Country/entity	Burundi
Region	Africa (excl MENA)
Agreement name	Constitution of 18 March 2005
Date	18 Mar 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Burundian Civil War (1993-2005)

The conflict had an ethnic base between Hutu and Tutsi populations, and is one of a set of regionally connected conflicts also addressed n the Great Lakes process. Since independence in 1972, the Burundian political landscape has been polarised and marked by ethnic-based tensions, political assassinations and large-scale violence. For the following two decades, three Tutsi military regimes associated with the Union for National Progress (UPRONA) ruled the country. During these military dictatorships, numerous waves of mass violence resulted from the attempts of various opposition rebels groups to destabilise the three regimes, and the regimes' use of violence to repress these attempts. Despite a wave of hope in the early 1990's, Burundi entered a decade-long civil war in 1993 following the assassination of Burundi's first democratically elected president, Melchior Ndadaye, from the ethnically-Hutu Front for Democracy in Burundi (FRODEBU) by Tutsi opposition in the military.
In 1998 the Arusha Peace Talks commenced and in August 2000, international pressure resulted in the signing of the Arusha Peace and Reconciliation Agreement for Burundi. However, the National Council for the Defense of Democracy (CNND) did not sign. Additionally, and Party for the Liberation of Hutu People (Palipehutu) did not participate in negotiations. These outsiders continued sporadic violence until 2008. In 2015, a new wave of political violence is taking place after President Nkurunziza, from the CNDD-FDD which has been in power since 2005, won a contested third-mandate.
Close
Burundian Civil War (1993-2005)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Burundi: Arusha and related peace process
Parties	The Constitution was passed by the Burundian National Assembly.

Third parties	-
Description	This constitution replaced the 2004 Interim Constitution. The text of the 2004 interim Constitution is identical to the this adopted in March 2005. This latest interim Constitution was adopted to avoid a unconstitutional vacuum. It contains the following chapters: Of the State and the Sovereignty of the People; Of the Charter of Fundamental Rights and Duties, of the Individual and the Citizen; Of the System of Political Parties; Of the Elections; Of the Executive Power; Of the Legislative Power; Of the Relations between the Executive Power and the Legislative Power; Of the Judicial Power; Of the Ombudsman; Of the Corps of Defense and of Security; Of the Local Collectivies; Of the National Councils; Of the International Treaties and Agreements; Of the Revision of the constitution; Of the Particular Provisions for the First Post-Transitional Period; Of the Transitory Provisions; Of the Final Provisions.

Agreement document	BI_050318_Constitution.pdf (opens in new tab) | Download PDF

Groups

Children/youth

Groups→Children/youth→Substantive
Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 12:
...
The children born of Burundian men or women have the same rights with regard to the law on nationality

Page 7: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, Article 19:
The rights and the duties proclaimed and guaranteed, among others, by the Universal Declaration of the Rights of Man, the International Pacts relative to the rights of man, the African Charter of the Rights of Man and of Peoples, the Convention on the Elimination of all Forms of Discrimination concerning Women and the Convention relative to the rights of the child are an integral part of the Constitution of the Republic of Burundi.

Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 30:
...
Parents have the natural right and the duty to educate and raise their children. They are supported in this task by the State and the public collectivities.
Every child has the right, on the part of their family, of the society and of the State to the measures of special protection required by their condition as [a] minor.

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 44:
Every child has the right to particular measures to assure or to ameliorate the care necessary for their well-being, for their health and for their physical security and to be protected against the bad treatments, abuse and exploitation.

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 45:
No child may be directly utilized in an armed conflict. The protection of children is assured in times of armed conflict.

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 46:
No child may be detained except as [a] last resort, in which case the duration of the detention will be as short as possible.
Every child has the right to be separated from the detainees older than 16 years [of age] and to be subject to a treatment and to conditions of detention adapted to their age.

Disabled persons

Groups→Disabled persons→Anti-discrimination
Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 22
All citizens are equal before the law, which assures them an equal protection.
No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation, of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Rhetorical
Page 4, Preamble:
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
• The protection and the inclusion of the ethnic, cultural and religious minority groups into the general system of good governance;
Groups→Racial/ethnic/national group→Substantive
[Summary: The whole constitution extensively addresses 'ethnicity', as being seen as a major cause of the Burundian conflict. Across the different chapters, these principles are translated throughout the constitution by requiring the representatives of reformed public institutions (the government, the legislative, the Army, the Police, etc.), public administration to represent the ethnic diversity of Burundian society in their composition and the undertaking of their duties. See the specific provisions in the respective boxes of these institutions.]

Page 4, Preamble
...Reaffirming our unwavering [inébranlable] determination to put an end to the profound causes of the continuous state of the ethnic and political violence, of genocide and of exclusion, of effusion of blood, of insecurity and of political instability, which have plunged the People into distress and suffering and compromise gravely the perspectives for economical development and the realization of equality and of social justice in our country; Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
• The establishment and the implantation of a system of democratic governance;
• The inclusion of the minority political parties into the general system of good governance;
• The protection and the inclusion of the ethnic, cultural and religious minority groups into the general system of good governance;
• Right to culture
• The restructuring of the national system of security and of justice in order to guarantee the security of all Burundians, including the ethnic minorities...

Religious groups

Groups→Religious groups→Rhetorical
Page 4, Preamble:
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
• The protection and the inclusion of the ethnic, cultural and religious minority groups into the general system of good governance;
Groups→Religious groups→Anti-discrimination
Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 13:
All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 22:
All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation, of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.
Groups→Religious groups→Substantive
Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 78:
In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 80:
The law guarantees the non-interference of the public powers in the internal functioning of the political parties, except for that of the restrictions necessary to prevent ethnic, political, regional, religious or gender hatred and to maintain the public order.

Indigenous people

No specific mention.

Other groups

No specific mention.

Refugees/displaced persons	No specific mention.
Social class	Groups→Social class→Anti-discrimination Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 22: All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation, of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

Gender

Women, girls and gender

Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 12:
...
The children born of Burundian men or women have the same rights with regard to the law on nationality.

Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 13:
All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Page 7, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, Article 19:
The rights and the duties proclaimed and guaranteed, among others, by the Universal Declaration of the Rights of Man, the International Pacts relative to the rights of man, the African Charter of the Rights of Man and of Peoples, the Convention on the Elimination of all Forms of Discrimination concerning Women and the Convention relative to the rights of the child are an integral part of the Constitution of the Republic of Burundi.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 22:
All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation, of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 24:
Every woman, every man has the right to life.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 25:
Every woman, every man has the right to the freedom of their person, notably to the physical and psychical integrity and to the freedom of movement. No one shall be submitted to torture, or to cruel, inhuman or degrading penalties or treatments.

Page 8, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 28:
Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications

Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 29:
The freedom to marry is guaranteed, as well as the right to choose his or her partner. The marriage may only be concluded with the free and full consent of the future spouses. The marriage between two persons of the same sex is prohibited.

Men and boys

Gender→Men and boys→Gender neutral wording
Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 12:
...
The children born of Burundian men or women have the same rights with regard to the law on nationality.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 25:
Every woman, every man has the right to the freedom of their person, notably to the physical and psychical integrity and to the freedom of movement. No one shall be submitted to torture, or to cruel, inhuman or degrading penalties or treatments.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 28:
Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications.

LGBTI

Gender→LGBTI→LGBTI (negative)
Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 29:
...
The marriage between two persons of the same sex is prohibited.

Family

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 28:
Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications

Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 29:
The freedom to marry is guaranteed, as well as the right to choose his or her partner. The marriage may only be concluded with the free and full consent of the future spouses.
The marriage between two persons of the same sex is prohibited.

Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 30:
The family is the natural base cell of society. The marriage is for it [en est] the legitimate support. Family and marriage are placed under the particular protection of the State.
Parents have the natural right and the duty to educate and raise their children. They are supported in this task by the State and the public collectivities.
Every child has the right, on the part of their family, of the society and of the State to the measures of special protection required by their condition as [a] minor.

Page 10, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 43:
No one may be subject to arbitrary infringement [immixtion] of their private life, their family, their domicile or their correspondence, or to threats to their honor and to their reputation.

Page 13, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 63:
Each citizen has duties toward the family and the society, toward the State and the other public collectivities.

Page 13, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 66:
Each Burundian has the duty to preserve the harmonious development of the family and to act [æuvrer] in favor of the cohesion and the respect for that family, to respect at every moment their parents, to nourish them and to assist them in case of necessity.

Page 14, ANNEXURE II TO THE COMPREHENSIVE AGREEMENT MODALITIES FOR THE IMPLEMENTATION OF THE COMPREHENSIVE CEASEFIRE AGREEMENT, 4. Implementation Phases:
4.1 This Agreement will be implemented in the following phases:
4.1.1 Phase 1 shall include the following activities:
...
e. It shall be ensured that the dependants of the combatants will not form part of this process. They shall be referred to the UNHCR and other established mechanisms to be processed separately.

Page 29, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:

State definition

Nature of state (general)

Page 4, Preamble:
...
Considering the necessity to restore a pluralist democratic order and a State of law;
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
• The establishment and the implantation of a system of democratic governance;
• The inclusion of the minority political parties into the general system of good governance;
• The protection and the inclusion of the ethnic, cultural and religious minority groups into the general system of good governance;
...
...
Reaffirming our engagement to construct a political order and a system of government inspired by the realities of our country and founded on the values of justice, of democracy, of good governance, of pluralism, of respect for the fundamental freedoms and rights of the individual, of unity, of solidarity, of mutual understanding, of tolerance and of cooperation between the different ethnic groups of our society;

Page 5, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 1:
Burundi is an independent, sovereign, secular, democratic, and unitary Republic [,] respecting its ethnic and religious diversity.

Page 5, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 2:
The national territory of Burundi is inalienable and indivisible.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 75:
The multipartiism is recognized in the Republic of Burundi.

State configuration

No specific mention.

Self determination

No specific mention.

Referendum

Page 5, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 4:
The status and the reestablishment of the monarchy may be the object of a referendum. Any party militating peacefully in favor of the restoration of the monarchy has the right to function.

Page 5, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 7:
The national sovereignty belongs to the people who exercise it, either directly by way [voie] of referendum, or indirectly through their representatives. No fraction of the People, no individual may arrogate its exercise.

State symbols	Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 10: The flag of Burundi is tricolor: green, white and red. It has the form of a rectangle divided by a saltire [un sautoir], having [comportant] in its center a white disc stamped [frappé] with three six-pointed red stars that form a fictive equilateral triangle inscribed within a fictive circle having the same center as the disc and whose base is parallel to the length of the flag. The law specifies the dimensions and the other details of the flag. Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 11: The motto of Burundi is "Unité, Travail, Progrés [Unity, Work, Progress]". The emblem of the Republic of Burundi is a shield stamped with the head of the lion as well as with three lances, all of it surrounded by the national motto. The national anthem is "Burundi Bwacu." The seal of the Republic is determined by the law. Page 29, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159: [The following] are of the domain of the law: ... 3°. The political, administrative and judicial organization: ... • general organization of the national orders, of the decorations and of the honorific titles; • general rules of organization of the national defense; • general rules of organization of the national police; • statute of the personnel of the Corps of Defense and of Security; • statute of the personnel of the Parliament;
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	Governance→Political institutions (new or reformed)→New political institutions (indefinite) Page 17, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 98: The candidates may be presented by the political parties or may present themselves as [en qualité de] independents. The candidate who, at the moment of the presentation of the candidatures is not presented by any political party, is considered as an independent. Page 22, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 119: Outside of the acts that arise from his discretionary competence, the administrative acts of the President of the Republic may be challenged before the competent jurisdictions. Page 22-23, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 120: In the case of absence or temporary impediment of the President of the Republic ... The vacancy is declared by the Constitutional Court referred to [the matter] by the Vice-Presidents of the Republic and the Government, acting jointly. The ballot for the election of the new President of the Republic takes place, except in the case of force majeure declared by the Constitutional Court, within a time period that may not be inferior to one month and superior to three months, from the declaration of the vacancy. Page 24, TITLE V: OF THE EXECUTIVE POWER, 2. OF THE VICE-PRESIDENTS OF THE REPUBLIC, Article 128: In the case of resignation, death or of any other cause of definitive cessation of the functions of a Vice-President of the Republic, a new Vice-President of the Republic[,] originating from the same ethnicity and of the same political party as their predecessor[,] is appointed, following the same procedure, within a time period not exceeding thirty days, counting from the definitive cessation of the functions of the Vice-President to be replaced. Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT Article 129: The Government is open to all the ethnic components. It includes at most 60% of Hutu Ministers and Vice-Ministers and at most 40% of Tutsi Ministers and Vice-Ministers. A minimum of 30% of women is assured. The members come from the different political parties that have received more than one-twentieth of the votes and which so desire. These parties have the right to a percentage, rounded to the inferior number, of the total number of Ministries at least equal to that of the seats that they occupy at the National Assembly. When the President revokes a Minister, it proceeds to his replacement after consultation with his political party of origin [provenance]. Page 28, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 157: Except in the case of force majeure duly declared by the Constitutional Court, the deliberations of the National Assembly and of the Senate are only valid if they take place in the ordinary place of their sessions. Page 32, TITLE VI: OF THE LEGISLATIVE POWER, 2. OF THE NATIONAL ASSEMBLY, Article 165: The candidate to the legislative elections must be of Burundian nationality and origin, be

Elections

Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 8:
Suffrage is universal, equal, free and transparent. It may be direct or indirect under the conditions specified by the law.
All Burundians being already [révolus] eighteen years of age and enjoying their civil and political rights[,] are electors, within the conditions determined by the electoral code.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 79:
The political parties and the coalitions of political parties must promote the free expression of suffrage and participate in the political life by pacific means.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 81:
The political parties may form coalitions at the time [lors] of the elections, accordingly to the modalities established by the electoral law.

Page 16, TITLE IV: OF THE ELECTIONS, Article 86:
The right to vote is guaranteed.

Page 16, TITLE IV: OF THE ELECTIONS, Article 87:
The elections are free, transparent and regular. The electoral code determines the practical modalities of them.

Page 16, TITLE IV: OF THE ELECTIONS, Article 88:
The elections are organized in an impartial manner at the national levels, [and the levels] of the communes and the collines, as well as at other levels established by the law.

Page 16, TITLE IV: OF THE ELECTIONS, Article 89:
An independent national electoral Commission guarantees the freedom, the impartiality and the independence of the electoral process.

Page 16, TITLE IV: OF THE ELECTIONS, Article 90:
The Commission is composed of five independent notable persons. Its members are appointed by decree after having been previously approved separately by the National Assembly and the Senate with a majority of three-quarters.

Page 17, TITLE IV: OF THE ELECTIONS, Article 91:
The Commission is given the charge of the following missions:
a. To organize the elections at the national level, at the level of the communes and at that of the collines;
b. To see to it that the elections are free, regular and transparent;
c. To proclaim the provisional results of the elections within a time period specified by the law;
d. To promulgate the arrangements, the code of conduct and the technical details, including the location of the polls [bureaux de vote] and the hours in which they are open;
e. To hear the claims concerning the respect for the electoral rules and to process them. The decisions of the Commission are without appeal;
f. To see to it, applying the appropriate rules, that the electoral campaigns do not take place [se déroulent] in a manner that incites to ethnic violence or in any other manner contrary to this Constitution;
g. To assure the respect for the provisions of this Constitution relative to multi-ethnicity and to gender and to take cognizance of the claims in this respect.

Page 18, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 96:

Electoral commission

Page 16, TITLE IV: OF THE ELECTIONS, Article 89:
An independent national electoral Commission guarantees the freedom, the impartiality and the independence of the electoral process.

Page 16, TITLE IV: OF THE ELECTIONS, Article 90:
The Commission is composed of five independent notable persons. Its members are appointed by decree after having been previously approved separately by the National Assembly and the Senate with a majority of three-quarters.

Page 17, TITLE IV: OF THE ELECTIONS, Article 91:
The Commission is given the charge of the following missions:
a. To organize the elections at the national level, at the level of the communes and at that of the collines;
b. To see to it that the elections are free, regular and transparent;
c. To proclaim the provisional results of the elections within a time period specified by the law;
d. To promulgate the arrangements, the code of conduct and the technical details, including the location of the polls [bureaux de vote] and the hours in which they are open;
e. To hear the claims concerning the respect for the electoral rules and to process them. The decisions of the Commission are without appeal;
f. To see to it, applying the appropriate rules, that the electoral campaigns do not take place [se déroulent] in a manner that incites to ethnic violence or in any other manner contrary to this Constitution;
g. To assure the respect for the provisions of this Constitution relative to multi-ethnicity and to gender and to take cognizance of the claims in this respect.

Page 22-23, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 120:
In the case of absence or temporary impediment of the President of the Republic
...
The vacancy is declared by the Constitutional Court referred to [the matter] by the Vice-Presidents of the Republic and the Government, acting jointly.
The ballot for the election of the new President of the Republic takes place, except in the case of force majeure declared by the Constitutional Court, within a time period that may not be inferior to one month and superior to three months, from the declaration of the vacancy.
The interim authority appoints an Independent National Electoral Commission given the charge of organizing a new presidential ballot in accordance with the law in force.

Page 31, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 163:
The two chambers of the Parliament meet in Congress to:
...
4. Elect the first President of the Republic post-transition;
...
6. Receive the oath from the CENI [Commission électorale nationale indépendante/ Independent National Electoral Commission].

Page 34-35, TITLE VI: OF THE LEGISLATIVE POWER, 2. OF THE SENATE, Article 181:
The Independent National Electoral Commission verifies the receivability of the candidatures. These candidatures emanate from the political parties or may be constituted of independents as defined by Article 98 of this Constitution.

Page 51, TITLE XI: OF THE LOCAL COLLECTIVITIES, Article 266:

Political parties reform

Governance→Political parties reform→Other political parties reform
Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 75:
The multipartiism is recognized in the Republic of Burundi.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 76:
The political parties may freely constitute themselves, in accordance with the law. They are registered in accordance with the law.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 77:
An association without a lucrative goal regrouping the citizens around a project of [a] democratic society founded on the national unity, with a distinctive political program of precise objectives responding to the concern to serve the general interest and to assure the development of all citizens[,] constitutes a political party.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 78:
In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 79:
The political parties and the coalitions of political parties must promote the free expression of suffrage and participate in the political life by pacific means.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 80:
The law guarantees the non-interference of the public powers in the internal functioning of the political parties, except for that of the restrictions necessary to prevent ethnic, political, regional, religious or gender hatred and to maintain the public order.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 81:
The political parties may form coalitions at the time [lors] of the elections, accordingly to the modalities established by the electoral law.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 82:
The members of the Corps of Defense and of Security as well as the Magistrates[,] in their activities[,] are not authorized to affiliate with the political parties.

Page 16, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 83:
The external financing of the political parties is prohibited, except [an] exceptional derogation established by the law.
All financing of a nature that infringes the national independence and sovereignty is prohibited.
The law determines and organizes the sources of financing of the political parties.

Page 16, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 84:
To the end of promoting democracy, the law may authorize the financing of the political parties in an equitable manner, proportionally to the number of seats that they hold at the National Assembly. This financing may apply both to the functioning of the political parties and to the electoral campaigns, and must be transparent. The types of subventions, advantages and facilities that the State may grant to the political parties are established by the law.

Page 16, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 85:
The conditions within which the political parties are formed, exercise and cease their

Civil society	No specific mention.
Traditional/ religious leaders	Page 52, TITLE XII: OF THE NATIONAL COUNCILS, 1. OF THE NATIONAL COUNCIL FOR NATIONAL UNITY AND RECONCILIATION, Article 269: The National Council for National Unity and Reconciliation is a consultative organ given the charge of notably: ... • conceiving and initiating the necessary actions in view of rehabilitating the institution of Ubushingantahe, to make of it an instrument of peace and of social cohesion; ... The National Council for National Unity and Reconciliation is consulted by the President of the Republic, the Government, the National Assembly and the Senate. On its own initiative, it may equally emit opinions and render them public.

Public administration

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 51:
Every Burundian has the right to participate, either directly or indirectly through their representatives, in the direction and in the administration of the affairs of the State, under reserve of the legal conditions, notably of age and of capability.
Every Burundian has equally the right to accede to the public functions of their country.

Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 71:
Every Burundian given the charge of a public function or elected to a political function has the duty to fulfill it with conscience, probity, devotion and loyalty in the general interest.

Page 19, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 100:
The functions of President of the Republic are incompatible with the exercise of any other elective public function, of any public employment and of any professional activity.

Page 19, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 101:
In the case that the candidate elected President of the Republic occupies a public function, he is placed[,] of office[,] in [a] position of detachment from the proclamation of the results.
In the case that he occupies a private function, paid or not, on his account or on the account of a third [party], he ceases all activities from the proclamation of the results.

Page 25, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 135:
The members of the Government make or propose the appointments in the public administration and to the diplomatic posts taking into account the necessity to maintain an ethnic, regional, political and gender equilibrium.

Page 26, TITLE V: OF THE EXECUTIVE POWER, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION, Article 140:
The Administration functions in accordance with the democratic values and the principles enounced by this Constitution and with the law.

Page 26, TITLE V: OF THE EXECUTIVE POWER, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION, Article 141:
All the agents of the public administration exercise their functions, in a manner to serve all the users of the public services in an efficient, impartial and equitable way.
The diversion of public funds, corruption, the extortion of funds and racketeering are punished in accordance with the law.

Page 26, TITLE V: OF THE EXECUTIVE POWER, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION, Article 143:
The Administration is largely representative of the Burundian Nation and must reflect the diversity of its components. The practices that it observes in the matter of employment are founded on objective and equitable criteria of aptitude as well as on the necessity to correct the disequilibrium and to assure a wide ethnic, regional and gender representation. The ethnic representation in the public enterprises is provided on the basis of 60% at most for the Hutu and 40% at most for the Tutsi.

Constitution	Governance→Constitution→Constitutional reform/making The agreement in its entirety is a Constitution.

Power sharing

Political power sharing

Power sharing→Political power sharing→General
State level
Sub-state level
Page 51, TITLE XI: OF THE LOCAL COLLECTIVITIES, Article 266:
The Independent National Electoral Commission sees to it that the Communal Councils reflect in a general manner the ethnic diversity of their electorate. In a case where the composition of a Communal Council would not reflect this ethnic diversity, the Independent National Electoral Commission may order the co-optation to the council of persons originating from an ethnic group underrepresented, provided that the persons thus co-opted do not constitute more than one-fifth of the members of the Council. The persons to be co-opted are designated by the Independent National Electoral Commission.
...

None of the principal ethnic components may be represented by more than 67% of the Communal Administrators at the national level. The Independent National Electoral Commission assures the respect for this principle.
Power sharing→Political power sharing→Executive coalition
State level
Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 129:
The Government is open to all the ethnic components. It includes at most 60% of Hutu Ministers and Vice-Ministers and at most 40% of Tutsi Ministers and Vice-Ministers. A minimum of 30% of women is assured.
The members come from the different political parties that have received more than one-twentieth of the votes and which so desire. These parties have the right to a percentage, rounded to the inferior number, of the total number of Ministries at least equal to that of the seats that they occupy at the National Assembly.

Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 130:
The President of the Republic, after consultation with the two Vice-Presidents of the Republic, sees to it that the Minister given the charge of the Force of National Defense is not of the same ethnicity as the Minister responsible for the National Police.
Power sharing→Political power sharing→Proportionality in legislature
State level
Page 31, TITLE VI: OF THE LEGISLATIVE POWER, 2. OF THE NATIONAL ASSEMBLY, Article 164:
The National Assembly is composed of at least one hundred Deputies on the basis of 60% of Hutu and 40% of Tutsi, including a minimum of 30% of women, elected by universal direct suffrage for a mandate of five years, and of three Deputies originating from the Twa ethnicity co-opted in accordance with the electoral code.
In the case that the results of the vote do not reflect the percentages above specified, it [then] proceeds to redress the corresponding [afférents] disequilibrium by means of the mechanism of co-optation specified by the electoral code.
The number of candidates to be elected per circumscription is established by the electoral law proportionally to the population.

Territorial power sharing

No specific mention.

Economic power sharing	No specific mention.
Military power sharing	Power sharing→Military power sharing→Proportionality Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 130: The President of the Republic, after consultation with the two Vice-Presidents of the Republic, sees to it that the Minister given the charge of the Force of National Defense is not of the same ethnicity as the Minister responsible for the National Police. Page 49, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 257: The Corps of Defense and of Security are open without discrimination to all Burundian citizens who desire to be a part of them. Their organization is based on volunteering and on professionalism. During a period to be determined by the Senate, the Corps of Defense and of Security may not include more than 50% of the members belonging to a particular ethnic group, taking into account the necessity to assure the ethnic equilibrium and to prevent the acts of genocide and the coups d'Etat. Page 49, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 258: The correction of the disequilibrium within the Corps of Defense and of Security is approached [abordée] progressively in a spirit of reconciliation and trust in order to secure all Burundians.

Human rights and equality

Human rights/RoL general

Page 4, Preamble:
...
Considering the necessity to restore a pluralist democratic order and a State of law;
...
Reaffirming our engagement to construct a political order and a system of government inspired by the realities of our country and founded on the values of justice, of democracy, of good governance, of pluralism, of respect for the fundamental freedoms and rights of the individual, of unity, of solidarity, of mutual understanding, of tolerance and of cooperation between the different ethnic groups of our society;

Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 13:
All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Page 7, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 15:
The Government is constructed on the willingness of the Burundian People. It is responsible before them and respects [their] fundamental freedoms and rights.

Page 7: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, Article 19:
...
These fundamental rights are not subject to any restriction or derogation, except in certain circumstances justifiable by the general interest or the protection of a fundamental right.

Page 7: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, Article 20:
All citizens have rights and obligations.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 23:
No one shall be treated in an arbitrarily manner by the State or its organs.
The State has the obligation to indemnify any person [made a] victim of arbitrary treatment by its act or of [the] act of its organs

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 27:
No one shall be held in slavery or in servitude. Slavery and trafficking in slaves are prohibited in all their forms.

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 47:
Any restriction of a fundamental right must be founded on a legal basis; it must be justified by the general interest or by the protection of a fundamental right of others; it must be proportionate to the specified goal.

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL

Bill of rights/similar No specific mention.

Treaty incorporation

Page 4, Preamble:
...
Proclaiming our attachment to the respect of the fundamental rights of the human person as they result notably from the Universal Declaration of the Rights of Man of 10 December 1948, from the International Pacts relatives to the rights of man of 16 December 1966 and from the African Charter of the Rights of Man and of Peoples of 18 June 1981;
...
Considering that the relations between Peoples must be characterized by peace, amity and cooperation in accordance with the Charter of the United Nations of June the 26th, 1945;

Reaffirming our attachment to the cause of the African unity in accordance with the Constitutive Act of the African Union of 25 May 2002;

Page 7: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, Article 19:
The rights and the duties proclaimed and guaranteed, among others, by the Universal Declaration of the Rights of Man, the International Pacts relative to the rights of man, the African Charter of the Rights of Man and of Peoples, the Convention on the Elimination of all Forms of Discrimination concerning Women and the Convention relative to the rights of the child are an integral part of the Constitution of the Republic of Burundi.
These fundamental rights are not subject to any restriction or derogation, except in certain circumstances justifiable by the general interest or the protection of a fundamental right.

Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 132:
The Government deliberates obligatorily on the general policy of the State, the bills of international treaties and agreements, the bills of laws, the bills of presidential decrees, the orders [arrêtés] of a Vice-President and the ordinances of the Ministers having a character of general regulation.

Page 50, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 260:
The members of the Corps of Defense and of Security are trained at all levels in the respect for international humanitarian law and for the primacy of the Constitution.

Page 55, TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS, Article 289:
The President of the Republic has the high direction of the international negotiations. He signs and ratifies the international treaties and agreements.

Page 56, TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS, Article 290:
The treaties of peace and the treaties of commerce, the treaties relative to the international organization, the treaties that engage the finances of the State, those that modify the provisions of a legislative nature as well as those relative to the status of persons may not be ratified except by virtue of a law.

Page 56, TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS, Article 291:
The Republic of Burundi may create with other States international organizations of common administration and coordination and of free cooperation. It may conclude agreements of association or of community with other States.

Page 56, TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS, Article 292:
The treaties take effect only after having been regularly ratified and under reserve of their application by the other party in the case of bilateral treaties[,] and the realization of the conditions for the entry into force specified by them for the multilateral treaties

Civil and political rights

Human rights and equality→Civil and political rights→Life
Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 24:
Every woman, every man has the right to life.
Human rights and equality→Civil and political rights→Torture
Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 25:
Every woman, every man has the right to the freedom of their person, notably to the physical and psychical integrity and to the freedom of movement. No one shall be submitted to torture, or to cruel, inhuman or degrading penalties or treatments.
Human rights and equality→Civil and political rights→Equality
Page 4, Preamble:
Reaffirming our unwavering [inébranlable] determination to put an end to the profound causes of the continuous state of the ethnic and political violence, of genocide and of exclusion, of effusion of blood, of insecurity and of political instability, which have plunged the People into distress and suffering and compromise gravely the perspectives for economical development and the realization of equality and of social justice in our country;

Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 13:
All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.

Page 7, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 16:
The Burundian Government must be composed so that all Burundians are represented in it and that it represents them all; that every one has equal opportunities to be a part of it; that all citizens have access to the public services and that the decisions and the actions of the Government obtain the largest possible support.

Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 22:
All citizens are equal before the law, which assures them an equal protection. No one may be subject to discrimination notably because of their origin, of their race, of their ethnicity, of their sex, of their color, of their language, of their social situation, of their religious, philosophical or political convictions or because of a physical or mental handicap or because they are carriers of the HIV/AIDS or of any other incurable disease.

Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 70:
...
All citizens are equal concerning [devant] public responsibilities [charges]. Exoneration may only be established except by the law.

Page 48, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 247:
The Corps of Defense and of Security develop within them a nondiscriminatory, non-ethnicist and non-sexist culture.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 36:
Every person has the right to property.
One may only be deprived of their property for cause of public utility, in the cases and in the manner established by the law and subject to a fair and prior indemnification[,] or in the execution of a judicial decision taken with finality [force de chose jugée/force of [the] thing judged/ Res judicata].
Human rights and equality→Socio-economic rights→Work
Page 10, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 37:
The right to found trade unions [syndicats] and to join them, as well as the right to strike, are recognized. The law may regulate the exercise of these rights and prohibit to certain categories of persons to go on strike.
In all the cases, these rights are prohibited to the members of the corps of defense and of security.

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 54:
The State recognizes to all citizens the right to work and makes the effort to create the conditions that render the enjoyment of this right effective. It recognizes the right that every person has to enjoy just and satisfactory conditions of work and guarantees to the worker the just retribution for their services or for their production.

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 57:
With equal competence, every person has the right, without any discrimination, to an equal salary for an equal work.

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
9°. The legislation of work, of social security, of the syndical right, including the conditions for the exercise of the right to strike.
Human rights and equality→Socio-economic rights→Health
Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 44:
Every child has the right to particular measures to assure or to ameliorate the care necessary for their well-being, for their health and for their physical security and to be protected against the bad treatments, abuse and exploitation.

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 55:
Every person has the right of access to health care.
Human rights and equality→Socio-economic rights→Education
Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 53:

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizens, specific rights
Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 12:
...
The children born of Burundian men or women have the same rights with regard to the law on nationality.

Page 7: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, Article 20:
All citizens have rights and obligations.

Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 34:
No one may be arbitrarily deprived of their nationality, or of the right to change it.
Rights related issues→Citizenship→Citizen delimitation
Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 1. OF THE GENERAL PRINCIPLES, Article 12:
The quality of [being] Burundian is acquired, is conserved and is lost accordingly to the conditions determined by the law.

Democracy

Page 4, Preamble:
...
Considering the necessity to restore a pluralist democratic order and a State of law;
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
• The establishment and the implantation of a system of democratic governance;
...
...
Reaffirming our engagement to construct a political order and a system of government inspired by the realities of our country and founded on the values of justice, of democracy, of good governance, of pluralism, of respect for the fundamental freedoms and rights of the individual, of unity, of solidarity, of mutual understanding, of tolerance and of cooperation between the different ethnic groups of our society;

Page 13, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 61:
No one shall abuse the rights recognized by the Constitution or by the law to compromise the national unity, the peace, the democracy, the independence of Burundi, infringe the secularity of the State or violate in any other manner this Constitution.

Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 73:
Every individual has the duty to contribute to the safeguarding of peace, of democracy and of social justice.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 77:
An association without a lucrative goal regrouping the citizens around a project of [a] democratic society founded on the national unity, with a distinctive political program of precise objectives responding to the concern to serve the general interest and to assure the development of all citizens[,] constitutes a political party.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 78:
In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

Page 16, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 84:
The external financing of the political parties is prohibited, except [an] exceptional derogation established by the law.
All financing of a nature that infringes the national independence and sovereignty is prohibited.
The law determines and organizes the sources of financing of the political parties.

Page 26, TITLE V: OF THE EXECUTIVE POWER, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION, Article 140:
The Administration functions in accordance with the democratic values and the principles enounced by this Constitution and with the law.

Page 49, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 259:
The Corps of Defense and Security are composed of professionals and are nonpartisan

Detention procedures

Page 10, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 42:
One may only be submitted to security measures in the cases and the forms specified by the law notably for reasons of public order or of the security of the State.

Media and communication

Rights related issues→Media and communication→Governance of media
Page 51, TITLE XII: OF THE NATIONAL COUNCILS, Article 268:
In view of assuring a large participation of the citizens in the administration of the public affairs, the State puts in place the following national councils:
...
• the National Council of Communication.
The Government guarantees to these Councils the means necessary for their functioning.

Page 55, TITLE XII: OF THE NATIONAL COUNCILS, 5. OF THE NATIONAL COUNCIL OF COMMUNICATION, Article 284:
The National Council of Communication sees to the freedom of audio-visual and written communication within the respect for the law, for public order and for morality.
The National Council of Communication has, to this effect, a power of decision notably in [the] matter of the respect for and the promotion of the freedom of the press and the equitable access of the diverse political, social, economical and cultural opinions to the public media.
The National Council of Communication plays equally a consultative role vis-a-vis the Government in [the] matter of communication.

Page 55, TITLE XII: OF THE NATIONAL COUNCILS, 5. OF THE NATIONAL COUNCIL OF COMMUNICATION, Article 285:
The National Council of Communication is composed of members chosen in the sector of communication and in the diverse sectors [milieux] of users of the media, on the base of the interest that they bear [portent] for social communication, [and] for the freedom of the press, of expression and of opinion.

Page 55, TITLE XII: OF THE NATIONAL COUNCILS, 5. OF THE NATIONAL COUNCIL OF COMMUNICATION, Article 286:
The members of the National Council of Communication are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

Page 55, TITLE XII: OF THE NATIONAL COUNCILS, 5. OF THE NATIONAL COUNCIL OF COMMUNICATION, Article 287:
The National Council of Communication produces an annual report that it submits to the President of the Republic, to the Government, to the National Assembly and to the Senate.

Page 55, TITLE XII: OF THE NATIONAL COUNCILS, 5. OF THE NATIONAL COUNCIL OF COMMUNICATION, Article 288:
An organic law determines the missions, the composition, the organization and the functioning of the National Council of Communication.
Rights related issues→Media and communication→Media roles
Page 8: TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 28:
Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications

Page 10, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 43:
No one may be subject to arbitrary infringement [immixtion] of their private life, their family, their domicile or their correspondence, or to threats to their honor and to their reputation.
Searches or domiciliary visits may only be ordered within the forms and conditions

Mobility/access No specific mention.

Protection measures

Rights related issues→Protection measures→Protection of civilians
Page 52, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY
Article 240

The Corps of Defense and of Security are at the service of the Burundian People. They must be an instrument of protection of all the Burundian People and all the People must recognize themselves in them.
Rights related issues→Protection measures→Protection of groups
Page 5, Preamble
• The protection and the inclusion of the ethnic, cultural and religious minority groups into the general system of good governance;

Page 10, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN

Article 31,
Every child has the right, on the part of their family, of the society and of the State to the measures of special protection required by their condition as a minor.

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN

Article 44
Every child has the right to particular measures to assure or to ameliorate the care necessary for their well-being, for their health and for their physical security and to be protected against the bad treatments, abuse and exploitation.

Article 45
No child may be directly utilized in an armed conflict. The protection of children is assured in times of armed conflict.

Article 59
Any foreigner who finds himself in the territory of the Republic enjoys the protection granted to persons and to assets by virtue of this Constitution and of the law.
Rights related issues→Protection measures→Other
Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN

Article 58
Each one has the right to the protection of moral and material interests deriving from all scientific, literary or artistic production of which they are the author.

Page 15, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN

Article 69
The public assets are sacred and inviolable. Each one is required to respect them scrupulously
and to protect them. Each Burundian has the duty to defend the patrimony of the nation.

Other	No specific mention.

Rights institutions

NHRI

Rights institutions→NHRI→New or fundamentally revised NHRI
Page 35, TITLE VI: OF THE LEGISLATIVE POWER, 2. OF THE SENATE, Article 187:
The Senate is provided with the following competences:
...
2. Be referred to the report of the Ombudsman on all aspects of the public administration;

Page 35-36, TITLE VI: OF THE LEGISLATIVE POWER, 2. OF THE SENATE, Article 187:
The Senate is provided with the following competences:
…
9. Approving the appointments only to the following functions:
…
d. Ombudsman;

Page 42, TITLE VIII: OF THE JUDICIAL POWER, 1. OF THE SUPERIOR COUNCIL OF THE MAGISTRATURE, Article 211:
The Superior Council of the Magistrature is the highest disciplinary instance of the Magistrature. It takes cognizance of the complaints of the persons or of the Ombudsman concerning the professional conduct of the Magistrates as well as of the recourses of the Magistrates against the disciplinary measures or of the claims concerning their career.

Page 46, TITLE VIII: OF THE JUDICIAL POWER, 3. OF THE CONSTITUTIONAL COURT, Article 230:
The Constitutional Court is referred to [a matter] by the President of the Republic, the President of the National Assembly, the President of the Senate, by one-quarter of the members of the National Assembly or one-quarter of the members of the Senate, or by the Ombudsman.

Page 46, TITLE IX: OF THE OMBUDSMAN, Article 237:
The Ombudsman receives the complaints and conducts the inquiries concerning the administrative faults and the violations of the rights of the citizens committed by the agents of the public function and of the judiciary and makes recommendations on that subject to the competent authorities. He also assures a mediation between the Administration and the citizens and between the ministries and the Administration and plays the role of an observer in what concerns the functioning of the public administration.
The law establishes the organization and the functioning of his service.

Page 46, TITLE IX: OF THE OMBUDSMAN, Article 238:
The Ombudsman has at his disposal the powers and of the resources necessary to fulfill his functions. He presents every year a report to the National Assembly and to the Senate. His report is published in the Bulletin officiel du Burundi [Official Gazette of Burundi].

Page 46, TITLE IX: OF THE OMBUDSMAN, Article 239:
The Ombudsman is appointed by the National Assembly with a majority of three-quarters of its members. His appointment is subject to the approval of the Senate with a majority of two-thirds of its members.
His mandate is of six years non-renewable.

Page 53, TITLE XII: OF THE NATIONAL COUNCILS, 2. OF THE NATIONAL OBSERVATORY FOR THE PREVENTION AND THE ERADICATION OF GENOCIDE, OF WAR CRIMES AND OF CRIMES AGAINST HUMANITY, Article 274:
The National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity is a consultative organ given the charge of

Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 49:
The right of asylum is recognized in the conditions specified by the law.
Extradition is only authorized within the limits specified by the law.
No Burundian may be extradited abroad except if they are prosecuted by an international penal jurisdiction for crime of genocide, crime of war or other crimes against humanity.

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 59:
Any foreigner who finds himself in the territory of the Republic enjoys the protection granted to persons and to assets [biens] by virtue of this Constitution and of the law.
A foreigner prosecuted for crime of genocide, crime against humanity, crime of war or act[s] of terrorism may be extradited.

Page 21, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 115:
When the institutions of the Republic, the independence of the nation, the integrity of the territory or the execution of its international engagements are menaced in a grave and immediate manner and the regular functioning of the public powers is interrupted, the President of the Republic may proclaim, by decree-law, the state of exception and take all the measures required by these circumstances, after official consultation with the Government, with the Bureaus of the National Assembly and of the Senate, with the National Council of Security and with the Constitutional Court.
He informs the nation by way of a message.
These measures must be inspired by the willingness to assure to the constitutional public powers, within the shortest time period, the means to accomplish their mission.
The Constitutional Court is consulted [concerning] their subject.
The Parliament may not be dissolved during the exercise of the exceptional powers

Page 22, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 117:
The President of the Republic is only penally responsible for the acts accomplished in the exercise of his functions in case of high treason.
There is high treason when, in violation of the Constitution or of the law, the President of the Republic deliberately commits an act contrary to the superior interests of the nation which gravely compromises the national unity, social peace, social justice, the development of the country, or gravely infringes the human rights, the territorial integrity, the national independence and the national sovereignty.
High treason belongs to the competence of the High Court of Justice.
The President of the Republic may only be impeached by the National Assembly and the Senate meeting in Congress and deciding by secret vote, by a majority of two-thirds of their members.
The investigation may only be conducted by a team of at least three magistrates of the General Office of Prosecutors of the Republic presided over by the General Prosecutor of the Republic.

Page 25, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 136:
The members of the Government are penally responsible for the infractions committed in the exercise of their functions. They are justiciable by the Supreme Court.

Page 53, TITLE XII: OF THE NATIONAL COUNCILS, 2. OF THE NATIONAL OBSERVATORY FOR

State of emergency provisions

Page 21, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 115:

When the institutions of the Republic, the independence of the nation, the integrity of the territory or the execution of its international engagements are menaced in a grave and immediate manner and the regular functioning of the public powers is interrupted, the President of the Republic may proclaim, by decree-law, the state of exception and take all the measures required by these circumstances, after official consultation with the Government, with the Bureaus of the National Assembly and of the Senate, with the National Council of Security and with the Constitutional Court.

He informs the nation by way of a message.

These measures must be inspired by the willingness to assure to the constitutional public powers, within the shortest time period, the means to accomplish their mission.

The Constitutional Court is consulted [concerning] their subject.

The Parliament may not be dissolved during the exercise of the exceptional powers

Judiciary and courts

Page 4, Preamble:
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
...
• The restructuring of the national system of security and of justice in order to guarantee the security of all Burundians, including the ethnic minorities.

Page 12-13, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 60:
The judicial power, guardian of the public rights and freedoms, assures the respect for these rights and freedoms within the conditions specified by the law.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 82:
The members of the Corps of Defense and of Security as well as the Magistrates[,] in their activities[,] are not authorized to affiliate with the political parties.

Page 22, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 117:
... High treason belongs to the competence of the High Court of Justice. [See Criminal Justice Reform]

Page 25, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 136:
[Summary] See Criminal Justice Reform. The members of the Government are justiciable by the Supreme Court.

Page 27, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 151:
The Deputies and the Senators are justiciable by the Supreme Court in accordance with the law governing this last one and that concerning the code of the organization and [that] of the judicial competence.

Page 28, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 154:
At the moment of entering into [their] functions and at the end of them, the members of the Bureaus of the National Assembly and of the Senate are required to make on their honor a written declaration of their assets and patrimony addressed to the Supreme Court.

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
... 3°. The political, administrative and judicial organization:
... • organization of the jurisdictions of all orders and procedure followed before these jurisdictions, creation of new orders of jurisdiction, - determination of the status of the magistrature, of the ministerial offices and of the auxiliaries of justice;
... • organization of the bar;

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 160:
[The following] are of the domain of the law:
... The texts of legislative form intervening in these matters may be modified by presidential decree issued after opinion [avis] of the Constitutional Court.

Prisons and detention	Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159: [The following] are of the domain of the law: ... 3°. The political, administrative and judicial organization: ... • penitentiary regime;
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 4, Preamble:
...
Conscious of the imperative need to promote the economical and social development of our country and to assure the safeguarding of our national culture;
....
Reaffirming our unwavering [inébranlable] determination to put an end to the profound causes of the continuous state of the ethnic and political violence, of genocide and of exclusion, of effusion of blood, of insecurity and of political instability, which have plunged the People into distress and suffering and compromise gravely the perspectives for economical development and the realization of equality and of social justice in our country;

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 56:
The State has the obligation to favor the development of the country, in particular the rural development.

Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 74:
Every Burundian has the duty to contribute by their work to the construction and the prosperity of the country.

Page 51, TITLE XII: OF THE NATIONAL COUNCILS, Article 268:
In view of assuring a large participation of the citizens in the administration of the public affairs, the State puts in place the following national councils:
...
• the Economical and Social Council;
...
The Government guarantees to these Councils the means necessary for their functioning.

Page 54, TITLE XII: OF THE NATIONAL COUNCILS, 4. OF THE ECONOMICAL AND SOCIAL COUNCIL, Article 280:
The Economical and Social Council is a consultative organ having competence in all the aspects of the economical and social development of the country.
It is obligatorily consulted on any project of plan of development, on issues of the environment and of the conservation of nature and on any project of regional or sub-regional integration.
The Economical and Social Council can, on its own initiative, under the form of recommendations, draw the attention of the National Assembly, of the Senate or of the Government to the reforms of economical and social order that seem conform or contrary to the general interest.
It gives[,] equally[,] its opinion on all the issues brought [portées] to its examination by the President of the Republic, the Government, the National Assembly, the Senate or by another public institution.

Page 54, TITLE XII: OF THE NATIONAL COUNCILS, 4. OF THE ECONOMICAL AND SOCIAL COUNCIL, Article 281:
The Economical and Social Council is composed of members chosen for their competence in the different socio-professional sectors of the country.
The members of the Economical and Social Council are appointed by the President of the Republic in concert with the Vice-Presidents of the Republic.

National economic plan No specific mention.

Natural resources Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 35:
The State assures the good administration [gestion] and the rational exploitation of the natural resources of the country, while preserving the environment and the conservation of these resources for the generations to come.

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
4°. The protection of the environment and the conservation of the natural resources;

Page 54, TITLE XII: OF THE NATIONAL COUNCILS, 4. OF THE ECONOMICAL AND SOCIAL COUNCIL, Article 280:
The Economical and Social Council is a consultative organ having competence in all the aspects of the economical and social development of the country.
It is obligatorily consulted on any project of plan of development, on issues of the environment and of the conservation of nature and on any project of regional or sub-regional integration.
The Economical and Social Council can, on its own initiative, under the form of recommendations, draw the attention of the National Assembly, of the Senate or of the Government to the reforms of economical and social order that seem conform or contrary to the general interest.
It gives[,] equally[,] its opinion on all the issues brought [portées] to its examination by the President of the Republic, the Government, the National Assembly, the Senate or by another public institution.

International funds No specific mention.

Business Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
6°. The nationalization and denationalization of enterprises and the transfer of property of enterprises from the public sector to the private sector;

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation
Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
5°. The financial and patrimonial issues:
...
• definition of the base [l'assiette] and of the rate of the taxes and the assessments [taxes];

Banks

Socio-economic reconstruction→Banks→Central bank
Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
5°. The financial and patrimonial issues:
• regime for the emission of the currency;

Land, property and environment

Land reform/rights

No specific mention.

Pastoralist/ nomadism rights

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Promotion
Page 4, Preamble:
... Conscious of the imperative need to promote the economical and social development of our country and to assure the safeguarding of our national culture;

Environment

Page 9, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 35:
The State assures the good administration [gestion] and the rational exploitation of the natural resources of the country, while preserving the environment and the conservation of these resources for the generations to come.

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
4°. The protection of the environment and the conservation of the natural resources;

Page 56, TITLE XIII: OF THE INTERNATIONAL TREATIES AND AGREEMENTS, Article 293:
The agreements authorizing the storing of toxic wastes and other matters that could gravely infringe the environment are prohibited.

Water or riparian rights or access

No specific mention.

Security sector

Security Guarantees

Page 6, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 14:
All Burundians have the right to live in Burundi within peace and within security. They must live together in harmony, while respecting the human dignity and tolerating their differences.

Page 53, TITLE XII: OF THE NATIONAL COUNCILS, 2. OF THE NATIONAL OBSERVATORY FOR THE PREVENTION AND THE ERADICATION OF GENOCIDE, OF WAR CRIMES AND OF CRIMES AGAINST HUMANITY, Article 276:

Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 70:
...
The State may proclaim the solidarity of all concerning the responsibilities that result from national and natural calamities.

Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 72:
Each Burundian has the duty to defend the national independence and the integrity of the territory.
Every citizen has the sacred duty to see and to participate in the defense of the country.
Every Burundian, [and] every foreigner who finds himself in the territory of the Republic of Burundi[,] has the duty to not compromise the security of the State.

Page 29, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
1°. The fundamental guarantees and obligations of the citizen:
...
• constraints imposed in the interest of the national defense and of the public security, to the citizens on their persons and on their assets;

Page 47, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 242:
The maintenance of the national security and that of the national defense are submitted to the authority of the Government and to the control of the Parliament.

Page 49, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 255:
The State has the duty to put in place a pertinent policy of reforms in [the] matter of defense and of security that reinforces the unity and the cohesion of the Burundian. People, notably by assuring the necessary ethnic, regional and gender equilibriums.

Page 51, TITLE XII: OF THE NATIONAL COUNCILS, Article 268:
In view of assuring a large participation of the citizens in the administration of the public affairs, the State puts in place the following national councils:
...
• the National Council of Security;
...
The Government guarantees to these Councils the means necessary for their functioning.

Page 53-54, TITLE XII: OF THE NATIONAL COUNCILS, 3. OF THE NATIONAL COUNCIL OF SECURITY, Article 277:
The National Council of Security is a consultative organ given the charge of assisting the

Ceasefire No specific mention.

Police Page 4, Preamble:
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
...
• The restructuring of the national system of security and of justice in order to guarantee the security of all Burundians, including the ethnic minorities.

Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 130:
The President of the Republic, after consultation with the two Vice-Presidents of the Republic, sees to it that the Minister given the charge of the Force of National Defense is not of the same ethnicity as the Minister responsible for the National Police.

Page 29, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
3°. The political, administrative and judicial organization:
...
• general rules of organization of the national police;

Page 47-48, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 245:
The Corps of Defense and of Security consist of a force of national defense, a national police and a national intelligence [renseignements] service, all established in accordance with this Constitution.
...
The National Intelligence Service [Service National de Renseignement] is a corps designed, organized and trained to look for, centralize and exploit all information of a nature that contributes to the security of the State, of its institutions and of its international relations, as well as to the prosperity of its economy.

Page 48, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 248:
The organic laws determine the establishment, the missions, the organization, the instruction, the conditions of service and the functioning of the Force of National Defense, of the National Police and of the National Intelligence Service.

Armed forces

Page 4, Preamble:
...
Considering that to reach to this result, the following constitutional and legal principles must be guaranteed:
...
• The restructuring of the national system of security and of justice in order to guarantee the security of all Burundians, including the ethnic minorities.

Page 10, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 37:
The right to found trade unions [syndicats] and to join them, as well as the right to strike, are recognized. The law may regulate the exercise of these rights and prohibit to certain categories of persons to go on strike.
In all the cases, these rights are prohibited to the members of the corps of defense and of security.

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 82:
The members of the Corps of Defense and of Security as well as the Magistrates[,] in their activities[,] are not authorized to affiliate with the political parties.

Page 24, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 130:
The President of the Republic, after consultation with the two Vice-Presidents of the Republic, sees to it that the Minister given the charge of the Force of National Defense is not of the same ethnicity as the Minister responsible for the National Police.

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...
3°. The political, administrative and judicial organization:
...
• general rules of organization of the national defense;
...
• statute of the personnel of the Corps of Defense and of Security;

Page 35-36, TITLE VI: OF THE LEGISLATIVE POWER, 2. OF THE SENATE, Article 187:
The Senate is provided with the following competences:
…
5. Controlling the application of the constitutional provisions by demanding the ethnic and gender representativeness and the equilibrium in all the State structures and institutions, notably the public administration and the Corps of Defense and of Security;
…
9. Approving the appointments only to the following functions:
a. Heads of the Corps of Defense and of Security;
…

Page 46, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 240:
The Corps of Defense and of Security are established in accordance with the law.
Apart from these, no other armed organization may not be created or raised.

Page 46, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 241:
The Corps of Defense and of Security must reflect the resolute willingness of the Burundians, as individuals and as a nation, to live as equals, in peace and harmony.
They must teach their members to act in conformity with the Constitution and the laws

DDR	No specific mention.
Intelligence services	Page 47-48, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 245: The Corps of Defense and of Security consist of a force of national defense, a national police and a national intelligence [renseignements] service, all established in accordance with this Constitution. ... The National Intelligence Service [Service National de Renseignement] is a corps designed, organized and trained to look for, centralize and exploit all information of a nature that contributes to the security of the State, of its institutions and of its international relations, as well as to the prosperity of its economy. Page 48, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 248: The organic laws determine the establishment, the missions, the organization, the instruction, the conditions of service and the functioning of the Force of National Defense, of the National Police and of the National Intelligence Service.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	Page 49, TITLE X: OF THE CORPS OF DEFENSE AND OF SECURITY, Article 254: All foreign intervention outside the international conventions is prohibited. All recourse to foreign forces is prohibited, except in the case of authorization by the President of the Republic.

Corruption	Page 14, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 69: The public assets are sacred and inviolable. Each one is required to respect them scrupulously and to protect them. Each Burundian has the duty to defend the patrimony of the nation. Any act of sabotage, of vandalism, of corruption, of diversion or of squandering, or any other act that infringes the public good is punished in the conditions specified by the law. Page 21, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 116: The President of the Republic may be declared relieved of his functions for grave fault, grave abuse or corruption, by a resolution taken by two-thirds of the members of the National Assembly and of the Senate meeting [together]. Page 26, TITLE V: OF THE EXECUTIVE POWER, 4. OF THE PROVINCIAL AND PUBLIC ADMINISTRATION, Article 141: All the agents of the public administration exercise their functions, in a manner to serve all the users of the public services in an efficient, impartial and equitable way. The diversion of public funds, corruption, the extortion of funds and racketeering are punished in accordance with the law. Page 51, TITLE XI: OF THE LOCAL COLLECTIVITIES, Article 266: ... For the first elections, every Communal Council elects within it a Communal administrator and may remove him from his functions for a valid reason, such as corruption, incompetence, grave fault or diversion of funds. For the following elections, the National Assembly and the Senate may, after evaluation, legislate [that] the Administrator should be elected by universal direct suffrage.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 59: Any foreigner who finds himself in the territory of the Republic enjoys the protection granted to persons and to assets [biens] by virtue of this Constitution and of the law. A foreigner prosecuted for crime of genocide, crime against humanity, crime of war or act[s] of terrorism may be extradited.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Power to amnesty
Page 21, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 113:
The President of the Republic has the right of pardon which he exercises after consultation with the two Vice-Presidents of the Republic and after [the] opinion of the Superior Council of the Magistrature.

Page 30, TITLE VI: OF THE LEGISLATIVE POWER, 1. OF THE PROVISIONS COMMON TO THE NATIONAL ASSEMBLY AND TO THE SENATE, Article 159:
[The following] are of the domain of the law:
...3°. The political, administrative and judicial organization:
• amnesty.

Page 45, TITLE VIII: OF THE JUDICIAL POWER, 4. OF THE HIGH COURT OF JUSTICE, Article 234:
...The decisions of the High Court of Justice are not susceptible to any recourse, except by pardon or revision.

Courts Transitional justice→Courts→International courts
Page 11, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 49:
The right of asylum is recognized in the conditions specified by the law.
Extradition is only authorized within the limits specified by the law.
No Burundian may be extradited abroad except if they are prosecuted by an international penal jurisdiction for crime of genocide, crime of war or other crimes against humanity.

Page 12, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 1. OF THE FUNDAMENTAL RIGHTS OF THE INDIVIDUAL AND OF THE CITIZEN, Article 59:
Any foreigner who finds himself in the territory of the Republic enjoys the protection granted to persons and to assets [biens] by virtue of this Constitution and of the law.
A foreigner prosecuted for crime of genocide, crime against humanity, crime of war or act[s] of terrorism may be extradited.

Mechanism

Page 4, Preamble:
Reaffirming our unwavering [inébranlable] determination to put an end to the profound causes of the continuous state of the ethnic and political violence, of genocide and of exclusion, of effusion of blood, of insecurity and of political
instability, which have plunged the People into distress and suffering and compromise gravely the perspectives for economical development and the realization of equality and of social justice in our country;

Page 7, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 17:
The Government has as [its] task to realize the aspirations of the Burundian People, in particular to heal the divisions of the past, to ameliorate the quality of life of all Burundians and to guarantee to all the possibility to live in Burundi protected from fear, from discrimination, from disease and from hunger.

Page 42, TITLE VIII: OF THE JUDICIAL POWER, 1. OF THE SUPERIOR COUNCIL OF THE MAGISTRATURE, Article 213:
The Superior Council of the Magistrature assists the President of the Republic and the Government in:
...
3. the elaboration of the strategies in [the] matter of the fight against impunity.

Page 51, TITLE XII: OF THE NATIONAL COUNCILS, Article 268:
In view of assuring a large participation of the citizens in the administration of the public affairs, the State puts in place the following national councils:
...
• the National Observatory [Observatoire] for the prevention and the eradication of genocide, of war crimes and of crimes against humanity;
...
The Government guarantees to these Councils the means necessary for their functioning.

Page 53, TITLE XII: OF THE NATIONAL COUNCILS, 2. OF THE NATIONAL OBSERVATORY FOR THE PREVENTION AND THE ERADICATION OF GENOCIDE, OF WAR CRIMES AND OF CRIMES AGAINST HUMANITY, Article 274:
The National Observatory for the prevention and the eradication of genocide, of war crimes and of crimes against humanity is a consultative organ given the charge of notably:
• following regularly the evolution of the Burundian society from the point of view of the issue of genocide, of war crimes and of other crimes against humanity;
• preventing and eradicating the acts of genocide, war crimes and other crimes against humanity;
• suggesting the measures to effectively fight against the impunity of crimes;
• promoting the creation of a regional observatory;
• promoting a national inter-ethnic front of resistance against genocide, war crimes and other crimes against humanity, as well as against globalization and collective culpability;
• promoting legislation against genocide, war crimes and the other crimes against humanity, and following the strict respect of it;
• proposing policies and measures for the rehabilitation of the victims of genocide, of war crimes and of other crimes against humanity;
• contributing to the implementation of a vast program of sensitization and education to peace, to unity and to national reconciliation.

Page 53, TITLE XII: OF THE NATIONAL COUNCILS, 2. OF THE NATIONAL OBSERVATORY FOR THE PREVENTION AND THE ERADICATION OF GENOCIDE, OF WAR CRIMES AND OF CRIMES AGAINST HUMANITY, Article 275:

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations	No specific mention.

Reconciliation

Page 7, TITLE I: OF THE STATE AND OF THE SOVEREIGNTY OF THE PEOPLE, 2. OF THE FUNDAMENTAL VALUES, Article 18:
The function of the political regime is to unite, to reassure and to reconcile all Burundians. This regime sees to it that the Government put in place is at the service of the Burundian people, source of its power and of its authority.

Page 13, TITLE II: OF THE CHARTER OF FUNDAMENTAL RIGHTS AND DUTIES, OF THE INDIVIDUAL AND OF THE CITIZEN, 2. OF THE FUNDAMENTAL DUTIES OF THE INDIVIDUAL AND OF THE CITIZEN, Article 64:
Every Burundian has the duty to preserve and to reinforce the national unity in accordance with the Charte de l'Unité Nationale [Charter of the National Unity].

Page 15, TITLE III: OF THE SYSTEM OF POLITICAL PARTIES, Article 77:
An association without a lucrative goal regrouping the citizens around a project of [a] democratic society founded on the national unity, with a distinctive political program of precise objectives responding to the concern to serve the general interest and to assure the development of all citizens[,] constitutes a political party.

Page 20, TITLE V: OF THE EXECUTIVE POWER, 1. Of the President of the Republic, Article 106:
At the moment of entering into [his] function, the President of the Republic solemnly takes the following oath, received by the Constitutional Court before the Parliament:
Before the Burundian People, sole holder of the national sovereignty, I, (enounce the name), President of the Republic of Burundi, swear fidelity to the Charter of the National Unity, to the Constitution of the Republic of Burundi and to the law and engage myself to dedicate all my forces to the defense of the superior interests of the nation, to assure the national unity and the cohesion of the Burundian People, [and] social peace and justice. I engage myself to fight any ideology and practice of genocide and of exclusion, to promote and to defend the individual and collective rights and freedoms of the person and of the citizen, and to safeguard the integrity and the independence of the Republic of Burundi.

Page 23, TITLE V: OF THE EXECUTIVE POWER, 2. OF THE VICE-PRESIDENTS OF THE REPUBLIC, Article 127:
At the moment of entering into [their] functions, the Vice-Presidents solemnly take the following oath, received by the Constitutional Court, before the Parliament:
Before the Burundian people, sole holder of the national sovereignty, I (enounce the name), Vice-President of the Republic of Burundi, swear fidelity to the Charter of the National Unity, to the Constitution of the Republic of Burundi and to the law and engage myself to dedicate all my forces to the defense of the superior interests of the nation, to assure the unity and the national cohesion of the Burundian people, social peace and justice. I engage myself to fighting any ideology and practice of genocide and of exclusion, to promoting and defending the individual and collective rights and freedoms of the person and of the citizen, and to safeguarding the integrity and the independence of the Republic of Burundi.

Page 25, TITLE V: OF THE EXECUTIVE POWER, 3. OF THE GOVERNMENT, Article 133:
...
At the moment of entering into their functions, the members of the Government solemnly take the following oath before the Parliament and the President of the Republic:
"Before the President of the Republic, before the Parliament, I (enounce the name), swear fidelity to the Charter of the National Unity, to the Constitution and to the law. I engage myself to consecrate all my forces to the defense of the superior interests of the nation, to promote the unity and the cohesion of the Burundian People, social peace and

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	No specific mention.