



DEFEND DEFENDERS
East and Horn of Africa Human Rights Defenders Project

CIVIC SPACE IN BURUNDI

Summary of joint submission to the 43rd Session of the UN Universal Periodic Review (2018-2022)

CIVICUS, Defend Defenders, Ligue Iteka and Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH)

Despite President Ndayishimiye’s promises, structural measures to bring long-lasting change are yet to be seen. We are deeply concerned by the persistent human rights violations and abuses, including extrajudicial killings, enforced disappearances, torture and arbitrary arrests, as well as severe restrictions on civil and political rights and widespread impunity. We are alarmed by the targeting of civil society organisations (CSOs) and human rights defenders (HRDs) through restrictive laws and practices, and judicial harassment in the form of fabricated cases and unfair trials.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

<p>Law 1/28 on Public Gatherings requires notification to the competent authority at least four working days before the planned assembly. In practice, however, the notification is treated as a request for authorisation and requests are often denied.</p>	<p>Police officers have resorted to excessive and lethal force against protesters, despite article 13 of the 2017 law states that ‘police may only use force where necessary for a legitimate law enforcement objective’ and that such force must be ‘reasonable and proportionate to the objective being sought’.</p>	<p>Ordinance No. 215/891 provides wide discretion to the police to use guns where necessary. This is not in line, among others, with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Practical Recommendations for the Management of Assemblies.</p>	<p>Police forces have used excessive use of force, including live ammunition and teargas, against peaceful protesters and opposition supporters. CSO activists have been arrested for protesting against government corruption and charged with disobeying lawful orders and contravening the POA.</p>
---	--	--	--



FREEDOM OF EXPRESSION

<p>Despite some developments, the freedom of expression in Burundi has been severely restricted by a combination of restrictive laws and a dangerous working environment for media. Media workers continue to be threatened, harassed and arrested for the work they do.</p>	<p>The Code of Conduct for Media and Journalists requires journalists to provide ‘balanced’ information or face criminal prosecution. It prevents the use of survey data as a source of information and requires journalists to obtain a press card from the CNC. The law also requires journalists to have a certain level of education to be eligible for a press card.</p>	<p>Journalists covering the COVID-19 pandemic were often stigmatized by describing them as ‘journalists destroying the country and tarnishing its image’.</p>	<p>Police officers have conducted arbitrary arrests during peaceful assemblies, failing to provide any explanations for these arrests.</p>
--	---	---	--



FREEDOM OF ASSOCIATION

<p>Ahead of the 2020 election, members of opposition parties bore the brunt of restrictions on association. They are still regularly targeted by abusive restrictions and are subject to grave human rights violations such as enforced disappearances, arbitrary arrests, detention and torture.</p>	<p>In 2018, the government suspended for three months several local and international CSOs, demanding that the organisations undergo a new registration exercise and adhere to ethnic quotas for hiring local staff. In October 2018, the government suspended the activities of all active international CSOs in Burundi.</p>	<p>On 16 May 2019, Burundi's Supreme Court ordered the seizure of assets belonging to politicians, HRDs, journalists in exile and jailed military officers.</p>
---	--	---

Civic space in Burundi is currently rated “**REPRESSED**” by the CIVICUS Monitor

COMMON VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE:



Judicial harassment, arbitrary arrests and detention on charges of rebellion, defamation, 'endangering national security and 'collaborating with armed groups'.



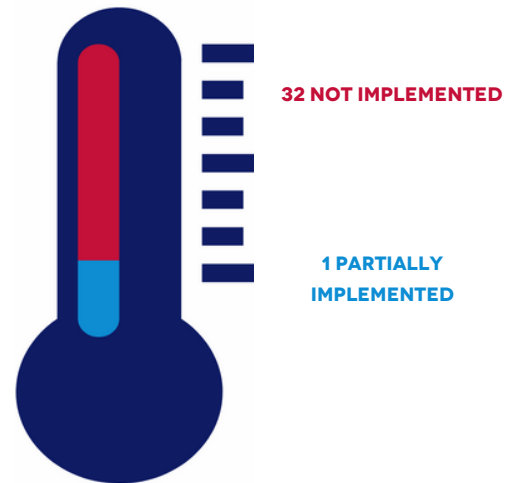
Harassment, intimidation, and attacks, including abductions and incommunicado detentions, from State and non-State actors.



Extrajudicial executions, ill-treatments, torture and enforced disappearances.

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Burundi received 33 recommendations relating to the space for civil society (civic space).



RECOMMENDATIONS

- 1 End all acts of reprisal, intimidation and harassment against journalists and media in and outside Burundi and avoid imposing new legal restrictions on media independence.
- 2 Allow independent media that have been shut down to reopen.
- 3 Publicly condemn at the highest level all instances of the use of excessive and lethal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- 4 Conduct prompt and impartial investigations into unlawful acts committed by security forces and members of the Imbonerakure, including extrajudicial executions, enforced disappearances, arbitrary arrests and torture of members of the opposition, journalists, civil society activists and people perceived as critics and their families.
- 5 Lift measures that limit or prevent the legitimate work of members of civil society and journalists, in particular by amending laws governing the press, and domestic and foreign CSOs, with a view to ensuring their compliance with international human rights norms.
- 6 Withdraw all restrictive measures adopted since 2015 and review the laws adopted in 2017 regarding non-profit organisations and foreign non-governmental organisations, lift suspensions and reverse the revocation of licences of media and CSOs so they can resume their activities.

Civic space in Burundi is currently rated **"REPRESSED"** by the CIVICUS Monitor