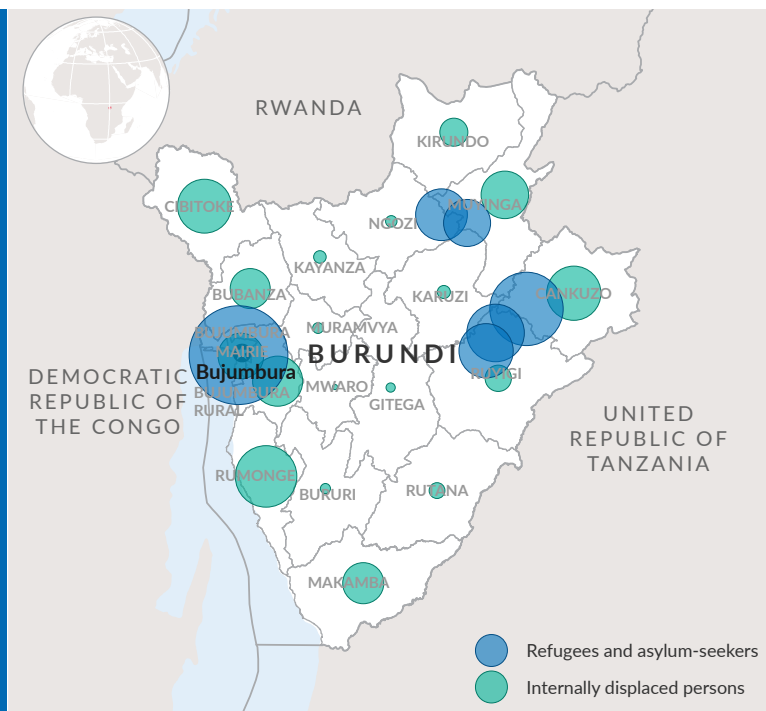


REPUBLIC OF BURUNDI

Burundi is in the Eastern Great Lakes region and part of the East African Community which it currently chairs. It is the headquarters of the International Conference for the Great Lakes Region (ICGLR). Burundi is the poorest country in the world with an 85.2 per cent Multidimensional Poverty Measure data. Despite challenges linked to poverty, access to land and climate change, Burundi has been keeping its border opened to receive refugees.



As of 30 June 2023, 87,214 refugees and asylum-seekers (51 per cent female and 49 per cent male) were hosted in Burundi. This comprises 84,198 refugees and 3,016 asylum-seekers. Additionally, there are 211,921 returnees, 8,177 internally displaced persons and 783 stateless people.

The persistent conflict in the eastern regions of the Democratic Republic of Congo continues to have a profound impact on Burundi, resulting in additional inflows of new arrivals seeking refuge in the country. These individuals constitute the predominant demographic within the refugee population, residing both in the five established refugee camps and in various urban locations across the country.

KEY POPULATION DATA (as of 30 June 2023)

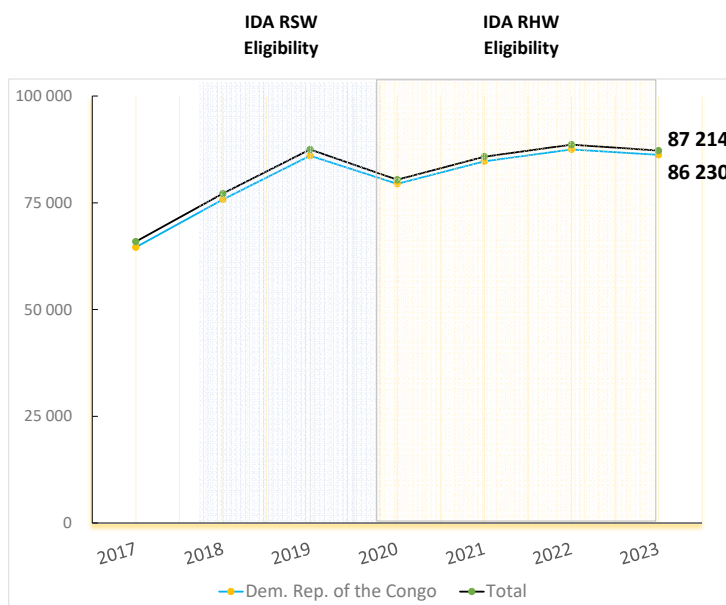
84,198
Refugees

3,016
Asylum-seekers

0.66 %
of the total number of local population
(estimated at 13.24 million) are refugees
and asylum-seekers.

8,177
Internally Displaced Persons (IDPs)

IDA 18 RSW / IDA 19 WHR/IDA 20 WHR
Eligibility: November 2018



RPRF Policy Dimensions

(as of 30 June 2023)

1. Host Communities

1.1 Support for communities in refugee-hosting areas

Burundi's government has remained committed to decentralization reform, a core component of the national development plan 2018-2027. This initiative seeks to enhance the effectiveness of local authorities and promote economic development while emphasizing citizen empowerment. The government aims for municipalities to achieve institutional autonomy and financial sustainability by 2025. However, decentralization in Burundi faces significant hurdles, including insufficient local capacity, financial constraints, corruption, inefficiency, ethnic discord, and legal and structural obstacles. Overcoming these challenges requires a unified effort from the government, civil society and international partners to ensure accountable, responsive and efficient governance.

1.2 Social cohesion

The continuation of the country's devolution process, particularly the increased autonomy of municipalities where refugee camps are located, serves as an indirect policy aimed at maintaining peace and enhancing social cohesion. Generally, the relationship between refugees and host communities remained positive. Despite refugees living in camps, the protracted refugee situation of those hosted in camps has also resulted in increased cross-socialization and mixed marriage with host, especially in the municipality area where the camps are located. Activities promoting peaceful cohabitation and access to basic services for host communities within refugee camps continue to reinforce social cohesion between the two communities.

Citizen engagement continued to be promoted under Burundian decentralization policies, but are still not extended to non-citizens, including refugees. In the camps, refugees continue to have elected representation systems (refugee committees) established by the National Office for the Protection of Refugees and Stateless Persons (ONPRA) in cooperation with UNHCR. Additionally, there are mixed committees composed of refugee and host communities' representatives such as hill chief, zone chief, school directors. These mixed communities remained key in identifying, preventing and mitigating potential social tensions and risks of violence in refugee-hosting areas.

In response to a request from the Ministry of Education, UNHCR seeks to partner with UNESCO to develop an inclusion strategy for refugees and returnees. This project will be carried out in 2023 and 2024, with a needs analysis to be conducted by year-end. Additionally, there is an opportunity to advocate for the inclusion of refugees in national social protection programs, including social assistance and key systems like the social registry under the Merankabandi II project.

The World Bank's Turikumwe-PRODECI project, which supports refugee hosting areas, will repair nine kilometres of roads leading to camps and the Nyabitare returnee reception center in Ruyigi Province. This will positively impact the acceptance of refugees by the host community, which will benefit from the road rehabilitation.

1.3 Environmental management

The environmental policy in Burundi has remained unchanged.

The presence of refugees in and around the five camps continues to exert a negative impact on the natural environment due to the high population concentration and the protracted nature of these camps. This impact includes environmental degradation, deforestation and drainage issues. To mitigate these challenges within

the refugee camps, tree-planting initiatives are ongoing throughout the year, depending on the season. These efforts help restore plant cover and reduce erosion problems in the camps.

In alignment with environmental preservation, refugees are encouraged to use renewable energy sources, and solar lamps are being distributed to refugees. A solar electrification project is also in the planning stages for the five camps. To reduce excessive firewood consumption by refugees, they are encouraged to adopt environmentally friendly energy sources such as briquettes and improved stoves, which are provided by UNHCR and its partners. Additionally, awareness campaigns on environmental protection are regularly organized for the benefit of refugees residing in the camps. These efforts collectively aim to address the environmental challenges posed by the refugee presence and promote sustainable practices.

1.4 Preparedness for refugee inflows

The Ministry of Interior, through ONPRA, continues to coordinate preparedness for refugee inflows.

Given the possible sudden and massive influx of individuals fleeing Democratic Republic of Congo considering the prevailing situation in Eastern DRC, UNHCR in partnership with the National Office for the Protection of Refugees and Stateless Persons (ONPRA) developed a contingency plan in 2022 which includes the possibility to activate prima facie recognition in case of an influx.

2. Regulatory Environment and Governance

2.1 Normative framework

Over the last three years, Burundi has introduced a new legal framework for governing the situation of migrants, asylum-seekers and refugees with the enactment of [Law No. 01/25 on 5 November 2021](#) (hereinafter, the Migration Law). In 2022, to ensure its enforcement, this new law was further supplemented in 2022 by the issuance of two implementing instruments: [Decree No. 100/068 concerning the advisory commission for foreigners and refugees, and the appeals committee](#), and [Decree No. 100/069 on the National Office for the Protection of Refugees and Stateless Persons \(ONPRA\)](#). As a result, this new legal framework, including the two 2022 implementing decrees, replaced the previous Law No. 1/32 of 13 November 2008 relating to Asylum and Protection of Refugees, along with the two ministerial decrees passed in April 2009: [Ministerial Order No. 530-442 related to asylum application procedures](#), and [Ministerial Order No. 530-443 governing the composition, organization, and operations of the Advisory Commission for Foreigners and Refugees and the Appeals Committee](#). Main changes brought about by this new legislation are to provide for more explicit responsibilities entrusted to *Commissariat Général des Migrations* (CGM).

The Migration Law generally aligns with international refugee standards. However, certain provisions of the law remain vague and general regarding the specific rights accorded to refugees. Specifically, Article 66 and Article 68 of the Migration Law grant refugees the right to access education, health and employment in accordance with the existing enforced legislation in the matter, but the laws governing these domains do not explicitly address refugee considerations. Additionally, Article 70 of the Migration Law provides that refugees have the freedom of movement and right to choose their residence in Burundi in accordance with law and regulations as well as international and regional treaties, and Protocols ratified by Burundi. However, in practice, refugees hosted in the camp continue to be required to apply for an exit permit to leave the camp. The issuance of these permits remains at the discretion of ONPRA managing the five refugee camps.

In the context of the national asylum procedure, the Migration Law maintains provisions for the Refugee Status Determination (RSD) process, which can be conducted on an individual or group basis, including the possibility of granting refugee recognition on a prima facie basis. Under Article 76 of the Migration Law, the Police of Migrations (also known as the Commissariat General des Migrations (CGM)) is entrusted with various responsibilities, such as receiving, identifying, registering and providing guidance to asylum-

seekers. According to the law, CGM is also responsible for issuing special authorizations for movement within the country, temporary stay permits, refugee ID cards and refugee convention travel documents. The [Decree No. 100/069](#) provides the legal framework for the roles and responsibilities entrusted to ONPRA in the asylum process and refugee management, including camp management. ONPRA continues to play a Secretariat role for the two Commissions: *Commission Consultative des Étrangers* and *Réfugiés (CCER)* and *Comité de Recours*. The same decree also provides for ONPRA to enter data of refugees and asylum-seekers in the refugee management database jointly with CGM.

Article 84 of the Migration Law stipulates that the Police of Immigration is responsible for transferring the docket of asylum applicants to ONPRA within a maximum of eight days. However, in practice, the Commissioner General for Migrations (CGM) is also involved in pre-screening of asylum-seekers to determine their eligibility for asylum registration. While the CGM role helps identify individuals who may have misrepresented their nationality and are Burundian nationals, this screening process may lead to a risk of inconsistent access to national asylum procedures for all asylum-seekers. UNHCR has also continued to support the administration of the refugee management database, which tracks new applicants with biometric data. Over the reporting period, only a few applicants have been rejected by CGM for alleged nationality fraud. Additionally, ONPRA continues to oversee the pre-screening of asylum seekers by CGM. Following the pre-screening, asylum-seekers are referred to ONPRA, which conducts the individual refugee determination interviews and assessment to make recommendations to the CCER for making decision on refugee status. In case of a negative decision taken by ONPRA, the Migration Law provides for the applicant to have the right to submit an appeal to the Appeals Commission, which will review and decide on their asylum case.

The Migration Law also includes an entire chapter dedicated to cooperation with Burundian authorities and UNHCR. This chapter defines the technical and material roles of UNHCR in relation to refugees. The [Decree No.100/68](#) further provides for UNHCR to sit as an observer in the Commission and the Committee to fulfil its supervisory role of the [1951 Convention](#).

In addition to the challenge of access to national asylum procedures for those with LGBTIQ+ profiles, ONPRA has continued to face some difficulties in ensuring the quality of the individualized RSD process, particularly with regards to efficiency and integrity.

Over the three years, continued simplified RSD procedures have been applied to applicants from the Democratic Republic of Congo (DRC), originating from South and North Kivu provinces, as well as the provinces of Haut Uele, Bas Uele, Ituri and Maniema. For asylum-seekers from Rwanda and other countries, as well as for applicants from other provinces within the DRC, ONPRA has continued to apply standard individualized RSD procedures.

During this period, capacity development on RSD was provided to ONPRA staff, albeit in an ad hoc manner, including capacity development for ONPRA staff, training on international human rights and refugee law. Registration training for refugees and asylum-seekers has been conducted for ONPRA and GCM personnel. However, these capacity-building efforts remained insufficient, highlighting the urgent need for a more comprehensive and systematic training program. This program should include on-the-job training and coaching for all staff members involved in national asylum procedures across various institutions.

In March 2023, a retreat was conducted, involving technical staff from ONPRA, GCM and UNHCR, with the aim of improving understanding and standardizing practices related to the recent Migration Law and its two implementing decrees introduced in 2022. The retreat revealed a significant lack of familiarity with the new legislation among many government staff in these two institutions. In response, recommendations were put forth to organize protection dialogues and awareness campaigns targeted at key state stakeholders responsible for implementing the new legislation. These stakeholders include regional Governors, Mayors of municipalities hosting refugee camps, Immigration Officers from GCM and ONPRA personnel. Moreover, UNHCR, in collaboration with development partners such as the World Bank and the European Union, has

been advocating for consistent access to fair and efficient asylum procedures in accordance with national laws.

The Migration Law has been promulgated in both French and Kirundi. However, there has been a lack of comprehensive dissemination efforts to inform law enforcement and administrative authorities about the law's provisions. This has resulted in instances of arbitrary arrests and detentions of refugees and asylum-seekers.

2.2 Security of legal status

Article 73 of the [Migration Law](#) protects the refugees against non-refoulement.

In the past three years, there have been instances of Congolese refugees intercepted by the Burundian authorities while returning to Burundi after being in DRC. If the returning refugees fail to provide a valid reason for their movement to DRC, the GCM refers their cases to the CCER for cessation of their refugee status. Those facing cessation decisions can still challenge this decision to the Appeal Commission or submit a new asylum application.

Additionally, after the absence of some refugees during the physical verification exercise conducted by the Government in the five refugee camps between February and March 2023, the Office of the National Protection of Refugees and Stateless Persons (ONPRA) proceeded to terminate the refugee status of those presumed to have left the camps.

During the prescribed period, it was also observed that several refugees recognized by the Government of Burundi were expelled by the Government of Tanzania to the Burundian territory. Once back in Burundi, they have continued to enjoy their refugee status and can avail themselves to assistance and protection provided by the Government and NGO partners.

Additionally, all Burundian land borders were closed to all asylum-seekers from March 2020 to June 2022 due to the Covid pandemic.

Over the past three years, there has been a noticeable rise in arbitrary arrests and detentions involving refugees and asylum-seekers. This increase may be attributed to several factors, including the restricted movements of refugees hosted in camps from December 2020 to March 2023. Additionally, the temporary shortage of consumables for renewing refugee identity cards could have contributed to this situation.

Regarding individuals with LGBTIQ+ profile, ONPRA has continued to refuse to conduct RSD due to Burundi's criminalization of homosexuality. Additionally, ONPRA has declined to accommodate these individuals in refugee camps and transit centres, exposing them to increased protection risks. Consequently, UNHCR Burundi conducts RSD for these individuals under its mandate and collaborates with the UNHCR Regional Bureau to explore prospects for durable solutions.

Despite the above background, there has not been any incident of refoulement reported to UNHCR during this period.

2.3 Institutional framework for refugee management and coordination

The Decree No. 100/069 on the National Office for the Protection of Refugees and Stateless Persons (ONPRA) defines ONPRA responsibilities and entrusts the coordination of refugee activities to this institution with the support of UNHCR and its partners. ONPRA continues to report to the Ministry of Interior as per the above Decree.

ONPRA continues to ensure responsibility for the management of the five refugee camps with the support of UNHCR. Since July 2021, ONPRA also ensures management of the transit centres (Cishemere and Makombe). The Police oversees law enforcement in the refugee camps and transit centres. Joint ONPRA/UNHCR teams

conduct registration in the transit centres and in the ONPRA office taking into consideration persons with specific needs including unaccompanied minors and separated children. Following a period of stay in the transit centres, recognized refugees can decide to be hosted in a refugee camp or to stay in the urban areas.

Additionally, considering new arrivals from DRC during the reporting period and the full capacity of the five existing refugees, the government has provided a site to host a sixth refugee camp in Rutana province, Giharo commune. Site planning has commenced to enable relocation of refugees to this site. To uphold the civilian character of asylum, the GCM is responsible for security screening of asylum seekers. This situation underscores the urgent need for the host Government for expanded resources and infrastructure to meet the growing demands of the refugee population. By taking this decision to open a sixth camp for refugees in Burundi, the Government of Burundi seeks to address and mitigate the challenges posed by refugee inflows and alleviate the strain on the existing refugee camps.

The national institutional framework for refugee management remains under the leadership of ONPRA, which operates under the Ministry of the Interior. Many services provided to refugees in camps are coordinated through this ministry with support of UNHCR and partners. Efforts to include other sector ministries in the national refugee coordination model have remained timid, while coordination with regional and local authorities especially in sub national entities hosting the refugee camps also continued to be limited. During the COVID period, there have been efforts to engage the Ministry of Public Health and AIDS Control (MPHAC). ONPRA is now also engaging the Ministry of Education.

Together with ONPRA, UNHCR continues to mobilize other relevant stakeholders to ensure that appropriate measures for provision of basic services (water, food, non-food items, health care and nutrition, shelter, education, etc) is made available to refugees living in camps for their protection and well-being in accordance with the applicable humanitarian standards. With that in mind, UNHCR has strengthened its strategic engagement with the UN system, including the Resident Coordinator Office, UNDP, WFP, UNICEF, IOM, etc., namely through ensuring a systematic alignment with the UNSDCF 2023-2027, and co-leading a joint multi-partner and multi-year strategy on Durable Solutions and Reintegration under the umbrella of the UN Resident Coordinator's Office (RCO). UNHCR also collaborates with NGOs, local civil society organizations, private sector and local communities.

Elected refugee representative structures at central and sector levels continue to be in place both in the camps and urban areas. Elections of these representatives take place every two years. In 2022, a new guiding document was signed by ONPRA and UNHCR to facilitate the election process and ensure age, gender and diversity representativity among these elected structures. Thus far, these elections have been transparent and are supervised by ONPRA with support of UNHCR. The refugee committee continues to serve as a consultation mechanism to obtain refugee input and feedback on decisions taken at sub-national and local level.

Refugees hosted in camps remain included in the national population census and other national surveys.

2.4 Access to civil registration and documentation

As per the [Migration Law](#), the Commissariat General of Migration retains the responsibility for issuance of asylum-seeker and refugee individual documentation. Asylum-seekers are provided with temporary residence permits upon their registration, which are subsequently renewed every six months until a final decision on their refugee status is reached. Refugees aged 14 years old and older are issued refugee identity cards which authorizes the refugee to stay on the territory. Following UNHCR's advocacy, the validity of these cards was extended from three to five years in April 2023. It is important to note that, during the past three years, there have been challenges related to the renewal of refugee ID cards by CGM, primarily due to issues with the availability of necessary stationary. Additionally, all refugees and asylum-seekers are issued with a household proof of registration by ONPRA and UNHCR which contains all the photographs and biometrics of members pertaining to this household.

In line with the provisions of the [Civil Code](#), the civil registry authorities continue to ensure that vital events

concerning refugees and asylum-seekers occurred in Burundi are registered and certified. Specially for in camp refugees, UNHCR, with the support of UNICEF and other partners, continues to support civil registry structures with materials to ensure that refugees have equal access to civil documentation (birth, marriage and death certificates) in line with nationals. A circular issued by Ministry of Interior in March 2017 continued to exempt vulnerable children including refugees from paying the fine related to late birth registration.

For recognized refugees requiring traveling outside the country, Convention Travel Documents (CTDs) are issued by CGM with the support of UNHCR. CTDs issued to refugees are machine-readable and compliant with International Civil Aviation Organization (ICAO) standards.

2.5 Justice and security

Article 38 of the [Constitution of Burundi](#) promulgated on 7 June 2018 provides that everyone has the right, in judicial or administrative proceedings, to have their case heard fairly and to be judged within a reasonable time. This provision recognizes litigants' right, including refugees, to have unimpeded access to a court or competent jurisdiction to hear their case.

The Burundian judicial system is often criticized for lengthy legal procedures; non-compliance by the administration with the enforcement of rulings rendered by the court and tribunals; lack of capacity of formal justice mechanisms; heavy reliance on informal justice mechanisms, particularly in serious criminal cases, and issues of sexual and gender-based violence; physical remoteness of justice providers. Other challenges include language barriers and a lack of awareness of rights of access to justice. These challenges are the same for nationals and refugees.

Lack of information and ignorance of certain laws governing refugees in Burundi have been observed nationwide. Refugees have requested awareness campaigns on Burundian laws and the rights and obligations of refugees. Generally, refugees are aware that they can be legally prosecuted in the country of asylum. However, most of them perceive that they can be exonerated owing to their legal status. Based on protection monitoring within the camps, a significant number of refugees expressed concerns that they may receive harsher treatment compared to nationals while in detention.

Many cases of gender-based violence affecting refugees go unreported due to fear of reprisal, limited access to justice, stigma, discrimination and a culture of impunity. UNHCR assessments showed that gender-based violence is compounded by a lack of public lighting in camps, poor shelter and security in neighbourhoods, privacy in communal facilities and low socio-economic status of refugees in urban areas. This vulnerability is exacerbated by GBV survivors having limited access to formal or informal justice mechanisms. They are also limited by barriers related to cultural attitudes and morals; gender is not discussed in the community, nor is the economic dependency of girls and women. A strategic partnership with the National Independent Commission for Human Rights exists for increased advocacy in GBV prevention and response, and increased access to justice.

3. Economic Opportunities

3.1 Freedom of movement

The [Migration law](#) recognizes that refugees and asylum-seekers enjoy freedom of choice of residence and freedom of movement in Burundi. However, camp-based refugees who have opted for living in camps to benefit from humanitarian assistance are required to obtain an exit permit to move outside the municipality (communes) where the camp is located. Exit permits are issued on a case-by-case basis.

In January 2022, Burundi made eight pledges at the Global Refugee Forum, one of which aimed to guarantee the freedom of movement for refugees. However, between the end of 2022 and 31 March 2023,

the Government of Burundi suspended the issuance of exit permits for refugees living in camps, significantly restricting freedom of movement due to security concerns. During this period, those exceptionally allowed to leave the camps for medical and foreign consular appointments were required to be accompanied by police escorts, with associated costs covered by UNHCR's budget. In March 2023, UNHCR and various donors engaged in policy dialogue to lift restrictions on freedom of movement in refugee camps. As a result, the Minister of Interior publicly announced the decision to lift these restrictions, although concrete implementation measures were not immediately enacted. Nevertheless, there was a notable shift in discourse, with both the Minister of Interior and local authorities adopting a supportive stance on refugee freedom within Burundi. This consistent public message emphasized the importance of upholding refugees' rights and freedoms in alignment with international standards and commitments.

Since then, the issuance of exit permits has remained at the discretion of the authorities, involving a lengthy process. Advocacy efforts have continued with the Ministry of Interior to establish a transparent and efficient process for issuing exit permits to refugees. The focus is on ensuring that these permits are accessible to all refugees upon request, with conditions not being subject to the discretion of ONPRA. This approach aims to facilitate freedom of movement for refugees.

Key also to note is the above restrictions on freedom of movement for in-camp refugees during the above period have constrained their economic activities to a very confined area often limited to the municipality where the camp is located, negatively impacting economic opportunities, and increasing dependency of refugees on humanitarian assistance. These measures have also had some impact on refugees' social connections, affecting social interactions with host communities.

3.2 Right to work and rights at work

Article 66 of the [Migration Law](#) stipulates that: "Refugee jobseekers benefit from preferential treatment compared to other foreigners, as stipulated in the national labour legislation."

Article 54 first section of the [law No. 01/11 of 24 November 2020](#), revising decree-law No. 01/037 of July 7, 1993, revising [Burundi's labour code](#), states that : "Without prejudice to provisions of the law on asylum and refugee protection and the principles of reciprocity, no foreigner or national of a member of the EAC may engage in any activity without being in possession of a work permit or special authorization, as the case may be."

Regarding liberal profession, Article 67 of the Migration Law specifies that: "The refugee shall benefit, for the exercise of a given liberal professional activity, from preferential treatment comparable to that of a foreigner who is a national of the country or Community which has concluded a more favorable convention or memorandum of understanding with Burundi."

All these legal provisions recognize a preferential treatment for refugees in terms of work, but in practice, refugees must first obtain a work permit like any other foreigner. However, the refugee needs in need of obtaining the work permit can seek assistance from ONPRA. To apply for a work permit, refugees must send an application to the General Inspector of Labor and Social Security along with required documents (an application letter for the job, a copy of refugee ID card, two passport photos, copies of the latest diplomas, or of an equivalence of diplomas by the Burundian Diploma Equivalence Commission and other relevant documents such as training certificates). A commission at the Ministry of Public Service and Labor reviews applications weekly and approves eligible ones. Once granted, the work permit is issued free of charge. The work permit validity is linked to the specific job for which an application was made. In case of a change of job, a new work permit application must be made.

There is no data on the number of refugees who have applied for a work permit or have been issued with a work permit.

The primary obstacle refugees encounter when seeking formal wage-earning employment is not their

refugee status but rather the profound constraints of Burundi's exceptionally restricted job market, which endures a high unemployment rate that afflicts both nationals and refugees.

Despite Article 66 of the Migration Law, it should be noted that, in practice, difficulties in accessing certain wage-earning employment are still being experienced by refugees because there are no specific support measures which expressly mention refugees can benefit from work permits. In practice, restrictive measures imposed on foreigners or employment of foreigners for the protection of the national labour market can be applied to refugees, as the 2020 labour code remains silent on that issue.

On access to self-employment, refugees have the same rights as foreigners to open a business and register it in their own name.

Additionally, refugees seeking to participate in cooperative societies in Burundi encounter numerous obstacles, primarily due to the National Agency for the Promotion and Regulation of Cooperative Societies (ANACOOOP) withholding approval. This denial stems from misconstrued interpretations of specific stipulations within the [1951 Convention](#), including Article 15 on the right to association. Recognizing this issue, UNHCR has actively advocated at the Minister of the Interior and national authorities' level, resulting in a noteworthy advancement. This advocacy has culminated in ONPRA issuing a formal note to ANACOOOP, explicitly requesting that refugees be permitted to establish and join cooperative societies. This development marks a significant step towards resolving the challenges refugees face in participating in cooperative societies, aligning with their rights and fostering their socio-economic integration.

To have their foreign education credentials recognized for employment purposes, refugees, like other foreigners and nationals, are required to undergo a diploma validation process by the Diploma Equivalence Commission. Upon successful validation, the commission issues an equivalence certificate for the presented diploma.

3.3 Land, housing, and property rights

The main laws governing housing, land and property are still the [Constitution of Burundi](#) and the [Land Policy Letter](#) issued in 2008 providing general guidance on the land sector, as additional laws include the [Law No 1/13 of August 2011](#) revising the land Code of Burundi and some of its implementing texts, including the one on the certification of rights, inventory and registration of public land. Currently, the government, with the support of UNDP and IOM, is working on establishing a national land policy. Burundi's urban planning, housing and construction code, provided for by [law No.1/99 of 12 August 2016](#), complements the land code.

Article 36 of the [Constitution of Burundi](#) stipulates that: "Everyone has the right to own property. No one may be deprived of his or her property except in public interest, in cases and in the manner established by law, and in payment of fair and prior compensation, or in execution of a judicial decision which has become res judicata."

In the spirit of the [1951 Refugee Convention](#), the Burundian Land Code upholds property rights as stipulated by the Constitution granting foreign individuals and entities equal rights to land transfers and concessions, provided there is reciprocity.

When it comes to land rights, it's important to distinguish whether the land belongs to a private individual or to the State. If the land is privately owned, the refugee can not only rent but also buy the land or the property. However, in the case of State-owned land, the refugee can benefit from the transfer of the land in the same way as a foreigner, with the possibility of preferential treatment linked to the principle of reciprocity.

The main challenge for refugees lies in their limited financial capacity to purchase housing, land and property. It is also worth noting that, in the Burundian context, land disputes remain a major cause of conflict and can cause tensions with host communities.

3.4 Financial and administrative services

According to Article 59 of the [Migration Law](#), refugees in Burundi are required to adhere to the country's laws and regulations. This entails obtaining an identity document to access financial services such as opening accounts and securing financial loans, like Burundian nationals.

Article 69 of this same law provides that documents or administrative certificates issued to refugees by the Burundian authorities are authentic until proven otherwise. According to the law, the refugee identity card allows refugees to benefit from the financial services mentioned above. But asylum-seekers with temporary residence permits are not able to open bank accounts. In addition, this law also gives the possibility for a refugee to have a travel document, for travel outside Burundi but also to access financial and administrative services.

In practice, refugees can open bank accounts and access financial services and mobile money in the same way as nationals.

However, refugees continue to face limited access to microfinance opportunities because they tend not to have property, such as houses, to mortgage as collateral for bank and microfinance institutions to secure their loans. Refugees hosted in camps face even more constrained access due to limited microfinance institutions in the whereabouts of the camps.

Refugees continue to have access to Burundian driving licenses with their refugee identity cards.

4. Access to National Public Services

4.1 Education

Article 68 of the [Migration Law](#) grants refugees the right to access education and healthcare, as per the existing legal provisions. Nevertheless, the recently introduced [National Education Sector Plan \(2022-2030\)](#) still does not mention refugees, and they are not included in the national education budget. Consequently, while refugees are not legally excluded from the national education system, the practical implementation of this right, particularly for those hosted in the five camps, remains inconsistent.

Refugees living in the five camps access schools at pre-primary, primary and secondary level that follow the curriculum of Democratic Republic of Congo and all related education costs are covered by UNHCR. Schools are managed by UNHCR through its education NGO partner (Jesuit Refugee Services- JRS) and examinations are administrated with the support of the DRC Ministry of Education. Currently, 24,272 children and youth are enrolled in camp schools: pre-primary 4,702 with a Global Enrolment Rate of 75 per cent (2,408 Males 2,294 Females). At primary 12,465 are enrolled with a Global Enrolment Rate standing at 111 per cent (6,335 Males and 6,130 Female), while 7,105 refugee pupils are enrolled in secondary with a Global Enrolment Rate at 72 per cent (3,812 Males and 3,293 Females).

On the other hand, refugees living out of camps are free to enrol in public schools and treated in the same way as nationals in terms of school fees, access to examinations and national school documents. As of June 2023, UNHCR Burundi, through JRS, was working with 20 public basic schools in which 2,764 refugee pupils (1,350 Females and 1,414 Males) were enrolled in the basic cycle (1st- 9th grade) and 394 (196 Females and 198 Males) were enrolled in the post-basic cycle (10th –13th grade).

Regarding tertiary education, 22 camp and urban refugees are enrolled at two national universities, the University of Burundi and the Ecole Normale Supérieure, paying the same tuition fees as nationals, thanks to UNHCR's advocacy with the Ministry of National Education and Scientific Research. The only difference

for refugee students is the impossibility to access the loan/scholarship scheme that the government grants to some nationals.

Following the announcement by the Ministry of Education of its willingness to include refugees in the Burundian education system in July 2022, a Joint Technical Committee (JTC) was created under the coordination of the Permanent Secretary of the Ministry. The latter has requested UNHCR to provide technical assistance in the development of a strategy aimed at including refugees in the national education system and improving access to education opportunities for returnees. By doing this, the Burundian Ministry of Education has taken the steps to integrate refugees into the national education system and improve access to education for returnees.

In February 2023, UNHCR Burundi, with the support of the Regional Bureau's Education team, launched a rapid analysis of the situation of refugee education in five camps and meetings with key stakeholders were held to agree on the way forward. The development of the strategy will take place from mid-2023 to mid-2024 with the technical support of UNESCO, the International Institute for Educational Planning and under the coordination of the Joint Technical Committee (JTC). A future roadmap that the JTC, in collaboration with UNHCR, may consider developing includes: a strategy to analyse the situation and assess the needs of refugees in Burundi, an inclusive education policy and a legal framework, investment in institutional capacity building and in training of teachers and education staff, adaptation of the curriculum and provision of language support, and delivery of psychosocial support and health and nutrition services, as first steps.

4.2 Health care

The [Migration Law](#) provides for refugees to have access to the healthcare system according to law and regulations enforced in this matter. Refugees, like nationals, have access to and pay for State provided health services at the same rates. However, certain health care services, such as pregnancy-related services including caesarean sections and care for children under 5 years old, are free for nationals, but not for refugees. Camp based refugees access UNHCR supported health centres at no cost.

The Ministry of Public Health and AIDS Control (MPHAC) and UNHCR have drawn up an MoU on the integration of refugees into the Burundi health system, which is awaiting signature by the Minister of Health. The engagements therein include:

- Integrate health facilities located in camps serving refugees, asylum-seekers and host populations into the national health system through a formal accreditation process.
- Facilitate access for refugees and asylum-seekers to the services provided by public health facilities, in accordance with the procedures defined by the two parties.
- Integrate and include, in accordance with MPHAC standards, health facilities in refugee camps and transit centres in the planning of the MPHAC similarly to other state health facilities, in the context of universal health coverage strategy, performance-based financing (PBF) or any other relevant initiative.
- Support and strengthen human resources in refugee camp health facilities and district hospitals in refugee reception areas.
- Strengthen the referral and counter-referral system of refugee camp health centres.
- Revitalize the health committees and health centre management committees in the refugee camps, involving both refugees and the host population.
- Mobilize the resources needed to integrate health services in refugee camps into the national health system (health insurance cards for refugees) and social protection system (for poor refugees).

Quantitative data on refugees accessing state facilities is unavailable in national facilities. Data of refugees are included into national health data system, but data are not disaggregated.

4.3 Social protection

The [National Social Protection Policy](#) adopted in April 2011 and the [law on social protection](#) passed in 2020 continue to be the legal framework for social protection. The policy refers to the refugee population who are among the least resilient due to limited livelihood opportunities. During the review period, a social protection strategy that includes refugees and returnees has been developed to implement the social protection policy. Together with other UN agencies, UNHCR contributes to the social protection strategy.

Through the enactment of the [Social Protection Code \(Law 1/12\)](#) in 2020, a comprehensive framework for contributory and non-contributory social protection was established. It emphasized the need for a social registry for targeted interventions. However, the implementation of a unified social registry remains a pending task, requiring ongoing commitment to fully realize the social protection infrastructure's potential. Implementation of these policies continue to be overseen by the Ministry of National Solidarity, Social Affairs, Rights of Human Persons, and Gender, through the Executive Permanent Secretariat of the National Commission of Social Protection (SEP-CNPS). Challenges include coordination and budgetary allocation issues.

In October 2023, the National Office for the Protection of Refugees and Stateless Persons (ONPRA) in Burundi addressed an official letter to the National Agency for Cooperation and Support to Associations (ANACOOOP), highlighting refugees' legal position within the national legislation and their benefits compared to other foreigners in Burundi. This step aimed at upholding the rights of refugees in Burundi and strengthening their inclusion into the national system and services including on national social protection.

Over the past three years, the Government of Burundi has made significant progress in strengthening its safety net system and establishing foundational delivery systems through the World Bank funded Merankabandi [National Safety Net Program](#). This program aims to improve welfare and resilience of specific groups, including refugees, to reduce poverty and vulnerability through the cash transfer system. While the Merankabandi program has worked to establish safety net systems, the Government of Burundi has sought over the three last years to transition beyond cash transfers to an integrated social protection system to enhance inclusion of the poor and vulnerable.

The Covid-19 pandemic and the Ukraine-Russia crisis have negatively impacted Burundi's economy, increasing vulnerability for refugees and host communities. To address this, the Burundian government approved a Strategy Note in April 2021, focusing on integrating refugees into national social protection systems, enhancing the skills and employability of youth and women in refugee camps, promoting entrepreneurship among refugees, and improving social cohesion between refugees and host communities.

Through the Merankabandi project, the Government of Burundi has also reaffirmed and materialized its commitments in line with the Strategy Note by supporting host communities and refugees to integrate refugees and host communities into national social protection systems.

The social protection landscape has been further complicated by the financial instability of informal sector workers and rural dwellers, inadequate formal employment opportunities, high unemployment rates and limited coverage of the Medical Assistance Card for the most vulnerable. Lack of uniformity and integration across programs hinders the efficacy of social protection efforts.

4.4 Protection for vulnerable groups

The policy framework for protection of children has remained unchanged. Over the three years, the Government of Burundi has implemented its [national child protection policy \(2020-2024\)](#).

Refugee with special needs continue to have access to care provided by the Government: refugees living with HIV receive antiretrovirals, while refugees with special needs receive vaccines like nationals. Camp-

based refugees continue to receive antimalarials from the Government.

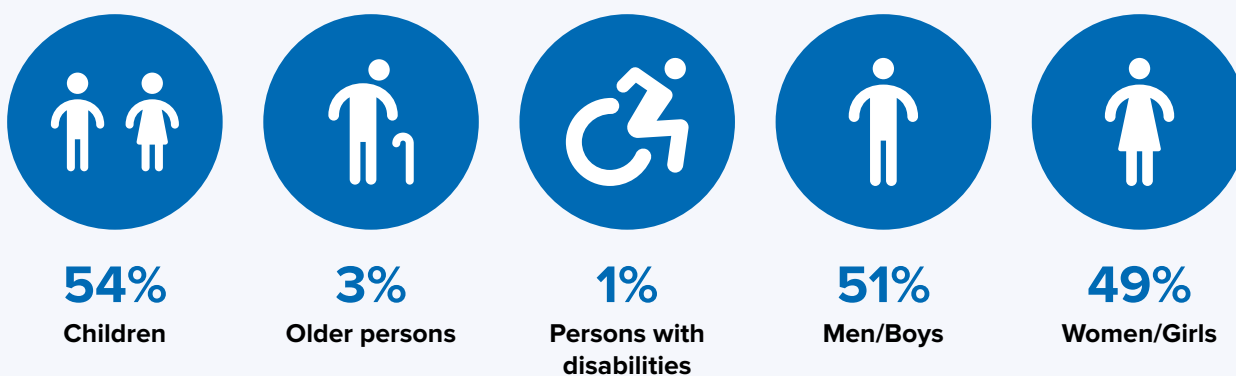
However, notable disparities persist when compared to Burundian children and women. For example, refugee children under 5 years old do not receive free treatment as nationals do, and pregnant women lack support for antenatal consultations.

UNHCR's NGO partner, WeWorld GVC, has played a crucial role in providing essential health services to refugees and asylum-seekers in Burundi, enhancing their well-being through medical check-ups for pregnant women and full assistance for vulnerable children. Unfortunately, due to budgetary constraints WeWorld GVC has been compelled to reduce its activities and services by 30 per cent, leading to critical service gaps.

In response, UNHCR actively advocated for the inclusion of refugees and asylum-seekers in the national health system, emphasizing the importance of equitable access to quality care. This effort resulted in the signing of a Memorandum of Understanding (MoU) with the Ministry of Health and the Fight Against AIDS in October 2023. The Memorandum of Understanding marks a significant milestone in the integration of refugees in the national system and reflects the Burundian government's commitment to supporting vulnerable populations. It outlines the framework for cooperation and responsibilities, ensuring a coordinated approach to health service delivery. While progress has been made, challenges persist due to the service reduction by WeWorld GVC, necessitating swift action. UNHCR remains dedicated to collaborating with the Ministry of Health, government agencies, and new health partners to address these gaps and ensure refugees and asylum-seekers receive the necessary health services.

5. Cross Sectors

Characteristics of registered refugees and asylum-seekers in total refugee population as of 30 June 2023



5.1 Gender

Improving gender considerations is crucial for socioeconomic development. Some key sub-dimensions where such improvements are particularly consequential are:

- a. Women's leadership and participation:** Increasing refugee women's representation in leadership and decision-making roles is essential for achieving gender equality and sustainable development.
- b. Engaging refugee women and girls in peace and security processes:** Ensuring women's active

participation in peacebuilding and security processes is vital for sustainable peace and security.

- c. Enhancing women's economic empowerment:** Promoting refugee women's economic empowerment through equal access to resources and livelihoods opportunities can contribute to poverty reduction and economic growth.
- d. Access to health care for refugee women and girls:** Strengthening their access remains key including accessing sexual and reproductive health services for free.

These sub-dimensions highlight the importance of addressing gender inequalities across various sectors to foster socioeconomic development and create a more equitable and sustainable future.

5.2 Social inclusion

The sub-dimensions where differences and/or restrictions in refugee characteristics – age, gender, race, ethnicity, religion, nationality, country of origin, statelessness, political opinions, indigenous status, disability, sexual orientation, membership of a particular social group – are most consequential in terms of socioeconomic development remained almost unchanged over the three years and can be summarized as follows:

- a. Freedom of movement:** restrictions to freedom of movement, particularly from December 2020 to March 2023, and subsequently the challenges to obtain an exit permit for refugees hosted in camps, continued to impact negatively on their self-reliance and overall social inclusion.
- b. Health care:** the limited access to Government health care services for refugees on the same conditions as nationals.
- c. Social Protection services:** the continued lack of practical incorporation of elderly refugees into the emerging national social safety nets.
- d. Wage earning employment and business opportunities:** access to dignified and sustainable livelihoods, including access to microfinance opportunities for starting small-scale businesses, continue to pose significant challenges for refugees in Burundi. Additionally, there is a lack of clarity on whether refugee cooperatives can participate in the Cooperative for Saving and Credit (COOPEC) in Burundi.