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Burundi

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I. Introduction

1. This, the fourth report of Burundi, was prepared by the Interministerial Standing Committee for the Drafting of Initial and Periodic Reports,¹ which reports to the Ministry responsible for human rights.

2. The following methodology was used to produce the report: (i) documentary research; (ii) consultations with both State and non-State actors working in the field of human rights; (iii) processing of the data obtained; (iv) holding of pre-validation meetings; and (v) national validation involving all human rights stakeholders.

3. Regarding consultations, two workshops on capacity-building and follow-up to universal periodic review recommendations were successively organized in 2019 and 2021. A workshop to launch the national consultations on the report of Burundi for the fourth cycle of the universal periodic review was held in 2022.

4. The report was reviewed and validated at a workshop held in January 2023, with participation by members of the Standing Committee, development partners and civil society organizations working to promote human rights.

II. Description of Burundi

5. Burundi straddles the line between East Africa and Central Africa. It borders Rwanda to the north, Tanzania to the south and east and the Democratic Republic of the Congo to the west. It covers a surface area of 27,834 km², including territorial waters. It is located at S 3°22'34" and E 29°21'36".

6. The population of Burundi was estimated at 11,495,438 inhabitants in 2017 and could reach 14.9 million by 2030,² with a natural growth rate of 2.4 per cent per year, an average household size of 4.8 people and a total fertility rate of nearly 5.9 children per woman.³

7. In terms of politics, Burundi adopted a new Constitution by referendum on 17 May 2018. It held peaceful and transparent elections in 2020, which resulted in the establishment of democratically elected institutions. Furthermore, Burundian refugees have continued to return voluntarily to their native country since 2018.

8. As regards the economy, Burundi devised the National Development Plan for 2018–2027, which features an innovative process for the structural transformation of the economy.

III. Evaluation of implementation of the recommendations issued in the third cycle, in 2018, and new developments

A. Legal and institutional framework

1. Legal framework

9. With regard to the legislative and legal matters, the Government of Burundi has adopted several laws to strengthen the promotion and protection of human rights. These include:

- Act No. 1/03 of 10 January 2018 on the promotion and protection of the rights of persons with disabilities;
- Act No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure;
- Act No. 1/19 of 14 September 2018 amending Act No. 1/15 of 9 May 2015 regulating the press in Burundi;
- Act No. 1/022 of 6 November 2018 amending Act No. 1/18 of 15 May 2014 on the establishment, terms of reference, composition, organization and functioning of the Truth and Reconciliation Commission;

- Act No. 1/08 of 13 March 2019 amending Act No. 1/26 of 15 September 2014 establishing the Special Land and Property Court and setting out its terms of reference, composition, organization, functioning and procedure;
- Organic Act No. 1/11 of 20 May 2019 amending Act No. 1/56 of 4 June 2014 on the Electoral Code;
- Act No. 1/07 of 12 March 2020 amending Act No. 1/012 of 3 March 2018 on the Burundi Health-Care Services Code;
- Act No. 1/11 of 8 May 2020 regulating the practice of pharmacy and medicine for human use;
- Act No. 1/12 of 12 May 2020 on the Burundi Social Protection Code;
- Act No. 1/06 of 17 July 2020 on the Burundi Insurance Code;
- Act No. 1/07 of 29 October 2020 amending Act No. 1/22 of 30 December 2011 on the reorganization of the Burundi higher education system;
- Act No. 1/09 of 13 November 2020 amending Act No. 1/08 of 28 April 2011 on the general organization of the public administration;
- Act No. 1/11 of 24 November 2020 amending Decree-Law No. 1/037 of 7 July 1993 amending the Burundi Labour Code;
- 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. 1/06 of 19 March 2021 on the Chemicals Management Code;
- Act No. 1/09 of 25 March 2021 amending the Burundi Environmental Code;
- Act No. 1/19 of 17 June 2021 amending Act No. 1/24 of 10 September 2008 on the Burundi Investors' Code;
- Act No. 1/025 of 25 November 2021 regulating migration in Burundi;
- Act No. 1/09 of 14 March 2022 amending certain provisions of Act No. 1/12 of 12 May 2020 on the Burundi Social Protection Code;
- Act No. 1/10 of 16 March 2022 on the prevention and punishment of cybercrime.

2. Institutional framework

10. An institutional framework favourable to respect of human rights has been established and strengthened since 2018. The mandates of the Office of the Ombudsman and the Truth and Reconciliation Commission were renewed in 2022.

11. The Independent National Human Rights Commission was reaccredited with A status by the Global Alliance of National Human Rights Institutions in June 2021, showing full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Every year, the Government has continued to increase the budget allocated to the Commission, which allows it to strengthen its activities and improve the functioning of its offices.

12. The Government has continued to strengthen national human rights institutions and mechanisms, by: (i) decentralizing the office of the Ombudsman at the provincial level; (ii) strengthening the financial and human resources of the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Crimes against Humanity; (iii) re-establishing the Council of Colline Dignitaries;⁴ (iv) establishing a department for the prevention of gender-based violence and holistic care of victims under the Ministry of National Solidarity, Social Affairs, Human Rights and Gender; (v) establishing a directorate for the promotion of migrant employment;⁵ and (vi) creating a national committee for persons with disabilities.⁶

13. Other measures taken by the Government of Burundi to make public services more efficient, transparent and accountable include: (i) the launch of the National Development Plan 2018–2027; (ii) the introduction of the National Health Development Plan for the period

2019–2023; (iii) the establishment of 10 provincial one-stop service windows since 2019 to make it easier to obtain various administrative documents;⁷ and (iv) the launch of programmes of visits by members of the Government to all provinces of the country to listen to people’s grievances, on the instructions of the President.⁸

14. Additionally, regarding the institutional framework: the Ministry of Labour and Employment, in collaboration with the United Nations Development Programme, has set up an Internet portal to provide information on administrative procedures; Burundi has taken steps to improve public financial management, with an emphasis on transparency, monitoring and follow-up of current expenditures; the budget law for the year 2022–2023 was prepared with public finance management reforms aimed at migrating from line-item budgeting to programme budgeting; colline (hill) and communal institutions have gained experience in strengthening local governance in Burundi; all administrative reforms have included gender mainstreaming; the Youth Investment Bank and the Women’s Investment and Development Bank were established; and the Burundi Development Agency was created.

B. Right to equitable justice

15. Burundi is a State governed by the rule of law, and its Constitution and laws guarantee the right to equitable justice upheld by an independent judicial authority. The Ministry of Justice has made this one of the guiding principles of its policy for the period 2016–2020. Everyone has the right to an effective remedy before the courts.⁹

16. This vision is reflected in the Ministry of Justice policy document for the period 2016–2020, which states that equality of citizens before the law means that everyone has equal access to the system of justice for the recognition of his or her rights. In this regard, it is worth noting Decree No. 100/203 of 17 September 2021 on the missions, organization and functioning of the permanent secretariat of the Supreme Council of Justice; Decree No. 100/259 of 18 November 2021 on the appointment of the members of the permanent secretariat of the Supreme Council of the Justice; and Decree No. 100/075 of 27 June 2022 on the appointment of certain members of the Supreme Council of Justice. There are also 134 *tribunaux de residence* (local courts) located in 119 communes in the country, with one per commune, except for four rural and three urban communes which have more than one. There are 20 *tribunaux de grande instance* (courts of major jurisdiction); each province has one, with the exception of Bujumbura Mairie, which has three. A total of seven courts of appeal are located throughout the territory, in Bujumbura, Ntahangwa, Muha, Bururi, Makamba, Gitega and Ngozi.

17. In addition to these ordinary courts, there are several special courts, including labour tribunals, commercial courts, the Administrative Court, the Anti-Corruption Court, the Special Land and Property Court, and the military courts. The highest is the Supreme Court, while the Constitutional Court oversees the constitutionality of laws.

18. Further significant advances have been made in terms of access to justice. In April 2018, Burundi adopted the national strategy of legal aid. The strategy’s aim is to help improve access to justice for the population in general and for vulnerable individuals and groups in particular, by establishing and implementing legal aid mechanisms using a harmonized approach, drawing upon synergies and complementarities between various State and private actors.

19. More than 8,532 vulnerable and disadvantaged people, including 3,620 women, 417 persons living with disabilities and 321 Twa people,¹⁰ have benefited from free legal aid and assistance from lawyers to defend their rights in court.

20. Similarly, 800 juveniles in conflict with the law have received legal assistance from lawyers or have benefited from favourable conditions of detention in rehabilitation centres.

21. In addition, more than 59,000 people, including 31,000 women, have been involved in information and awareness sessions regarding their rights and judicial procedures and have participated in citizen consultations.

C. Right to life

22. Article 24 of the Constitution states that every human being has the right to life, and article 19 stipulates that the rights and obligations proclaimed and guaranteed by duly ratified international instruments on human rights are an integral part of the Constitution. The fundamental rules in force are set out in articles 13 and 18.

23. The Code of Criminal Procedure contains a procedure to expedite prosecution of perpetrators of various offences, including those violating the right to life.¹¹ This special procedure is applied in the investigation and trial of cases where the perpetrator has been or is understood to have been caught in the act.¹²

D. Freedom of association, assembly, expression and opinion

24. Articles 27 and 28 of the Constitution guarantee freedom of expression. Between 2019 and 2022, 885 organizations were approved under those provisions.

25. Freedom of expression is also guaranteed under article 45 of the 2018 Press Act. Act No. 1/15 of 9 May 2015 regulating the press in Burundi was amended by Act No. 1/019 of 14 September 2018 to bring it more closely into line with human rights standards.

26. In 2021 and 2022, the Bonesha, BBC and Ikiriho media outlets and the website of IWACU, a newspaper, were reopened after being closed down in 2015 for breach of ethical standards. Discussions on the reopening of other private media outlets are ongoing. The media directory in Burundi includes 239 outlets of all types, and the national media register lists 1,218 journalists who have been issued with a biometric press card.

27. With less than six months before the 2020 elections, the intensity of clashes between activists of the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) party and activists of opposition parties, including the Congrès national pour la liberté (CNL), had diminished considerably, thus highlighting the progress made in ensuring relations of tolerance between political parties.

28. The rights of the political opposition have been strengthened through the consolidation of national mechanisms for good political governance, particularly the renewal of the political parties' forum, where political discussions take place.

29. Thus, on 30 October 2019, in Bujumbura, representatives of the 36 political parties registered in Burundi made a commitment to keep the peace during the 2020 electoral process.

30. On 11 and 12 August 2022, the President of the Republic, Mr. Evariste Ndayishimiye, opened a two-day retreat for political party leaders in Gitega with the theme "Political and economic governance in a democratic State".

31. The Government also called on political party leaders in exile who were not facing prosecution, and refugees in general, to return to their country to help prepare for the 2020 elections, as the Government committed to take all necessary measures to ensure their safety. Several of them have now returned to Burundi.

E. Prohibition of torture

32. Article 25 of the 2018 Constitution prohibits torture. Furthermore, articles 207, 208 and 209 of the Criminal Code of 2017 establish heavy penalties for acts of torture. Anyone who subjects a person to torture or other cruel, inhuman or degrading treatment is liable to 10 years' imprisonment and a fine of 100,000 to 1 million Burundi francs.

33. In order to prevent torture, the Ministry responsible for human rights and the Ministry in charge of security have organized training sessions for 4,434 State officials – including police officers, military personnel, judges, doctors, communal councillors and heads of zones (administrative subdivisions of communes) – who have a role to play in the investigation process.

34. Weekly radio broadcasts and social networking sites are used to raise public awareness. The law allows any approved association to join a victim's case or bring a complaint on a victim's behalf. The Centre for the Promotion of Human Rights and the Prevention of Genocide provides training to colline councils and heads of zones on the Convention against Torture and on the prevention and punishment of torture and ill-treatment. A total of 594 people have been trained since 2018.

35. There are training centres¹³ within the Burundian National Police that offer courses on human rights and the legal use of force.

36. In addition, the Ministry responsible for human rights organizes regular visits to places of deprivation of liberty in all the country's provinces in order to detect irregularities that lead to human rights violations. Since 2018, 398 visits have been carried out.

37. Between 2019 and 2021, the Independent National Human Rights Commission referred nine cases of torture to the Public Prosecutor's Office.

38. Since ratifying the Optional Protocol to the Convention against Torture in 2013, Burundi has made significant progress in establishing a national preventive mechanism. Two national consultations were held, in November 2020 and April 2021, which resulted in the preparation of a draft amendment to the law establishing the Independent National Human Rights Commission. The Commission has been designated to host this mechanism, and the Government is planning to complete the legislative process effectively establishing the national preventive mechanism.

F. Combating gender-based violence

39. Article 13 of the Constitution ensures equality and non-discrimination for all Burundians. Gender is taken into account during inquiries and investigations, in accordance with article 32 (3) and (4) and article 135 of Act No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure.

40. The Government has taken various measures to address all forms of gender-based violence and ensure that cases are properly handled: (i) special divisions and chambers have been created within public prosecutor's offices, courts of major jurisdiction and courts of appeal pursuant to article 416 of the Code of Criminal Procedure;¹⁴ (ii) special hearings of gender-based violence cases are organized and judges are trained in combating this crime, which has sped up proceedings and reduced the number of cases from 21,216 in 2017 to 14,852 in 2021; and (iii) red case file folders have been introduced for cases involving gender-based violence, to distinguish them from other cases.

41. Other significant advances made over the past five years include: (i) the implementation of the National Strategy to Combat Gender-based Violence and its action plan for the period 2018–2022; (ii) the establishment of a holistic care centre for victims of sexual and gender-based violence in the province of Rumonge, in 2020; (iii) the adoption by the Ministry in charge of security of a strategy to combat gender-based violence; (iv) the adoption of a policy to combat sexual or psychological violence and harassment in the workplace; (v) the creation of gender focal points in all police stations, courts and tribunals; (vi) dissemination and awareness-raising of the specific law on gender-based violence, since June 2017; (vii) the organization of "zero-pregnancy" campaigns in schools and the adoption of a policy for the reintegration of student single mothers; (viii) the provision of training equipment and tools (modules) to raise awareness among young people to combat early pregnancy and sexual promiscuity; (ix) the establishment of parent-teacher committees for a supportive and equitable school environment; and (x) the establishment and strengthening of school clubs to combat sexual and gender-based violence.

42. Other measures include: (i) the establishment of the 116 hotline for children who have suffered various forms of violence; (ii) the "Humura Kibondo" campaign, which has been conducted every year since 2017 to raise awareness among young people; (iii) the introduction of the early warning system for gender-based violence that sends out warning messages by telephone; (iv) the enactment of a law¹⁵ creating a centre of excellence for combating sexual and gender-based violence; (v) the organization of training for key actors

in the fight against sexual and gender-based violence, including investigating officers, members of the prosecution service and judges (85 judges received training on the guide for handling sexual and gender-based violence cases);¹⁶ (vi) the organization of awareness and training sessions for local actors, such as officials of the provincial departments for family and social development and local officials, on their responsibility and role in combating sexual and gender-based violence; (vii) the organization of large-scale annual “16 Days of Activism against Gender-Based Violence” campaigns by non-governmental organizations (NGOs) and public institutions; and (viii) the establishment in April 2021 of a department for combating sexual and gender-based violence under the Ministry of National Solidarity, Social Affairs, Human Rights and Gender.

43. It should be noted that socioeconomic violence is more common than other types of sexual and gender-based violence.¹⁷

44. Burundi has taken various measures to step up the fight against all forms of violence and discrimination against women and girls, including the introduction of a regular dialogue mechanism organized by the National Women’s Forum and other organizations combating gender-based violence and the revival of joint security committees and community mediation committees to prevent such violence.

45. In 2020, in order to prosecute the perpetrators of gender-based violence, studies on acts of violence against women and girls, including physical violence, rape and torture, were conducted with the involvement of men. In 2021, an evaluation of social norms in Burundi was also carried out. All these studies were intended to better define various forms of violence, propose strategies involving men to combat such violence and suggest preventive measures.

46. Further measures carried out to bring perpetrators to justice and investigate allegations of violence against women include the reform of the justice system and police services, with the support of NGOs and the United Nations system. This support comprised the establishment of decentralized offices of the Police Unit for the Protection of Minors and Morality, which is responsible for combating sexual and gender-based violence in other provinces of the country from its headquarters in Bujumbura; the establishment of 12 legal clinics; and the introduction of mobile courts to reduce the backlog of sexual and gender-based violence cases.

G. Trafficking in persons

47. In order to prevent and punish trafficking in persons, Burundi set up a consultation and monitoring commission in 2022, established the Department for Migrant Employment in 2021, created the Directorate for Migration and Labour, and extended the opening hours of the child assistance hotline from 3.30 p.m. to 8 p.m.

H. Right to education

48. The Government has continued implementing measures to provide free basic education and school kits for students from poor families. The net enrolment rate increased significantly in 2020–2021 in rural and remote areas. The gross enrolment ratio recorded in Burundi is over 100 per cent.

49. From 2018 to 2020, the gross enrolment ratio increased by 2.8 per cent for the age group between 6 and 11 years of age and by 2.3 per cent for the age group between 7 and 12. This ratio reflects the fact that many children who are not of school age or who enter the system late or repeat their studies are still in the system.¹⁸

50. In addition, the Government has provided free teaching materials and has helped with the operation of school canteens at some schools.

51. On average, teachers are responsible for 60 students in the first three cycles of the public school system. Of the 18 provinces, 10 have pupil-to-teacher ratios exceeding the national average, which is still far from the target of 52 pupils per teacher recommended in

2015 by the plan for the development of education and training. The total number of teachers is 38,428, of whom 21,847 are women and 16,581 are men.¹⁹

52. With regard to inclusive education, article 9 (8) of Decree No. 100/090 of 28 October 2020 on the missions, organization and functioning of the Ministry of Education and Scientific Research established an office of inclusive education in the specialized offices and structures directly reporting to the Minister. Among the main achievements in establishing and supporting inclusive education in Burundi are the following: (i) in 2020, creation of the Referral Centre for Inclusive Education, in Kigobe; (ii) in 2020, development of three harmonized guides to inclusive education (a guide to inclusive education, a harmonized guide in Braille and a harmonized guide in sign language); and full financial coverage for Batwa students attending residential schools.

53. Teachers at the Referral Centre and other inclusive education schools have received training in how to work with and give guidance to children with disabilities and instruction in sign language and Braille, and students have been provided with adapted teaching materials.

54. Challenges remain in the field of education, including: a lack of material adapted to each type of disability; inadequacy of equipment at the Referral Centre; a lack of information on inclusive education and an insufficient budget to support it; irregular monitoring and evaluation of pilot and satellite schools; and the fact that some parents hide their children with disabilities or children with special needs.

I. Right to health

55. The right to health is enshrined in article 55 of the Constitution. The Government, through the National Health Policy 2016–2025, aims to ensure the continuous improvement of the health status of the population. It has continued to provide free care for children under 5 and for pregnant mothers until delivery and to strengthen the community health worker system.

56. Free health care is also provided for retirees and their dependents. Other policies are also being developed, including the extension of social security coverage to the informal sector and the implementation of universal health coverage. The Government can also be credited with ensuring that communal hospitals are within reach of the public, with the establishment of community mutual health insurance organizations and with the implementation of the COVID-19 screening campaign.

57. Lastly, a health financing strategy is currently being drawn up. In 2018, Burundi adopted a National Strategic Plan against AIDS for 2018–2022, whose main priorities are related to the global strategies of the HIV/AIDS response.

J. Right to work

58. Act No. 1/11 of 24 November 2020 amending the Labour Code introduced some significant innovations, including the following: the Act makes the Code applicable to the informal sector and extends its coverage to encompass domestic workers, apprentices and trainees; it promotes and protects the rights of persons with disabilities and prohibits child labour, including its worst forms; it improves health and safety at work and introduces occupational medicine and requirements relating to the work environment, personal protective equipment and firefighting measures into the Code.

59. While Burundi has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it has already established a National Policy on Migration and Labour.

60. As an extension of this policy, Burundi has negotiated and signed agreements with different countries for the protection and mobility of workers. A Department for Migrant Employment has been created; it works under the coordination of the Ministry of Foreign Affairs and Development Cooperation.

K. Right to housing

61. In March 2020 the Government established the Burundian Housing Office, which is responsible for the acquisition of land parcels and the installation of utilities services and for the construction of social housing. A national Zero Nyakatsi Policy (No Straw Houses Policy) was drawn up for 2022 to provide access to decent housing for vulnerable populations.

62. The Government continues to routinely provide metal roofing to persons in vulnerable situations and to build houses for victims of natural disasters and for displaced people. There are also social housing financing institutions such as the Banque de l'Habitat du Burundi. All of the above is aimed at meeting the objectives of the National Social Protection Strategy.

L. Women's rights

63. Burundi has made significant progress in improving the social and cultural status of women in the family and in society. Women and Girls Days and an open-doors day dedicated to Security Council resolution 1325 (2000) on women and peace and security are celebrated annually under the patronage of the highest authorities of the country, in this case, the First Lady and the President.

64. Regarding the promotion of women's and men's potential in the economy, informal mechanisms providing women with access to community credit have been developed by the various partners involved in promoting the economic standing of women. For example, the "Nawe Nuze" village savings and loan association approach has been popularized nationwide. In 2018, the Ministry in charge of gender, in cooperation with its development partners, established a National Women's Economic Empowerment Programme 2019–2027, whose overall objective is to contribute to strengthening women's access to resources. The Women's Investment and Development Bank was created and has been in operation since March 2022, with a share capital of 10 billion Burundian francs.

65. With regard to equitable participation in decision-making bodies and State institutions, some important innovations for women's political participation have been introduced in the Constitution, thus breaking with the past. A quota has been set whereby at least 30 per cent of high-level political positions must be held by women.

66. After the 2020 general elections, 41 per cent of the seats in the Senate and 38 per cent of the places in the National Assembly were held by women, and 33 per cent of the members of the communal councils and 36 per cent of the communal executives were women.

67. At the level of the collines (hills), despite the absence of a law setting a quota, some progress has been made in terms of women's representation on the local councils, albeit slowly: 17 per cent of the membership of colline councils was held by women in 2015, versus 19 per cent in 2020. Since 2020, 5 of the 15 members of the Government, or 31 per cent, have been women.

68. Excluding figures for five provinces, namely Cibitoke, Ngozi, Kayanza, Rumonge and Bujumbura, whose details are not yet available from the Ministry of Justice, the number of women elected at the level of the colline administrations in the 13 other provinces is 6,787, as opposed to 20,616 men. Gitega is the province where the most women were elected, with 1,342 women (and 2,638 men). Cankuzo Province has the lowest number, with 231 women and 1,073 men elected.

69. The constitutional reform of 7 June 2018 set a new milestone by imposing a threshold for political parties when they draw up candidate lists for election to the parliament. According to the Constitution and the 2019 Electoral Code, political parties and coalitions are required to have at least one woman in every group of three candidates on a list.

70. The Electoral Code of May 2019 specifies that 30 per cent of the membership of communal councils must be female. NGOs have carried out activities in this field, including the following: advocating for the amendment of certain articles of the 2018 Constitution to favour women's political participation; raising awareness of potential women candidates to stand for election and be elected in the 2020 elections; and carrying out advocacy and

lobbying with elected officials and decision makers to increase the quota of women in decision-making bodies.

71. Measures have been taken to remove obstacles to women's emancipation, for example through the establishment of communal land registries allowing women to register jointly with their husbands as landholders and to thus have full rights to the use of the land. Land is not merely a means of production; it is also an important tool to access credit and other funding. The certification of women's land rights has been a positive step in the evolution of customary practices. Not only does it make it possible to bolster community awareness of the land issues that women face and to develop a community discussion of such issues; it also makes it possible to validate and strengthen women's rights, especially in terms of access to mortgages with financial institutions.

72. Certain laws are being amended to ensure equal rights for men and women. These include the Persons and Family Code, with a strengthening of the position of women in the family, the home and the community and the removal of all provisions that discriminate against women; the law establishing the Criminal Code, bringing it into line with the Act on the prevention and repression of gender-based violence and the protection of its victims; and the Nationality Code, with the removal of its provisions that are discriminatory against women.

73. Budget lines have been allocated for implementation of the National Gender Policy, in support of resolution 1325 and the fight against violence against women, and for the empowerment of women. Such allocations are revised upwards every year. The Directorate-General for the Advancement of Women and Gender Promotion has sufficient staff to implement action undertaken pursuant to the National Gender Policy, resolution 1325, the National Strategy to Combat Gender-based Violence and the National Programme for Women's Economic Empowerment. Some of the tools adopted to remove the obstacles to empowerment encountered by women include the National Programme for Women's Economic Empowerment 2021–2027 and the establishment of the Women's Investment and Development Bank in 2022 and the Youth Investment Bank in 2021.

M. Children's rights

74. Burundi has made significant progress in the administration of juvenile justice. For example, the 2018 Code of Criminal Procedure introduced innovations in preliminary investigations, investigations, prosecutions and trials of juveniles (arts. 280–291). These include the following: (i) mandatory legal assistance for children during all phases of the proceedings, (ii) mandatory accompaniment of the child by parents or relatives, (iii) mandatory investigation of the child's social situation, (iv) mandatory separation of minors from adults in detention, (v) expeditious processing of juvenile cases, with the introduction of orange case file folders, (vi) establishment of specialized juvenile court chambers and sections, (vii) introduction of in camera court sessions for criminal cases involving minors, and (viii) creation of a third centre for the re-education of juveniles who are in conflict with the law, specifically for girls.

75. Similarly, in 2020, the Ministry of the Interior, in cooperation with the Stamm Foundation and with the support of UNICEF, launched a birth registration campaign in Ruyigi Province. In Burundi, child labour is prohibited by various texts, including the Labour Code, article 10 of which stipulates that the age of admission to work is 16 years.

76. Burundi is also continuing with the implementation of (i) the National Child Protection Policy 2020–2024; (ii) the National Strategy for Alternative Care for Children; (iii) the Minimum Standards for Children at Institutions or Children Deprived of a Family Environment; (iv) a strategy to combat the phenomenon of street children and begging by adults and for the reintegration of the affected persons in the community.

77. Burundi has launched a campaign to remove and reintegrate children in their families, with vocational training, a process carried out in the best interests of the child. To make this process sustainable, the Government has worked in synergy with its partners. A standard

operating procedure is also being applied for the case management of children in difficult situations, i.e., unaccompanied minors and/or children separated from their parents.

N. Rights of the Batwa Indigenous Peoples

78. The Constitution protects all citizens against discrimination in its articles 13 and 22. The Batwa enjoy the same civil and political rights as other citizens. The Constitution reserves for the Batwa three seats in the National Assembly and three in the Senate.

79. Burundi also adopted a measure in 2022 aimed at promoting the schooling of Batwa children by admitting to boarding schools all Batwa pupils who pass a national competitive examination. For the 2021/22 school year, of the 117 Batwa candidates who took the national competitive examination, 103 passed.²⁰

80. In addition, the Batwa have a seat in the Parliament of the East African Community; a minister in charge of human rights is from the Batwa ethnic group and there are representatives of the Batwa in other Burundian institutions.

81. Burundi also continues to provide free health care to disadvantaged Batwa families and children. The Batwa are also taken into account in the villagization policy. Among the other positive measures taken by the Government there is the distribution of land to the Batwa to help them improve their living conditions.

82. The State also covers the costs of hospitalization and of regularization of civil status documents, such as marriage certification and birth registration.

83. In addition, a support project for the social safety takes into account social equilibrium in targeting beneficiaries and includes the Batwa.

84. Burundi has developed and validated a national strategy for the socioeconomic inclusion of the Batwa in the period 2022–2027; it is currently in the process of being adopted.

O. Rights of persons with disabilities

85. The Government has made significant efforts in the area of the rights of persons with disabilities. Act No. 1/03 of 10 January 2018 on the promotion and protection of the rights of persons with disabilities and Decree No. 100/125 of 9 August 2019 on the creation, mission, composition and functioning of the National Committee on the Rights of Persons with Disabilities are worthy of mention. On 28 April 2022, Burundi also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

86. In addition, articles 183–186 of the Labour Code of 2020 makes certain provisions for the promotion of the rights of persons with disabilities.

87. At the institutional level, Burundi has adopted a National Policy on the Rights of Persons with Disabilities and an action plan for the policy for 2020–2024.

88. The establishment of a department responsible for inclusive education within the Ministry of Education is an important pillar for promotion of the right to education of children with disabilities.

P. Rights of people living with albinism

89. In Burundi, there is no clearly defined policy to protect albinos. However, the State, in cooperation with its development partners, is organizing awareness and advocacy campaigns to change both the way society considers people with albinism and the all too often negative perception they have of themselves. Legal action has been taken to repress crimes committed against this category of the population.

Q. Displaced persons, refugees and returnees

90. Burundi adopted a national strategy for the socioeconomic reintegration of disaster victims for 2017–2021; the strategy for 2023–2027 is currently being drawn up.

91. After the 2020 presidential election, the refugee return movement picked up speed in the context of the priorities set by the Government to bring citizens together for development work, leaving no one behind. Burundi has thus made considerable efforts, reaching out to Burundian refugees in refugee camps in Rwanda, the Democratic Republic of the Congo and Tanzania in order to raise their awareness of the possibility of a voluntary return to their country.²¹ Burundi already welcomed home more than 68,000 households, with 205,000 returnees, from 2017 to 30 September 2022, including more than 19,000 returnees in 2022.

R. Persons displaced by climate change

92. Burundi is one of the countries hardest hit by climate change, and this has led to much internal displacement. Environmental disasters have resulted inter alia from torrential rains, floods, landslides, hailstorms and high winds which have taken a human and material toll in various parts of the country.

93. From 2018 to May 2021, 268,659 people were affected by natural disasters, including 99,060 displaced persons. Of the total numbers of people affected and displaced, 22 per cent and 23 per cent, respectively, faced this situation in 2021.

94. However, the year with the largest number of affected people was 2020, with 95,199 people affected, including 44,222 displaced persons. The provinces of Bujumbura, Bujumbura Mairie, Rutana, Bubanza, Cibitoke and Ngozi have been the most heavily affected.²²

95. The area of Gatumba, in the Mutimbuzi commune of Bujumbura Province, has been doubly affected by the overflow of the Rusizi and Kajeke rivers and the rising of Lake Tanganyika. It accounts for more than half of the people affected (40,673 out of a total of 52,180 people affected).

96. For the past decade, the Gatumba area has been experiencing cyclical flooding. Almost every neighbourhood in the area is regularly flooded. When this year's floods came, 1,733 households (nearly 5,000 people) were still living in displaced persons' sites awaiting long-term solutions. There was a significant impact on the provision of goods and services as a result of the considerable destruction of economic, health and school infrastructure.

97. The 2018–2027 National Development Plan calls for the promotion of development resilient to the adverse effects of climate change. Also, a 2018–2021 action plan has been drawn up in relation with the 2018–2025 National Disaster Risk Reduction Strategy.

98. The Government would also point to the establishment of a multi-hazard emergency preparedness and response contingency plan for the period 2020–2021, which was followed by provincial and communal contingency plans. Moreover, on the eve of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 24) held in Katowice, Poland from 2 to 15 December 2018, the Government of Burundi again demonstrated its will to contribute to the reduction of anthropogenic greenhouse gas emissions, for example by implementing a large-scale reforestation programme entitled “Ewe Burundi Urambaye” (“Burundi Re-covered”).²³

99. The Government also established a National Emergency Operations Centre with the mission of coordinating all the State and non-State actors covered by the national contingency plan in carrying out emergency relief operations.

100. For the people displaced internally since 1993 who are still in displaced persons' sites, the awareness campaign launched in 2018 has produced better results. The administrative authorities have continued to raise awareness and the Ministry often provides metal roofing to these households when they return to their collines. The internally displaced people choose freely among various options, which are: (i) to return home; (ii) to integrate locally; or (iii) to relocate elsewhere in the country.

101. These three long-term solutions require a coordinated commitment on the part of all the partners from the different sectors to three principles: the right of internally displaced people to choose the long-term solution they prefer individually and freely; a guarantee for internally displaced people of the right to have access to land; and a guarantee of social cohesion with the host or welcoming community in order to prevent the emergence of new tensions or conflicts and finally heal the social wounds left open by the conflict.

102. When they are received at a transit centre, returnees receive emergency assistance. After undergoing all the verification and registration procedures, they receive a return kit consisting of a three-month supply of food, non-food supplies and an amount of cash assistance, which on 1 October 2020 was raised to US\$ 75 for a child and US\$ 150 for an adult. According to information updated on 20 October 2021, 180,122 people had been settled at various locations across the country.

S. Transitional justice

103. The Truth and Reconciliation Commission that Burundi established by Act No. 1/18 of 15 May 2014 is actively investigating and establishing the truth about serious human rights violations that occurred from 1886 (in the colonial era) until 2008.

104. The Truth and Reconciliation Commission drew up five reports on its activities in 2020, which it called a “year of discovery”. This major work was facilitated by testimonies from a number of people who experienced the 1972 genocide.

105. In 2020 and 2021, the Truth and Reconciliation Commission conducted its investigations mainly in 10 provinces: Gitega, Karusi, Rumonge, Makamba, Bururi, Muyinga, Kirundo, Bujumbura Mairie, Muramvya and Mwaro.

106. The Commission heard testimonies from a total of 986 people from these provinces.²⁴ In its 2021 progress report, the Commission stated that of the more than 690 mass graves that had been reported, 190 had been confirmed. In the 190 mass graves, the Commission had discovered the remains of 19,897 people. The 1972 massacres were described as a genocide against the Hutus.

T. Cooperation with international human rights mechanisms

107. Burundi continues to implement the accepted recommendations of the committees of independent experts that monitor implementation of international human rights treaties.

108. Burundi reaffirms its commitment to work with all United Nations bodies, including the Human Rights Council. It cooperates with human rights bodies and mechanisms at both the regional and international levels.

109. It also established, by Ministerial Order No. 225/1361 of 18 November 2021, revising Order No. 225/559 of 17 June 2021, a Interministerial Standing Committee for the Drafting of Initial and Periodic Reports, with the aim of producing reports of high quality and following up on the implementation of recommendations made by such mechanisms.

IV. Conclusion

110. In the light of the previous report, issued in 2018, this report demonstrates that Burundi has made significant progress in the promotion and protection of human rights. There is indeed a strong political will on the part of the Government to improve the human rights situation, a will expressed in concrete terms through the adoption of legislative, judicial, social and administrative measures. These include increased pensions for retirees, the inclusion of the rights of domestic workers in the new Labour Code, the establishment of banks for women and young persons and the creation of health centres and hospitals in each commune.

111. However, some major challenges lie ahead. Some of these challenges include poverty, which directly results in an increase in begging by children and adults; the phenomenon of

street children; the amendment of certain laws, such as the Persons and Family Code; and corruption, the eradication of which will require even greater efforts on the part of the Government.

112. Despite these challenges, the Government reiterates its commitment to continue the fight against poverty by encouraging Burundians to make more efforts in the development of their families and their country.

Notes

- ¹ Ordonnance ministérielle n° 225/1361 du 18 novembre 2021 portant révision de l'Ordonnance n° 225/559 du 17 juin 2021 portant la mise en place du Comité Permanent de rédaction des rapports initiaux et périodiques des Conventions ratifiées par le Burundi.
- ² PND 2018–2027.
- ³ RGPH, EDS III 2016–2017.
- ⁴ Loi n°1/03 du 23 janvier 2021 portant complément des dispositions du Code de Procédure Civile relative à la Réinstitution du Conseil des Notables de la Colline.
- ⁵ La loi n°100/053 du 01 septembre 2020 portant mission et organisation du ministère des affaires étrangères et de coopération au développement.
- ⁶ Décret n° 100/0125 du 9 août 2019 portant création, missions, composition et fonctionnement du Comité national pour les Droits des personnes handicapées au Burundi.
- ⁷ (Ngozi, Muyinga, Gitega, Mwaro, Bururi, Makamba, Rutana, Kayanza, Cibitoke et Bubanza)
- ⁸ Retraite Gouvernementale de deux jours du 03 au 04 janvier 2023 à Kayanza.
- ⁹ Ministère de la Justice, Politique sectorielle du Ministère de la Justice 2016–2020, Bujumbura, janvier 2016, p.13.
- ¹⁰ Peuple autochtone du Burundi.
- ¹¹ Loi n° 1/09 du 11 mai 2018 portant modification du Code de procédure pénale.
- ¹² Articles 268 à 279 du Code de procédure pénale.
- ¹³ Institut Supérieur de Police, Ecole des Sous-Officiers de Police, les centres d'Instruction pour les agents de police.
- ¹⁴ Article 416 du CPP la mise en œuvre.
- ¹⁵ Une ordonnance no 225.01/36 du 25 janvier 2019 portant création, missions, organisation et fonctionnement d'un centre d'excellence sur la lutte contre les Violences Sexuelles et Basées sur le Genre.
- ¹⁶ Modules de formation sur les VSBG dispensés au niveau de l'ISP, de l'EBPO et des CI.
- ¹⁷ Voir tableau n °1 en annexe.
- ¹⁸ See appendix, table 2.
- ¹⁹ See appendix, table 3.
- ²⁰ <https://www.rtnb.bi>.
- ²¹ See appendix, table 2.
- ²² United Nations Office for the Coordination of Humanitarian Affairs, July 2021.
- ²³ “Burundi Re-covered”.
- ²⁴ <https://abpinfos.bi>.