

National Report Template ILAG Ottawa June 2019

would be much appreciated if you could fill in what you can for your jurisdiction. Please highlight any recent significant changes in your legal aid programme:

1. Country details :

Name, Population, GDP, Poverty line / % of population deemed to be living in poverty, number of practising It lawyers in the jurisdiction.



Burundi is located in East Africa and Central Africa. Its area is 27,834 km² with a population of more or less 11million inhabitants.

Burundi is a predominantly rural country with livestock and agriculture activities that occupy nearly 90% of the population.

It is surrounded by Tanzania to the east, Rwanda to the north, the Democratic Republic of Congo to the west and is bordered by Lake Tanganyika to the southwest.

Burundi is a country that aspires to the rule of law but faces the problems of poverty like other developing countries.

The rate of the population living in poverty is 64.6 % and the poverty line is estimated at 1744 Fbu per day per person (approximately one US dollar a day)

However, the poverty rate between 2006 and 2014 was estimated at 67.1%, a decrease of 2.5 percentage points. Burundi has just adopted a new National Development Plan (NDP) which extends from 2018-2027 to respond to the real challenges of poverty in Burundi.

In the justice sector there are around 800 magistrates and 1000 lawyers.

Jurisdictions are decentralized to the level of the communes in order to facilitate access to justice for the population. Burundi has 119 municipalities, and each of them has a court of residence and there are in those who have even two account of the size of their surface. Each province has a high court and the capital of Bujumbura registers three. The courts of appeal have just been extended to seven always in order to facilitate the easy access of justice to the population.

2.Name and Status of LAO (Independent, within Government, part of the Bar Association / Law Society , Public Defenders Office etc). Delivery method (salaried, private profession, paralegals etc. Please give numbers for each sector. If mixed please give the division of labour and balance of the mix).What payment methods are used to recompense any private lawyers in your system (e.g. contract, fixed fee, hourly rate, part pro bono, etc)?

In Burundi, the legal aid system is mixed system (State and private Actors)

Assistance services are mainly provided by civil society organizations, mainly bar associations, which in principle have the monopoly of legal assistance under the guidance and coordination of the Ministry having jurisdiction in its attributions. There are currently 1000 lawyers from two licensed bars in Burundi. Fees are determined by mutual agreement with stakeholders including the bars, taking into account the economic situation of the country and are fixed.

Pro bono culture is not widely practiced in Burundi. However, for the poorest of cases, the batoniers automatically appoint lawyers for free assistance. The same is true of the Association of Women Jurists of Burundi, 90 % of whose members are lawyers who also provide pro bono services for victims of gender-based violence.

3. Budget and Spend:

Please give the budget for Publicly Funded Legal Services / Legal Aid in your jurisdiction for the last two years. If possible show the actual expenditure broken down by civil, criminal, initial advice. Please indicate the proportion of the legal aid budget that is funded by (a) central / Federal Government (b) Local or state government. Is your legal aid budget demand led, capped, uncapped or a mixture? (Please elaborate).

The Ministry of Justice has set up a budget line for the legal assistance of the vulnerable since the year 2015. Around twenty thousand dollars are allocated each year to the free legal assistance of minors in conflict with the law, victims rape and other vulnerable and destitute people.

However, there is a strong demand that the budget line can not cover. It is in this sense that the partners of the Ministry of Justice, mainly UNDP, UNICEF and the NGO CORDAID, try to supplement the Ministry by supporting legal aid activities for the poor. But we are still faced with the crying need because not all provinces are covered.

In the last two years, 3876 vulnerable and destitute people, including 1706 women, benefited from free legal aid services.

4. Scope, Caseload and Eligibility:

What restrictions on scope are there for civil and criminal legal aid and for initial advice in your jurisdiction? Total number of applications and grants for the last two years. Please break down by civil, criminal and initial advice as well as by year. Proportion of the population eligible for civil legal aid and/ or initial Advice. Eligibility limits for criminal legal aid. Are means tested contributions part of your (a) civil (b) criminal (c) initial advice eligibility requirements? In your jurisdiction, are legal aided litigants who lose their case liable to pay the other side's legal expenses/ costs?

In Burundi, the Code of Criminal Procedure makes legal aid compulsory for certain categories of vulnerable persons on pain of nullity of procedure. These are people prosecuted for serious crimes that could be punished by at least 20 years of criminal servitude. Legal aid is even in prejudicial phase with the right to remain silent in the absence of a lawyer. It is also granted to land disputes that occupy 80 percent of Burundian litigation because 90 percent of the population lives from agriculture with a large population galloping, these conflicts are increasing. However, the legal aid services are limited by the means of the State which can not cover all the needy despite several initiatives already carried out in this direction.

5. Quality Assurance:

System used – Complaints to LAO, Complaints to the Bar Association/ Law Society, Client Satisfaction questionnaires / interviews, CLE, Mentoring, Peer Review, Supervisor audit, Observation or video/audio tape etc? What requirements are there (if any) for lawyers and others who wish to provide legal aid, other than membership of the Bar / professional association e.g. registration, experience, special exams, interviews, upper or lower limits on number of cases undertaken annually etc ?

The quality assurance of legal aid services is provided by the Ministry of Justice in collaboration with the Bars, which are in principle the guarantors of lawyers' ethics. A group of corrective lawyers is set up within each bar and it is the latter that analyzes the quality of the lawyer's work and in the event of a breach of the obligations of a lawyer, sanctions such as the removal on the list of legal aid can follow.

In the same way, the Ministry with the justice in its attributions in collaboration with its partners organize evaluations mid-way and at the end of the year as well as the survey of satisfaction of the beneficiaries.

Here is one of the testimonies of the vulnerable who received free legal aid during an evaluation workshop organized in September 2018 by the Ministry of Justice in collaboration with UNDP Burundi:

Lady NTAHOMVUKIYE Marguerite, Murinda Hill, Vugizo Commune, Makamba Province / Rumonge Workshop



« Jwe umugenzi wanje yansigiye itongo ndaribako imyaka ni yindi, niho nabona umubanyi aza avuga ko iryo tongo ari iryiwe,nari nkenye cane sinari gushobora kumwitwarira iyataba uwu mugambi wo gufasha ba ntahonikora mu kubaburanira ku buntu. Twaragiye muri sentare, nafashijwe n'abashingwamanza umugambi wo gufasha ba ntahonikora waturungikiye, amasura yarajeuwo mubanyi aratsindwa,..... abacamanza baje kudushingira akarimbi haciye haza uyundi muntu ararahira ararengwa ko atakarimbi gashingwa ngo iryo tongo ni iry'uwo mugabo amburanya ariko kubera nari nshigikiwe na ba bashingwamanza mwaturungikiye, akarimbi karashinzwe naho ndara ntibuca nibaza ko yongirira nabi ubu ndi mw'itongo nasigiwe nu mugenzi wanje.

Ndashimiye Imana na sentare yankomoreye itongo ryanje, ndashimiye kandi n'umugambi wo gufasha ba ntahonikora wansubije mw'itongo ryanje kuko mba ndara mwi barabara ».

Which can be translated as follows:

"My husband left me a piece of land where I lived for many years after his death. To my surprise, a neighbor came to tell me later that this piece of land belonged to him I was completely destitute, and had it not been the legal aid program that assists the vulnerable and the poor in justice, I could not have brought him to justice. In court, I received legal assistance from the Lawyers until the end of the trial where I won During the execution of the judgment, another person came to interfere, but with the accompaniment of lawyers that you provided, my land could be demarcated, even if since then I spend sleepless nights for fear of reprisals .

I thank God and the court who put me in my rights. I also thank the program of legal aid for the vulnerable, because without it I would be doomed to sleep on the street.

6.Public Legal Education:

Initiatives in last two years to increase public awareness of the availability of PFLS/ legal aid in your jurisdiction and how to access it. (Include any particular approach for those in remote areas or those with special legal needs). IT packages introduced to enhance access for the public. Has there been a country wide Needs Assessment study in your jurisdiction in recent years, looking at the distribution of justiciable problems and how the public respond to them?

In Burundi, a large part of the population is confronted with the incomprehension of the judicial procedures because being majority illiterate. It is in this sense that several channels of information and awareness of the law have been multiplied in recent years. These include the organization of information and awareness-raising sessions on the right to the population, including for prisoners, the broadcasting of broadcasts on judicial proceedings in radio stations, the setting up of reception offices at the level of the courts etc. It should be noted

that a national legal aid strategy has been developed by the Ministry of Justice in collaboration with all stakeholders in the area of access to justice. The latter was validated in April 2017 and aims to improve access to justice for all by strengthening the coordination of all stakeholders, creating synergies and cooperation protocols to strengthen the impact of interventions and programs mobilization of financial resources

Photo taken during information and sensitization sessions on the right to the population in October 2018 by the Ministry of Justice in collaboration with UNDP Burundi



7. Alternative Sources of legal services:

What are the other principal sources of legal help for disadvantaged citizens in your jurisdiction, and how many clients do they assist annually (e.g. legal expenses insurance, trade unions, claims companies, community law clinics, university law clinics etc).

The structures that provide legal aid services to the public are the reception offices at the jurisdictional level, the free consultation offices of lawyers who support mediation and the drafting of findings for cases that are in court. In the same way, each prison has a legal service which also contributes to the follow-up of the evolution of the files of the defendants and cases of irregularities of procedure are brought to the knowledge of the authorized judicial

institution. Some civil society organizations such as the Association of Women Lawyers in Burundi have a permanent office that provides legal aid services to the population and in particular to the poor. However, they do not work in a systematic way because they depend on donor support.

The Burundian legal aid system also envisages the involvement of the finalist students in law in the provision of legal aid services.

8. Holistic legal services:

Is your jurisdiction exploring link ups between legal services providers and non lawyer professionals e.g. health / justice partnerships, social work / justice collaboration, or other forms of “one stop shop” ?

There are spaces for discussion between all stakeholders to provide comprehensive and integrated support to beneficiaries. The latter are grouped in a thematic group called a request for justice under the coordination of the Ministry of Justice. At least once every six months, an exchange meeting on progress, good practices, challenges and proposals for solutions is organized. .

9. UN SDG Standard 16.3

Please identify any steps being taken to articulate and elaborate Sustainable Development Goal 16.3 in your jurisdiction.

Burundi has just adopted a national policy on legal aid that envisages structures for the provision of legal aid services from the most remote corners in order to contribute to the achievement of SDG target 16 al 3. However, its implementation runs up against the limited resources of the State despite several initiatives already carried out.

The Ministry of Justice and Civil Protection, in collaboration with its partners, plans to extend legal aid services throughout the country and to the most remote corners by setting up paralegals at the hills and aid offices at the commune level. The establishment of these structures is expected before the end of 2019 in 33 pilot municipalities.

