

Responses to Recommendations

BURUNDI

Review in the Working Group: 2 December 2008
 Adoption in the Plenary: 18 March 2009

Burundi's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
41 REC accepted (para. 80); 10 rejected (para. 82); 23 commented but no clear position given (para. 83); 10 pending (para. 81)	No addendum	Out of the 10 pending REC, 5 were commented but no clear position was given and the remaining 5 are in fact contained in paragraph 82 of the Report containing the rejected REC	None	Accepted: 41 Rejected: 15 No clear position: 28 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/10/71:

“80. The recommendations formulated during the interactive dialogue have been examined by Burundi. The recommendations listed below enjoy the support of Burundi:

- 1. Consider ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Mexico);
- 2. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Mexico, Argentina) and accept the competence of the relevant committee (Argentina);
- 3. Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil), the Optional Protocol to the Convention against Torture (Brazil, Djibouti, Czech Republic, Mexico) and establish an effective national preventive mechanism in compliance with it (Czech Republic);

- 4. Establish an independent national human rights commission (South Africa, Malaysia) in compliance with the Paris Principles (Portugal, Australia, United Kingdom, Egypt, Republic of Korea) with a strong mandate (Portugal), and finalize the submission of the required bill to the Parliament for adoption (Egypt);
- 5. Strengthen measures to raise awareness on the situation of albinos, prevent crimes against them and ensure material assistance to the victims (France);
- 6. Step up efforts to implement the final observations of the Committee for the Elimination of Discrimination against Women (Switzerland);
- 7. Adopt legislation guaranteeing equality between men and women, particularly in the area of family and inheritance law (France), and take the necessary steps to amend the Code on Persons and the Family, the law governing inheritance, matrimonial regimes and bequests and the Criminal Code in order to bring them into conformity with the principle of non-discrimination as set out in the Convention on the Elimination of All Forms of Discrimination against Women (Switzerland);
- 8. Increase work on gender equality, sexual violence and empowerment of women, especially regarding women's rights to inheritance and access to land (Sweden);
- 9. Take effective measures to eliminate all forms of discrimination against women, beginning with harmful cultural practices (Azerbaijan);
- 10. Speedily implement the new Criminal Code, declaring sexual violence a crime, while guaranteeing the impartiality of investigation and questioning (Holy See);
- 11. Implement the recommendations of the Committee on the Elimination of Discrimination against Women and take measures to eliminate discriminatory practices against women, also through education and awareness-raising programmes (Portugal);
- 12. Take urgent steps toward the full and prompt implementation of the recommendations of the Committee against Torture (Portugal), fully comply with those recommendations and do its utmost to ensure that the security forces operate within the framework of the rule of law (Ireland);
- 13. Take appropriate measures to align the conditions of detainees with international standards (Italy);
- 14. Continue its efforts towards reforming the security sector institutions, with the support of OHCHR and the international community (Egypt);
- 15. Consolidate reconciliation (Azerbaijan, Cameroon) and peace through scrupulous respect for projects developed in cooperation with the United Nations (Cameroon);
- 16. Create, strengthen and render operational human rights monitoring bodies (Cameroon);
- 17. That the Government and armed groups that are signatories to the cease fire concluded pursuant to the agreement of 7 September 2006 continue efforts to implement it (Algeria); and continue its efforts to integrate, without delay, the Palipehutu-FNL into the defence and security forces, as well as in the various executive, administrative and diplomatic areas (Switzerland);
- 18. Increase its efforts to contribute to the disarmament, demobilization and reintegration of children involved in armed conflict (France);
- 19. Continue, with international support, its efforts to spread a culture of human rights in the society, establish and reform the institutions for law enforcement and an independent, effective and impartial justice system (Egypt);
- 20. Continue efforts in the sector of the judicial system with the support of the international community (Algeria); intensify efforts to uphold the respect for the rule of law by ensuring an

independent and well functioning judicial system (Sweden), reform it (Nigeria), and increase the financial and human resources available to it (Czech Republic);

- 21. Ensure that training programmes focusing on human rights are mandatory for all judges, lawyers and police officers (Netherlands);

- 22. Prioritize national consultations to establish transitional justice mechanisms to ensure that reconciliation and justice address allegations of the most serious crimes, including war crimes, crimes against humanity and genocide (United Kingdom);

- 23. Use consultations to ensure that a truth and reconciliation commission and a special tribunal be established as soon as possible (Ireland);

- 24. Ensure that transitional justice mechanisms and reparations programmes fully integrate gender concerns and that justice for gender-based crimes during the conflict is realized (Norway);

- 25. Establish transitional justice mechanisms as a key element to the administration of justice and re-establishment of the rule of law (Austria);

- 26. Take all appropriate measures to address the issue of impunity and to implement adequate mechanisms of transitional justice (Italy);

- 27. Support the efforts made to establish the procedures for transitional justice under the 2000 Arusha agreements, in particular setting up methods for national consultations, as called for by the Security Council in its resolution 1606 (2005) (Canada);

- 28. Do its utmost to ensure that political parties are safeguarded in the elections of 2010 (Japan);

- 29. Set up hosting and reintegration structures for HIV/AIDS orphans (Luxembourg);

- 30. Consider strengthening programmes to fight and prevent HIV/AIDS, with special attention to women and children (Brazil);

- 31. With the support and cooperation of the international community, continue to combat diseases such as HIV/AIDS, malaria and tuberculosis, with special attention to the vulnerable (Bangladesh);

- 32. Progressively increase its budgetary allocations to health in order to reach the 15 per cent target set by the Heads of States of the African Union in the African Strategy for Health 2007-2015 (Luxembourg);

- 33. With the support and cooperation of the international community, continue to fight poverty (Algeria, Azerbaijan, Bangladesh), particularly extreme poverty (Bangladesh);

- 34. With international support, continue to promote education for all, with special attention to achieving gender parity in school enrolment (Bangladesh);

- 35. Continue the national policy for greater access to education for all children and to include in the school system, at all levels, appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);

- 36. With international support, undertake further programmes for human rights training and capacity-building to train relevant institutions of law enforcement and justice in the area of human rights, and introduce human rights in the education system at all levels (Egypt);

- 37. Take further appropriate measures to improve the situation of children, in particular children victims of war, children living and/or working in the streets, minors in prison and AIDS orphans (Malaysia);

- 38. Strengthen efforts to ensure that all newborn children are officially registered (Czech Republic);

- 39. Continue its efforts to address the challenges it faces, with the support of the States members of the United Nations (Benin);
- 40. Continue its efforts for the promotion and protection of human rights with the support of the international community, at the bilateral and multilateral levels (Rwanda);
- 41. Fully promote the protection of human rights in the country (Nigeria).

81. The following recommendations will be examined by Burundi, which will provide responses in due time. The response of Burundi to these recommendations will be included in the outcome report adopted by the Human Rights Council at its tenth session:

- 1. Establish a moratorium with a view to the abolition of the death penalty (Mexico), and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Djibouti, Mexico);
- 2. Take all necessary measures to ban secret places of detention, particularly by envisaging the signature and ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (France);
- 3. Develop and implement policies and measures to address inequality between boys and girls in access to education and reported widespread child labour (Slovenia);
- 4. Extend protection against discrimination and ensure that no one is subject to discrimination on the basis of sexual orientation, bearing in mind the universality of human rights and the recommendation of the Human Rights Committee on the right to privacy and non-discrimination (Netherlands);
- 5. Reconsider the inclusion in the draft criminal code of the provision criminalizing same-sex sexual relations (Belgium, Chile, Slovenia), in conformity with Burundi's obligations to ensure non-discrimination and the right to privacy (Belgium, Slovenia);
- 6. Speed up the approval of the bill for the reform of the Criminal Code and Code of Criminal Procedure, with a view to criminalizing acts of torture and conferring on victims compulsory State-assistance, which should allow proper redress, including adequate compensation for victims of torture, or other cruel, inhuman or degrading treatment or punishment (Mexico);
- 7. Better train its law enforcement officials to ensure that perpetrators of sexual violence are prosecuted in a more severe and consequent manner, and follow the recommendations of the Committee on the Elimination of Discrimination against Women to guarantee appropriate compensation and support and assistance measures for victims of sexual violence (Luxembourg);
- 8. Address rape as a crime (Chile);
- 9. Establish, with the support of the United Nations, a dual machinery, including a special tribunal and a truth and reconciliation commission, and grant both bodies great independence, not restricting the powers of the future tribunal to the decisions of the commission (Switzerland);
- 10. Revoke the new Ministerial Order No. 530 of 6 October 2008 restricting political assembly (Canada).

82. The recommendations noted in the report in paragraphs 26(e), 29, 49(b), 53(b), 56(b), 61(b), 62(a), (b), 64(d), 64(e) above did not enjoy the support of Burundi.

1. With regard to recommendations concerning special procedures included under paragraphs 26(e) (Czech Republic), 29 (Latvia), 49(b) (Brazil) and 61(b) (Norway), Burundi indicated that it will establish a national human rights institution in conformity with the Paris Principles and considers that the mandate of the independent expert on the situation of human rights in Burundi is no longer necessary;

2. The recommendation under paragraph 64(d) (Chile) was not supported by Burundi because the proposed independent body would duplicate the judiciary institutions.”

- Paragraph 26 (e) (Czech Republic): “Recommended the issuance and implementation of a standing invitation to special procedures”
- Paragraph 29 (Latvia): “To consider extending a standing invitation to the special procedures of the Council”
- Paragraph 49 (b) (Brazil): “To consider extending a standing invitation to special procedures”
- Paragraph 53 (b) (Canada): “To revoke the new Ministerial Order No. 530 of 6 October 2008 restricting political assembly”
- Paragraph 56 (b) (Slovenia): “Recommended the development and implementation policies and measures to address the inequality between boys and girls regarding access to education and the reported widespread child labour”
- Paragraph 61 (b) (Norway): “To consider issuing an invitation to the Special Rapporteur on violence against women”
- Paragraph 62 (a) (Mexico): “Recommended the establishment of a moratorium with a view to the abolition of the death penalty and that consideration be given to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights”
- Paragraph 62 (b) (Mexico): “Recommended speeding up the approval of the reform of the Criminal Code and the Code of Criminal Procedure with a view to criminalizing acts of torture and conferring on victims compulsory State assistance; such assistance should provide proper redress, including adequate compensation for victims of torture, or other cruel, inhuman or degrading treatment or punishment”
- Paragraph 64(d) (Chile): “To establish independent machinery which can document, investigate and process cases of rape, and facilitate the end of impunity”
- Paragraph 64(e) (Chile): “Recommended that rape be addressed as a crime and to note that traditional practices of compensation between the family of the perpetrators and the victims are inconsistent with human rights standards”

“83. Burundi takes note of the recommendations reflected in paragraphs 23, 24(b), 26(a), 27, 30, 31, 32(b), 33(a) and (b), 35(c) and (d), 51(b), 52(b) and (d), 53(a), 57(c), 62(d), 63(b), 64 (a) (b), (c) and (f), and offers the following comments:

1. With regard to recommendations concerning rape, violence against women and children as included in paragraphs 23 (Germany), 27 (United Kingdom), 30 (Austria), 31 (Argentina), 33(a) (Denmark), 35(c) (Switzerland), 52(b) (Ireland), 57(c) (Azerbaijan), 62(d) (Mexico), 63(b) (Malaysia), 64(f) (Chile) and recommendation 51(b) of Japan, Burundi clarified that these acts are already criminalized and reported cases are sanctioned. Programmes related to awareness raising and education on human rights in general and on women’s and children’s rights in particular, including rape and violence against women and children, are ongoing.

- Paragraph 23 (Germany): “ To give clear and immediate instructions to key high-ranking officials of the police force, the army and other security forces that all law enforcement officials should treat rape as a crime and take all measures to effectively investigate allegations of rape and other forms of sexual violence, and that it bring perpetrators to justice”
- Paragraph 27 (United Kingdom): “To take further steps to address discrimination and attacks against women”

- Paragraph 30 (Austria): “Recommended that cases of rape and other forms of sexual violence be adequately investigated and to brought perpetrators to justice in accordance with international standards concerning the administration of justice”
- Paragraph 31(a) (Argentina): “Recommended that an amendment be made to the legal system so that crimes of sexual violence and sexual abuse are made punishable, and those responsible for such crimes do not enjoy impunity.”
- Paragraph 31(b) (Argentina): “To develop a strategy for preventing and combating all forms of violence against women”.
- Paragraph 33(a) (Denmark): “Recommended that all reports of rape and sexual violence by law enforcement officials be promptly and impartially investigated and that perpetrators be brought to justice.”
- Paragraph 35(c) (Switzerland): “To adopt the necessary additional measures to effectively prevent and combat sexual violence against women, particularly minors”
- Paragraph 52(b) (Ireland): “To improve the functioning and accessibility of the machinery available to victims of rape to ensure that those guilty are brought to justice and punished”
- Paragraph 57(c) (Azerbaijan): “To fight with resolve sexual violence and impunity and increase the level of representation of women in society”
- Paragraph 62(d) (Mexico): “Recommended that all cases of rape and other forms of sexual violence be investigated in an expeditious, effective and impartial manner by an independent body and that all accused be prosecuted”
- Paragraph 63(b) (Malaysia): “To consider adopting a comprehensive strategy to combat all forms of violence against women and enact legislation on domestic and all forms of gender-based violence”
- Paragraph 64(f) (Chile): “To ensure that the courts effectively apply penalties to those responsible for rape with a focus on police and State officials”
- Paragraph 51(b) (Japan): “To take further measures to fight against sexual violence against women and children”
- **“2. With regard to recommendations concerning guarantees to freedoms of association expression, opinion and peaceful assembly, included in paragraphs 24(b) (Belgium), 32(b) (Italy), 35(d) (Switzerland), 52(d) (Ireland), 53(a) (Canada), Burundi indicated that the enjoyment of these freedoms is characterized by the existence of 39 political parties and more than 3,000 non-profit organizations, including human rights organizations and manifold press organizations, trade unions and media.”**
- Paragraph 24(b) (Belgium): “To respect freedoms of expression, association and assembly, pursuant to international instruments, use mediation procedures to calm conflicts, and end the use of imprisonment for speech critical of the Government”
- Paragraph 32(b) (Italy): “To take all measures to guarantee freedoms of expression and association”
- Paragraph 35(d) (Switzerland): “To guarantee freedom of expression to journalists and allow political parties to carry out political activities”
- Paragraph 52(d) (Ireland): “To comply with the recommendations of the independent expert on allowing all political parties to carry out their political activities without undue restrictions”
- Paragraph 53(a) (Canada): “To end all restrictions on political activities and meetings and allow the registration of political parties, as recognize under the Constitution”

- **“3. With regard to recommendations concerning torture, as included in paragraphs numbers 26(a) (Czech Republic), 33(b) (Denmark), 64(a), (b), (c) (Chile), Burundi indicated that acts of torture are sanctioned, including those committed by State agents. It also indicated that rules and regulations of the police and the armed forces prohibit torture and that many members of these institutions have been charged with severe assault and injuries, which is similar to torture in Burundian law. Finally, Burundi informed the Council that a new criminal code would soon be promulgated, which will severely sanction acts of torture and other cruel, inhuman, or degrading treatment or punishment.”**

- Paragraph 26(a) (Czech Republic): “Recommended the adoption of further measures to fight impunity of persons responsible of torture and extrajudicial killings and prompt, thorough, independent and impartial investigations into all allegations of these crimes”

- Paragraph 33(b) (Denmark): “Recommended that the practice of torture and other ill treatment by law enforcement officials be condemned brought to an end, that immediate independent and impartial investigations into all allegations of such acts be undertaken, and that alleged perpetrators be brought to justice”

- Paragraph 64(a) (Chile): “To implement, as speedily of possible, the legal, political and ministerial initiatives to eradicate the practice of torture and other forms of ill treatment by State officials”

- Paragraph 64(b) (Chile): “To include the content of the Convention against Torture in its legislation”

- Paragraph 64(c) (Chile): “To establish a machinery to compensate victims of torture”

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