

Country Technical Note on
Indigenous Peoples' Issues

Republic of Burundi



Investing in rural people



IWGIA

Country Technical Notes on Indigenous Peoples' Issues

THE REPUBLIC OF BURUNDI

**Submitted by: IWGIA
March 2022**

Table of Contents

Acronyms and abbreviations	3
Summary	4
1. The indigenous peoples of Burundi	5
1.1 . The national context	5
1.2 Terminology and legal recognition	6
1.3 Demography and location.....	7
2. Socio-economic profile	7
2.1 Discrimination and social inequality	8
2.2 Land issues & land rights	9
2.4 Health and education.....	10
2.5 The situation of indigenous women and children	11
2.7 Public participation & Access to Justice.....	12
3.National laws, policies and Institutions	13
4.International and regional human rights treaties and instruments.....	14
4.1. International human rights treaties.....	14
4.2. Regional human rights instruments.....	14
4.3. Other relevant regional instruments	15
5.National civil society & Indigenous grassroots organizations	15
5.1. National and local non-governmental organizations	15
5.2. Main Twa and Twa-supportive organizations	16
6.IFAD projects and operations in Burundi.....	16
7.International organizations.....	17
7.1 UN and Humanitarian agencies	17
7.2. International Financial Institutions & relevant projects.....	17
8. Climate Change Impact & Policies	18
USEFUL WEB SITES	19

Acronyms and abbreviations

ACHPR	African Commission on Human and Peoples' Rights
AIDB	Association pour l'intégration et le développement durable au Burundi
AU	African Union
CAM	Carte d'Assistance Médicale (Health Insurance Card)
CAS	Country Assistance Strategy (World Bank)
CENI	Commission Electorale Nationale Indépendante (National Electoral Commission)
CNIDH	Commission Nationale Indépendante des Droits de l'Homme (National Independent Human Rights Commission)
CNTB	Commission Nationale des Terres et Autres Biens (National Commission for Land and other Property)
COMIFAC	Commission des Forêts d'Afrique Centrale/Commission of Central African Forests
COSA	Comité de Santé (Health committee)
COSOP	Country Strategic Opportunities Paper (IFAD)
CRC	Committee on the Rights of the Child
CVR	Commission Vérité Réconciliation (Truth and Reconciliation Commission)
FAO	Food and Agricultural Organization
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Council
IDP	Internally Displaced Person
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IHDI	Inequality adjusted human development index
ILO	International Labor Organization
IMF	International Monetary Fund
INGO	International NGO
IPP	Indigenous Peoples Plan
IWGIA	International Work Group for Indigenous Affairs
NGO	Non-Governmental Organization
ODA	Official Development Assistance
OHCHR	Office of the High Commissioner for Human Rights
OP	Operational Policy
REDD	Reducing Emissions from Deforestation and Forest Degradation
UNCT	United Nations Country Team
UNDAF	UN Development Assistance Framework
UNDP	UN Development Program
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	UN Educational, Scientific and Cultural organization
UNIPROBA	Unissons-nous pour la promotion des Batwa
UPR	Universal Periodic Review
WB	World Bank
WHO	World Health Organization

Summary

The Twa of the Republic of Burundi are a small minority of around 80,000 people that self-identify as indigenous peoples. Traditionally forest dwellers and hunters-gatherers, the Twa¹ have, through disproportionate deforestation and nature conservation initiatives, gradually lost their traditional habitat and their forest-based livelihoods, including their status as having specific forest-related knowledge and know-how. As a result of this dispossession, they live today on the margins of mainstream society, scattered all over the country in conditions of poverty and great hardship.

As a result of more than a decade of civil war, Burundi is one of the world's poorest countries, and most Burundians confront high levels of poverty as well as lack of basic infrastructure and limited access to basic social services. The Twa experience the same conjunctural problems, but at the same time they also deal with historical and structural issues. These include extreme discrimination, which, although not officially allowed, prevails both at the public and personal level; landlessness, which has forced some of them to live under the infamous *ubugererwa* system, or very limited access to land on which they can sustain themselves as farmers; and difficulties in accessing marshlands from which they can extract clay for pottery making—a traditional occupation which is also threatened by competition from industrial products.

Even though the Twa face diverse and formidable challenges, they enjoy certain rights which entail opportunities, such as having their own representative organizations; being directly represented in the two legislative assemblies and in several other national and local bodies. The government recognizes their destitution and it is possible for external development aid to directly target them and their specific needs. These opportunities should enable the Twa, in partnership with the donor community, to face challenges such as, inter alia, eliminating/alleviating the prevailing discrimination; getting access to land and production means so they can sustain themselves; meeting basic needs; and getting free and equal access to health care facilities and school education.

Donor support will greatly benefit from seeking the advice and the collaboration of national and local Twa organizations. Experience has also shown that in order for the Twa to benefit from project activities on par with other groups, any intervention should be based on participatory consultations and free, prior and informed consent in which all stakeholders participate and give space and time for decisions to be taken on a consensual basis.

¹ The term Twa is used throughout this note except in citations where the Bantu prefixes indicating singular and plural forms (Mutwa and Batwa) may occur. Twa is a Bantu term used throughout sub-Saharan Africa for different groups of people of very low status, referring in almost every case to hunter-gatherers and former hunter-gatherers as, e.g., 'Pygmy' people, who are recognized as the prior inhabitants of the area.

1. The indigenous peoples of Burundi

1.1 . The national context

The Republic of Burundi is a small landlocked country in the Great Lakes region of East Central Africa, bordering with Rwanda to the north, the Democratic Republic of Congo (DRC) to the west, Tanzania to the east and the south. With a total area of 27,830 sq. km, the country is mountainous and hilly, dropping to a high plateau in the east; it enjoys a tropical highland climate with moderate temperatures and two wet seasons (February to May and September to November). Dry seasons vary in length, and prolonged periods of drought occur.

In 2020, the country's overall population was estimated 11,890,784 people, with the median age of the population being 17.3 years.² The population density in Burundi is 463 per Km², making it one of the most densely populated countries in the Great Lakes region, and in Africa. Burundi is a predominantly rural country, with around 90 percent of the population depending on subsistence agriculture, and with 13.8 % of the population being urban (1,636,586 people in 2020).

Burundi is a constitutional Republic whose second largest city, Gitega, became the country's political capital city in 2019.³ The official languages of Burundi are Kirundi, French, and English, the latter having been made an additional official language in 2014. The two major ethnic groups are the Hutu (84 percent) and the Tutsi (14 percent), with the Twa being a small indigenous minority (about 1 percent of the population - around 80,000 people)

The history of the country has been marked by political instability and several cycles conflicts and violence. A civil war has ravaged the country between 1993 and 2000 – fought mainly on ethnic lines. This period of violence led to approximately 300,000 deaths and 400,000 displaced. The 2000 Arusha Accord ended the civil war driven leading to more stability. The post-war transition that followed the Accord kept the country generally stable until 2015 when civil unrest broke out and a failed coup attempt was followed by contested election related violence that claimed hundreds of lives.⁴ Following civil unrest and violence during the 2015 elections, a UN Commission of Inquiry was established by the UN Human Rights Council to conduct a thorough investigation into human rights violations and abuses committed in Burundi.⁵ A constitutional referendum to amend the constitution was held in

² Source: United Nations Population Division. World Population Prospects: 2020 Revision

³ Gitega is home to the Presidency of the Republic and the Senate, while the main state institutions are still located in Bujumbura, the economic capital city.

⁴ The decision by the President to seek a third term of office led to demonstrations breaking out and a wave of violence, which left hundreds dead, was followed by mass arrests of political opponents and a ban on broadcasting by some radio stations; it also caused more than 100,000 people to flee the country. It is estimated that about 396,000 Burundian refugees live in neighboring Tanzania and Rwanda, most of whom fled the 2015 political crisis. Although emigration from Burundi has gone down, few refugees have yet returned.

⁵ Its mandate is to determine whether any of them may constitute international crimes, identify their alleged perpetrators and formulate recommendations for ensuring that the perpetrators are held accountable for their acts.

2018, which helped restore some political stability to the country. As of December 2020, the United Nations Security Council (UNSC) ended its reporting on Burundi.

Burundi face a difficult economic situation, been often classified as one of the poorest countries in Africa. Burundi has the fourth highest rate of poverty in the world,⁶ and the country is one of the largest recipients of international humanitarian assistance, but the country has been seriously affected by the cuts of development aids since 2015. An estimated 84 per cent of the population lived under the poverty line in 2019, with an annual per capita income of US\$ 260.⁷ The weak economic growth in relation to the population growth is leading to a continuous rise in the poverty rate. In 2020, the cost of basic goods such as beans, rice and corn rose, mainly due to the border closures intended to prevent the spread of COVID-19 and to various natural disasters that damaged crops. In 2021, an estimated 2.3 million people in Burundi are in need of humanitarian assistance, and 661,000 are in acute need.⁸

Furthermore, Burundi is facing some major environmental issues like deforestation, soil erosion and climate change, which further jeopardize its dependence on rain fed agriculture to support rural livelihoods and cash crop exports (tea, coffee). In the last few years, Burundi has suffered extreme climate-related events, mean temperatures have been rising, and the dry season has been getting longer.

1.2 Terminology and legal recognition

Due to the traumatic past history of ethnic violence of the country, the use of ethnic identity labelling is contentious. As a consequence, using ethnic identity marker is a complex political issue. Nonetheless, since the 2000s, the Twa,⁹ have mobilised to get recognition as “indigenous peoples” and have been recognised as such within national and international mobilization networks. They are also often familiarly and sometimes pejoratively referred and labelled as ‘pygmies’.¹⁰ But there are still some discords between the forms of popular identifications and the indigenous claims made by Twa militants. Nonetheless, despite these historical factors on identification, the Twa are politically recognised and integrated in the national system of governance. The revised 2018 Constitution stipulates that three members

⁶ In 2014, 64.9 percent of its people lived below the national poverty line; and of these, 38.7 percent were even below the food poverty line.

⁷ See World Bank Group, *Macro poverty outlook for Sub-Saharan Africa: country-by-country analysis and projections for the developing world*, available at: <http://pubdocs.worldbank.org/en/720441492455091991/mpo-ssa.pdf>, p. 211, and Office for the Coordination of Humanitarian Affairs, “Burundi – Aperçu des besoins humanitaires” (Overview of humanitarian needs) 2021, p. 14.

⁸ Moreover, Burundi had an estimated 187,000 internally displaced people (IDPs), 76 percent of whom were motivated by natural disasters. Burundi is hosting 77,177 refugees, mostly from the Democratic Republic of Congo (DRC) - See: [Burundi | Global Focus \(unhcr.org\)](https://www.unhcr.org/fr/fr/about-us/country-focus/burundi)

⁹ Sometimes the terminology ‘Batwa’ is also used – Twa are the individual member of the group, with the Batwa being the collective identity- *Batwa* and *Abatwa* are Bantu plural forms, translating to “Twa people”.

¹⁰ “The term ‘Pygmy’ has some negative connotations, notably as it was used as colonial terms - but it has also been reclaimed by some indigenous groups as a term of identity.

of Parliament and three members of the Senate should come from the Twa ethnic group and be co-opted in accordance with the Electoral Code.¹¹

However, this does mean that the Twa are recognized as an indigenous people of Burundi or that Burundi acknowledges the concept of indigeneity and the specific rights attached to it. Burundi abstained from voting for UNDRIP in 2007 and has not ratified ILO Convention No. 169. The Twa however, self-identify as indigenous and are considered as such by the African Commission on Human and Peoples' Rights (ACHPR), as well as by UN mechanisms for the promotion and protection of human rights, on the basis that the Twa meet four of the recommended principles to be taken into account in any possible definition of indigenous peoples.

1.3 Demography and location

The national Statistical Institute does not provide ethnically disaggregated data but according to a nationwide survey conducted in 2006 and 2008 by UNIPROBA—a national Twa NGO—the Twa population numbered at the time 78,071 individuals. Accordingly, following population growth in the country, it is estimated that the Twa population is between 100,000 and 200,000 individuals although it is difficult to establish a precise figure. One of the issues being that most Twa do not have a national identity card and are thus not included when drawing up the census.

2. Socio-economic profile

There is no national statistical base for assessing the Twa's socio-economic status, but the available information shows that they experience not only the same challenges as the Burundians in general. These challenges are often conjunctural and due to the post-conflict situation, while the challenges faced by the Twa are often due to historical and structural factors.

Historically, the Twa have been forest dwellers and hunter-gatherer peoples. As former hunter-gatherers, they face serious forms of discrimination and stereotyping by dominant societies. They represent one of the poorest and most vulnerable minority groups in the region. Legally, this generally translates into a lack of legal recognition, particularly with regard to their land rights, with most Twa peoples in the region having been victims of forced eviction processes from their ancestral territories, usually for the benefit of agriculture, logging, or the development of protected and tourist areas on their territories. Most observers consider the Twa to be the poorest of the poor. Quoting Burundi Vision 2025: "the Batwa constitute a category living on the margins of society. Deprived of land, they cannot carry on agricultural activities and have but little support to help them engage in the handicraft activities that are their traditional livelihood. They live in haphazard, hand-to-

¹¹ Constitution of 2018, article 169: "The National Assembly is composed of at least 100 deputies in rates of 60% Hutu and 40% Tutsi, of which a minimum of 30% must be women, elected by direct universal suffrage for a term of 5 years and 3 deputies issuing from the Twa ethnicity co-opted according to the electoral code." And article 185: "The Senate is composed of (...) Three people of the Twa ethnicity (...)"

mouth conditions, without decent housing. Children are not provided education while adults are illiterate.”¹²

2.1 Discrimination and social inequality

One of the specific issues faced by the Twa is the pervasive discrimination they experience. While to some extent a traditional phenomenon, this discrimination has since independence been more closely related to the Twa’s poverty, which is the result of the loss of their traditional territories—the forests—and of their forest-based livelihoods as hunter-gatherers.

The pre-colonial status of the Twa in Burundi has been likened to that of a “caste”, with specific economic, technical and ritual characteristics, including a special intonation when speaking the national language, Kirundi. Living in small mobile family groups, they considered the forest areas as their home. Here, they could move freely, staying in one area for a few months to hunt and gather food before moving on to a new area when resources were getting scarce. Marshlands were also important for them since they provided the clay used in their pottery. This lifestyle set them apart from the surrounding society of farmers and herders and defined their mutual relationship. On the one hand, they were appreciated for their forest related knowledge and activities: the animals they hunted, the medicinal herbs and honey they collected and the pottery they made were exchanged with the agricultural products of their neighbours; they were also involved in certain activities for the *Mwami* (the king) such as wielding weapons (arrows), taking part in the royal hunts and warfare, and entertaining the court with their music and dancing. On the other hand, they were shunned and stigmatized. Hutu and Tutsi would not visit their homes, eat or drink with them or intermarry with them.

Discrimination is still prevalent - it is not insignificant to note that Burundian expressions referring to the Twa are almost always intended to underline their inferiority: for example, one can say "*urya si umuntu ni umutwa*", literally "that one is not a man, he is a Twa".¹³ These historical and contemporary discrimination play an important role in the current social inequalities faced by many Twa as discrimination, the lack of specialized know-how, and the need to give bribes in order to get a job, have been identified as constraining factors. On the whole, Twa continue to be marginalized and discriminated at all levels. They suffer from extreme poverty and their access to land, health services, education, justice and decision-making bodies remains limited. At the personal level, their stigmatization also persists. Internally displaced Twa, for instance, have been reported to live in particularly difficult conditions, many Twa still live and work under the traditional *Ubugererwa* institution which has been likened to a form of servitude.

The *Ubugererwa* system implies a contract between a landowner (*sbebuja*) who allots a land parcel to a farm worker (*mugererwa*) for his use and benefit for an indefinite and revocable duration. The worker and his descendants are under the obligation to work and serve the *sbebuja* in various (not defined) ways or pay him in kind thereby showing their allegiance. In

¹² Republic of Burundi, Vision Burundi 2025, (2011), p. 76.

¹³ See Zoé Quéty, “Pour qui l’autochtonie a-t-elle du sens ? Le mouvement des peuples autochtones entre développement international et réappropriations populaires au Burundi”, Les Cahiers d’Afrique de l’Est / The East - African Review - 55 | 2020

return, they will be under the *shebuja*'s protection. *Ubugererwa* was abolished in 1977 but unlike other Burundians who freed themselves from the practice, many Twa have continued living as *bagererwa* (plural form of *mugererwa*)—possibly because they were not aware that the law had been abolished or because the local judges did not know that the provisions of the abrogation decree also applied to the Twa.

Several Twa organizations have been able to fund small scale agro-pastoral projects but most Twa households are unable to sustain themselves with agriculture or husbandry due to the size of their land plots. As for pottery, clay has to be paid for (or stolen during the night) and selling pots has become difficult because of the competition from industrial products. The Twa's main source of income is therefore to work as day laborers, being either paid in money or in kind. However, discrimination, the lack of specialized know-how, and the need to give bribes in order to get a job, have been identified as constraining factors. For the same reason it is difficult for the Twa living near the National Parks to find work even if their forest-related knowledge could be put to use. Educated Twa also experience difficulty finding work, e.g., in the civil service.

2.2 Land issues & land rights

With 90 percent of the population depending on agriculture and the high density levels of the country land has become a very scarce resource in Burundi. In rural areas, land is a primary source of conflict since the competition for scarce land resources an important driver of continued economic and political fragility. Land conflict has been an explosive issue in Burundi for decades, which was exacerbated by the return of displaced populations after the civil war ended in 2005.

As a small discriminated minority without any traditional links to agriculture and husbandry, the Twa have experienced great difficulties in accessing land. This discrimination in their rights to land has some historical roots, as the Twa have faced waves of discriminatory laws and forced expulsion from their ancestral territories, notably former forts territories.¹⁴ As long as they had access to forest areas, the Twa way of life was rarely affected. This began to change during the Belgian colonial period, when new regulations regarding access to forests and hunting were introduced and marshlands were increasingly taken over for agricultural purposes.¹⁵ After independence, hunting was banned across the whole of Burundi¹⁶, and deforestation grew disproportionately, so it became increasingly difficult for the Twa to carry

¹⁴ For an in depth analysis on the land rights situation faced by the Twa, see Jean-Pierre Amani, "Land rights and the forest peoples of Africa - Historical developments in Burundi's land law and impacts on Batwa land ownership", April 2009, available at:

<https://www.forestpeoples.org/sites/fpp/files/publication/2010/05/burundilandrightsstudy09eng.pdf>

¹⁵ In 1926, law texts applying to Belgian Congo came into use in Burundi, introducing, e.g., the development of agriculture on marshland). Legislation related to the establishment of forest reserves was also adopted; hunting became a strictly regulated activity and Twa were no longer allowed to live in protected areas. The first forest reserve was created in 1933 on the Congo-Nile watershed (today the Kibira National Park). Two other forest reserves were established in Bururi in 1951.

¹⁶ Mwami's Order No. 050/65 of 22 March 1966.

on with their traditional activities. In the 1980s, new conservation measures¹⁷ and a Forest Code¹⁸ further restricted their access to and use of forest produces. The Twa have never compensated or offer relocation for the loss of their traditional territories.

Dispossessed of their traditional habitat, unable to sustain themselves any longer with forest related resources, the impoverished Twa lost any status they might have had and were left fully exposed to the discrimination and prejudice of their fellow Burundians. This made it almost impossible for them to access land and take up agriculture and husbandry, to find employment or to benefit from the public services and social developments other Burundians enjoyed. The Land Code adopted in 2011¹⁹ has not greatly improved the Twa's land situation. Article 218 does stipulate that the state "can transfer land for free but only to the benefit of persons without any land". Despite this land law, many Twa still remain without land. One reason could be that the new Code is not yet widely known and implemented. Overall, the vast majority of the Twa currently live in rural areas on collective land with no written titles, their rights to land are usually not registered by land titles. Only the very few Batwa who live in households in urban areas have individually registered plots of land.

Another land-related issue for the Twa is their traditional access to marshlands to extract clay for their pottery. Today, many marshlands have been drained and taken over by farmers for agricultural purposes, thus jeopardizing the Twa's user rights.²⁰ The status of marshlands has never been very clear—whether they belonged to the state or to those who exploited it. The new Land Code dedicates an entire section to marshlands, where it is stipulated, *inter alia*, that those belonging to the public and the private domains of the state may be subject to authorized use or to granted use.²¹ The situation remains therefore unclear as to whether such authorizations and grants will include the specific marshlands used by the Twa. The Land Code also states that clay, in accordance with the Mining and Oil Code, belongs to the state. Doubts, however, have been voiced as to whether the exploitation of clay may be considered to be a criterion of land development on par with agriculture. Overall, the land system both customary and formal have led to a total destitution of the Twa who have long been deprived of cultivable land for agricultural production useful for food security.

2.4 Health and education

Health:

In general access to health-care services is challenging for the general population of the country due to limited financial means and an inadequate network of medical facilities that cannot provide the breadth of services required.²² Burundi's health system suffers from a lack of adequate infrastructure and human resources to meet urgent community health needs.

¹⁷ Decree No. 1/6 of 3 March 1980 establishing national parks and nature reserves in Burundi stipulated, *inter alia*, the restriction on settlement less than 1000 m from protected areas. Today, the country has 14 protected areas representing 5.6% of the national territory.

¹⁸ Law No. 1/2 of 25 March 1985 establishing the forestry code. Articles 45 and 56 explicitly ban usage rights.

¹⁹ Loi 1/13 du 9 août Portant révision du code foncier du Burundi

²⁰ The marshlands are also a source of clay for housing construction and brickmaking as well as peat as a fuel alternative to firewood.

²¹ Loi 1/13 du 9 août 2011, Titre VI: Du Régime des terres de marais (Art. 438-451).

²² Office for the Coordination of Humanitarian Affairs, "Burundi – Aperçu des besoins humanitaires" (Overview of humanitarian needs) 2021, p. 78.

The Twa are among the most affected, and all reports indicate that their health situation is alarming. Few Twa, furthermore, make use of the health centres where they have to pay for services and medicine since most of them cannot afford the health insurance card (Carte d'Assistance Médicale, CAM).²³ Even most Twa women and children under five are unable to benefit from the free health care as many of them have no identity documents. As for the indigence card (carte d'indigence) that exempts them from paying health care fees (as well as educational and other fees), and which destitute people have to apply for at the municipality, few people know about it and the municipalities are often reluctant to deliver such cards.⁶⁸ Traditional medicine practiced with medicinal plants and organs of animals remains therefore widely used.

Education:

Since the introduction of free primary education in 2005, the Gross Enrollment Rate (GER) in primary education reached 112.7% during the 2019/2020 school year without significant variation between provinces, gender or wealth levels. The net intake rate for 6-year-olds increased from 36.4% in 2018/2019 to 37.4% in 2019/2020. Although school education for children is free for the entire population, it is estimated that 90% of the Twa are illiterate, with most them not been able to attend schools. In the recent study conducted by UNIPROBA, it was found that 82% of Batwa did not go to school, both men and women together. Only 22.1% were able to attend school and study until the end of secondary school.²⁴ As for higher education, non-governmental organization such as AIDB has so far registered 8 Batwa who have graduated from private universities as well as the public university.

Overall, access to education is still major issue. Several factors are behind these deficiencies. Poverty is one: although primary education is free, children still have to pay formal and informal school fees and tuition in secondary school is not free. Many Twa also drop out because of the stigmatization and discrimination they meet from teachers as well as pupils; hunger and the need to work or beg are another constraint. Other factors are the Twa parents' lack of motivation for sending their children to school. This is especially the case for girls, where the tradition of early marriages, the dangers (e.g., rape) they often face at school or on their way to school, and even the lack of clothes are other constraints.²⁵

2.5 The situation of indigenous women and children

Traditional Twa communities are known to have been quite egalitarian when it came to women's rights and gender relations. But contemporary gender relations have changed: no longer allowed hunting and without land to cultivate, Twa men have gradually lost their role as the family providers and in the process, have lost their self-esteem and social value. Twa women, who thanks to their traditional potter skills contributed to the household economy, now experience increasing difficulties in accessing clay and competing with industrial

²³ CAM was introduced in 2012 and is sold in the offices of 129 communes for an annual amount of 3 000 F (less than US\$2.00) This fee covers 80 percent of the costs for health care in health centres and district hospitals, and for drugs available on the market.

²⁴ <http://burundi-eco.com/promouvoir-communaute-batwa-pari-a-gagner-pour-instaurer-societe-plus-juste/#.YeqnCBPP2qA>

²⁵ Commission on the Status of Women, Statement by NGO stakeholders. UN Doc. E/CN.6/2013/NGO/130 (March 2013)

products. This has made them more dependent on their husbands and more exposed to domestic violence and family neglect. In a country with a strong patriarchal culture that marginalizes women, Twa women face many challenges. With little or no access to school education, illiteracy is widespread, making it difficult for them to find employment. In the public sphere, Twa women are also grossly underrepresented within the 30 percent women quota.

Equality between men and women is in principle enshrined in article 13 of the Constitution of the Republic of Burundi - to make these principles effective, Burundi has put in place Act No. 1/13 of 22 September 2013 on the prevention and punishment of gender-based violence and protection of its victims. However, Twa women face particular risk of rape and infection due to beliefs among some Hutu and Tutsi that sex with a Twa woman provides a cure for backache; a new variant of this belief holds that sex with a Twa woman offers a cure for HIV/AIDS. Many Twa women have no ID cards and are thus prevented from accessing not only free maternal health care but also care and support if HIV/AIDS infected.

Indigenous children are another vulnerable group that suffers “from discrimination in relation to the enjoyment of their rights, including the rights to health care, food, survival and development”.²⁶ Many children are not entered in the civil registry because of the high level of non-regularized marriages and therefore cannot benefit from free education and health care. Malnutrition and hunger is widespread and hampers their physical and mental development in general and their school attendance in particular. Many are known to become street children.

2.7 Public participation & Access to Justice

Public Participation:

The Twa communities were traditionally rather egalitarian, without strong leaders, and decisions were based on consensus. Numerically small and poorly integrated in the society that considers them to be second rate citizens, the Twa have also had little opportunity for participating in public life. However, this has somewhat changed. The 2005 Constitution thus includes several provisions regarding their public participation at the national and local level. It provides freedom of association, and there exist several Twa associations that act as advocate for the rights of their community.

As defined in the constitution, the National Assembly should be composed of 60% Hutu and 40% Tutsi - the Twa are not included in the percentage system, which is a point of contention shared by all the associations. This system of co-optation has created delayed politicization effects unique to the Twa. In order to obtain positions as deputies or senators, the Twa are not affiliated with a political party, but with an association specifically formed to defend their interests. In order to obtain positions in parliament or the Senate, the Twa are not affiliated with a political party, but with an association specifically formed to defend their interests. Each of these associations, selects various candidates and then submits them to the Independent National Electoral Commission (CENI) for each election. Then, the CENI chooses the deputies and senators who will be who will be co-opted. A representative of the Twa

²⁶ See CRC, Concluding Observations, Burundi (October 2010). UN Doc. CRC/C/BDI/CO/2

communities was appointed to the Land and Property Commission, as a member of the East African Legislative Assembly (EALA), as representatives to the State General Inspectorate and the National Commission for Dialogue among Burundians, and an officer was appointed to the Ministry of Human Rights.

Access to Justice

The Twa are often victims of human rights abuses, notably assault and battery, arbitrary arrests, and rape. Many of these remain in impunity due to various constraints when dealing with justice: very often the Twa do not know their rights, do not have a sufficient understanding of the law or of the civil procedure, and they are unable to pay for legal counseling and defense lawyers. Especially land tenure cases opposing Twa to their Hutu or Tutsi neighbours are known to get stalled. Corruption is another problem. The fact that the Twa too suffered during the civil war, that they too were killed or traumatized is often forgotten. They have also not been fully included in the process surrounding the establishment of the Truth and Reconciliation Commission (Commission Vérité Réconciliation, CVR), which has tended to focus on the Tutsi and the Hutu.

3. National laws, policies and Institutions

Burundi has no specific legislation addressing the situation of the Twa, and the main legal reference for their rights is the current Constitution. The Constitution introduces the principle of ethnic quotas and co-optations to reflect this diversity and ensure the participation of the three ethnic groups. At the same time, it prohibits any form of exclusion based on ethnicity or regionalism.

At the policy level, Burundi adopted a national social protection policy document in 2011. In 2015, a national strategy for the implementation of this policy was adopted. Through this strategy, the Government of Burundi recognizes that the Batwa are among the vulnerable groups that deserve special attention because, among other things (i) they are particularly disadvantaged in terms of access to land, with over 79% of Batwa households cultivating less than 0.1 ha of land households cultivating less than 0.1 ha; (ii) there is an absence of an integrated national program to combat the social exclusion and extreme vulnerability of the Batwa; and (iii) there is a lack of an integrated national program to combat the social exclusion and extreme vulnerability of the Batwa; and (iii) existing projects that target the Batwa are scattered and difficult to sustain.

Relevant National Institutions

A National Independent Human Rights Commission (*Commission Nationale Indépendante des Droits de l'Homme*, CNIDH) based on the Paris Principles was established in 2011 under Act No. 1/04 of 5 January 2011. In June 2021, the Global Alliance of National Human Rights Institutions restored A status to the National Independent Human Rights Commission of Burundi (NIHRC), meaning that the institution theoretically functions independently.

There are also several few other national relevant institutions such as the National Communication Council (CNC), the office of the Ombudsman, the National Land and Property

Commission (CNTB), the courts and tribunals, the Anti-Corruption Brigade, the Anti-Corruption Court and the State General Inspectorate.

An institutional framework favourable to respect of human rights has been strengthened since 2013. Particularly of note are: the establishment of the Truth and Reconciliation Commission by Act No. 1/18 of 15 May 2014; the establishment of the National Commission for Dialogue among Burundians (CNDI) by Decree No. 100/34 of 23 September 2015; and the establishment of the General Inspectorate of the Ministry of Human Rights, Social Affairs and Gender, and the Special Land and Property Court.

4. International and regional human rights treaties and instruments

The Republic of Burundi has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions. According to art. 19 of the Constitution, the rights and duties enshrined in some of these international declarations and conventions are an integral part of the Constitution.

4.1. International human rights treaties

Burundi is party to the following core international human rights treaties, which all contain specifically relevant rights for the indigenous Twa:

- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR).
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- The Convention on the Rights of the Child (CRC)
- The Convention on the Rights of Persons with Disabilities

However, Burundi abstained from voting when UNDRIP was adopted and signed in 2007. Burundi has not ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries.

Burundi has ratified several other relevant UN conventions and several UNESCO conventions of importance to indigenous peoples. Burundi is a member of the International Labor Organization (ILO) and has ratified 30 of its conventions, including C29 and C105 (on forced labor), C100 and C111 (on discrimination within employment and occupation), and C138 and C182 (on child labor). However, Burundi officially left the International Criminal Court (ICC) on 27 October 2017, the first country in the world to do so.

It is also worth noting, that in 2019, the former Twa Senator, Vital Bambanze, was elected as one of the members of the UN Permanent Forum on Indigenous Issues.

4.2. Regional human rights instruments

At the regional and continental level, the government has ratified the African Charter on Human and Peoples' Rights in 1989, and the Constitution reflects this human rights undertaking by incorporating the Charter into national legislation.

Burundi is member of the African Union and has ratified the following regional human rights instruments:

- The Constitutive Act of the African Union
- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights
- Burundi has signed but not ratified
- The Protocol to the ACHPR on the Rights of Women in Africa
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

4.3. Other relevant regional instruments

Burundi has ratified several other African conventions and is member of a number of regional institutions, including the East African Legislative Assembly (EALA); the East African Community (EAC); the Common Market for East and Southern Africa (COMESA); the Economic Community of Central African States (ECCAS). It has requested to become a member of the East African Development Bank (EADB).

Burundi is member of the Central African Forest Commission (COMIFAC) and a signatory of the Convergence Plan for improved management and conservation of forests in Central Africa (February 2006), as well as to a number of forest-related regional organizations.

5. National civil society & Indigenous grassroots organizations

5.1. National and local non-governmental organizations

- **Ligue Burundaise des Droits de l'Homme (ITEKA)** is the first human rights organization in Burundi (1991). It has more than 3,000 members and is present in all the provinces. Its activities include legal assistance, human rights education, monitoring of the repatriation process and monitoring of government policies. It publishes an annual report. <http://www.ligue-iteka.bi>
- **Observatoire de l'Action Gouvernementale (OAG)** founded in 1999 is a collectivity of 18 associations, 6 journalists and 6 parliamentarians (individual members) that monitor the work of the government by issuing declarations, and publishing thematic papers and surveys. <http://www.oag.bi/>
- **Association pour la Protection des Droits Humains et de la Personne Détenue (APRODH)** was founded in 2001. It has 17 offices throughout the country and its activities are centered around human rights in general, monitoring of prisons, denouncing cases of torture, sexual violence, etc. and providing legal assistance. It publishes monthly reports and an annual report. <http://www.aprodh.org/>
- **Le Collectif des Associations et ONGs Féminines du Burundi (CAFOB)** was created in 1994 and groups today 72 associations acting in different sectors of development. CAFOB's main objectives are to strengthen the operational capacities of member

associations and to support the role of Burundian women in peace-building, national reconciliation and development. <http://www.cafobburundi.org>

5.2. Main Twa and Twa-supportive organizations

Since the end of the civil war, and as part of the post-war rebuilding of the country, several civil society organisations led or initiated by Twa leaders have emerged, leading to a very proactive network of civil society organisations which are providing capacity building, awareness raising and support Twa families.

One of the first and most well-known and established organisation is **UNIPROBA** (*Unissons-Nous pour la Promotion des Batwa*), which was founded in 1999 and is present in all 17 provinces. It works for the protection and promotion of the rights of the Twa people of Burundi. Its activities are within awareness raising, legal help, and information. It conducts training on fundamental rights, implements small agro-pastoralist projects and does advocacy work at government level.

Other organisations include:

- **UDBB** (Union pour le développement des Batwa du Burundi)
- **ASSEJEBBA** (Association Espoir pour les Jeunes Batwa): This association is 10 years old and has no physical office. Its interventions are focused on focused on the education of children and the improvement of their parents' living conditions.
- **UCEDD** (Union Chrétienne pour l'Education et le Développement des Déshérités)
- **AIDB** (Association pour l'Intégration et le Développement Durable au Burundi)
- **ADRSEPAL** (Association pour le Développement et la Réintégration Socio Economique des Populations à Moyens Limités).
- **AJBD** (Action des Jeunes Batwa pour le Développement Durable)
- **UJADCO** (Unions des Jeunes Autochtones pour le Développement Communautaire)
- **ADEPV** (Association pour le Développement des Personnes Vulnérables)
- **UPARED** (Unions des Peuples Autochtones pour le Réveil au Développement).

Thus, there are a total of 11 organizations with a specific scope to promote the rights and interest of the Twa community.

6. IFAD and IPAF projects and operations in Burundi

IFAD projects:

https://www.ifad.org/en/web/operations/w/country/burundi#anchor-projects_and_programmes

IPAF projects:

https://www.ifad.org/documents/38711624/41839851/ipaf_africa_e.pdf/73fe84da-7916-b06b-6f38-01484a056426

7. International organizations

7.1 UN and Humanitarian agencies

The UN resident agencies include UNDP (UN Development Programme), UNICEF (UN Children's Fund), FAO (UN Food and Agriculture Organization), IFAD (International Fund for Agricultural Development), UNAIDS (Joint United Nations Programme on HIV/AIDS), IOM (International Organization for Migration), UNESCO, UNHCR (UN High Commissioner for Refugees), UNFPA (UN Population Fund) WHO (World Health Organization), WFP (World Food Programme), UNFPA (UN Population Fund), and UN WOMEN. Currently, the United Nations system in Burundi is made up of 12 resident and non-resident agencies, funds, and programmes.²⁷

In 2016, the Government of Burundi suspended all cooperation and collaboration with the Office of the United Nations High Commissioner for Human Rights in Burundi (OHCHR-Burundi) and rejection of cooperation with the Commission of Inquiry on Burundi. As a consequence, there have been no recent visits to Burundi by UN special procedures mandate holders, nor are any visits planned despite requests from several among them.

In 2020, the International Organization of la Francophonie decided to resume multilateral cooperation with Burundi, which had been suspended since April 2016, and in 2021, the Peace and Security Council of the African Union decided to remove Burundi from its agenda and to terminate the mandate of the African Union Human Rights Observers and Military Experts Mission in Burundi.

7.2. International Financial Institutions & relevant projects

Burundi benefits from the World Bank Group's financing through the International Development Association (IDA) on a 3-year performance-based cycle.²⁸ The Burundi Country Partnership Framework (CPF), approved by the World Bank Board of Directors in July 2019, focuses on two priority areas, namely: (i) strengthening human capital, and (ii) strengthening the fundamental foundation for economic and social resilience. Burundi receives financing from the Bank Group through the International Development Association (IDA) on a three-year performance-based cycle. Burundi is eligible for an additional IDA allocation from the Prevention and Resilience (PRA) window of the Fragility, Conflict, and Violence (FCV) Group. In addition to IDA19 funding of US\$600 million, the country also benefits from allocations from the regional refugee and host community window as well as from the private sector window. The current World Bank portfolio in Burundi consists of 12 national projects and two regional projects for a total investment of \$851 million and an expected increase to around \$1 billion by 2022.

²⁷ For details and updates, see: <https://unsdg.un.org/un-in-action/burundi>

²⁸ See: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/282471563156135424/burundi-country-partnership-framework-for-the-period-fy19-fy23>

In 2021, the Government has obtained a grant from the International Development Association (IDA) to finance the Burundi Landscape Restoration and Resilience Project (BLRRP). During the elaboration of the of the project, due to the presence of the Batwa in the intervention area, who are likely to be negatively affected by the project, the project, the World Bank's operational policy PO 4.10 concerning indigenous peoples was triggered to meet the to respond to the related requirements.²⁹

Burundi is part of the "Bonn Challenge" (restore 150 million hectares of degraded and deforested land by 2020, and 350 million hectares by 2030) and the African Resilient Landscapes Initiative (forest and ecosystem restoration, biodiversity conservation, smart agriculture, rangeland management), has committed to restoring one million hectares of land by 2030. The World Bank is supporting the Government of Burundi in this effort through the Burundi Landscape Restoration and Resilience Project (BLRRP).

8. Climate Change Impact & Policies

The impact of climate change on Burundi are severe as the country has been facing several years of extreme droughts. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA, 2021), climatic disasters-primarily torrential rains, floods, and landslides-will account for all forced displacement in Burundi in 2020. In the case of Burundi, climate change is exacerbating pre-existing risks through increased rainfall and temperature variations, which are expected to worsen by 2030 to 2050, while recurrent flooding, landslides and soil erosion are already destroying livelihoods and exacerbating poverty.

The government has adopted a National Policy on Climate Change and National Determined Contributions to promote development resilient to climate change. However as noted by the World Bank, the lack of institutional preparedness for environmental and climatic threats, the high level of poverty, and the dependence of the economy on agriculture combine to make them particularly vulnerable.³⁰

The impact that climate change is having on (primarily rural) Twa households cannot be seen independently from the environmental disruption being suffered by Burundian society as a whole (increased annual rainfall, changes in temperature, changes in agricultural seasons, etc.). In Burundi, the population is not geographically distributed according to ethnic belonging and so there are no areas inhabited solely by Twa, something that could make them more vulnerable than their neighbours to climate change. Their economic insecurity is, however, a factor likely to exacerbate the effect climate change has on them.

²⁹ PROJET DE RESTAURATION ET DE RESILIENCE DU PAYSAGE DU BURUNDI (PRRPB)
DON IDA D 276-BI - Février 2021 (available at: http://obpe.bi/images/pdf/PPA_PRRPB.pdf)

³⁰ Renforcer la résilience dans le pays aux trois mille collines : éradiquer les facteurs de vulnérabilité climatique au Burundi – available at: <https://blogs.worldbank.org/fr/africain/renforcer-la-resilience-dans-le-pays-aux-trois-mille-collines-eradiquer-les-facteurs-de>

USEFUL WEB SITES

African Commission on Human and Peoples' Rights (ACHPR)

<http://www.achpr.org>

African Development Bank (AfDB)

<http://www.afdb.org/>

Burundi Institute of Statistics and Economic Studies (ISTEEBU)

<http://www.isteebu.bi/>

Burundi homepage at UN Human Rights (OHCHR)

<http://www.ohchr.org/EN/countries/AfricaRegion/Pages/BIIndex.aspx>

Burundi homepage at World Bank

<http://www.worldbank.org/en/country/burundi/overview>

Burundi homepage at IFAD

<http://operations.ifad.org/web/ifad/operations/country/home/tags/burundi>

Burundi homepage at Rural Poverty Portal

<http://www.ruralpovertyportal.org/country/home/tags/burundi>

FAO Country Stat (Burundi)

<http://www.countrystat.org/home.aspx?c=BDI&tr=8>

International Work Group for Indigenous Affairs (IWGIA)

<http://www.iwgia.org>

World Bank

<http://www.worldbank.org>

World Bank Projects

<http://www.worldbank.org/en/country/burundi/projects>

