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Summary of stakeholders' submissions on Burundi*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 24 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Independent National Human Rights Commission (CNIDH) encouraged Burundi to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.³

3. The Commission noted the dialogue on procedures for cooperation with international and regional mechanisms.⁴

4. The Commission observed that, although Burundi had not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Constitution guaranteed the right to life and the death penalty was precluded by the Penal Code.⁵

5. The Commission took note of the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the prohibition of torture in article 25 of the Constitution.⁶ While indicating that it is in fact already playing the role of national mechanism for the prevention of torture, the Commission proposed that a national preventive mechanism be formally incorporated into it.⁷

* The present document is being issued without formal editing.



6. The Commission reported on the strengthening of national human rights institutions and mechanisms.⁸
7. The Commission noted the adoption by Burundi of a national human rights policy and related action plan for the period 2018–2023.⁹
8. The Commission highlighted that violations of human rights and international humanitarian law were punishable under the Penal Code. It noted the establishment of a genocide prevention observatory.¹⁰
9. The Commission provided information about the prosecution of judges for corruption. It recommended that the Government provide technical and financial support to the professional training centre for the judiciary.¹¹
10. The Commission noted the progress report on the Truth and Reconciliation Commission produced by Burundi and recommended that its partners support the Truth and Reconciliation Commission.¹²
11. The Commission noted cooperation to combat trafficking in persons between Burundi, the International Organization for Migration and the United Nations Children's Fund (UNICEF).¹³
12. The Commission took note of efforts made by Burundi with respect to judicial reform and the review of the Labour Code.¹⁴
13. The Commission recommended the adoption of a law on the protection of domestic workers.¹⁵
14. The Commission noted a lack of resources and the need for support from partners for Burundi to implement social and economic development plans for poverty eradication.¹⁶
15. The Commission took note of the Integrated National Food and Nutrition Programme initiated by the Ministry of Health to mitigate chronic malnutrition problems.¹⁷
16. While noting that primary education is free, that new classrooms have been built and that an inclusive education policy has been adopted, the Commission encouraged Burundi to ratify the Convention against Discrimination in Education and recommended increasing the number of school canteens and adopting positive measures for children from the most vulnerable families and persons with disabilities.¹⁸
17. While taking note of the establishment of the National Gender Commission, the measures taken to combat gender-based violence and the 30 per cent quota for women in the Government, Parliament and communal councils, the Commission also noted the underrepresentation of women in other public institutions and recommended that Burundi amend article 4 of the Nationality Code and article 122 of the Persons and Family Code, which still contained discriminatory provisions.¹⁹
18. The Commission recommended an absolute ban on the employment of children below the minimum age established by the Labour Code.²⁰

III. Information provided by other stakeholders

A. Scope of international obligations²¹ and cooperation with human rights mechanisms

19. Several joint submissions (JS) recommended ratifying the International Convention for the Protection of All Persons from Enforced Disappearance,²² the Second Optional Protocol to the International Covenant on Civil and Political Rights²³ and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women²⁴.
20. Amnesty International (AI) recommended Burundi to recognize the competence of the Committee on Enforced Disappearances to receive and consider communications²⁵. Human Rights Foundation (H.R.F.) recommended that Burundi cooperate with the

Committee against Torture and implement its decisions, in line with its international obligations²⁶.

21. AI informed that Burundi is yet to ratify the Convention against Discrimination in Education, despite supporting a previous recommendation²⁷.

22. JS11²⁸, JS12²⁹ and JS13³⁰ recommended the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

23. JS5 recommended the ratification of the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).³¹

24. The International Campaign to Abolish Nuclear Weapons (ICAN) urged Burundi to ratify the Treaty on the Prohibition of Nuclear Weapons, as a matter of international urgency.³²

25. Several stakeholders underlined the lack of cooperation from Burundi with regional and international mechanisms, in particular those from the Human Rights Council.³³ Several stakeholders particularly emphasized the lack of cooperation by Burundi with the Commission of Inquiry on Burundi.³⁴ JS9 recommended that the Government of Burundi cooperate fully with the United Nations human rights protection mechanisms and other regional and international organizations.³⁵ Similar recommendations were made in other joint submissions.³⁶

26. JS10 noted that the Ministry of Foreign Affairs had declared three United Nations experts persona non grata in September 2018.³⁷ Several joint submissions pointed to the refusal of the Government of Burundi to cooperate with the Special Rapporteur on the situation of human rights in Burundi mandated by the Human Rights Council.³⁸ Several joint submissions recommended to cooperate with the Special Rapporteur on Burundi and allow him unhindered access to the country.³⁹ JS7 recommended responding positively to the official visit requests by several other Special Rapporteurs.⁴⁰

27. Five submissions noted that the Office of the UN High Commissioner for Human Rights was closed by the Government in February 2019.⁴¹ Human Rights Watch (HRW)⁴² and JS7⁴³ recommended to allow its reopening.

B. National human rights framework

1. Constitutional and legislative framework

28. JS8 informed that, in June 2018, Burundi adopted a new Constitution, which guaranteed freedom of expression and the right to privacy.⁴⁴

29. JS11 recommended that Burundi strengthen the Penal Code provisions relating to torture and ill-treatment, in line with its international commitments.⁴⁵

30. JS9⁴⁶ and AI⁴⁷ noted that the law of 2016 on victim protection and the prevention and punishment of gender-based violence was not effectively enforced. AI recommended Burundi to amend this law and harmonize it with the Penal Code.⁴⁸

31. JS2⁴⁹ and JS13⁵⁰ recommended harmonizing all laws with the Convention on the Elimination of All Forms of Discrimination against Women and ensuring their implementation.

32. JS4 recommended ensuring the effective implementation of the Act on the Promotion and Protection of the Rights of Persons with Disabilities.⁵¹

2. Institutional infrastructure and policy measures

33. AI⁵² and JS10⁵³ stated that the CNIDH was re-accredited with "A" status in 2021. JS10 reported on its lack of action and capacity and the threats against its chair made by the Speaker of the National Assembly and recommended preventing any interference in its work,⁵⁴ reviewing its composition and functioning and providing the necessary resources for it to work effectively.⁵⁵

34. AI⁵⁶ and JS9⁵⁷ noted that there was not yet any national preventive mechanism as provided for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. JS9⁵⁸ and JS11⁵⁹ recommended the establishment of such a mechanism, as provided for by the Optional Protocol.

35. JS10 recommended engaging in a dialogue with the stakeholders involved in the conflict in Burundi, to restore peace and security and ensure that citizens can enjoy their human rights; reforming State institutions; and allowing the justice system to act independently, in accordance with the Arusha Peace and Reconciliation Agreement for Burundi.⁶⁰

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

36. AI regretted that Burundi merely noted nine recommendations to ensure equality and non-discrimination principles, including to decriminalize same-sex relations.⁶¹

37. JS11 highlighted discriminatory practices based on political and ethnic affiliation perpetrated by the local authorities and members of the Imbonerakure militia.⁶² JS5 recommended eradicating discriminatory practices against ethnic, political and religious minorities.⁶³

38. Six submissions highlighted the adoption of a discriminatory policy of ethnic profiling of employees in the public, parastatal, and private sectors, as well as in international NGOs,⁶⁴ leading to the suspension of almost all international NGOs in 2018.⁶⁵ Four stakeholders recommended Burundi to drop ethnic profiling.⁶⁶

39. The Burundi Association of People who Used Drugs recommended organizing awareness-raising campaigns on discrimination and stigmatization directed at drug users in the health sector and on drug-related harm reduction programmes.⁶⁷

Right to life, liberty and security of person, and freedom from torture

40. The International Human Rights Council (IHR Council) noted the increase of human rights violations under President Evariste Ndayishimiye.⁶⁸ JS7,⁶⁹ JS11⁷⁰ and H.R.F.⁷¹ referred to extrajudicial killings, enforced disappearances, torture, arbitrary arrests, severe restrictions on civil and political rights, and widespread impunity. HRW,⁷² IHR Council⁷³ and H.R.F.⁷⁴ highlighted that the security forces, the ruling party, Conseil national pour la défense de la démocratie, Forces de défense de la démocratie (CNDD-FDD) and the Imbonerakure have allegedly killed, disappeared, and tortured political opponents and people suspected of having ties with armed opposition groups. H.R.F.⁷⁵ and AI⁷⁶ and JS7⁷⁷ recommended to end the abovementioned crimes, and conduct prompt and impartial investigations, and prosecute those responsible in fair trials.

41. JS9⁷⁸ and JS11⁷⁹ took note of the overcrowding in the prisons. AI,⁸⁰ JS2⁸¹ and JS11⁸² recommended Burundi to reduce the number of incarcerated people. JS1 made a similar recommendation.⁸³ Several stakeholders recommended that Burundi improve detention conditions, in accordance with international standards, to address issues with hygiene, health care and food and to combat torture and other ill-treatment.⁸⁴ The Burundi Association of People who Used Drugs,⁸⁵ JS1⁸⁶ and JS2⁸⁷ made similar recommendations regarding drug users in prison and pregnant and breastfeeding women.

42. Two stakeholders noted the poor detention conditions and human rights violations in police cells.⁸⁸ JS12 recommended introducing a law setting out the rights to food, hygiene and health care of persons in police cells.⁸⁹

43. JS1 recommended ensuring that juveniles were separated from adult inmates and that the rights of persons held in police custody were respected, including compliance with legal time limits and the procedure applicable to minors in conflict with the law.⁹⁰

44. In view of the human rights violations and discrimination faced by drug users, the Burundi Association of People who Used Drugs recommended the amendment of the articles of the Penal Code that punished drug users and the training of law enforcement and court officials on procedures for the arrest and imprisonment of drug users that respected human rights.⁹¹

International humanitarian law

45. JS11 highlighted the political instrumentalization of conflict-related sexual violence. It recommended conducting an independent inquiry into conflict-related sexual violence and strengthening the relevant judicial system with a specific legal framework.⁹²

Human rights and counter-terrorism

46. HRW informed about clashes between security forces and armed groups after August 2020. Authorities denounced the attacks from unidentified armed groups as “terrorist” or “criminal” acts and committed abuses against the alleged perpetrators and civilians.⁹³

Administration of justice, including impunity, and the rule of law

47. JS11 noted the lack of independence of the justice system and its instrumentalization for repression of the political opposition.⁹⁴ It recommended resuming cooperation with the International Criminal Court and engaging in the fight against impunity, including by ensuring the independence of judges.⁹⁵

48. H.R.F. informed about pervasive violations of the right to due process and fair trial, particularly for human rights activists and journalists,⁹⁶ recommending that Burundi protect the due process rights of every accused person.⁹⁷

49. JS9 reported widespread impunity for torture.⁹⁸ Pending independent investigations, AI⁹⁹ and JS9¹⁰⁰ recommended the prosecution of all those responsible of torture, sexual violence, and other ill-treatment.

50. Two stakeholders recommended taking legislative and political measures to effectively combat impunity.¹⁰¹

51. AI noted that the 2018 law amended the mandate of the Truth and Reconciliation Commission (TCR), by limiting its possibility to conduct investigations and establish the truth about human rights violations during the 2015 crisis.¹⁰² AI underlined that the TCR had introduced a genocide denier bill to punish anyone who denied the “genocide against the Hutu in Burundi”. The TCR methodology of exhuming bodies is seen by many Burundians and international actors as part of the ruling party’s victimization narrative.¹⁰³ AI recommended pausing the bodies’ exhumations until a comprehensive framework that will not further traumatize families, reinforce ethnic tensions, and threaten the reconciliation process is put in place; and expanding the TCR mandate to cover the 2015 crisis and allowing it to discharge its mandate without political interference.¹⁰⁴

Fundamental freedoms and the right to participate in public and political life

52. Many stakeholders reported serious violations of fundamental freedoms, in particular freedom of expression and media freedom,¹⁰⁵ including many cases of intimidation, physical assault, arbitrary detention and exile of journalists.¹⁰⁶ Several stakeholders condemned the closure of several print and online media outlets, particularly during the 2015 crisis and the 2020 elections.¹⁰⁷ JS8 and others recommended Burundi to end intimidation and harassment of journalists, amend all press laws that unnecessarily hinder media freedom, and hold to account those that violate journalists’ rights.¹⁰⁸

53. Several stakeholders observed that human rights defenders and members of human rights organizations worked in a climate of reprisals,¹⁰⁹ threats, harassment, arrests, arbitrary detention and restrictions on their fundamental freedoms on the part of State actors.¹¹⁰ JS10 and others recommended the establishment of protection mechanisms for human rights defenders, the lifting of measures that obstruct their work and the overturning of sentences imposed on human rights defenders who are victims of judicial harassment.¹¹¹ JS7¹¹² and

JS8¹¹³ recommended that Burundi put an end to measures that intimidate journalists and human rights defenders.

54. A number of stakeholders deplored the exile of many political opponents, journalists and human rights defenders following the demonstrations of 2015¹¹⁴ and the calling into question of their return.¹¹⁵

55. Several stakeholders recommended to lift bans and restrictions imposed on NGOs and other organisations, and let all NGOs, national or international, operate freely and safely.¹¹⁶

56. Several stakeholders noted that the ruling party remained intolerant vis-à-vis political opponents, particularly the National Congress for Liberty (CNL),¹¹⁷ especially in the lead-up to the 2020 elections¹¹⁸. In 2022, several CNL meetings were disrupted by security forces and the Imbonerakure.¹¹⁹ AI¹²⁰ and JS11¹²¹ recommended to end all attacks on CNL members and ensure access to justice and fair remedies for the victims, and to safeguard the political opponents' right to peaceful assembly and association.

Right to privacy

57. While noting that Burundi adopted legal texts with regressive provisions regarding the privacy and personal data protection,¹²² JS8 recommended enacting a comprehensive data protection law in accordance with international normative standards to protect the right to privacy online and providing adequate funding and support for its implementation¹²³.

Right to family life

58. JS5 recommended the amendment of the Persons and Family Code to improve women's participation at the family level.¹²⁴ JS11 recommended the adoption of the law on inheritance and bequests in Burundi.¹²⁵

59. JS4 recommended the introduction of a specific provision to the Persons and Family Code on the status of children born out of wedlock or whose father is unknown.¹²⁶

60. JS4 also recommended raising awareness of parental responsibility among parents, expanding programmes to keep families together and identifying and addressing cases of ongoing abuse.¹²⁷

Prohibition of all forms of slavery, including trafficking in persons

61. Despite steps taken to combat human trafficking since last UPR,¹²⁸ the European Centre for Law and Justice (ECLJ) observed a growing number of human trafficking in Burundi¹²⁹. ECLJ recommended that Burundi enforce its human trafficking laws, provide resources and training to border agents, work with other countries to help the victims come back to Burundi, and provide aid to victims.¹³⁰

Right to work and to just and favourable conditions of work

62. Taking note of the new Labour Code, which provided for the protection of domestic workers,¹³¹ JS12 recommended ensuring that it was applied in practice, introducing an obligation to conclude employment contracts in a language understood by both the employer and worker and promoting the professionalization of domestic workers.¹³²

63. To combat discrimination in recruitment, JS12 also recommended rewarding companies that hired persons with disabilities and encouraging self-employment initiatives for persons with disabilities.¹³³ JS5 recommended the prohibition and punishment of employment discrimination against women and persons with disabilities and the promotion of employment opportunities for persons with disabilities.¹³⁴

64. JS11 recommended putting an end to forced contributions, misappropriation of funds and unfair dismissals of workers.¹³⁵

65. Regarding freedom of association and the right to strike, the Forum pour le Renforcement de la Société Civile (FORSC) deplored the remarks of the Head of State, Evariste Ndayishimiye, who had threatened striking workers with the loss of their wages.¹³⁶

Right to social security

66. JS3 recommended giving LGBT+ asylum-seekers access to social assistance.¹³⁷

Right to an adequate standard of living

67. Two stakeholders recommended that Burundi improve living conditions, combat poverty and invest in social and economic development projects.¹³⁸ Two submissions recommended ending policy measures that exacerbated impoverishment and unemployment.¹³⁹

68. JS11 recommended the monitoring and penalizing of speculation and price hikes for food and strategic commodities and the easing of restrictions on trade in strategic and vital commodities.¹⁴⁰ JS2 recommended strengthening action against hunger and child malnutrition in rural areas.¹⁴¹

69. Just Atonement Inc. (JAI) highlighted the lack of access to basic sanitation in Burundi and the contamination of water sources, leaving large numbers of people without access to water.¹⁴² JAI recommended ensuring functional water pumps and investing in improved sanitation and agricultural practices to allow people's access to safe water.¹⁴³

Right to health

70. AI¹⁴⁴ and FORSC¹⁴⁵ noted the inadequate response of the Government to the coronavirus disease (COVID-19) pandemic. Two stakeholders noted poor management of malaria control efforts.¹⁴⁶ FORSC recommended developing effective strategies against infectious diseases.¹⁴⁷

71. Several joint submissions stressed that the maternal and neonatal mortality rates in Burundi were among the highest in the world, exacerbated by limited access to health and family planning services.¹⁴⁸ Three stakeholders recommended reducing the maternal and child mortality rates and improving access to prenatal and postnatal care, particularly for adolescents, persons in rural areas and persons with disabilities.¹⁴⁹

72. Regarding the criminalization of abortion in Burundi,¹⁵⁰ JS13 recommended reviewing the relevant punitive provisions in the Penal Code, expanding the criteria for allowing abortion in specific circumstances, including rape and incest, and developing a policy on safe abortion in health-care facilities in those specific cases.¹⁵¹

73. Two stakeholders recommended that Burundi promote family planning,¹⁵² facilitate access to contraception¹⁵³ and ratify the Maputo Protocol,¹⁵⁴ with a view to reinforcing the rights to sexual and reproductive health.

Right to education

74. Three stakeholders criticized the inadequacy of the school system and infrastructure, which had led to a high school dropout rate among adolescents.¹⁵⁵ They recommended increasing the budget allocated to education,¹⁵⁶ building school infrastructure and providing schools with sufficient material and human resources.¹⁵⁷

75. Three stakeholders expressed concern about the low rate of secondary school completion among girls, caused partly by sexual violence and unwanted pregnancies.¹⁵⁸ They recommended the implementation of a national policy on girls' education,¹⁵⁹ the revision of the school regulations¹⁶⁰ and the severe punishment of sexual violence in schools.¹⁶¹

76. JS5¹⁶² and JS12¹⁶³ recommended the elimination of discrimination against minorities in education.

Development, the environment, and business and human rights

77. JS12 recommended that Burundi expand national production by increasing the budget for economic growth sectors.¹⁶⁴ Highlighting the high levels of corruption and its democratic, social and economic impact, FORSC and JS11 recommended that policy and legislative measures be taken to combat corruption effectively.¹⁶⁵

78. JAI¹⁶⁶ and FORSC¹⁶⁷ noted that Burundi faced a series of interrelated and very serious climate risks that were likely to impact a vast array of human rights, affect poverty levels and offset Burundi's socio-economic development. FORSC recommended improving living conditions for vulnerable persons who are victims of flooding and other climate-related hazards.¹⁶⁸ JAI recommended Burundi to reduce deforestation and soil erosion, improve access to renewable energy and invest more in climate change projects.¹⁶⁹

2. Rights of specific persons or groups

Women

79. Two stakeholders recommended that Burundi strengthen its efforts to achieve gender equality.¹⁷⁰

80. Two joint submissions recommended continuing awareness-raising campaigns on women's leadership and adopting reforms to promote women's participation in decision-making bodies.¹⁷¹

81. JS11 reported an increase in violence against women in Burundi.¹⁷² According to JS9, sexual violence is very widespread and goes unpunished, especially when the perpetrators are from the ruling party, CNDD-FDD.¹⁷³ Two joint submissions recommended equipping, increasing the number and improving the accessibility of support centres for victims of gender-based violence, promoting the reintegration and resettlement of victims to empower them,¹⁷⁴ implementing the specific law on gender-based violence and facilitating access to assistance for the victims of such violence.¹⁷⁵

82. JS13 noted that the majority of women faced obstacles to economic empowerment.¹⁷⁶ JS2 recommended allocating the necessary human, technical and financial resources necessary to implement the National Gender Policy, establishing a guarantee fund and building women's capacity to achieve economic empowerment.¹⁷⁷

83. Noting that women had neither ownership nor decision-making rights with respect to income from land, JS2 recommended ensuring that women have access to productive resources.¹⁷⁸

84. JS2 recommended introducing into national law specific provisions on the protection of women with disabilities, raising community awareness to eradicate all prejudices and stereotypes based on sex and disability and mainstreaming disability in policies targeted at women.¹⁷⁹ JS5 recommended the introduction of amendments to the Penal Code aimed at reducing violence against girls and women with disabilities.¹⁸⁰

Children

85. ECLJ reported that, despite its illegality in Burundi, children marriage was still common due to societal and cultural norms.¹⁸¹ ECLJ recommended that Burundi spread awareness on the dangers of underage marriage.¹⁸²

86. JS4 stated that the minimum age for starting an apprenticeship of 14 years had led to school dropout and even sexual exploitation, trafficking in persons and servitude.¹⁸³ It recommended the amendment of the Labour Code provision on the minimum age for an apprenticeship.¹⁸⁴

87. Despite the increased number of young persons appointed to senior decision-making positions in Burundi, JS4 noted the lack of support for young entrepreneurs and the lack of dedicated councils or commissions for this group.¹⁸⁵ It recommended promoting synergies in the implementation of Security Council resolution 2250 (2015) and Agenda 2063 of the African Union, on youth, and increasing State subsidies for youth empowerment and employment programmes.¹⁸⁶

88. JS4 recommended developing a clear youth advancement policy, strengthening the legal framework for the National Youth Council and the legislation on youth and continuing to raise awareness on child protection issues in Burundi among public organizations and institutions that were taking practical action.¹⁸⁷

89. JS4 also recommended improving implementation of the national strategy to address the phenomenon of street children and promoting their placement in families.¹⁸⁸

Persons with disabilities

90. JS4 denounced the exploitation of children with disabilities by their parents by having them beg on the streets.¹⁸⁹ It recommended improving the physical protection and social and economic well-being of children with disabilities.¹⁹⁰

91. In view of barriers to education for children with disabilities,¹⁹¹ JS12 recommended the training of school staff to receive them and support for existing inclusive pilot schools.¹⁹²

92. Two joint submissions noted the challenges regarding accessibility and representation faced by persons with disabilities.¹⁹³ They recommended facilitating access to health care for persons with disabilities and promoting their political representation,¹⁹⁴ upholding their right to vote and facilitating their access to justice.¹⁹⁵

93. Noting that persons with albinism were subjected to multiple forms of violence and discrimination,¹⁹⁶ JS5 recommended raising public awareness of their rights and improving access to specific albinism-related health care.¹⁹⁷

Indigenous peoples and minorities

94. In addition to measures to encourage Twa participation in various decision-making bodies,¹⁹⁸ JS12 recommended an increase in Twa representation in institutions such as the Independent National Human Rights Commission and the Office of the Ombudsman.¹⁹⁹

95. Two joint submissions noted that the Twa had difficulties in gaining access to land, education, health, decent housing and an equitable justice system.²⁰⁰ They recommended improving their living conditions, especially in the area of access to land, raising public awareness about human rights and warning against the use of mob justice against the Twa community, and adopting the National Twa Socioeconomic Integration Strategy.²⁰¹

Lesbian, gay, bisexual, transgender and intersex persons

96. Two joint submissions recommended the decriminalization of same-sex relations.²⁰² JS3 recommended safeguarding the fundamental freedoms of LGBT+ persons and promoting their inclusion in all aspects of society, removing social barriers and constraints.²⁰³

97. According to the Pan Africa International Lesbian and Gay Association, there are many documented cases of the arbitrary arrest and illegal detention by the police of members of the sexual and gender minority community.²⁰⁴ The Association recommended protecting sexual and gender minorities from violations of their physical integrity and from all forms of discrimination.²⁰⁵

98. Two stakeholders recommended that Burundi ensure that LGBT+ organizations can operate in the country without fear of prosecution or persecution by the Government.²⁰⁶

99. JS3 indicated that the criminalization of same-sex relations had led to a lack of access to health care and testing for sexually transmitted diseases for LGBT+ persons.²⁰⁷ Two stakeholders recommended ensuring their access to health care, particularly in the area of sexual health.²⁰⁸

100. In view of the denial of access to school and violence and discrimination against LGBT+ persons,²⁰⁹ two stakeholders recommended the amendment of Ministerial Order No. 620/613 of 2011 on establishment of the national school regulations.²¹⁰

Refugees and asylum-seekers

101. Noting the procedural difficulties and discrimination faced by LGBT+ asylum-seekers and refugees, JS3 recommended including them in national refugee support programmes and guaranteeing their access to appropriate housing.²¹¹

Internally displaced persons

102. JAI noted that floodings and heavy rains have caused thousands of people to become internally displaced.²¹²

Notes

¹ See A/HRC/38/10 and the addendum A/HRC/38/10/Add.1, and [symbol of the Human Rights Council report containing the summary of the adoption of the previous review A/HRC/38/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
BAPUD	Burundian Association of People who Used Drugs, Bujumbura (Burundi);
ECLJ	European Centre for Law and Justice, The, Strasbourg (France);
FORSC	Forum pour le Renforcement de la Société Civile, Kigali (Rwanda);
H.R.F.	Human Rights Foundation, New York (United States);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IHR Council	IHR Council, Chicago (United States of America);
JAI	Just Atonement Inc., New-York (United States of America);
P.A.I.	Pan-Africa ILGA, Johannesburg, (South Africa).

Joint submissions:

JS1	Joint submission 1 submitted by: Association solidarité avec les prisonniers et leurs familles, Bujumbura (Burundi), l'Association Solidarité avec les prisonniers et leurs familles (NTABARIZA-SPF), l'Association des Femmes Juristes du Burundi (AFJB), l'Union des Personnes Handicapées du Burundi (UPHB), l'Association Burundaise pour le Suivi des Enfants en Difficultés Umwana Si Uwumwe (A.B.U.S.E.D), l'Observatoire de l'Action Gouvernementale (OAG); Joint submission 2 submitted by: Lutheran World Federation, Geneva (Switzerland), Association des Femmes Juristes du Burundi (AFJB), Foi En Action/Faith In Action (F.I.A), Union des Personnes Handicapées du Burundi (UPHB), l'Association Solidarité avec les prisonniers et leurs familles (NTABARIZA-SPF), Association des Femmes Actrices de Paix et de Dialogue (AFAPD-Abakanguriramahoro), l'Association Burundaise pour le Suivi des Enfants en Difficultés Umwana Si Uwumwe (A.B.U.S.E.D);
JS2	Joint submission 3 submitted by: ASBL Ensemble Pour le Développement Durable et Inclusive au Burundi (EDDIB), BI-Human Right Association (BHR), Réseau Solidarité (RSDTS); Joint submission 4 submitted by: L'Association pour une jeunesse africaine progressiste (AJAP), l'Association des femmes juristes du Burundi (AFJB), le Collectif des associations des travailleurs domestiques et celles des employeurs du Burundi (CATDE-BURUNDI), Foi En Action /Faith In Action (F.I.A), l'Association Solidarité avec les prisonniers et leurs familles (NTABARIZA-SPF), l'Association Burundaise pour le Suivi des Enfants en Difficultés Umwana Si Uwumwe (A.B.U.S.E.D);
JS3	
JS4	

- JS5 **Joint submission 5 submitted by:** L'Union des personnes handicapées du Burundi (UPHB) au nom des organisations Unissons pour la promotion des Batwa au Burundi (UNIPROBA), l'Association Solidarité avec les prisonniers et leurs familles (NTABARIZA-SPF);
- JS6 **Joint submission 6 submitted by:** International Service for Human Rights, Geneva (Switzerland), Coalition burundaise pour la CPI (CB-CPI) and SOS-Torture Burundi;
- JS7 **Joint submission 7 submitted by:** CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa), The East and Horn of Africa Human Rights Defenders Project (DefendDefenders), Ligue Burundaise des Droits de l'Homme « Iteka » (Ligue Iteka), Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH);
- JS8 **Joint submission 8 submitted by:** Small Media Foundation, London (United Kingdom of Great Britain and Northern Ireland), Rudi International;
- JS9 **Joint submission 9 submitted by:** Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, Paris (France), l'Action des Chrétiens pour l'Abolition de la Torture au Burundi (ACAT-Burundi), l'Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH), Mouvement des Femmes et Filles pour la Paix et la Sécurité au Burundi (MFFPS), Mouvement Inamahoro, Ensemble pour le Soutien des Défenseurs des Droits Humains en Danger (ESDDH), SOS-Torture Burundi et LBDH soutenues par le CCPR Centre et la FIACAT;
- JS10 **Joint submission 10 submitted by:** Coalition Burundaise des Défenseurs des Droits de l'Homme (CBDDH), East and Horn of Africa Human Rights Defenders Project (DefendDefenders);
- JS11 **Joint submission 11 submitted by:** Coalition Burundaise des Défenseurs des Droits de l'Homme (CBDDH), Nsamba (Uganda), l'Action des Chrétiens pour l'Abolition de la Torture au Burundi (ACAT-BURUNDI), l'Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH), Coalition Burundaise pour la Cour Pénale Internationale (CB CPI), Coalition Burundaise des Défenseurs des Droits de l'Homme Vivant dans les Camps de Réfugiés (CBDH/VICAR), Collectif des Avocats pour la Défense des Victimes de Crimes de Droit International (CAVIB), Coalition de la Société civile pour le Monitoring Electoral (COSOME), Ensemble pour le Soutien des Défenseurs des Droits Humains en Danger (ESDDH), Forum pour la Conscience et le Développement (FOCODE), Forum pour le Renforcement de la Société Civile (FORSC), Light For All (Light4all), Ligue Burundaise des Droits de l'Homme « Iteka » (LBDH), Mouvement des Femmes et Filles pour la Paix et la Sécurité au Burundi (MFFPS), Mouvement Inamahoro, Radio Publique Africaine (RPA), Radio Télévision Renaissance, Réseau des Citoyens Probes (RCP), SOS-Torture Burundi (SOSTB), Tournons la Page;
- JS12 **Joint submission 12 submitted by:** Collectif des Associations des Travailleurs Domestiques et celles des Employeurs du Burundi (CATDE-BURUNDI), Bujumbura (Burundi), au nom de sept autres organisations de la société civile burundaise, notamment l'Association Solidarité avec les prisonniers et leurs familles (NTABARIZA-SPF), Union des Personnes Handicapées du Burundi (UPHB), Unissons pour la promotion des Batwa au Burundi (UNIPROBA), Observatoire de l'action gouvernementale (OAG), l'Observatoire de lutte contre

JS13

la corruption et les malversations économiques (OLUCOME), l'association Youth Empowerment and Leadership Initiative (YELI), et La Fédération luthérienne mondiale (FLM) une organisation internationale;

Joint submission 13 submitted by: Association Burundaise pour le Bien Etre Familiale (ABUDEF), Bujumbura (Burundi), Association des Jeunes Burundais pour le développement Inclusif (AJEBUDI), NTURENGAHO, Association des Femmes Handicapées-Les Vaillantes (AFHLV LES VAILLANTES), Association des Guides du Burundi (AGB), Association pour la Promotion de la Fille Burundaise (APFB), Réseaux National des jeunes vivant avec le VIH pour la prise en charge des PVVIH (RNJ+), Alliance Burundaise contre le VIH SIDA (ABS), Concertation des Collectifs des Associations Féminines (COCAFEM), Association Nationale de Soutien aux Séropositives et maladies du Sida (ANSS), Initiative Seruka pour les Victimes des viols (ISV/SERUKA), Initiative d'Appui au Développement Humain Durable (IADH), Famille pour Vaincre le SIDA (FVS), Society for Women Against Aids in Africa (SWAA BURUNDI), Initiative pour la Promotion de la Santé Rurale et le Développement (IPROSALUDE).

National human rights institution:

CNIDH

Commission Nationale Indépendante des Droits de l'Homme du Burundi*, Bujumbura (Burundi).

³ CNIDH, para. 3.

⁴ CNIDH, para. 6.

⁵ CNIDH, para. 1.

⁶ CNIDH, paras. 2 and 19.

⁷ CNIDH, paras. 2 and 11.

⁸ CNIDH, para. 9.

⁹ CNIDH, paras. 13, 25 and 26.

¹⁰ CNIDH, para. 22.

¹¹ CNIDH, para. 23 and 23 bis.

¹² CNIDH, para. 21.

¹³ CNIDH, para. 27.

¹⁴ CNIDH, para. 33.

¹⁵ CNIDH, para. 28.

¹⁶ CNIDH, para. 29.

¹⁷ CNIDH, para. 32.

¹⁸ CNIDH, paras. 4 and 37.

¹⁹ CNIDH, paras. 38 and 40–45.

²⁰ CNIDH, para. 47.

²¹ *The following abbreviations are used in UPR documents:*

ICCPR-OP 2

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

OP-CEDAW

Optional Protocol to CEDAW

OP-CAT

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

ICRMW

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ICPPED

International Convention for the Protection of All Persons from Enforced Disappearance

²² JS10, para. f; JS11, para. 20; and AI, para. 42.

²³ JS1, p. 6.

²⁴ JS11, para. 27 bis.

²⁵ AI, para. 42.

- ²⁶ HRF, para. 37b).
- ²⁷ AI, para. 5.
- ²⁸ JS11, para. 27.
- ²⁹ JS12, p. 10.
- ³⁰ JS13, p. 10.
- ³¹ JS5, p. 6.
- ³² ICAN, p. 1.
- ³³ AI, para. 25; JS7, para. 2.2; JS1, p. 2; and JS9, p. 16. See also JS7, para. 2.2.
- ³⁴ JS9, p. 2; JS10, para. 10; and JS11, para. 28.
- ³⁵ JS9, p. 17.
- ³⁶ JS1, p. 7; JS7, para. 6.5; JS10, para. a; JS11, para. 29; and AI, para. 44.
- ³⁷ JS10, para. 10.
- ³⁸ JS6, para. 17; JS7, para. 2.2; JS9, p. 2; JS10, para. 12; JS11, paras. 5 and 28; HRW, para. 30; and AI, para. 25.
- ³⁹ HRW, para. 31.a; JS7, para. 6.5; JS11, para. 29; HRF, para. 36a); and JS6, p. 4.
- ⁴⁰ JS7, para. 6.5.
- ⁴¹ IHR Council, p. 2; JS7, para. 3.4; JS10, para. 11; HRF, para. 16; and HRW, para. 29.
- ⁴² HRW, para. 31b.
- ⁴³ JS7, para. 6.5.
- ⁴⁴ JS8, p. 1.
- ⁴⁵ JS11, para. 18.
- ⁴⁶ JS9, p. 15.
- ⁴⁷ AI, para. 9.
- ⁴⁸ AI, paras. 29–30. See also JS13, p. 11.
- ⁴⁹ JS2, para. 26.
- ⁵⁰ JS13, p. 11.
- ⁵¹ JS4, p. 6. See also JS5, para. 18.
- ⁵² AI, para. 11.
- ⁵³ JS10, para. 45.
- ⁵⁴ JS10, paras. 45–47.
- ⁵⁵ JS10, p. x, paras. Q and R.
- ⁵⁶ AI, para. 3.
- ⁵⁷ JS9, p.13.
- ⁵⁸ JS9, p.17.
- ⁵⁹ JS11, para. 18.
- ⁶⁰ JS10, pp. 8–9, paras. J and P.
- ⁶¹ AI, para. 7.
- ⁶² JS11, para. 7.
- ⁶³ JS5, p. 5. See also FORSC, para. 41.
- ⁶⁴ AI, para. 14; FORSC, paras. 37–39; HRF, para. 16; JS6, para. 10; JS7, para. 3.5; and JS11, para. 8.
- ⁶⁵ HRF, para. 16; HRW, para. 21; JS7, para. 3.5; and JS10, para. 23.
- ⁶⁶ AI, para. 33; FORSC, para. 41; JS10, pp. 8–9; and JS11, para. 25.
- ⁶⁷ BAPUD, p. 7.
- ⁶⁸ IHR Council, p. 1.
- ⁶⁹ JS7, para. 1.11.
- ⁷⁰ JS11, paras. 4 and 19.
- ⁷¹ HRF, para. 25.
- ⁷² HRW, para. 3.
- ⁷³ IHR Council p. 1.
- ⁷⁴ HRF, para. 22.
- ⁷⁵ HRF, para. 36c).
- ⁷⁶ AI, paras. 36 and 41. See also JS11, para. 20 and HRW, para. 16.
- ⁷⁷ JS7, para. 6.2.
- ⁷⁸ JS11, para. 12.
- ⁷⁹ JS9, p. 7.
- ⁸⁰ AI, para. 40.
- ⁸¹ JS2, para. 6.
- ⁸² JS11, para. 18.
- ⁸³ JS1, p. 7.
- ⁸⁴ AI, para. 39; JS11, para. 18; JS12, p. 9; JS5, p. 7; and JS2, para. 30. See also JS9, p. 17 and JS1, p. 7.
- ⁸⁵ BAPUD, p. 7.
- ⁸⁶ JS1, p. 7.
- ⁸⁷ JS2, paras. 30–31.

- ⁸⁸ JS1, p. 3 and JS12, para. 16.
- ⁸⁹ JS12, p. 9.
- ⁹⁰ JS1, p. 7. See also JS4, pp. 5–6.
- ⁹¹ BAPUD, p. 7.
- ⁹² S11, paras. 26–27.
- ⁹³ HRW, para. 10.
- ⁹⁴ JS11, para. 6. See also JS11, para. 29 bis.
- ⁹⁵ JS11, para. 29 bis.
- ⁹⁶ HRF, para. 32.
- ⁹⁷ HRF, para. 36.d). See also JS11, para. 18.
- ⁹⁸ JS9, pp. 4 and 16.
- ⁹⁹ AI, para. 37.
- ¹⁰⁰ JS9, p. 17.
- ¹⁰¹ FORSC, paras. 21 and 27, and JS11, para. 15.
- ¹⁰² AI, para. 10.
- ¹⁰³ AI, para. 24.
- ¹⁰⁴ AI, paras. 31 and 46.
- ¹⁰⁵ AI, para. 12; HRF, para. 19; JS8, pp. 2–3; JS10, para. 30; JS11, paras. 9 and 23; and HRW, para. 20.
- ¹⁰⁶ AI, paras. 13 and 26; HRW, paras. 17, 19 and 25; JS7, para. 2.7; JS8, pp. 3–4; JS10, para. 30; and JS11, paras. 9, 10 and 23.
- ¹⁰⁷ HRF, paras. 20–21; HRW, para. 20; JS8, pp. 2–5; JS10, pp. 32 and 35; and JS11, paras. 9 and 23.
- ¹⁰⁸ JS8, pp. 10–11. See also AI, paras. 32–33; HRW, para. 27; JS7, para. 6.3; JS10, paras. b–e; and JS11, para. 24 bis.
- ¹⁰⁹ AI, paras. 14 and 16; HRF, para. 16; JS6, paras. 1–8; JS7, paras. 2.2, 2.6 and 3.5; JS10, para. 13; and JS11, paras. 15 and 25.
- ¹¹⁰ JS6, para. 1; JS7, paras. 2.2 and 2.6; JS10, paras. 13 and 39; and JS11, para. 15.
- ¹¹¹ JS10, paras. b–e. See also AI, paras. 33–34; HRW, para. 27; HRF, para. 32; JS1, p. 7; JS6, p. 4; JS7, paras. 6.1–6.2; JS11, para. 25 bis; and HRF, para. 36e).
- ¹¹² JS7, para. 6.1.
- ¹¹³ JS8, p. 11.
- ¹¹⁴ AI, para. 2; HRW, para. 17; JS6, p. 3; JS8, pp. 3–4; JS10, paras. 7 and 16; and JS11, paras. 9, 10 and 23.
- ¹¹⁵ JS6, p. 3.
- ¹¹⁶ AI, paras. 14, 16 and 34–35; HRF, para. 16; JS7, para. 3.5; and JS11 paras. 9 and 35.
- ¹¹⁷ AI, para. 15; HRF, para. 17; and JS7, para. 3.3.
- ¹¹⁸ HRF, para. 17 and JS7, para. 3.3.
- ¹¹⁹ AI, para. 15 and JS7, para. 3.8.
- ¹²⁰ AI, para. 35.
- ¹²¹ JS11, para. 24 bis.
- ¹²² JS8, para. 43.
- ¹²³ JS8, p. 11.
- ¹²⁴ JS5, p. 6. See also JS2, para. 5.
- ¹²⁵ JS11, para. 27.
- ¹²⁶ JS4, p. 7.
- ¹²⁷ JS4, p. 7.
- ¹²⁸ ECLJ, para. 19.
- ¹²⁹ ECLJ, para. 14.
- ¹³⁰ ECLJ, para. 22.
- ¹³¹ JS12, para. 1.
- ¹³² JS12, pp. 8 and 10.
- ¹³³ JS12, p. 10.
- ¹³⁴ JS5, p. 6.
- ¹³⁵ JS11, para. 30.
- ¹³⁶ FORSC, para. 40.
- ¹³⁷ JS3, p. 4.
- ¹³⁸ JS2, para. 32 and JS4, p. 6.
- ¹³⁹ FORSC, para. 27 and JS11, para. 30.
- ¹⁴⁰ JS11, para. 30.
- ¹⁴¹ JS2, para. 32.
- ¹⁴² JAI, para. 24.
- ¹⁴³ JAI, paras. 34 and 39.
- ¹⁴⁴ AI, para. 4.
- ¹⁴⁵ FORSC, paras. 12–13.

- ¹⁴⁶ FORSC, para. 14 and JS12, p. 3.
- ¹⁴⁷ FORSC, para. 17. See also JS12, p. 9.
- ¹⁴⁸ JS4, p. 3; JS5, p. 2; JS12, p. 3; and JS13, p. 9.
- ¹⁴⁹ JS4, p. 7; JS12, p. 9; and JS13, p. 10.
- ¹⁵⁰ See also JS12, p. 7.
- ¹⁵¹ JS13, pp. 9–10.
- ¹⁵² JS12, p. 10.
- ¹⁵³ JS13, p. 8.
- ¹⁵⁴ JS12, p. 10.
- ¹⁵⁵ FORSC, paras. 30–31; JS4, p. 4; and JS11, p. 17.
- ¹⁵⁶ FORSC, para. 35.
- ¹⁵⁷ FORSC, para. 35; JS4, p. 4; and JS11, p. 18.
- ¹⁵⁸ FORSC, para. 32; JS12, p. 4; and JS13, p. 7.
- ¹⁵⁹ JS12, p. 9.
- ¹⁶⁰ JS13, p. 8.
- ¹⁶¹ FORSC, para. 35.
- ¹⁶² JS5, para. II.A.
- ¹⁶³ JS12, p. 10.
- ¹⁶⁴ JS12, p. 11.
- ¹⁶⁵ FORSC, paras. 21 and 27, and JS11, pp. 8–9. See also IHR Council, p. 1.
- ¹⁶⁶ JAI, paras. 1 and 26.
- ¹⁶⁷ FORSC paras. 25 and 27.
- ¹⁶⁸ FORSC para. 27.
- ¹⁶⁹ JAI, paras. 33, 38 and 40.
- ¹⁷⁰ JS2, para. 28 and JS13, p. 11.
- ¹⁷¹ JS5, para. 13 and p. 6; and JS11, para. 27.
- ¹⁷² JS11, para. 26.
- ¹⁷³ JS9, pp. 13 and 15. See also AI, para. 6.
- ¹⁷⁴ S5, p. 6.
- ¹⁷⁵ JS2, para. 27.
- ¹⁷⁶ JS13, p. 10.
- ¹⁷⁷ JS2, para. 28.
- ¹⁷⁸ JS2, paras. 19 and 33.
- ¹⁷⁹ JS2, para. 34.
- ¹⁸⁰ JS5, p. 6.
- ¹⁸¹ ECLJ, para. 11.
- ¹⁸² ECLJ, para. 21.
- ¹⁸³ JS4, para. 8.
- ¹⁸⁴ JS4, p. 6.
- ¹⁸⁵ JS4, paras. 19–20.
- ¹⁸⁶ JS4, p. 6.
- ¹⁸⁷ JS4, p. 6.
- ¹⁸⁸ JS4, pp. 6–7.
- ¹⁸⁹ JS4, para. 21.
- ¹⁹⁰ JS4, p. 6.
- ¹⁹¹ JS12, paras. 13–14.
- ¹⁹² JS12, p. 9.
- ¹⁹³ JS1, pp. 4–5 and JS5, para. 16.
- ¹⁹⁴ JS5, p. 5.
- ¹⁹⁵ JS1, p. 7.
- ¹⁹⁶ JS5, para. 22.
- ¹⁹⁷ JS5, p. 7.
- ¹⁹⁸ JS12, para. 22.
- ¹⁹⁹ JS12, p. 10. See also JS5, p. 7.
- ²⁰⁰ JS5, para. 26 and JS12, para. 24.
- ²⁰¹ JS5, pp. 5–7 and JS12, p. 10. See also JS5, para. 26 and JS12, para. 22.
- ²⁰² JS3, p. 3 and JS6, p. 4. See also PAI, p. 9.
- ²⁰³ JS3, p. 3. See also PAI, p. 9.
- ²⁰⁴ PAI, p. 5. See also AI, para. 7.
- ²⁰⁵ PAI, p. 9.
- ²⁰⁶ JS3, p. 3 and JS6, p. 4.
- ²⁰⁷ JS3, p. 1.
- ²⁰⁸ S3, p. 3 and PAI, p. 9.

²⁰⁹ JS3, p. 1 and PAI, paras. 11–12.

²¹⁰ JS3, p. 4 and PAI, p. 9.

²¹¹ JS3, pp. 2 and 4.

²¹² JAI, paras. 16–18.
