



BURUNDIAN REFUGEES: DIFFERING APPLICATION OF CONVENTIONS BY COUNTRIES OF ASYLUM IN THE SUB-REGION



Images of Burundian refugees in different host countries

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I. ABBREVIATIONS

- **ACAT-BURUNDI**: Action by Christians for the Abolition of Torture in Burundi
- **ASD Inkingi**: Association for Sustainable Development Inkingi
- **CBDH/VICAR** : Burundian Coalition of Human Rights Defenders living in refugee camps
- **CECAB**: Conférence des Evêques Catholiques du Burundi
- **ICGLR**: International Conference on the Great Lakes Region
- **CNDD-FDD**: National Council for the Defence of Democracy - Forces for the Defence of Democracy
- **ICC**: International Criminal Court
- **CRRF**: Comprehensive Refugee Response Framework
- **EAC**: East African Community
- **FORSC**: Forum for the Strengthening of Civil Society in Burundi
- **UNHCR**: United Nations High Commissioner for Refugees
- **HRW**: Human Rights Watch
- **OCHA**: United Nations Office for the Coordination of Humanitarian Affairs
- **WHO**: World Health Organization
- **UN**: United Nations
- **OAU**: Organisation of African Unity
- **WFP**: World Food Programme
- **DRC**: Democratic Republic of Congo
- **RPA**: Radio Publique Africaine

II. EXECUTIVE SUMMARY

Action by Christians for the Abolition of Torture in Burundi (ACAT-BURUNDI) initiated this study on Burundian refugees in the countries of the sub-region, focusing on the differentiated application of the conventions by the asylum countries.

Overall, the objective is to conduct a comparative analysis on the situation of Burundian refugees in some countries of the sub-region, following the 2015 political crisis in Burundi, in order to determine the challenges and benefits for these Burundians in these countries of exile.

More specifically, the study aims to :

- To show the type of humanitarian assistance received by Burundian refugees in these different countries;
- Focus on security and security incidents for urban refugees and those living in camps in these different countries of asylum;
- To show the resilience of Burundian refugees in these different countries, the challenges, advantages and opportunities that these refugees enjoy in living in difficult conditions of exile.

In terms of methodological approach, the study covers the period from the outbreak of the 2015 crisis to December 2021. Spatially, the host countries concerned are Tanzania, DRC, Rwanda, Uganda and Kenya.

Various documentary resources were used, such as reports from institutions and organisations involved in the protection of human rights in general and refugees in particular. The data processing was carried out taking into account the normative and institutional framework for refugee protection at the international and regional levels as well as the same comparative criteria, namely reception, security, access to identity and travel documents, logistical support, adaptability and resilience.

The main constraint was the impossibility of visiting refugee camps in the target countries for individual interviews or focus groups and exchanges with government services, the UNHCR and NGOs working with refugees.

In order to overcome this difficulty, the opinions and testimonies of refugees were collected through a questionnaire on their respective living conditions. Other testimonies of refugees, published or broadcast by the media, were also used to complete the answers to the questionnaire.

With regard to the normative and institutional framework for the protection of refugees, the countries hosting Burundian refugees have ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

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At the regional level, the same countries hosting Burundian refugees are parties to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, which was adopted on 10 September 1969 and entered into force on 20 January 1974.

Then, in addition to these conventions, UN member states made commitments to refugees and migrants in the New York Declaration in September 2016, including the development of a "**Comprehensive Framework of Action for Refugees**", which led to the adoption of the "**Global Compact on Refugees**" by the UN General Assembly on 17 December 2018.

With regard to the conditions of reception of Burundian refugees in host countries, stakeholders such as the UNHCR and partner organisations are facing difficulties in funding their aid programmes, aggravated by the Covid-19 pandemic since the beginning of 2020.

Concerning vulnerable categories, once they have been received and settled in reception centres and camps in the different countries, cases of vulnerability have been identified and taken into account by the UNHCR and its partners in the humanitarian action plans to be submitted to donors for material and financial support.

The freedom of movement of refugees is regulated differently in the host countries: in Rwanda, Uganda and the DRC, refugees have the freedom to move and settle in localities of their choice. However, this freedom implies the obligation to take care of themselves, whereas in the camps, the basic needs of refugees, such as housing, food and health, are relatively covered by the UNHCR and its partners. In contrast, in Tanzania and Kenya, refugees have to stay in the camps and are not allowed to move freely. In the various host countries, refugees face difficult or impossible access to identity and travel documents, with the exception of Rwanda.

Regarding logistical support and specific services, the vast majority of Burundian refugees remain dependent on international humanitarian aid as the coverage of their needs remains insufficient since the outbreak of the crisis in 2015. The Covid-19 pandemic has had a negative impact on the lives of refugees both in camps and in urban areas in all countries.

On the security front, some Burundian refugees, including political opponents and human rights defenders, allegedly involved in the 2015 coup attempt, are in the sights of the Burundian government, which is demanding their extradition to Burundi to be tried in Rwanda.

But other threats are manifested in the form of pressure exerted on refugees by the authorities of certain host countries, mainly Tanzania, where refugees are the most mistreated and victims of killings, abduction, extradition and forced disappearance. In the DRC, Burundian refugees remain under threat from multiple armed groups in North and South Kivu.

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In terms of economic inclusion and resilience of refugees, host countries, UNHCR and its NGO partners play an important role in the economic inclusion of refugees from the time of their reception and settlement. Comparatively, Rwanda and Uganda are most highly rated by refugees as the countries that offer the best prospects for economic inclusion and resilience compared to Kenya and DRC. Tanzania is seen as the country with the most barriers to inclusion for Burundian refugees.

From the above, it is clear that the countries hosting the refugees, the UNHCR, humanitarian organisations and partner organisations in humanitarian assistance have played their role well in receiving and caring for the refugees. Refugees have generally had access to basic services such as housing, food, education, health and care for vulnerable people.

However, many challenges remain as the majority of refugees remain dependent on humanitarian assistance, which has been underfunded since the crisis began in 2015. On the security front, refugees in Tanzania in particular are subject to multiple forms of pressure to return, including acts of infringement of their security and freedom, in violation of the principle of voluntary repatriation guaranteed by refugee legislation. In the DRC, refugees face the threat of armed groups in South Kivu.

The political changeover in 2020 has led to a significant movement of repatriation of refugees. But for many other refugees, return to their country is not envisaged. They consider that the situation that led to their exile has not changed. Of course, the repatriation of refugees and their socio-economic reintegration into Burundi is the ideal and sustainable solution, but the preconditions of political stability and good governance must be guaranteed to reassure the still reluctant refugees.

The influential actors in Burundi, in the Great Lakes sub-region and at the level of the international community should therefore continue to accompany Burundi in the promotion of good governance and respect for human rights in order to improve the socio-political climate for the voluntary and massive repatriation of refugees.

In the meantime, Burundian refugees who still fear persecution should not continue to be forgotten. Rather, they should benefit more from the protection of the international community, the institutions of the host countries, UNHCR and its partners in the perspective of durable solutions for socio-economic inclusion and resilience in the host countries.

Recommendations are thus formulated and addressed to the Government of Burundi, to the countries of the sub-region that host Burundi and to the international community.

III. PRELIMINARIES

A. Brief PRESENTATION OF THE ORGANISATION " ACAT-BURUNDI ".

Action des Chrétiens pour l'Abolition de la Torture au Burundi (ACAT-BURUNDI) is a human rights organisation committed to the fight against torture and other forms of human rights violations. It works by raising awareness among target groups, denouncing acts of torture, cruel, inhuman or degrading treatment, monitoring places of detention, providing multidimensional assistance, and advocating and lobbying on behalf of victims of violations.

It was approved by Ministerial Order No. 530/266 of 21 February 2003. Since its establishment, its activities have had a visible impact in the country with regard to the abolition of torture and other cruel, inhuman or degrading treatment or punishment. Two of its greatest successes are the advocacy for the criminalisation of torture and the abolition of the death penalty under Burundian law.

Within the framework of its partnership, ACAT-BURUNDI produces reports, jointly with international organisations, for the human rights protection mechanisms of the United Nations Human Rights Council and the special mechanisms of the African Commission on Human and Peoples' Rights.

With the crisis of 2015, the activities of ACAT-BURUNDI, like those of other Burundian human rights organisations, were disrupted by acts of harassment by the authorities for its participation in the citizens' movement to challenge the illegal third mandate of the late Pierre Nkurunziza.¹ It was thus hit by a suspension measure on 23 November 2015, followed by a ministerial order for its definitive deregistration on 24 October 2016, in this context of repression of demonstrations against the third mandate.

However, this de-listing has not deterred the members of ACAT-BURUNDI in exile from continuing their advocacy for the protection of human rights with the help of witnesses and victims of violations, anonymous informants based in the interior of the country, and with the support of the organisation's partners.

¹ See more in the context of the Study

B. BACKGROUND TO THE STUDY AND JUSTIFICATION

The crisis of 2015 provoked a massive movement of Burundian refugees to the countries of the Great Lakes sub-region, following the violent repression of protests against the third term of the late President Pierre Nkurunziza. In power since 2005, Pierre Nkurunziza decided on 25 April 2015 to run for a third term illegally in violation of the constitution of 18 March 2005² and the Arusha Agreement for Peace and Reconciliation in Burundi, signed on 28 August 2000³, which called for a maximum of two five-year presidential terms. Both texts were the result of negotiations that contributed to the return to peace and political stability after a decade of civil war from 1993 to 2004.

Faced with the violent scale of the repression, the judges of the International Criminal Court (ICC) decided, on 25 October 2017, to authorise the opening of a judicial investigation into the situation in Burundi concerning alleged crimes against humanity committed from 26 April 2015 until 26 October 2017. At that date, the ICC reported more than 1,200 people killed in Burundi, while most human rights organisations put the number at around 2,000 people killed, in addition to at least 7,000 political prisoners since 2015.

It was in this context that at least 400,000 Burundians went into exile, mostly in the countries of the East African Community. The inter-Burundian political dialogue, initiated by the East African Community (EAC) and supported by the international community, including the United Nations and the European Union, was mainly hampered by the government's refusal to negotiate with the opponents.

In the run-up to the 2020 elections, the government unilaterally launched the electoral process during 2018 in the midst of a socio-political and security crisis. As a result, the constitutional referendum of 17 May 2018 was characterised by serious human rights violations where opponents were arbitrarily arrested and even murdered. The independent media was not free to cover the referendum vote, which took place in a vacuum without independent observers.

Presidential, legislative and communal elections were organised on 20 May 2020. Évariste Ndayishimiye, the CNDD-FDD candidate for the presidency of the republic, won a contested victory in a climate of fear and harassment of opponents.

In this regard, the Catholic Bishops' Conference of Burundi (CECAB) noted '*many irregularities*', including the '*coercion of certain representatives*' of the parties to sign '*in advance the minutes of the counting*' of the ballot papers, the stuffing of ballot boxes as well as the voting in place of the deceased and of people who had taken refuge outside

² Law N° 01/06 of 18 March 2005 promulgating the constitution of the Republic of Burundi stipulates in its article 96 that "*The President of the Republic is elected by direct universal suffrage for a five-year term, renewable only once*".

³ The Arusha Agreement, in its Protocol II Democracy and Good Governance, Art 7, paragraph 3 stipulates that the President of the Republic is "*elected for a term of five years renewable only once. No one may serve more than two presidential terms*".

the country because of the violence inflicted by the party in power.⁴

The inauguration of the new president, scheduled for 20 August 2020, was shortened to 18 June 2020 following the unexpected death of the outgoing president Pierre Nkurunziza on 8 June 2020. According to the government, Nkurunziza died of a cardiac arrest, but other sources do not rule out that he was carried off by the Coronavirus⁵ which has been ravaging the continents since the beginning of 2020. The late president underestimated the danger of this pandemic, hence the absence of a government strategy to combat the disease, as was the case in other countries during his term.

During his inauguration, Evariste Ndayishimiye pledged to continue the policy of his predecessor while inviting Burundian refugees to return to the country. In particular, he reassured that the doors were open to '*the media or organisations defending the rights and interests of citizens to denounce any obstacles to the rights and interests of citizens...*'.⁶

This political change has raised the hopes of refugees for voluntary return and accelerated the pace of their repatriation. UNHCR began facilitating the return of refugees from Rwanda in August 2020 and from DRC in September 2020.⁷ However, given the mistreatment, disappearances and killings of some returnees, it is questionable whether the '*voluntary*' repatriation of some refugees is not partly motivated by desperation due to poor living conditions in the countries of asylum?

The answer to the question can be found in part in the cry of alarm launched in 2018 by the Regional Refugee Coordinator and head of the Comprehensive Refugee Framework. She drew the attention of the international community to the plight of Burundian refugees who "*are being forgotten*" because UNHCR and its partners had received "*only 33 per cent of the \$391 million requested to assist Burundian refugees*", hence "*the urgency of helping these refugees and the countries hosting them*".⁸ In 2020, the Covid-19 pandemic worsened the situation of these refugees whose assistance was drastically reduced by partners.

In addition, there are reports from refugees of recurrent acts of aggression, intimidation

4 La Libre Afrique, May 2020, *Burundi : Les chiffres ébouriffantes des élections burundaises*, Available at <https://afrique.lalibre.be/50863/burundi-les-chiffres-ebouriffants-des-elections-burundaises>, [Accessed on 24 June 2021]

5 Deutsche Welle, June 2020, *What did Pierre Nkurunziza die of?* Available at <https://www.dw.com/fr/de-quoi-est-mort-pierre-nkurunziza/a-53791013>, [accessed 24 June 2021]

6 Presidency of the Republic, Speech by Major General Evariste Ndayishimiye, President of the Republic of Burundi on the occasion of his inauguration, Available at https://www.presidence.gov.bi/wpcontent/uploads/2020/06/Discours_Investiture_du_president_de_la_Republique.pdf, [Accessed on 24 June 2021]

7 UNHCR, March 2021, *Voluntary Repatriation of Burundian Refugees*, Available at <https://data2.unhcr.org/en/documents/details/85991>, [Accessed 24 June 2021]

8 UNHCR, July 2020 *Situation in Burundi*, Available at <https://www.unhcr.org/fr/situation-au-burundi.html> [Accessed 25 June 2021]

and threats against them, mainly in Tanzania. They also face deprivation of freedom of movement and difficulties in obtaining identity and travel documents, particularly in Tanzania, Kenya and Uganda. In the DRC, Burundian refugees face security challenges with the existence of numerous active and hostile armed groups around the camps.

Faced with this worrying situation, ACAT-Burundi has initiated this study to contribute to a better understanding of the challenges faced by Burundian refugees. The document will serve as an advocacy tool for refugees who still fear for their safety in Burundi and who decide to remain in exile at the risk of *"falling further into oblivion"* with the accelerated repatriation movement of refugees since August 2020.

C. OBJECTIVES OF THE STUDY AND EXPECTED RESULTS

1. General objective

Conduct a comparative analysis of the situation of Burundian refugees in the countries of the Great Lakes region (Rwanda, Uganda, Tanzania, Kenya and the Democratic Republic of Congo) following the 2015 political crisis in Burundi in order to show the challenges and benefits that these Burundians enjoy in these countries of exile.

2. Specific objectives

-To show the type of humanitarian assistance received by Burundian refugees in these different countries;

- Focus on security and security incidents for urban refugees and those living in camps in these different countries of asylum;

-To show the resilience of Burundian refugees in these different countries, the challenges, advantages and opportunities that these refugees enjoy in living in difficult conditions of exile.

3. Expected results

- A comparative analysis of the lives of Burundian refugees in Rwanda, DRC, Kenya, Tanzania and Uganda along different dimensions of the study is available and published;
- Recommendations are given to different stakeholders for the improvement of the daily life of these refugees according to the specificities observed in each country of asylum;
- The study serves as an advocacy document for ACAT-BURUNDI or other partner organisations.

IV. APPROACH METHODOLOGICAL

A. CHRONOLOGICAL AND SPATIAL DELINEATION

The study covers the period from April 2015, corresponding to the outbreak of the crisis of the third term of the late President Pierre Nkurunziza, to December 2021, i.e. one year and one quarter after the political changeover in June 2020, a period marked by a significant voluntary repatriation movement of refugees. Some of them left their country in 2013 and 2014 in a context of political and security tension that preceded the outbreak of the 2015 crisis. Spatially, the host countries of these refugees covered by the study are Tanzania, DRC, Rwanda, Uganda and Kenya.

B. COMPARATIVE APPROACH TO COMPLIANCE WITH REFUGEE RIGHTS TREATY STANDARDS IN HOST COUNTRIES

The situation of Burundian refugees in the countries mentioned is addressed taking into account the normative and institutional framework for refugee protection at the international and regional levels. The comparative approach is based on the same basic criteria, namely reception, security, access to identity and travel documents, logistical support, adaptability and resilience. The aim is to analyse commonalities, differences and observable trends in order to draw conclusions and recommendations.

C. DOCUMENTARY RESOURCES ON THE SITUATION OF REFUGEES

The data collection consists in the exploitation of documentary resources such as studies already carried out on the same issue of the refugee situation, reports of institutions and organisations involved in the protection of human rights in general and refugees in particular, as well as media sources.

D. THE QUESTIONNAIRE

The opinions and testimonies of the refugees were collected through a questionnaire on their respective living conditions, some of them being activists in Burundian human rights organisations that have been deregistered and operate from exile. The aspects addressed were specifically reception, logistical support and specific services for refugees in the host countries, security, inclusion and resilience of refugees.

E. DIFFICULTIES ENCOUNTERED AND THE SOLUTION ADOPTED

The main constraint was the impossibility of carrying out visits to refugee camps in the target countries for individual interviews or focus groups and exchanges with government services, UNHCR and NGOs working with refugees. This field research would have enriched and complemented the other sources used on humanitarian aid programmes, respect for the rights, security and resilience of refugees.

However, information and testimonies of Burundian refugees in the countries of the Great Lakes region collected by the media were used to complete the questionnaire responses.

V. RESULTS

A. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF REFUGEES' RIGHTS

Vulnerable people such as refugees, asylum seekers, victims of trafficking, stateless people, irregular migrants, etc. are exposed to potentially high risks of harm. Some cases require urgent humanitarian assistance such as the provision of drinking water, makeshift shelters, medical care, education for children, etc.

Since the end of World War II, a normative and institutional framework for refugee assistance has been consolidated⁹ on a global scale by the United Nations (UN) through the 1951 International Convention relating to the Status of Refugees. Later, a Protocol relating to the Status of Refugees was adopted in 1967 to fill the gaps in the 1951 Convention in the face of the continuing movement of refugees around the world. At the African level, Member States adopted the OAU Convention Governing the Specific Aspects of Refugee Problems on 10 September 1969.

Then, beyond these conventional instruments, strategies were adopted to deal with the growing phenomenon of massive movements of refugees and migrants in the world. For example, the United Nations General Assembly adopted the **Global Compact on Refugees** in 2018 to strengthen cooperation and solidarity with refugees and host countries. Other humanitarian response frameworks through non-state, international and local organisations are making their multifaceted contributions to the welfare of refugees.

With regard to Burundi, the 2015 crisis triggered a large movement of Burundian refugees who settled en masse in Tanzania, Uganda, Rwanda, Kenya and the Democratic Republic of Congo. These countries, like so many others across the continents, are party to instruments guaranteeing essential rights for the protection of refugees. These include the fundamental rights set out in the 1948 Universal Declaration of Human Rights, such as the right to life, liberty and security of person, the right to seek and enjoy asylum, the guarantee against torture, cruel, inhuman or degrading treatment or punishment, the right to education, and the right to participate in the cultural life of the community.

⁹ NB: Refugees enjoyed international protection prior to the creation of the UNHCR in 1950 in the aftermath of the Second World War. The League of Nations (LON) or forerunner of the UN, created in the aftermath of the First World War, had a similar humanitarian mission for refugees from 1921. **For more details read :**

Jean-Pierre Dubois, **Le passeport Nansen, première protection des réfugiés dans l'histoire du droit international**, in *Après-demain* 2016/3 (N ° 39, NF), Page 48 available at <https://www.cairn.info/revue-apres-demain-2016-3-page-48.htm> [Accessed on 24 June 2021]

The specific normative and institutional framework for the protection of refugee rights discussed in this section provides a baseline for assessing the level of respect for the rights of refugees in the countries where they are settled.

1. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol

The Convention relating to the Status of Refugees¹⁰ was adopted on 28 July 1951, in the aftermath of the Second World War, by a Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened by the United Nations pursuant to General Assembly resolution 429 (V) of 14 December 1950. The Convention entered into force on 22 April 1954, in accordance with the provisions of article 43, which states that "*this Convention shall enter into force on the ninetieth day after the date of deposit of the sixth instrument of ratification or accession.*"

The Convention initially applied to victims of forced displacement from the beginning of the 20th century^{ème}, as a result of the wars that broke out in various countries before, during and after the First World War (1914-1918); during the inter-war period (November 1918 - September 1939); and during and after the Second World War (1940-1945) until 1^{er} January 1951.

It therefore concerned the refugees "*Greeks, Turks and Bulgarians following the Balkan wars of 1912-1913 ; Poles, Balts, Hungarians, Germans, Armenians in particular - their number is estimated at 600,000 - after the first world conflict, and Russians - 1 million - driven out by the revolution, as well as the international community organised itself around the League of Nations (SDN), In 1921, the latter created a High Commission for Refugees, entrusted to the Norwegian Fridtjof Nansen, a famous explorer, but also the organiser of the repatriation of half a million German and Austrian prisoners and of a relief operation for the Russian population.*"¹¹

Thus, in Article 1, Section A, the Convention states that the term "refugee" shall apply to any person:

- (1) Who has been considered a refugee under the Arrangements of 12 May 1926¹² and 30 June 1928¹³, or under the Conventions of 28 October 1933 and 10

10 UNHCR, *Convention and Protocol relating to the Status of Refugees*, Available at <https://www.unhcr.org/fr/4b14f4a62.pdf> [Accessed 24 June 2021]

11 UNIVERSALIS, *The Evolution of Refugee Movements*, Available at <https://www.universalis.fr/encyclopedie/refugies/1-l-evolution-des-mouvements-de-refugies/> [Accessed 24 June 2021]

12 Editor's note: Agreement of 12 May 1926 on Russian and Armenian refugees

13 Editor's note: Arrangement of 30 June 1928 relating to Assyrian, Assyro-Chaldean and similar refugees and Turkish refugees.

February 1938¹⁴ and the Protocol of 14 September 1939, or under the Constitution of the International Refugee Organization;

- (2) Paragraph 2 of the same article defines the term "**refugee**" as "*any person who, owing to events occurring before 1^{er} January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or, if he does not have a nationality and is outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*

With regard to refugees who are victims of post-1951 events, the temporal and geographical scope of the 1951 Convention had to be broadened by the 1967 Protocol relating to the Status of Refugees following the new crises of the 1960s, including decolonisation in Africa, which caused the first refugee crises. Thus, the first article of the said Protocol, paragraph 2, extends the definition of refugee to "*any person falling within the definition given in Article 1 of the Convention as if the words 'as a result of events occurring before 1 January 1951 and ...' and the words '...as a result of such events' were not contained in Article 1, Section A, paragraph 2*".

The two treaties are at the heart of the international refugee protection system and consolidate previous international instruments that established basic and minimum standards for the treatment of refugees. They provide various safeguards against the expulsion of refugees, as well as provisions for obtaining the documents they need, such as freedom of movement, the granting of an identity document, including a travel document, which takes the form of a passport.

States that have ratified the 1951 Convention and the 1967 Protocol are obliged to protect refugees on their territories in accordance with the provisions of these texts, including¹⁵ :

- **Cooperation with UNHCR**": Article 35 of the 1951 Convention and Article II of the 1967 Protocol require States to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the exercise of its functions and in particular to facilitate its task of monitoring the implementation of the provisions of these treaties.

¹⁴ Editor's note: These conventions concern refugees who were victims of National Socialism, first from Germany and Saarland, then from Austria

¹⁵ Parliamentary Union and UNHCR, 2001, **PROTECTION OF REFUGEES: A Guide to International Refugee Law**, Available at http://archive.ipu.org/PDF/publications/refugee_fr.pdf [accessed 24 June 2021]

- ***Information on national legislation"***: States Parties to the 1951 Convention undertake to communicate to the Secretary General of the United Nations the text of the laws and regulations they enact to implement the Convention (Article 36).
- ***Reciprocity exemption***: the principle of reciprocity, whereby the granting of a right to a foreigner is subject to the granting of similar treatment by the country of nationality, does not apply to refugees, as they do not enjoy the protection of their country of origin (Article 7).

It should be noted that the countries hosting Burundian refugees have ratified the 1951 Convention relating to the Status of Refugees and acceded to its 1967 Protocol.¹⁶

- Tanzania acceded to the Convention on 12 May 1964 and to the Protocol on 4 September 1968.
- The Democratic Republic of Congo (DRC) acceded to the Convention on 19 July 1965 and to the Protocol on 13 January 1975.
- Kenya acceded to the Convention on 16 May 1966 and to the Protocol on 13 November 1981
- Uganda acceded to the Convention and acceded to the Protocol on 27 September 1976.
- Rwanda acceded to the Convention and the Protocol on 3 January 1980.

¹⁶ UNHCR, *States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol as at 31 December 2004*, (UNHCR Global Report 2004) Available at <https://www.unhcr.org/fr/4ad2f34fe.pdf> [Accessed 28 June 2021]

2. The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

The 1960s in Africa were marked by violent decolonisation processes and post-colonial crises which resulted in massive refugee movements. This situation led to the adoption of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa by the Assembly of Heads of State and Government at its Sixth Ordinary Session in Addis Ababa on 10 September 1969. It entered into force on 20 January 1974.

The first paragraph of the preamble to the Convention refers to the fact that the Heads of State and Government are concerned about "*the existence of an ever-increasing number of refugees in Africa*" and that they are "*desirous of finding ways and means of alleviating their misery and suffering and of securing for them a better life and future*".

The first article of the OAU Convention defines the term "**refugee**" by taking over the content of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (first paragraph). However, paragraph 2 of the same article extends the term refugee "*to any person who, owing to aggression, external occupation, foreign domination or events seriously disturbing public order in part or in the whole of his country of origin or of the country of his nationality, is obliged to leave his habitual residence in order to seek refuge in another place outside his country of origin or of the country of his nationality*"

This means that people fleeing civil unrest, generalised violence and war have the right to apply for refugee status in states that are party to this Convention, whether or not they have a well-founded fear of persecution.¹⁷

Article II of the Convention protects the refugee against "*measures such as refusal of admission at the border, refoulement or expulsion which would oblige him to return to or remain in a territory where his life, physical integrity or freedom would be threatened for the reasons enumerated in Article 1, paragraphs 1 and 2*".

All host countries are also parties to the OAU Convention governing the specific aspects of refugee problems in Africa.

¹⁷ Parliamentary Union and UNHCR, op cit.

3. The December 2018 Global Compact on Refugees

The 2015 crisis in Burundi erupted in a global context where the international community was increasingly concerned about the worldwide phenomenon of mass displacement of refugees and migrants. In 2015, there were approximately 65 million forcibly displaced persons, including over 21 million refugees, 3 million asylum seekers and over 40 million internally displaced persons. This concern is reflected in the UN General Assembly resolution of 13 September 2016 which adopted the "*New York Declaration on Refugees and Migrants*", an outcome document of the High-level Plenary Meeting on Managing Massive Displacement of Refugees and Migrants.¹⁸

Commitments made by UN Member States in the context of this New York Declaration for Refugees and Migrants, including the development of a "*Comprehensive Framework of Action for Refugees*", led to the adoption of the "*Global Compact on Refugees*"¹⁹ by the UN General Assembly on 17 December 2018.

Its aim is to improve the international community's response to mass refugee movements through enhanced cooperation.

Specifically, its objectives are:

- Relieve pressure on countries hosting refugees;
- To empower refugees in relation to humanitarian assistance and help them to support themselves and their families;
- In order to achieve these two goals, develop access to third country resettlement opportunities and other complementary procedures;
- Promote conditions for refugees to return safely and voluntarily to their countries of origin.

Although this Global Compact is not legally binding, it nevertheless reflects the political will and ambition of the international community to strengthen cooperation and solidarity with refugees and affected host countries.

¹⁸ Resolution A/RES/71/1 adopted by the General Assembly on 19 September 2016

¹⁹ United Nations: **Report of the United Nations High Commissioner for Refugees (2018)** Available at <https://www.unhcr.org/dach/ch-fr/nos-activites/le-pacte-mondial-sur-les-refugies> (accessed 24 June 2021)

B. HUMANITARIAN ASSISTANCE

Humanitarian assistance is "*emergency aid provided after a natural disaster or armed conflict, the main tasks of which are to save lives, ensure the supply of drinking water, provide makeshift shelters and ensure medical care for victims. In contrast to development cooperation, which has a long-term focus, humanitarian aid is usually short-term and emergency-oriented.*"²⁰

Humanitarian aid can take various forms: donations of money, the sending of essential goods and equipment, the sending of personnel to intervene on the spot, the strengthening of local actors. This aid can come from various sources such as associations (secular or religious, or even ideological) and humanitarian NGOs (also known as charities), states and other public authorities, public international organisations, companies, etc.²¹

Following the outbreak of the 2015 crisis, tens of thousands of Burundians went into exile in neighbouring countries where they received humanitarian assistance from the host countries in collaboration with UNHCR and its various partners.

The conditions of reception of Burundian refugees are variable in the host countries where stakeholders such as UNHCR and partner organisations face difficulties in funding their aid programmes, aggravated by the Covid-19 pandemic since the beginning of the year 2020.

From 2017 onwards, a significant movement of repatriation of refugees has been observed mainly from Tanzania, partly as a result of the pressure exerted on these refugees by the authorities of the host country, led by the Burundian government.

In addition, the poor living conditions of refugees, caused by Covid-19 and the subsequent shortage of humanitarian aid, are other factors that have accelerated the repatriation movement. It should be noted that the context of the political changeover in June 2020 has also been favourable to the repatriation of refugees, although political and security challenges remain.

²⁰ Cooperation concept : **Humanitarian**, available at : <http://cooperation-concept.net/glossary/aide-humanitaire>, accessed on [28 June 2021]

²¹ WIKI WORLD, **Humanitarian Aid**, available at https://wikimonde.com/article/Aide_humanitaire

1. Reception, categorisation and status acquisition of refugees

a) Evolution of the movement of Burundian refugees in host countries and repatriation to Burundi

As of 30 June 2015, nearly 127,000 Burundians were already registered as refugees in Rwanda, Tanzania, DRC and Uganda.²²

- In Rwanda, 45,000 Burundian refugees were registered and more than 600 refugees were crossing the border daily. More than 30,000 refugees were transferred to the Mahama refugee camp in the Eastern Province, which had an initial capacity of 50,000 refugees.
- In Tanzania, 62,000 Burundian refugees were registered and were arriving at a rate of between 200 and 300 people per day. The new arrivals were transferred to the Nyarugusu refugee camp, which already housed more than 60,000 Congolese refugees.
- In DRC, 10,590 Burundian refugees were registered mainly in South Kivu province. Initially, they were accommodated with difficulty by their fellow refugees established in the province before 2015. Subsequently, they were transferred to the refugee site of Lusenda in Fizi Territory, South Kivu province.
- In Uganda, 8,855 refugees were hosted and settled mostly in Nakivale refugee camp (Isingiro district), located in southwestern Uganda.
- In Kenya, Burundian refugees were mostly settled in the Kakuma refugee camp in the North West of the country where they numbered 1371 at the end of 2017 while only 56 Burundian refugees were in the Dadaab refugee camp in the North East.²³

22 UNHCR, 29 June 2015, *Civilians flee Burundi ahead of next week's elections*, available at <https://www.unhcr.org/fr/news/stories/2015/6/55916156c/civils-fuient-burundi-elections-semaine-prochaine.html> [accessed 30 July 2021]

23 UNHCR, March 2021, *Kenya Statistics Package*, Available at <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/05/Kenya-Statistics-Package-31-March-2021.pdf>, [accessed 30 July 2021]

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The table below shows the evolution of Burundian refugees in Tanzania, Rwanda, Uganda, DRC and Kenya from July 2017 to August 2021.²⁴

Table 1 *Evolution of refugee numbers in the countries of the sub-region from 2017 to December 2021*

Country	2017 ²⁵	2018 ²⁶	2019 ²⁷	2020 ²⁸	2021 ²⁹
Tanzania	255.714	210.000	166.978	147.748	125.808
Rwanda	87.922	69.000	73.332	66.037	47.906
RDC	44.859	42.308	47.573	46.329	42.145
Uganda	39.289	41.000	45.671	49.728	48.910
Kenya³⁰	1905	4.872	5.775	6.759	7.203
TOTAL	429.689	367.180	339.329	316.601	271.972

Source: UNHCR

According to UNHCR, the political changeover in June 2020 has led to an increased motivation for voluntary return expressed by refugees, the growing trend of which is illustrated by the figures in Table 1 and the graph in Figure 1. Based on tripartite consultations and assessments to ensure the voluntariness of refugee return, UNHCR started facilitating returns from Rwanda in August 2020 and initiated returns from DRC in September 2020.³¹

The OCHA situation report, published in November 2021, summarises a total of 181,315 returnees to Burundi from September 2017 to 31 October 2021. Of these, 60,821 people returned between January and October 2021, an increase of 126% compared to the same period in 2020, when 26,868 people were repatriated.

24 The sources in the table are common for Tanzania, Rwanda, DRC and Uganda. Kenya's sources are separate

25 UNHCR- Burundi *Regional Refugee Response Plan, January - December 2018*, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/61371.pdf>, [accessed 30 July 2021]

26 UNHCR- Burundi *Regional Refugee Response Plan, January 2019- December 2020*, available at <https://data2.unhcr.org/en/documents/download/67385>, [Accessed 30 July 2021]

27 UNHCR- Burundi Regional Refugee Response Plan, January 2019- December 2020, Updated for 2020 available at https://reporting.unhcr.org/sites/default/files/Burundi%202020%20RRRP%20-%20February%202020_0.pdf [Consulted on 30 July 2021]

28 UNHCR, *Burundi Refugee Response plan, January - December 2021*, Available at https://reliefweb.int/sites/reliefweb.int/files/resources/BDI_RRRP_2021_AtAGlance_14Feb_v3_0.pdf, [Accessed 30 July 2021]

29 UNHCR, 31 July 2021, *Refugee from Burundi, Total* Available at: <https://data2.unhcr.org/en/documents/details/90619> [Accessed 28 February 2022]

30 UNHCR, March 2021, *Kenya Statistics Package*, Available at <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2022/02/Kenya-Statistics-Package-31-January-2022.pdf>, [accessed 28 February 2022]

31 UNHCR, 31 August 2021, *Voluntary repatriation of Burundian refugees*, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Burundi%20VolRep%20Update%20-%2031%20August%202021%20FR.pdf> [Accessed 9 September 2021]

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However, beyond the political changeover in Burundi in June 2020, it is worth asking whether the pressure exerted on Burundian refugees in Tanzania, mainly to return, combined with the difficult living conditions caused by Covid-19 in the camps, may have forced many refugees to repatriate as the only alternative for their survival?³²

Indeed, during his visit to Burundi in April 2021, the United Nations High Commissioner for Refugees, Filippo Grandi, acknowledged that the insecurity of Burundian refugees in Tanzania is causing the forced repatriation of some Burundian refugees.

As for the cuts in rations in various camps used as a strategy to encourage refugees to return home, Filippo Grandi promised *"to correct this worrying situation and to see with the donors and the WFP how to remedy this trend of decreasing food rations for the refugees"*.³³

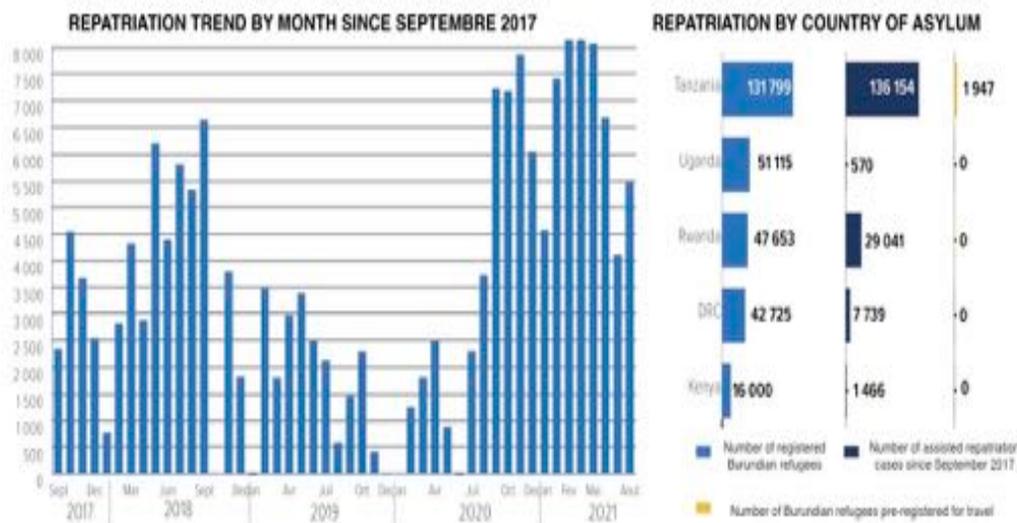


Figure 1 Trends in assisted repatriation from 20 17 to 31 August 2021

Source: UNHCR, 31 August 2021, *Voluntary repatriation of Burundian refugees*

It should be noted that returnees are sometimes subjected to harassment and intimidation by the authorities in certain localities in Burundi. In this regard, the FORSC mentioned in its monthly report of December 2020, threats made by MP Remy Bigerumusase against Burundian returnees from Rwanda in the Bugabira commune in Kirundo province. He asked the Imbonerakure militia *"to follow them closely because some of them would not have the objective of building the country but rather of destroying it"*. The

32 See details under the headings *"The Covid-19 pandemic and its impact on the lives of refugees"* on page 33 and *"Illustrative cases of security threats or incidents"* on page 36.

33 IWACU, 29 April 2021, **Filippo Grandi: "Here I am with people returning because there is peace instead of people fleeing war"**, Available at <https://www.iwacu-burundi.org/filippo-grandi-me-voici-avec-des-gens-qui-rentrent-parce-quil-y-a-la-paix-au-lieu-des-gens-fuyant-la-guerre>, [Accessed 9 September 2021]

intelligence officer in Kirundo province made similar remarks, describing the returnees from the Mahama camp as soldiers trained in Rwanda.³⁴

In this context, the Catholic Bishops of Burundi, in their statement of 4 June 2021, regretted that "*returnees are not well received in some parts of the country and are unfortunately intimidated and oppressed by those who should help them to integrate well into society*".³⁵

However, the climate of hostility and suspicion towards returnees has reportedly diminished to some extent, according to the UN Commission of Inquiry's oral report of 23 September 2021. Indeed, instructions were reportedly given to administrative officials to ensure a better reception of returnees and to allow the massive return of refugees. However, the returnees continued to face mistrust from some local authorities and Imbonerakure, according to the same Commission, which claims to have received testimonies on this situation.³⁶

³⁴ FORSC, **Report on Governance, Economic and Social Rights**, December 2020, available at <https://forscburundi.org/wp-content/uploads/2021/01/Rapport-de-d%C3%A9cembre-2020-sur-la-gouvernance-et-les-droits-%C3%A9conomiques-et-sociaux.pdf> [Accessed on 9 September 2021].

³⁵ Closing communiqué of the Plenary Assembly of the Catholic Bishops' Conference of June 2021 quoted by Sos-Torture, 20 June 2021, **Consolidating the rule of law instead of dead-end debates**, available at https://sostortureburundi.org/wp-content/uploads/2021/07/Bulletin_de-justice_numero_35_20_juin_2021.pdf, [Accessed 9 September 2021]

³⁶ Reliefweb, 24 September 2021, **Oral presentation of the Commission of Inquiry on Burundi, 23 September 2021**, available at <https://reliefweb.int/report/burundi/pr-sentation-orale-de-la-commission-d-enqu-te-sur-le-burundi-23-septembre-2021> [Accessed 28 February 2022]

b) Specific treatment of Burundian refugees according to vulnerable categories

▪ The concept of vulnerability

The term "vulnerable person" refers to "a person in a situation of physical or psychological weakness (pregnancy, illness, disability, old age, etc.), whom the law protects from abuse, particularly in criminal or social matters".³⁷

Depending on the context and the authors, the concept of "vulnerability" refers to fragility, dependence, loss of autonomy, exclusion, social invisibility, precariousness, disaffiliation, according to a tool developed jointly by the UNHCR and the IDC (International Detention Coalition) which has summarised the areas of vulnerability in the table below³⁸ :

Table 2 Areas of vulnerability

Children	<ul style="list-style-type: none"> • Unaccompanied or separated children • Children accompanied by parent(s), other family members or guardians
Gender, identity and orientation	<ul style="list-style-type: none"> • Pregnant women or girls, or nursing mothers • Single person or main carer (dependent children, elderly or disabled people) • Women at risk of sexual and gender-based violence, adults and children who are victims of domestic violence, exploitation and abuse • People at risk of violence because of their sexual orientation and/or gender identity (LGBTI: lesbian, gay, bisexual, transgender or intersex)
Concerns related to health and well-being	<ul style="list-style-type: none"> • Physical and mental health • Risk of suicide • Disability • Older people • Addiction to substances • Denial
Needs of protection	<ul style="list-style-type: none"> • Refugees and asylum seekers • Survivors of torture and trauma • Survivors of sexual or gender-based violence or other violent crimes • Victims of trafficking in persons • Stateless people
Other	<ul style="list-style-type: none"> • The interviewer may identify vulnerability factors not listed in the above areas

³⁷ <https://www.larousse.fr/dictionnaires/francais/vuln%C3%A9rable/82657>

³⁸ UNHCR and IDC: *Vulnerability Scanning Tools, available* at <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5875ecfd4>, [accessed 3 August 2021]

Source: Vulnerability Assessment Tools developed by UNHCR and IDC

- *High numbers of vulnerable refugees in all host countries*

In the early months of the crisis, Burundians arriving en masse at the borders of neighbouring countries, exhausted and starving, benefited from "prima facie" recognition. Provided for by the 1951 Convention relating to the Status of Refugees, this rapid procedure allowed them to benefit from international protection without going through the long process of individual identification as refugees. It was revoked in 2017 by the DRC, Uganda and the United Republic of Tanzania to revert to individual status determination, sometimes leading to overcrowding in reception centres.³⁹ Once received and settled in reception centres and camps, cases of vulnerability were identified and taken into account by UNHCR and its partners in humanitarian action plans to be submitted to donors for material and financial support:

- In Tanzania, children represented 58 per cent of the population in 2017, including 6.4 per cent of unaccompanied and separated children under the age of 18. Women and children accounted for 78% of the population and about 6% of the identified refugees and required additional support due to specific needs. There was also a critical need for health and nutrition infrastructure and facilities. Malaria remained the leading cause of morbidity among children under five in all three camps, accounting for 30% of morbidity in Nduta and 25% in Nyarugusu and Mtendeli.⁴⁰
- In Rwanda, the number of registered unaccompanied and separated children was 1998 as of 30 June 2017. Therefore, family tracing and reunification was crucial, as was the provision of alternative care. 73 unaccompanied and separated children were reunited with their parents or relatives. But out of 7543 children aged 3-6 years, 2541 still did not have access to early childhood support interventions.⁴¹ Testimonies from refugees acknowledge that they are treated differently depending on the category of vulnerability, such as people with disabilities, pregnant women and even children under 2 years of age who are given porridge for example.
- In Uganda, children made up 40 per cent of the Burundian refugee population in 2017, making child protection a priority. Refugee children faced risks such as family separation, psychosocial distress, abuse, child labour and exploitation, including sexual exploitation. Unaccompanied and separated children were the most vulnerable, especially girls at risk of sexual violence and early and forced marriage⁴².

³⁹ UNHCR, 2017, *Global Report 2017*, available at <https://www.migrationsenquestions.fr/content/uploads/2018/10/Haut-Commissariat-aux-R%C3%A9fugi%C3%A9s-Rapport-Global-2017.pdf>, [Accessed 6 August 2021]

⁴⁰ UNHCR- **Burundi Regional Refugee Response Plan, January - December 2018**, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/61371.pdf>, [accessed 30 July 2021]

⁴¹ Ibid

⁴² *ibidem*

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Testimonies from refugees in Uganda indicate that "UNHCR's NGO partners provided a kit for pre-mothers and that specific treatment was reserved for people living with HIV/AIDS and chronic diseases but with a low coverage rate".⁴³

- In the DRC, during 2017, attention was focused on the 60% of new arrivals who were children. Among these children, some were exposed to violence. A significant proportion, corresponding to 5.3% of the total population of registered persons with special needs (7,298), were separated (322) and unaccompanied (67) children in need of alternative care, but all placed in foster care. Boys and young men were particularly at risk of forced recruitment by armed actors.⁴⁴ A nutritional survey of Burundian refugees conducted by the "Programme National de Nutrition" (PRONANUT) in Mulongwe and Lusenda camps in 2019⁴⁵ obtained the following results reproduced in the table below:

Table 3 Malnutrition rates among Burundian refugees in Lusenda and Mulongwe camps

Camp / Site	Estimated population	Estimated child population 6-59 months	Prevalence of malnutrition found in the survey			Estimated cases of malnutrition		
			Global	Moderate	Severe	Global	Moderate	Severe
Lusenda	28762	4890	4,6%	4,0%	0,6%	225	196	29
Mulongwe	6513	1107	2,6%	2,2%	0,4%	29	24	4
Set	35275	5997	3,8%	3,4%	0,4%	228	204	24

Source: NATIONAL NUTRITION PROGRAM "PRONANUT" in DRC

- In Kenya, refugees in the camps are food insecure and unable to work or move freely and remain dependent on international aid.⁴⁶ Testimonies from Burundian refugees indicate that about 5 years ago, "women in pregnancy used to receive a small amount of extra flour and oil, but over time, access to these benefits has become difficult as the quantities they receive have been drastically reduced."⁴⁷

c) Freedom of movement of refugees differently regulated in host countries

Article 26 of the Convention relating to the Status of Refugees provides that "Each Contracting State shall accord to refugees lawfully within its territory the right to choose

⁴³ Answers to the questionnaire

⁴⁴ UNHCR- Burundi Regional Refugee Response Plan, January - December 2018, Op.Cit.

⁴⁵ PRONANUT , July 2019, **Nutritional surveys using the Sens approach in Mulongwe and Lusenda Burundian refugee camp and site**, Available at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/v2_rapport_s_sens_camps_burundais_ok1.pdf, [Accessed 6 Aug 2021]

⁴⁶ WFP, June 2018, **Country Strategic Plan - Kenya 2018-2023**, Available at https://executiveboard.wfp.org/fr/document_download/WFP-0000070523, [Accessed 8 August 2021]

⁴⁷ Answers to the questionnaire

their place of residence and to liberty of movement therein, subject to such reservations as may be provided by the regulations applicable to aliens generally in the same circumstances.

In some countries such as Rwanda, Uganda and the DRC, refugees have the freedom to move and settle in localities of their choice. However, this freedom implies the obligation to take care of themselves, whereas in the camps, the basic needs of refugees, such as housing, food and health, are relatively covered by the UNHCR and its partners.

- In Rwanda, 37% of urban refugees were self-sufficient at the beginning of the crisis in 2015 to support themselves. But over time, some have experienced survival difficulties and since the beginning of 2017, a number of refugee families have requested to be transferred to the camp because they could no longer support themselves.⁴⁸
- In Uganda, Burundian refugees receive the same treatment as refugees of other nationalities, including freedom of movement, the right to work and set up businesses, the right to documentation and access to social services.⁴⁹
- The DRC has an open door policy for refugees. Freedom of movement is guaranteed and refugees receive certificates upon registration.⁵⁰

In contrast, in Tanzania and Kenya, refugees must remain in camps and are not allowed to move freely.

- In Tanzania, the 1998 Refugee Act and the 2003 Refugee Policy restrict freedom of movement and therefore limit the ability of refugees to become self-sufficient as in Rwanda or Uganda.⁵¹ As of January 2017, Burundian refugees' asylum applications were curtailed by Tanzanian authorities while the conditions of stay of registered refugees continued to deteriorate especially through the limitation of freedom of movement and economic opportunities. *"Those who venture out of the Nyarugusu, Nduta and Mtendeli refugee camps to meet their daily needs are sometimes arrested and detained by Tanzanian security forces"*⁵².

Burundian refugees are mainly pressured by senior government officials in both countries to return, claiming that peace has been restored in Burundi. This situation has led UNHCR to reiterate its call on the Governments of Burundi and Tanzania *"to respect the freedom of choice of refugees to return and to ensure that returns are carried out in safety and dignity"*⁵³.

48 UNHCR- *Burundi Regional Refugee Response Plan, January - December 2018, Op.Cit.*

49 Ibid

50 Ibid

51 Ibid

52 Amnesty International: February 2021, *East Africa: Pushback practices and their impact on the human rights of migrants*, Available at <https://www.amnesty.org/fr/wp-content/uploads/sites/8/2021/05/AFR0136732021FRENCH.pdf>, [Accessed 6 August 2021]

53 UN-INFO, 28 October 2018, *Return of refugees to Burundi must be voluntary, UNHCR reminds*, Available at <https://news.un.org/fr/story/2019/10/1054891> (accessed 12 August 2021)

- In Kenya, the Refugee Act of 2006 and the Refugee Regulations of 2009 provide the framework for the registration and processing of refugees and asylum seekers by the Department of Refugees (DRA), which works with UNHCR.⁵⁴

Thus, Burundian refugees are obliged to live in the refugee camp in Kakuma in the north-west of the country: 'once we *are received by the reception services, we are obliged to go to the Kakuma refugee camp, arguing that it is the government's decision*', regrets one refugee interviewed.⁵⁵ Refugees who refuse to go there opt for a life elsewhere, albeit a hard and complicated one. Moreover, refugees face difficulties in accessing documents such as business and work permits, student cards, opening bank accounts, social security numbers, travel documents and mobile communication cards. Refugees face harassment by police forces and negative and discriminatory attitudes from the local population.⁵⁶ As in Tanzania, there is some pressure on Burundian refugees to return. A refugee contacted said: "*We have huge problems even to be considered as refugee claimants in Kenya. The reception officers in Kenya, when they deal with Burundians, they don't beat about the bush, they say that there is peace in Burundi, that we have to go back home.*"⁵⁷

⁵⁴ Amnesty International, Op.Cit.

⁵⁵ *Response to the questionnaire*

⁵⁶ Forced Migration Review, June 2018, *Refugee Managed Social Protection*, available at <https://www.fmreview.org/sites/fmr/files/FMRdownloads/fr/economies/protection-sociale.pdf>, [accessed 9 August 2021]

⁵⁷ *Interviews*

d) Difficult or impossible access to identity and travel documents for refugees except in Rwanda

Access to identity and travel documents for refugees is governed by Article 127 of the Refugee Convention, which states that "*The Contracting States shall issue identity documents to any refugee in their territory who does not possess a valid travel document.*" Article 28 of the same Convention on travel documents states that "*The Contracting States shall issue to refugees lawfully staying in their territory travel documents intended to enable them to travel outside that territory unless compelling reasons of national security or public order otherwise require*"

The OAU Convention governing the specific aspects of refugee problems in Africa states that "*Member States shall issue to refugees lawfully residing in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and its annexes to enable them to travel outside those territories*" (Article IV), subject to Article III which obliges every refugee to "*refrain from any subversive action directed against a Member State of the OAU*".

Countries that restrict the freedom of movement of refugees do not comply with these provisions insofar as statutory refugees who should have benefited from specific identity and travel documents are deprived of them, as in Tanzania, or have difficult access to them, as in Kenya, Uganda and the DRC. Rwanda is the only country where Burundian refugees have easy access to identity and travel documents.

However, obtaining a travel document does not guarantee refugees free movement in some EAC countries. According to the newspaper 'Burundi Sos-Médias', which interviewed some Burundian refugees, they have to pay visa fees in some countries such as Kenya, Rwanda and Tanzania, whereas the EAC protocol guarantees the free movement of people, goods and services in all countries of the bloc.⁵⁸

- In Tanzania, Burundian refugees "*have no access to identity or travel documents*" according to the Vice President of the Coalition of Burundian Refugee Rights Defenders living in camps (CBDH/VICAR), Leopold Sharangabo.⁵⁹ HRW reveals in its 2019 report that "*some 3,300 people have been registered but not given 'active status', meaning they have no clear legal status or access to assistance and are particularly vulnerable to government intimidation and forced repatriation to Burundi.*"⁶⁰

⁵⁸ SOS MÉDIAS BURUNDI, 29 August 2019, The right of free movement of Burundian refugees flouted by some EAC countries, Available at <https://www.sosmediasburundi.org/2019/08/29/le-droit-de-libre-circulation-des-refugies-burundais-bafoue-par-certains-pays-de-leac>, [Accessed 9 August 2021]

⁵⁹ Response to the questionnaire

⁶⁰ HRW, 12 December 2019, *Tanzania: Burundian refugees under pressure to leave country* Available at <https://www.hrw.org/fr/news/2019/12/12/tanzanie-les-refugies-burundais-subissent-des-pressions-pour-quitter-le-pays> [Accessed 9 August 2021]

- In Kenya, refugees acknowledge that identity documents are issued at Kakuma refugee camp but complain that travel documents are not granted to Burundians while other refugees such as Banyamulenge from DRC and South Sudanese obtain them easily. The procedure to obtain an identity document can take five years because applicants "*can be called via their contact numbers by organisations that collaborate with UNHCR. When you give your number to these organisations, you are called for questioning and when you pass this questioning, you are issued with an identity document. What I personally find worrying is the duration of 5 years,*" said a refugee contacted.⁶¹ In its report of the second quarter of 2021, CBDH-VICAR indicates that in the context of the prospects of closing the refugee camps of Dadaab and Kakuma, the refugees, including many Burundians, who do not yet have identity documents are often intimidated to return home by the Kenyan authorities.⁶²
- In Uganda, refugees report that access to identity documents is difficult, especially for Burundian refugees who have arrived since September 2017. The refugee status agreement takes time and the application has to be renewed every 6 months and the identity card can be granted after 3 years. For the travel document, the application is more difficult because officially you have to wait six weeks but the procedure can take up to 9 months.
- In the DRC, Burundian refugees have access to identity documents but do not obtain refugee travel documents. The identity documents issued are often not renewed or are renewed late, exposing refugees to harassment by the state security apparatus wherever they go.⁶³
- In Rwanda, Burundian refugees contacted attest that they have easy access to identity and travel documents. The newspaper "Burundi Sos-Médias" cites testimonies such as that of Kaneza, a Burundian refugee who received the travel document at its official launch in 2018 and who was "*delighted to have this right to move freely in the world*" to do her business in Uganda, Dubai and China. Her friend Beatrice (also Burundian), who arrived in Rwanda in 2015, is delighted to have landed a job in a sub-regional NGO when previously she could not cross the border.⁶⁴

61 *Response to the questionnaire*

62 CBDH-VICAR, *Second quarter report CBDH/VICAR 2021 on the security and social situation of Burundian refugees camps in the East African and Southern region*, available at <https://cbdhvicar.org/2021/07>, [accessed 10 August 2021]

63 UNHCR- Burundi *Regional Refugee Response Plan*, January - December 2018, Op.Cit.

64 SOS Médias Burundi, 10 October 2018, **Biometric passport for refugees available** <https://www.facebook.com/sosmediasburundi/posts/2037546766307352/> [Accessed 10 August 2021]

2. Logistical support and specific services

a) *Burundi: the world's least funded refugee crisis*

The vast majority of Burundian refugees are dependent on international humanitarian aid at a time when the coverage of their needs remains insufficient since the crisis broke out in 2015. Thus, from 2015 to 2019, humanitarian aid plans for Burundian refugees remain the least funded in the world:

- In May 2015, UNHCR and its 17 partners launched the \$207 million Regional Assistance Plan for Burundian Refugees to protect and assist up to 200,000 Burundian refugees. But the plan was only 13 per cent funded. As a result, essential services such as water, health and sanitation were severely underfunded.⁶⁵
- Two years later, in 2018, the same scenario played out again as UNHCR and its partners complained that the Burundian refugee situation was the least funded of all emergencies around the world, as they had received only 33 per cent of the US\$391 million requested to assist Burundian refugees.⁶⁶
- In 2019, the situation in Burundi remained one of the least funded refugee programmes in the world, with a funding gap of 72% of the USD 293 million sought. This has had a severe impact on all sectors, including housing, health and education.⁶⁷

Some examples illustrate the situation of shortage of funds and its impact on the lives of refugees, although the interventions of UNHCR and its partners remain beneficial to the survival of refugees in general.

- **In Rwanda**, the refugees contacted report that the major difficulties they face are insufficient food, difficult access to health care, employment and education. Regarding food, for example, until 2017, WFP provided 16.95 kilograms of food per month to each refugee, mainly maize, beans, vegetable oil and salt. Other refugees received 7,600 Rwandan francs (US\$9) to buy food in local markets until November 2017. WFP reduced its aid by 25%, starting in January 2018 due to the shortage of funds.⁶⁸

⁶⁵ UNHCR, 29 June 2015, *Civilians flee Burundi ahead of next week's elections*, available at <https://www.unhcr.org/fr/news/stories/2015/6/55916156c/civils-fuient-burundi-elections-semaine-prochaine.html> [accessed 10 August 2021]

⁶⁶ UNHCR, July 2020 Situation in Burundi, op. cit.

⁶⁷ UNHCR, *Humanitarian agencies seek \$290 million to help Burundian refugees*, available at <https://www.unhcr.ca/fr/news/agences-humanitaires-recherche-290-millions-dollars-laide-refugies-burundais> [Accessed 10 August 2021]

⁶⁸ <https://reliefweb.int/report/rwanda/les-rations-alimentaires-pour-les-r-fugi-s-au-rwanda-sont-r-duites-en-raison-dun>

In 2021, the UN Refugee Agency (UNHCR) and WFP shifted the focus of their joint support from blanket assistance to needs-based humanitarian assistance to refugees in order to prioritise scarce resources to the most vulnerable.⁶⁹

- **In Uganda**, refugees consulted report that the major problems they face relate to food, education, employment and health. UNHCR acknowledged in 2018 that challenges in Uganda include insufficient land for food production, lack of seeds, tools and access to capital, and persistently low school enrolment rates.⁷⁰ Young Burundians in Nakivale camp have no source of income. The UNHCR, which had initiated income financing programmes in general and for young people in particular, saw itself unable to continue in 2021 due to a lack of financial resources, hence the mental breakdown that is raging among young people who have no means to pay for their studies.⁷¹
- **In Tanzania**, the problems mentioned by refugees are mainly security (which will be discussed in another section), health and education. In terms of health, shortages of medicines are common. As for education, drop-out rates are high as less than 10% of secondary school age children are enrolled and classrooms are overcrowded. Needs persist in all sectors due to chronic underfunding and restrictive government policies regarding refugees' freedom of movement and economic activities.⁷²
- **In Kenya**, the three main problems of Burundian refugees in Kakuma camp are food, health and employment.⁷³ Regarding health, in 2017, global acute malnutrition among this population was 10.6 per cent in Kakuma camp and the prevalence of anaemia was above 40 per cent in all camps, which was a major public health concern. According to WFP, "*Government policy prohibits refugees from working or participating in livelihood activities outside the camps. As a result, refugees in Dadaab and Kakuma are dependent on humanitarian aid to meet their basic needs.*"⁷⁴ A Burundian refugee contacted confirms this situation: "*Raising large livestock is prohibited for refugees: it is a government decision, we were told.*"⁷⁵
- **In DRC**, refugees face food shortages, education and housing problems. They can go three to five months without a food ration. Health services are precarious

69 WFP, 12 February 2021, **WFP cuts food rations for refugees in Rwanda as funding declines**, available at <https://fr.wfp.org/communiqués-de-presse/le-pam-reduit-les-rations-alimentaires-des-refugiés-au-rwanda-alors-que-les>, accessed 08 August 2021

70 UNHCR- Burundi *Regional Refugee Response Plan, January 2019- December 2020*, *Op.Cit.*

71 Sos-medias Burundi, 1^{er} March 2021, *Nakivale (Uganda): Despair of young Burundian refugees, March 2021*, available at <https://www.sosmediasburundi.org/2021/03/01/nakivale-ouganda-desespoir-des-jeunes-refugiés-burundais> accessed on 08 August 2021

72 UNHCR- Burundi *Regional Refugee Response Plan, January 2019- December 2020*, *Op.Cit.*

73 Response to the questionnaire

74 WFP: Country Strategic Plan - Kenya 2018-2023, Available at https://www.unhcr.org/ke/wp-content/uploads/sites/2/2019/06/Briefing-Kit_May-2019-approved.pdf, accessed 31 July 2021

75 Response to the questionnaire

and housing remains rudimentary and archaic.⁷⁶ Burundian refugees in Lusenda camp and its extensions live in overcrowded conditions, which increases the risk of communicable disease outbreaks, while there is a severe lack of medicines to treat even the most common diseases. In the water and sanitation sector, the water supply is substandard, with only 18 litres per person per day, and 45% of the population still need latrines.⁷⁷

b) *The Covid 19 pandemic and its impact on the lives of refugees*

On 11 March 2020, the World Health Organization (WHO) declared the Covid-19 outbreak a pandemic and called on countries to contain the new plague. More than 110,000 people worldwide had been infected since the end of December 2019 and the outbreak had killed more than 4,000 people worldwide.⁷⁸ Different countries responded to the WHO's call by taking measures to stop the spread of the epidemic and these had a negative socio-economic impact in general and in particular for vulnerable populations such as refugees.

In East Africa, for example, refugee ministries in Rwanda, Tanzania and Uganda have suspended travel to and from camps and have required the closure of churches, schools and other public gatherings to limit the damage that could be caused by the pandemic. In May 2020, UNHCR drew attention to the "*highly vulnerable nature of urban refugees in these countries who were at risk of falling into heavy debt and being forced to resort to desperate means to survive, such as prostitution or child labour,*" UNHCR spokesman Charlie Yaxley told a virtual press briefing in Geneva.⁷⁹

More worryingly, while the financial assistance programme for Burundian refugees remained underfunded since 2015, WFP further reduced its monthly assistance to refugees by 60% in Rwanda and 40% in Uganda and Kenya. In Tanzania, WFP rations for 280,000 refugees were reduced by 32% of the recommended minimum kilocalorie requirements.⁸⁰ In the DRC, delays in the delivery of food aid in Lusenda camp are forcing some refugees to take the only alternative of returning home despite continuing fears for their safety.

Highlights of this impact were collected from refugees in the host countries.

76 Response to the questionnaire

77 UNHCR- Burundi *Regional Refugee Response Plan, January 2019- December 2020, Op.Cit.*

78 RFI, 11 March 2020, **Coronavirus: why WHO declares Covid-19 outbreak a pandemic**, available at <https://www.rfi.fr/science/20200311-coronavirus-oms-consid%C3%A8re-d%C3%A9sormais-%C3%A9pid%C3%A9mie-covid-19-comme-une-pand%C3%A9mie>, [accessed 12 August 2021]

79 UN-INFOS, 27 May 2020, **East Africa and the Great Lakes: urban refugees suffer economic impact of Covid-19**, available at <https://news.un.org/fr/story/2020/05/1069582>, [Accessed 12 August 2021]

80 UNHCR - 02 March 2021, **WFP and UNHCR seek funds for more than 3 million refugees affected by reduced food rations in East Africa**, Available at <https://www.unhcr.org/en/news/press/2021/3/603e12d7a/pam-hcr-solicit-funds-3-million-refugees-touche-reduction-rations.html> [Accessed 12 August 2021]

- In Rwanda, refugees complained that food had been withheld from some categories of people while others had their rations substantially reduced because a new food aid delivery mechanism targeting the most vulnerable refugees had been put in place. The few income-generating jobs were lost due to the prolonged confinement measures. Some sources suggest that there are 12,000 urban refugees in Rwanda whose income has been affected by the confinement measures.⁸¹ Socially, ceremonies such as weddings were disrupted and families were further separated as there was no movement between host and home countries. As a result, increasing poverty has led some refugees to repatriate to Burundi where the barriers to the spread of Covid-19 are less stringent.⁸²
- In Uganda, a survey conducted by UNHCR and the World Bank showed that food insecurity was higher among refugees than in host communities.⁸³ Burundian refugees interviewed testify that loss of jobs and income and restriction of movement are a real threat to the survival of refugees living in Uganda. This threat takes the form of lack of food and loss of shelter; difficulties in educating children as online education requires equipment and means of communication that are inaccessible to refugees; stress and depression for heads of households; intra-household conflicts and domestic violence; unwanted pregnancies for schoolgirls; prostitution of minors and even adults; begging; abandonment of families; deaths at home due to lack of health care and travel to health centres; alcohol and drug abuse for idle children.⁸⁴
- In Kenya, refugees have lost their jobs as in other countries that have experienced periods of confinement. Those who had small businesses went bankrupt. Pandemic Covid-19 has only made things more difficult for Burundian refugees. The general price level has risen and the impact is felt more by refugees who are among the vulnerable populations. Burundian refugees living outside the camps have been doubly affected as some are living on aid and support from family and friends whose incomes have also fallen.⁸⁵
- In Tanzania, the drastic reduction in assistance and aid provided to refugees has worsened their living conditions as they are largely dependent on international aid. Indeed, the Tanzanian authorities prohibited income-generating activities long before the pandemic, so the impact remains difficult to perceive in terms of loss of employment or opportunities for petty trade. Food insecurity following the reduction in aid, coupled with the threats and violence suffered by Burundian refugees, is one of the factors leading to repatriation in large numbers.⁸⁶

81 RPA, 30 April 2020 *UNHCR advocates for the inclusion of refugees in contingency plans against Covid-19*, available at <https://www.rpa.bi/index.php/mainarchive/item/3891-le-hcr-plaide-pour-l-integration-des-refugies-dans-les-plans-de-contingence-contre-le-covid-19>

82 *Answers to the questionnaire*

83 *Onu infos : East Africa and the Great Lakes: Urban refugees suffer economic impact of Covid-19*, *Op.Cit.*

84 *Response to the questionnaire*

85 *Response to the questionnaire*

86 *Response to the questionnaire*

- In the DRC, containment measures have not been taken, but refugees have not been immune to the reduction or shortage of aid, to the extent that some refugees have been forced to repatriate. For example, in May 2021, Burundian refugees in the Lusenda camp in Fizi territory, South Kivu, who were facing famine due to a three-month shortage of food aid, asked UNHCR to provide them with aid to survive or to repatriate them to Burundi, although most still feared for their safety.⁸⁷ At the end of April 2021, around 100 Burundian asylum seekers from the Kavimvira centre in the Uvira territory of South Kivu province demonstrated on their way to the Burundi-DRC border, saying they wanted to be repatriated because of the poor conditions they were experiencing. "*We hardly eat, it is very difficult for us to find work in the fields of the Congolese or in the households of the local community. On top of that, we are asked for money to be able to register on the repatriation lists,*" lamented one Burundian asylum seeker.⁸⁸

⁸⁷ VOA, 21 May 2021 ***DRC: Mu Nkambi ya Lusenda impunzi z'Abarundi zirataka inzara***, available at <https://www.radiyoyacuvoa.com/a/rdc-mu-nkambi-ya-lusenda-impunzi-z-abarundi-zirataka-inzara/5899492.html>, [accessed 12 August 2021]

⁸⁸ SOS MEDIAS, 29 April 2021, ***Kavimvira (DRC): Burundian asylum seekers demonstrated, April 2021***, Available at <https://www.sosmediasburundi.org/2021/04/29/kavimvira-rdc-des-demandeurs-dasile-burundais-ont-manifeste>, [Accessed 12 August 2021]

C. SECURITY OF BURUNDIAN REFUGEES IN HOST COUNTRIES

The African continent has been the scene of conflicts between governments and rebel movements since the 1960s of independence, resulting in a large flow of refugees to neighbouring countries.

As a result, refugees in Africa are still perceived by the leaders of their countries as a potential threat to peace. This concern is reflected in Article III of the 1969 OAU Refugee Convention, which obliges signatory states "*to prohibit refugees established in their respective territories from attacking any Member State of the OAU by any activities likely to cause tension between Member States, in particular by means of arms, the written press or radio broadcasting*"

At the regional level, the International Conference on the Great Lakes Region (ICGLR)⁸⁹, established in 2000 in the aftermath of the devastating wars of the 1990s in Rwanda, Burundi and the DRC, has developed mechanisms to manage transnational conflicts, including the Pact on Security, Stability and Development in the Great Lakes Region.⁹⁰

This pact obliges Member States, in Article 5, paragraph 2, "*to refrain from sending or supporting armed opposition, armed or rebel groups to the territory of another Member State or to tolerate on their territory armed or rebel groups engaged in armed conflicts or involved in acts of violence or subversion against the government of another State*"⁹¹, the conflicts in the Great Lakes have taken on a regional dimension through "*the diversification of arms circulation networks, the intensification of trade and commercial trafficking of all kinds and the passage of combatants from one country to another have ended up creating interconnections between the various national conflicts to give rise to regional conflicts*".⁹²

Some Burundian refugees do not escape this perception of danger to peace by the Burundian authorities, who consider them to be political opponents, accomplices or sympathisers of existing or potential rebel groups since the 2015 crisis. In countries of exile, refugees remain in the line of fire of the Burundian government and are the target of direct or indirect threats from the Burundian authorities.

1. Threats of extradition and forced repatriation

⁸⁹ Established in 2000, the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region is composed of 12 States: **the Republic of Angola, the Republic of Burundi, the Central African Republic, the Republic of Congo, the Democratic Republic of Congo, the Republic of Kenya, the Republic of Rwanda, the Republic of South Sudan, the Republic of Sudan, the United Republic of Tanzania, the Republic of Uganda, the Republic of Zambia** (NB the State of South Sudan is a member of ICGLR since 24 February 2013)

⁹⁰ Signed in December 2006 and entered into force in June 2008.

⁹¹ ICGLR, **Pact on Security, Stability and Development in the Great Lakes Region**, available at <https://www.eisa.org/pdf/icglr2005protocol1.pdf> [accessed 12 August 2021]

⁹² Cyril Musila, **Building Peace in the Great Lakes Region: Issues, Challenges and Initiatives**, Workshop Conference, 25 - 28 November 2009 Available at http://www.irenees.net/bdf_fiche-conference-20_fr.html [accessed 12 August 2021].

On 20 November 2020, during the 8^{ème} summit of Heads of State and Government of the International Conference on the Great Lakes Region (IC/GLR), the Burundian President, Evariste Ndayishimiye, indirectly made threats against certain refugees, political opponents and human rights defenders by launching "*a vibrant appeal to all countries, neighbouring and distant countries that are harbouring the coup plotters to kindly hand them over to the Government of Burundi so that they can be brought to justice*", referring to the Pact on Security, Stability and Development in the Great Lakes Region.⁹³

But other threats are manifested in the form of pressure exerted on refugees in general by the authorities of certain host countries, mainly Tanzania. In the DRC, Burundian refugees remain in an uncertain security environment with the existence of multiple armed groups in North and South Kivu that constitute a permanent threat to their safety.

2. Illustrative cases of threats or security incidents

a) In Rwanda

The majority of refugees have no particular concerns about their security, which is generally well assured throughout the country.⁹⁴ Indeed, those who are not politically involved do not worry about their security. According to a survey of Burundian refugees in Rwanda: "*the 3rd mandate is a pretext, as some refugees say they are not interested in politics or have not felt insecure*"⁹⁵

On the other hand, the category of refugees presumed to be coup plotters in 2015 consider the warming of diplomatic relations⁹⁶ between Burundi and Rwanda, brought about by the political changeover in June 2020, as a potential threat.

One of the strong signals of this threat was the revelations of the Special Envoy of the UN Secretary General to the Great Lakes Region, Mr Huang Xia, during his visit to Burundi on 24 November 2020. Indeed, he informed the Burundian President, Evariste Ndayishimiye, that "*Rwanda has the firm will to hand over the alleged coup plotters to the Burundian authorities but would like to do so through a mechanism or a mediating country*".⁹⁷

93 Presidency of Burundi, *Speech by H.E. Evariste Ndayishimiye, President of the Republic of Burundi at the 8^{ème} summit of ICGLR Heads of State and Government, 20 November 2021*, Available at <https://www.presidence.gov.bi/wp-content/uploads/2020/11/ICGLR-PRONONCE.-1.pdf> [accessed 13 August 2021]

94 Response to the questionnaire

95 UWIZEYIMANA Emeline "*Humanitarian transition in the Burundian refugee camp of Mahama: reality and necessity*", *French Red Cross Fund, Les Papiers du Fonds*, n° 11, February 2017, 28 p. [accessed on 13 August 2021]

96 *On 20 October 2020, the foreign ministers of Rwanda and Burundi met at the Nemba-Gasenyi border post in the northern province of Kirundo as part of the said diplomatic rapprochement.*

97 Presidency of Burundi: *Extradition of alleged coup plotters hosted by Rwanda and liquidation of the Office of the Special Envoy for Burundi on the agenda of exchanges between President Ndayishimiye and the UN Envoy*, 24 November 2020, available at <https://www.presidence.gov.bi/2020/11/24/extradition-des-presumes-putschistes-heberges-par-le-rwanda->

However, five months before the UN diplomat's visit to Burundi, 34 exiled political opponents and human rights defenders were sentenced in absentia to life imprisonment for "*insurrection*" and "*organising a coup*" in the RPS 100 case by the Supreme Court on 23 June 2020. Some of these convicts are settled as refugees in Rwanda and other countries in Europe and America.

One of the obvious consequences of this diplomatic normalisation process was the closure of three Burundian radio stations in exile, Inzamba, Humura and TV Renaissance, which had been operating on the internet from Rwanda since 2015. These media suspended their broadcasts on 23 March 2021 on the orders of the Rwandan authorities. Then, the managers of the three radio stations who were resident in Rwanda, two of whom were sentenced to life imprisonment in the above-mentioned court case, had to change their country of exile to continue producing their programmes elsewhere.

b) In Uganda

Refugees report infiltrations by CNDD-FDD militiamen, Imbonerakure, who are said to be roaming around Nakivale camp and towns such as Kampala and Mbarara. These militiamen are said to be collaborating with the police to deport refugees from the Nakivale camps and the city of Kampala. Arrests by the local police on the basis of allegations of political activism are already being recorded. Often imbonerakure infiltrate the camps and are surprised by other refugees with lists of refugees to be arrested.⁹⁸

In January 2021, cases of poisoning were reportedly carried out to intimidate opponents in the Nakivale refugee camp. According to the online newspaper SOS Médias Burundi, the perpetrators of these acts of poisoning are "refugees" who are doing it on behalf of the government in Gitega in order to "eliminate Tutsis and opponents", according to the newspaper's interview with a member of the group responsible for poisoning opponents, who has since been converted. "*Our targets are human rights defenders, journalists, opponents or anyone who advocates for the respect of the Arusha Accords as well as anyone who does not want to return voluntarily to Burundi. We have chosen a kind of poison that kills slowly,*" he revealed.⁹⁹

However, other refugees contacted put this information on the infiltration of Imbonerakure militiamen into perspective, because according to them, the services in charge of security effectively ensure the security of refugees and other citizens in general.

et-la-liquidation-du-bureau-de-lenvoye-special-pour-le-burundi-au-menu-des-echanges-entre-le-president-dayishimiye-et-len/ [accessed 13 August 2021]

⁹⁸ Answers to the questionnaire

⁹⁹ SOS Médias Burundi, *Nakivale (Uganda): poison, political weapon in Burundian refugee camp, 27 January 2021*, Available at <https://www.sosmediasburundi.org/2021/01/27/nakivale-ouganda-poison-arme-politique-au-camp-de-refugies-burundais>, accessed 11 August 2021

Four years earlier, on 14 February 2017, the then Minister of Interior and Patriotic Training, Pascal Barandakiye, had travelled to Uganda to try to convince Burundian refugees from Nakivale to return, but to no avail.

c) In Kenya,

Burundian refugees complain that the authorities encourage them to return, arguing that there is peace in their country. Then, political opponents and human rights defenders are subject to harassment and surveillance: "*I myself was obliged to leave the country for three months, leaving my three children behind, because I was pursued for a while*", says a Burundian refugee. The Imbonerakure are said to circulate more freely without fear with the complicity of the police. When one feels threatened, one prefers to move and change one's phone number, rather than resort to the police. One refugee claims to have been advised by a female police officer to live 'unobtrusively' by avoiding public interventions or social networks and to avoid the Burundian community.

The newspaper "Le Figaro" reports on the emblematic case of a Burundian refugee, Jean de Dieu Kabura, who was left for dead by his assailants in Nairobi on 1^{er} January 2016 "*his face slashed by a knife was unrecognisable*" in a place where he was living in hiding with his compatriot Juma Ndikumana. The latter discovered the victim's body as he was returning from a prayer group. Before dying in hospital, Jean de Dieu Kabura was able to give the names of the murderers, five people, probably linked to the Burundian Embassy in Nairobi.¹⁰⁰

d) In the DRC

The Burundian refugees are established in Kivu where at least 130 armed groups are active in South and North Kivu, including Congolese, Burundian and Rwandan rebel groups.¹⁰¹ They regularly carry out attacks on Congolese soil and sporadically in Burundi and Rwanda.

During the month of November 2021, two attacks were perpetrated against Burundian refugees in Lusenda camp. The first took place on the night of 19 to 20 November 2021 and was carried out by Mai Mai armed groups during which a Burundian refugee was seriously injured. Previously, on the night of 14 to 15 November 2021, the camp had been attacked by the same alleged armed groups who stole around thirty cows.¹⁰²

¹⁰⁰ Le Figaro, 02/09/2016, *Burundi liquidates its exiled opponents, September 2016*, Available at <https://www.lefigaro.fr/international/2016/09/02/01003-20160902ARTFIG00374-le-burundi-liquide-ses-opposants-en-exil.php>, [Accessed 13 August 2021]

¹⁰¹ DW DRC, 15.08.2019, *Recent GEC report highlights activities of armed groups in Kivu* Available at <https://www.dw.com/fr/rdc-le-r%C3%A9cent-rapport-du-gec-souligne-les-activit%C3%A9s-des-groupes-arm%C3%A9s-au-kivu/a-50033742> [Accessed 16 August 2020]

¹⁰² FORSC , 20 November 2021, *Armed attacks on Burundian refugee camp in Lusenda claim lives*, available at <https://forscburundi.org/des-attaques-armees-contre-le-camp-des-refugies-burundais-de-lusenda-font-des-victimes> [accessed 28 February 2022]

The previous month, eight Burundian refugee women farmers in Lusenda camp were abducted on Monday 25 October 2021. The kidnappers caught the victims in the middle of their farming activities in fields located some three kilometres west of the village 41 sites of Katungulu III in the Burundian refugee camp of Lusenda. This group of eight women was driven to an unknown location by vanishing into the bush. One survivor who escaped the abduction and who gave the information was hospitalised at the Nundu General Referral Hospital for appropriate medical care.¹⁰³

Certain security incidents experienced by Burundian refugees in this country are alarming in terms of violations of refugee rights: in March 2020, nearly 1,400 Burundians seeking asylum in Goma were sent back to their country despite the risk of persecution. The decision to expel them was reportedly motivated by the fact that the Congolese security services had identified "*among these immigrants personalities involved in a failed coup d'état in Burundi*"¹⁰⁴, without giving any further details on this case.

On 15 September 2017, a demonstration by Burundian refugees in Kamanyola was bloodily repressed, resulting in the deaths of 39 people and the injury of 94 others: an incident described as a "*devastating tragedy that should never have happened*"¹⁰⁵, by Filippo Grandi, the United Nations High Commissioner for Refugees

On 7 April 2018, a Burundian refugee and mother of three from Lusenda camp expressed her concern to the High Commissioner for Refugees, Filippo Grandi, during his visit to the DRC as follows: "*We live here in insecurity, with fear in our stomachs. When night falls, it is anxiety, when it is daylight, it is uncertainty ... we need to be taken elsewhere to a safe, calm place. We are tired.*"¹⁰⁶

e) In Tanzania

Good diplomatic relations with Burundi negatively affect the fate of thousands of Burundian refugees in that country, who are constantly being forced to repatriate by the Tanzanian authorities on the grounds that there is peace in Burundi.

103 ONGEA-YAGA, 25 October, 2021, **Insecurity in the Burundian refugee camp of Lusenda in the DRC, 8 women have just been kidnapped by a group of unidentified armed men**, available at <http://ongea.info/2021/10/insecurite-au-camp-des-refugies-burundais-de-lusenda-en-rdc-8-femmes-viennent-detre-kidnapper-par-un-groupe-dhommes-armes-non-identifies>, [accessed on 28 February 2022]

104 Deutsche Welle, 18/03/2020, **DRC expels Burundians saying they are fleeing repression**, available at <https://www.dw.com/fr/la-rdc-expulse-des-burundais-disant-fuir-la-r%C3%A9pression/a-52830281>, [accessed 18 August 2021]

105 UNHCR, 19 September 2017, **UNHCR calls on DRC to protect refugees after tragic killings**, Available at <https://www.unhcr.org/fr/news/press/2017/9/59c11a4ba/hcr-appelle-rdc-proteger-refugies-apres-meurtres-tragiques.html> [accessed 18 August 2021]

106 IWACU, 10/04/2018, **Burundian refugees in Lusenda camp: 'We need to be taken elsewhere'**, Available at <https://www.iwacu-burundi.org/les-refugies-burundais-du-camp-de-lusenda-il-faut-nous-amener-ailleurs> [accessed 18 August 2021]

CBDH-VICAR considers this country to be the first in the region where refugees are the most mistreated and victims of killings, abductions, extraditions and forced disappearances, with a total of 54 refugees victims of forced disappearances between 2019 and 2020.¹⁰⁷ Elements of the National Intelligence Service are reported in the camps to force refugees to return by force.

Other emblematic cases of cruel, inhuman or degrading treatment or punishment have been documented by Human Rights Watch, which denounces serious abuses against at least 18 Burundian refugees and asylum seekers by the Tanzanian police between October 2019 and August 2020. According to the organisation, Tanzanian police and intelligence services forcibly disappeared, tortured and arbitrarily detained at least 11 Burundians for several weeks in deplorable conditions at a police station in Kibondo, Kigoma region.

A Burundian refugee who spent 23 days at Kibondo police station in July told Human Rights Watch that he was suspended from the ceiling by handcuffs: "*We were screaming as if we were being crucified... They said they wanted one million [Tanzanian] shillings [US\$430].*" He added: "*They used bicycle wheel spokes to pierce our genitals and rubbed chilli on them,*" he said. "*We ate once every three days... They said they were going to kill us.*"¹⁰⁸

In a subsequent publication in March 2021, Human Right Watch revealed that these mistreated refugees who were unable to pay the 430 dollars to the torturing police officers were taken by the security forces to the Burundian border with their hands tied and faces covered and then handed over to the Burundian police. They were detained in the prisons of Bubanza and Muramvya.¹⁰⁹

In the field of education, the pressure on refugees is seen in the suspension of the state examination in Burundian refugee camps. In June 2020, Sudi Mwakibasi, Tanzanian Director of Refugee Services at the Tanzanian Ministry of Home Affairs, announced that the state exam for Burundians would not take place because '*students have to prepare to go and take these tests in Burundi*'. The refugees see this as yet another way of forcing them to return.¹¹⁰

107 Response to the questionnaire

108 Human Rights Watch, November 30, 2020, Tanzania: Burundian refugees subjected to enforced disappearance and torture, Available at <https://www.hrw.org/fr/news/2020/11/30/tanzanie-des-refugies-burundais-victimes-de-disparitions-forcees-et-de-torture>

109 Human Rights Watch, (8 March 2021) Burundi: Forcibly repatriated refugees must be released, Available at <https://www.hrw.org/fr/news/2021/03/08/burundi-il-faut-liberer-les-refugies-rapatries-de-force>

110 Sos-Media Burundi, 16 December 2020, **Tanzania-Education: Suspension of the state exam in Burundian refugee camps** Available at <https://www.sosmediasburundi.org/2020/12/16/tanzanie-education-suspension-de-lexamen-detat-dans-les-camps-de-refugies-burundais/>

In 2021, Burundian refugees came under another form of pressure to be forcibly repatriated. Indeed, with the aim of permanently closing the Mtendeli refugee camp,¹¹¹ operations to relocate Burundian refugees to the Nduta camp began on 26 July 2021.

The refugees had only two choices, either to go to the Nduta camp or to be repatriated to Burundi. But this transfer operation was temporarily suspended in August 2021 and resumed in September following the poor transport conditions decried by the refugees and pressure from UNHCR in Geneva. The refugees denounced a manoeuvre to force them to repatriate because the Nduta camp where they were relocated against their will is the scene of "*forced disappearances, targeted assassinations and other forms of abuse committed against Burundian refugees*".¹¹²

On 13 April 2021, UN human rights experts called on the Governments of Tanzania and Burundi to respect the rights of refugees and asylum seekers who have fled Burundi, deploring reported cases of enforced disappearances, torture, forced returns and intimidation. The Tanzanian Government, in cooperation with the Government of Burundi, is tracking Burundian political opponents among the refugee population in Tanzania. Arrests and enforced disappearances were reportedly carried out by Tanzanian police and intelligence services in cooperation with Burundian intelligence services, according to these experts.¹¹³

It should be recalled that the harassment of Burundian refugees increased particularly after the visit of the late President Pierre Nkurunziza to Tanzania on 20 July 2017.

On this occasion, the late President Magufuli of Tanzania "*called on the more than 200,000 Burundian refugees in Tanzania to return to Burundi where peace reigns*"¹¹⁴

Paradoxically, it was during the same period that the UN Commission of Inquiry on Burundi deplored the "*climate conducive to human rights violations continued in 2016 and 2017, fuelled in particular by hate speech by authorities and members of the ruling party ... as well as general impunity, aggravated by a lack of independence of the judiciary*"¹¹⁵

¹¹¹ Officially, the Mtendeli camp should be closed within five days of the start of the relocation process, according to the Tanzanian authorities' wishes.

¹¹² SOS-MÉDIAS BURUNDI, 11 September 2021, **Mtendeli (Tanzania): resumption of the transfer of Burundian refugees to Nduta**, available at <https://www.sosmediasburundi.org/2021/09/11/mtendeli-tanzanie-reprise-du-transfert-de-refugies-burundais-vers-nduta/>, [accessed on 10 October 2021]

¹¹³ UN-INFO, 13 April 2021, **UN experts deplore rights violations of Burundian refugees**, available at <https://news.un.org/fr/story/2021/04/1093832>, [accessed 18 August 2021]

¹¹⁴ RFI, 20/07/2017, **Rencontre Nkurunziza-Magufuli de Tanzanie: décryptage** Available at <https://www.rfi.fr/fr/afrique/20170720-rencontre-burundi-nkurunziza-magufuli-tanzanie-decryptage>, [Accessed on 18 August 2021]

¹¹⁵ UNHRC, 11-29 September 2017, **Report of the Commission of Inquiry on Burundi**, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/237/47/PDF/G1723747.pdf?OpenElement>, [accessed 18 August 2021]

D. ECONOMIC INCLUSION AND RESILIENCE OF REFUGEES

As already mentioned, the majority of Burundian refugees remain dependent on humanitarian aid, while UNHCR and its partner organisations' requests to donors have been the least funded in the world since 2015. This situation has been aggravated by the Covid-19 pandemic.

In the face of this financing problem, economic inclusion remains the main factor of resilience for these refugees as it offers the best prospects for guaranteeing their dignity and security. Resilience is defined as "*the ability of an individual to cope with a difficult or stressful situation*". It is the ability to "bounce back" from traumatic situations.¹¹⁶

The New York Declaration for Refugees and Migrants and its Global Compact on Refugees (GCR), including the Comprehensive Refugee Response Framework (CRRF), call for the strengthening of refugee resilience and self-reliance, as well as the need for, and benefit of, a comprehensive societal approach. Economic inclusion involves access to education, labour markets, finance, entrepreneurship, economic opportunities for all including non-citizens, preparing refugees for their future whether they return home, integrate in their country of asylum or resettle in a third country.¹¹⁷

Host countries, UNHCR and its NGO partners play an important role in the economic inclusion of refugees from the moment they are received and settled.

In terms of the countries that offer the best prospects for economic inclusion and resilience of refugees, respondents to the questionnaire chose Rwanda and Uganda first over Kenya and DRC.¹¹⁸ Tanzania is seen as the country with the most challenges to the inclusion of Burundian refugees, which is why some refugees prefer to leave this country¹¹⁹ to settle in Rwanda, Uganda or Kenya where they hope to live better. More than 3,500 Burundians have already undertaken this long and arduous journey.¹²⁰

These perceptions are justified by concrete cases of economic inclusion and resilience of Burundian refugees in Rwanda, Uganda, Kenya and DRC that will be presented.

1. Case of economic inclusion of Burundian refugees in Rwanda

¹¹⁶ PSYCOLOGIES, Resilience, Available at <https://www.psychologies.com/Dico-Psycho/Resilience>, [Accessed 31 August 2021]

¹¹⁷ <https://www.unhcr.org/fr/5c09489f4.pdf>

¹¹⁸ *Answers to the questionnaire*

¹¹⁹ *In mid-November, Human Rights Watch spoke with 20 Burundian refugees in Uganda, who described the pressures that led them to leave Tanzania between August 2018 and October 2019 to travel to Uganda. (See more details at <https://www.hrw.org/fr/news/2019/12/12/tanzanie-les-refugies-burundais-subissent-des-pressions-pour-quitter-le-pays>)*

¹²⁰ Sos-Media Burundi, 15 December 2020, Refugees, more than 50 Burundians arrested at the border between Kenya and Tanzania, Available at <https://www.sosmediasburundi.org/2020/12/16/tanzanie-education-suspension-de-lexamen-detat-dans-les-camps-de-refugies-burundais/>

Rwanda promotes the integration of refugees through four commitments relating to documentation, socio-economic inclusion and integration into national education and health systems.¹²¹ As elsewhere, UNHCR and NGO partners play a key role in the economic inclusion and resilience of refugees. Maison Shalom is among the emblematic cases to be mentioned for its great contribution to the economic inclusion and resilience of Burundian refugees. Other smaller illustrative cases of refugee inclusion are also mentioned.

a) The Shalom House

Maison Shalom was created by a Burundian woman, Mrs Marguerite Barankitse, following the 1993 crisis in Burundi. It works for the promotion and protection of children's rights. In Burundi, it protected and cared for orphaned and vulnerable children.

The 2015 crisis did not spare this organisation, like most civil society organisations in Burundi, as Marguerite Barankitse denounced human rights violations following the repression of the citizen movement challenging the illegal mandate of the late Pierre Nkurunziza.

As a refugee in Rwanda, Marguerite Barankitse established a branch of Maison Shalom there, which became a partner of the Ministry in charge of emergency management in Rwanda (MINEMA) to continue its humanitarian vocation. This is how it was able to help Burundian refugees who were flocking to Rwanda in 2015. Maison Shalom intervenes in pre-school, secondary and vocational education, economic support (training and granting of microcredits) and psychosocial support (listening and accompanying refugees who show signs of trauma).

In 2016, beneficiaries were already appreciating the contribution of Maison Shalom to the development of refugees, recognising that: *"There are now people who can read and write; there are others who can exercise a profession, they are proud and grateful. They have regained a taste for life and will one day face the return to Burundi without too many complications. I say thank you for that, even if for the others, there is still work to be done"*¹²²

The annual report of Shalom House for the year 2020 shows many quantitative and qualitative results¹²³ :

- At the primary and pre-school level, 128 children, including 114 in the nursery section and 14 in primary school, were enrolled. Among the 128 children, 101 are Burundian refugees and 27 Rwandan. The resilience of the 92 families of children

121 UNHCR, 7/9/2020, **Year-end Report 2019, Operation: Rwanda** Available at <https://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2019-Rwanda-fr.pdf>, [Accessed 31 August 2021]

122 UWIZEYIMANA Emeline , Op.Cit.

123 Maison Shalom, Annual Report 2020, available at https://maisonshalom.org/wp-content/uploads/2021/05/Rapport-Annuel-MS-2020_compressed-1.pdf, [Accessed 31 August 2021]

supported was strengthened through social support during the Covid-19 pandemic.

- In secondary education, 57 pupils, including 20 girls and 37 boys, were supported in the year 2020. In previous years, the number of students supported was 76 in 2019, 89 in 2018, 161 in 2017 and **131 in 2016**.
- In trades education, 15 youth were trained in 2020. In previous years, the numbers of students supported are as follows: 68 young people in 2019, 81 young people in 2018, 74 young people in 2017 and 137 young people in 2016. The areas of training are culinary arts (cooking, hotel management); hairdressing; painting; Filming & TV Production; welding & electricity; embroidery, hair dressing; shoemaking and others
- At the higher education level, 254 students, including 37 girls and 217 boys were supported in the 2019-2020 academic year. In previous years, the numbers of students supported are: 321 students (2018-2019); 345 students (2017-2018) and 341 students (2016-2017).
- Regarding girls' education for a better future, 826 girls were sensitised on the importance of girls' education and the prevention of Covid-19.
- In terms of support to the continuation of distance learning initiatives in the formal education programme, 274 vulnerable households were identified, of which 220 households in the refugee camp and 54 in the host community. They received a solar powered radio to provide information about Covid-19 and to enable students to follow the distance learning organised by REB (Rwanda Education Board).
- As regards economic support, 325 micro-projects were financed, involving 853 households. These include grants for the economic recovery of small and medium-sized enterprises affected by the Covid-19 pandemic.
- At the level of psycho-social support, the activities carried out are individual psychotherapy, group psychotherapy, medical assistance (specific examinations, medicines against severe diseases, travel expenses), assistance with food and/or other items and home visits: 300 people were accompanied on a regular basis, while 2185 people in 473 households received occasional support with food during the confinement. In terms of impact, 60% of assisted cases were able to return to normal life.

However, despite these impressive results, the needs and demands are still high in relation to the resources available to Maison Shalom.

b) Other types of refugee activities in Rwanda

*As humanitarian aid is not enough to cover the many needs of refugees and their families, most refugees engage in income-generating activities such as farming, livestock rearing, various services such as hairdressing, transport, cultural and leisure services.*¹²⁴

- **An association for breeding, mutual aid and solidarity in Mahama:** The association "DUFATANYE" (Let's act together in Kirundi) was created by a hundred Burundian refugees in Rwanda in 2018. The promoters are in the Mahama camp and among them are students, mothers and fathers and elderly people. They have put together the means to buy pigs for breeding. The activities started in earnest in 2019 with 103 pigs. By July 2020, they had 400 pigs. Their association has become a framework for solidarity and mutual support. The members are satisfied with their financial autonomy. However, there are challenges such as the problem of market disposal and the Covid-19 pandemic which has had a negative impact on their business.¹²⁵
- **A family financially self-sufficient thanks to breeding in Nyamata:** Barnabé Ndayikengurukiye arrived in Rwanda in 2015. As of 22 December 2020, he was raising pigs in Nyamata in Bugesera, Rwanda, where he lives with his family. Married with three children, Barnabé Ndayikengurukiye was able to gradually build up capital to start a family pig breeding business. He buys and fattens pigs to sell them on the market after 8 months. In Burundi, he worked in an NGO and at the same time maintained a rice field and a piggery in Bubanza province.¹²⁶
- **A group of Burundian refugees hosting "Karaoke" in Kigali:** Five young Burundian refugees got together to create a group of musicians hosting Karaoke in Kimironko in Kigali. Its promoter Elvis Muco is a young man of 25 years. He has been in the music business for a long time. It took a year to come up with this important project for him. The group has popularised Burundian music in Rwanda. The group has managed to make itself known and has equipped itself with musical instruments. In the future, he plans to set up a music school.¹²⁷

A refugee cooperative that managed to mitigate the effects of Covid-19: The cooperative called "Abanyamwete" is located in Mahama and has 74 members, 80% of whom are women. It is a beneficiary of the Maison Shalom project "Support to refugees and the host community in agricultural activities". It aims to improve the livelihoods and socio-economic development of refugees and the Rwandan community in the Mahama area especially during the Covid-19 period.

¹²⁴ Numerous testimonies were collected by the African Public Radio through its "Turiho" (We exist in French) until March 2021.

¹²⁵ RPA, *Turiho broadcast of 7 July 2020*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=32>, [Auditioned on 31 August 2021]

¹²⁶ RPA, *Turiho Broadcast of 22 December 2020*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=12> [Auditioned on 31 August 2021]

¹²⁷ RPA, *Turiho Broadcast of 11 February 2020*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=52> [Auditioned on 31 August 2021]

Prior to this project, most of the members of the Abanyamwete cooperative had no income generating activities and had to rely on the stipend received from UNHCR. Since the start of the project, the cooperative has been able to produce soybeans, onions, tomatoes, aubergines, watermelons, yellow beans and vegetables such as amaranths over three seasons.¹²⁸

Giriteka, a cooperative supported by Shalom House in Nyamata: The "Giriteka" cooperative is located on Burambi Hill, Nyamata Sector, South-East of Rwanda, in the Eastern Province of Rwanda. It has a property of 4.5 ha. The members of this cooperative are 120, including 86 Burundians and 34 Rwandans, who have joined together to carry out mango, maize and aubergine planting projects. They also raise pigs and chickens.

The cooperative receives technical and financial support from Maison Shalom. According to a person in charge of the economic support programme within this organisation, this land has been loaned free of charge to Shalom House for a period of 5 years by a partner with a view to helping unemployed people to generate income and thus take care of their families.¹²⁹

Young refugees in difficulty assisted by the Diaspora: Twenty young Burundians from the Mahama refugee camp affected by drugs have been psychologically supported by an association of the Diaspora to get out of it. The president of this association called "Ibirezi vy'Uburundi", Mrs. Juliette Nijimbouk, was in charge of this project. Juliette Nijimbere said that in 2018, she supported 10 young refugee girls from the Mahama camp who had had unwanted pregnancies and who had therefore dropped out of school to look after their children. Thanks to this association, these girls were able to resume their studies and initiated two projects that guarantee their financial autonomy. In 2019, the association planned to support young refugee boys who were involved in drug use to initiate two projects: sewing and goat breeding.¹³⁰

2. Illustrative cases of inclusion of Burundian refugees in Uganda

According to UN High Commissioner for Refugees Filippo Grandi, Uganda is living up to the ideals of the Global Compact on Refugees, which calls on governments, the private

128 Maison Shalom, *Support to agricultural activities of refugee and Rwandan communities in Mahama*, Available at <https://maisonshalom.org/support-for-the-agricultural-activities-of-the-refugee-and-rwandan-communities-of-mahama/> [Accessed 31 August 2021]

129 Inzamba Radio, RPA, TV Renaissance, 24 February 2021: *Activities of the Giriteka Cooperative*, Available at https://www.youtube.com/watch?v=5jYhg_j2Fds

130 RPA, *Turiho broadcast of 19 March 2020*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=48> [Accessed 31 August 2021]

sector and international organisations to work together to improve the lives of uprooted people and ease the burden on host countries. The country has one of the most progressive refugee policies in the world, allowing refugees to use land for housing and agriculture, to work and to move freely within its borders.¹³¹ The Burundian refugee NGO ASDL Inkingi is one of the beneficiaries of Uganda's open-door policy as it makes a significant contribution to the economic inclusion and resilience of refugees.

a) **Association for Sustainable Development INKINGI**

The "**Association for Sustainable Development Inkingi**" (ASD Inkingi) was created in Uganda by a Burundian Human Rights Defender in exile since 2015 Anshaire Nikoyagize, president of the Burundian Human Rights League Iteka. The latter was suspended on 24 October 2016 and then deregistered on 21 December 2016 for having participated in the citizen's protest movement against the illegal third term of office of former president Pierre Nkurunziza.

ASD Inkingi has set itself the goal of helping vulnerable and poor refugee and host communities facing livelihood challenges to become self-sufficient and develop in Uganda.

On 1 September 2020, ASD Inkingi signed a partnership with the Office of the Prime Minister Department of Refugees (OPM) for the implementation of projects funded by the Mouvement d'Actions à Travers - Monde and the Austrian Development Cooperation for urban refugees and the Nakivale camp.

Since 21 September 2020, ASD Inkingi has been a member of the Capital Solutions Ltd (CSL) platform, an indigenous social enterprise formed in Uganda in 2008 to inspire, transform and empower social entrepreneurs working with low-income communities in Africa.

The activities of ASD-INKINGI are as follows:

- The installation of agricultural demonstration centres and workshops for the extension of integral skills and the dissemination of selected seeds;
- The organisation of short courses on innovative agriculture and agriculture and poverty reduction;
- Assistance to beneficiaries to start their own agri-business activities;
- Micro-enterprise financing for community development and financial self-sufficiency of agricultural demonstration centres;

¹³¹ UNHCR, 11 March 2021, *Uganda proves that refugee inclusion makes a whole community thrive*, Available at <https://www.unhcr.org/fr/news/stories/2021/3/604b67a1a/louganda-prouve-linclusion-refugies-fait-prosperer-lensemble-dune-communaute.html> [accessed 3 September 2021].

- Monitoring and coordination of beneficiaries' small-scale operations and their daily activities;
- Support for contact and marketing of agricultural products on local and international markets;
- Assisting local communities towards social integration by targeting education, gender and equality, etc. for harmonised development.

In the framework of a project called "Not far from home", ASD-Inkingi supported 80 Burundian refugees, including :

- 24 Burundian refugee men and women members of ASD-INKINGI, i.e. 10 men and 14 women. The women are engaged in small-scale farming of chickens, rabbits, ducks and vegetables such as onions, beetroot and carrots. Some of them also produce cassava flour and balanced flour for porridge, which they sell on the Ugandan markets.
- 56 unemployed young Burundian refugees with the least resources, including 38 girls and 18 boys, all in the 20 to 35 age group. A total of 19 young people have a university degree and 37 a humanities degree. Of these young people, 17 did not have the chance to complete their university studies as a result of the Burundian crisis.

ASD-Inkingi is also involved in another project to raise awareness of the fight against sexual and gender-based violence and to promote entrepreneurship in partnership with Radio Publique Africaine (RPA) with financial support from the Austrian Development Cooperation.¹³² Thus, 2 workshops were organised in Nakivale refugee camp on 15 September and 30 October 2020 respectively for 52 refugees who were sensitised to the fight against many types of sexual violence. The refugees were also made aware of the importance of income-generating activities.¹³³

b) Other types of refugee activities in Uganda

- **The association "Light For All" to the rescue of disadvantaged refugee children:** The Light For All association was created in Uganda by a Burundian human rights defender, Chantal Mutamuriza, in 2016. Its objectives are to prevent and combat poverty among disadvantaged people, to promote formal and informal education for marginalised groups, and to undertake economic resilience programmes to combat illegal and clandestine migration. Its main focus is the integration of Burundian refugee children and youth into Ugandan schools in order to prepare them

132 RPA, 21 September 2020, **Nakivale refugees demand training on violence against women**, available at <https://www.rpa.bi/index.php/actualites/3droits-de-l-homme/les-refugies-de-nakivale-reclament-des-formationen-sur-les-violences-a-l-egard-des-femmes> [accessed 3 September 2021]

133 ASD-INKINGI, 18 November 2020, **Final Report**, <https://asdinkingi.org/wp-content/uploads/2021/04/RPA-ADA-RAPPORT-NARRATIF-FINAL-converted.pdf>, [accessed 3 September 2021]

for the future like other children.¹³⁴ In three years, the Light For All Association has been able to support 100 young Burundian refugees who have benefited from educational assistance. The Association participates in the payment of the minerval of the young beneficiaries and most of them are housed in boarding schools to ensure them a quality education and guarantee food. For others, the association provides them with an apprenticeship in a trade.¹³⁵

- **A Burundian refugee financially self-sufficient through his communication expertise:** Japhet Murishi is a young Burundian refugee based in Kampala, Uganda with his wife. He fled Burundi in 2014 amidst the political tension that preceded the 2015 crisis. A graduate in communication sciences, he works for a communication company in documentary film production and other design services. Through these activities, he manages to make a decent living.¹³⁶
- **Active in the construction sector, a Burundian refugee maintains his family back in Burundi:** Nduwimana, is married and has 6 children. He left Burundi in 2014. In Uganda, he is mainly active in construction. In 2016, he was working for a construction company in Nakivale camp for UNHCR. In 2017, he constructed buildings in Bidibidi camp in Northern Uganda. This way, he manages to support his family back in Burundi and to easily pay school fees for his children. At the same time, he raises pigs and grows bananas to cope with the lean periods.¹³⁷

3. Illustrative cases of inclusion of Burundian refugees in Kenya

There appear to be fewer cases of inclusion of Burundian refugees in Kenya than in Rwanda and Uganda, as refugees there face restrictions on movement and access to identity documents. As in all English-speaking countries, some Burundian refugees report difficulties for their children in adapting to English language education in the country's schools. However, some experiences of inclusion of Burundian refugees exist and can be illustrated by the following cases:

a) A Burundian refugee producing soap in Kakuma camp in Kenya

134 Moutier, October 2019, *Report for the Burundi - Moutier Commission*, available at <https://moutier.ch/app/uploads/2019/11/Rapport-2019-Light-for-All.pdf>, [accessed 6 September 2021]

135 SOS Médias Burundi, *Kampala: Burundian NGO rescues about 100 young Burundian refugees*, Available at <https://www.sosmediasburundi.org/2019/09/19/burundi-kampala-une-ong-dorigine-burundaise-vole-au-secours-a-environ-100-jeunes-refugies-burundais>, [accessed 6 September 2021]

136 RPA - *Turiho broadcast of 9 June 2020*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=36> [Auditioned on 6 September 2021]

137 RPA *Broadcast "Turiho" of 2 March 2021*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1>, [Auditioned on 6 September 2021]

Innocent Havyarimana, is a Burundian refugee who fled his country in 2013. He has set up a soap production workshop which he sells at a reduced price to fellow refugees in Kakuma, aid workers and Kenyans in the local community, to help fight the Covid-19 crisis. He received a loan from UNHCR to start his business, Innocent Havyarimana also makes and sells aloe vera hand sanitizer, which he has planted around his workshop and outside his house. Havyarimana has a degree in chemistry and worked for a chemical company in Burundi. He has used these skills to create a range of products including soaps, bleach and shampoos. The products are certified by the Kenya Bureau of Standards.¹³⁸ He told Radio Publique Africaine (RPA)'s "Turiho" programme on 5 January 2021 that his workshop employs 42 workers, including Burundians, Rwandans and Sudanese.¹³⁹

b) Burundian refugee grows income-generating vegetables in Kakuma

Furaha is a Burundian refugee, married with six children. He left Burundi in 2014. He started growing vegetables in Kakuma in the field that UNHCR has made available to refugees. He produces different types of vegetables depending on the season. With the income from the sale of the produce, he is able to meet needs not covered by UNHCR, such as clothing and the purchase of other basic necessities. He has even been able to buy a motorbike with the income from the sale.¹⁴⁰

4. Illustrative cases of inclusion of Burundian refugees in DRC

The Kivu region where Burundian refugees are settled has already been mentioned as being characterised by insecurity caused by the presence of numerous armed groups responsible for recurrent violations against the host populations. In such an unstable context, the economic inclusion of refugees remains difficult. However, the level of acceptance of Burundian refugees by the host communities has improved according to a study conducted on dialogue and peaceful cohabitation between the two communities in the Mulongwe and Lusenda camps.

a) NGO awareness-raising effort promotes the integration of Burundian refugees in South Kivu

Within the framework of a project entitled "*Young Burundians for Information, Dialogue and Peaceful Coexistence*" targeting the Mulongwe and Lusenda camps funded by **the European Union** and implemented by the NGO "**Internews**" in January 2017, an evaluation study of the project was conducted in 2020. It concludes that cohesion between Burundian refugees and host communities is promoted through different

¹³⁸ UNHCR, 20 May 2020, *Burundian refugee fights coronavirus, using one container of soap at a time*, Available at <https://www.unhcr.org/fr/news/stories/2020/5/5ec5426fa/fabricant-savon-camp-refugies-kenyan-baisse-prix-cadre-crise-covid.html>, [accessed 6 September 2021]

¹³⁹ RPA, *Turiho broadcast of 5 January 2021*, available at <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=8> [Auditioned on 6 September 2021]

¹⁴⁰ RPA, *Turiho Broadcast of 28 April 2020*, <https://www.rpa.bi/index.php/nos-podcasts/turiho1?start=40> [Hearing on 6 September 2021]

connectors such as schools, churches, markets, health centres, celebrations, funerals, outreach activities etc.¹⁴¹ Compared to 2017, the study highlights that the number of security incidents involving host communities has significantly decreased, a positive development linked to the various sensitisations made by Internews, its partners and other humanitarian organisations working in these villages. However, the persistence of insecurity in certain localities, conflicts over access to resources and land, and the constant and dramatic drop in humanitarian aid continue to undermine this dynamic of unity and inclusion, the study states.

b) Case of economic inclusion of Burundian refugees in Lusenda¹⁴²

- **Nahishakiye** is a Burundian refugee in Lusenda. He has prospered with his commercial activities and built himself a two-storey house that he would not have achieved in Burundi. While most of his fellow citizens expressed their desire to repatriate because of the poor living conditions, he told VOA on 9 June 2021 that he runs a bar in the camp and that he is involved in farming and livestock. He built his house with \$9,000 and that he had no intention of returning like his fellow citizens.
- **Barakamfitiye Onesphore** is also a Burundian refugee from Lusenda camp. He testified that he does not want to return because he practices agriculture and fishing, and has a herd of cows and goats. He also practices fishing and says he does not want to return to Burundi because he is prospering.

141 Internews, February 2020, *Young Burundian Refugees for Information, Dialogue and Peaceful Coexistence, Report , Final Evaluation*, available at https://internews.org/wp-content/uploads/legacy/2020-05/Rapport_Evaluation_finale__03032020_TC.pdf , [accessed 6 September 2021]

142 VOA, 08 June 2021, DRC: Mu Nkambi ya Lusenda Abiteje Imbere Ntibakozwa Ibyo Gutahuka, Available at <https://www.radiyoyacuvoa.com/a/rdc-mu-nkambi-ya-lusenda-abiteje-imbere-ntibakozwa-ibyo-gutahuka/5920845.html#comments>, [Accessed 28 August 2021] VOA audio downloaded

VI. CONCLUSION

The year 2015 in Burundi was marked by a serious socio-political and security crisis that led to massive human rights violations and a large movement of refugees to countries in the sub-region.

In many respects, countries of asylum have fulfilled their obligation to protect Burundian refugees, which derives both from general principles of international law binding on all states and from adherence to international and regional refugee-specific instruments.

Institutions such as the UNHCR, humanitarian organisations and partner organisations in humanitarian assistance have played their role well in receiving and caring for refugees. Indeed, the refugees in the camps had access to basic services such as housing, food, education, health, and care for vulnerable people.

However, many challenges remain, including the funding of humanitarian aid for Burundian refugees in all countries of asylum, which has never been sufficient since the beginning of the crisis in 2015, with a negative impact on the refugees' living conditions.

Then the Covid-19 pandemic further deteriorated these living conditions especially for urban refugees who lost their jobs in large numbers and the reduction of food aid for refugees residing in the camps.

On the security front, Burundian refugees in Tanzania are particularly subject to multiple forms of pressure to return, including acts of infringement of their security and freedom, in violation of the principle of voluntary repatriation guaranteed by the texts governing refugees. In the DRC, refugees face the threat of armed groups in South Kivu.

However, there is reason to be pleased that Burundian refugees have managed to support themselves through activities that allow them to be financially independent, mainly in Rwanda and Uganda, where they have been able to improve their resilience to exile. But the majority of refugees still depend on humanitarian aid which cannot cover their needs and a significant number of them have opted since 2017 for voluntary or forced repatriation despite the risks they face. This repatriation movement has been accelerated following the political changes of June 2020 in Burundi.

For many other refugees, returning home is not an option. They consider that the situation that led to their exile has not changed. These include the closure of the democratic space in Burundi, coupled with the current authorities' continued hostility to political opponents and human rights defenders in exile, who demonstrated against the third term of former president Pierre Nkurunziza in 2015.

Of course, the repatriation of refugees and their socio-economic reintegration into Burundi is the ideal and sustainable solution, but the preconditions of political stability

and good governance must be guaranteed to reassure and convince the still reluctant refugees.

Influential actors in Burundi, in the Great Lakes sub-region and in the international community should therefore continue to accompany Burundi in promoting good governance and respect for human rights in order to improve the socio-political climate for the voluntary and massive repatriation of refugees.

In the meantime, Burundian refugees who still fear persecution should not continue to be "*forgotten*". Rather, they should benefit more from the protection of the international community, the institutions of the host countries, UNHCR and its partners in the perspective of durable solutions for socio-economic inclusion and resilience in the host countries.

VII. RECOMMENDATIONS

A. To the Government of Burundi :

- Ensure good conditions for the repatriation of refugees by improving their socio-economic integration and by putting an end to acts of threats and intimidation against them, as in Kirundo province;
- Expand democratic space by guarding against hostile rhetoric against political opponents and human rights defenders, including the rehabilitation of media and civil society organisations suspended or deregistered in the context of the 2015 crisis;
- Continue consultations with political leaders on the consolidation of good governance, the rule of law and democracy in Burundi as well as the implementation of the Arusha Peace and Reconciliation Agreement, the violation of which was one of the constitutive factors of the 2015 crisis.

B. To the countries of the sub-region hosting Burundian refugees

- Respect conventions on the protection of refugee rights and refrain from forcing refugees to return to their country in violation of regional and international instruments they have ratified;
- To guarantee the security of Burundian refugees in their own territories, especially in Tanzania, where their rights are constantly violated in order to force them to repatriate;
- Provide refugees with access to administrative services such as identity documents, travel documents, access to the labour market and ensure freedom of movement for their economic inclusion and resilience.

C. To the International Community

- Work closely with refugee-hosting countries in the implementation of international and regional texts that protect the rights of refugees such as the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;

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- Use its influence to bring the Burundian government to respect its international commitments to protect human rights in order to promote the expansion of democratic space and the massive repatriation of refugees;
- Satisfactorily fund humanitarian aid plans for Burundian refugees still in exile whose conditions have been severely deteriorated by the Covid pandemic.¹⁹
- Promote opportunities for the socio-economic integration of refugees in line with the Global Compact's objective of empowering refugees to access humanitarian assistance and to support themselves and their families.

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IX. ANNEX *Questionnaire*

I. How Burundian refugees are received in Rwanda, Tanzania, Uganda, Kenya and DRC

I.1 Are they free to settle in the camps or elsewhere in the country?

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC

*I.2 Are refugees subject to special surveillance or threats when they are **political opponents? Human rights defenders? Alleged coup plotters** according to the Burundian authorities?*

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC

I.3 Do refugees have easy access to identity and travel documents (ID, travel documents)

- Rwanda
- Uganda
- Tanzania

- Kenya
- RDC

I.4 Since 2015, is there a specific treatment in the reception of Burundian refugees according to vulnerable categories such as children, youth, women and others?

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC

I.5 According to your research and your own analysis, where are refugees best received compared to other countries between Rwanda, Uganda, Tanzania, Kenya and DRC? Justify your answer

II. On logistical support and specific services for refugees in host countries

II.1 What are the main problems faced by refugees in host countries in terms of logistics and specific services?

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC

II.2 In your opinion, what is the impact of Covid-19 in the various countries hosting Burundian refugees?

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC

Which humanitarian organisations or national NGOs have come to the aid of refugees in the face of the deterioration of their living conditions, aggravated by Covid 19?

- Rwanda
- Uganda
- Tanzania

- Kenya
- RDC

III. Security, Inclusion and Resilience of Refugees

In which host countries did refugees have opportunities for education, vocational training or income-generating activities?

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC

III.2 Which countries face greater security challenges for refugees than others? Justify your answer

- Rwanda
- Uganda
- Tanzania
- Kenya
- RDC