreign origin or refugee status, although it has received complaints from some urban refugees of incidents of verbal and physical abuse on these grounds during isolated incidents.

The 2008 Asylum Law does not contain any specific provision as to refugees' right to access justice, whether in Court or through customary justice mechanisms. Article 51 of this Law, which makes general reference to the rights attached to refugee status under the 1951 Convention, applies by default and enables refugees and asylum-seekers to access courts in the same way as nationals. In practice, such access is hampered by several factors, such as a low level of refugees' understanding of judicial processes, the physical distance to the Courts from many refugee-hosting areas, the limited availability of legal and judicial support and a general lack of confidence in Burundi legal and judicial structures. Access to free legal assistance is currently only provided through a UNHCR implementing partner.

Burundi has ratified the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW) without any reservation. Its [Criminal Code](#) includes severe sanctions for violence against women

and integrates prevention, victim assistance and punishment of perpetrators, which applies to refugees. Burundi also has specific legislation to combat GBV (Law No 1/13 of 22 September 2016), And reducing gender-based and domestic violence and their negative impact on the well-being of individuals, families and communities is also an objective of Burundi [National Policy on Reproductive Health](#).

Despite these elements of the legislative and institutional framework, GBV remains highly prevalent in both host and refugee communities. It is a palpable threat for many camp residents, heightened in particular by limited livelihoods opportunities within the camps, insufficient access to energy sources such as firewood, poor lighting and overcrowded shelters. Denial of resources by male partners and family members is one of the key protection issues reported regularly by refugee women, who have also highlighted the risks that they face when venturing outside the camps to collect firewood or to pursue small-scale commercial activities. Similarly, refugee survivors of GBV are often apprehensive about reporting incidents, as are Burundian nationals, for fear of reprisals from perpetrators. When such incidents are reported, they are most often not punished or only very lightly sanctioned, generating a climate of impunity. GBV claims are often addressed and mediated by members of the refugee community themselves. However, this usually offers solutions that are unsatisfactory and not in line with the survivors' rights in receiving proper care and judicial assistance. In light of this, UNHCR and its partners engage in GBV prevention and awareness-raising activities within the camps and provide material and legal support to assist most of the survivors.

3 Economic Opportunities

3.1 Freedom of movement

The 2008 Asylum Law stipulates that refugees residing in Burundi have the right to choose their place of residence and to move freely within the territory under the same terms as other foreigners (Article 74). Within Title III of the Asylum Law which includes special provisions applicable in the event of massive influx, Article 88 indicates that prima facie refugees should reside in assigned camps while Article 89, derogating from Article 74, stipulates that freedom of movement can be forbidden or restricted for prima facie refugees and that they require a written authorization to move around.

In practice, all refugees in camps (not only prima facie refugees) face restrictions of movement. Motivated by security concerns, the Government controls movement outside of the camps by requiring issuance of an exit permit (billet de sortie) provided by ONPRA for any movement beyond the commune where the camp is located... Although the permit system is the same for all camps, the procedure for issuance by the various camp administrators is not uniform and different conditions may apply in different locations.

Since late 2019, considering the risks of Ebola transmission, the subsequent COVID-19 pandemic, and in view of the beginning of the pre-election period, it has become increasingly difficult for refugees to obtain exit permits. In January 2020, the coordination within ONPRA announced that exit permits to Bujumbura would be also restricted and throughout the first half of 2020 it became increasingly difficult for refugees to obtain exit permits. These restrictions have had a decisive negative impact on camp-based refugees' livelihoods, especially those having small businesses or (casual) labour engagements outside the camps. Asylum-seekers in the transit centres are also facing comparable restrictions in the issuance of exit permits.

Once refugee status is obtained, refugees in Burundi are given the choice of moving to Bujumbura or settling in camps. Their choice is typically based on their economic and social prospects to pursue self-reliant livelihoods in Bujumbura or other urban areas, or on their reliance on humanitarian assistance, which is delivered only in the camps. Some refugee families split their household between the camps and Bujumbura to access both humanitarian aid and work opportunities.

3.2 Rights to work and rights at work

Refugees are legally allowed to work in Burundi and can obtain a work permit with their refugee ID card. The 2008 Asylum Law recognizes refugees' right to work (Article 65). Moreover, refugees can work in the liberal professions as per the conditions established by Article 66 of the 2008 Asylum Law. The provisions of the Labour Code (Law No 1-037 of 7 July 1993) relating inter alia to general working conditions, remuneration and social security benefits apply equally to refugees, as does Ministerial Order No 650/11/88 of 30 April 1988 on the interprofessional minimum wage.

However, both urban and camp-based refugees need a work permit to engage in formal employment. A contract from an employer is required to apply for a permit and the Inspection Générale du Travail et de la Sécurité Sociale will check with the employer before issuing the permit. Since a refugee ID card is required to obtain a work permit, asylum-seekers are effectively excluded from accessing formal salaried employment.

Despite the inclusive legal provisions, relatively few refugees are engaged in formal wage-earning employment. Reasons for this include generally high unemployment rates, administrative challenges related to obtaining work permits, and limitations on movement, particularly for those living in the camps. Furthermore, many potential employers are not aware of refugees' right to work and even when they are, they tend to prefer to hire their compatriots rather than refugees. Refugees also often lack the skills to be competitive within the urban marketplace.

Refugees can set up businesses upon fulfilment of certain preconditions set by the national laws governing business and investment regulations and after payment of a fee. However, in practice refugees often find it difficult, if not impossible, to access the formal finance needed to set up or grow a business (see section 3.4 on financial and administrative services).

3.3 Land, housing and property rights

The main laws governing housing, land and property are [the Constitution of the Republic of Burundi](#) (2018 Constitution), the [Land Policy Letter 2008](#) (Lettre de politique foncière) and [Law No 1/13 of 9 August 2011](#) revising the Land Code of Burundi (Code foncier du Burundi). Article 36 of the 2018 Constitution states that every person has the right to property. Article 1 of the Land Code provides that any individual or legal entity may enjoy, without discrimination, all of the rights defined by the Code and may exercise them freely, subject to respect for the rights of others and to restrictions resulting from the law. In the absence of explicit restrictions on refugees, the latter enjoy land, housing and property rights.

In practice, however, very few refugees can afford to buy land or even rent it. Where land is available to refugees outside the camps, access is generally obtained through purchase, rental or land provided free of charge for agriculture use. The latter two systems, being rooted in good relations between refugees and host communities, tend to favour long-staying refugees who have managed to forge trusting relations with their neighbours. Similarly, despite the legal right for refugees to buy and own houses or other types of property, in practice this is usually beyond their financial means. The vast majority of the 35,000 refugees residing out of camps in urban areas (mostly in and around Bujumbura) live in rented accommodation and with host families. Refugee families can at times be evicted for non-payment of rent. There is no systematically reliable data on how this compares to similar challenges faced by poor Burundians.

There is no public or social housing scheme in Burundi.

3.4 Financial and administrative services

The Asylum Law is almost silent about refugees' financial rights with the exception of Article 75, which authorizes refugees who have been admitted to a third country for resettlement to transfer the assets they had brought into Burundi to their country of resettlement. However, in the absence of provisions to the

contrary, refugees have the right to open bank accounts and access financial services and mobile money in the same way as the country's nationals. With a refugee ID card, refugees can open a bank account. Asylum-seekers with a temporary residence permit are not able to access bank services.

In practice, refugees and asylum-seekers have limited access to the microfinance opportunities available to Burundian nationals because they tend not to have property or assets, such as houses, to mortgage as collateral for banks and microfinance institutions to secure loans. Camp residents' access to financial services is also constrained due to the lack of financial service providers in the vicinity of the camps, meaning that they must pay transport costs to reach the nearest town to access a bank. Within the camps there are Village Savings and Loan Associations (VSLAs) supported by UNHCR partners, but the cash volumes are too low to meet the demand for capital to start and maintain small businesses. Besides supporting group formation and savings activities, the VSLAs also have been used to channel small grants for income-generating activities.

Several mobile and digital solutions are currently being rolled out by private sector actors in Burundi targeting both refugee and local communities, though these are subject to government regulatory control. Mobile money solutions are under control of the Bank of the Republic of Burundi. Through the implementation of the National Social Safety Net Cash Transfer Program, the Government is improving its capacity to expand the mobile-money delivery system.

Article 10 of Law No 1/19 of 10 September 2013 on primary and secondary education notes that students who come from an accredited school abroad can integrate into the Burundian school system without having to take an entry examination. Article 68 of the Asylum Law grants refugees access to recognition of their certificates and diplomas, in a similar way to foreigners, through the Ministry of Education.

Refugees are able to obtain a Burundian driving licence and the same rules apply as for other foreigners. Driving licences from their country of origin are recognized and upon payment of a fee a Burundian driving licence can be obtained. With a refugee ID, refugees are able to take driving lessons and obtain a Burundian driving licence.

4 Access to National Public Services

4.1 Education

The right to primary education for refugees in the same way as nationals is confirmed under Article 67 of the 2008 Asylum Law. The Government has also repeatedly committed to establishing mixed fundamental schools (grade 1 to grade 9) accommodating both refugees and host communities.

Currently, camp residents attend schools supported by UNHCR and its partners that follow the country of origin's school curriculum, which is taught by refugee teachers and Burundian nationals on a part-time basis. These are considered private schools. In principle, refugee students can opt for their inclusion in the national public education system. However, the geographical isolation of some camps, such as Kavumu, makes it impossible for refugee children to attend a public school. Moreover, during UNHCR annual Participatory Assessment discussions, refugees have on occasion expressed reluctance to subscribe to the inclusion of refugee students in the national system due to the use of Kirundi as the language of education. Some Congolese refugees have also indicated that they perceive a Burundian education to be a potential disadvantage in the event that they return to their country of origin. However, it should be noted that, in the Congolese refugee camps, final examinations come from the Democratic Republic of the Congo and are administered by Congolese government education officers.

Urban refugees have the option of enrolling in public or private schools, subject to their financial resources. In public schools, primary education is free of charge while post-primary requires the payment of school fees, although the fees are modest and accessible to most urban refugees. However, many refugees who can afford to do so opt for private schools that offer alternatives to instruction in Kirundi.

At tertiary level, academic fees in both private and public universities are expensive and beyond the means of most refugees. Refugee students who do attend university tend to opt for private universities, for which they pay the same academic fees as nationals. They can also attend public universities for the same fees levied on other foreigners living in Burundi.

There are currently no remedial mechanisms in place to help children who have missed education for some extended periods, such as accelerated education classes or language training for those enrolling in the Kirundi curriculum.

4.2 Healthcare

Article 55 of the 2018 Constitution guarantees access to health care for everyone without distinction. Article 67 of the 2008 Asylum Law affirms refugees' access to health care on a par with Burundian nationals. The Government has referred to the establishment of mixed health-care facilities servicing both refugees and host communities, but these have not yet been established.

Camp-based refugees have free access to medical facilities provided by UNHCR partners. Members of neighbouring host communities regularly access the camps' health facilities and services under the same conditions as the refugees.

While urban refugees have access to the same medical services as Burundian nationals, they remain responsible for payment of health-care costs and are not eligible for national health insurance schemes. At the UNHCR annual Participatory Assessment discussions, urban refugees have stated that they do not have access to medical services in practice because they cannot afford the fees.

Maternal and child health care (under 5 years) has been provided without charge in Burundi's national healthcare system since 2006, but in practice urban refugees do not access these services for free. This was a political decision affirmed through a Decree and Ministerial Ordinance in 2010, which specifies eligibility criteria for children under 5 years of age. It is noted that health care is 100 percent subsidized for children whose parents "are not wage earners in the formal sector, of Burundian nationality, living in Burundi." Likewise, the Ordinance specifies that free maternal health care is available for women of Burundian nationality residing in Burundi. However, urban refugees do access certain free national health-care services provided through Government primary health-care facilities, such as treatment for malaria, HIV and TB and certain vaccinations. Some vulnerable urban refugees or those with chronic conditions receive subsidies for medical expenses by UNHCR.

4.3 Social protection

The social protection foundations in Burundi are thus based on the National Policy on Social Protection (NPSP) dated 2011, the National Social Protection Strategy of January 2015 and the Law on Social Protection Code of 2020. The National Policy makes explicit reference to the most vulnerable persons in the country: vulnerable children, older persons, persons living with a disability, disaster victims (displaced persons, returnees and refugees) and indigent persons (very poor rural and urban populations, widows and widowers and people living with HIV/AIDS). The Law on Social Protection Code, which applies to all persons in Burundi, provides for a pensions regime to cover old age and disability risks. However, in practice, there are currently no conditional or unconditional government cash transfer programmes targeting poor or vulnerable households except for some limited interventions on the part of the Ministry of Solidarity for the Elderly and Disabled, which operate on a very small scale. Despite the inclusivity and poverty reduction principles underlying the Social Protection policy, strategy and code and considering the very limited scope of the National Social Safety Net Cash Transfer Program, refugees are not currently included in these programmes. The same applies to older refugees and those living with disabilities. While the initial implementation phase prioritized Burundian nationals, there is scope for expansion of the social safety nets to include refugees in subsequent phases.

4.4 Protection for vulnerable groups

Burundi has an established national legal framework for the protection of children. The country is party to the 1989 United Nations Convention on the Rights of the Child (CRC) and has ratified the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The 2018 Constitution protects the fundamental rights of children (Articles 30, 44, 45 and 46) and those provided for in international human rights instruments (Article 19, which states that “the rights and duties proclaimed and guaranteed by the international texts concerning human rights regularly ratified constitute an integral part of the Constitution”).

In 2020, the government validated the updated national child protection policy for a period of five years (2020–2024). This is articulated around five strategic axes, namely: (i) Preventing and responding to violence, exploitation, discrimination, abuse and neglect; (ii) Strengthening the legal and regulatory framework; (iii) Institutional strengthening; (iv) Strengthening the information system, monitoring and evaluation; and (v) Strengthening the cooperation and coordination system. While not expressly mentioned, refugee children are also covered by this normative framework.

Notwithstanding the above, children in Burundi, both nationals and refugees, are often unable to exercise their rights due to the difficult context in which they live. At-risk refugee children regularly cannot benefit from meaningful support from the national programmes in place. This is often due to the lack of awareness of national service providers on the rights of refugee children to receive support through national systems. In refugee settings, systems designed by UNHCR are in place to identify children at risk when they first seek asylum and to ensure that measures are taken to prioritize them for protection and assistance. Other humanitarian organizations provide additional support through programmes to protect separated and unaccompanied children in the camps. As at January 2020, the five camps were hosting 244 unaccompanied and 1,975 separated children.

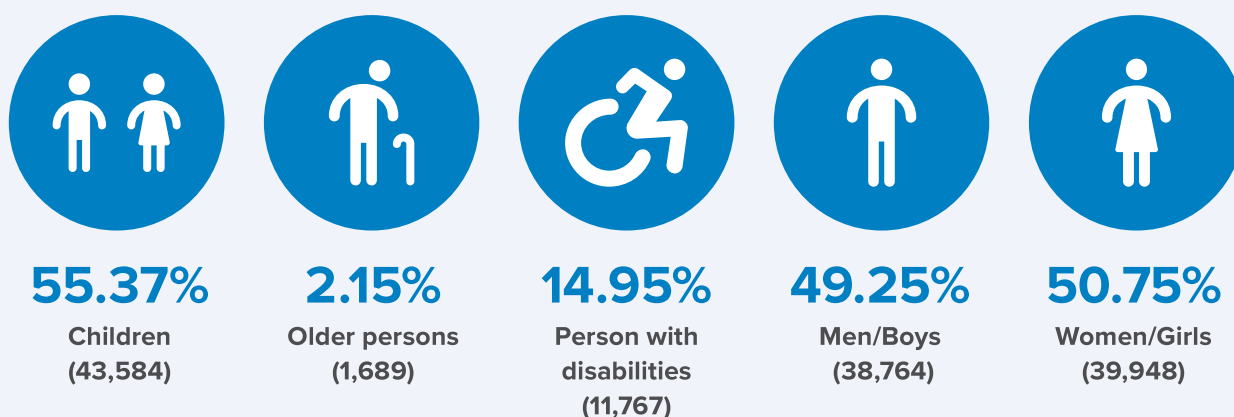
Burundi has ratified the Convention on the Rights of Persons with Disabilities and supports these persons through the Ministry of Solidarity for the Elderly and Disabled within the existing resource constraints. In practice, refugees living with disabilities are exclusively supported by UNHCR and its partners.

For refugees and asylum-seekers in urban areas, most protection services are provided at the Centre Urbain d’Accueil et Orientation des Réfugiés (CUCOR), which is managed by ONPRA. Some GBV survivors are being referred to integrated centres such as the SERUKA centre, run by a national NGO, which offer health services and temporary accommodation to survivors without discrimination. In the camps, GBV survivors rely mainly on the care and protection systems designed and implemented by UNHCR and its partners.

Burundi has a [2014 Law on the prevention and repression of trafficking in persons and the protection of victims of trafficking](#) that applies to Burundian nationals as well as to refugees and asylum-seekers. The government, in partnership with the International Organization for Migration (IOM), launched a project in December 2019 to strengthen the government’s capacity to combat human trafficking, enhance the national protection referral system, provide reintegration for victims and improve coordination.

5 Cross Sectors

Characteristics of registered refugees and asylum-seekers in total refugee population*
as at 30 June 2020



5.1 Gender

Gender considerations matter in the majority of the policy sub-dimensions. The four priority areas in which gender considerations are most consequential in terms of socioeconomic development are as follows:

- i. **Social cohesion**, the lack of meaningful participation of women in refugee community-based leadership structures;
- ii. **Justice and security**, the lack of effective prevention and remedial measures for gender-based violence, including access to legal remedies and securing comprehensive solutions that improve the safety of survivors and promote their social rehabilitation;
- iii. **Education**, the drastic drop in school attendance by girls at all levels; and
- iv. **Health care**, the difficulty urban refugee women have in accessing sexual and reproductive health services for free.

5.2 Social inclusion

The priority areas in which considerations of refugees' distinct characteristics are most consequential in terms of socioeconomic development are as follows:

- i. **Social protection**, the lack of practical integration of elderly and disabled refugees in the emerging national social safety nets
- ii. **Health care**, limitations on refugees accessing health-care services legally available to them and the need to expand inclusion in national health care programmes
- iii. **Freedom of movement**, barriers on refugee freedom of movement continue to exist in practice and impact upon refugees' self-reliance

* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951¹ \(Ratification date: 19 Jul 1963\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967²](#)

Reservations/declarations:

1 As per Article VII(1) of the Protocol relating to the Status of Refugees 1967, reservations are made to Article 17(1) and (2) (wage-earning employment); Article 22 (public education); Article 26 (freedom of movement).

2 As per Article VII(1), reservations are made to Article 17 (wage-earning employment); Article 22 (public education); Article 26 (freedom of movement) of the Convention relating to the Status of Refugees 1951.