



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues relating to the second periodic report of Burundi (CCPR/C/BDI/2)*

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

1. With reference to the information provided in paragraph 11 of the State party's report (CCPR/C/BDI/2), please provide examples of cases, if any, in which provisions of the Covenant were directly applied or used as an aid to interpret domestic law by the courts. Please provide further information on the human rights training given to judges and law enforcement officials, in particular with respect to the provisions of the Covenant (paragraph 13 of the State party's report). Please indicate whether the State party intends to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

2. Please indicate the measures taken to ensure that the Independent National Commission on Human Rights conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please provide information on the human and financial resources allocated to the Commission to enable it to effectively fulfil its mandate. Please also describe the activities of the Commission in the field of civil and political rights, and its achievements since it was established in 2011. In particular, statistics should be provided on the number and type of complaints received by the Commission and its response, where applicable, to complaints of violation of civil and political rights received.

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

3. With reference to the information provided in paragraphs 23 to 27 of the State party's report, please indicate the legislative and administrative measures that have been taken, and, where relevant, recent court rulings regarding protection from discrimination in all areas, whether motivated by race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, sexual orientation, gender

* Adopted by the Committee at its 109th session (14 October–1 November 2013).



identity or any other circumstance. Are there plans to amend legislation in order to decriminalize homosexuality?

4. With respect to the information provided in paragraphs 28 to 36 of the State party's report, please describe the specific measures adopted to promote the effective implementation of legislation and policies aimed at establishing gender equality and ensuring the participation of women in various areas of public life. Has the State party evaluated the efficacy of the measures taken to implement the national gender policy adopted by the Council of Ministers in December 2003? According to the State party's report (para. 32), despite the relatively high number of women who have received training in all areas, they are not adequately represented in political office. Please indicate whether the State party has taken particular measures to exceed the quotas provided for in the Constitution and improve the representation of women on all legislative and executive bodies at the national, provincial and local levels.

5. Concerning the information contained in paragraph 35 of the State party's report, please indicate the state of progress on the draft bill on succession, matrimonial property and dispositions by will. Information would also be appreciated on measures taken to amend discriminatory provisions concerning the minimum age of marriage – which differs for men and women (article 88 of the Personal and Family Code), the designation of the man as head of the family (article 122 of the Personal and Family Code) and the transmission of nationality (article 4 of the Nationality Code).

Public emergency (art. 4), counter-terrorism measures and respect for guarantees contained in the Covenant

6. Please indicate whether the State party intends to regulate the state of emergency in compliance with the provisions of the Covenant, particularly article 4, paragraph 2, which provides that, even in cases of public emergency, no derogation may be made from articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18 of the Covenant.

7. Please indicate what is being done to ensure that measures to combat terrorism respect the rights guaranteed under the Covenant.

Violence against women (arts. 3 and 7)

8. Please provide: (a) information on the legal framework for combating violence against women in Burundi; (b) information on all the measures taken and envisaged to eliminate violence against women; and (c) statistics, for the period covered by the report, on complaints filed concerning different forms of violence against women, and on judgements handed down by the courts in this field.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment, remedies and administration of justice (arts. 6, 7, 2, para. 3, and 14)

9. Please comment on reports that during the period under review a considerable number of extrajudicial executions and forced disappearances were perpetrated by members of the security forces, in particular the Burundi National Police, the National Defence Force and the National Intelligence Service (SNR), and by leading government figures, sometimes with the participation of members of the youth wing of the party in power, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie

(CNDD-FDD) commonly referred to as *Imbonerakure*. Please provide updated information on investigations of members of the security forces and local government leaders suspected of such acts, and on any disciplinary action taken and/or criminal action brought against them. Please also provide information on reparation granted to victims, in particular the amount of compensation offered to the families of victims of the above-mentioned acts.

10. Please provide information on measures taken to ensure that the legislative framework for prosecuting perpetrators of torture is in compliance with the relevant international standards. According to information before the Committee, cases of torture and ill-treatment inflicted by police and SNR officers continue to be reported throughout the country. Please provide more information on the mechanisms for investigating complaints of torture or ill-treatment by State officials at all stages of the detention process, and clarify these mechanisms' degree of independence. Please indicate the number of complaints of torture or ill-treatment lodged and provide information on the resulting investigations, prosecutions, convictions, sentences and compensation ordered.

11. Information would also be appreciated on the outcome of the work of the Ad Hoc Inquiry Commission established by the State Prosecutor to investigate allegations of extrajudicial executions and torture identified by national and international NGOs since 2011.

12. Please indicate the stage of advancement of the bill to set up a truth and reconciliation commission, as well as any obstacles encountered in that regard, and provide updated information on the establishment of a special court to prosecute the perpetrators of serious violations of human rights and international humanitarian law committed during the various conflicts that have taken place in Burundi.

13. Please indicate the measures taken to guarantee protection and support for victims and witnesses of human rights violations.

Prohibition of slavery and forced labour (art. 8)

14. According to various information sources, the State party is reportedly a country of origin for child and women victims of trafficking for forced labour and sexual exploitation. Please indicate the measures taken to combat trafficking in women and children and to provide victim support. Information would be appreciated on the investigation and prosecution of perpetrators of these acts and the sentences handed down by the courts. Please also provide information on reparation granted to victims.

Right to liberty and security of person and treatment of persons deprived of their liberty (arts. 9 and 10)

15. The State party declared in its report that article 27 of the Code of Criminal Procedure requiring prosecutors to strictly observe legal regulations on restrictions of individual freedom "has not been fully respected" (para. 75). Does the State party plan to adopt measures aimed at ensuring that this article is respected? Please indicate the mechanisms available in the event of illegal arrest or detention and provide information on their effectiveness. In particular, please state whether, by law and in practice, persons arrested or detained may seek recourse before a court in order to obtain an immediate decision on the legality of their detention and an order for their release if the detention is illegal, in accordance with the provisions of article 9 of the Covenant. Information would also be appreciated on the recognized rights of persons held in custody and details of the maximum period during which a person may be detained before appearing in court.

16. According to information the Committee has received, detention conditions in the State party give cause for concern, particularly in police stations, communal cells and SNR cells. What measures have been taken to improve the situation? Please provide information on progress made on prison renovation. What additional measures has the State party taken to reduce prison overcrowding, reduce the number of persons in pretrial detention and ensure that they are separated from convicted prisoners, that men are separated from women and that children are separated from adults? Please supply up-to-date statistics on persons in pretrial detention, convicted prisoners, and the occupancy rate of all places of detention.

17. With reference to table 3, page 16, of the State party's report, please provide details of the number of deaths in custody during the reporting period and the findings of relevant inquiries.

Right to freedom of movement (art. 12)

18. Please indicate the measures taken to provide protection and assistance to refugees and internally displaced persons. Please comment on information alleging that displaced persons have been resettled by force. Please also provide information on measures taken by the State party to comply with the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex). Please also provide information on the results obtained.

Right to a fair trial and equality before the law (arts. 14 and 26)

19. Information before the Committee alleges shortcomings in judicial institutions in the State party, due, in particular, to a lack of qualified personnel and material, financial and logistical resources. What measures are in place to resolve that situation? What additional measures has the State party taken to reduce the excessive length of judicial proceedings (para. 75 of State party report)? Please also supply detailed information on the procedure for appointing judges and magistrates, and the regulations governing their tenure, suspension and release from duties (paras. 100 and 101 of report).

20. In the light of the information provided in paragraphs 107 to 111 of the State party's report, please clarify whether the very poor are guaranteed free legal assistance.

Freedom of expression and association, right of peaceful assembly and participation in public life (arts. 19, 21, 22 and 25)

21. Please indicate the measures taken to effectively guarantee freedom of expression, association and assembly. In particular, please specify the measures taken to allay concerns raised by the hostility to which journalists, civil society activists, trade unionists and political opponents are subjected. Please also comment on allegations that human rights activists and influential journalists continue to be subjected to intimidation and harassment, including summonses for questioning, and politically motivated accusations.

22. The State party explains in paragraph 129 of its report that "journalists must refrain from publishing in a newspaper or broadcasting in an audiovisual programme or in any other organ of the press information that could undermine: national unity, public order and security, public morals and decency, honour and human dignity, national sovereignty and individual privacy". Please comment on this information in the light of the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, especially paragraph 25. In this connection, please provide detailed information on the general prohibition of media coverage of the Gatumba attack that took place in September 2011.

23. Please comment on information before the Committee alleging increased violations of the freedom of expression, assembly and demonstration during the electoral campaigns for local, presidential, legislative, senatorial and *collinaire* (hill) elections in 2010. Please also comment on information to the effect that several opposition party leaders and members were arrested by the police and the SNR during this period.

Rights of the child (art. 24)

24. Please provide information on the legislative and practical measures taken by the State party to abolish the corporal punishment of children.

25. Please explain what measures are planned to establish a juvenile justice system.

Rights of persons belonging to minorities (art. 27)

26. Please supply more detailed information on ethnic, religious and linguistic minorities in Burundi, stating how many persons belong to minority groups and explaining how these groups are guaranteed the rights recognized in article 27 of the Covenant (paras. 180 to 186 of State party report).

Dissemination of the Covenant (art. 2)

27. Please provide information on measures taken to disseminate information on the provisions of the Covenant, the second periodic report and its pending consideration by the Committee. Please also provide further information on the participation of representatives of civil society in the preparation of the report.
