



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

Distr.: General  
27 January 2026

Original: English

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## Committee on the Elimination of Racial Discrimination

### 116th session

#### Summary record of the 3177th meeting\*

Held at the Palais Wilson, Geneva, on Monday, 24 November 2025, at 3 p.m.

*Chair:* Mr. Balcerzak

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Consideration of reports, comments and information submitted by States Parties under article 9 of the Convention (*continued*)

*Combined eleventh to nineteenth periodic reports of Burundi*

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\* No summary records were issued for the 3175th and 3176th meetings.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States Parties under article 9 of the Convention (continued)**

*Combined eleventh to nineteenth periodic reports of Burundi (CERD/C/BDI/11-19; CERD/C/BDI/Q/11-19)*

1. *At the invitation of the Chair, the delegation of Burundi joined the meeting.*
2. **A representative of Burundi**, introducing his country's combined periodic reports (CERD/C/BDI/11-19), said that his country's long absence – its most recent interactive dialogue with the Committee had been held more than 25 years earlier – had been caused primarily by social and economic troubles. Burundi had nonetheless made the protection and promotion of human rights a priority, and specific measures had been taken to eliminate all forms of discrimination. Those measures had included the adoption of several laws designed to protect and promote human rights. Acts of racial hostility or racial hatred had, for example, been made punishable offences, and a number of human rights institutions had been established in implementation of the Arusha Peace and Reconciliation Agreement for Burundi.
3. Significant progress had been made in respect of non-discriminatory access to political office. Under the Constitution of 2018, in fact, Hutus were to account for no more than 60 per cent of all government ministers or Members of Parliament, and Tutsis for no more than 40 per cent. Members of the Twa ethnic community, who participated fully in the economic and social life of the country, were likewise represented in Parliament. One of the Burundian members of the East African Legislative Assembly was a member of the Twa community.
4. The President had shown a particular determination to ensure that amends were made for the injustice that members of that Burundian community had historically been subjected to. Moreover, the Government had taken a range of measures to protect and promote the rights of the Twa people. The Strategy for the Integration and Socioeconomic Inclusion of the Twa people for Sustainable Development 2022–2027 had been implemented, national health insurance cards had been distributed and Twa children were provided with the support they needed to board at secondary schools.
5. An extensive programme of cash transfers, Merankabandi II, had been launched by the President in May 2024, with a view to helping to ensure decent living conditions for people from vulnerable groups, including the Twa people. Organizations of and for persons with albinism received subsidies and other forms of support from the Government.
6. His Government had continued to cooperate with regional and international human rights mechanisms, including by submitting reports and taking steps in follow-up to the recommendations made by those mechanisms. Despite those efforts, however, the Governments of some States, which preferred to politicize human rights issues, failed to recognize the efforts of Burundi to protect and promote human rights. At all events, his delegation was prepared to cooperate with the Committee with a view to helping build a Burundian society free from all forms of discrimination.
7. **A representative of the Independent National Human Rights Commission** said that the international human rights instruments that his country had duly ratified, including the Convention, formed part of its constitutional law. Under the Constitution, all the people of Burundi were entitled to freedom from discrimination, including on the grounds of racial or ethnic origin. Foreign nationals were entitled to the same constitutional protections as Burundian nationals.
8. Commendable efforts were being made to combat exclusion on grounds of ethnicity, including the establishment of commissions to combat racial discrimination. The ethnic quotas that were in place in national governing institutions such as Parliament were also in place in lower-level jurisdictions. In accordance with article 253 of the Constitution, the defence and security forces had a non-sexist, non-discriminatory internal culture and were not to be dominated by a single ethnic group. Other commendable efforts had been made in

respect of social protection for persons with disabilities, for example, or gender equality – but the funds set aside to see those efforts through to completion were generally insufficient.

9. **Ms. Tebie** (Country Task Force), while noting the institutional and other developments highlighted in the State Party's combined periodic reports, said that the Committee was most interested in learning how those developments had translated into effective measures to combat racial discrimination and impunity and to promote the inclusion of minority groups. With regard to the State Party's failure to provide statistics on the ethnic composition of its population in either its common core document or in its combined periodic reports, she wondered why the socioeconomic data collected in national censuses were not broken down by ethnicity and sex, whether properly disaggregated socioeconomic data were collected in other ways and what measures were being considered to ensure that such data were collected in the future. She would welcome recent data on vulnerable groups, in particular persons with albinism, migrants, refugees and asylum-seekers, stateless persons, internally displaced persons and minority communities. It would be helpful to know, too, what was being done to ensure that such data were provided anonymously and that the persons providing them could self-identify as they saw fit.

10. As the Convention, like other international human rights instruments ratified by the State Party, formed an integral part of its constitutional law, she wished to know why the State Party's courts had apparently never cited it in any of their rulings and whether that failure reflected a genuine absence of legal action to challenge acts of racial discrimination. She wondered what was done to ensure that judges were familiar with the Convention, whether there were any mechanisms that would enable victims of racial discrimination to turn directly to the courts for relief for violations of their rights under the Convention and what measures were being taken to enhance the effect given to international human rights instruments, the Convention in particular, by the State Party's courts.

11. It would be helpful to learn to what extent training meant for judicial officials incorporated modules on the Convention. It would also be helpful to know how many judges and prosecutors had participated in such training sessions since 2020 and what practical effect that training had had on the cases of racial discrimination heard in the courts.

12. She wondered why the State Party had still not acted on the Committee's recommendations to bring the definition of racial discrimination in national law into line with the definition contained in article 1 of the Convention. She wondered, too, how the State Party intended to prevent the indirect forms of racial discrimination or structural inequality that sometimes resulted from policies that were ostensibly race-blind.

13. Although the State Party had taken a number of measures to promote development and human rights, it would be interesting to know to what degree those measures involved efforts to prevent racial discrimination and whether they had helped to reduce inequality or promote the inclusion of historically marginalized groups. It would also be interesting to know what national plans or programmes of action the State Party had formulated in follow-up to the Durban Declaration and Programme of Action, what measures had been taken to strengthen the protection of groups vulnerable to racial discrimination and how the impact of those measures had been assessed.

14. She wondered why the demonstration of racial or ethnic hostility, conduct made punishable under article 266 of the Criminal Code, had not been precisely defined, what safeguards had been put in place to ensure that that article was not enforced abusively, what had been done to bring national law into line with article 4 of the Convention, why the racial or ethnic hostility attending the commission of a crime did not constitute an aggravating circumstance and what impact that failure had on the prosecution of acts motivated by racial hatred. She wondered, too, what measures the State Party had taken to prevent hate speech and punish those who engaged in it, including public officials, officials of the ruling party in power and members of that party's youth wing, the Imbonerakure. In that connection, the Committee would appreciate data on the crimes of hate speech committed in the State Party, broken down by the identity factor by which they were motivated and by the affiliation of the perpetrator with a political party, if any. It would be interesting, too, to know whether anyone, political or other officials in particular, had been tried or convicted on charges of hate speech in recent years.

15. **Mr. Diaby** (Country Task Force) said that he wished to know what steps were being taken or were envisaged to put an end to racial and ethnic profiling by personnel of the defence and security forces and public officials. In particular, he wondered what specific measures had been taken to combat such profiling in security operations conducted in Musaga, Nyakabiga or Jabe, areas reputed to be strongholds of the political opposition or home to Tutsi communities, and to enable the victims of racial or ethnic profiling to file complaints without fear of reprisal. In addition, it would be helpful to learn what steps, if any, the Independent National Human Rights Commission and the Office of the Ombudsman took in follow-up to such complaints.

16. **A representative of Burundi** said that there had been considerable change since 2015, including in places such as Musaga, Nyakabiga and Jabe. Half of his country's police officers and soldiers were Hutu, and half were Tutsi. It could not be said that there was racial or ethnic profiling any longer.

17. **A representative of Burundi** said that the paucity of rulings in which his country's courts cited the Convention did in fact reflect reality – namely, that cases of racial discrimination were rare in Burundi. Workshops to raise awareness of the Convention continued to be held for judges, police officers, other public officials and non-governmental actors. The impartiality and independence of the Independent National Human Rights Commission and other relevant institutions, which operated without government interference of any sort, were guaranteed.

18. All forms of discrimination were prohibited under article 22 of the Constitution, and all the peoples of the country were meant to be represented on the governing bodies of its political parties. Hate speech and incitement to discrimination or xenophobia were also prohibited. Disaggregated data on the cases of hate speech heard in the courts were unavailable. In any event, such cases were uncommon.

19. No one was arrested, either in neighbourhoods such as Musaga and Nyakabiga or anywhere else, on the basis of his or her perceived ethnic identity. For one thing, the peoples of the country looked alike, and it was impossible to know at a glance what a person's ethnic background was. For another, there were not Hutu neighbourhoods and Tutsi neighbourhoods. People of different ethnicities lived together. Sometimes, of course, the police did raid a neighbourhood, but there was never a racial or ethnic component to the raid.

20. There had been 22 recorded cases of racial discrimination since his country's previous appearance before the Committee. There had also been four recorded cases of discrimination against persons with albinism.

21. **A representative of Burundi** said that the Arusha Agreement provided for measures to prevent racial discrimination. In addition to the 50/50 ethnic split of the defence and security forces, which was required of both the high command and the rank and file, political power was to be shared by representatives of different ethnic groups. The President and Vice-President, for example, were always to be members of different political parties and ethnic communities. Hutu, Tutsi and Twa communities were represented in both houses of Parliament and in all other governmental institutions.

22. Several institutions, including the Office of the Ombudsman and the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity and the National Commission for the Inter-Burundi Dialogue, had been established with a view to putting an end to racial discrimination. That institutional framework for the elimination of racial discrimination complemented the legal framework. A system that covered all parts of the country had been set up to provide an early warning of the risk of genocide, and a programme to build the capacity of Burundian human rights institutions, enhance cooperation with international mechanisms, support the establishment of national human rights mechanisms and create multi-stakeholder forums had been developed in conjunction with the Resident Coordinator Office. Awareness-raising activities were a daily feature of the efforts to promote and protect human rights that were made as part of the programme.

23. **A representative of Burundi** said that the National Statistics Institute was responsible for producing and disseminating the statistical data used by the Government,

development partners and others. Censuses took place periodically, and Mediabox, a software engineering firm, developed software for data collection and analysis.

24. **Ms. Tebie** said that she still wished to understand why neither the 2008 nor the 2024 census had elicited information on the ethnic composition of the State Party’s population. She wished to know, too, whether tools other than the census made it possible to collect data broken down by sex and ethnicity.

25. She wondered, as she had suggested earlier, whether the people of the State Party were fully aware that they were entitled to turn to the courts if their Convention rights were violated and what steps were taken in practice to combat the hate speech that, according to reports, was directed at the Twa people, including by representatives of political parties. Racial profiling, too, reportedly remained a problem.

26. **Mr. Diaby** said that he wished to know whether the authorities of the State Party, where the governing and security apparatus was organized along ethnic lines, might undertake to develop a tool that would enable them to gauge the extent of ethnic or racial profiling in the State Party and to address it effectively. He wished to know, too, what evidence there was for the delegation’s claim that racial profiling and discrimination were practically non-existent in Burundi.

27. **Ms. Esseneume**, noting that she, too, had been surprised by the delegation’s claim that there was no racial discrimination in the State Party, said that she wondered why 50 per cent of the personnel of the security and defence forces were to be drawn from an ethnic community, the Tutsi community, that reportedly accounted for around only 15 per cent of the population. In view of reports that many State institutions were dominated by a single ethnic group, she also wondered what mechanism had been put in place to ensure that the rules on the ethnic composition of such institutions were respected.

28. **Ms. Tlakula** requested the delegation to provide figures relating to the budget that had been allocated to the Independent National Human Rights Commission for the current and previous financial years.

29. **Ms. Stavrinaki** said that she would welcome clarification from the delegation with respect to the general understanding of the meaning of “racial discrimination” in the State Party, given that the term appeared to be used mainly in a narrow sense, with a focus on discrimination based solely on phenotypical features, rather than with reference to the broader scope set out in article 1 of the Convention.

30. **Mr. Yeung Sik Yuen** said that he would welcome the delegation’s comments on information indicating that a majority of the members of the Supreme Council of Justice were nominated by the executive branch, calling into question the Council’s independence. He would like to know whether the low salary paid to judges, which reportedly ranged from US\$ 45 to US\$ 220 per month, might leave them financially insecure, further compromising the independence of the judiciary. The lack of separation of powers appeared to date back at least as far as 2009, when, in a disciplinary case brought against three judges, a government minister had intervened in favour of the judges.

31. **Mr. Guissé** said that it was hard to understand how quotas for the Hutu and Tutsi ethnic groups were implemented in practice in the public sector, given that the two groups spoke the same language and that, according to the delegation, it was extremely difficult to differentiate between the two on the basis of physical characteristics. He wished to know about any efforts aimed at helping the country’s ethnic groups to overcome past divisions and regard each other as fellow citizens, irrespective of ethnicity. In addition, he would welcome an account of any involvement of civil society in the preparation of the State Party’s report.

32. **Ms. Shepherd** said that she would be interested to know whether pigmentocracy was an issue in the State Party and, if so, to what extent.

33. **A representative of Burundi** said that his Government was focused on the future of Burundi, wishing to move forward from the country’s painful history of colonization and conflict between ethnic groups. Ethnicity was a sensitive topic in Burundi and was commonly exploited for political gain, with people claiming to belong to an ethnic group other than their

own to obtain political posts or other advantages. The Senate was responsible for ensuring adherence to the ethnicity-based quota system in the public sector. However, owing to concerns that ethnicity was being instrumentalized to sow further division in the country, Burundians had begun to call for an end to the requirement for disclosure of ethnic identity.

34. The information the Committee had been given did not match the reality in Burundi. The Twa ethnic group was the only ethnic minority in the country. Figures indicating for example that the Hutu, Tutsi and Twa ethnic groups made up 80 per cent, 10 per cent and 1 per cent of the population, respectively, were far-fetched and had not been scientifically proven.

35. Judges' salaries were commensurate with the financial resources available and would continue to be paid irrespective of the fact that the salaries of other categories of public officials were lower. With regard to the Committee's questions about hate speech, he would be grateful if specific examples of instances of such speech could be provided.

36. **A representative of Burundi** said that the composition of the Supreme Council of Justice was regulated by legislation that had been adopted in 2021, pursuant to which the President was the head of the Council. New members were nominated by the Council itself. With regard to judges' salaries, they could reach around US\$ 1,000, rather than the much lower amounts that had been quoted by Mr. Yeung Sik Yuen.

37. **A representative of Burundi** said that the issues that had been identified in the context of the signing of the Arusha Agreement related not to ethnic conflict but to a political conflict. A proportion of the population had been excluded from involvement in the running of the country, leading to economic ramifications and a situation of armed conflict.

38. **A representative of Burundi** said that the Government placed particular importance on human rights and had created a number of relevant institutions, including the Independent National Human Rights Commission, the Ombudsman's Office, the Council for National Unity and Reconciliation and the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity. It worked with the United Nations system to ensure the provision of human rights training for government officials and representatives of civil society organizations and non-State actors, with a particular focus on combating racial discrimination and all forms of violence. With regard to the Committee's questions on the absence of indicators on ethnic background in national censuses, the Government continued to abide by the provisions of the Arusha Agreement concerning representation and the attribution of posts in certain institutions.

39. **A representative of Burundi** said that there had been no attempt to deny that racial discrimination did not occur. Racial discrimination and racial hatred were covered by article 266 of the Criminal Code. Cases of racial discrimination and of discrimination against persons with albinism did arise. The generally low numbers demonstrated that the country had managed to reduce the incidence of racial discrimination.

*The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.*

40. **Mr. Diaby** said that he would like to know what measures were being taken to guarantee the independence and impartiality of the Independent National Human Rights Commission and the Ombudsman's Office, including in their handling of sensitive or political cases, as well as to strengthen their respective mandates and their activities in the area of prevention of racial discrimination and to ensure that they were allocated sufficient financial, technical and human resources to enable them to fulfil their mandates and to respond to complaints in a timely and appropriate manner.

41. The Committee would appreciate information on any complaints of racial discrimination that had been received by the Commission or the Ombudsman's Office and on specific examples of action taken. The delegation might comment on the mechanisms that were in place for the receipt, investigation and follow-up of such complaints, as well as on guarantees with respect to the accessibility of the complaints procedure, protection for victims and the effectiveness of remedies offered. He wished to know more about the composition of the Commission and of the Ombudsman's Office in terms of expertise, gender balance, ethnicity and social representation, as well as about any safeguards that were in place to avoid the politicization of the appointment process. He wondered how the two bodies gave

concrete effect to their mandates with respect to taking action on recommendations, protecting victims and contributing to the reform of public policies on human rights and governance.

42. He would welcome a response from the delegation concerning reports that the former head of the Independent National Human Rights Commission and two members of the Truth and Reconciliation Commission had gone into exile in early 2025 following the publication of a report documenting a number of serious human rights violations. In particular, he would be interested to know how the authorities guaranteed the protection of such persons. The delegation might explain the legal grounds on which the members of the Independent National Human Rights Commission had been replaced in mid-2025 before the end of their terms of office and describe how that decision met the requirements of the Paris Principles. He wished to know how the Government planned to ensure that, in the future, commissioners could complete their terms and that the appointment process was conducted with the degree of transparency required by national law and the Paris Principles. He wondered what measures would be taken to avoid political interference in the governance of the Commission.

43. **Ms. Tebie** said that she would like to know what steps the authorities were taking to guarantee access to basic services and healthcare for migrants, refugees, asylum-seekers and stateless persons, whether they lived in urban or camp settings, with a particular focus on Rugumbo, Mutumba and the camps in the north-east of the country, and to ensure access to education for children of refugees or stateless persons, especially children who experienced language barriers or who lacked civil registration documents. She wondered how the Government planned to encourage the social and economic integration of foreign nationals residing legally in the State Party, particularly in the light of the ministerial order issued on 20 June 2022, the provisions of which effectively prevented the majority of foreign residents from obtaining a work permit.

44. She wished to know what steps had been taken to shed light on the attack on the Gatumba refugee camp in 2004, in which more than 150 civilians, mostly of Banyamulenge origin, had died, and to bring the perpetrators to justice and ensure reparation for the victims. In the context of the arrival of more than 67,000 refugees from the Democratic Republic of the Congo in early 2025, the Committee had received reports of pushbacks, border closures, targeted arrests and identity checks apparently conducted on the basis of ethnic or linguistic criteria. Such incidents had reportedly primarily affected persons of Banyamulenge or Tutsi origin suspected of having links with Rwanda or with the Mouvement du 23 mars, including Congolese students residing in Bujumbura. The delegation might describe the guarantees in place to ensure that identity checks for refugees were conducted in line with the principles of non-discrimination and international protection and to prevent pushbacks and prolonged border closures. It might also describe any activities that were conducted to raise awareness among public officials, law enforcement officers and the general population concerning the rights of foreign nationals and the need to prevent discrimination and abuse on the basis of migration status.

45. She would like to know what action the authorities were taking to remove structural barriers to the registration of foreign nationals, migrants, refugees, asylum-seekers and stateless persons in the State Party and to ensure that those groups could obtain basic services and that persons in need of international protection had access to the relevant remedies, particularly in rural and border areas, in line with international standards. She would also like to know how the Government assessed the efficiency of refugee status determination procedures and about the extent to which the resources allocated to the National Office for the Protection of Refugees and Stateless Persons and the Advisory Commission on Foreigners and Refugees enabled sufficient and equitable coverage of services across the country. It would be useful to learn how the restrictions on the movement of refugees and asylum-seekers were applied in practice and how freedom of movement was guaranteed for such persons, in line with relevant national and international standards.

46. She would like to know what measures would be taken to ensure accessible birth registration procedures, including in rural areas, to prevent statelessness, in particular among Twa children, children with albinism and children born to refugees, to nationals of Oman residing in Rumonge or to a Burundian mother and a non-Burundian father. The delegation might provide details of any amendments the Government planned to make to the 2020

Nationality Act to ensure equality between men and women in the transmission of Burundian nationality, and of any national strategy that was being implemented to regularize the status of the descendants of Omani nationals and of long-term Congolese refugees. She wished to know what steps would be taken to finalize the State Party's accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and guarantee the effective implementation thereof.

47. **A representative of Burundi** said that, with respect to the removal of the former head of the Independent National Human Rights Commission, the authorities had taken steps to address internal problems within the Commission and avoid institutional paralysis.

48. Approximately 108,000 Congolese refugees were present in Burundi, and the Government did not receive any international assistance to manage the situation. Identity checks were a necessity, given the presence in border areas of armed rebel groups fighting alongside the Mouvement du 23 mars. For reasons of national security, the Government wished to prevent such persons, and their weapons, from entering Burundi.

49. Members of the Twa community and other populations with a history of nomadism did not fully appreciate the advantages of birth registration and were reluctant to follow the procedure. The authorities had organized awareness-raising campaigns to encourage them to do so. Any child born to a Burundian parent or on Burundian soil was automatically entitled to Burundian nationality. With regard to Omani nationals who were long-term residents of Burundi, many of them had chosen not to apply for Burundian nationality and could not be forced to do so.

50. **A representative of Burundi** said that Burundi had been a democracy since 2005. Sources that reported the allocation of certain political positions on the basis of Hutu or Tutsi ethnicity might be attempting to mislead the Committee and prevent the country from being governed by its elected representatives. While posts in the defence and security forces were distributed on the basis of ethnicity quotas, technical posts were filled on the basis of performance in technical tests. Progress was being made towards phasing out the allocation of political posts on the basis of ethnicity; the tenor of the Committee's questions seemed to indicate intent to undo that progress.

51. **A representative of Burundi** said that there had recently been a slight decrease in the budget of the Independent National Human Rights Commission. None of the country's institutions received sufficient funding owing to the economic situation in Burundi.

52. **A representative of Burundi** said that, in addition to government resources, the Independent National Human Rights Commission and the Ombudsman's Office received support from the Office of the United Nations High Commissioner for Human Rights and the wider United Nations system, with which an agreement had been signed for the implementation of an action plan. The Ombudsman's Office had branches around the country and provided support to the judiciary in resolving issues, with a focus on reaching amicable solutions.

53. **A representative of Burundi** said that refugees living in any of the five camps in Burundi required permission to leave the camp, including to go to work or school. Dispensaries provided healthcare services to camp residents, and birth registration services were available in the camps.

54. **Ms. Tebie** said that the Committee did not wish to see the State Party's progress undone. It had a responsibility to ask the delegation about information provided to it.

55. **Mr. Diaby** said that, following the removal of the former head of the Independent National Human Rights Commission, he wondered whether the authorities might consider making provision for a mechanism to deal with crises in the Commission while still adhering to the legislation regulating that body. The delegation might clarify whether the Commission's former head had been forced into exile or had chosen to leave the country.

56. **Ms. Tlakula** asked for details of the adjustments that had been made to the budget of the Independent National Human Rights Commission.

57. **Mr. Yeung Sik Yuen** asked for more information about the salaries paid to judges.

*The meeting rose at 6 p.m.*