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Council resolution 16/21**

Burundi

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1977) ICESCR (1990) ICCPR (1990) CEDAW (1992) CAT (1993) CRC (1990) OP-CRC-AC (2008) OP-CRC-SC (2007) CRPD (signature only, 2007) CPED (signature only, 2007)		OP-CAT ICCPR-OP 2 ICRMW
Reservations, declarations and/or understandings			
Complaint procedures, inquiry and urgent action ³	OP-CEDAW (signature only, 2001) CAT, art. 20 (1993) and art. 22 (2003) OP-CRPD (signature only, 2007) CPED (signature only, 2007)		ICERD, art. 14 OP-ICESCR ICCPR, art. 41 ICCPR-OP 1 CAT, art. 21 OP-CRC-IC ICRMW

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide (1997) Rome Statute of the International Criminal Court (2004) 1951 Convention relating to the Status of Refugees (1963) and its 1967 Protocol (1971) Geneva Conventions of 12 August 1949 (1971) and Additional Protocols thereto, except Additional Protocol III ⁴ ILO fundamental conventions ⁵	Palermo Protocol (2012) ⁶	Conventions on stateless persons ⁷ ILO Conventions Nos. 169 and 189 ⁸ UNESCO Convention against Discrimination in Education

1. In 2010, the Committee on the Rights of the Child (CRC) recommended that Burundi ratify OP-CEDAW; CRPD; OP-CRPD; OP-CAT and OP-ICESCR.⁹

2. The United Nations High Commissioner for Refugees (UNHCR) stated that Burundi had signed the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa but had not yet ratified it.¹⁰ It recommended that

Burundi lift the reservations to the 1951 Convention relating to the Status of Refugees and accede to the 1961 Statelessness Convention, as pledged in 2011.¹¹ UNHCR also recommended acceding to the 1954 Convention on the Status of Stateless Persons.¹²

B. Constitutional and legislative framework

3. The United Nations High Commissioner for Human Rights (High Commissioner),¹³ the Secretary-General,¹⁴ the Independent Expert on the situation of human rights in Burundi (Independent Expert),¹⁵ CRC¹⁶ and the United Nations Integrated Management Team in Burundi (UNIMT)¹⁷ welcomed the 2009 Criminal Code which abolishes the death penalty; defines and prohibits torture; criminalizes genocide, war crimes, and crimes against humanity; raises the minimum age of criminal liability; strengthens the punishment for violence against women and children; provides a clearer definition of rape and criminalizes sexual harassment. The Secretary-General noted that the revised criminal code prohibits the enlistment of children into the national defence forces and raises the minimum age for conscription to 18 years.¹⁸ The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that begging and vagrancy were decriminalized.¹⁹

4. With regard to the adoption of the criminal code, the High Commissioner indicated that homosexuality was criminalized and recommended repealing this provision.²⁰ In April 2009, the Special Rapporteur on the situation of human rights defenders, together with the Independent Expert on the situation of human rights in Burundi and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, sent an urgent appeal concerning a provision of the draft criminal code criminalizing homosexuality. They also expressed their concerns about this bill in an urgent appeal in December 2008.²¹ They added that, during the universal periodic review in December 2008, the Government had been questioned about the criminalization of homosexuality and had requested more time to respond adequately.²² The Special Rapporteurs and the Independent Expert had urged the President of Burundi not to pass the draft criminal code in its current form.²³

5. The High Commissioner noted that laws on inheritance, not-for-profit organizations and the status of the judiciary were among those to be brought into line with international standards and/or awaiting enactment.²⁴ The Secretary-General,²⁵ CRC²⁶ and UNIMT²⁷ expressed concern regarding the stalemate in the adoption of a law on inheritance and matrimonial regimes. CRC urged Burundi to adopt a comprehensive legal instrument gathering all the rights of children.²⁸

6. The High Commissioner noted that although international human rights law formed an integral part of domestic law under the Constitution, in practice it was rarely alluded to in the courts.²⁹

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions³⁰

<i>National human rights institution³¹</i>	<i>Status during previous cycle</i>	<i>Status during present cycle³²</i>
Independent National Human Rights Commission	-	Seeking accreditation

7. The Secretary-General,³³ the Peacebuilding Commission,³⁴ the Independent Expert³⁵ and UNIMT³⁶ welcomed the 2010 law creating the Independent National Human Rights Commission (NIHRC/CNIDH). UNIMT stated, however, that NIHRC/CNIDH only had a part of the funds it required to operate.³⁷

8. CRC recommended that Burundi empower the Directorate for the Protection of the Rights of Children.³⁸ It also encouraged Burundi to adopt a national plan of action on children's rights.³⁹

9. In 2005, Burundi adopted the United Nations Plan of Action (2005–2009) for the World Programme for Human Rights Education focusing on the national school system.⁴⁰

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies⁴¹

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 1997	-	-	Eleventh to seventeenth reports overdue since 2010
CESCR	-	-	-	Initial report overdue since 1992
HR Committee	July 1994	-	-	Second report overdue since 1996
CEDAW	January 2008	-	-	Combined fifth and sixth reports due in 2013
CAT	November 2006	2012	-	Second report pending consideration
CRC	September 2000	2008	October 2010	Combined third, fourth and fifth reports due in 2015 OP-CRC-SC and OP-CRC-AC: Initial reports overdue since 2009 and 2010 respectively

2. Responses to specific follow-up requests by treaty bodies

<i>Concluding observations</i>			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	-	-	-
HR Committee	-	-	-
CEDAW	-	-	-
CAT	2007	Police custody; torture; places of detention; murder of people suspected of being supporters of the National Liberation Forces; impunity-transitional justice mechanisms; compensation for victims of torture; threats against human rights defenders. ⁴²	Dialogue ongoing ⁴³

10. CRC urged Burundi to address previous recommendations related to monitoring mechanisms, birth registration, discrimination against the Batwa minority and juvenile justice.⁴⁴

11. The Secretary-General stated that following the adoption in 2010 by the CRC of the concluding observations, Burundi had established a child and family department within the Ministry of National Solidarity, Human Rights and Gender.⁴⁵

B. Cooperation with special procedures⁴⁶

	<i>Status during previous cycle</i>	<i>Current status</i>
Standing invitation	No	
Visits undertaken	Independent Expert on the human rights situation in Burundi (10 visits between 2004–2008) Representative of the Secretary-General on the human rights of internally displaced persons (2000) Independent Expert on human rights and extreme poverty (1999)	Independent Expert on the human rights situation in Burundi (2009 (2 visits); 2010 (2 visits); 2011 (1 visit))
Visits agreed to in principle	None	
Visits requested	None	Special Rapporteur on the independence of judges and lawyers (dates to be agreed) Independent Expert on minority issues (2009) Working Group on Enforced or Involuntary Disappearances (reminder sent August 2011) Special Rapporteur on the human rights of internally displaced persons (2010) Special Rapporteur on the situation of human rights defenders (2012)
Responses to letters of allegations and urgent appeal		
Follow-up reports and missions	During the period under review, 13 communications were sent. The Government replied to one communication.	

12. In 2011, all 52 outstanding cases of disappearances were transmitted by the Working Group on Enforced or Involuntary Disappearances. No response was received from the Government.⁴⁷

13. The Secretary-General indicated that following the establishment of the NIHRC in 2011, the mandate of the Independent Expert was terminated by the Human Rights Council (HRC) in its resolution 18/24.⁴⁸

C. Cooperation with the Office of the High Commissioner for Human Rights

14. In 2011, OHCHR through the Human Rights Section of the United Nations Office in Burundi (BNUB) supported the Government in developing a Strategic Plan for Justice;⁴⁹ re-launching a capacity-building programme for members of the armed forces;⁵⁰ establishing the NIHRC⁵¹ and drafting a law on sexual and gender-based violence.⁵² From 2009–2012, BNUB/OHCHR provided advice and assistance on transitional justice issues.⁵³

III. Implementation of international human rights obligations

A. Equality and non-discrimination

15. CRC remained concerned at the de facto discrimination of children, particularly girls, regarding access to education and succession rights, as well as children born out of wedlock, albino children, children of the Batwa minority and children placed into kafala families. It urged Burundi to eradicate all discriminatory laws.⁵⁴

16. OHCHR called on Burundi to ensure that men and women benefit from equal rights in the area of inheritance.⁵⁵

B. Right to life, liberty and security of the person

17. The Secretary-General indicated that in 2011 there were attacks against civilians as well as security and defence forces in various parts of the country, notably in September 2011, when a bar in Gatumba was attacked, resulting in the death of 39 people.⁵⁶

18. The Secretary-General⁵⁷ noted that between 1 January and 15 October 2011, BNUB had documented 46 reported cases of extrajudicial executions and/or politically motivated killings. In 2010, 40 such killings had been documented. BNUB indicated that most of the victims were known to have been affiliated with a political party. The Independent Expert also expressed concern about the resurgence of cases of extrajudicial executions of members of the FNL party by the security forces since 2011.⁵⁸ UNIMT also reported that 21 cases of extrajudicial execution had been recorded between January and August 2012.⁵⁹

19. The Independent Expert urged the authorities to tackle the problem of deaths of detainees in police custody.⁶⁰

20. The High Commissioner,⁶¹ the Independent Expert⁶² and UNIMT⁶³ reported that, since 2008, persons with albinism had been killed based on superstition. The High Commissioner recommended that a national programme be established to protect persons with albinism.⁶⁴ CRC urged Burundi to avoid any future killing of albino children; investigate and prosecute the perpetrators; and undertake preventive measures.⁶⁵

21. In 2010, the Independent Expert received reports of an increase in violations of the right to personal integrity, the majority of which were carried out by intelligence agents against members of the opposition.⁶⁶ UNIMT⁶⁷ and the Secretary-General⁶⁸ voiced their concerns regarding cases of torture.

22. The High Commissioner,⁶⁹ the Independent Expert,⁷⁰ and the Secretary-General⁷¹ noted that illegal and prolonged preventive detention was common and resulted in overcrowding of prisons. UNIMT reported, however, a significant decrease in the prison population from 10,456 in 2011 to 7,608 in July 2012, following measures taken by the Minister of Justice, including the conditional release of more than 2,800 detainees. However, UNIMT noted that a shortage of staff at the Directorate-General of Prison Affairs (DGAP), its inadequate budget and the state of disrepair of the prison infrastructure remained major challenges.⁷² The Independent Expert reported, however, an improvement in detention conditions at the Central Prison of Mpimba, particularly for women.⁷³

23. CRC expressed concern that some children were born in prisons and/or had accompanied their mothers in prisons. It recommended that Burundi ensure that living conditions in prisons were adequate for the development of the child and seek alternative measures to institutional confinement for pregnant women and mothers with young children.⁷⁴

24. The Secretary-General,⁷⁵ UNIMT⁷⁶ and the Independent Expert⁷⁷ reported that, during and after the 2012 elections, politically motivated arrests had been observed. UNIMT noted, however, that a decrease in the number of such arrests had been seen in 2012.⁷⁸

25. In 2011, the Secretary-General noted the continued violence committed against women.⁷⁹ CRC was concerned at the high incidence of rape and other sexual violence against women and girls, including domestic violence. CRC was further concerned that enforcement is poor and few cases are successfully investigated and perpetrators prosecuted.⁸⁰ UNIMT⁸¹ and the Independent Expert⁸² expressed concern about the pressure exerted on rape victims to accept amicable settlements. UNIMT reported that sexual violence remained a concern and that in the majority of cases the perpetrators were civilians and the victims were minors.⁸³ UNIMT added that a bill was being considered in 2012. CRC urged Burundi to pass legislation on sexual and gender-based violence (SGBV), and ensure its application.⁸⁴ UNHCR also recommended that the capacity of the law enforcement authorities be enhanced to address the level of impunity for SGBV perpetrators and provide protection for victims of trafficking.⁸⁵

26. CRC urged Burundi to prohibit all forms of violence against children, provide recovery and social reintegration services and protect all children from all forms of physical, sexual and psychological violence.⁸⁶

27. CRC was concerned at the high levels of child abuse, particularly sexual abuse in schools. It recommended that Burundi ensure that schools are safe places for children, particularly girls; establish mechanisms to receive, monitor and investigate reports of such abuse and provide children victims with psychological and other support.⁸⁷

28. CRC was concerned that corporal punishment continued to be practiced and urged Burundi to explicitly prohibit its use in all areas.⁸⁸

29. CRC was concerned that child exploitation, including child labour, is widely practiced in Burundi. It urged Burundi to bring the legislation into conformity with ILO Conventions No. 138 (1973) and No. 182 (1999); put in place mechanisms to protect working children and establish the labour inspectorate to ensure implementation of child labour laws.⁸⁹

30. CRC was concerned at the high number of children in street situations. It urged Burundi to address the root causes and define preventive and protective measures; support family reunification programmes or alternative care and ensure the children access to education, adequate health services, shelter and food.⁹⁰

31. CRC was concerned about the gaps in the recruitment process to the armed forces due to a lack of adequate birth registration and the lack of recovery for children affected by armed conflict. It urged Burundi to prevent the recruitment of children and enforce its legislation.⁹¹ The Secretary-General noted that as at June 2009, there were no known cases of children associated with armed groups.⁹² CRC welcomed the release of children associated with the Forces Nationales de Libération (FNL).⁹³

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

32. The Secretary-General,⁹⁴ OHCHR⁹⁵ and UNIMT⁹⁶ indicated that impunity persisted.

33. OHCHR noted that perpetrators had been tried and convicted in only 8 of 61 cases of extrajudicial killings committed in 2011.⁹⁷ UNIMT noted the establishment, since 2010, of three commissions of inquiry to investigate cases of extrajudicial execution, only one of which had resulted in the alleged perpetrators being detained.⁹⁸ In 2011, the Independent Expert called for the commissions of inquiry to be given adequate funding.⁹⁹ He noted that

no progress had been recorded with regard to cases of torture committed in 2010 at National Intelligence Service premises.¹⁰⁰ UNIMT added that torture victims often had no access to justice.¹⁰¹

34. OHCHR indicated that dealing firmly with recent human rights violations and ensuring the protection of victims and witnesses would send a strong signal to fight impunity.

35. The Independent Expert¹⁰² and UNIMT¹⁰³ reported that safeguards for a fair trial were often not respected. UNIMT reported, for example, that in the Gatumba massacre case in 2011, some of the accused had been sentenced on the basis of their confessions, even though they maintained they had been tortured.¹⁰⁴

36. In 2011, four special procedures mandate holders sent communications regarding the alleged killing of a human rights defender. They drew attention to the shortcomings of the judicial process in connection with the killing and the threats against members of civil society. According to information received, in 2009 a human rights defender, who had been investigating cases of corruption, had been killed by unidentified men; various reports, as well as the results of a forensic investigation by international experts, had recommended that a new inquiry should be carried out into this killing; and, members of civil society who had denounced the killing and the inadequacies of the judicial process continued to face threats.¹⁰⁵

37. The Independent Expert¹⁰⁶ and the High Commissioner¹⁰⁷ noted that the inadequacy of the legal framework and a lack of financial resources and qualified personnel were continuing obstacles in the judicial system.

38. According to UNIMT, little progress has been made in establishing an independent judicial system. It stated, by way of example, that judges continue to be recruited without any competitive process, and are appointed by the executive. UNIMT added that the share of the State budget allocated to the justice sector has been declining steadily since 2010.¹⁰⁸ The Independent Expert¹⁰⁹ and the High Commissioner¹¹⁰ expressed the same concerns and noted that the judicial system suffered from an ethnic imbalance. The Secretary-General noted that reforms for strengthening the independence of the judiciary were not included in the policy document for 2011–2015.¹¹¹

39. The High Commissioner indicated that accessing justice was impeded by the lack of a legal aid system.¹¹² UNHCR noted that access to justice and due process was problematic and that refugee women are often vulnerable.¹¹³

40. CRC was concerned that the criminal juvenile justice system is not in place; children are detained, prosecuted, tried and sentenced by the same courts, and following the same procedures as adults and children stay in pretrial detention for a long period. CRC urged Burundi to implement juvenile justice standards; establish a child-focused juvenile justice system; adopt the Criminal Procedure Act and the national strategy on juvenile justice; use incarceration of children as a last resort, and for the minimum time possible, and detain children separately from adults.¹¹⁴

41. OHCHR indicated that a credible and independent Truth and Reconciliation Commission (TRC/CVR) that meets international standards and ensures broad participation and ownership by all segments of the society, with commissioners selected in an open and transparent manner, would help to build people's trust in transitional justice mechanisms. It also underlined the importance of establishing a special tribunal and adopting a victim-centred approach, with attention to vulnerable groups.

42. The Secretary-General noted that an OHCHR team had visited Burundi in 2011; he reiterated the importance of ensuring that the transitional justice process in Burundi respected the prohibition of granting amnesty for gross human rights violations, crimes against humanity, genocide-related crimes and war crimes.¹¹⁵

43. UNIMT¹¹⁶ and the Independent Expert¹¹⁷ stated that national consultations on the creation of transitional justice mechanisms had been organized and a report published in 2010. UNIMT¹¹⁸ noted that a governmental Technical Committee had been given the task of formulating a draft bill to set up a Truth and Reconciliation Commission (TRC). OHCHR mentioned the United Nations recommendation to the Government to take into account the conclusions of the national consultations, civil society views and relevant international standards with regard to establishing the Commission.¹¹⁹

44. The Independent Expert also encouraged Burundi to involve civil society in the process of establishing these institutions, in line with international standards.¹²⁰ The Secretary-General noted the need to include special protection measures for children in the transitional justice process.¹²¹

D. Right to privacy, marriage and family life

45. CRC was concerned that a large number of children were not registered at birth and recommended that Burundi ensure access of all children to free birth registration.¹²² UNHCR indicated that vulnerable groups continued to face obstacles to birth registration. However, it welcomed the grace period up to September 2012 granted by the Government to obtain a birth certificate free of charge.¹²³

46. CRC expressed concern about the large number of children deprived of parental care and recommended that Burundi protect the rights of those children and address their needs.¹²⁴

E. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

47. The Independent Expert¹²⁵ and UNIMT noted that, in 2010, BINUB/BNUB had recorded violations of the rights to freedom of expression, association and assembly, as well as the right to participate in public affairs of members of the opposition, human rights defenders, journalists, civil society and trade unions.¹²⁶ OHCHR emphasized the vital role of a dynamic and autonomous civil society in fostering democracy, and called on the Government to create the necessary space for civil society organizations to fully enjoy their rights to freedom of expression, association and peaceful demonstration.¹²⁷

48. The Special Rapporteur on the situation of human rights defenders expressed concern about the climate of impunity for violations against human rights defenders, notably killings and threats.¹²⁸ She had received information about increased restrictions to human rights defenders' legitimate exercise of the right to impart human rights-related information contained in the Declaration on human rights defenders.¹²⁹

49. On 26 November 2009, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, together with the Special Rapporteur on the situation of human rights defenders, sent an urgent appeal to the Government regarding its decision to cancel the registration of the FORSC (Forum pour le Renforcement de la Société Civile) and the situation of two human rights defenders. It was alleged that this cancellation was a response to an open letter signed by FORSC, denouncing the resurgence

of threats against human rights defenders.¹³⁰ The High Commissioner expressed similar concerns.¹³¹

50. In May 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, jointly with the Independent Expert, and the Special Rapporteur on the situation of human rights defenders, sent an allegation letter concerning a Human Rights Watch (HRW) researcher in Burundi. In 2010, concern was expressed that the Government's decision to cancel the researcher's status and order that she leave the country might be directly related to her activities in defence of human rights as a researcher of HRW.¹³²

51. The Secretary-General¹³³ and the Independent Expert¹³⁴ recommended decriminalizing press offences.

52. The Secretary-General remained concerned about the lack of dialogue between the Government and the parties that had pulled out of the 2010 elections.¹³⁵ In 2010, the Independent Expert reported that opposition leaders had fled the country for fear of persecution.¹³⁶ The Secretary-General noted the steps made by the Government in 2011 to encourage opposition leaders to return from abroad to compete in the 2015 elections. He called on all parties to renew their renunciation of violence and to engage fully and speedily in efforts to normalize political relations.¹³⁷

53. The Secretary-General,¹³⁸ the High Commissioner¹³⁹ and the Independent Expert¹⁴⁰ remained concerned by reports about members of the *Imbonerakure*, the youth wing of the ruling CNDD-FDD party, being involved in community patrols, guarding premises and accompanying public and police officials during arrests allegedly sanctioned by the authorities. The Independent Expert also received information according to which the CNDD-FDD party had used the *Imbonerakure* to harass and intimidate members of other political parties and in retaliation the opposition parties had used the same tactics against the CNDD-FDD party.¹⁴¹

54. The Independent Expert,¹⁴² the High Commissioner¹⁴³ and UNIMT¹⁴⁴ reported the existence of obstacles to the exercise of the right of assembly by political parties.

55. The High Commissioner indicated that some opposition groups had been blocked from registering as political parties.¹⁴⁵ In 2011, the Independent Expert called on the Government to guarantee political parties the right to free exercise of their activities.¹⁴⁶ UNIMT reported, however, an improvement in the situation in 2012.¹⁴⁷

56. The Secretary-General noted the low number of women in the defence and security forces.¹⁴⁸ According to UNIMT, women's representation in the educational, judicial and other public administration sectors fell far short of the 30 per cent rate guaranteed by the Constitution.¹⁴⁹

F. Right to work and to just and favourable conditions of work

57. The Secretary-General stated that in 2011, trade unions, employers and the Government had signed a national charter on social dialogue providing for the establishment of an institution to help resolve conflicts.¹⁵⁰

58. ILO Committee of Experts hoped that Burundi would ensure that trade union organizations could exercise their right to organize their activities freely without interference.¹⁵¹

G. Right to social security and to an adequate standard of living

59. The Secretary-General indicated that the socioeconomic situation was characterized by widespread poverty, land scarcity, combined with high population density, and high unemployment, particularly among youth. Recognizing efforts to improve access to health care and education, the Secretary-General noted, however, that the country's capacity to provide basic social services has been stretched due to the return of 6 per cent of its population over the past eight years. He noted also that in 2010, inflation had reached 8.4, further reducing people's access to food.¹⁵² Furthermore, the High Commissioner stated that ensuring the right to food is one of the most urgent tasks.¹⁵³

60. The Independent Expert noted that Burundi remained one of the poorest countries in the world.¹⁵⁴ He added that, according to the United Nations Development Programme (UNDP), it would be difficult to achieve the Millennium Development Goals on eradicating extreme poverty and hunger by 2015.¹⁵⁵ CRC noted with concern that a large proportion of families and children live in extreme poverty, especially in rural areas.¹⁵⁶

61. CRC was concerned that the budget allocated to social infrastructure and social services, including health, education, water and sanitation, remains insufficient.¹⁵⁷

62. CRC was concerned at the low level of access to clean water and sanitation, particularly in rural areas.¹⁵⁸

H. Right to health

63. The Independent Expert¹⁵⁹ and UNIMT expressed concern at the lack of resources to provide free medical assistance to pregnant women and children under 5.

64. CRC remained concerned at high levels of malnutrition; extremely poor health conditions; high mortality rates among children; high maternal mortality rates; the limited number of health centres; limited drug supply and the high cost of medicine. It recommended that Burundi ensure equal access to quality health services for all children.¹⁶⁰

65. CRC remained concerned at the lack of an adolescent health-care policy. It recommended that Burundi provide reproductive health education and specialized assistance for the treatment of mental, reproductive and other health concerns of adolescents.¹⁶¹

66. UNIMT reported that medicines to treat chronic, non-communicable illnesses were not affordable, particularly for the Batwa, prisoners and persons with disabilities.¹⁶²

67. UNIMT noted some progress in the seroprevalence rate for HIV/AIDS since 2009.¹⁶³

68. CRC was concerned that HIV had increased in rural areas; a high number of children born to HIV positive mothers are orphans and adolescents and youth are affected by sexually transmitted infections. It recommended that Burundi promote HIV/AIDS awareness and prevention; expand facilities and medical training; combat discrimination against children infected with HIV; and improve protective and preventive support for AIDS orphans.¹⁶⁴

I. Right to education

69. The Independent Expert expressed concern about the lack of resources to provide universal primary education.¹⁶⁵

70. UNIMT noted that the educational system faced difficulties due to the capacity of the available infrastructure and the inadequacy of facilities and training.¹⁶⁶ UNIMT added that, although the net enrolment rate was 96 per cent in 2010/11, with an equal gender distribution, the high repeat rate, notably for girls, and cases of teenage pregnancy at school remained matters of concern.¹⁶⁷

71. CRC remained concerned about the limitation of compulsory school education to six years. It was also concerned about poor primary school attendance and completion rate; the large number of school dropouts, especially girls; overcrowded schools and the insufficient number of trained teachers and available school facilities. It recommended that Burundi ensure access to and completion of at least primary school; expand compulsory education to secondary school up to 16 years, paying particular attention to girls, and improve the quality of education.¹⁶⁸

J. Cultural rights

72. UNIMT mentioned the shortage of resources and the scant regard for the cultural dimension in development policies and programmes.¹⁶⁹

K. Persons with disabilities

73. CRC was concerned that children with disabilities had limited access to education and health-care services. It recommended that Burundi adopt legislation to protect all children with disabilities and combat discriminatory attitudes.¹⁷⁰

L. Minorities and indigenous peoples

74. The High Commissioner highlighted the challenges faced by the Batwa community, including inadequate access to land; weak school attendance rates; inadequate housing; non-registration of marriages and births; alleged bias in judicial procedures and lack of revenue-generating activities. She recommended that an outreach programme be launched to sensitize the Batwa to the need for and access to national identity cards.¹⁷¹

75. UNIMT noted that the living conditions of the Batwa community were a continuing cause for concern, especially the difficulty in accessing land.¹⁷²

76. CRC remained concerned that Batwa children suffered discrimination, particularly Batwa girls. It urged Burundi to strengthen Batwa representation in national policy-making; protect the rights of Batwa children and create policies and programmes to improve the situation of Batwa girls.¹⁷³

M. Migrants, refugees and asylum seekers

77. UNHCR noted that although the 2008 Law on Asylum and Protection of Refugees provides refugees the right to work, freedom of movement, access to public education and naturalization of refugees, it has not been applied to date.¹⁷⁴ UNIMT added that the adoption of the Law had been followed, in May 2009, by the establishment of the National Office for the Protection of Refugees and Stateless Persons. UNIMT also noted that identity cards had been issued to refugees since 2009. However, UNIMT reported that Omani nationals were at risk of statelessness.¹⁷⁵ UNHCR expressed similar concerns.¹⁷⁶

78. The Secretary-General,¹⁷⁷ the Independent Expert¹⁷⁸ and UNIMT noted that the reintegration of returnees remained difficult.¹⁷⁹

79. UNHCR noted the absence of a mechanism to ensure access to asylum procedures at borders and that the limited understanding of asylum procedures among immigration authorities (PAFE) remained a weakness.¹⁸⁰

N. Internally displaced persons

80. CRC was concerned at the large number of refugees, internally displaced people and people forcibly resettled within Burundi. It was also concerned about the inadequate and life-threatening conditions in resettlement camps and unaccompanied displaced children. It urged Burundi to protect the civilian population from displacement; end forced resettlement; ensure that all displaced children and their families have access to essential health and education services and provide returning children and their families with assistance in re-establishing themselves in their homes.¹⁸¹

81. UNHCR recommended that Burundi facilitate access by IDPs to relevant existing development programmes and adequately take into account their needs.¹⁸²

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Burundi from the previous cycle (A/HRC/WG.6/3/BDI/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

- ⁴ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁵ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour (1963); Convention No. 105 concerning the Abolition of Forced Labour (1963); Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise (1993); Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (1997); Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1993); Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1993); Convention No. 138 concerning Minimum Age for Admission to Employment (2000); Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2002).
- ⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁷ 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁸ International Labour Organization Conventions No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and No. 189 concerning Decent Work for Domestic Workers.
- ⁹ CRC/C/BDI/CO/2, para. 80.
- ¹⁰ UNHCR submission to the UPR on Burundi, p. 1.
- ¹¹ *Ibid.*, pp. 1, 4 and 7.
- ¹² *Ibid.*, p. 7.
- ¹³ A/HRC/12/43, para. 7.
- ¹⁴ S/2009/450, para. 25.
- ¹⁵ A/HRC/16/CRP.1, paras. 7 and 34.
- ¹⁶ CRC/C/BDI/CO/2, para. 3.
- ¹⁷ UNIMT submission to the UPR on Burundi, pp. 2 and 7.
- ¹⁸ A/64/742-S/2010/1811, para. 38 and S/2009/450, para. 45.
- ¹⁹ ILO, International Labour Conference, 101st Session, 2012: Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A) p. 255, Burundi: Forced Labour Convention (No. 29), first paragraph.
- ²⁰ A/HRC/12/43, paras. 8 and 73 (b).
- ²¹ A/HRC/13/22/Add.1, para. 213.
- ²² *Ibid.*, para. 217.
- ²³ *Ibid.*, para. 218.
- ²⁴ A/HRC/12/43, para. 9.
- ²⁵ S/2011/751, para. 61.
- ²⁶ CRC/C/BDI/CO/2, para. 9.
- ²⁷ UNIMT submission to the UPR on Burundi, p. 2.
- ²⁸ CRC/C/BDI/CO/2, para. 10.
- ²⁹ A/HRC/12/43, para. 10.
- ³⁰ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- ³¹ According to article 5 of the rules of procedure for the ICC Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (Fully in compliance with each of the Paris Principles), B: Non-Voting Member (Not fully in compliance

- with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (Not in compliance with the Paris Principles).
- ³² For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- ³³ S/2011/751, para. 2.
- ³⁴ PBC/5/BDI/2, para. 5 (e).
- ³⁵ Déclaration de l'Expert indépendant sur la situation des droits de l'homme au Burundi au dix-septième session du Conseil des droits de l'homme, Genève, le 16 juin 2011, p. 2.
- ³⁶ UNIMT submission to the UPR on Burundi, p. 16.
- ³⁷ Ibid.
- ³⁸ CRC/C/BDI/CO/2, para. 12.
- ³⁹ Ibid., para. 15.
- ⁴⁰ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm> (accessed on 4 January 2012).
- ⁴¹ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- ⁴² CAT/C/BDI/CO/1, para. 31.
- ⁴³ Letter dated 25 April 2008 from the Committee against Torture to the Permanent Mission of Burundi in Geneva, available at <http://www2.ohchr.org/english/bodies/cat/docs/followup/Burundireminderfollowup.pdf>.
- ⁴⁴ CRC/C/BDI/CO/2, para. 8.
- ⁴⁵ S/2011/751, para. 64.
- ⁴⁶ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ⁴⁷ A/HRC/19/58/Rev.1, para. 77.
- ⁴⁸ S/2011/751, para. 51.
- ⁴⁹ OHCHR, 2011 Report, p. 48.
- ⁵⁰ Ibid., p. 50.
- ⁵¹ Ibid., p. 52.
- ⁵² Ibid., p. 86.
- ⁵³ Ibid., p. 56; see also OHCHR 2010 Report, pp. 31–32; OHCHR 2009 Report, p. 87; OHCHR 2008 Report, p. 83.
- ⁵⁴ CRC/C/BDI/CO/2, paras. 29–30.
- ⁵⁵ OHCHR, “Burundi: Human rights progress made but challenges remain”, press release, 2 May 2012.
- ⁵⁶ S/2011/751, para. 6.
- ⁵⁷ Ibid., para. 47.
- ⁵⁸ Déclaration de l'Expert indépendant (see endnote 35), p. 4. See also A/HRC/17/50, para. 35.
- ⁵⁹ UNIMT submission to the UPR on Burundi, p. 2.
- ⁶⁰ A/HRC/16/CRP.1, paras. 31 and 32.
- ⁶¹ A/HRC/12/43, para. 45.
- ⁶² A/HRC/16/CRP.1, para. 29.
- ⁶³ UNIMT submission to the UPR on Burundi, p. 14.
- ⁶⁴ A/HRC/12/43, para. 78 (a).
- ⁶⁵ CRC/C/BDI/CO/2, para. 34.
- ⁶⁶ A/HRC/17/50, para. 38 and A/HRC/16/CRP.1, para. 33.
- ⁶⁷ UNIMT submission to the UPR on Burundi, p. 3.
- ⁶⁸ S/2011/751, para. 49.

- ⁶⁹ A/HRC/12/43, para. 30.
- ⁷⁰ Déclaration de l'Expert indépendant (see endnote 35), p. 5; see also A/HRC/17/50, para. 56 and A/HRC/16/CRP.1, para. 50.
- ⁷¹ S/2011/751, para. 58.
- ⁷² UNIMT submission to the UPR on Burundi, p. 3.
- ⁷³ A/HRC/16/CRP.1, para. 50.
- ⁷⁴ CRC/C/BDI/CO/2, paras. 62–63.
- ⁷⁵ S/2011/751, para. 6.
- ⁷⁶ UNIMT submission to the UPR on Burundi, p. 4.
- ⁷⁷ A/HRC/17/50, para. 11 and A/HRC/16/CRP.1, para. 11.
- ⁷⁸ UNIMT submission to the UPR on Burundi, p. 4.
- ⁷⁹ S/2011/751, para. 61.
- ⁸⁰ CRC/C/BDI/CO/2, para. 41.
- ⁸¹ UNIMT submission to the UPR on Burundi, p. 4.
- ⁸² A/HRC/16/CRP.1, para. 35.
- ⁸³ UNIMT submission to the UPR on Burundi, p. 4.
- ⁸⁴ CRC/C/BDI/CO/2, para. 42.
- ⁸⁵ UNHCR submission to the UPR on Burundi, p. 6.
- ⁸⁶ CRC/C/BDI/CO/2, para. 43.
- ⁸⁷ Ibid., paras. 74–75.
- ⁸⁸ Ibid., paras. 39–40.
- ⁸⁹ Ibid., paras. 70–71.
- ⁹⁰ Ibid., paras. 72–73.
- ⁹¹ Ibid., paras. 68–69.
- ⁹² See also S/2009/450, para. 2 and A/66/782-S/2012/261, para. 2.
- ⁹³ CRC/C/BDI/CO/2, para. 5.
- ⁹⁴ S/2011/751, para. 89.
- ⁹⁵ OHCHR, “Burundi: Human rights progress made but challenges remain”, press release, 2 May 2012.
- ⁹⁶ UNIMT submission to the UPR on Burundi, p. 7.
- ⁹⁷ OHCHR, “Burundi: Human rights progress made but challenges remain”, press release, 2 May 2012.
- ⁹⁸ UNIMT submission to the UPR on Burundi, p. 7.
- ⁹⁹ Déclaration de l'Expert indépendant (see endnote 35), p. 4, also A/HRC/17/50, para. 36.
- ¹⁰⁰ Déclaration de l'Expert indépendant (see endnote 35), p. 3.
- ¹⁰¹ UNIMT submission to the UPR on Burundi, p. 3.
- ¹⁰² A/HRC/16/CRP.1, para. 28.
- ¹⁰³ UNIMT submission to the UPR on Burundi, p. 7.
- ¹⁰⁴ Ibid.
- ¹⁰⁵ A/HRC/19/44, p. 55.
- ¹⁰⁶ A/HRC/17/50, para. 58.
- ¹⁰⁷ A/HRC/12/43, para. 22.
- ¹⁰⁸ UNIMT submission to the UPR on Burundi, pp. 6–7.
- ¹⁰⁹ A/HRC/17/50, paras. 59 and 60.
- ¹¹⁰ A/HRC/12/43, para. 24.
- ¹¹¹ S/2011/751, para. 59.
- ¹¹² A/HRC/12/43, para. 29.
- ¹¹³ UNHCR submission to the UPR on Burundi, p. 5.
- ¹¹⁴ CRC/C/BDI/CO/2, paras. 76–77.
- ¹¹⁵ S/2011/751, para. 55.
- ¹¹⁶ UNIMT submission to the UPR on Burundi, p. 8.
- ¹¹⁷ Déclaration Expert indépendant sur la situation des droits de l'homme au Burundi, Conseil des droits de l'homme, Genève, le 16 juin 2011, p. 3. See also A/HRC/16/CRP.1, paras. 16–17 and A/HRC/17/50, para. 27.
- ¹¹⁸ UNIMT submission to the UPR on Burundi, p. 8.
- ¹¹⁹ OHCHR 2011 Report, p. 56.
- ¹²⁰ Déclaration de l'Expert indépendant (see endnote 35), p. 3. See also A/HRC/17/50, para. 27.
- ¹²¹ S/2009/450, para. 46.

- 122 CRC/C/BDI/CO/2, paras. 37–38.
- 123 UNHCR submission to the UPR on Burundi, p. 4.
- 124 CRC/C/BDI/CO/2, paras. 46–47.
- 125 Déclaration de l’Expert indépendant (see endnote 35), p. 5. See also A/HRC/17/50, para. 47 and A/HRC/16/CRP.1, para. 25.
- 126 UNIMT submission to the UPR on Burundi, p. 9.
- 127 OHCHR, “Burundi: Human rights progress made but challenges remain”, press release, 2 May 2012.
- 128 A/HRC/19/55/Add.2, para. 49.
- 129 A/HRC/21/49, p. 47.
- 130 A/HRC/14/23/Add.1, paras. 220–223.
- 131 A/HRC/12/43, para. 16.
- 132 A/HRC/17/27/Add.1, paras. 343–346. See also A/HRC/17/50, para. 48.
- 133 S/2011/751, para. 35.
- 134 Déclaration de l’Expert indépendant (see endnote 35), p. 5.
- 135 S/2011/751, para. 85.
- 136 A/HRC/17/50, para. 23.
- 137 S/2011/751, para. 85.
- 138 A/64/742-S/2010/181, para. 56.
- 139 A/HRC/12/43, para. 21.
- 140 A/HRC/16/CRP.1, para. 12.
- 141 Ibid., para. 27.
- 142 A/HRC/17/50, paras. 11, 21 and 50. See also A/HRC/16/CRP.1, para. 26.
- 143 A/HRC/12/43, para. 12.
- 144 UNIMT submission to the UPR on Burundi, p. 10.
- 145 A/HRC/12/43, para. 13.
- 146 Déclaration de l’Expert indépendant (see endnote 35), p. 5.
- 147 UNIMT submission to the UPR on Burundi, p. 10.
- 148 S/2011/751, para. 61.
- 149 UNIMT submission to the UPR on Burundi, p. 1.
- 150 S/2011/751, para. 37.
- 151 ILO, International Labour Conference, 101st Session, 2012, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), p. 90, Burundi: Freedom of Association and Protection of the Right to Organise Convention (No. 87), tenth paragraph.
- 152 S/2011/751, para. 21.
- 153 A/HRC/12/43, para. 43.
- 154 A/HRC/16/CRP.1, para. 51.
- 155 A/HRC/17/50, para. 18.
- 156 CRC/C/BDI/CO/2, para. 60.
- 157 Ibid., para. 18.
- 158 Ibid., para. 60.
- 159 A/HRC/16/CRP.1, para. 9.
- 160 CRC/C/BDI/CO/2, paras. 52–53.
- 161 Ibid., paras. 56–57.
- 162 UNIMT submission to the UPR on Burundi, p. 11.
- 163 Ibid.
- 164 CRC/C/BDI/CO/2, paras. 58–59.
- 165 A/HRC/16/CRP.1, para. 9.
- 166 UNIMT submission to the UPR on Burundi, p. 13.
- 167 Ibid., pp. 12–13.
- 168 CRC/C/BDI/CO/2, paras. 64–65.
- 169 UNIMT submission to the UPR on Burundi pp. 13–14.
- 170 CRC/C/BDI/CO/2, paras. 50–51.
- 171 A/HRC/12/43, paras. 54 and 78 (g).
- 172 UNIMT submission to the UPR on Burundi, p. 14.
- 173 CRC/C/BDI/CO/2, paras. 78–79.
- 174 UNHCR submission to the UPR on Burundi, pp. 1–2.

- ¹⁷⁵ UNIMT submission to the UPR on Burundi, pp. 14–15.
¹⁷⁶ UNHCR submission to the UPR on Burundi, p. 4.
¹⁷⁷ S/2011/751, para. 45.
¹⁷⁸ A/HRC/16/CRP.1, para. 53.
¹⁷⁹ UNIMT submission to the UPR on Burundi p. 15.
¹⁸⁰ UNHCR submission to the UPR on Burundi, p. 4.
¹⁸¹ CRC/C/BDI/CO/2, paras. 66–67.
¹⁸² UNHCR submission to the UPR on Burundi, p. 5.
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