

CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the Human Rights Committee: 138th SESSION

BURUNDI

(Military service, conscientious objection and related issues.)

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CPTI aims to supply information on all States with armed forces which report under the International Covenant on Civil and Political Rights (ICCPR) with regard to their military recruitment legislation and their recognition of the right of conscientious objection, even when, as in this case, there appear at present appear to be no urgent questions arising.

CPTI also reports to the Committee on the Rights of the Child on States where there appear to be issues under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and although these issues do not necessarily have implications for the ICCPR, such concerns are also summarised in these submissions.

Historical Background

Burundi was part of German East Africa, being governed as a single province (Ruanda-Urundi) with Rwanda. In First World War the territory was occupied by Belgium, which subsequently governed it first as a League of Nations mandate and later as a UN Trusteeship. Rwanda and Burundi were again separated in 1959, and gained independence in 1962.

The political history of Burundi has been marked by a series of assassinations, coups and attempted coups underlying which have been ethnic tensions between the Tutsi, originally nomadic pastoralists of Nilotic origin, who had traditionally formed the ruling class, and the majority, sedentary Hutu. Massacres in 1972 and 1988 were believed to have killed some 100,000 and 20,000 Hutu, respectively. From 1993 until around 2010 civil war between the Tutsi-dominated army and Hutu guerrillas led to some 300,000 deaths, mainly civilian, which were somewhat overshadowed by the massacre of Tsutsi in Rwanda, which had been sparked by the shooting-down of an aeroplane containing the heads of state of the two countries.

During the civil war, various reports indicated initiatives to impose conscription, for example in the mid-nineties, attempts were reported to impose military service upon Tutsi university students, all Hutu students having already been driven away, but it is not clear to what extent this may have been successful.¹ Article 37 of the 2004 military recruitment law subsequently stated categorically that all recruitment was voluntary.² but it was assumed that these would

¹ Horeman & Stolwijk, Refusing to Bear Arms, War Resisters' International, London, 1998.

² Child Soldiers Global Report 2008, p,78-

apply only to the Tutsi population, and as far as is known they did not in the event come to anything.

At no stage has there been any suggestion of a recognition of the right of conscientious objection to military service, but no actual cases have been reported, and although Burundi ought as a matter of course to be asked how it would respond should a serving member of the armed forces seek release having developed conscientious objections since volunteering, it must be admitted that this situation is not likely to arise in practice.

Juvenile recruitment

In the course of the civil war, widespread juvenile recruitment by all parties was recorded, and Burundi was chosen for one of the case studies for the Machel Report on children in armed conflict, which documented recruitment of children as young as twelve years.³

Burundi ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 24th June, 2008, making the following declaration:

“With regard to Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Government of the Republic of Burundi declares that the minimum age at which it permits voluntary recruitment into its national defence forces is eighteen (18) years (cf. article 1 of Act no. 67-8 of 30 October 1963)

“The Government of the Republic of Burundi further notes that it has adopted the following safeguards to ensure that such recruitment is neither forced nor coerced:

- (a) Recruitment into the national defence forces and the national police of Burundi is initiated through announcements in the national media for young men and women;
- (b) Prospective recruits are required to provide, inter alia, a birth certificate, proof of school attendance, and/or apprenticeship certificate;
- (c) The enlistment ceremony for young people is conducted in public, at a sports field or other similar venue;
- (d) All recruits undergo a thorough medical examination.”

Burundi has yet to make its Initial Report under the Optional Protocol, but it might be noted that following the eventual end of the civil war the Government armed forces and eventually the opposition FLN have ceased to be listed for their use of child soldiers by the Special Representative of the Secretary General on children in armed conflict

Latest statistics

POPULATION (November 2022, estimated⁴)	12,696,000
of which males aged 15 – 19	5.5%
thus annually reaching recruitment age (approx)⁵:	139,656
ARMED FORCES: Active strength, November 2022⁶:	30,050
compared to the male population reaching recruitment age	21.5%
MILITARY EXPENDITURE: US \$ equivalent, estimated 2022⁷	\$115m

³ See Brett, R. and MacCallin, M: Children the Invisible Soldiers, Radda Barnen, Stockholm, 1996.

⁴ Source: The Military Balance 2023 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

⁵ Ibid: - calculated from the quoted proportion of the 2022 population which were males between the ages of 15 and 19.

⁶ The Military Balance 2023, op cit.

Per capita
As % of GDP

\$8.0
2.8