



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined eleventh to nineteenth periodic reports  
submitted by Burundi under article 9 of the  
Convention, due in 1998\***

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\* The present document is being issued without formal editing.



## Introduction

1. Burundi ratified the Convention on the Elimination of All Forms of Racial Discrimination on 27 October 1977 and has undertaken, in accordance with article 9 of the Convention, to submit reports on the status of implementation of the policies adopted and measures taken to give effect to the provisions of the Convention.
2. Burundi adheres to the principle of non-discrimination on the basis of race, colour, descent or national or ethnic origin, as set out in various international and regional instruments that have been incorporated into the Constitution.
3. The present nineteenth report includes the eleventh to eighteenth reports, which could not be presented to the Committee for a variety of reasons. It comes five years after the adoption of the new Constitution, which was promulgated on 7 June 2018, with major new developments marking a decisive turning point in how ethnic and gender balance is considered within all State institutions, with an immediate impact on the private sector.
4. This report was drawn up by the Interministerial Standing Committee for the Drafting of Initial and Periodic Reports,<sup>1</sup> following an inclusive process in which State bodies, the Independent National Human Rights Commission and civil society actors contributed to the consolidation of data.
5. Meetings for the exchange of information and pre-validation of the report were held under the auspices of the ministry responsible for human rights. The report was validated in the presence of all stakeholders: ministerial departments, national institutions, the Independent National Human Rights Commission, professional organizations, elected representatives, the media and civil society. The process enjoyed the support of development partners, particularly the Resident Coordinator's Office in Burundi.
6. The report takes stock of the measures taken to implement the provisions of the Convention. It is divided into three parts: general information, responses to the Committee's recommendations and implementation of articles 1 to 7 of the Convention.

## I. General information

### A. Background information on Burundi

7. Burundi is an East African country with an area of 27,834 km<sup>2</sup>, 22,950 km<sup>2</sup> of which is land. Although landlocked, it lies on Lake Tanganyika (stretching 32,600 km<sup>2</sup>, 2,634 km<sup>2</sup> of which belong to Burundi) at the eastern end of the Great Rift Valley. Rwanda lies to the north, Tanzania to the southeast, and the Democratic Republic of the Congo to the west.
8. The last general population and housing census, conducted in 2008, found it to have a population of 8,053,574, of which 51 per cent were female and 49 per cent male. With an annual population growth rate of 2.4 per cent and an average household size of 4.7 persons, Burundi has an extremely young population. According to the population pyramid, young people and children account for more than 60 per cent of the population. The population density was 310 inhabitants per km<sup>2</sup>.
9. Projections by the National Statistics Institute of Burundi (INSBU) in 2022, give an estimated current population of 12,837,740,<sup>2</sup> with a population density of 461 inhabitants per km<sup>2</sup>.
10. Preparatory work is under way for the next general population, housing, agriculture and livestock census in Burundi, scheduled for August 2024.

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<sup>1</sup> Ordinance No. 225/834 of 19 July 2023 amending Ordinance No. 225/559 of 19 June 2021 on the appointment of the members of the Interministerial Standing Committee for the Drafting of Initial and Periodic Reports and Following up on Recommendations Made by Treaty Bodies and during the Universal Periodic Review.

<sup>2</sup> <https://www.isteebu.bi>.

11. The administrative organization of Burundi has four levels: the provinces, the communes, the *collines* (hills) and the districts. The national language is Kirundi.<sup>3</sup> The official languages are Kirundi and the other languages specified in the Constitution of the Republic of Burundi of 7 June 2018. The national currency is the Burundi franc.

12. The principle of the separation of powers is guaranteed by the Constitution. The executive, legislative and judicial branches are independent of each other.

13. The Burundi electoral system is one of universal, equal, secret, free and transparent suffrage. It may be direct or indirect under the conditions provided for by law. The 2015 and 2020 electoral processes featured elections at the communal, legislative, senatorial, presidential and *colline* levels.

14. In 2015, women accounted for 36.4 per cent of members of the National Assembly and 41.8 per cent of the Senate, 32.7 per cent of heads of communes and 17.1 per cent of *colline* councils.<sup>4</sup> In 2020, women accounted for 41.03 per cent of members of the Senate (16 women to 23 men), 39.02 per cent of the National Assembly (48 women to 75 men) and 33.3 per cent of the communal councils (1,164 women to 2,331 men). The proportion of communal administrators was 39.2 per cent (48 women to 71 men).<sup>5</sup> In 2010, women accounted for 46.34 per cent of seats in the Senate, 31.13 per cent in the National Assembly, 33.9 per cent in the communal councils and 31.13 per cent in the communal administration.<sup>6</sup>

15. The representation of women in government at the *colline* level, which is not subject to the minimum quota of 30 per cent, was less than 4.7 per cent in 2010; in 2015, it stood at 6.39 per cent and women accounted for 7.9 per cent of heads of *collines*. Women accounted for 15.7 per cent of *colline* council members in 2010, 17.1 per cent in 2015 and 19 per cent in 2020.

## **B. Legal and institutional framework for the promotion and protection of human rights**

### **1. Legal framework**

16. In legislative and legal terms, the Government of Burundi adopted several laws between 1997 and 2023 with the aim of strengthening the promotion and protection of human rights. These include:

- Act No. 1/27 of 29 December 2017 amending the Criminal Code
- Act No. 1/04 of 5 January 2011 on the establishment of the Independent National Human Rights Commission
- Act No. 1/04 of 24 January 2013 on the organization and operation of the Office of the Ombudsman
- Act No. 1/07 of 13 March 2019 amending Act No. 1/31 of 31 December 2013 on the duties, composition, organization and operation of the National Commission on Land and Other Assets
- Act No. 1/08 of 13 March 2019 amending Act No. 1/26 of 15 September 2014 on the establishment, organization, composition, operation and jurisdiction of the Special Court on Land and Other Property and the procedure to be followed before it
- The Constitution of the Republic of Burundi of 7 June 2018, which incorporates the various conventions that Burundi has ratified
- Act No. 1/013 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence

<sup>3</sup> Organic Act No. 1/05 of 16 March 2023 on the establishment of the provinces, communes, zones and collines or districts of the Republic of Burundi.

<sup>4</sup> Independent National Electoral Commission.

<sup>5</sup> Independent National Electoral Commission.

<sup>6</sup> Independent National Electoral Commission, 2022.

- Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and the protection of victims of trafficking
- Act No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure
- Act No. 1/12 of 12 May 2020 on the Burundi Social Protection Code
- Act No. 1/09 of 14 March 2022 amending certain provisions of Act No. 1/12
- Act No. 1/11 of 24 November 2020 amending the Labour Code
- Act No. 1/019 of 14 September 2018 amending Act No. 1/15 of 9 May 2015 regulating the press in Burundi
- Act No. 1/03 of 23 January 2021 complementing the provisions of the Code of Civil Procedure relating to the re-establishment of the Council of Colline Dignitaries
- Act No. 1/03 of 8 February 2023 amending Act No. 1/28 of 23 August 2006 establishing the General Civil Service Regulations
- Act No. 1/022 of 6 November 2018 on the establishment, duties, composition, organization and operation of the Truth and Reconciliation Commission
- Act No. 1/04 of 27 June 2016 on the protection of victims, witnesses and other persons at risk

17. The Criminal Code introduced a number of new developments, including abolishing the death penalty, raising the age of criminal responsibility from 13 to 15 years and treating being under 18 as an extenuating circumstance. Other developments include measures to protect children against domestic violence, incitement to immoral behaviour, procuring, prostitution, rape, abduction, fraudulent adoption, sale, exploitation and pornography, the introduction of social and judicial supervision and other alternatives to imprisonment with a view to tailoring the punishment to suit the individual, the punishment of the crime of genocide, war crimes and crimes against humanity, the punishment of the offence of torture, the punishment of rape, which is no longer subject to amnesty, remission or a statute of limitations, along with the promotion of all the other rights that were protected under the previous Code, which have been reinstated.

## **2. Institutional framework**

18. It is worth noting the establishment of the following institutions:

- Directorate General of Human Rights of the ministry responsible for the promotion and protection of human rights
- Independent National Human Rights Commission, in 2011
- Office of the Ombudsman, in 2010
- National Communication Council, in 2007
- National Commission on Land and Other Property, in 2006
- Truth and Reconciliation Commission, in 2014
- National Commission for the Inter-Burundi Dialogue, in 2017
- National Women's Forum, in 2012
- National Children's Forum of Burundi, in 2012
- Department of Treaty Bodies, Special Procedures, the Universal Periodic Review of the United Nations and Other Mechanisms within the ministry responsible for human rights, in 2016
- Interministerial Standing Committee for the Drafting of Initial and Periodic Reports and Following up on Recommendations Made by Treaty Bodies and during the Universal Periodic Review

### 3. Status of ratification of international legal instruments and submission of reports

19. Burundi has made significant progress in this regard. It has ratified the following conventions and protocols.

Table 1

**Status of ratification and cycle of reports on African conventions**

<i>Instruments</i>	<i>Date of signature</i>	<i>Date of ratification</i>	<i>Reports submitted</i>
Constitutive Act of the African Union, Lomé, 11 July 2000	10 July 2000	28 February 2001	-
Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, Addis Ababa, 6–10 September 1969	10 September 1969	31 October 1975	-
Cultural Charter for Africa, Port Louis, 5 July 1977	---	2 March 1990	-
African Charter on Human and Peoples' Rights, Nairobi, 1981	28 June 1989	28 July 1989	2000 2011
African Charter on the Rights and Welfare of the Child	21 May 2004	28 June 2004	2018
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, Ouagadougou, 10 June 1998	9 June 1998	2 April 2003	-
OAU Convention on the Prevention and Combating of Terrorism, Algiers, 1 July 1999	14 July 1999	4 November 2003	
Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament, Sirte, Libya, 2 March 1969	29 November 2002	4 November 2003	
Protocol relating to the Establishment of the Peace and Security Council of the African Union, Durban, South Africa, July 2002	9 July 2002	4 November 2003	
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, 2022		2022	
Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women in Africa, Maputo, 10–12 July 2003	3 December 2003	---	
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa		2022	
Protocol of the Court of Justice of the African Union, Maputo, 10–12 July 2003	3 December 2003	---	
Protocol on Amendments to the Constitutive Act of the African Union, Maputo, 10–12 July 2003	2 December 2003	12 December 2006	

<i>Instruments</i>	<i>Date of signature</i>	<i>Date of ratification</i>	<i>Reports submitted</i>
African Union Convention on Preventing and Combating Corruption, Maputo, 10–12 July 2003	3 December 2003	18 January 2005	
Protocol to the OAU Convention on the Prevention and Combating of Terrorism, Addis Ababa, 8 July 2004	14 July 1999	4 November 2003	
African Charter on Democracy, Elections and Governance, Addis Ababa, 30 January 2007	20 June 2007	---	
Charter for African Cultural Renaissance, Khartoum, 24 January 2006	---	2 March 1990	
Protocol on the Statute of the African Court of Justice and Human Rights, adopted by the Conference at its eleventh regular session, held on 1 July 2008 in Sharm el-Sheikh, Egypt	3 December 2003	---	
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted at the special session of the Union, held in Kampala, from 22 to 23 October 2009	23 October 2009	---	
Treaty for the Establishment of the East African Community	30 November 1999	18 June 2007	
Pact on Security, Stability and Development in the Great Lakes Region	15 December 2006	June 2008	

Table 2  
**Status of ratification and international treaty body reporting cycle**

<i>Instruments</i>	<i>Date of signature</i>	<i>Date of ratification or accession</i>	<i>Reports submitted</i>
International Covenant on Civil and Political Rights	---	9 May 1990	1993 2014 2018 2023
Optional Protocol to the International Covenant on Civil and Political Rights	—	—	—
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	—	—	—
International Covenant on Economic, Social and Cultural Rights		9 May 1990	2015
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	—	—	—

<i>Instruments</i>	<i>Date of signature</i>	<i>Date of ratification or accession</i>	<i>Reports submitted</i>
International Convention on the Elimination of All Forms of Racial Discrimination	1 February 1967	27 October 1977	1999
Convention on the Elimination of All Forms of Discrimination against Women	17 June 1980	8 January 1992	2001 2005 2016
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	—	—	—
Convention on the Rights of the Child	8 May 1990	19 October 1990	2000 2008
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	13 November 2001	24 June 2008	—
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	—	6 November 2007	—
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		18 February 1993	2006 2013 2018 2023
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		2013	—
Convention on the Prevention and Punishment of the Crime of Genocide	-	6 January 1997	—
United Nations Convention against Transnational Organized Crime	14 December 2000	24 May 2012	—
Convention relating to the Status of Refugees	-	19 July 1963	—
Protocol relating to the Status of Refugees	-	15 March 1971	—
International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138)	-	19 July 2000	—
ILO Worst Forms of Child Labour Convention, 1999 (No. 182)	-	11 June 2002	—
Convention on the Rights of Persons with Disabilities	---	2014	2020
Optional Protocol to the Convention on the Rights of Persons with Disabilities	---	2014	—
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	---	---	---
International Convention for the Protection of All Persons from Enforced Disappearance	---	---	---

<i>Instruments</i>	<i>Date of signature</i>	<i>Date of ratification or accession</i>	<i>Reports submitted</i>
United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions	14 January 2009	14 January 2009	
ILO Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169)	---	---	---
Convention relating to the Status of Stateless Persons	---	---	---
Convention on the Reduction of Statelessness	---	---	---

## II. Responses to the Committee's recommendations of 2010

### A. Recommendations no longer requiring a response

20. Some of the recommendations made by the Committee in 1997 are no longer relevant. This includes the request for information on the scope of Decree-Law No. 1/001 of 13 September 1996 on the organization of the transitional institutional system (see the Committee's concluding observations (CERD/C/304/Add.42, para. 22)). This decree-law has been overtaken by events because the transitional system no longer exists. The same applies to the National Council of Bashingantahe. Burundi has reinstated the Council of Colline Dignitaries by Act No. 1/03 of 23 January 2021.<sup>7</sup>

21. However, the National Centre for Human Rights still exists under a new name, the Centre for the Promotion of Human Rights and the Prevention of Genocide, established pursuant to decree No. 100/08 of 29 May 1998.<sup>8</sup> As for the functions and powers of the National Assembly, in addition to passing laws, it also supervises the government's policies.<sup>9</sup> The powers of the Assembly are set out in the internal regulations.<sup>10</sup>

22. The Centre specializes in the promotion of human rights in all their forms and the prevention of genocide by fulfilling a teaching function through research, information, education, outreach and promotional work in the field of human rights, leading various activities to promote human rights and any other action to ensure respect of human rights and cooperating with organizations and institutions concerned with the protection and defence of human and peoples' rights.

23. With regard to the request for information on the situation prevailing in the regroupment camps (see the concluding observations, para. 27), there have never been any regroupment camps in Burundi. There have only been sites for internally displaced persons, which have been transformed into peace villages since 2005, where all ethnic groups live together peacefully. The transformation of these sites is part of a process of national reconciliation and comprehensive and integrated development, including access to drinking water, school, road and health infrastructures, arable land and decent housing.

24. However, there are still sites where people have been internally displaced by natural disasters.

<sup>7</sup> Act No. 1/03 of 23 January 2021 on the re-establishment of the Council of Colline Dignitaries.

<sup>8</sup> Decree No. 100/08 of 29 May 1998 on the establishment of the Centre for the Promotion of Human Rights and the Prevention of Genocide.

<sup>9</sup> Article 163 of the Constitution

<sup>10</sup> Internal regulations of 11 August 2020 for the 2020–2025 legislature.



## B. Specific responses to the recommendations in the report

25. With regard to the recommendation contained in paragraph 11 of the concluding observations, several advances have been made between 2014 and 2023. These include: (i) the adoption and/or revision of policies and strategies; (ii) the establishment of institutional structures and mechanisms for monitoring and evaluation, and the development of action plans and projects for the empowerment of women and gender equality (see the 2019 national review report of Burundi on the implementation of the Beijing Declaration and Platform for Action). The National Development Plan for the period 2018–2027 was developed to replace the second-generation Strategic Framework for Growth and Poverty Reduction and was launched on 22 August 2018 in Gitega by the President of Burundi. In programme 4 of strategic pillar 2, entitled “Consolidating the rule of law and human rights”, the National Development Programme addresses the issue of gender through the eradication of inequality in all its forms. This planning frame of reference is inspired by Vision Burundi 2025, the Sustainable Development Goals, Agenda 2063 of the African Union, the National Development Plan for the period 2018–2027, Vision 2040 and Vision 2060 and also takes into account various policies of social interest, including: (i) the National Gender Policy for the period 2012–2025; (ii) the National Human Rights Policy for the period 2012–2017; (iii) the National Health Policy for the period 2016–2025; (iv) the National Social Protection Policy for 2011 and the periods 2012–2021 and 2023–2033 and its 2015 implementation strategy; (v) the National Youth Policy for the period 2016–2025; (vi) the National Employment Policy for 2014; (vii) the Burundi National Child Protection Policy for the periods 2012–2016 and 2018–2025; (viii) the Burundi National Information and Communication Technology Development Policy for the period 2010–2025; (ix) the National Zero Nyakatsi Policy (Zero Straw Houses Policy) on access to decent housing for vulnerable populations; and (x) the national policy to implement Act No. 1/03 of 10 January 2018 on the protection and promotion of the rights of persons with disabilities in Burundi.

26. These policies are supported by strategies and action plans for their implementation, including: (i) the 2012–2016 and 2017–2021 action plans for the implementation of the National Gender Policy and Security Council resolution 1325 (2000); (ii) the National Strategic Plan on Sexual and Gender-Based Violence for the period 2018–2022; (iii) the National Financial Inclusion Strategy for the period 2015–2020; (iv) the National Agricultural Strategy for the period 2018–2027 and (v) the National Agricultural Investment Plan for the period 2018–2022; (vi) the National Strategy on the Promotion of the Effective and Inclusive Participation of Women and Girls in Decision-making Bodies for the period 2023–2030; (vii) the Strategic Youth Empowerment and Development Plan for the period 2016–2020; (viii) the National Strategic Plan on the Fight against Tuberculosis for the period 2014–2020, inspired by World Health Organization End TB Strategy; (ix) the National Disaster Risk Reduction Strategy for the period 2018–2025 and the Strategy to Combat Sexual and Gender-based Violence for the Burundi National Police for the period 2014–2016; (x) the National Seed Plan for the period 2014–2018; the Multisectoral Strategic Plan on Food Security and Nutrition for the period 2014–2017; (xi) the National Strategy on the Development of the Maize Sector in Burundi for the period 2015–2025; and (xii) the National Strategy on the Development of the Rice Sector in Burundi, in 2014; (xiii) the National Social Protection Strategy; (xiv) the National Strategy on the Socioeconomic Integration of Disaster Victims and Other Vulnerable Persons and on Social Inclusion; (xv) the National Strategy on the Prevention of the Phenomenon of Children in Street Situations and Adult Beggars.

27. In addition, various laws have been passed and others revised with a view to promoting women’s empowerment and gender equality. Among the laws passed, mention should be made of the following: (i) Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and the protection of victims of trafficking; (ii) Act No. 1/04 of 27 June 2016 on the protection of victims, witnesses and other persons at risk; (iii) Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence; Act No. 1/03 of 10 January 2018 on the protection and promotion of the rights of persons with disabilities in Burundi.

28. The laws that have been amended include: (i) the Constitution of the Republic of Burundi, promulgated on 7 June 2018, which prohibits various forms of discrimination;

(ii) Act No. 1/27 of 29 December 2017 amending the Criminal Code, which severely punishes offences relating to sexual and gender-based violence.

29. With regard to the recommendation contained in paragraph 12, the powers and activities of the National Assembly are set out in articles 1 to 21 of internal directive No. 130/PAN/012/ of 12 December 2005 on the operation of the office of the National Assembly. The directive was recently revised in 2020. Similarly, the functions and powers of the National Centre for Human Rights are set out in articles 1 to 35 of Act No. 1/04 of 5 January 2011 on the establishment of the Independent National Human Rights Commission.

30. With regard to the recommendations contained in paragraphs 13 and 14, the Supreme Court of Burundi sentenced the former President, Pierre Buyoya, and 18 other defendants in absentia in the case of the assassination of Melchior Ndadaye, the first democratically elected Hutu president, killed in October 1993.

31. Proceedings were brought before the Court for the assassination of the first democratically elected Hutu president, Melchior Ndadaye, in October 2019, which delivered its verdict on Monday, 19 October 2020, more than a year thereafter and two days before the anniversary of the assassination, on 21 October 1993.

32. The former President of Burundi, the late Pierre Buyoya, and 15 other defendants, were sentenced to life imprisonment for “assassination attempt against the Head of State, acts harmful to the authority of the State and attempt to carry out a massacre and cause devastation” and fined 102 billion Burundi francs. Three other defendants were sentenced to 20 years in prison. The courts of Burundi acquitted only one of the accused, Antoine Nduwayo, former Prime Minister (February 1995–July 1996) and member of the Union pour le progrès national (UPRONA). In parallel with the Ndadaye trial, other transitional justice mechanisms were set up, such as the Truth and Reconciliation Commission, the Independent National Human Rights Commission, the National Commission on Land and Other Property and the National Commission for the Inter-Burundi Dialogue.

33. With regard to regroupment in general and ethnic composition in particular, since the end of hostilities with the signing of the Arusha Peace and Reconciliation Agreement for Burundi, on 28 August 2000, in Arusha, United Republic of Tanzania,<sup>11</sup> followed by the ceasefire agreements between the warring parties on 2 December 2002<sup>12</sup> and 28 August 2007<sup>13</sup> respectively, people who had been grouped together in camps for internally displaced persons have returned to their homes. The only people considered to be internally displaced are those displaced in connection with natural disasters, such as those at the Kigaramango and Sobel sites.

34. The best resolution was the return of all groups of persons affected by the conflict to their *collines* of origin, including internally displaced persons, refugees and ex-combatants. Community dialogue and the social resilience of Burundians have been the cornerstones of the successful social reintegration of ex-combatants, returnees and internally displaced persons who have opted to return to their communities of origin. This is thanks to the awareness-raising and training efforts of communal and provincial authorities and the key role played by grass-roots community associations and organizations.

35. Once these people had returned to their places of origin, the areas that had been home to internally placed persons were transformed into peace villages and integrated rural villages, initially set up to accommodate people who were unable to return to their places of origin for various reasons, in particular those without land or papers, but also to accommodate returnees and people made vulnerable by environmental disasters (due in particular to torrential rain, floods, landslides, hailstorms and violent winds, causing human and material damage in various parts of the country).

<sup>11</sup> Arusha Peace and Reconciliation Agreement for Burundi, Arusha, 28 August 2000.

<sup>12</sup> Ceasefire agreement between the Transitional Government of Burundi and the Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie (CNDD-FDD), Arusha, 2 December 2002.

<sup>13</sup> “Burundi : conclure la paix avec les FNL”, Rapport Afrique No. 131, 28 August 2007.

36. Currently, the Government of Burundi is concerned with economic development for the entire population, regardless of ethnicity, religion, region or politics, and has established cooperatives and associations that work in the field of economic development. These cooperatives and associations are largely government-financed for any development project initiated by the population, with a particular focus on young people, women, persons with disabilities and minority groups, such as the Batwa. It should also be noted that demobilized ex-combatants have been organized into associative and cooperative groups, comprising both these ex-combatants and community members. This has made an effective contribution to social cohesion.

37. With regard to the recommendation contained in paragraph 21, the Constitution provides for ethnic quotas as follows: (i) the Government consists of no more than 60 per cent Hutu ministers, no more than 40 per cent Tutsi ministers and at least 30 per cent women (art. 128); (ii) the National Assembly consists of at least 100 deputies, of whom 60 per cent are Hutu, 40 per cent Tutsi and at least 30 per cent women, elected by direct universal suffrage for a five-year term, and three deputies from the Twa ethnic group co-opted in accordance with the Electoral Code (art. 169); (iii) the Senate is made up of:

- First, two delegates from each province elected by an electoral college drawn from the different ethnic communities and elected by separate ballots
- Second, three members belonging to the Twa ethnic group

38. At least 30 per cent of its members must be women (art. 185). The judiciary comprises no more than 60 per cent Hutus and no more than 40 per cent Tutsis. At least 30 per cent of its members must be women (art. 213). The defence and security forces may not include more than 50 per cent of members belonging to a particular ethnic group given the need to ensure ethnic balance and prevent acts of genocide and coups d'état (art. 263).

39. The Constitution provides for a gradual correction of imbalances within the defence and security forces in a spirit of reconciliation and trust (art. 264). In addition, the Senate ensures that representativeness in the defence and security forces is respected (art. 192 (5)).

40. The same applies to Organic Act No. 1/27 of 9 December 2021 amending Organic Act No. 1/03 of 20 February 2017 on the duties, organization, composition and operation of the Burundi National Police and Organic Act No. 1/21 of 27 June 2022 amending Organic Act No. 1/04 of 20 February 2017 on the duties, organization, composition, training, conditions of service and operation of the Burundi National Defence Force. The defence and security forces are non-partisan bodies, open to all Burundian citizens without discrimination, regardless of ethnicity, region, gender or religion (art. 67, Burundi National Defence Force, and art. 364, Burundi National Police). The implementation of this non-discrimination policy is evident in the recruitment process. Recruitment is organized at provincial level and, at the end of the process, 50 per cent Hutus and 50 per cent Tutsis are selected. Women and Twa are co-opted as appropriate.

41. As for the representation of ethnic groups in the administration, article 190, first paragraph, of the Electoral Code specifies that no ethnic group may exceed 67 per cent of administrators. In addition, at least 30 per cent of the officers of the Communal Council must be women (Electoral Code, art. 191, third para.).<sup>14</sup>

42. With regard to the recommendation contained in paragraph 24, Burundi has taken all legislative and institutional measures to combat impunity. In fact, title III of the Constitution sets out the role of the judiciary, which must act with complete independence, and the hierarchy of judicial bodies to allow for possible appeals.

43. In addition, Decree No. 100/119 of 18 December 2020 on the mission and organization of the Ministry of Justice set up an Inspectorate General of Justice which, as part of its remit under article 31, detects poor judicial practices and produces related reports to ensure that perpetrators are criminally and administratively prosecuted for their actions. The same applies to the Truth and Reconciliation Commission, which advocates reconciliation and the fight against impunity for acts committed between 26 February 1885

<sup>14</sup> Organic Act No. 1/11 of 20 May 2019 amending Act No. 1/56 of 4 June 2014 on the Electoral Code.

and 4 December 2008. It should be noted that the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity was established pursuant to Act No. 1/25 of 23 December 2017, which sets out its duties in article 3.

44. With regard to the recommendation contained in paragraph 25, Burundi has taken steps to eliminate all incitement to or acts of racial discrimination. Articles 13 and 22 of the Constitution prohibit all forms of discrimination. These provisions are reinforced by article 78, which prohibits political parties from advocating violence, exclusion and hatred in any form. Articles 202 to 205 of the Criminal Code punish the perpetrators of acts of genocide, war crimes and crimes against humanity. The same applies to article 266, which punishes the perpetrators of acts of racial hostility or racial hatred.

45. With regard to the recommendation contained in paragraph 26, the Government of Burundi has taken all necessary measures to ensure respect for the fundamental rights of every human being living in Burundi by putting in place a legal system that prohibits all forms of human rights violations. Article 48 of the Constitution clearly states that fundamental rights must be respected throughout the legal, administrative and institutional system.

46. Moreover, the law of Burundi recognizes the right of every citizen living in the country to move and settle anywhere on the national territory, the right to freedom of expression, the right to respect for one's private and family life, home and personal communications, freedom of assembly and freedom of association.<sup>15</sup>

47. In addition, the Constitution provides that no one may be arrested, detained or tried except in the cases determined by law for the acts of which he or she is accused. It prohibits arbitrary detention by guaranteeing all citizens the right to defend themselves before all the country's courts.

48. Burundi has also introduced Act No. 1/28 of 5 December 2013 regulating public demonstrations and meetings in addition to Act No. 1/16 of 10 September 2011 amending Act No. 1/006 of 26 June 2003 on the organization and operation of political parties. To this end, Burundi recognizes the right of all Burundians to join a political party of their choice (Act No. 1/006, art. 7) and the right of all political parties to hold meetings, organize demonstrations and engage in propaganda under the conditions set out in article 11 of the Act. It has also introduced Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and the protection of victims of trafficking, Act No. 1/04 of 27 June 2016 on the protection of victims, witnesses and other persons at risk and Act No. 1/03 of 10 January 2018 on the protection and promotion of the rights of persons with disabilities in Burundi.

49. Article 14 of Act No. 1/11 of 24 November 2020 amending Decree-Law No. 1/037 of 7 July 1993 amending the Labour Code of Burundi also ensures equal opportunities and equal treatment in employment and at work for everyone capable of holding a job, without any direct or indirect discrimination. Article 6 of the Act No. 1/12 of 12 May 2020 on the Burundi Social Protection Code also recognizes respect for human rights.

50. Moreover, article 6 (1) of Act No. 1/03 of 8 February 2023 amending Act No. 1/28 of 23 August 2006 establishing the General Civil Service Regulations guarantees all civil servants equal opportunities and treatment throughout their careers, without any discrimination.

51. There is also a ministry responsible for the promotion and protection of human rights. Several other measures have been taken, including: (i) Vision Burundi 2025; (ii) the National Development Plan for the period 2018–2027; (iii) the National Gender Policy for the period 2012–2025; (iv) the National Human Rights Policy for the periods 2012–2017 and 2018–2027; (v) the National Health Policy for the period 2016–2025; (vi) the National Social Protection Policy for 2011 and the periods 2012–2021 and 2023–2033 and its 2015 implementation strategy; (vii) the National Youth Policy for the period 2016–2025; (viii) the National Employment Policy for 2014; (ix) the Burundi National Child Protection Policy for

<sup>15</sup> Constitution, arts. 21–61.

the period 2018–2025; (x) the Burundi National Information and Communication Technology Development Policy for the period 2010–2025; (xi) the National Zero Nyakatsi Policy on access to decent housing for vulnerable populations for the period 2023–2032; and (xii) the national policy to implement Act No. 1/03 of 10 January 2018 on the protection and promotion of the rights of persons with disabilities in Burundi.

52. These policies are supported by strategies and action plans for their implementation, including: (i) the 2017–2021 action plans for the implementation of the National Gender Policy and Security Council resolution 1325 (2000); (ii) the National Strategic Plan on Sexual and Gender-Based Violence for the period 2018–2022; (iii) the National Financial Inclusion Strategy for the period 2015–2020; (iv) the National Agricultural Strategy for the period 2018–2027 and (v) the National Agricultural Investment Plan for the period 2018–2022; (vi) the National Strategy on the Promotion of the Effective and Inclusive Participation of Women and Girls in Decision-making Bodies for the period 2023–2030; (vii) the Strategic Youth Empowerment and Development Plan for the period 2016–2020; (viii) the National Strategic Plan on the Fight against Tuberculosis for the period 2014–2020, inspired by World Health Organization End TB Strategy; (ix) the National Disaster Risk Reduction Strategy for the period 2018–2025; (x) the Strategy to Combat Sexual and Gender-based Violence for the Burundi National Police for the period 2014–2016; (xi) the National Seed Plan for the period 2014–2018; (xii) the Multisectoral Strategic Plan on Food Security and Nutrition for the period 2014–2017; (xiii) the National Strategy on the Development of the Maize Sector in Burundi for the period 2015–2025; (xiv) the 2014 National Strategy on the Development of the Rice Sector in Burundi; (xv) the National Social Protection Strategy; (xvi) the National Strategy on the Sustainable Socioeconomic Integration of Disaster Victims and the Inclusion of the Batwa in Burundi for the period 2023–2027; (xvii) the National Strategy on the Prevention of the Phenomenon of Children in Street Situations and Adult Beggars; (xviii) Vision Burundi Emerging Country 2024, Developed Country 2060; (xix) United Nations Sustainable Development Cooperation Framework between the Government of Burundi and the United Nations system.

53. With regard to the recommendation contained in paragraph 28, the Arusha Peace and Reconciliation Agreement for Burundi has defined repatriation methods, and the Government has set up mechanisms to organize the repatriation and reintegration of refugees. These include the National Commission for the Rehabilitation of Disaster Victims, the National Commission on Land and Other Property and the Support for the Reintegration of Disaster Victims project. With all these mechanisms in place, any refugee wishing to return home has received support.

54. Nevertheless, Burundi deplores the fact that the insurrectionary movement of 2015 has given rise to a new movement of refugees. On 24 May 2017, the Council of Ministers of Burundi adopted the National Strategy for the Socioeconomic Reintegration of Disaster Victims. This strategy has proved successful, with the geographical reintegration of returnees and internally displaced persons still living in sites voluntarily returning to their *collines* of origin with a kit for basic needs and funding for self-development projects.

55. At the transit centre, they are provided with food for three months, clothes for women and children, school supplies and a cooking kit. Individuals also receive a sum of \$200, refugee cards and a certificate of recognition of repatriation from the Ministry of the Interior, Community Development and Public Security and a medical assistance card. After three days, they return to their families of origin and are warmly welcomed by their respective families and friends.

56. Burundi, in collaboration with its partners working on the return of Burundian refugees, has also been implementing a joint refugee return and reintegration plan for returnees since 2017, focusing particularly on humanitarian assistance and development aid. It was designed to ensure the voluntary and dignified repatriation of Burundian refugees from the subregion who have freely opted to return to their country of origin.

57. Currently, with the restoration of calm, the number of refugees returning home is increasing daily. The process of repatriating and reintegrating returnees is thus one of the Government's priorities for uniting its citizens and encouraging them to work together on development. To this end, Burundi already received more than 68,000 households made up

of 205,000 returnees between from 2017 to 30 September 2022, including more than 19,000 returnees in 2022.

Table 3  
Number of returnees from 2017 to 2023<sup>16</sup>

<i>Country of asylum</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
Tanzania	13 158	44 750	20 942	30 276	30 033	5 847	13 290
Uganda	0	0	0	231	2 582	6 335	1 124
Rwanda	1	0	0	7 897	22 524	4 610	276
Namibia	0	0	0	0	0	0	0
Kenya	0	249	157	60	1 039	845	85
Democratic Republic of the Congo	72	19	96	1 950	7 039	3 024	4 514
Chad	0	0	0	0	0	0	6
Zambia	0	0	1	5	10	5	0
Senegal	0	0	1	0	2	0	0
Gabon	0	1	0	0	0	0	0
Cameroon	0	1	0	0	6	1	3
Burkina Faso	0	3	0	0	0	0	0
Malawi	0	0	0	0	20	0	38
Mozambique	0	0	0	0	49	117	48
Sudan	0	0	0	0	11	0	0
Benin	0	0	0	0	5	0	0
South Africa	0	0	0	0	0	9	47
Guinea-Bissau	0	0	0	0	0	1	0
Guinea Conakry	0	0	0	0	0	1	0
Congo Brazzaville	0	0	0	0	0	2	0
Botswana	0	0	0	0	0	1	0
Nigeria	0	0	0	0	0	4	0
<b>Total</b>	<b>13 231</b>	<b>45 023</b>	<b>21 197</b>	<b>40 419</b>	<b>63 320</b>	<b>20 802</b>	<b>19 431</b>

58. With regard to recommendations contained in paragraph 29, the Government informs the Committee that all acts of discrimination are prohibited by articles 13 and 22 of the Constitution. Furthermore, these acts are punishable under article 266 of the Criminal Code. Article 210 of the Constitution states: “Justice shall be rendered by the courts and tribunals throughout the territory of the Republic in the name of the Burundian people. The function and powers of the Public Prosecutor’s Office are fulfilled by the prosecutors.”

59. It should be noted that Burundi recognizes that the judiciary is impartial and independent of the legislature and the executive.<sup>17</sup>

60. In addition, judges of Burundi are competent to apply national and international human rights standards and must respect these standards when carrying out their duties.

61. With regard to the recommendation contained in paragraph 30, the Government of Burundi and its development partners have taken many steps to provide training for law enforcement officials, civil servants, judges, prosecutors, lawyers, teachers, students and other human rights stakeholders.

<sup>16</sup> Ministry of the Interior, Community Development and Public Security: Directorate General of Repatriation, Reintegration and Resettlement of Returnees.

<sup>17</sup> See the Constitution of 2018, arts. 152–168.

62. At the Ministry of National Solidarity, Human Rights and Gender, in addition to the Centre for the Promotion of Human Rights and Prevention of Genocide, the Department of Education for Peace and National Reconciliation has been established. The Department is responsible for: (i) promoting a wide-ranging peace education programme; (ii) promoting the values of peaceful coexistence; and (iii) developing and implementing strategies for peacebuilding and national reconciliation.

63. The Ministry of Education, through the UNESCO Chair in Peace Education and Peaceful Conflict Resolution at the University of Burundi, offers postgraduate training in human rights and peaceful conflict resolution. Those who receive this training are professionals from a variety of backgrounds who are involved in human rights, including judges, prosecutors, lawyers, teachers, government officials, journalists, military court judges, criminal investigation police officers and civil society actors. Human rights clubs have been set up and are running in most secondary schools in Burundi.

64. A number of public and private universities have also introduced courses in international law, including international humanitarian law. The ministry responsible for defence and security regularly organizes training sessions based on the programme for raising ethical standards among troops at all levels, including an introduction to human rights, international humanitarian law, leadership, discipline, the Military Criminal Code and the Code of Conduct, in French and Kirundi. Training continues at all levels. A department for inclusion has also been established within the Ministry of Education.

65. Human rights training programmes have been organized for various categories of law enforcement officers.<sup>18</sup> Non-governmental and civil society organizations, in collaboration with government departments and development partners, have awareness-raising and training programmes for target groups: women, children, persons with disabilities, persons deprived of their liberty, orphaned children, vulnerable persons and the destitute affected or infected by HIV/AIDS.

66. There is a Professional Training Centre at the Ministry of Justice that is responsible for the programmes, with 790 judges and prosecutors receiving human rights training from 2017 to 2020. Awareness-raising and training sessions for defendants are run by a legal aid service set up by the Ministry of Justice, to address women's lack of access to justice due to a lack of knowledge of their rights and inadequate legal aid. Of the 22,572 people reached, 9,463, or 41.9 per cent, were women.

67. From 2018 to the present day, the Ministry of Justice has taken the following measures to raise awareness of the rights of all defendants, including women, and to enable them to improve their legal culture: (i) development and dissemination of the guide for users of the public justice service, which defines legal procedures and the powers of legal institutions; (ii) production of a weekly radio programme; (iii) setting up of legal aid commissions comprising judges and prosecutors and lawyers; (iv) establishment of reception desks to provide guidance to defendants; (v) drafting of a bill governing legal aid; and (vi) establishment of a budget line for legal aid.

68. Action has been taken to reduce and eradicate human trafficking in Burundi. This includes: (i) the continuation of campaigns to publicize Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and the protection of victims of trafficking and other laws and regulations relating to the fight against and prohibition of trafficking and sexual exploitation, in particular the Criminal Code of 2017, especially articles 244 to 246 thereof; (ii) human rights training workshops for parliamentarians; and (iii) awareness-raising campaigns for local actors, local administrators and the media on the campaign against prejudice, stigma and discrimination.

69. Training courses are organized as part of the "School Aunts and Fathers" project to build the capacity of teachers and other education professionals in the areas of gender equality, human rights, good governance and the fight against discrimination. The project was set up

<sup>18</sup> (i) communal administrators and sociocultural advisers to provincial governors, (ii) local elected officials, (iii) communal police chiefs, (iv) heads of Provincial Family and Social Development Directorates, (v) senior military officers and at the National Police Institute.

as a way of reducing the number of children dropping out of school for a variety of reasons. The project was officially launched in 2018.

70. Educational and media campaigns on gender equality and instruments promoting women's rights, including the Beijing Declaration and Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and Security Council resolution 1325 (2000), have been organized, and panel discussion programmes in collaboration with the media have been presented, in which panellists express their commitment to combating social inequalities based on ethnicity, gender, race and religion.

71. Other media content, broadcasts, reports, press articles and several dialogue sessions on human rights and the principles of human rights instruments have been produced.

72. It should be noted that the Government of Burundi is also taking all necessary measures to modify and reduce discriminatory customary practices against women, men, girls and boys, with the aim of alleviating associated problems of prejudice and stereotypes. Article 2 of Act No. 1/013 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence clearly defines gender-based violence and the cultural practices that are punished. Article 5 of this Act states: "The Government shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

73. With regard to the recommendation contained in paragraph 31, Burundi has made great efforts to restore peace and thus find a lasting solution to the ethnic conflict. These included the Arusha peace negotiations, which brought together all the country's sociopolitical actors. These negotiations were complemented by ceasefire negotiations with all the armed political movements. The result of all these measures is the sharing of political power and quotas in the defence and security forces between the country's ethnic groups.

74. Other measures have subsequently been taken. These include the establishment of institutions such as the Independent National Human Rights Commission, the Truth and Reconciliation Commission, the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity and the Office of the Ombudsman; the normalization of relations with neighbouring countries such as Rwanda, with the positive results of the reopening of borders and exchange of criminals; and the holding of several meetings of the subregion's Heads of State to find a lasting solution to the problem of peace.

75. With regard to multilateral and bilateral cooperation, Burundi has deployed two military contingents, one as part of the East African Community and the other as part of cooperation between Burundi and the Democratic Republic of the Congo.

### **III. Implementation of articles 1–7 of the Convention**

#### **A. General legal framework within which racial discrimination is prohibited**

76. The prohibition of racial discrimination is at the heart of the national legislation of Burundi (see para. 16).

#### **B. Implementation of articles 1–7**

##### **Article 1**

77. The definition of racial discrimination in the national law of Burundi encompasses discrimination based on race, colour, descent, or national or ethnic origin. Article 13 of the 2018 Constitution states: "All Burundians are equal in merit and dignity. All citizens enjoy



the same rights and the right to the same protection of the law. No Burundian may be excluded from the social, economic or political life of the nation on the grounds of race, language, religion, sex or ethnic origin.”

78. This definition covers both direct and indirect forms of discrimination, as article 22 of the Constitution provides that: “No one may be discriminated against on the grounds of origin, race, ethnicity, gender, colour, language, social situation, religious, philosophical or political beliefs, physical or mental disability, HIV/AIDS status or having any other incurable disease.”

79. Article 51 of the Constitution provides that: “All Burundians are entitled to participate, either directly, or indirectly through their representatives, in the management of the affairs of the State, subject to the conditions laid down by law, and in particular those relating to age and capacity. All Burundians also have the right to have access to public service in their country.”

80. National legislation provides for minimum quotas for the Hutu and Tutsi ethnic groups in key positions in national life, whether in the executive, legislative or judicial branches. In the case of elective positions, members of those groups are co-opted only when they have not been elected.

81. However, preferential treatment is given to the Twa ethnic group, whose nationals must be co-opted into the Senate, the National Assembly, the communal councils, the National Women’s Forum and the National Children’s Forum and others.

## Article 2

82. Burundi has taken a number of steps to strengthen the promotion and protection of human rights. These include becoming a party to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa in 2022 and adopting Act No. 1/013 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence, Act No. 1/03 of 10 January 2018 on the protection and promotion of the rights of persons with disabilities in Burundi and Act No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure.

83. The Government has taken administrative measures to ensure the protection of groups of persons with special needs, namely the National Gender Policy for the period 2012–2025, the Burundi National Child Protection Policy for the period 2018–2025, the National Zero Nyakatsi Policy on access to decent housing for vulnerable populations for the period 2023–2032, the National Strategy on the Sustainable Socioeconomic Reintegration of Disaster Victims and the Inclusion of the Batwa in Burundi for the period 2023–2027, the National Strategy on the Prevention of the Phenomenon of Children in Street Situations and Adult Beggars, the National Social Protection Strategy and the Strategic Youth Empowerment and Development Plan for the period 2016–2020.

84. As a result of the Government’s introduction of free primary education in 2009, the number of Batwa children in basic and post-basic education is increasing. The introduction of free healthcare for mothers in childbirth and children under 5 has also enabled the Batwa to have access to healthcare; the ministry responsible for solidarity provides healthcare for the most vulnerable, including the Batwa. Burundi issues identity documents free of charge during the election period to all vulnerable people of voting age, including the Batwa.

85. In addition, Batwa associations are working with other partners and the local authorities to organize campaigns to distribute identity cards to the Batwa and to register births and marriages. The Government has also taken steps to allow Batwa children who have passed the national competitive examination to attend boarding schools from 2022, even if they did not achieve the required grade, and to grant land to vulnerable Batwa families to help them become settled.

86. Judicial measures have also been taken with a view to assisting the Batwa, including: (i) legal assistance for children during all phases of proceedings; (ii) the mandatory presence

of the child's parents or relatives; (iii) a mandatory inquiry into the child's social situation; (iv) the mandatory separation of minors from adults in detention (the establishment of rehabilitation centres for minors in conflict with the law); (v) expeditious processing of juvenile cases during the trial phase, with the requirement that the pretrial investigation proceedings must be conducted in camera; (vi) the establishment of specialized juvenile chambers at the *tribunaux de grande instance* (courts of major jurisdiction) and courts of appeal; (vii) alternatives to criminal prosecution and imprisonment; and (viii) the establishment of a legal aid service for vulnerable people, especially the Batwa, within the Ministry of Justice.

87. Furthermore, the families of persons with albinism in communities that have experienced violence against this group of people, such as Ruyigi, have been temporarily grouped together and provided with police protection. The network of criminals responsible for the violence has been dismantled and the perpetrators have received life sentences.

88. Measures have also been taken to put an end to the impunity of perpetrators of human rights violations, including the adoption of sectoral policies of the Ministry of Justice for the periods 2011–2015 and 2016–2020. In particular, these are aimed at strengthening justice and the rule of law by overhauling the justice system, implementing transitional justice processes, promoting human rights, improving the capabilities and integrity of defence and security forces and bringing about the socioeconomic reintegration of conflict-affected persons.

89. A number of measures have been implemented with a view to combating discrimination, including intensifying crackdowns on criminals and disarming the population. The Inspectorate General of Justice has established a statistics department. The first judicial statistics yearbook was published in August 2011. In addition, the Independent National Human Rights Commission has been established pursuant to Act No. 1/04 of 5 January 2011. The Arusha Peace and Reconciliation Agreement for Burundi provides for the establishment of the Truth and Reconciliation Commission to shed light on numerous crimes, such as the assassination of the first democratically elected President of Burundi, with a view to putting an end to impunity in the country. It was established pursuant to Act No. 1/18 of 15 May 2014 providing for the establishment, mandate, composition, organization and operation of the Truth and Reconciliation Commission.

### Article 3

90. At the time when the previous report was prepared, there was no ethnic segregation or apartheid. However, Burundi has set up a wide-ranging peace education programme to strengthen peaceful coexistence with a view to preventing racial discrimination. Through the ministry responsible for human rights, Burundi organizes training courses on the culture of peace, responsible citizenship and non-violent communication for all population groups in general and for young people, both affiliated and not affiliated to political parties, in particular. The Ministry of the Interior also runs a civic education and patriotic training programme to strengthen social cohesion.

### Article 4

91. All forms of discrimination are prohibited under article 13 of the Constitution, which provides that: "All Burundians are equal in merit and dignity. All citizens enjoy the same rights and the right to the same protection of the law. No Burundian may be excluded from the social, economic or political life of the nation on the grounds of race, language, religion, sex or ethnic origin." Article 22 of the Constitution contains similar guarantees.

92. Racial discrimination is an offence under the current Criminal Code. Article 266 of the Code states: "Any person who has displayed, incited or encouraged racial or ethnic hostility or hatred or committed an act likely to provoke such hostility or hatred is liable to a term of imprisonment of between 6 months and 2 years and a fine of between 10,000 and 100,000 francs, or to one of those penalties only."

93. Under domestic legislation, racial motivation is an aggravating circumstance. Acts of apartheid are classified in the Criminal Code as crimes against humanity (art.196 (10)). Such acts are not subject to amnesty or a statute of limitations.

94. Moreover, the Constitution prohibits all forms of discrimination within political parties. Article 78 of the Constitution clearly states: “The organization and operation of political parties must comply with democratic principles. They must be open to all Burundians and their national character must also be reflected in their leadership. They may not advocate violence, exclusion or hatred in any form, including those based on ethnicity, regional origin, religion or gender.”

95. This principle has been laid down in the new law on political parties (Act No. 1/16 of 10 September 2011 amending Act No. 1/006 of 26 June 2003 on the organization and operation of political parties, art. 22).

96. The same is true of Act No. 1/25 of 14 November 2012 on the status of the political opposition in Burundi. It provides that opposition parties must refrain from making statements that incite ethnic hatred among the population (art. 19).

97. Article 50 of Act No. 1/019 of 14 September 2018 amending Act No. 1/15 of 9 May 2015 regulating the press in Burundi prohibits any pieces of writing or calls that seek to justify racial or ethnic hatred.

98. Article 32 of the 2020 Electoral Code prohibits the making of offensive or defamatory statements, by any means whatsoever, against political parties, coalitions of political parties, one or more candidates or lists of candidates during election campaigns.

99. The case of the Forces nationales de libération (National Liberation Forces) (FNL) is a specific example that proves that the provisions of article 4 are binding. This party, formerly known as the Parti pour la libération du peuple hutu-Forces national de libération (Party for the Liberation of the Hutu People-National Liberation Forces) (PALIPEHUTU-FNL), was refused accreditation because of the ethnic connotation that its name bore. It was approved under the name Forces nationales de libération (FNL) and not Parti pour la libération du peuple hutu (PALIPEHUTU).

## Article 5

### 1. Information grouped under particular rights

100. Significant measures to improve access to justice and the credibility of judges are envisaged under the sectoral policies of the Ministry of Justice for the periods 2011–2015 and 2016–2020 as part of efforts to strengthen justice and the rule of law. Work to build and refurbish community courts (*tribunaux de résidence* (local courts) and *tribunaux de grande instance*) has already begun.

101. A programme has been launched to provide the public with better guidance by training judicial officers, setting up reception desks in every court in the country, developing a specific communication strategy to promote knowledge of the law and rights among the public and introducing legal aid to facilitate access to the law for underprivileged persons with a view to achieving the goal of justice for all.

102. Article 25 of the Constitution guarantees the right to security of person and physical and mental integrity of the individual, while article 411 of the Criminal Code establishes penalties for any arbitrary act that violates the freedoms and rights guaranteed to individuals in laws, decrees, ordinances and regulations ordered or carried out by a civil servant or public official or an officer or person invested with public authority or police officer.

103. The above-mentioned article 51 of the Constitution provides that all Burundians are entitled to participate, either directly or indirectly through their representatives, in the management and conduct of State affairs, subject to the conditions laid down by law, and in particular those relating to age and capacity. It also provides that all Burundians must have the right to have access to public service in their country.

104. This principle is embodied in article 257 of the Constitution, which provides that “no more than 50 per cent of members of the defence and security forces may belong to any one ethnic group”. The current composition of these forces reflects this principle. For example, recent recruitments to the defence and security forces have been carried out with due respect for regional, ethnic and gender balances.

105. In addition, the 2010, 2014 and 2020 Electoral Codes establish the principle of universal, equal, secret, free and transparent suffrage. The Codes define voters as “citizens of Burundi of either sex who are at least 18 years of age on the date of the election, whose exercise of their civil and political rights is not restricted and who are not otherwise disqualified from voting under the Codes.” Just as there is no discrimination in electoral matters, there is no discrimination in matters concerning participation in public life.

106. The right to freedom of movement and choice of residence is guaranteed by article 33 of the Constitution, which provides that: “All citizens of Burundi have the right to move and settle freely anywhere within national territory and the right to leave and return.” At the time of the preceding report, this right was being violated. Today, one of the dividends of the restoration of peace is the effectiveness of this right. Indeed, all of the ethnic groups in Burundian society move and settle freely throughout the country.

107. The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration are enshrined in the Constitution. Article 54 of the Constitution provides that: “The State recognizes that all citizens have the right to work and endeavours to create the conditions which render the enjoyment of that right effective. It recognizes that everyone has the right to fair and satisfactory conditions of work and guarantees workers fair remuneration for their services or production.” Article 57 of the Constitution provides that “all equally qualified persons are entitled, without discrimination of any kind, to equal pay for equal work”.

108. However, the effective exercise of these rights is hindered by a number of factors, including the global economic context, which has also affected Burundi, and the adverse effects of the conflict that the country has experienced.

109. In the area of health, various measures have been taken since 1996, including: (i) building and equipping new infrastructure; (ii) training personnel; (iii) decentralizing services; (iv) providing free access to certain anti-malarial and anti-HIV drugs; (v) providing medical care for pregnant women and women giving birth; (vi) providing medical care for children under 5; and (vii) introducing a medical assistance card in January 2012 for segments of the population other than civil servants, who already have a health card. These measures have led to significant progress in terms of accessibility and quality of health services.

110. In the area of education and vocational training, the Arusha Peace and Reconciliation Agreement for Burundi sets out the following principles and measures: “(i) equitable regional distribution of school buildings, equipment and textbooks throughout the national territory, in such a way as to benefit girls and boys equally; (ii) deliberate promotion of compulsory primary education that ensures gender parity through joint financial support from the State and the communes; (iii) transparency and fairness in non-competitive and competitive examinations; and (iv) restoration of the rights of girls and boys whose schooling was interrupted as a result of the conflict in Burundi or of exclusion, in particular by effectively reintegrating them into the school system and later into working life” (Protocol I, art. 7 (11)–(14)).

111. Today, these principles and measures are increasingly becoming a reality, as can be seen from the various measures that have been taken, including: (i) the decentralization of school administration down to the communal level; (ii) the construction of a large number of school buildings; (iii) the provision of free primary education; (iv) the establishment of ad hoc commissions to prepare and administer competitive and non-competitive end-of-cycle examinations; and (v) the reintegration into school of all children who had been forced to interrupt their schooling as a result of the crisis, at all educational levels.

112. The school system of Burundi is currently undergoing reform. In primary and secondary education, basic schooling has been introduced, which extends basic education up

to grade 9 and introduces vocational training modules. This will prepare those who are not able to enter post-basic education to attend trade schools. In higher education, the recently introduced system of bachelor's degrees, master's degrees and doctorates will enable graduates of both public and private universities to obtain internationally recognized degrees. Whereas in 1996, Burundi had only one public university, more than 30 universities and colleges have now been established in the city of Bujumbura and elsewhere in the country.

113. Enjoyment of the right of access to all places and use of all services intended for the public has improved significantly since 1996. Whereas, at that time, there were places that were inaccessible to one ethnic group or another, today, Hutus, Tutsis, Twas and even foreign nationals mix in all places (for example, at markets, on public transport and in churches, hotels and bistros).

114. Articles 31 and 32 of the Constitution guarantee freedom of expression, assembly and association. In application of the Constitution, other laws and regulations have been put in place. These include: (i) Act No. 1/02 of 27 January 2017 on a legal framework for non-profit organizations; (ii) Act No. 1/019 of 14 September 2018 amending Act No. 1/15 of 9 May 2015 regulating the press in Burundi; (iii) Act No. 1/30 of 16 September 2022 amending Act No. 1/35 of 31 December 2014 on a legal framework for religious confessions; and (iv) Act No. 1/28 of 5 December 2013 regulating public demonstrations and meetings.

## **2. Information by relevant groups of victims or potential victims of racial discrimination**

115. According to the 2011 survey report by the ministry responsible for the repatriation of refugees and displaced persons, the number of such persons has fallen from 202,822 in 2002 to 78,948; in other words, there are around 70 per cent fewer people in camps for displaced persons.

116. The inhabitants of these camps are free to return home and receive training in human rights, peaceful conflict resolution and peaceful coexistence. The people who remained in the *collines* welcome them and support them in building their homes. The Government provides them with building materials such as sheet metal.

117. For those who are still reluctant to return to their *collines* of origin, the Government has created modern villages where the displaced persons receive plots of land on an equal footing with the other ethnic groups in society. Beneficiaries are provided with sheet metal on the condition that they construct the walls of their homes. Older persons and orphaned children who head households receive assistance in building their homes during community development work.

118. It should be added that even though these people remain reluctant to return to their *collines* of origin, they spend entire days performing agricultural work there. They store their harvests there, and some of their family members also spend the night there.

119. It should be noted that all Burundian refugees who left the country before 2005 have been repatriated. To ensure their safe repatriation, the Government has set up a ministry responsible for the repatriation, reinsertion and reintegration of returnees. Moreover, the National Commission for the Rehabilitation of Disaster Victims governed by Act No. 1/017 of 13 December 2002, which had the mandate of organizing the repatriation, return, resettlement and reintegration of disaster victims (Protocol IV, art. 3 (a)), was established under Act No. 1/18 of 4 May 2006 on the duties, composition, organization and operation of the National Commission on Land and Other Property. The National Commission for the Rehabilitation of Disaster Victims has since been replaced.

120. A Special Court for Land and Other Property was set up pursuant to Act No. 1/26 of 15 September 2014 with the aim of ensuring equitable justice for returnees and restoring the rights of disaster victims.

121. Twenty-eight integrated rural villages have been established for returnees without land or papers with the aim of protecting them from violence. A total of 1,462 houses have been built and the returnees have received allocations of arable land. The Government has also built more than 108,000 houses for returnees who have regained their property but have been unable to obtain housing. The repatriated children have been reintegrated into the education system of Burundi and school kits have been distributed to them.

122. However, while Burundi has made efforts to repatriate all refugees, the 2015 political crisis has caused another movement of refugees to neighbouring countries. To encourage the mass return of refugees, the Government has set up the National Commission for Inter-Burundi Dialogue with the aim of improving the political climate. Awareness-raising sessions have also been organized in the refugee camps of Burundi. Now that peace and security have been re-established throughout the country, the Government has already repatriated 223,423 people in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) (see the table in para. 57).

123. Security measures have been taken to assist refugees living in Burundi. Article 50 of the Constitution of 2018 provides that “the right of asylum is recognized under the conditions provided for by the law”. Refugees’ effective enjoyment of their rights is guaranteed under articles 24, 25 and 26 of Act No. 1/25 of 5 November 2021 regulating migration in Burundi. Matters related to refugees are governed by Decree No. 100/069 of 30 May 2022 on the organization, duties and operation of the National Office for the Protection of Refugees and Stateless Persons. The Office has a department that deals with persons with specific needs, such as children, persons with disabilities and older persons.<sup>19</sup>

124. Generally speaking, Burundi receives requests from asylum-seekers without any discrimination. These requests are dealt with in accordance with the law. As of the end of October 2021, Burundi was hosting 83,458 persons (78,706 refugees and 4,752 asylum-seekers), 50.5 per cent of whom were women and girls and 49.5 per cent of whom were men and boys. The vast majority (99 per cent) are from the Democratic Republic of the Congo and have fled the violence in North Kivu and South Kivu Provinces. The others have come from Rwanda, Uganda and Somalia.

125. As of the end of October 2021, around 37 per cent of refugees were located in urban areas, mainly in Bujumbura Mairie (32,086 refugees), and 63 per cent were hosted in five refugee camps in the provinces of Ruyigi (Bwagiriza and Nyankanda camps, with 9,790 and 9,778 refugees respectively), Cankuzo (Kavumu camp, with 16,542 refugees), Muyinga (Kinama camp, with 7,507 refugees) and Ngozi (Musasa camp, with 8,501 refugees). A total of 61 per cent of refugees in the camps are children under 18.<sup>20</sup> The criterion of the best interests of the child is taken into account when determining the refugee status of unaccompanied minors. For example, two children from the Democratic Republic of the Congo have been granted refugee status as a result of this assessment.

126. To receive and provide assistance to asylum-seekers, the Government, in collaboration with its partners, has developed a contingency plan through National Office for the Protection of Refugees and Stateless Persons under which two transit centres have been opened: one at Cishemere in Cibitoke Province with a capacity of 1,000 people and the other at Kajaga in Bujumbura Province with a capacity of 300 people. There is also a transit centre at Makombe in the commune of Rumonge with a capacity of 300 people and two hangars.

Table 4  
Refugee statistics by site since 2015

<i>Site</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Bujumbura Mairie	20 676	25 016	27 214	32 163
Musasa (Kiremba)	6 362	6 453	6 671	8 407
Kinama (Gasorwe)	8 246	8 102	7 741	8 528
Bwagiriza (Butezi)	8 886	8 942	8 886	9 928
Kavumu (Cankuzo)	9 152	12 670	15 398	17 889
Butare (Bukemba)	41	0	0	n/a

<sup>19</sup> Articles 12 (9), 13 (12) and 17 (7) of Decree No. 100/069 of 30 May 2022 on the organization, duties and operation of the National Office for the Protection of Refugees and Stateless Persons.

<sup>20</sup> Data shared by UNHCR, November 2021.

<i>Site</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Nyankanda	n/a	n/a	n/a	262
<b>Total</b>	<b>53 363</b>	<b>61 183</b>	<b>65 910</b>	<b>77 177</b>

*Source:* General Commissariat for Migration.

Table 5  
**Number of asylum-seekers and stateless persons since 2015**

<i>Year</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Asylum-seekers	2 931	3 616	3 550	5 670	12 299	2 943
Stateless persons	1 302	974	974	974	1 721	1 134

*Source:* General Commissariat for Migration.

127. The situation of refugees and stateless people in Burundi is as follows.

Table 6  
**Statistics on refugees and stateless persons**

<i>Indicators</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Asylum cases considered	1 173	1 650	2 160	1 975	1 516	1 183
Meetings of the Advisory Commission on Foreigners and Refugees held	58	90	72	72	71	58
Meetings of the Advisory Commission on Foreigners and Refugees and the Appeals Committee held	17	58	12	12	9	17
Convoys conducted to transfer refugees to refugee camps	25	36	30	16	25	14
Refugee identity cards printed and issued	6 680	18 239	8 306	13 420	20 752	7 188
Rejection notifications issued	70	130	102	111	86	66
Exit permits issued	6 873	5 409	11 622	12 034	13 342	8 471
Joint committee meetings held	18	12	20	17	5	9
Collaborative meetings held	45	36	38	48	54	52
Coordination meetings held	45	36	45	47	57	57
Management meetings held	47	34	44	49	46	54
Visits to camps carried out	15	13	12	12	12	12
Retreats held	0	0	0	1	0	0
Meetings of the Prodeci-Turikumwe project preparation committee held	0	0	0	36	72	72

*Source:* National Office for the Protection of Refugees and Stateless Persons.

Table 7  
**Number of asylum-seekers received and registered by nationality**

<i>Nationality</i>	<i>2015</i>		<i>2016</i>		<i>2017</i>		<i>2018</i>		<i>2019</i>		<i>2020</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
Democratic Republic of the Congo	1 452	1 312	2 989	2 992	3 158	3 183	3 771	3 672	6 116	6 140	1 431	1 492
Rwandan	99	69	268	189	54	37	26	25	25	16	9	8
Ugandan	1	0	2	2	1	0	1	1	0	2	0	1

Nationality	2015		2016		2017		2018		2019		2020	
	M	F	M	F	M	F	M	F	M	F	M	F
Somali	0	0	1	1	1	0	0	0	0	0	1	0
Others (Central African Republic, Turkish, Malian, Tanzanian, South Sudanese, Ivorian)	0	0	0	0	24	16	5	2	0	0	1	0
<b>Total</b>	<b>1 552</b>	<b>1 381</b>	<b>3 260</b>	<b>3 184</b>	<b>3 238</b>	<b>3 236</b>	<b>3 803</b>	<b>3 704</b>	<b>6 141</b>	<b>6 158</b>	<b>1 442</b>	<b>1 501</b>

Source: National Office for the Protection of Refugees and Stateless Persons.

Table 8  
Number of stateless persons by sex and province since 2015

Province	2015		2016		2017		2018		2019		2020	
	M	F	M	F	M	F	M	F	M	F	M	F
Bubanza	0	0	0	0	0	0	0	0	0	0	0	0
Bujumbura	11	13	11	14	11	14	11	14	11	14	17	17
Bururi	3	10	4	11	4	11	4	11	4	11	5	5
Cankuzo	7	12	7	12	7	12	7	12	7	12	5	2
Cibitoke	9	3	9	3	9	3	9	3	9	3	6	1
Gitega	39	26	69	49	69	49	69	49	69	49	58	43
Karuzi	0	0	0	0	0	0	0	0	0	0	0	0
Kayanza	2	3	2	3	2	3	2	3	2	3	1	0
Kirundo	23	18	28	26	28	26	28	26	28	26	16	12
Bujumbura Mairie	463	472	492	495	493	495	493	496	493	497	313	309
Makamba	64	45	72	49	72	49	72	49	72	49	61	41
Muramvya	0	0	0	0	0	0	0	0	0	0	0	0
Muyinga	33	38	34	41	34	41	34	41	34	41	18	20
Mwaro	0	0	0	0	0	0	0	0	0	0	0	0
Ngozi	49	35	49	36	49	36	49	36	49	36	26	16
Rumonge	63	51	69	56	69	56	69	56	69	56	42	43
Rutana	0	0	0	0	0	0	0	0	0	0	0	0
Ruyigi	37	25	43	34	43	34	43	34	43	34	34	23
<b>Total</b>	<b>803</b>	<b>751</b>	<b>889</b>	<b>829</b>	<b>890</b>	<b>829</b>	<b>890</b>	<b>830</b>	<b>890</b>	<b>831</b>	<b>602</b>	<b>532</b>

Source: National Office for the Protection of Refugees and Stateless Persons.

128. Cultural rights are guaranteed by article 58 of the Constitution. In 2007, the country adopted the National Cultural Policy, which was the culmination of a major initiative and focuses on: (i) developing traditional and modern music; (ii) promoting literature and the written word (e.g. books and theatre); (iii) promoting traditional dance through the organization of a biennial national festival; (iv) fostering a spirit of creativity by encouraging the cultural initiatives of civil society (e.g. cultural clubs and associations); (v) encouraging the production of visual arts through the organization of an annual art exhibition; (vi) promoting heritage (museums and historic sites) and cultural tourism; (vii) enhancing policy on archives; (viii) stepping up support for documentary and cinematographic creation; (ix) promoting cultural exchanges through the participation of Burundian artists in international festivals; (x) fundraising for artistic training; (xi) protecting copyright and



related rights; and (xii) promoting film production, particularly by young people. The International Cinema and Audiovisual Festival of Burundi (FESTICAB) is held every year.

129. Burundi continues to enforce Act No. 1/6 of 25 May 1983 on the protection of national cultural heritage and Act No. 1/021 of 30 December 2005 on the protection of copyright and related rights.

130. In addition, the National Copyright Office, which is responsible for registering artists' works in the country, remains operational. The country adopted the National Tourism Policy in 2007, which has been disseminated among various cultural circles in the country.

131. Theatre activities were somewhat lethargic during the period of crisis. However, we are pleased to note the momentum of the Ninde popular theatre troop, which is universally followed, and of several television series on the themes of peace and education produced by cultural associations.

132. With regard to cinema, the roll-out of the National Cultural Policy resulted in support for the creation of FESTICAB, now in its fifth year. In addition, film artists recently set up a collective of producers for the development of cinema and the audiovisual sector.

133. There is a national art school called the Technical Secondary School for the Arts, as well as a number of private establishments offering non-formal training in improved clay techniques.

134. Concerning the right to benefit from the protection of moral and material interests deriving from any scientific, literary or artistic production, the Government continues to enforce the various legal texts protecting artistic works in Burundi, principally: (i) the Constitution; (ii) the Act of 30 December 2005 on the protection of copyright and related rights; (iii) the Industrial Property Act of 28 July 2009; and (iv) the Act on accession by the Republic of Burundi to the Berne Convention for the Protection of Literary and Artistic Works.

135. With regard to trade union rights, the Constitution and labour laws provide for freedom of association and allow workers and employers to form trade unions. This right is regulated by the Labour Code. The Constitution recognizes the right to form and join trade unions, as well as the right to strike. The law also allows for regulating the exercise of these rights and prohibiting certain categories of people from going on strike. In all circumstances, members of defence and security forces are prohibited from exercising these rights.

136. Trade unions are formed by workers to defend their labour rights. Members of trade unions are free to elect their own representatives and formulate their own action plans. They may also draw up their own articles of association and by-laws, as long as these do not conflict with current laws and public order. Trade unions must register with the Ministry by filing their articles of association and a list of the names of the persons responsible for managing and leading the trade union. Copies of these documents must also be submitted to the labour inspectorate of the jurisdiction where the trade union is located.

## Article 6

137. The Constitution prohibits all acts of discrimination, including racial discrimination, stating that: "All citizens are equal before the law, which affords them equal protection. No one may be discriminated against on the grounds of origin, race, ethnicity, gender, colour, language, social situation, religious, philosophical or political beliefs, physical or mental disability, HIV/AIDS status or having any other incurable disease."<sup>21</sup>

138. In addition, the Constitution guarantees equal protection to all citizens, stating that: "All citizens enjoy the same rights and the right to the same protection of the law. No Burundian may be excluded from the social, economic or political life of the nation on the grounds of race, language, religion, sex or ethnic origin."<sup>22</sup>

<sup>21</sup> Constitution of 7 June 2018, art. 22.

<sup>22</sup> Constitution of 7 June 2018, art. 13.

139. The Constitution also guarantees every person under its jurisdiction the right to have his or her case heard in judicial or administrative proceedings, stating that “Everyone has the right, in judicial or administrative proceedings, to a fair hearing and to be tried within a reasonable time period.”<sup>23</sup>

140. Moreover, acts of racial discrimination are criminalized and punishable under the Criminal Code.<sup>24</sup>

141. The Code of Criminal Procedure affords anyone who has been the victim of a violation of any kind the right to apply to the courts for redress. It also provides for the possibility for human rights organizations to apply to the court for redress on behalf of victims.<sup>25</sup>

142. The Independent National Human Rights Commission is empowered to receive complaints and investigate cases of human rights violations and to refer cases to the public prosecutor’s office.<sup>26</sup>

143. The functions of the Office of the Ombudsman include “examining complaints and conducting investigations into mismanagement and human rights violations committed by civil servants, the judiciary, local authorities, public establishments and any body entrusted with a public service mission, and making recommendations in this regard to the competent authorities”.<sup>27</sup>

144. The Constitution establishes that: “No one shall be treated arbitrarily by the State or its organs. The State is obligated to compensate all victims of arbitrary actions by the State or its organs.”<sup>28</sup> The law on legal action by the State for indemnity establishes that State representatives or officials who have committed acts of ill-treatment must not go unpunished and must pay compensation for their actions.<sup>29</sup>

145. Everyone has the right to appeal a decision taken by an administrative or judicial body to obtain satisfaction or just and appropriate reparation in accordance with the Code of Criminal Procedure<sup>30</sup> and the Code of Civil Procedure.<sup>31</sup>

## Article 7

146. Burundi has adopted and ratified a number of national, regional and international laws and instruments to guarantee and ensure the promotion and protection of human rights without discrimination of any kind. It has also revised and harmonized certain laws to promote and encourage the equitable exercise of the rights and duties of women and men.

147. The Government of Burundi and its development partners have taken many steps to provide training for law enforcement officials, civil servants, magistrates, lawyers, teachers, students and other human rights stakeholders.

148. At the Ministry of National Solidarity, Social Affairs, Human Rights and Gender, in addition to the Centre for the Promotion of Human Rights and Prevention of Genocide, the Department of Education for Peace and National Reconciliation has been established. The Department is responsible for (i) promoting a wide-ranging peace education programme, (ii) promoting the values of peaceful coexistence and (iii) developing and implementing strategies for peacebuilding and national reconciliation.

<sup>23</sup> Constitution of 7 June 2018, art. 38.

<sup>24</sup> Criminal Code of 2017, art. 266.

<sup>25</sup> Code of Criminal Procedure, art. 219.

<sup>26</sup> Act No. 1/04 of 5 January 2011, art. 4.

<sup>27</sup> Act No. 1/04 of 24 January 2013 amending Act No. 1/03 of 25 January 2010 on the organization and operation of the Office of the Ombudsman, art. 6 (a) and (b).

<sup>28</sup> Constitution of 7 June 2018, art. 23.

<sup>29</sup> Act No. 1/22 of 25 July 2014 introducing regulations on direct legal action by the State and communes for indemnity against public agents and officials.

<sup>30</sup> The Code of Criminal Procedure governs appeals, appeals on points of law and appeals for review of court rulings.

<sup>31</sup> The Code of Civil Procedure sets out the procedures for appealing administrative decisions or measures to a hierarchical superior, to the issuing administrative authority or to the courts.

149. The Ministry of Education, through the UNESCO Chair in Peace Education and Peaceful Conflict Resolution at the University of Burundi, offers graduate training in human rights and peaceful conflict resolution. Those who receive this training are professionals from a variety of backgrounds who are involved in human rights, including judges, prosecutors, lawyers, teachers, government officials, journalists, military court judges, criminal investigation police officers and civil society actors.

150. A number of public and private universities have also introduced courses in international law, including international humanitarian and human rights law. The ministries responsible for defence and public security regularly organize training sessions based on the programme for raising ethical standards among troops at all levels, including an introduction to human rights, international humanitarian law, leadership, discipline, the Military Criminal Code and the Code of Conduct, in French and Kirundi.

151. Human rights training programmes have been organized for various categories of law enforcement officers, including: (i) communal administrators and sociocultural advisers to provincial governors, (ii) local elected officials, (iii) communal police chiefs, (iv) heads of Provincial Family and Social Development Directorates, (v) senior military officers and trainees at the National Police Institute.

152. Non-governmental and civil society organizations, in collaboration with government departments and development partners, have awareness-raising and training programmes for target groups: (i) women; (ii) children; (iii) persons with disabilities; (iv) persons deprived of their liberty; (v) orphans and other vulnerable children; (vi) the destitute affected or infected by HIV/AIDS; and (vii) other groups with specific needs.

153. As part of efforts to combat discrimination, article 21 of the Constitution of 2018 provides that human dignity must be respected and protected. Any violation of human dignity is punishable under the Criminal Code of 29 December 2017. Some of the provisions of the Code severely punish human rights violations. Gender is taken into account during inquiries and investigations, in accordance with articles 32 (3) and (4) and 135 (4) of Act No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure.

154. Pursuant to the legal framework, the Government, through the ministries responsible for justice, gender and public security, has taken various measures to address all forms of discrimination and promote human rights, including: (i) community outreach initiatives to support young people and women in resolving community conflicts; (ii) women's participation in the post-conflict inter-Burundi dialogue, held in Arusha in 2017; (iii) intercommunal dialogue on reconciliation and mutual respect; (iv) awareness-raising among criminal justice system professionals, communal administrators and heads of *collines* and districts regarding the Act of 22 September 2016 on acts of sexual and gender-based violence; and (v) training of judges, prosecutors, lawyers, police officers and other law enforcement officials on national and international human rights instruments, including the Convention.

155. The Professional Training Centre at the Ministry of Justice provided human rights training to 790 judges and prosecutors between 2017 and 2020. Other institutional measures were taken in 2017, namely the establishment of the National Council for National Unity and Reconciliation and the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity. The National Independent Human Rights Commission, which was established in 2011, continues to promote and protect the rights of specific groups, including women and girls.

156. Efforts are also being made to address the inaccessibility of the justice system for women resulting from a lack of knowledge of their rights and inadequate legal aid. To make justice accessible to all, a legal aid service was set up under the Ministry of Justice by Ordinance No. 550/1652 of 8 December 2018 on the organization and operation of services under departments of the Ministry of Justice. Consequently, public awareness-raising and training sessions have been held; of the 22,572 people reached, 9,463 were women (41.9 per cent).

157. The Ministry of Justice has taken the following measures to raise awareness of the rights of all defendants, including women, and to enable them to improve their legal culture:

(i) development and dissemination of the guide for users of the public justice service, which defines legal procedures and the powers of legal institutions; (ii) production of a weekly radio programme; (iii) setting up of legal aid commissions comprising judges and prosecutors and lawyers; (iv) establishment of reception desks to provide guidance to defendants; (v) drafting of a bill governing legal aid; and (vi) establishment of a budget line for legal aid.

158. Action has been taken to reduce and eradicate human trafficking in Burundi. This includes: (i) the continuation of campaigns to publicize Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and the protection of victims of trafficking and other laws and regulations relating to the fight against and prohibition of trafficking and sexual exploitation, in particular articles 244 to 246 of the Criminal Code of 2017; (ii) human rights training workshops for parliamentarians; and (iii) awareness-raising campaigns for local actors, local administrators and the media on the campaign against prejudice, stigma and discrimination.

159. In the field of education, article 30 (2) of the Constitution of 2018 establishes that: “Parents have the natural right and duty to educate and bring up their children without distinction of any kind. They are supported in this task by the State and public authorities.” Article 53 (1) adds that “every citizen has the right to equal access to instruction, education and culture”. Other measures include the integration of gender equity in education in the National Development Plan for the period 2018–2027, the continued provision of free education for the first three cycles of basic education, the promotion and protection of persons with disabilities through inclusive education and the Education and Training Sector Development Plan for the period 2012–2020, which emphasizes gender equity in education.

160. Training courses are organized as part of the School “Aunts and Fathers” project to build the capacity of teachers and other education professionals in the areas of gender equality, human rights, good governance and the fight against discrimination. The project was set up as a way of reducing the number of children dropping out of school for a variety of reasons. The project was officially launched in 2018.

161. In addition, the school meals programme has continued in certain provinces to further motivate all children, including those from the Batwa community and those with disabilities, to attend school.

162. Other temporary special measures taken in the field of education include: (i) the establishment of an inclusive education unit; (ii) the overhaul of curricula and the removal of gender stereotypes from textbooks and other teaching materials; and (iii) the organization of the annual “Back to School” campaign to combat prejudices that lead to discrimination in the community.

163. Information and media campaigns aimed at combating social inequalities based on ethnicity, gender, race and religion have been organized in the form of animated broadcasts and panel discussions. Other media content, broadcasts, reports, press articles and several dialogue sessions on human rights and the principles of human rights instruments have been produced.

164. The Government of Burundi has taken measures to modify and reduce discriminatory customary practices against women, men, girls and boys, with the aim of alleviating associated problems of prejudice and stereotypes. For instance, article 2 of Act No. 1/013 on the protection of victims and the prevention and punishment of gender-based violence, which was promulgated on 22 September 2016, clearly defines the forms of gender-based violence and the cultural practices that are punished. Article 5 of the Act states: “The Government shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

165. The recommendation contained in paragraph 31 has been taken into consideration. The Burundi peace process was led by neighbouring countries, which appointed a mediator from South Africa. This process culminated in the Arusha Peace and Reconciliation Agreement of 28 August 2000.

166. With a view to restoring peace and security in Burundi, the Government has taken many actions in collaboration with countries in the subregion. Over the years, for a variety of reasons, including security, Burundi has joined a number of regional organizations, signing legal instruments and cooperation agreements on security, counter-terrorism and economic development. These organizations include the International Conference on the Great Lakes Region, the Economic Community of the Great Lakes Countries, the Nile Basin Initiative, the Lake Tanganyika Authority, the Economic Community of Central African States, the Common Market for East and Southern Africa, the East African Community and the African Continental Free Trade Area.

167. Burundi was one of the first African States to make a firm commitment to eradicating the threat of terrorism on the continent, as demonstrated by its collaboration with other countries in setting up the International Criminal Police Organization (INTERPOL) force to restore peace and security in the countries of the Great Lakes region. It is involved in the implementation of the eastern brigade of the African Standby Force (ASF), under the Eastern African Standby Brigade Coordination Mechanism (EASBRICOM), and active in the peacekeeping forces of the African Union Mission in Somalia, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the East African Community.

## **Conclusion**

168. As this report shows, there have been positive changes in Burundi compared to the situation at the time of the previous report. Indeed, important reforms have been carried out in the administration, the executive, the legislature, the judiciary and the defence and security forces, to correct ethnic and gender disparities.

169. Progress has also been made in the legal and institutional framework for human rights, with the revision of the Criminal Code and the Code of Criminal Procedure and the establishment of various entities, including the Independent National Human Rights Commission, the National Commission for the Inter-Burundi Dialogue, the Land and Property Commission, the Office of the Ombudsman, the Truth and Reconciliation Commission, the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity and the Centre for the Promotion of Human Rights and the Prevention of Genocide.

170. In the light of the foregoing, Burundi affirms that the progress already made in implementing the International Convention on the Elimination of All Forms of Racial Discrimination is satisfactory. The Government reiterates its commitment to the cause of human rights, justice, peace and development for all.

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