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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Burundi**

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## **I. General information**

### **A. Description of Burundi**

1. Burundi is a landlocked country in East Africa with a surface area of 27,834 square kilometres, 2,700 square kilometres of which is under water. To the north it is bordered by Rwanda, to the south and east by Tanzania, and to the west by the Democratic Republic of the Congo.
2. The country is divided into 17 provinces, 129 communes and 2,908 collines, of which 97 are districts of Bujumbura.
3. The national language is Kirundi. French is the official language most often used in the administration. Other languages such as English and Kiswahili are taught at school and spoken by part of the population.
4. The recent general census of population and housing of 2008 put the population of Burundi at 8,038,618, of whom 4,111,751 were women. The population of Burundi is very young: young people and children account for over 60 per cent. Population density is 297 inhabitants per square kilometre, with an annual demographic growth rate of 3 per cent. Bujumbura, the capital, is the most populous city.
5. The peace process, which featured elections in 2005, continued in 2010 with the organization of free and transparent presidential, commune, legislative, senate and colline elections. The outcome of these elections was quite significant and encouraging, particularly with regard to the greater participation of women, whose representation increased considerably compared to the 2005 elections (32 per cent in the National Assembly, 46 per cent in the Senate, and 34 per cent in commune councils).

### **B. Methodology and consultation**

6. A team composed of members of the interministerial committee for the drafting of initial and periodic reports was formed to work on the second cycle of the universal periodic review, and was given appropriate training by the United Nations Office in Burundi.
7. Civil society and the National Independent Human Rights Commission were involved and made a contribution to the report. A workshop to approve the draft was held before the report was submitted.

### **C. Legal and institutional human rights framework**

#### **1. Legal framework**

8. Regarding the legislative and juridical framework, since 2008 the Government of Burundi has adopted a number of laws aimed at strengthening the protection and promotion of human rights.
9. These include, in particular, Act No. 1/05 of 22 April 2009 revising the Criminal Code; Act No. 1/04 of 5 January 2011 establishing the National Independent Human Rights Commission; Act No. 1/03 of 25 January 2010 on the organization and functioning of the institution of the Ombudsman; Act No. 1/17 of 4 September 2009 revising Act No. 1/18 of 4 May 2006 on the missions, composition, organization and functioning of the National Commission on Land and Other Property; Act No. 1/01 of 17 February 2009 on the

implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; Act No. 1/14 of 28 August 2009 governing small arms and light weapons; Act No. 1/08 of 22 June 2009 on the ratification by the Republic of Burundi of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), signed on 11 April 1996; Act No. 1/11 of 14 July 2009 on the establishment, organization, missions and functioning of the Burundi Revenue Authority.

10. Of these laws, which have been added to the regular framework for the protection of human rights, particular emphasis is placed on Act No. 1/05 of 22 April 2009 revising the Criminal Code.

11. The new Criminal Code has introduced a number of innovations, such as the abolition of the death penalty, an increase in the age of criminal responsibility from 13 to 15, the right to claim mitigating circumstance for children under the age of 18, measures to protect children against domestic violence, incitement to debauchery, soliciting, prostitution, rape, abduction, fraudulent adoption, sale, exploitation and pornography, introduction of socio-judicial supervision and other alternatives to imprisonment with a view to individualizing penalties, punishment of the crime of genocide, war crimes and crimes against humanity, punishment of the crime of torture, and punishment of rape not subject to amnesty or the statute of limitations. In addition, it reproduces all the other rights protected under the former Code.

## **2. Institutional framework**

12. The institutional framework, which is conducive to respect for human rights, has been strengthened. Particular mention should be made of the establishment of the National Independent Human Rights Commission in accordance with the Paris Principles under Act No. 1/04 of 5 January 2011; the establishment of the institution of the Ombudsman under Act No. 1/03 of 25 January 2010 on the organization and functioning of the institution of the Ombudsman; the creation within the National Police of a Directorate-General for Civil Protection and a specialized unit for the protection of minors and women; the formation of a tripartite commission involving the Government, the United Nations and civil society to work on the creation of a technical committee to set up transitional justice mechanisms; the establishment of an on-call prosecution unit in order to ensure real-time reaction by the Public Prosecutor's Office to human rights violations; the appointment of "focal point" judges to each regional court to follow up cases involving gender-based violence; the introduction of community-based justice by providing the Ministry of Justice with the necessary funding to hold itinerant sessions; and the establishment of the National Children's Forum of Burundi under Decree No. 100/167 of 5 June 2012.

## **D. State of ratification of international legal instruments by Burundi and submission of reports**

13. In relation to the list of ratifications of international legal instruments presented by Burundi in 2008, it should be noted that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children has already been adopted by the National Assembly.

14. As to the ratification of the conventions and protocols recommended by the Human Rights Council during the 2008 universal periodic review, the process is already under way. The instruments in question are the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance,

and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

## **II. Promotion and protection of human rights**

15. Since the submission of the initial report under the universal periodic review in 2008, remarkable progress has been made in the promotion and protection of human rights, particularly in the following areas.

### **A. Reform of the justice system**

16. Burundi wishes to be a State based on the rule of law, which means it is necessary to have and to strengthen a judicial system that is accessible, independent, efficient and gender-sensitive and that ensures respect for human rights.

17. Legislative and institutional reforms have been undertaken with a view to improving the promotion and protection of human rights. Mention should be made of the revised Criminal Code (cf. para. 11), a draft Code of Criminal Procedure in line with the Criminal Code and a draft Code of Ethics, which are in the process of being adopted; the adoption of a criminal policy aimed at enabling adequate punishment and making prison conditions more humane; the reform of the judicial institutions through the introduction of community-based justice with the establishment of permanent courts in every commune in the country; the establishment of an on-call prosecution unit to ensure real-time reaction by the Public Prosecutor's Office in cases of human rights violations; and the desire to establish a High Court of Justice in accordance with the current Constitution.

18. It should be noted that a committee to prepare a conference on the justice system, made up of leading figures from a number of areas (judges, staff of the various ministries, civil society, religious denominations) was appointed by Ministerial Order No. 550/556 of 19 April 2012 with a view to strengthening the independence of the judiciary.

### **B. Rights of prisoners**

19. With the exception of freedom of movement, detained persons hold the same rights as others. With that in mind, the ministry with responsibility for human rights conducts regular visits of detention facilities to check on possible human rights violations.

20. These visits allow the living conditions of prisoners to be observed, including whether the duration of pretrial detention is complied with and to what extent human rights are respected by the various police forces under the responsibility of the Public Prosecutor's Office, and to then propose solutions to the authorities concerned.

21. In addition to these visits, other measures were taken by the competent authorities in 2010, 2011 and 2012 with a view to easing prison overcrowding, resulting in the release of several persons detained for minor offences.

22. Furthermore, the Government has undertaken other activities such as organizing training sessions for prison officials on respect for human rights in the prison environment, disseminating the relevant legislation and the code of conduct for prisoners (in French and Kirundi), and improving 7 of the country's 11 prisons, with the particular aim of separating children from adults and men from women. The impact of the latest measures from 2012 can be seen in the attached tables on the prison situation.

## **C. Combating torture**

23. In addition to the Constitution of the Republic of Burundi, which prohibits the practice of torture, it should be mentioned that torture has been criminalized under the revised Criminal Code.

24. Furthermore, the draft Code of Criminal Procedure provides for the establishment of a compensation fund for victims of torture, with the possibility of taking legal action against the perpetrators.

25. In addition, the Government of Burundi recently submitted its initial report on the implementation of the Convention against Torture.

26. Training is being organized for police officers and others involved in the prevention and punishment of torture.

## **D. Combating gender-based violence**

27. Action has been undertaken in Burundi to combat this phenomenon, including (i) the adoption in 2009 of a revised Criminal Code that provides for serious punishment for these offences, (ii) the creation of a police unit for minors, (iii) the appointment of gender focal points in the Ministry of Justice and the Ministry of Public Security who have been trained and informed on the prevention and punishment of gender-based violence, (iv) the adoption of a national strategy to combat gender-based violence in 2008 and a project to support its implementation coordinated in eight pilot provinces since November 2011, (v) the creation of a pilot integrated centre providing comprehensive care (psychological, social, material, legal, medical and community) to victims of gender-based violence, the Humura Centre, which has been operational since July 2012 and is located in the middle of the country, (vi) the drafting of a specific bill on the prevention and punishment of gender-based violence, which is to be submitted to the Government shortly.

## **E. Rights of specific groups**

### **1. Women's rights**

28. Burundi is committed to the principle of equality between all of its citizens. This is reflected in the following action taken: (i) the implementation of measures aimed at respecting the minimum quota of 30 per cent for the representation of women in decision-making bodies (it is satisfying to note that, in the 2010 administration, 32 per cent of deputies, 46 per cent of senators, 17.6 per cent of provincial governors, 34 per cent of commune administrators, and today 35 per cent of ministers are women), (ii) the adoption of the Criminal Code in 2009 that provides for serious punishment for trafficking in women and girls as well as exploitation and prostitution, (iii) the elaboration of a draft Code of Criminal Procedure with provisions that, with the consent of victims of sexual violence, would allow human rights defence associations to submit complaints on their behalf, (iv) the elaboration of a specific draft bill on gender-based violence, which is in the process of being adopted, (v) the vote on a budget that takes account of gender, (vi) the drafting of an action plan on Resolution 1325 providing for a study on the impact of the absence of a written law concerning inheritance, matrimonial regimes and bequests on men, women and the community, as well as the added value of such legislation, (vii) the adoption of a national plan of action on Resolution 1325 and its implementation, (viii) the adoption of the national gender policy in 2003, which was evaluated and updated in 2011, and (ix) the creation of a National Women's Forum.

## **2. Children's rights**

29. The Burundian people are convinced that children are the country's future. The State is therefore committed to ensuring the protection of children and has put in place the following tools: (i) a new Criminal Code that contains very important innovations providing greater protection for children's rights, (ii) a draft Code of Criminal Procedure containing provisions that focus on the best interests of those under the age of 18, (iii) a general policy for children in conflict with the law that applies the principle of separation of minors from adults, (iv) a unit for children's legal protection within the Ministry of Justice (since 2011), (v) a National Independent Human Rights Commission (2011), (vi) mapping and evaluation of the children's rights protection system, (vii) a draft national policy for the protection of children's rights pending analysis and adoption by the Council of Ministers, (viii) a national action plan for the period 2010–2015 with the overall aim of eliminating the worst forms of child labour in Burundi, (ix) a draft code for the protection of children's rights currently under development, (x) a process to set up child protection committees from provincial to colline level with a national child protection coordination committee, (xi) a national strategy to prevent and combat the phenomenon of street children, and (xii) a National Children's Forum (since June 2012).

30. A Department of Children and the Family has been in place since 2011 within the Ministry of National Solidarity, Human Rights and Gender.

## **3. Rights of Batwa and albinos**

31. The Batwa are fully fledged Burundian citizens. Moreover, respect for ethnic diversity is enshrined in article 1 of the Constitution of the Republic of Burundi. Thus, the rights of all Burundians are protected equally, as is reflected in (i) children's education and (ii) freedom of association: Batwa associations that act as advocates for the rights of this community receive accreditation if they apply and meet the criteria set out in the law; (iii) participation in the political life of the country: they are represented in the two houses of Parliament, as provided for in the Constitution. They are also represented in other institutions such as the General State Inspectorate, the National Commission on Land and Other Property, and the East African Legislative Assembly.

32. As for albinos, the Government of Burundi has taken measures to punish the perpetrators of crimes against such persons in accordance with the law.

## **F. Freedom of association, assembly, expression and opinion**

33. As part of efforts to strengthen democracy, the democratic environment has steadily expanded. In addition to the national television broadcaster, four other private television stations have been launched. Some 15 private radio stations, including three community stations, have been approved by the competent authorities and are operational. The written press has also kept pace, while a range of online newspapers provided daily information to society.

34. The Government has undertaken to introduce a budget line for support to the media as of 2012.

35. It should be noted that a new Press Act is currently being discussed by the National Assembly with a view to its adoption and promulgation by the President of the Republic.

## **G. Right to education and health**

### **1. Right to education**

36. To achieve the 2025 vision of having a decentralized, inclusive education system with policies consistent with regional and international standards in terms of fair access, improvement of the quality of teaching and gender-sensitive attitudes and behaviour, the Government of Burundi has developed a programme covering seven pilot provinces for primary and secondary education, with the objective of promoting girls' education at all levels and eradicating the causes of school dropout.

37. The Government has also adopted new education systems referred to as "basic education schools" at primary and secondary levels and "degree-masters-doctorate" at higher level, and a draft policy on girls' education is in the process of being adopted.

### **2. Right to health**

38. As part of its efforts to improve fair access to treatment and health services with a view to developing a system that provides substantial cover for high-impact and high-quality interventions, the Government of Burundi has put in place (i) a National Health Development Plan for the period 2011–2015, (ii) decentralized Ministry of National Solidarity, Human Rights and Gender structures known as Family Development Centres, which work together with the Ministry of Public Health and the Fight against Aids to raise awareness and provide psychosocial care for gender-based violence as well as sexual education for young people, and (iii) a health insurance card since January 2012 for sections of the population other than civil servants, who already have a mutual insurance card.

## **H. Transitional justice**

39. With regard to transitional justice, the Government has established a tripartite steering committee (Government, civil society and United Nations) to ascertain the public's views on the procedure for setting up the transitional justice mechanisms.

40. The technical committee responsible for preparing the establishment of the Truth and Reconciliation Commission has submitted its report, which is currently being analysed by all partners to ensure the effective establishment of the Commission before the end of 2012.

## **III. Follow-up of the implementation of recommendations**

41. For practical reasons and on the basis of their content, the 41 recommendations accepted by the Government of Burundi during the 2008 universal periodic review have been clustered into 10 thematic groups.

**Theme No. 1: Ratification of international human rights instruments (cf. para. 14).**

**Theme No. 2: Implementation of the recommendations of the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Rights of the Child.**

**A. Follow-up of recommendations of the Committee on the Elimination of Discrimination against Women**

**1. Transmittal of concluding observations to the relevant ministries, Parliament and the judiciary**

42. These institutions are aware of the recommendations, as evidenced by their sectoral policies.

**2. Empowerment of rural women**

43. Conscious that there is a good deal of discrimination against rural women, with rural areas estimated to account for 90 per cent of the Burundian population, the State has increased the budget allocated to the Ministry of Agriculture and Livestock with a view to empowering rural women.

**3. Bring discriminatory laws into line with the Convention and raise awareness of the reforms**

44. (i) Although a final result has not yet been achieved, Burundi's desire to revise the Code of the Person and the Family is clear. A consultant was recruited to draft a bill revising the Code of the Person and the Family, and his work has been forwarded to the National Legislation Service, and is already before the Ministry of Justice. (ii) The 2009 Criminal Code represents a huge step forward in terms of women's rights: the discrimination against women observed in the past in regard to adultery has been remedied in the Criminal Code, which now refers to a "spouse convicted of adultery", and no longer makes a distinction between husband and wife. Nor does the Code make any distinction as to the punishment incurred by the perpetrator of the offence.

**4. Training on the Convention for prosecutors, judges and lawyers**

45. In collaboration with United Nations agencies and civil society, the Government of Burundi organizes awareness-raising/training campaigns for various groups, including judges, magistrates and prosecutors, to inform them of the content of this Convention.

**5. Legal aid**

46. Significant progress has been made in this area, as reflected, in particular, by the establishment of specialized centres such as the Humura Centre, the Seruka Centre and other stakeholders.

**6. Equality between men and women in the truth and reconciliation process**

47. Article 11 of the bill on the establishment, mandate, composition, organization and functioning of the Truth and Reconciliation Commission mentions that its composition will ensure gender balance.

**7. Elimination of discriminatory cultural practices**

48. The Government cooperates with civil society to eliminate discriminatory cultural practices and stereotypes. Local elected officials and teachers play an important role in this area, and the media broadcast programmes on the issue, particularly on International Women's Day.



**8. Representation of women in decision-making bodies**

49. Efforts have been made to exceed the quota of at least 30 per cent of women provided for in the Constitution: (i) In the 2010 administration, women made up 32 per cent of the Assembly and 46 per cent of the Senate; (ii) one of the posts of vice-president of the bureaus of these two institutions is held by a woman; (iii) in the territorial administration, 17.6 per cent of provincial governors and 33 per cent of commune administrators are women; (iv) in 2012, 34 per cent of ministers were women; (v) in the Ministry of Primary and Secondary Education, Vocational Training and Literacy, 8 of the 34 senior posts are held by women.

**9. Combating gender-based violence**

50. In the area of legislation, there has been remarkable progress: (i) the revised 2009 Criminal Code makes gender-based violence an offence; (ii) a draft revised Code of Criminal Procedure is being examined by the Government. This Code would allow human rights defence associations to submit complaints on behalf of victims of sexual violence with their consent, and would make provision of legal assistance to these victims compulsory; (iii) a specific bill on gender-based violence is in the process of being adopted. Other measures taken include: (iv) the creation of a budget line for “legal assistance” in the Family Development Centres; (v) the adoption of a budget to take account of gender; (vi) at the institutional level, the introduction of gender-based violence focal points in the Ministry of Justice and the Ministry of Public Security; (vii) all 34 regional courts and public prosecutor’s offices have three and two gender and child focal points respectively; (viii) the police units for minors and the protection of moral standards take preventive measures.

**10. Separation of female prisoners from men and supervision**

51. The Government has a general policy of clearly separating different categories of prisoners.

**11. Trafficking in women and girls and prostitution**

52. The 2009 Criminal Code criminalizes trafficking in women and girls, exploitation, and prostitution.

**12. Education and training of girls and women**

53. (i) A National Adult Literacy Service has been established with a decentralized service in each province; (ii) a United Nations Girls’ Education Initiative programme has been launched to promote girls’ education at all levels; (iii) the abolition of school fees has reduced the previous gap in enrolment to such an extent that in some schools girls now outnumber boys; (iv) a Girls’ Education Policy project has been approved; (v) a “Gender Equality” strategy has been drafted; (vi) school regulations that take account of the specificity of girls have been revised and are now available.

**13. Women and the labour market**

54. (i) The 1993 Labour Code is in the process of being revised and adapted to the current context, taking account of the gender and child perspectives; (ii) a coherent and inclusive National Employment Policy taking into account vulnerable groups is being drafted.

**14. Taking women into account in health policy**

55. (i) The Ministry of Public Health and the Fight against Aids has drawn up a National Health Development Plan 2011–2015, one of whose priorities is the improvement of

maternal and child health. The National Plan will contribute to reducing mortality linked to infectious diseases and maternal and neonatal mortality by 2015; (ii) with regard to maternal and neonatal health, the Government and its partners ensure the availability of health inputs and free health care for pregnant women up until delivery and the availability of services in health facilities; (iii) sex education is provided through the Strategic Reproductive Health Plan. Fifteen health centres for young people (“Centres de santé amis des jeunes”), which take account of the gender perspective, have been established.

**15. Taking into account the needs of rural and older women**

56. (i) Rural Burundian women are progressively gaining access to health care pursuant to the existing health policy, as well as to education and justice; (ii) under the commune development policy, all women have access to drinking water; (iii) the Strategic Framework for Growth and Poverty Reduction II recommends that the ministries’ sectoral policies take account of the needs of rural women by strengthening their empowerment.

**16. Taking into consideration the Beijing Declaration and Platform for Action in the implementation of the Convention**

57. Insofar as possible, the Government takes into account the 12 areas of concern outlined in the Beijing Platform for Action.

**B. Follow-up of recommendations of the Committee against Torture**

**1. Inclusion of the definition of torture in domestic law**

58. (i) The 2009 Criminal Code incorporates the definition of torture as set out in article 1 of the Convention against Torture; (ii) the bill reforming the Code of Criminal Procedure provides that “a confession is not admissible as evidence if it was obtained through force, violence or threat or in exchange for the promise of some kind of advantage or through any other means that violates the free will of the author”.

**2. Police custody**

59. Contrary to the current Code of Criminal Procedure, which includes a restriction on the detainee’s freedom to communicate, under the bill revising the Code of Criminal Procedure, the judicial police officer would be obliged to inform the detained person’s family or any other person concerned of the custodial measure and the location of the police custody. The judicial police officer or the magistrate under whose authority he is acting will consider whether the detainee can appropriately communicate with any person or authority depending on the circumstances of the case.

**3. Non-arrest by military personnel, order from a superior officer, and mandate of the National Intelligence Service**

60. The 2009 Criminal Code provides that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture or other cruel, inhuman or degrading treatment. An order from a superior officer or a public authority may not be invoked as a justification of torture.”

**4. Combating impunity, compensation and rehabilitation of victims of torture, criminalization of sexual violence; the current situation is that the number of cases of torture has decreased significantly**

61. (i) Articles 554 to 562 of the 2009 Criminal Code criminalize sexual violence, particularly domestic rape. The penalty laid down may not be reduced and the offences provided for in these articles are not subject to the statute of limitations or to amnesty, and are non-pardonable; (ii) rapists are arrested and punished. As of the end of April 2012, there were 584 persons in Burundi's prisons charged with violent rape and 890 convicted of this offence.

**5. Independence of the judiciary and torture of suspected perpetrators of an attempted coup**

62. (i) A committee responsible for preparing the conference on the justice system to discuss the independence of the judiciary has been established; (ii) the persons charged with the attempted coup were acquitted by the Supreme Court and the Public Prosecutor's Office accepted its verdict.

**6. Age of criminal responsibility**

63. (i) The age of criminal responsibility is 15; (ii) pending a special law on justice for minors proposed as part of the sectoral policy of the Ministry of Justice, the bill revising the Code of Criminal Procedure will devote an entire chapter to preliminary inquiries, proceedings, prosecution and trial of minors with special responsibility.

**7. Return, expulsion, extradition**

64. A National Office for the Protection of Refugees and Stateless Persons was established in March 2009: (i) the services provided by the Office are well received. In 2011, 1,366 asylum applications were admitted, 130 rejected and 22 were still being examined; (ii) when the Office is informed of a person detained on the grounds of unlawful residence who fears forcible return to his or her country of origin, its staff register the person directly and prepare his or her file in order to avoid a return; (iii) there is not yet any specific legislation on extradition in Burundi, but there is a convention with Tanzania and another with the Economic Community of the Great Lakes Countries.

**8. Training for law enforcement personnel**

65. (i) With the support of its partners, the Government has provided training to the judiciary, the national police, the National Intelligence Service, and the army, and has given training to trainers; (ii) NGOs such as Avocats sans Frontières and RCN Justice et Démocratie support the Government's activities in training law enforcement personnel.

**9. Conditions of detention**

66. (i) The President of the Republic has taken measures to release certain prisoners with a view to reducing the prison population; (ii) the conditional release committee of the Ministry of Justice recently proposed the conditional release of 2,964 convicts, including minors; (iii) 111 persons sentenced to death before the adoption of the revised Criminal Code in 2009 recently had their sentences commuted to life imprisonment under presidential pardons.

**10. Monitoring of places of detention**

67. (i) Places of detention are regularly inspected by the Public Prosecutor's Office; (ii) NGOs such as ACAT (Action by Christians for the Abolition of Torture), APRODH

(Burundi Association for the Protection of Human Rights and Detainees), Amnesty International and the International Committee of the Red Cross have ready access to detention facilities and contribute to improving the conditions of detainees.

**11. Combating impunity, transitional justice**

68. See paragraph 39.

**12. Child soldiers**

69. (i) The National Commission for Demobilization, Reinsertion and Reintegration of former soldiers had a special project for child soldiers; (ii) it was replaced in 2009 by the Emergency Project for Transitional Demobilization and Reintegration, which is made up of exactly the same elements; (iii) in addition to children who had not been permanently reintegrated, the project deals with demobilized National Liberation Front (FNL) troops. As all of these children were reintegrated in 2011, the project now focuses on those who sustained disabilities during the war.

**13. Protection of persons who report acts of torture**

70. The State cooperates with civil society associations that report acts of torture.

**14. Detention in hospitals**

71. Through the ministry with responsibility for national solidarity, the Government, within its means, settles the medical bills of indigent persons.

**C. Follow-up of recommendations of the Committee on the Rights of the Child**

**1. Monitoring mechanism, birth registration**

72. (i) The Government has temporarily abolished registration fees and fines for late registration; (ii) a large-scale campaign has been conducted nationwide to raise awareness among parents who have not yet registered their children.

**2. Non-discrimination against Batwa children**

73. (i) The Government has developed agropastoral and self-development projects for the Batwa in consultation with them. They are provided with housing in peace villages and land, thus improving the living conditions of Batwa children in their families; (ii) in addition to free primary school education, the Government covers the costs of Batwa children who attend secondary school.

**3. Legislation on children**

74. (i) A draft Child Protection Code that takes account of the subdivisions of the Convention on the Rights of the Child is currently being prepared; (ii) there are also plans to revise the Code of the Person and the Family, the Code of Criminal Procedure and the Labour Code in accordance with the provisions of the Convention.

**4. Coordination of child protection activities**

75. (i) The Government has conducted a study on the mapping and evaluation of the child protection system in Burundi. On the basis of this study, a draft national child protection policy is in the process of being approved; (ii) consultations with the relevant

partners in relation to this policy have already begun: the National Policy for Orphans and other Vulnerable Children and the related national plan of action, the minimum standards for children in institutions or deprived of a family environment, have been drafted and implemented in collaboration with civil society; (iii) the Department of Children and the Family has been established.

#### **5. Budget allocations for children**

76. Eight of the Government's 21 ministries are particularly concerned with children's affairs and each have a budget earmarked for this area.

#### **6. Data collection**

77. In order to ensure adequate supervision, the draft child protection policy provides for the creation of a database on all matters relating to children's rights.

#### **7. Dissemination and awareness-raising**

78. Awareness-raising campaigns focusing on the rural population are regularly conducted by the Government and civil society. Media awareness-raising reaches a large audience.

#### **8. Best interests of the child**

79. (i) In general, the Constitution grants children rights and provides for particular measures to guarantee their safety, well-being and development; (ii) at sectoral level, although there is room for improvement, legislation on education, public health, the family, citizenship and offences takes account of the best interests of the child.

#### **9. Right to life of albino children**

80. (i) As a measure of protection, the families of albino children in localities there has been violence against albinos, such as Ruyigi, have been temporarily grouped together by the police; (ii) the criminal network has been dismantled and the perpetrators have been sentenced to life imprisonment.

#### **10. Respect for the views of the child**

81. (i) A National Children's Forum was established in June 2012; (ii) Burundi's sectoral plans and policies incorporate the principle of respecting the views of the child, and this is effectively implemented, as in the National Policy for Orphans and other Vulnerable Children and its national plan of action and the national action plan against the worst forms of labour 2010–2015.

#### **11. Corporal punishment**

82. (i) Awareness-raising campaigns on the prohibition of corporal punishment against children are regularly targeted at families, children's institutions and prisons; (ii) in schools, the current school regulations prohibit corporal punishment against pupils; (iii) the 2009 revised Criminal Code pays particular attention to the protection of children (arts. 221, 206, 512 to 525, 535 to 537).

**Theme No. 3: Promotion of human rights through education and training of the general public and law enforcement personnel; continuation, with international support, of efforts to spread a culture of human rights in society; establishment and reform of the institutions for law enforcement and an independent, effective and impartial justice system.**

83. Governmental and non-governmental actors involved in the promotion and protection of human rights have been more active than ever. Both have developed public awareness-raising campaigns and human rights training programmes for socio-professional groups involved in the implementation of human rights.

84. Since 2010, the bureaus of both houses of the Burundian Parliament have organized days to promote awareness and provide training on human rights for members of Parliament.

85. Other human rights education activities are undertaken in prisons, in particular for women prisoners. The Centre for the Promotion of Human Rights and the Prevention of Genocide and the Family Development Centres provide human rights training. At Government level, there have been positive developments.

86. The UNESCO Chair in Education for Peace and Peaceful Conflict Resolution established at the University of Burundi organizes postgraduate training in human rights and peaceful conflict resolution.

87. Certain categories of law enforcement personnel receive human rights training: (i) administrators of communes and sociocultural advisers of provincial governors, (ii) elected local officials, (iii) commune police chiefs, (iv) officials of the Family Development Centres, (v) Higher Institute of Military Officers and National Police Institute.

88. It should also be noted that a number of private universities have started to introduce courses in international human rights law, including the law of armed conflict.

89. Military and security institutions receive regular training as part of their ongoing professionalization. These programmes cover protection of human rights. In 2010, the programme to raise ethical standards among troops at all levels, which includes an introduction to human rights, international humanitarian law, leadership, discipline and the Military Criminal Code, involved the participation of 39,094 men — 23,000 in the National Defence Force and 16,094 in the National Police — and every member of the military always carries with him a copy of the Code of Conduct in French and Kirundi. In the police, a framework for initial and ongoing training for all categories (officers, sergeants and constables) is currently being prepared.

90. NGOs and civil society organizations, in cooperation with government services and development partners, have awareness-raising and training programmes for targeted groups in subjects including: (i) women's rights, (ii) children's rights, (iii) rights of persons with disabilities, (iv) rights of persons deprived of their liberty, (v) rights of orphan children, (vi) vulnerable groups, (vii) indigent persons affected or infected by HIV/AIDS.

**Theme No. 4: Establishment of a National Independent Human Rights Commission, in accordance with the Paris Principles, with a strong mandate, and completion of the procedure to present the necessary bill to Parliament for adoption.**

91. The National Independent Human Rights Commission was established by Act No. 1/04 of 5 January 2011 in accordance with the Paris Principles. The Commission has a strong mandate and a four-year term, renewable once. The Commission's mandate covers the following:

- (i) Protection and defence of human rights;
- (ii) Promotion of human rights;
- (iii) Consultative role on human rights-related issues.

**Theme No. 5: Protecting albinos and punishing crimes against them; strengthening measures to raise awareness of the situation of albinos; preventing crimes against albinos and guaranteeing material assistance to victims.**

92. The Government has already adopted measures aimed at punishing crimes committed against albinos. In particular, it has ordered that the processing of cases involving albinos be expedited and decided that, once a case has been referred to a judge, the judgement should be handed down within seven days. In addition, once the criminals have been identified, they are subject to severe penalties, and life sentences are often imposed by the courts. It has been noted that since these measures were introduced by the Government, the incidence of crimes against albinos has decreased significantly.

93. The Government organizes awareness-raising campaigns to ensure that the public is informed that albinos should not be subject to any acts of discrimination. In its campaigns, the Government calls on the public to adopt an inclusive attitude towards albinos so that they can fully enjoy their civil rights in all spheres of life.

94. Community policing has been in place to protect this group since the emergence of the phenomenon of killings of albinos. The families of albinos have been moved to secure locations and provided with the necessary assistance.

95. The Government has registered the association for the defence of the rights of albinos “Albinos sans Frontières”, which helps to raise awareness of the situation of albinos and teaches its members how to assert their rights and defend their cause. The association receives annual support from the Government in order to meet its most basic needs.

96. The parents of albinos, like other minority groups, are now made particularly aware of the economic and social rights of their children, especially the right to education.

**Theme No. 6: Establishing transitional justice mechanisms as a key element in the administration of justice and the restoration of the rule of law, eradicating impunity, punishing the most serious crimes under international law, and holding national consultations on the matter.**

97. With regard to the introduction of transitional justice mechanisms to establish the truth about the country’s painful past and do justice to the victims of the repeated crises and the associated massive human rights violations in order to allow national reconciliation, Burundi has, in the spirit of respect for the Arusha Peace Agreement of 2000, established: (i) a tripartite steering committee (Government, United Nations, civil society) to organize national consultations under Decree No. 100/234 of 10 August 2007. The committee’s report was submitted in December 2010; (ii) a technical committee to prepare the establishment of the Truth and Reconciliation Commission under Decree No. 100/152 of 13 June 2011. The committee’s report was submitted in October 2011; (iii) the Government plans to establish the Truth and Reconciliation Commission before the end of 2012.

**Theme No. 7: Making every effort to ensure that political parties are safeguarded in the 2010 elections.**

98. In relation to the 2010 elections, the Government and all of the political parties established mechanisms for free and transparent elections to be held: (i) the legal framework: a revised Electoral Code promulgated on 18 September 2009, the revised Commune Code and a code of conduct for political parties during the electoral period were adopted; (ii) the institutional framework: an Independent National Electoral Commission was approved by political actors and civil society; (iii) practical measures: an electoral register was established on the basis of which voting cards were issued.

**Theme No. 8: Continuing efforts to combat poverty and extreme poverty. Combating poverty and HIV/AIDS, tuberculosis and malaria in all national programmes, and progressively increasing budget allocations for public health in order to try to reach the target of 15 per cent of the national budget set by the heads of State and Government of the African Union.**

99. Burundi has undertaken to define and implement economic, social and cultural development policies aimed at raising the general standard of living of the population and particularly combating poverty and extreme poverty. Three planning instruments have been identified and adopted to that end: (i) Vision 2025, (ii) the Millennium Development Goals, and (iii) the Strategic Framework for Growth and Poverty Reduction, of which there is now a second version (CSLP I and II).

100. These instruments are complemented by the sectoral policies of the ministerial departments and the national action plans implemented annually.

101. Furthermore, the budgets of the Ministry of Public Health and the Fight against AIDS and the Ministry of Agriculture and Livestock were increased considerably in 2012.

102. With regard to the implementation of policies to combat HIV/AIDS, tuberculosis and malaria, it should be pointed out that, in general, the implementation of CSLP I has yielded good results in the area of health: (i) Construction and equipment of new infrastructure, (ii) training of personnel, (iii) decentralization of services, (iv) provision of certain malaria and HIV medication free of charge, and (v) medical care for pregnant women and women in labour; as well as for (vi) children under 5 have resulted in significant progress in the accessibility and quality of health services.

**Theme No. 9: Taking appropriate measures to bring prison conditions into line with international standards.**

103. With a view to improving conditions of detention, the Government has adopted specific measures aimed at bringing prison conditions into line with international standards: (i) CSLP II provides for “the improvement of conditions of detention by means of progressive refurbishment and extension of ageing prison facilities, (ii) the adoption of measures to address the problems of security, protection, food, hygiene and health of prisoners, (iii) legal education and ongoing vocational training to occupy prisoners, and (iv) preparation for their reintegration, focusing on an effective approach that takes account of gender and generation”.

104. The Government has also adopted the sectoral policy of the Ministry of Justice 2011–2015. This policy implements the objectives of CSLP II. Under one of its strategic areas, “humane criminal justice”, improving prison conditions will focus on the following three indicators: (i) conditions of detention must respect human rights and minimum international standards, (ii) prisoners will be enabled to understand their rights and obligations and are responsible for managing their situation, and (iii) prison establishments must be built, renovated and/or equipped.

**Theme No. 10: Enhancing the prospect of full peace: ensuring that the Government and armed groups that are signatories to the ceasefire agreement of 7 September 2006 continue efforts to implement it; and continuing 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. Increasing its efforts to contribute to the disarmament, demobilization and reintegration of children in armed conflict (Recommendations 17 and 18).**

*Enhancing the prospects of peace*

105. On 7 September 2006, the Burundian Government signed a ceasefire agreement with the last rebel movement in Burundi, the Palipehutu-FNL.

106. In their efforts to achieve full peace in the country, in December 2008 the Government and the rebel movement, with the support of the region and the international community, came to political arrangements allowing the rebel movement to become a permanent party to the peace process. These arrangements include: (i) the accreditation on



21 April 2009 of the former rebel movement as a political party referred to as Forces Nationales de Libération (FNL), (ii) the integration of 3,500 former combatants into the Burundian defence and security forces and the demobilization of the remaining 6,504, (iii) the release of all political prisoners: early January 2009, release of 247 prisoners and 13 May, release of 203 political prisoners and prisoners of war from the former rebel groups, (iv) the appointment of 33 senior members of the FNL to positions of responsibility, including two ambassadors, two provincial governors, and advisers to the Office of the President of the Republic. The President of the FNL himself became Director General of the National Social Security Institute, (v) the establishment of a Joint Mechanism to Verify and Monitor the ceasefire and the establishment by the African Union of a special team to ensure protection for FNL leaders and the political directorate.

107. Following the application of these arrangements, peace was restored throughout Burundi. Thus, between 2008 and the first election in 2010, Burundi experienced a period of peace that allowed it to focus on the 2010 electoral process.

#### *Reintegration of demobilized troops*

108. When the FNL joined the peace process, the reintegration of demobilized combatants from the former rebel movements and former government forces was under way.

109. A government project widely supported by Burundi's development partners was implemented and achieved satisfactory results.

110. Since 2008, the United Nations Development Programme and the Government have run the project "support for the long-term reintegration of former combatants" for former FNL combatants, particularly in the provinces of Bubanza, Cibitoke, Bujumbura and Bururi. The fact that these provinces were kept in phase III and IV for security reasons had prevented the implementation of reconstruction and economic revitalization projects for survivors from these provinces and the general population.

111. The arrangements between the Government and the FNL will not only permit the completion of the disarmament, demobilization and reintegration process for former combatants, but will also expedite the return and reintegration of a very large number of persons affected by the crises in the areas that until now were closed off because of the conflict.

112. The overall objective of this project was to contribute to restoring security through the socioeconomic reintegration of former combatants and demobilized troops into host communities in order to stabilize security, consolidate peace and kick-start the country's sustainable development.

#### *Disarmament of members of the public*

113. As a result of the successive political crises in the country, the civilian population armed itself. Some weapons are circulating illegally and continue to contribute to crime in the form of many acts of banditry and human rights violations.

114. In 2008, the Government also established a commission for civilian disarmament and to combat the proliferation of small arms and light weapons, whose mission is to assist the Ministry of Public Security in planning the national disarmament policy and following up Burundi's commitments in respect of small arms and light weapons. The disarmament campaigns conducted have yielded positive results.

115. In order to put an end to the circulation of light weapons in the country, Burundi approved a five-year national action plan 2009–2014 on arms control and management and disarmament of the civilian population.

## IV. Identification of best practice, difficulties and obstacles

### A. Best practice

116. *Results-based strategic planning*: Burundi has continued its second phase of strategic choices and in 2009 formulated a policy document, the Strategic Framework for Growth and Poverty Reduction (CSLP II).

117. There is a new blueprint for Burundian society, which is the result of broad national consultation involving the participation of all political, economic and social actors.

118. Vision Burundi 2025 plans to reverse the negative trend in per capita GDP following the sociopolitical crisis of 1993. The objectives of the Vision are (i) universal education and a reduction in illiteracy, (ii) demographic growth and an increase in economic growth.

119. This vision is a reference framework for other planning tools, including (i) the Strategic Framework for Growth and Poverty Reduction, (ii) the Millennium Development Goals, and (iii) the Commune Plans for Community Development.

120. The vision is based on eight pillars: (i) good governance and State capacity-building, (ii) human capital, (iii) economic growth and action to combat poverty, (iv) regional integration, (v) demographics, (vi) social cohesion, (vii) land development and urbanization; and (viii) partnership.

121. A national good governance and anti-corruption strategy was approved by the political forum of the partners' coordination group in May 2011.

122. The strategy focuses on the following main areas: (i) political and democratic governance, (ii) administrative governance, and (iii) economic governance.

123. *Initiation of a constructive dialogue between the Burundian Government and civil society*: a national conference on Burundian civil society was held with the main objective of allowing the representatives of 154 civil society organizations and associations (non-profit associations, trade unions, religious denominations, media and foundations) to obtain a better grasp of Burundian civil society and to give their views on all issues of national interest.

124. *Holistic assistance to victims of gender-based violence*: in June 2012, Burundi opened an integrated centre for the comprehensive care of victims of gender-based violence, referred to as the Humura centre.

125. *Increased awareness of the protection of the rights of specific groups, development of a comprehensive legal instrument bringing together all provisions relating to children's rights*: in 2011, the Burundian Government initiated the process of drafting a child protection code. In parallel, a national child protection policy was developed and is in the process of being approved.

126. *Improving prison conditions and relieving prison overcrowding*: a presidential decree of 24 March 2010 pardoned prisoners serving a sentence of five years or less who fell into one of the following categories: (i) pregnant or breastfeeding women, (ii) prisoners with an incurable disease at an advanced stage, (iii) prisoners aged 60 or over on the day of the decree, or (iv) persons under the age of 18, (v) the decree also commuted life sentences to 20-year prison terms, and (vi) commuted all other sentences to half the term handed down by the courts, with the exception of individuals convicted of crimes listed in the decree.

127. As a result of the inspections conducted in October 2011, 328 prisoners were released from the Mpimba central prison (in Bujumbura) from a total of 903 prisoners named as potential beneficiaries from this measure.

128. Recently, prison sentences of two years or less have been substituted by community service under Act No. 1/20 of 8 September 2012 amending certain articles of Act No. 1/05 of 22 April 2009 revising the Criminal Code.

129. Similarly, Decree No. 100/183 of 25 June 2012 on presidential pardons has partially resolved the problem of prison overcrowding, illegal detention and poor living conditions for prisoners.

130. *Judicial inquiries* into allegations of human rights violations: a commission to investigate cases of extrajudicial execution has been established by the Public Prosecutor's Office, and a report was published last August.

131. *Strengthening of community life*: a policy of "villagization" aimed essentially at regrouping rural populations into modern villages was put in place in 2008.

132. The aims of this policy are to free up arable land, improve the conditions of citizens on low incomes, guarantee better access to basic infrastructure such as housing, health, education, drinking water, electricity, information and communication technology, protect the environment and improve the rural habitat.

## **B. Challenges and obstacles**

133. The challenges and obstacles faced are as follows: despite the Government's considerable efforts to promote economic and social rights for its citizens, the main challenge faced by Burundi remains population growth, which results in a shortage of arable land and creates land disputes and food insecurity.

134. The low literacy rate hinders access to information and/or training.

135. The integration of a human rights approach into policies and education at various levels.

136. The low level of integration in regional bodies such as the East African Community.

137. The reduction in aid from donors to support the country's development programmes.

## **V. Priorities, initiatives and national commitments**

- The full implementation of the Strategic Framework for Growth and Combating Poverty (CSLP II) based on the following strategic areas: (i) strengthening of the rule of law, consolidation of good governance and promotion of gender equality, (ii) transformation of the Burundian economy to ensure sustained growth and create jobs, (iii) improvement of the level of access to and quality of basic services and strengthening of the foundations of social protection;
- Promotion of democratic governance;
- Poverty reduction;
- Crisis prevention and rehabilitation;
- Environmental protection and sustainable development;
- Promotion of gender equality and empowerment of women.

## **VI. Expectations regarding capacity-building and technical assistance**

138. Burundi is a post-crisis country that needs to build capacity with a view to acquiring, developing and maintaining the individual, institutional and societal skills necessary for its sustainable development. These expectations relate to: (i) implementation of CSLP II; (ii) consolidation of peace and strengthening of a human rights-based culture; (iii) establishment of a State based on the rule of law; (iv) establishment and strengthening of transitional justice mechanisms; (v) compliance with treaty obligations (preparation of initial and periodic reports).

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