



# General Assembly

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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

### **Burundi\***

The present report is a summary of 13 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Information provided by other non-accredited national human rights institutions and other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations**

1. The Independent National Human Rights Commission (NIHRC) indicated that the ratification procedure for the Convention on the Rights of Persons with Disabilities and for the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been delayed by factors that include weak political will and the lack of coordination between the public administrations involved.<sup>2</sup> Moreover, it has recommended that the Protocol to the Convention against Torture be ratified and incorporated into domestic legislation.<sup>3</sup> Both NIHRC and Joint Submission 6 (JS6) recommended ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>4</sup> JS6 and Amnesty International (AI) recommended ratifying the Optional Protocol to the Convention against Torture (OPCAT).<sup>5</sup> The Association for the Integration and Sustainable Development of Burundi (AIDB) recommended ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).<sup>6</sup>

#### **2. Constitutional and legislative framework**

2. NIHRC added that there is a bill to amend the Personal and Family Code and another to prevent, punish and provide redress for sexual and gender violence and that the relevant legislative process needed to be speeded up.<sup>7</sup>

3. AI and Joint Submission 2 (JS2) stated that, in 2009, a Penal Code was promulgated which abolishes the death penalty and criminalizes genocide, war crimes, crimes against humanity, torture and other cruel, inhuman and degrading treatment.<sup>8</sup> However, AI, JS2, Joint Submission 3 (JS3) and Human Rights Watch (HRW) were concerned that, despite the 2008 Universal Periodic Review (UPR) recommendation, the Penal Code also criminalizes same-sex relations.<sup>9</sup> JS2 and JS3 considered that Burundi should repeal criminalization of homosexuality.<sup>10</sup>

4. Joint Submission 1 (JS1) noted the efforts made to reform the legal framework by bringing it into line with international commitments; however, it noted that the problem is the effective implementation of the law.<sup>11</sup>

#### **3. Institutional and human rights infrastructure and policy measures**

5. NIHRC noted that since June 2011 it has had a broad mandate but suffered from a lack of means and restrictions on acquiring them.<sup>12</sup>

6. HRW, AI, Joint Submission 4 (JS4) acknowledged the creation of the NIHRC, in 2011, and the independence of its work.<sup>13</sup> AI added that further financing was required to cover operation costs, as well as, the establishment of regional offices.<sup>14</sup> AI, JS2 and Joint Submission 5 (JS5) recommended providing NIHRC with adequate resources.<sup>15</sup>

7. NIHRC noted that broad consultations were carried out in 2009 in order to draw up a national human rights education and training programme.<sup>16</sup>

8. NIHRC recommended speeding up the implementation of national policy on gender and setting up the national council on gender by assigning resources to them.<sup>17</sup>

9. NIHRC indicated that a national policy and a national plan of action for the protection of children in Burundi (PNPE) had been drawn up and adopted at the technical level. It added that a draft code for the protection of children was being prepared.<sup>18</sup> However, NIHRC pointed out that public resources were insufficient.<sup>19</sup>

10. JS6 drew attention to the creation of a national cell for legal protection of children, which was responsible for introducing a national strategy for the administration of justice for minors.<sup>20</sup>

## **B. Cooperation with human rights mechanisms**

### **1. Cooperation with treaty bodies**

11. NIHRC recommended that the recommendations of the treaty and non-treaty bodies should be sent to the ministries concerned and to parliament for implementation.<sup>21</sup>

### **2. Cooperation with special procedures**

12. HRW noted that the United Nations Human Rights Council (HRC) hastened the termination of the mandate of the Independent Expert on the situation of human rights in Burundi (IE), in 2011, on the basis that a NIHRC had been created.<sup>22</sup> JS2 added that the end of the mandate of the Independent Expert left a gap in the independent monitoring of the human rights situation.<sup>23</sup> Despite the end of the mandate, JS4 recommended monitoring the implementation of Independent Expert's recommendations such as to combat impunity and respect freedom of expression.<sup>24</sup>

13. JS4 and JS5 recommended extending a standing invitations to the United Nations Special Procedures, including the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Right to Freedom of Expression and Opinion, the Special Rapporteur on the Independence of Judges and Lawyers and the Special Rapporteur on the Use of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.<sup>25</sup> JS4 also recommended extending a standing invitation to the Special Mechanisms of the African Commission on Human and Peoples' Rights (ACHPR).<sup>26</sup>

14. HRW also recommended inviting the Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>27</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

15. According to NIHRC, mixed progress had been made in bringing certain discriminatory laws into conformity with CEDAW. It indicated that there had been no move to amend the nationality act. NIHRC added that the bill on succession, matrimonial property and dispositions by will had not been adopted.<sup>28</sup> JS6 expressed similar concerns and added that the adoption of the bill should ensure that women and girls had the same rights as husbands and sons in respect of succession and would help to settle disputes over property that came before the courts.<sup>29</sup>

16. NIHRC indicated that the 2009 Criminal Code provided the same penalties for adultery whether committed by men or women and punished the perpetrators of gender-based violence, although it was as yet poorly implemented.<sup>30</sup>

17. HRW indicated that Lesbian, Gay, Bisexual and Transgender (LGBT) had reported that the criminalization of same sex relations in 2009 had increased stigma and made LGBT less likely to seek assistance when they are victims of crimes, and more vulnerable to extortion.<sup>31</sup> It added that an education policy adopted in 2011 further entrenched discrimination on the basis of sexual orientation as, according to it, on the basis of “homosexuality” students could be expelled for a year and denied admission into any school.<sup>32</sup>

18. JS3 expressed the same concerns and added that discrimination against LGBT was even more pronounced in rural areas because of social pressure and stereotypes.<sup>33</sup>

## 2. Right to life, liberty and security of the person

19. HRW stated that since the 2008 UPR, political violence had increased. Killings peaked in 2011, with reciprocal attacks by CNDD-FDD members and the police and intelligence services, as well as by armed groups believed to be linked to the FNL. HRW added that CNDD-FDD members increased attacks on FNL members and former members, notably through its *imbonerakure* youth wing and the intelligence services. HRW added that more efforts would have been required for Burundi to implement the UPR recommendation that stated: “to ensure that political parties are safeguarded in the elections of 2010”.<sup>34</sup>

20. JS2 expressed similar concerns regarding political violence and added that even though Burundi abolished the death penalty in 2009, extrajudicial executions were registered since 2010 and in most of the cases victims were members of the oppositional parties.<sup>35</sup> JS2 also indicated that killings were often reciprocal. As an example, JS2 noted that in September 2011, 39 victims of the Gatumba bar attack were not members of any political party but the bar was known as a stronghold of CNDD-FDD. Twenty-one FNL members were accused of participating in the attack.<sup>36</sup>

21. JS6 reported that since the 2010 elections, there had been several cases of extrajudicial executions, for which a number of officers in the police and national intelligence service were held responsible.<sup>37</sup>

22. According to NIHRC, measures had been taken to protect albinos from murder, but a policy and laws to combat the scourge had yet to be introduced.<sup>38</sup>

23. JS6 noted that the penalization of torture under the 2009 Criminal Code was a positive development, but added that cases of torture had been registered in 2012 and that most of the perpetrators remained unpunished, contrary to the recommendations made by UPR in 2008 and those of the Committee against Torture. It also pointed out that there was no fund to compensate the victims of torture.<sup>39</sup>

24. AI continued to receive allegations of torture and ill-treatment by the PNB and the SNR. AI indicated for example that from 23 June to 5 July 2010, 12 allegations of torture, committed by SNR, were documented and that those tortured were members of the opposition parties.<sup>40</sup> AI recommended suspending from duty members of the PNB and SNR suspected of being involved in torture and ill-treatment, as well as the officials who order or condone torture pending an impartial and independent criminal investigation.<sup>41</sup>

25. According to NIHRC, inhuman and degrading treatment was rife in prisons because of the continuing overcrowding resulting from the large number of unlawful detentions, unhealthy prison conditions and failure to separate adults from minors. It nonetheless noted that the presidential pardon granted in 2012 and the release of prisoners who had served one quarter of their sentence had reduced the prison population.<sup>42</sup> However, JS6 emphasized that until the State ensured that periods of custody and pretrial detention were strictly

complied with, the presidential pardon would provide only partial and temporary respite from overcrowding, unlawful detention and poor living conditions for prisoners.<sup>43</sup>

26. JS6 added that conditions of detention were poor and marked by overcrowding in prisons, unhealthy conditions, inadequate facilities and failure to guarantee health care and food.<sup>44</sup> JS2 expressed similar concerns.<sup>45</sup>

27. AI indicated that many individuals, including minors, were held in prolonged pretrial detention.<sup>46</sup>

28. NIHRC pointed out that although the legal age of criminal responsibility had been raised from 13 to 15 years, there were still failures to observe this.<sup>47</sup>

29. The Community Association for the promotion and protection of human rights (ACPDH) indicated that national legislation contained no explicit prohibition on corporal punishment<sup>48</sup> and that it was still tolerated by culture, tradition and religious beliefs.<sup>49</sup> The Global Initiative to End All Corporal Punishment of Children (GIEACP) expressed similar concerns.<sup>50</sup> It added that in 2010, a number of bills were under consideration, including a bill on the protection of children in difficulty, a bill on delinquent children and a bill to amend the Code of Personal and Family Affairs and, as reported, these bills did not include prohibition of corporal punishment.<sup>51</sup>

### 3. Administration of justice, including impunity and the rule of law

30. JS4, HRW and JS2 indicated that impunity prevailed.<sup>52</sup> HRW noted that Burundi had not taken sufficient measures to implement 2008 UPR recommendations regarding the fight against impunity as it remained pervasive for political killings. According to HRW, it was particularly the case for political killings when perpetrators were suspected to be CNDD-FDD supporters or members of the security forces. It added that nevertheless when the alleged crimes were considered to have been perpetrated by opposition groups, the response was to arbitrarily arrest FNL or ex-FNL members. HRW gave as an example the flawed trial of 21 individuals accused of the 2011 Gatumba bar attack. It noted, among others, that: (i) several defendants stated in court that they had been tortured in order to force them to incriminate themselves and support the Government's claims that the FNL was responsible for the attack; and the judges rejected a request by the defence lawyers to call senior members of the police and intelligence services for questioning.<sup>53</sup> JS2 expressed similar concerns.<sup>54</sup>

31. JS2, JS4, HRW and AI indicated that Burundi had set up several commissions of inquiry to investigate killings and other abuses during the 2010 elections period.<sup>55</sup> JS2 said that the commissions failed to shed light on the 12 cases of torture that were reported to have occurred under the responsibility of the National Intelligence Agency (SNR), in June 2010, or the 20 cases of extrajudicial killings of FNL members that were reported by BINUB/BNUB between 2010 and 2011.<sup>56</sup> JS6 indicated that although commissions of inquiry had been set up, their reports, when they had been issued, had led to no action.<sup>57</sup> JS2, HRW and AI expressed similar concerns.<sup>58</sup> AI recommended conducting prompt and full investigations into all extrajudicial executions committed by security services.<sup>59</sup>

32. NIHRC noted that even though the 2009 Criminal Code had incorporated the definition of torture, torture still went unpunished. It added that under a draft code of criminal procedure, confessions obtained under torture would be null and void.<sup>60</sup>

33. According to NIHRC, the judiciary was neither independent nor efficient. NIHRC indicated that recruitment, evaluation and disciplinary procedure are still under the control of the executive branch.<sup>61</sup> JS6 added that the Supreme Council of the Judiciary was presided by the President of the Republic and that most of its members were designated by the executive branch. It also pointed out that as far as appointment, promotion and

assignment were concerned, the judicial career was controlled by the executive branch and criteria for appointment were not objective but violated the substance of the Judges' Statute, which specified that access to the profession was by competitive examination.<sup>62</sup> It also noted that all departments of the judiciary were financially dependent on the Ministry of Justice which assigned to them their operating budget.<sup>63</sup> Amnesty International reported similar concerns.<sup>64</sup> JS6 recommended that the necessary reforms be undertaken to ensure that the judicial system was independent, efficient and impartial and to assure the financial independence of the judiciary.<sup>65</sup>

34. AI noted that there were reports that a number of judges who made independent decisions were moved to remote provinces. AI also received reports of corruption and the failure of the authorities to effectively investigate politically sensitive cases. AI further indicated that the verdict on May 2012 in the trial of those accused of killing Ernest Manirumva, Vice President of OLUCOME failed to deliver justice. AI pointed out that during the trial, the prosecution failed to consider important leads and recommendations by a commission of inquiry established by the Burundian authorities, assisted by the United States Federal Bureau of Investigation (FBI), which had called for additional investigations into senior figures within the security services and national police.<sup>66</sup> HRW, JS2, JS6 and JS4 expressed similar concerns.<sup>67</sup> JS5 further stated that human rights activists who exposed procedural weaknesses were threatened by security agents.<sup>68</sup>

35. JS2 added that the justice system was inadequately equipped.<sup>69</sup>

36. Avocats Sans Frontières (ASF) noted that access to justice remained a challenge for the most vulnerable as far as the provision of and demand for justice were concerned and that some groups, such as the Batwa or almost all detained persons remained in some way vulnerable. ASF added that the State, with the support of the international community, should become more involved in implementing a policy of non-discrimination and access to justice for all. ASF made the following recommendations: (i) provide a response to the population's need for information and guidance by, inter alia, setting up information desks in each jurisdiction; (ii) introduce a legal aid fund to ensure that legal aid is systematically effective and sustainable; (iii) in the short term, assign priority to systematically providing legal aid without discrimination for detainees and minors in conflict with the law.<sup>70</sup>

37. NIHRC reported that the bill to reform the Code of Criminal procedure made provision for guarantees of a fair trial, including the assistance of a lawyer and a doctor from the first hours of custody and legal aid for vulnerable persons. It added that the bill also laid down procedural deadlines to ensure a fair trial.<sup>71</sup>

38. NIHRC indicated that the legislative instruments to establish the transitional judicial mechanisms were being drawn up. It added that there were still differences over their judicial status.<sup>72</sup>

39. JS6 indicated that the national consultations had been overseen by a tripartite commission (Government, United Nations and Civil Society) and a report had been published in 2010. However, according to JS6, Burundi was slow to implement those transitional justice mechanisms, which included the Truth and Reconciliation Commission (TRC) and the Special Tribunal (ST) on the terms proposed by the population during the national consultations, in particular with regard to their mixed composition (national and international), independence and the effective involvement of civil society in the process. JS6 recommended that care should be taken to ensure that the transitional justice mechanisms were set up in strict compliance with the contents of the national consultations, that the independence of the Special Tribunal with regard to decisions of the Truth and Reconciliation Commission should be guaranteed and that protection should be provided for victims and witnesses.<sup>73</sup>

40. HRW indicated that Burundi had not demonstrated sufficient commitment to implement 2008 UPR recommendations to establish adequate transitional justice mechanisms. It added, however, that measures had been put in place to prepare the establishment of a Truth and Reconciliation Commission (TRC). For example, in July 2011, a governmental technical committee (TC) was appointed to create a framework for a TRC. The TC submitted its report to the President of the Republic. However, since then, progress had stalled. HRW noted that the President of the Republic had publicly reiterated that the TRC would be created by the end of 2012, but no concrete actions were taken in the first half of 2012. HRW further stated that Burundi had not made a commitment to establishing a Special Tribunal (ST).<sup>74</sup>

41. JS2 indicated that the composition of the TRC proposed by the TC draft law did not consider civil society and religious representatives and it was planned as being uniquely composed of nationals. JS2 also pointed out that Burundi should prepare the creation of the ST and added that the spheres of competence concerning the TRC and the ST should be clearly defined.<sup>75</sup>

42. JS1 indicated that the independence and integrity of the Special Tribunal had been called into question. It added that the trend was towards the establishment of a highly politicized TRC, with the risk that it would serve only the interests of politicians and fail effectively to contribute to reconciliation among Burundians.<sup>76</sup> JS1 made the following recommendations: (i) efforts should be made effectively to set up TRC, whose mission should be, *inter alia*, exhaustively and transparently to investigate all crimes and to make public the results of its investigations, to put forward recommendations with a view to providing redress for victims and to take the measures necessary to punish such violations and prevent their repetition and; (ii) appropriate measures should be taken to set up a special court with jurisdiction to hear international crimes.<sup>77</sup>

43. AI was concerned that the process of establishing a TRC had lacked transparency and direction.<sup>78</sup> AI recommended revising and enacting at the earliest opportunity a TRC law that complies with international human rights law and standards and stipulates that there can be no amnesty for crimes under international law; clearly proposes a ST with an independent prosecutor after the TRC has completed its work; and includes the appointment of international commissioners.<sup>79</sup>

44. In light of the generalized insecurity, especially in rural areas, AI was also concerned that the lack of witness protection provided by the State may prevent victims and witnesses from testifying freely.<sup>80</sup> AI recommended establishing and funding a national witness and victim support programme to allow witnesses of political killings to testify about such crimes, including those involving state agents.<sup>81</sup> JS4 also recommended putting in place measures to ensure the protection of witnesses.<sup>82</sup>

45. JS6 indicated that the lack of satisfactory conditions of detention for imprisoned minors (e.g. separation of children from adults) and failure to provide alternative measures to imprisonment was another major shortcoming. JS6 recommended the adoption of the Code of Criminal Procedure, the draft of which made provision for the position of juvenile judge and alternative measures to prison as well as other provisions inspired by the international instruments on the administration of juvenile justice.<sup>83</sup>

#### **4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

46. NIHR reported that the rights of activists and sympathizers of opposition parties, as well as those of journalists and human rights advocates were threatened, especially since the boycott by opposition parties of the 2010 elections.<sup>84</sup>

47. JS2 also indicated that since the 2010 elections and its boycott by the opposition parties, political space had been reduced. According to JS2, the government had failed to improve its mistrusted relationship with civil society and there were restrictions to their activities. It added that human rights defenders, media and lawyers repeatedly faced repression and attempts to silence them since 2010.<sup>85</sup> HRW pointed out that the government has often responded negatively to the work of human rights activists and journalists, labelling them mouthpieces of the opposition.<sup>86</sup> JS4 stated that in the absence of a strong opposition, civil society had become more isolated as the countervailing voice.<sup>87</sup>

48. HRW stated that leading activists, as well as journalists, had been summoned on numerous occasions by judicial officials following reports or broadcasts implicating state agents in alleged human rights abuses.<sup>88</sup> JS4 and JS2 expressed similar concerns.<sup>89</sup> AI further indicated that individuals working on sensitive human rights and corruption cases are reported being under close surveillance from the security forces and receiving threats.<sup>90</sup> HRW also noted that several journalists and activists have received personal death threats.<sup>91</sup> HRW, JS6 and JS4 added that intimidation of journalists increased following the Gatumba bar attack in 2011, when the authorities imposed a media blackout on this case and other incidents under investigation.<sup>92</sup>

49. AI indicated that arbitrary arrest and prolonged pretrial detention had been used by the authorities as a means of denying freedom of expression.<sup>93</sup> JS5 expressed concerns about charging activists with “defamation” and “threatening state security” for speaking out against corrupt practices and human rights abuses perpetuated by security forces.<sup>94</sup>

50. JS2 further stated that members of the opposition, journalists, human rights defenders and lawyers faced repression and attempts to silence them since 2010. It added that they were victims of arbitrary detentions, intimidation and assaults by the National Police, the National Intelligence Agency SNR and the CNDD-FDD youth wing *Imbonerakure*.<sup>95</sup> National Security Service (SNR) and the youth wing of the CNDD-FDD had been accused to be responsible for several attacks.<sup>96</sup>

51. JS5 and JS2 said that, in addition to judicial harassment and intimidation, some civil society activists have reportedly been assassinated as a result of the work they did.<sup>97</sup> JS4 expressed also concerns about the continuing use of violence and threats against human rights defenders.<sup>98</sup>

52. JS4 further stated that Burundi had also restricted the work of human rights defenders through the suspension or threatened suspension of their legal registration. It indicated, as an example, the cases of FORSC, APRODH, OLUCOME.<sup>99</sup>

53. JS4 and HRW acknowledged the announcement made by the government, in June 2012, that the press law would be revised with a view to decriminalizing press offences.<sup>100</sup> However, JS4 added that national media professional bodies had expressed concern over a lack of consultation on the bill’s content and recommended consultation with the civil society.<sup>101</sup> JS6 expressed similar concern.<sup>102</sup>

54. HRW indicated that efforts to guarantee freedom of expression, opinion and peaceful assembly should be reinforced, in line with the UPR 2008 recommendations.<sup>103</sup>

55. JS3 reported the pressure brought to bear on the organization MUCO because of its work to uphold the rights of LGBT.<sup>104</sup>

56. HRW stated that the government had criticized international human rights organizations and, at times, obstructed their work. It added that in 2010, a HRW researcher was expelled from the country. The organization was able to resume its work in 2011 and re-established a positive relationship with the government. However, in 2012, HRW was forced to cancel a press conference it planned to hold in Bujumbura to launch a new report

on political violence.<sup>105</sup> According to HRW and JS4, in 2009, the government compelled the UN head of mission to leave the country, accusing him of siding with the opposition.<sup>106</sup>

57. JS6 indicated that civil society organizations and opposition parties had been denied the right to demonstrate in public. An example was the refusal, in April 2011, to allow civil society organizations to demonstrate on the second anniversary of the assassination of Ernest Manirumva, a human rights defender.<sup>107</sup> JS4 and JS2 expressed similar concerns.<sup>108</sup>

58. NIHRC indicated that women were poorly represented in institutions, with the exception of the Senate, where there was almost parity.<sup>109</sup>

59. AIDB indicated that the level of participation by the Batwa in decision-making and public institutions was neglected in the Constitution.<sup>110</sup>

## **5. Right to work and to just and favourable conditions of work**

60. NIHRC indicated that a national employment policy, in conformity with the ILO conventions, was being developed and that a labour survey had been launched.<sup>111</sup>

61. According to NIHRC, discrimination against women with regard to payment of leave and maternity allowance had been observed in the private sector.<sup>112</sup>

62. AIDB reported that the Batwa experienced difficulty finding work in the civil service.<sup>113</sup>

63. JS6 emphasized that despite the existence of a work inspectorate, the institution was completely inactive in the informal sector, which employed many children. It added that the problem of child labour still existed.<sup>114</sup>

64. JS6 added that the problem of unemployment was becoming more and more pressing and that no measures had been taken to address the challenge.<sup>115</sup>

## **6. Right to social security and to an adequate standard of living**

65. NIHRC observed that not enough of the resources available were assigned to the economic and social sectors.<sup>116</sup>

66. NIHRC indicated that scant consideration was given to the specific needs of women, although there had been some progress in the fields of health and water supply. It added that there were still problems regarding access by women in rural areas to justice, electricity and microfinance.<sup>117</sup>

67. JS6 indicated that despite the existence of a development policy, there was still doubt about its prospects for implementation and success on account of the unavailability of sufficient funds and lack of determination.<sup>118</sup> It recommended that every effort be made to ensure the implementation of the Strategic Framework for Poverty Reduction (SFPR II).<sup>119</sup>

68. JS1 reported that issues of access to land and food insecurity were still a serious problem. It added that the poverty level was higher in rural areas.<sup>120</sup> JS1 recommended that appropriate measures be taken with regard to access to land by returnees and to ensure satisfactory conditions for their resettlement by returning to them the plots they had owned before the exodus.<sup>121</sup>

69. AIDB drew attention to the fact that poverty was more widespread among the Batwa than among the other social strata. It added that poverty was the root cause of the discrimination against the Batwa in the socioeconomic, cultural and political spheres.<sup>122</sup> AIDB also said that many Batwa lived in poor housing and had no land suitable for cultivation.<sup>123</sup>

## **7. Rights to health**

70. NIHRC noted with satisfaction the national plans to control HIV/AIDS, tuberculosis and malaria.<sup>124</sup>

71. AIDB welcomed the programme to guarantee free maternity care and health care for children under 5 years of age. However, it added that Batwa women who had no identity documents were unable to benefit from maternity care<sup>125</sup> and that their children died as a result of inability to pay for the cost of a full course of treatment. It also reported that Batwa children suffered from malnutrition.<sup>126</sup>

## **8. Right to education**

72. NIHRC pointed out the continuing disparity between boys and girls, in particular in the field of technical education. The Commission also indicated that a draft policy on education for girls had been validated.<sup>127</sup>

73. JS1 reported that Burundi continued to promote access to education for all in conformity with the commitments made in the 2008 UPR. Even though 31 per cent of current expenditure was assigned to the education sector, JS1 found that there were too few schools, classes were overcrowded, teachers poorly trained and that there was a shortage of teaching materials.<sup>128</sup> It found confirmation of the inefficacy of the educational system in the drop-out rate, particularly among girls, and the large number of pupils repeating a year.<sup>129</sup>

74. JS6 expressed concern about the children who gave up their studies. It added that according to a report by the Iteka league in 2011, statistics on the school drop-out rate called for special attention, despite the Government having given priority to universal, free and compulsory education.<sup>130</sup>

75. AIDB noted that in spite of the policy of free schooling for all, Batwa children were unable to benefit from the right to education because of the conditions laid down by headmasters, such as the requirement to pay for their care and school equipment.<sup>131</sup>

## **9. Persons with disabilities**

76. JS1 emphasized that disabled children did not have access to universal primary education and recommended that efforts be made to facilitate access for them.<sup>132</sup>

## **10. Minorities and indigenous peoples**

77. ASF noted that the situation of the Batwa, who made up 1 per cent of the population, was indicative of the importance of access to justice for highly vulnerable persons. That indigenous group was still affected by widespread discrimination from the other population groups and remained among the poorest in the country.<sup>133</sup>

78. AIDB recommended that public policies be put in place in support of education for the indigenous Batwa population and that efforts be made to promote their property rights and their rights to health, employment and decent housing.<sup>134</sup>

## **11. Internally displaced persons**

79. JS1 indicated that there was a lack of measures to support and promote schooling for refugee and/or displaced children.<sup>135</sup>

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

ACPDH	Association Communautaire pour la promotion et protection des Droits de l'homme, Burundi
AI	Amnesty International
AIDB	Association pour l'intégration et le développement durable au Burundi
ASF	Avocats sans Frontières
GIEACPC	Global Initiative to End All Corporal Punishment of Children
HRW	Human Rights Watch
JS1	Joint Submission 1 by Franciscans International (FI) and Company of the Daughters of Charity of Vincent de Paul (CDC)
JS2	Joint Submission 2 by Ecumenical Network Central Africa (OENZ) in cooperation with Brot für die Welt, Diakonie, Pax Christi and Vereinte Evangelische Mission
JS3	Joint Submission 3 by MUCO, Burundi, en partenariat avec International Lesbian Gay Association (ILGA)
JS4	Joint Submission 4 by East and Horn of Africa Human Rights Defenders Project (EHAHRDP), Protection International (PI) and Front Line Defenders (FLD)
JS5	Joint Submission 5 by World Alliance for Citizen Participation (CIVICUS) and Ligue des Droits de la personne dans la région des Grandes Lacs (LDGL)
JS6	Joint Submission 6 by TROCAIRE, Action des Chrétiens pour l'Abolition de la Torture (ACAT), Forum pour le Renforcement de la société civile (FORSC), la Ligue ITEKA, l'Observatoire Ineza des Droits de l'Enfant au Burundi (OIDEB), l'Association des Femmes Juristes du Burundi (AFJB), le Forum pour la Conscience et le Développement (FOCODE), Icirore c'amahoro, Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT), Heartland Alliance, Center for Civil and Political Rights (CCPR)

*National human rights institution*

NIHRC	Commission Nationale Indépendante des Droits de l'Homme
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- <sup>2</sup> NIHRC, p. 3, para. 7. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 12 et 13.
- <sup>3</sup> NIHRC, p. 8, para. 42.
- <sup>4</sup> NIHRC, p. 8, para. 42 and JS6, para. 19.
- <sup>5</sup> JS6, para. 15 and AI, p. 5.
- <sup>6</sup> AIDB, p. 5.
- <sup>7</sup> NIHRC, p. 6, para. 32. See also JS6, para. 2.
- <sup>8</sup> AI, p. 1 and JS2, p. 3.
- <sup>9</sup> AI, p. 1, JS2, p. 10, JS3, p. 2 and HRW, p. 4.
- <sup>10</sup> JS2, p. 10 and JS3, p. 4.
- <sup>11</sup> JS1, p. 3, para. 10.
- <sup>12</sup> NIHRC, p. 4, para. 13. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 17–21.
- <sup>13</sup> HRW, p. 4, AI, p. 2 and JS4, p. 11, para. 43.
- <sup>14</sup> AI, p. 2.
- <sup>15</sup> AI, p. 4, JS2, p. 5 and JS5, para. 5.2.
- <sup>16</sup> NIHRC, p. 3, para. 8.
- <sup>17</sup> NIHRC, p. 9, para. 50.
- <sup>18</sup> CINDH, p. 5, para. 25.
- <sup>19</sup> CINDH, p. 6, para. 29.
- <sup>20</sup> JS6, para. 49.

- <sup>21</sup> NIHRC, p. 9, para. 52. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 109 et 110.
- <sup>22</sup> HRW, p. 4.
- <sup>23</sup> JS2, p. 5.
- <sup>24</sup> JS4, p. 11, para. 44.
- <sup>25</sup> JS4, pp. 12–13, para. 46 (j) and JS5, para. 5.5.
- <sup>26</sup> JS4, p. 12, para. 46 (j).
- <sup>27</sup> HRW, p. 5.
- <sup>28</sup> NIHRC, p. 6, para. 33.
- <sup>29</sup> JS6, para. 3.
- <sup>30</sup> NIHRC, p. 6, para. 32.
- <sup>31</sup> HRW, p. 4.
- <sup>32</sup> HRW, p. 5.
- <sup>33</sup> JS3, pp. 2–3.
- <sup>34</sup> HRW, pp. 1–2. See also JS1, p. 3, para. 9 and JS2, p. 4.
- <sup>35</sup> JS2, pp. 3 and 4.
- <sup>36</sup> JS2, p. 4.
- <sup>37</sup> JS6, paras. 16 et 17, 18. See also JS2, p. 6 and section 3 on Administration of Justice.
- <sup>38</sup> NIHRC, p. 4, para. 15. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 21 et 22.
- <sup>39</sup> JS6, pp. 11, 12 and 13.
- <sup>40</sup> AI, p. 3. See also HRW, p. 1.
- <sup>41</sup> AI, p. 5.
- <sup>42</sup> NIHRC, pp. 7–8, para. 41. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 37–40.
- <sup>43</sup> JS6, paras. 22, 23 et 24. See also AI, p. 4.
- <sup>44</sup> JS6, paras. 22, 23 et 24. See also AI, p. 4.
- <sup>45</sup> JS2, p. 6.
- <sup>46</sup> AI, p. 4.
- <sup>47</sup> NIHRC, p. 8, para. 42.
- <sup>48</sup> ACPDH, p. 7.
- <sup>49</sup> ACPDH, pp. 4–5. See also JS1, p. 6, para. 18.
- <sup>50</sup> GIEACPC, p. 2, para. 1.3.
- <sup>51</sup> GIEACPC, pp. 2–3, paras. 2.1–2.5.
- <sup>52</sup> JS4, p. 2, para. 3, HRW, p. 2 and JS2, pp. 3–4 and 6. See also JS1, p. 3, para. 10.
- <sup>53</sup> HRW, p. 2.
- <sup>54</sup> JS2, p. 4.
- <sup>55</sup> JS2, p. 6, JS4, p. 4, para. 9, HRW, pp. 2–3 and AI, p. 2, para. 9.
- <sup>56</sup> JS2, p. 6.
- <sup>57</sup> JS6, para. 18.
- <sup>58</sup> JS2, pp. 6–7, HRW, p. 2 and AI, pp. 2–3.
- <sup>59</sup> AI, p. 5.
- <sup>60</sup> NIHRC, p. 7, para. 40.
- <sup>61</sup> NIHRC, p. 4, para. 11.
- <sup>62</sup> JS6, paras. 33, 34 et 35.
- <sup>63</sup> JS6, para. 37.
- <sup>64</sup> AI, p. 4. See also JS4, p. 2, para. 3.
- <sup>65</sup> JS6, paras. 38–40.
- <sup>66</sup> AI, p. 4.
- <sup>67</sup> HRW, p. 3, JS2, p. 9, JS6, para. 36 and JS4, p. 4, pp. 9–12.
- <sup>68</sup> JS5, p. 3, para. 2.4.
- <sup>69</sup> JS2, p. 6.
- <sup>70</sup> ASF, p. 2.
- <sup>71</sup> NIHRC, p. 4, para. 12.
- <sup>72</sup> NIHRC, p. 4, para. 10. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 23–28.

- <sup>73</sup> JS6, paras. 41–45.
- <sup>74</sup> HRW, p. 4.
- <sup>75</sup> JS2, pp. 7–8.
- <sup>76</sup> JS1, p. 3, para. 7.
- <sup>77</sup> JS1, p. 4, para. 11.
- <sup>78</sup> AI, p. 2.
- <sup>79</sup> AI, p. 4.
- <sup>80</sup> AI, p. 2.
- <sup>81</sup> AI, p. 5.
- <sup>82</sup> JS4, p. 12, para. 46 (c).
- <sup>83</sup> JS6, paras. 51 and 52.
- <sup>84</sup> NIHRC, p. 4, para. 18.
- <sup>85</sup> JS2, p. 8.
- <sup>86</sup> HRW, p. 3.
- <sup>87</sup> JS4, p. 2, para. 2.
- <sup>88</sup> HRW, p. 3.
- <sup>89</sup> JS4, p. 7, para. 27 and JS2, p. 9.
- <sup>90</sup> AI, p. 3, see cases reported.
- <sup>91</sup> HRW, p. 3.
- <sup>92</sup> HRW, p. 3, JS6, para. 46 and JS4, p. 8, para. 31. See also JS2, p. 9.
- <sup>93</sup> AI, p. 3.
- <sup>94</sup> JS5, paras. 2.1–2.2. See also JS4, pp. 7–8, paras. 27–30.
- <sup>95</sup> JS2, pp. 3 and 8.
- <sup>96</sup> JS2, p. 4.
- <sup>97</sup> JS5, p. 3, para. 2.3 and JS2, p. 9. See also HRW, p. 3.
- <sup>98</sup> JS4, p. 3, para. 7. See also HRW, p. 3.
- <sup>99</sup> JS4, p. 9, paras. 33, 34, 35 and 36. See also JS2, p. 8.
- <sup>100</sup> JS4, p. 3, para. 5 and HRW, p. 3.
- <sup>101</sup> JS4, p. 3, para. 5.
- <sup>102</sup> JS6, para. 47 and HRW, p. 3.
- <sup>103</sup> HRW, p. 2.
- <sup>104</sup> JS3, p. 3.
- <sup>105</sup> HRW, p. 3. See also JS4, p. 10, para. 38.
- <sup>106</sup> HRW, p. 4. See also JS4, p. 10, para. 38.
- <sup>107</sup> JS6, para. 48.
- <sup>108</sup> JS4, para. 39, p. 10 and JS2, p. 9.
- <sup>109</sup> NIHRC, p. 7, para. 38.
- <sup>110</sup> AIDB, p. 5.
- <sup>111</sup> NIHRC, p. 7, para. 38.
- <sup>112</sup> NIHRC, p. 7, para. 38.
- <sup>113</sup> AIDB, p. 3.
- <sup>114</sup> JS6, para. 57.
- <sup>115</sup> JS6, para. 67.
- <sup>116</sup> NIHRC, p. 5, para. 22. Voir aussi Annexe sur l'Etude de la mise en œuvre des recommandations du Conseil des Droits de l'Homme et des organes des traités, pp. 31–37.
- <sup>117</sup> NIHRC, p. 7, para. 37.
- <sup>118</sup> JS6, para. 64.
- <sup>119</sup> JS6, para. 76.
- <sup>120</sup> JS1, p. 4, para. 12.
- <sup>121</sup> JS1, p. 5, para. 16.
- <sup>122</sup> AIDB, p. 2.
- <sup>123</sup> AIDB, p. 3.
- <sup>124</sup> NIHRC, p. 5, para. 20.
- <sup>125</sup> AIDB, p. 2.
- <sup>126</sup> AIDB, p. 3.
- <sup>127</sup> NIHRC, p. 6, para. 31.

<sup>128</sup> JS1, p. 6, para. 18.

<sup>129</sup> JS1, p. 7, para. 21.

<sup>130</sup> JS6, paras. 68–69.

<sup>131</sup> AIDB, p. 4.

<sup>132</sup> JS1, p. 7, para. 21 and p. 8, para. 24.

<sup>133</sup> ASF, p. 4, para. 5.

<sup>134</sup> AIDB, p. 5.

<sup>135</sup> JS1, p. 7, para. 23.

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