



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Burundi and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Burundi was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and statements made by 92 countries, Burundi's presentation and responses, and the action taken by Burundi to implement the 136 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight that I am encouraged by Burundi's commitment to strengthen the National Independent Human Rights Commission (CNIDH) by ensuring its independence in accordance with the Paris Principles and to establish a National Preventive Mechanism against torture in line with its obligations under the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Nevertheless, I am concerned by the lack of cooperation demonstrated by the Government of Burundi in relation to the implementation of Human Rights Council resolution 36/2 adopted on 28 September 2017, despite commitments made during the UPR in this respect. In particular I am concerned that Burundi decided to put an end to cooperation with the OHCHR experts that were deployed to Burundi to implement resolution 36/2 and the lack of progress on discussions regarding the new Memorandum of Understanding with my office.

I encourage Burundi to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Burundi's preparations for the fourth cycle of the UPR. The development of such a national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the Resident Coordinator.

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H.E. Mr Ezéchiel Nibigira
Ministre des Affaires Etrangères,
République du Burundi

I also encourage Burundi to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Burundi to submit a mid-term report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Burundi to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc: H.E. Mr. Nivyabandi Martin,
Ministre des Droits de la Personne Humaine, des Affaires Sociales et du Genre

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- Ratify The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED);
- Reconsider its decision to withdraw from the Rome Statute of the International Criminal Court;
- Cooperate with the International Criminal Court on all the investigations that were opened, prior to its withdrawal from the Rome Statute of the ICC for alleged crimes in Burundi and by Burundians outside the country between 26 April 2015 and 26 October 2017;
- Cooperate with all international and regional human rights mechanisms through the implementation of Security Council Resolution 2303 (2016);
- Cooperate with the Commission of Inquiry on Burundi and refrain from acts of reprisals or intimidation against those who cooperate with the mechanism;
- Accept visit requests from special procedures, and guarantee them free access throughout the country.

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

A. Cross-cutting issues

Equality and non-discrimination

- Repeal legal provisions that criminalize homosexuality and adopt legislation to provide protection against discrimination on the basis of sexual orientation and gender identity;

B. Civil and political rights

Right to life, liberty and security of person

- Put an end to gross human rights violations, in particular extrajudicial killings, arbitrary detention, enforced disappearances and torture;
- Order the police and the army, and the Imbonerakure to refrain from acts of violence, in particular against women, as well as to ensure that perpetrators of these acts are held liable for their acts;
- Adopt legislation to put an end to corporal punishment in all settings, including against children;

- Take appropriate measures to make the conditions of detention in conformity with international norms, in particular by preventing torture or ill-treatment of detainees;

Administration of justice, including impunity and the rule of law

- Fight against corruption and impunity at all levels of the criminal justice system through cooperation with the Human Rights Council and the International Criminal Court, through prompt, impartial and independent investigations and by giving free access to all the international and regional independent experts on human rights to the country;
- Ensure that the Truth and Reconciliation Commission fulfils its mandate properly

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

- Lift measures that limit or obstruct the work of civil society, in particular by revising the new laws on media, on foreign non-governmental organisations and non-profit associations in Burundi with a view to guaranteeing their conformity with international human rights standards;
- Ensure that human rights defenders are able to pursue their activities in total freedom, and that impartial and thorough investigations are conducted without delay for all human rights violations;

C. Economic, social and cultural rights

Right to an adequate standard of living

- Pursue and intensify efforts to attain the SDGs by 2030, to promote a sustainable economic and social development, eliminate poverty and raise the living standard of the population;

Right to education

- Promote access of all to education and schooling of all children in order to eliminate discrimination against girls, refugee children, children born out of wedlock, children from the Batwa minority, handicapped children and children suffering from albinism or in a vulnerable situation;

D. Rights of specific persons or groups

Women

- Speed up reforms of national legislation in order to harmonise all the laws with the CEDAW;
- Implement fully the National Plan to fight trafficking and put in place the necessary legal framework to fully protect female domestic workers from sexual exploitation and violence;
- Strengthen the rights of women, in particular with regard to their participation in public life as well as the fight against domestic violence and against the salary gap between men and women;



- Remove the provisions of the Family and the Nationality Codes that establish discrimination between men and women with regard to nationality;
- Reduce violence against women and girls, by applying the law on prevention and repression of gender-based violence and put an end to harmful practices such as forced marriage and child marriage;

Children

- Launch registration campaign for children who have not been registered at birth and ensure free birth registration at all time;
- Ban child labour and increase the minimal age for accessing to employment;

Migrants, refugees and asylum seekers

- Create the necessary conditions to allow the voluntary repatriation of refugees in safety and promote an adequate environment, in particular by tackling serious food shortage the county faces;

