

EAST AFRICAN CIVIL SOCIETY ORGANISATIONS' FORUM

Strengthening Civil Society in the Integration Process



EACSO BREAKFAST MEETING REPORT ON “ANALYSIS OF THE ENVIRONMENT FOR CIVIC SPACE IN BURUNDI”

Our Vision for East Africa is
“A community in which citizens are fully engaged in all affairs affecting their lives”.

1.0. Introduction



On the 22nd of April 2014 at City Hill Hotel was held a meeting of EACSOF Burundi Chapter representatives and other CSOs representatives from Burundi. The meeting was organized by East African Civil Society Organizations' Forum (EACSOF) secretariat in the frame of national consultations on CSO operating environment which was being organized in all other EAC partners' states.

The facilitator of the meeting Ms. Justine NKURUNZIZA urged that participants to start all EACSOF activities by singing EAC Anthem so that everyone may be familiar with it and be proud of the community.

After singing EAC Anthem, the facilitator welcomed Ms. Martha Makege from EACSOF Secretariat. Ms. Makege introduced the target of the meeting and why it was being organized.

She elaborated that the main objective of the meeting is to analyze the operating environment of Burundi CSOs. She further added that presently consultations are being organized in all EAC partners' states and each country will give its own report which highlights the challenges, the opportunities, and appropriate recommendations for the improvement of CSOs operating environment.

In addition to the above speakers, the MEACA representative appreciated the fact of organizing such a consultation and the collaboration between Burundi CSOs and the Ministry to the president office in charge of East African community affairs. He called upon everyone to be the champion to promote EAC values.

2.0. Historical Background of Burundi CSOs

The presentation on the above point was done by EACSOB Burundi Chapter Chair, Mr. Vital NSHIMIRIMANA. Mr. NSHIMIRIMANA elaborated why and when and for which purpose Burundi CSOs were born. He explained that the la Baule Conference of 1990 recommended to each country to follow democratic and human rights principles. Burundi integrated such principles in the constitution and consequently there have been promotion of CSOs. In addition, during and after the Burundian war many CSOs were born. In fact, many factors are behind the growing number of CSOs in Burundi over the last 20 years:

- The population which is not in politics wants a place where they can express their opinions
- Economic reasons: people want to create or make advocacy for job creation
- Others want to earn many by creating revenue generating activities inside their associations
- Peace consolidation
- Human rights promotion
- Good governance promotion, etc

3.0. Legal frame of CSOs in Burundi

Many laws, policies and regulations affect CSOs operations in Burundi such as:

- Constitution, art 32 freedom of meeting and association is granted and the right to create associations and organization in accordance with the law
- Decree of 1992 regulating CSOs
- Press law
- Act of parliament on public meetings and demonstration
- Upcoming act of parliament on CSOs

4.0. Opportunities for CSOs Operations

Some opportunities exist for CSOs operations in Burundi and are mainly related to the constitution which provides for freedom of meetings and association. In accordance to the constitution CSOs are governed by the 1992 decree and many CSOs are registered within various operating domains. CSOs can make coalition for strengthening their interventions. In addition, CSOs have good partnership with media which allow the support of CSOs activities. Last but not least is that some civil society organizations are members of regional coalition or international ones which help them to improve their way of working.

5.0. Challenges for CSOs Operations

Although, a legal frame exists for CSOs, many of them are restrictive and affect the operating environment of CSOs. Let's elaborate those challenges as stipulated in the laws, bills and regulations:

i) The Upcoming Act of Parliament on CSOs

Article 18: It seeks a registration certificate co signed by the Minister of home affairs who is in charge of CSOs and the sectoral Minister of which the CSO depend. In addition the registration is renewable yearly. Modalities are provided by the Minister in charge of CSOs. The consequence of that is, for a CSO which will have been denouncing bad deeds of public authorities; it will no longer be granted to work for another year.

Article 30: Associations can form coalitions, networks, forums but that is only possible for associations that are governed by the Act of Parliament on CSOs and which are operating in the same domains. That is a great problem for Burundian civil society as it includes trade unions, journalists unions etc which are not governed by the CSOs Act. Furthermore, the existing networks, coalition, and forums are made of different associations. However, when the bill on CSOs will be adopted, both of them will be dislocated .

5.0. Challenges for CSOs Operations

Article 34: Consultative framework between CSOs and the Administration.

It is not well defined because the above framework is chaired by ministry' authorities. According to CSOs, this should be made of equal members from CSOs and the Administration and chaired by rotation.

Article 44: Elected representatives of the CSO have to be granted and recognized by the Ministry in charge of CSOs only following a formal act of the Minister himself. However this can be a problem for talkative representatives who are denouncing what public authorities don't want to be revealed. The minister will refuse to recognize them.

Article 59: In case of breach of public order or attempt to state's safety, a CSO can be suspended. The problem here is that the suspending act can be done by two different authorities. It can be done by the administrative court or the minister in charge of CSOs. According CSOs, the act can be done by the administrative court only which will be neutral in that case.

Article 70: Existing coalitions must harmonise with the new law. If existing coalitions are requested to harmonise with the new law, it means there will be dislocation of CSOs.

ii) Act of parliament on Public Meetings and Demonstrations

This act also contains some restriction sections which don't facilitate CSOs operating environment such as:

Declaration prior to public meeting or demonstration (4 days before). For that section, even though it seems to be a kind of declaration to public authorities, it became as asking permission because they often answer by forbidding such kind of meetings for CSOs. Normally, CSOs or any other organization is not supposed to ask permission but inform public authorities which means that they are supposed to notice that and let the meeting take place.

Representative of the Administration can assist to public meeting and they can suspend, interrupt, dissolve, or cancel a meeting at any time.

The main problem is that public authorities are making confusion between a public meeting and other CSOs meetings. Nowadays, you can find a public authority refusing a CSO to have its meeting whereas it is not a public one according to the definition of public meeting as whereby any can participate.

iii) Press law (4, June 2013)

This law is very restrictive and journalists say that some sections will never be applied because they are against freedom of press. The burning issues are related to:

Requirements to exercise as journalist such diploma, etc

Disclosing the source of information which is the worst thing for the principle of press freedom.

Some areas (domains) not to be covered such as national secret defense, currency and public credit, state security, and public security, propaganda by the information of the enemy of Burundi in peacetime and in war, to deliver information that could affect the credit of the state and national economy.

Huge Fine: the provision about fine sets out fines ranging from 3 000 000 BIF to 8 000 000 BIF

The above sections and more others not stated here make this law restrictive and forbid press freedom. Consequently, journalists refused to apply the law and made their complaints at national level in constitutional court and at regional level in EAC court of justice.

In addition to the restrictive laws stated above, some missing laws affect CSOs operating environment in Burundi. Those are: law on information access, law on denouncer protection, law on equal treatment between men and women, law on human rights defenders protection and law on succession.

CSOs in Burundi are not only affected by laws but also other factors such as behaviors of public officials who miss qualify CSOs as opposition to the government, creation of CSOs by the government to be against the true CSOs, taxes on things bought by CSOs for public interest, Harassments of CSOs leaders and even sometimes being killed, case of Ernest MANIRUMVA deputy president of OLUCOME killed in 2009.

VI. Recommendations

By the end of the meeting, participants made some recommendations in the sense of improving CSOs operating environment at national level and regional level:

1. To adopt the bill on Human right in EAC
2. To adopt a law on Human right defenders protection
3. EAC Parliament should follow if the laws adopted by partners' states are not restrictive
4. EAC secretariat should follow if international conventions are respected by partner states.

PICTORIAL GALLERY



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