

# BURUNDI

## Alternative report of the civil society on the implementation of the International Covenant on Civil and Political Rights (ICCPR)

(Replies to the List of Issues CCPR/C/BDI/Q/2)

Actions des Chrétiens pour l'Abolition de la Torture (ACAT-Burundi)

Association des Femmes Juristes du Burundi (AFJB)

Association Burundaise pour la protection des droits humains et des personnes détenues (APRODH)

Association pour la Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme au Burundi (AREDDHO-Burundi)

Forum pour le renforcement de la société civile Burundaise (FORSC)

FOCODE ( Forum pour la conscience et le développement)

Observatoire Ineza des droits de l'enfant (OIDEB)

Coalition Burundaise pour la Cour Pénale Internationale (CB-CPI)

Bujumbura & Geneva, le 12 September 2014

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With the support from the Centre on Civil and Political Rights (CCPR-Centre) and the International Federation of Action by Christians for the abolition of torture (FIACAT)



## Summary of Recommendations

### Point 1: - the State party should:

- Develop a training programme on human rights for every level of the judiciary; prosecutors, magistrates, barristers, officials attached to the prison system and police officers;
- Disseminate the Covenant in all departments of the Civil Service;

### Point 2:- the State party should:

- Take measures to enable the Independent National Human Rights Commission (CNIDH) to exercise its activities in compliance with the Paris principles;
- Take measures to ensure the CNIDH's total independence in its decision-making functions;
- Assign the CNIDH sufficient human and financial resources to discharge its assignments;
- Ensure widespread involvement of civil society and other intervening parties in the field of human rights when it comes to choosing the CNIDH commissioners;

**Point 3:- the State party should** amend the legislative framework in order to end discrimination in all areas, particularly discrimination based on sexual orientation and gender.

**Point 4: the State party should** create mechanisms to encourage and promote the participation of women in the management of political affairs at all levels.

### Point 5: the State party should:

- adopt, as soon as possible, the Bill on inheritance, marriage settlements and donations;
- take legislative measures to ensure equality regarding the minimum age for marriage between men and women;

**Point 6: the State party should** regulate the state of emergency in accordance with the provisions of the Covenant;

**Point 7: the State party should** take measures that specify clearly and unambiguously situations and activities that could be categorized as "terrorist" in order to ensure the respect of the rights and freedoms of human rights defenders and journalists as guaranteed by the Covenant.

### Point 8: the State party should:

- accelerate the establishment of a legal framework for the prevention and suppression of sexual violence;
- strengthen the capacities of state representatives to deal with human rights violations and especially with regard to sexual violence
- Establish a public compensation fund for the victims of sexual violence

**Point 9: the State party should** take legislative and administrative measures to end extrajudicial executions, bring perpetrators to justice and compensate victims.

**Point 10: the State party should:**

- train law enforcement officials in matters of investigation, provision of medical or psychosocial care of the victims of torture ;
- ensure regular monitoring of the actions of law enforcement officials;
- enforce administrative and disciplinary sanctions to State agents found guilty of inflicting torture and other ill-treatment;
- adopt the law on recourse;
- adopt the law on the protection of the victims of torture;
- adopt the law establishing a national preventive mechanism;
- establish focal points for addressing matters relating to torture within the Ministries of the Interior, Public Health, Education, Justice, National Defense and Security ;
- establish a special procedure of investigation for cases of torture;
- ensure and respect the independence of magistrates so that they can conduct their investigations and judge cases in compliance with the law;
- set up a compensation, assistance and rehabilitation fund for victims of torture;

**Point 11: the State party should** establish an international committee of inquiry to shed light on extrajudicial executions and acts of torture reported since 2011 in order to complete the inquiry already conducted nationally;

**Point 12: the State party should** take all the measures required to give effect to the establishment and management of the Truth and Reconciliation Commission (CVR)'s activities by guaranteeing that, upstream, it will be given complete independence in relation to its conditions of work;

**Point 13: the State party should** adopt a law on the protection of witnesses;

**Point 14: the State party should:**

- define explicitly the concept of trafficking in the criminal code;
- take administrative and judicial measures to reinforce the sanctions against those responsible for human trafficking;

**Point 15: the State party should :**

- take the administrative and disciplinary measures necessary to ensure the implementation of Article 27 of the Code of Criminal Procedure;

- guarantee, in law and practice, that any person arrested or detained be given the right to appeal to a Court;
- clarify to give those held in custody the maximum duration of detention before being tried by a judge.

**Point 16: the State party should:**

- take every possible measure to give effect to the complete separation of women from men, those in pre-trial detention from convicted prisoners and minors from adults in detention centres ;
- take the measures necessary to strengthen the improvement of conditions of detention in prisons;
- release the President of the APRODH.

**Point 17: the State party should:**

- contribute to the implementation of alternative sentences by the encouraging community service
- build detention centres in every province of the country;
- provide a sufficiently adequate budget for the prison system;
- reduce prisons' congestion by adopting a policy of conditional release for prisoners who have served a quarter of their sentence;

**Point18: the State party should** take the measures necessary to ensure that the displaced persons are returned to their places of origin easily and peacefully;

**Point 19: the State party should:**

- reorganise the judiciary to enable magistrates to act as protectors of human rights;
- take all the measures necessary to ensure, in an effective manner, the independence of the judiciary, to provide it with qualified human resources, adequate financial resources and sufficient material and logistical support;
- take the measures necessary to ensure the independence of magistrates in the headquarters of the Ministry for Justice.

**Point 20: the State party should** accelerate the implementation of a law on legal aid and legal assistance in Burundi.

**Point 21: the State party should:**

- amend articles 18,19, 20 and 60 of the Press Act to ensure its compliance with the Covenant and with international and regional standards on freedom of expression and access to information;
- take practical measures to give effect to the implementation of the legislative measures ensuring freedom of assembly, of association, of expression and of freedom to hold public demonstrations;
- repeal, as soon as possible, the law compelling journalists to disclose their sources;

- introduce practical provisions and tighten sanctions mechanisms in order to end the intimidation, harassment and arbitrary arrests to which journalists and other human rights activists are often subjected.

**The State party should also:**

- amend the law on meetings and public demonstrations by inserting a clear and specific provision stating a legal presumption of peaceful nature of the meetings;
- end subordination of the right to freedom of peaceful assembly to prior authorisation from the authorities, for at the most a simplified prior notification procedure;
- end the use of force during peaceful meetings;
- repeal the provision holding the organisers of and participants at a meeting responsible for the violent behaviour of others or accountable in that capacity;
- insert a provision into the new law stating that the formation of an association should be subjected to a reporting system;
- simplify the procedure for creating an association (It must be easily accessible and non-discriminatory. The Ministry for the Interior, where it refuses to register an association, shall be obliged to set out its reasons in writing and in a detailed and timely manner. Associations should be able to challenge refusals in Court).
- allow associations, including those that are not registered, to function freely and their members to act in a favourable and safe environment;
- leave associations free to draw up their own regulations, structure and activities and take their own decisions without State interference (particularly for the dissolution of an association);
- insert a provision into the new law stating that, the suspension or forced dissolution of an association must be sanctioned by an impartial and independent Court, apart if there is an obvious and imminent danger arising from a clear violation of the current legislation;
- Create a public fund to support civil society associations.

**Point 22: the State party should**, without delay, conduct an inquiry into the Gatumba massacres of 2011, bring the perpetrators of that massacre to justice and compensate the victims.

**Point 23: the State party should**, as soon as possible, institute a nationwide enquiry to highlight various human rights violations observed at the communal, presidential, legislative, senatorial and hillside elections of 2010, bring the perpetrators of these violations and compensate the victims, if any .

**Point 24: The State party should** take legislative and practical measures to end corporal punishment.

**Point 25: the State party should:**

- take practical measures to give effect to the separation of minors from adults in prisons and tighten the sanctions against State agents responsible for the imprisonment of minors in solitary confinement;
- build rehabilitation centres where minors in conflict with the law can be reinstated into society;

**Point 26: the State party should:**

- take legislative, administrative and practical measures to correct the discrimination from which Twa people suffer, particularly regarding their representation in legislative and administrative organs and in the provincial and communal administrative system;
- facilitate access to health and education for members of the Twa minority, particularly minors, women and young girls.

**Point 27: the State party should** broadcast the provisions of the Covenant and other international treaties on the protection of human rights ratified by the country, in particular by circulating information in the national language through the most widely used channels, i.e. radio and television.