



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of Burundi*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of the Constitution of 7 June 2018 and in view of the information provided in the State party's third periodic report (paras. 17–19),¹ please provide examples of any cases in which the courts have invoked or directly applied the provisions of the Covenant. Please also provide updated information on the ratification process for the two Optional Protocols to the Covenant. Please indicate the measures taken or envisaged to encourage and develop the dissemination of the Covenant to the general public and the administrative and judicial authorities in the State party.

2. With reference to the Committee's previous concluding observations (para. 7)² and the information provided by the State party in its third periodic report (paras. 22–25), please provide updated information on measures taken to ensure that the Independent National Human Rights Commission is able to carry out its mandate fully, effectively and independently, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also indicate the financial resources allocated to it per year since 2014.

Anti-corruption measures (arts. 2 and 25)

3. Please comment on reports of persistent corruption in the State party, particularly in the context of the exploitation of natural resources, including in the mining sector; public infrastructure construction contracts; trafficking in persons, with the production of fake passports for victims of trafficking; and pharmaceutical imports; as well as in the context of persistent misappropriation of public funds, including funding from international development assistance. Please comment on the refusal by some members of the Government to comply with the obligation to declare assets. Please provide information on the number of investigations conducted into public officials involved in corruption cases and on the ensuing prosecutions and convictions. Please explain the decision set out in the draft organic law adopted by the National Assembly on 29 April 2021 to abolish the Anti-Corruption Court, its prosecutor's office and the Special Anti-Corruption Brigade and indicate the measures planned to replace them.

Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)

4. In view of the Committee's previous concluding observations (para. 8) and the information submitted by the State party regarding the decision to maintain the criminalization of homosexuality (paras. 26–27), please indicate the number of persons who have been arrested, detained and prosecuted for homosexuality during the period under

* Adopted by the Committee at its 132nd session (28 June–23 July 2021).

¹ CCPR/C/BDI/3.

² CCPR/C/BDI/CO/2 and Corr.1



consideration. Please provide information on the measures taken to combat discrimination and stigma based on sexual orientation or gender identity and specify the measures adopted to protect the persons subjected to it from violent assaults and harassment by public officials or private individuals and to uphold in practice their right of peaceful assembly and their right to freedom of expression.

5. In the light of the Committee's previous concluding observations (paras. 10–11) and the State party's third periodic report (paras. 33–39), please provide detailed information on the measures adopted to abolish legal provisions that are discriminatory against women, specifically in the Persons and Family Code (arts. 38, 88, 122 and 126). Please indicate why the bill on inheritance, matrimonial regimes and bequests, which was intended to reduce the unequal treatment of men and women entrenched in customary law in these areas, was not adopted. Please also provide information on the measures taken to increase women's participation in public affairs and the private sector, including in appointment-based decision-making bodies, *colline* (district) councils and decision-making positions. Please indicate what action has been taken to amend articles 2 and 4 of the State party's Nationality Code to allow Burundian women to pass on their nationality to their children or spouse on an equal footing with Burundian men.

Violence against women, including sexual violence (arts. 2, 3, 6, 7 and 26)

6. In view of the Committee's previous concluding observations (para. 12) and the State party's third periodic report (paras. 40–48), please provide information on the measures taken to combat domestic violence and gender-based violence, and specify: (a) the results of the implementation of Act No. 1/013 of 22 September 2016 providing for the prevention and punishment of gender-based violence and the protection of victims; (b) the number of investigations, prosecutions and convictions in cases of violence against women, indicating the sentences handed down; and (c) the measures taken to offer appropriate reparations to victims and their family members, including psychological support, social and legal assistance and rehabilitation services. Please also specify the targeted measures adopted by the State party to prevent and combat domestic violence against women during the coronavirus disease (COVID-19) pandemic.

7. In view of reports of sexual violence against women and girls committed as a means of intimidation in response to their own or a family member's actual or assumed membership of the political opposition, and allegedly perpetrated by members of the Imbonerakure (the youth league of the ruling party), officials of the National Intelligence Service and police officers, please provide information on the measures taken to: (a) prevent acts of sexual violence against women and girls, conduct investigations into such acts, prosecute and punish the perpetrators and provide appropriate reparations to victims, including comprehensive medical and psychosocial services; (b) raise awareness among public officials and the Imbonerakure about the prohibition of any form of violence against women and girls; and (c) rule out any amnesty for such offences. Please provide information on the measures taken to prevent sexual violence from being committed by teaching staff against girls in school settings and to prosecute and punish the perpetrators of such acts.

Voluntary termination of pregnancy (arts. 3, 6 and 7)

8. Please describe the measures taken by the State party to decriminalize abortion, particularly in cases of incest and rape or when the pregnancy puts the mother's life and health at risk, and in cases of fetal impairment. Please also indicate what measures have been taken to ensure safe, legal and effective access to abortion and provide information on the estimated annual number of clandestine abortions, including during the COVID-19 pandemic.

Coronavirus disease pandemic (art. 6)

9. Please explain the measures taken to address the COVID-19 pandemic and, in particular, comment on reports that the State party has neglected to conduct a prevention, awareness-raising and public protection programme in response to COVID-19. Please provide accurate statistics on the number of infections and deaths due to COVID-19.

Right to life and combating impunity (art. 6)

10. Please respond to allegations that numerous cases of enforced disappearance and extrajudicial executions are attributable to officers of the National Intelligence Service, police or armed forces and members of the Imbonerakure, whose victims are primarily political opponents. These violations, which intensified during the demonstrations of 2015, the constitutional referendum of May 2018 and the elections of May 2020, continue to take place in July 2021. In this regard, please provide information on: (a) the measures taken to determine the fate and whereabouts of the disappeared persons; (b) the investigations carried out, the prosecutions conducted and the convictions handed down, as well as the penalties imposed on the perpetrators; and (c) the measures adopted to ensure that the victims' families have access to justice and appropriate reparations.

11. Please comment on reports that the authorities immediately bury bodies bearing signs of a violent death, without identifying them, notifying the families or opening investigations into the circumstances of the deaths. Please provide information on the investigations conducted into the suspected cases of summary execution in the Nyakabiga, Musaga, Mutakura, Cibitoke, Jabe and Ngagara areas during the events of 11 December 2015 and the burial of the victims' bodies in mass graves and on the cases of summary execution in three communes of Bujumbura Province (Isale, Kanyosha and Nyabiraba) between 19 and 23 February 2020. Please also provide information on the case of Pascal Ninganza and two other persons reportedly killed by police officers on 15 April 2020.

12. In view of reports that the Truth and Reconciliation Commission lacks effectiveness and independence, that the right to an effective remedy is not upheld in practice for the great majority of victims of human rights violations and that the alleged perpetrators of such violations go unpunished, please describe the measures taken to: (a) ensure access to justice for victims of human rights violations, including through the establishment of independent mechanisms to investigate all allegations of violence committed by public officials and members of the Imbonerakure; (b) facilitate the filing of complaints and protect the complainants, victims and witnesses of such violations from reprisals; and (c) guarantee appropriate reparations for victims.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7 and 10)

13. Please comment on reports of a high number of incidents of torture and ill-treatment, including sexual violence against women and men, committed in the detention facilities of the police and the National Intelligence Service, in unofficial places of detention and in public places. In this regard, and bearing in mind the Committee's previous concluding observations (para. 14), please indicate the number of complaints received, investigations conducted, prosecutions carried out and convictions handed down, the penalties imposed and the reparations granted to victims or their families. Please explain why the new Code of Criminal Procedure of 2018 no longer provides for the establishment of a compensation fund for such victims. Please provide information on the measures adopted to incorporate in the Military Criminal Code provisions that would make acts of torture and ill-treatment committed by military personnel a criminal offence.

14. In the light of the Committee's previous concluding observations (para. 18) and the State party's third periodic report (paras. 88–94), please provide information on the measures taken and the follow-up mechanisms put in place to improve living conditions and the treatment of inmates in all the country's places of deprivation of liberty, especially with regard to prison overcrowding, the lack of sanitation services and adequate food and the lack of access to medical services and drinking water. Please describe the protection and prevention measures taken in prisons in the context of the COVID-19 pandemic, in particular those taken to protect the most vulnerable inmates. Please provide information on the mechanisms for monitoring places of deprivation of liberty and the measures taken to establish a national mechanism for the prevention of torture, in line with the commitments undertaken by the State party pursuant to its accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in October 2013.

Liberty and security of person (arts. 9 and 14)

15. In the light of allegations of numerous cases of arbitrary detention, including of minors, mainly targeting political opponents, please describe the measures taken to ensure that the public officials responsible for these incidents are punished, the individuals who have been arbitrarily detained are released and the victims receive appropriate reparations. Given the information in the State party's third periodic report (paras. 79–82) about the standing commission responsible for monitoring the prison and judicial records of prisoners, please provide updated information on the conditions for receiving a presidential pardon in recent years, indicate the total number of prisoners released compared to the projected number of beneficiaries of such pardons and comment on reports that not all the eligible prisoners were released. Please indicate the measures adopted to reduce the disproportionate use of pretrial detention, to reduce the use of police custody and to limit its duration to 48 hours.

Trafficking in persons (arts. 6, 7, 8 and 24)

16. In view of the information provided by the State party in its third periodic report (paras. 70–75), please provide information on the implementation of Act No. 1/28 of 29 October 2014 providing for the prevention and punishment of trafficking in persons and protection for victims of trafficking and respond to reports that trafficking in persons persists, particularly for the purposes of sexual exploitation, domestic servitude and begging. In this regard: (a) please provide detailed information on the investigations carried out, prosecutions conducted and convictions handed down; and (b) please describe the mechanisms established to identify and protect victims of trafficking in persons, including children, and to put in place an effective system of assistance and support for victims, including specialized shelters with sufficient resources.

Displaced persons and refugees (arts. 6, 7, 12, 13, 16 and 26)

17. Please provide information on the situation of the many internally displaced persons, including those displaced by natural disasters, and specify the measures adopted to guarantee their return in satisfactory conditions and protect them from all forms of violence, including sexual violence and the exploitation of displaced women and girls.

18. Please comment on reports that members of the Burundian political opposition have been tracked down among refugees and asylum seekers in the United Republic of Tanzania by Burundian intelligence officers and subjected to forced return, intimidation, arbitrary detention and enforced disappearance. Please also comment on reports of Burundian refugees and returnees being subjected to intimidation, extortion and arbitrary detention when they return voluntarily to their country. In this regard, please provide information on the practical measures taken to ensure the life and safety of Burundian refugees when they return to Burundi, investigate and punish the perpetrators of the aforementioned violence and promote the reintegration of Burundian refugees and returnees who return to their country.

Independence of the judiciary and access to justice (arts. 2 and 14)

19. Please explain whether the fact that the President of the Republic appoints judges and acts as president of the Supreme Council of Justice is compatible with the provisions of the Covenant. Please provide information on Organic Act No.1/02 of 23 January 2021, which empowers the Council to monitor the quality of judgments, rulings and other judicial decisions and the related enforcement measures (art. 3 (8)). In the light of the Committee's previous concluding observations (para. 19), please specify the measures taken to build the capacity of the judiciary, in particular to put in place procedures to protect it from interference by the executive branch and political influence, to combat corruption effectively and to provide the judicial system with the resources necessary for its operation.

Freedom of expression and the right of peaceful assembly (arts. 6, 7, 9, 18, 19 and 21)

20. Please respond to allegations that Act No. 1/19 of 14 September 2018, regulating the press, severely restricts freedom of the press, including in its articles 14, 18, 19, 20, 52, 62 (d) and (f), 77 and 79. Please explain the decisions made by the National Communication Council on the withdrawal of licences and the suspension of private and independent media

outlets, specify the conditions on which some media outlets (including Radio Bonesha, Ikiriho and the British Broadcasting Corporation (BBC)) were allowed to reopen and explain what will happen to the media outlets still suspended or subject to sanctions. Please provide information on the measures taken to ensure the independence of the Council in view of article 16 of Act No. 1/06 of 8 March 2018, which stipulates that the members of the Council are appointed by the State party's President, in consultation with the Vice-Presidents.

21. Please comment on allegations of the excessive and disproportionate use of force, arbitrary detention and summary execution by members of the police and intelligence services during peaceful demonstrations and provide information on the investigations carried out, their outcomes and the reparations granted to victims. In view of article 32 of the State party's Constitution, please provide information on the application of Act No. 1/28 of 5 December 2013, restricting the right of peaceful assembly, including the provisions under which the competent administrative authority may authorize or prohibit assemblies and demonstrations (arts. 3–6) and impose harsh penalties in the event of public disorder (arts. 14–26). Please indicate the measures taken to guarantee that all persons, including political opposition parties and civil society actors, can exercise their right to demonstrate and organize public assemblies. Please indicate the measures taken to safeguard the right of peaceful assembly during the COVID-19 pandemic.

Freedom of association and the protection of journalists, human rights defenders and political opponents (arts. 6, 7, 9, 19 and 22)

22. Please respond to allegations that the application of Act No. 1/01 of 23 January 2017 on the general framework for cooperation between the Republic of Burundi and foreign non-governmental organizations (NGOs) and of Act No. 1/02 of 27 January 2017 on the organizational structure of non-profit organizations results in the banning of many NGOs and a limitation of their operations. Please explain more specifically the provisions on the obligation for NGOs to place their money in an account at the State party's central bank (Act No. 1/01, art. 16), maintain ethnic balance in the recruitment of their staff (art. 18) and align their activities with the Government's programmes and priorities (art. 6). Please also comment on allegations that members of opposition parties and persons with no political affiliation have been forced to join the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie and the Imbonerakure.

23. Bearing in mind the Committee's previous concluding observations (para. 20), please comment on ongoing allegations of many acts of harassment, intimidation and human rights violations, including abductions, disappearances, arbitrary detention, torture, sexual violence and extrajudicial executions, against journalists, human rights defenders and political opponents, allegedly committed by members of the police and intelligence services and the Imbonerakure. Please provide information on the investigations conducted, the prosecutions carried out, the penalties imposed on perpetrators and the reparations granted to victims and their families. Among other cases, please comment on the disappearance of the Iwacu journalist Jean Bigirimana, who has been missing since 22 July 2016, and of the human rights defender Marie-Claudette Kwizera, who has been missing since 10 December 2015, both of whom were reportedly detained by the intelligence services.

Rights of the child (arts. 23, 24 and 26)

24. Please respond to allegations that students who were minors were forced to vote in the 2020 elections by local administrators and school principals. Please also comment on reports that children have been recruited to the Imbonerakure. Please also provide information on the measures adopted to protect children from all forms of violence, including sexual exploitation, and the measures taken to prevent and combat ritual killings of children with albinism. Please specify the number of investigations conducted and convictions secured against the perpetrators of such violence. Bearing in mind the information communicated by the State party in its third periodic report (paras. 176–180), please provide information on the outcomes of the measures adopted to reform the juvenile justice system and indicate what additional measures are envisaged in that regard.

Participation in the conduct of public affairs (art. 25)

25. Please respond to allegations of high levels of political violence, intimidation, torture and violations of fundamental freedoms aimed at opposition candidates and leaders and their supporters, particularly during the elections of 2015 and 2020 and the constitutional referendum of 2018, and allegations that the judicial system was used as a tool against opposition parties. Please also comment on reports that the authorities failed to respond to virulent statements about political opponents, some of which could be taken as constituting an incitement to violence. Please detail the measures taken to investigate such violations, prosecute and punish the perpetrators, and prevent future violations.

26. Please comment on the restrictions on the right to stand for elections imposed by the Electoral Code of 20 May 2019, particularly the financial deposits required, for example to stand for President, and the conditions required to be considered an independent candidate. Please indicate the measures taken to amend article 5 (1) of the Code, with respect to the disenfranchisement of persons in pretrial detention. Please also comment on allegations that the arrest on 2 October 2020 of Fabien Banciryano, a former opposition member of parliament, and his sentence to one year's imprisonment on 7 May 2021 were the consequence of the opinions he expressed and his voting record during his parliamentary service.

Rights of minorities and indigenous peoples (art. 27)

27. In view of the information in the State party's third periodic report (paras. 191–192), please provide information on the implementation and outcomes of the measures adopted to increase the representation of the Batwa and their participation in public affairs and make it easier for them to obtain identity documents and register births.
