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1. Overview

Corruption in Burundi is described by sources as a "significant" (Freedom House 23 Jan. 2014) or a "very serious" problem (US 27 Feb. 2014, 16). The US Department of State's Country Reports on Human Rights Practices for 2013 indicates that corruption in Burundi exists "at all levels of government" (ibid., 1). Transparency International's (TI) Corruption Perceptions Index 2014, which measures perceived levels of public sector corruption worldwide on a scale from 0 ("highly corrupt") to 100 ("very clean"), gave Burundi a score of 20 and a ranking of 159 out of 175 countries [in comparison, Canada is ranked 10th of the 175 countries, with a score of 74] (TI 2014). The East African Bribery Index 2013, produced by Transparency International Kenya (TI-Kenya) in conjunction with the Association Burundaise des Consommateurs (ABUCO), a civil society organization whose main objectives are to "promote, to develop and to defend consumer rights as well as to educate and inform consumers" (Consumers International n.d.), surveyed 1,500 respondents in all of the provinces of Burundi (TI Kenya et al. Oct. 2013, 6). The survey found that the public sector with the highest prevalence of bribery in Burundi was the police (ibid., 8).

2. Prevalence of Fraudulent Documents

In correspondence with the Research Directorate, a representative of the Commissioner-General's office of the government of Burundi's Special Anti-Corruption Brigade (Brigade Spéciale Anti-Corruption, BSAC) stated that statistics on fraudulent documents in Burundi are [translation] "difficult" to obtain (Burundi 27 Nov. 2014). The representative added that documents issued by local authorities at the commune level [translation] "can often be subject to fraud since they are ... easily falsifiable" (ibid.). In correspondence with the Research Directorate, a representative of the Burundian League for Human Rights (Ligue burundaise des droits de l'homme, Ligue Iteka), an association that defends human rights and monitors violations in Burundi (Ligue Iteka n.d.), indicated that there is a [translation] "high" prevalence of fraudulent identity documents in Burundi, including the CNI, driving permits, diplomas and passports (Ligue Iteka 26 Nov. 2014).

2.1 Biometric Passports

For detailed information on the requirements and procedures to obtain a biometric passport, please refer to Response to Information Request BDI104777. In correspondence with the Research Directorate, a representative of the Burundian non-profit organization l'Observatoire de Lutte contre la Corruption et les Malversations Économiques (OLUCOME), whose mission is to promote good governance, transparency and rule of law in Burundi, indicated that biometric passports have been in use since 2010 and are issued by the Police de l'Air des Frontières et des Étrangers (PAFE) (OLUCOME 4 Dec. 2014).

According to the OLUCOME representative, some of the security features on the biometric passport include fingerprints, a signature at the back of the passport and a photograph inside the passport (ibid.). According to the BSAC representative, the biometric passport is not easily forged (Burundi 27 Nov. 2014). Similarly, the representative of Ligue Iteka said that the security characteristics of the biometric passport are [translation] "sufficient," unlike other identity documents (26 Nov. 2014). The OLUCOME representative indicated that PAFE has reported a reduction in passport fraud since biometric passports have been computerized and that fraudulent biometric passports [translation] "can be intercepted very easily" (4 Dec. 2014).

The BSAC representative indicated that a foreign national could use a fraudulent identity card to obtain a Burundian passport, even when he or she is not Burundian (Burundi 27 Nov. 2014). The source explained that this was because the required documents to obtain a biometric passport, such as the identity card, are falsifiable (ibid.). The representative of the Ligue Iteka did not provide examples of specific instances, but indicated that people can obtain authentic Burundian identity documents using false information due to deficient controls on the national identity cards (26 Nov. 2014). Similarly, without providing information on specific cases, the OLUCOME representative stated that passport fraud happens [translation] "regularly"; for example, a Rwandan or Congolese person could pass for a Burundian in order to obtain a Burundian passport (OLUCOME 4 Dec. 2014). The same source indicated that this would be facilitated by obtaining fraudulent proof of birth documents (for those born before 1980), birth certificates (for those born after 1980), proof of identity documents, CNIs, or proof of residence documents from corrupt officials or administrators (4 Dec. 2014).

In October 2010, Chinese news agency Xinhua reported that Burundian police arrested six people accused of counterfeiting identity documents, including CNIs, driving permits, passports, and other biometric documents (Xinhua 4 Oct. 2010). The same source reports that three of the people arrested were police officers (ibid.). In 2011, Xinhua reported that 12 Burundians were arrested while trying to cross the border into Tanzania using false travel documents; the Burundian police arrested PAFE agents and foreigners who were involved in issuing the false documents (ibid. 15

Sept. 2011). Corroborating information for these two cases could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Documents Issued by Local Authorities, Including CNIs

For information on the requirements and procedures to obtain a CNI, please refer to Response to Information Request BDI104778; for the issuance procedures for birth documents please refer to Response to Information Request BDI104036. The OLUCOME representative stated that CNIs and proof of birth, identity, and residence documents are issued by the Ministry of the Interior, through the city hall of Bujumbura as well as rural and urban communes (4 Dec. 2014).

Quoted by Agence France-Presse (AFP) in an article published in December 2014, the Chairman of the government of Burundi's National Independent Election Commission (Commission Électorale Nationale indépendante, CENI), told the media that [translation] "many" Burundian citizens do not possess a CNI (AFP 1 Dec. 2014). Similarly, Radio France internationale (RFI) reported that [translation] "a large percentage of the population" do not have identity cards (2 Dec. 2014). According to a report published by the International Crisis Group in 2010, "hundreds of thousands of Burundians do not have a CNI because the issue of the document requires payment of a fee and sometimes onerous administrative procedures" (International Crisis Group 12 Feb. 2010, 5). According to the same source, the "vast majority of Burundians come from rural areas and do not possess ... identity documents, except perhaps for the baptism certificate" (ibid.).

The OLUCOME representative stated that the CNI is [translation] "non-computerized" and "non-biometric" (4 Dec. 2014). According to the assistant to the Minister of the Interior, quoted in 2013 by Xinhua, the national identity card has "security deficiencies" (Xinhua 29 Aug. 2013). Sources report that ordinary CNIs do not contain security features (Burundi 27 Nov. 2014; OLUCOME 4 Dec. 2014), apart from a stamp of the commune marked on the holder's photo (ibid.). A 2010 article posted on the website of the president of Burundi indicates that the Vice-President of the Republic paid a [translation] "surprise visit" to municipal administrative service providers in Bujumbura, including those that issue identity cards, and found that services for identity cards and housing deeds were done using "old typewriters" and that none of the services were computerized (Burundi 6 Dec. 2010). According to the assistant to the Minister of Interior, quoted in a Xinhua article, due to the lack of "appropriate technology," on non-biometric CNIs, criminals are able to obtain several national identity cards without being detected (Xinhua 29 Aug. 2013).

The BSAC representative stated that ordinary CNIs issued by local authorities at the commune level are "easily falsifiable;" as are other documents issued by local authorities, such as birth and marriage certificates (Burundi 27 Nov. 2014). According to the same source, proof of residence documents are also "falsifiable" (ibid. 28 Nov. 2014). Similarly, the representative of OLUCOME indicated that the CNI is [translation] "very easy" to forge, due to the fact that document control and "monitoring is not rigorous" (OLUCOME 4 Dec. 2014). The same source reports that marriage and birth documents are also [translation] "often" falsified in Burundi (ibid.). The representative of OLUCOME explained that births in Burundi prior to 1980 were not registered, making fraud of birth documents "easy" in comparison with births after 1980, for which birth documents must be obtained at the person's commune of birth (ibid.).

Sources report that birth registration in Burundi is free (UN 20 Mar. 2012; US 27 Feb. 2014, 21); however, according to Country Reports 2013, parents who do not register the birth of their children within the first days are "fined" (ibid.). The UN reports parents must pay US\$21 for late birth registration (UN 20 Mar. 2012). According to the UN's Integrated Regional Information Networks (IRIN), Burundians fail to obtain birth certificates "partly due to ignorance, local customs in some areas, long distances to registration offices, corruption, and the cost of late registration" (ibid.).

2.3 Biometric CNIs

The assistant to the Minister of Interior, quoted in a 2013 Xinhua article, stated that the new biometric CNI was introduced in order to stop identity cards from being obtained by [translation] "'ill-intentioned' foreigners" (29 Aug. 2013). According to the same source, the Burundian government was planning to distribute a biometric CNI to all Burundians aged 16 and over, before the 2015 elections (Xinhua 29 Aug. 2013). However, the Director General of the Territorial Administration in the Ministry of the Interior indicated in January 2014 that approximately 38,000 biometric cards had been issued, and estimated that "'at best,'" 6 million cards would be issued by 15 March 2015 [1] (ibid. 3 Jan. 2014).

The representative of the BSAC stated that as of December 2014, the biometric CNI project had begun in Bujumbura and that citizens there were in the process of enrolling; the cards are not yet available outside of Bujumbura (Burundi 2 Dec. 2014). However, according to a January 2014 article on Iwacu-Burundi, a Burundian media group with a website in English, French and Kurundi as well as a weekly and monthly paper edition (n.d.), in the course of a registration campaign for the new biometric CNI in the province of Musinga, opposition activists claimed the local administrators required opposition activists to join the President's party, the National Council for the Defence of Democracy-Forces for the Defense of Democracy (Conseil national pour la défense de la démocratie-Forces de défense de la démocratie, CNDD-FDD) [2] before they could register to obtain the biometric card (Iwacu-Burundi 13 Jan. 2014). The claims were refuted by the governor of the province who stated the operation was to take inventory of [translation] "foreigners" in order to avoid fraudulent distribution of the new CNI (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A January 2014 article published by Iwacu-Burundi indicated that according to a local leader in the Bujumbura commune of Ngagara, the local authorities that issue the biometric CNI [translation] "do not verify if those applying for the card are truly from Ngagara or Burundian" (ibid. 24 Jan. 2014). A Ngagara administrator interviewed for the same article stated that a person cannot be refused a biometric identity card because they do not reside in the commune, however if the administration has doubts about an applicant's identity because of the person's [translation] "'physical appearance or language'" the administration will conduct "'verifications'" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.4 Election-Related Issues

The International Crisis Group quotes Article 15 of the electoral law in Burundi as stipulating that 'registration as an elector is implemented upon presentation of the national identity card or any other official identity documentation or any other document of a kind that makes it possible to verify that the person appearing [before the authorities] is qualified to be an elector.' (International Crisis Group 12 Feb. 2010, 5)

In spite of this law, the same source reports that "the issue of a voting card depends on the possession of a CNI," which caused the distribution of the CNI to become "an electoral issue" prior to the 2010 elections (ibid.). Sources report that during the election period in Burundi, opposition parties claimed that local administrators refused to issue CNIs to members of the opposition parties (US 8 Apr. 2011, 20), or "selectively" distributed identity cards to areas "loyal" to the President's party (International Crisis Group 12 Feb. 2010, 5). Similarly, a report about the political and security context in Burundi ahead of the 2010 elections written by the Burundian NGO, Observatoire de l'Action Gouvernementale (OAG) [3], stated that opposition parties claimed the ruling party and administration was only permitting CNDD-FDD members to obtain

CNIs, while excluding other party members (OAG Apr. 2010, 24). Human Rights Watch reports that a member of an opposition party had witnessed "a communal employee typing up fraudulent national ID cards" (Human Rights Watch May 2010, 34-35). The same source reported that the "communal employee" was also a member of the CNDD-FDD (ibid.). The OAG indicates that there were numerous reports in independent Burundian media sources of the fraudulent issuance of identity cards prior to the 2010 election, including [translation] "discriminatory" and "clandestine" distribution of cards, issuance of cards to minors, the use of false documents to issue cards to foreigners, and cases where individuals using different names obtained multiple cards (OAG Apr. 2010, 22).

In response, the UN Development Programme (UNDP) sponsored a programme that distributed free identity cards in 2009 (UN n.d.; International Crisis Group 12 Feb. 2010, 5), although "selective" distribution was still reported (ibid., 6). AFP reports that 1.5 million CNIs were issued by Burundi prior to the 2010 elections (1 Dec. 2014).

In an August 2014 article, Iwacu-Burundi interviewed members of the opposition and witnesses who stated that they had seen members of the CNDD-FDD being issued multiple identity cards and that cards had also been issued to minors (Iwacu-Burundi 11 Aug. 2014). The party denied the allegations when approached by the news source (ibid.). An August 2014 article published on the Rwanda-based news website IGIHE indicated that a local commune administrator in Ruhororo [Ngozi Province] was accused by an NGO and opposition parties of issuing CNIs to minors; the CNDD-FDD president in Ngozi denied any connection to the administrator's actions (IGIHE 7 Aug. 2014).

AFP reports that during the voter registration period for the 2015 elections (24 November to 7 December 2014), numerous cases were reported whereby ruling party activists were found to have multiple CNIs, distributed to them by local authorities (AFP 1 Dec. 2014). RFI reports that "irregularities" were reported by opposition parties, civil society, and independent media, including [translation] "clandestine" issuance of cards in several regions of the country, issuance of cards to minors, and to CNDD-FDD activists by local administrators (RFI 2 Dec. 2014). The Minister of the Interior, quoted by AFP in December 2014, acknowledged that there have been what he called [translation] "quite a few irregularities" in the distribution of CNIs during the elector registration period (AFP 1 Dec. 2014). He stated that the irregularities were due to the speed at which identity cards were being distributed (ibid.). Kenya-based newspaper the East African reports that the opposition coalition Democratic Alliance for Change (ADC-IKIBIRI) asked CENI to voter registration due to the difficulty its members had in obtaining identity cards, but the request was refused (The East African 25 Nov. 2014). At an evaluation meeting held in early December 2014 by CENI at the mid-point of voter registration, opposition parties again called on CENI to suspend voter registration due to irregularities concerning the issuance of CNIs (Radio Isanganiro 2 Dec. 2014; Bonesha FM 2 Dec. 2014; RPA n.d.) which reportedly continued to occur in different parts of the country (ibid.). Burundi radio station Bonesha FM reported that the ADC-IKIBIRI boycotted the meeting, and the party called the irregularities in elector registration "numerous" and "serious;" the party then withdrew from participating in provincial and commune-level electoral commissions (Bonesha FM 1 Dec. 2014). According to Burundian station Radio Isanganiro, the Minister of the Interior conceded there were irregularities in the issue of identity cards, but stated that, in his view, the issue would not affect the credibility of the elections (Radio Isanganiro 2 Dec. 2014). On 4 December 2014, the Minister of the Interior called on local authorities to be vigilant, look for fraudulent activity and report cases found to be fraudulent (IGIHE 4 Dec. 2014). He also called on CENI to remove the right to vote from those who are caught trying to register using false identity cards (ibid.).

3. Legislation on Fraudulent Documents

The sections of the Burundi penal code dealing with offences related to the use and production of fraudulent documents are attached to this Response.

4. Arrests and Punishments for Document Fraud

The OAG reported that in the 2010 elections, the majority of those that participated in fraud related to the distribution of the identity card and voter enrollment did so [translation] "without punishment" (OAG Apr. 2010, 28). According to Human Rights Watch, an employee of the local administration of Cibitoke province, who was also a member of the ruling party, was caught by authorities for producing fraudulent identity cards during the 2010 elections and was jailed overnight before being released without charge (Human Rights Watch May 2010, 34-35). The OAG report indicates that the head of the Kinama commune in Bujumbura was dismissed after being caught with a list of 105 people from the Forces Nationales de Liberation (FNL) to whom he was to issue identity cards (OAG Apr. 2010, 23). Youths from the UPD Zigamibanga party were also reportedly apprehended for having identity cards with false names (ibid.).

Xinhua news agency reports on two cases in which multiple Burundian police officers were involved in producing fraudulent identity and travel documents and who were later arrested (Xinhua 4 Oct. 2010; ibid. 15 Sept. 2011). Further information on these cases could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Without providing details, the BSAC office indicated in November 2014 correspondence that it was working on five different cases in which people were found to have used fraudulent identity cards to steal money from banks (Burundi 28 Nov. 2014).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to the PanAfrican News Agency (PANAPress), the Burundian government's National Independent Electoral Commission (Commission electorale nationale indépendante, CENI) announced in April 2014 that biometric identity cards would not be required in order for voters to be registered on elector lists for the March 2015 general elections (PANAPress 9 Apr. 2014). The same source reports that the old CNI would be accepted, as well as other pieces of identification, such as a baptism certificate, driving permit, or ordinary passport (ibid.). Identity documents other than the CNI are also accepted as voter identification (Xinhua 24 Nov. 2014; PANAPress 9 Apr. 2014), since the 2010 elections (ibid.).

[2] Country Reports 2013 indicates that the CNDD-FDD ran unopposed in the 2010 elections and won absolute majorities in the National Assembly and the Senate (US 27 Feb. 2014, 15).

[3] The OAG is a Bujumbura-based NGO involved in promoting a culture of accountability and citizen participation, and which received development funding from the government of Canada in 2011 (Canada n.d.).

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Additional Sources Consulted

Oral sources: Attempts to contact the following were unsuccessful within the time constraints of this Response: Avocats Sans Frontières Burundi; Burundi - Embassies in Brussels, Ottawa and London, Mairie du Bujumbura, Police de l'air des frontières et des étrangers; Canada - Consulate in Bujumbura; Centre d'alerte et de prévention des conflits Burundi; Independent researcher on Burundi affiliated with CENAP; Researcher, Centre d'étude de la région des Grands Lacs d'Afrique.

The following were unable to provide information for this Response: Two academics at the University of Antwerp who specialize in the Great Lakes region; Association Burundaise des Consommateurs - TI Burundi; Canada - Canada Border Services Agency - National Document Centre; Interpol Liaison; International Crisis Group; Researcher on Burundi, Institute for Security Studies in Nairobi; Professor of Criminal Law, University of Burundi.

Internet sites, including: Africa Confidential; Amnesty International; Association de Réflexion et d'Information sur le Burundi; Burundi - Commission nationale indépendante des droits de l'homme, Embassy of Burundi in Ottawa; mairie de Bujumbura; ministère de l'Intérieur; Burundiréalité.org; Burunditransparence.org; Daily Nation [Nairobi]; ecoi.net; East African Association of Anti-Corruption Authorities; Frontex; LandInfo; Le Monde; Keesing Reference Systems; Radio Okapi; Standard Media [Nairobi]; UN - UN Office in Burundi, Refworld; US - Congressional Research Service; Voice of America.

Attachment

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