



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

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined eleventh to nineteenth periodic reports of Burundi\*

1. The Committee considered the combined eleventh to nineteenth periodic reports of Burundi<sup>1</sup> at its 3177th and 3178th meetings,<sup>2</sup> held on 24 and 25 November 2025. At its 3188th meeting, held on 2 December 2025, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the combined eleventh to nineteenth periodic reports of the State Party, notwithstanding the 25-year delay in its submission. It also welcomes the constructive dialogue with the State Party's delegation and thanks the delegation for the information provided during the Committee's consideration of the report.

#### B. Positive aspects

3. The Committee welcomes the State Party's ratification of, or accession to, the following international instruments:

- (a) The Convention on the Rights of Persons with Disabilities, on 22 May 2014;
- (b) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, on 22 May 2014;
- (c) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 18 October 2013;
- (d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 24 June 2008;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 6 November 2007.

4. The Committee also welcomes the following legislative, institutional and policy measures taken by the State Party:

- (a) Act No. 1/022 of 6 November 2018 amending Act No. 1/18 of 15 May 2014 providing for the establishment, mandate, composition, organization and operation of the Truth and Reconciliation Commission;
- (b) Act No. 1/13 of 22 September 2016 on the protection of victims and the prevention and punishment of gender-based violence;

\* Adopted by the Committee at its 116th session (17 November–5 December 2025).

<sup>1</sup> CERD/C/BDI/11-19.

<sup>2</sup> See CERD/C/SR.3177 and CERD/C/SR.3178.



- (c) Act No. 1/04 of 27 June 2016 on the protection of victims, witnesses and other persons at risk;
- (d) Act No. 1/28 of 29 October 2014 on the prevention and punishment of trafficking in persons and protection for victims of trafficking;
- (e) Act No. 1/04 of 24 January 2013 amending Act No. 1/03 of 25 January 2010 on the organization and operation of the Office of the Ombudsman;
- (f) Act No. 1/04 of 5 January 2011 providing for the establishment of the Independent National Human Rights Commission;
- (g) The national gender policy (2012–2025);
- (h) Ordinance No. 225/559 of 17 June 2021 on the appointment of the members of the Interministerial Standing Committee for the Drafting of Initial and Periodic Reports and Following up on Recommendations Made by Treaty Bodies and during the Universal Periodic Review.
- (i) Decree No. 100/257 of 29 December 2017 on the appointment of members of the Board of the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes against Humanity

## C. Concerns and recommendations

### Statistics

5. While the Committee takes note of the explanations provided by the State Party, it regrets the lack of disaggregated statistics and socioeconomic indicators to measure the progress made in the realization of the rights enshrined in the Convention and their exercise by the different ethnic groups, the Twa Indigenous people and persons with albinism, as well as by migrants, refugees, asylum-seekers, stateless persons and displaced persons, and to assess the living conditions of these people (arts. 1 and 2).

6. **Recalling its previous concluding observations,<sup>3</sup> the Committee recommends that the State Party produce disaggregated statistics on the socioeconomic situation of the different ethnic groups, the Twa people, persons with albinism, migrants, refugees, asylum-seekers, stateless persons and displaced persons, while strictly observing the principles of self-identification, anonymity and free consent, in order to establish an adequate empirical basis for developing and evaluating policies and measures aimed at ensuring that all persons can exercise, on an equal basis and without discrimination, all the rights protected by the Convention. It reminds the State Party of its general recommendations No. 4 (1973) concerning reporting by States Parties under article 1 of the Convention, No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention and No. 24 (1999) concerning article 1 of the Convention, as well as paragraphs 10–12 of its reporting guidelines for the preparation of reports relating specifically to the Convention.<sup>4</sup>**

### Domestic application of the Convention

7. The Committee notes that, under article 19 of the State Party's Constitution, the rights established in duly ratified international human rights instruments, including the Convention, form an integral part of domestic law. However, it regrets the lack of detailed information on cases in which the Convention's provisions have been invoked or directly applied by domestic courts (art. 2).

8. **The Committee recommends that the State Party step up its efforts to provide regular training, in particular to judges, prosecutors, law enforcement officials and lawyers, on the provisions of the Convention, to enable them to invoke and apply them in relevant cases. It also recommends that the State Party conduct public campaigns,**

<sup>3</sup> CERD/C/304/Add.42, paras. 10 and 21.

<sup>4</sup> CERD/C/2007/1.

particularly among the groups most vulnerable to racial discrimination, to raise awareness of the provisions of the Convention and available remedies. The Committee requests that the State Party include in its next periodic report specific examples of the application of the Convention by national courts.

#### **Legislation against racial discrimination**

9. The Committee notes that the State Party's Constitution prohibits discrimination on grounds including origin, race, ethnicity, sex, colour, language, social status, religious, philosophical or political beliefs, and physical or mental disability. However, it remains concerned that the national legislative framework does not contain a definition of racial discrimination that is fully aligned with article 1 of the Convention and that expressly covers all prohibited grounds of discrimination and direct and indirect racial discrimination in the public and private spheres. In addition, it is concerned that there is no legislative provision explicitly prohibiting racial profiling and the practice of discriminatory stops by law enforcement officers (arts. 1 and 2).

10. **In the light of its general recommendation No. 14 (1993) on article 1 (1) of the Convention, the Committee recommends that the State Party adopt comprehensive anti-discrimination legislation containing a clear definition of racial discrimination, including direct, indirect, multiple and intersecting forms of discrimination, and covering all fields of law in the public and private domains and all prohibited grounds of discrimination addressed in article 1 (1) of the Convention. It also recommends that the State Party include in its legislation an explicit prohibition on racial profiling and on the practice of discriminatory stops by law enforcement officers, taking into account the Committee's general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials.**

#### **Institutional framework**

11. The Committee welcomes the establishment of the Independent National Human Rights Commission in 2011. However, it is concerned about reports that the Commission is not independent and that it lacks the material and financial resources to carry out its mandate effectively. While taking note of the information provided by the State Party's delegation on this point, the Committee is concerned that, in April 2025, the National Assembly replaced the members of the Commission before the end of their terms of office. The Committee also regrets the lack of information received concerning the Commission's mandate and activities in the field of preventing and combating racial discrimination (arts. 1 and 2).

12. **In the light of its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State Party take the necessary measures to ensure that the Independent National Human Rights Commission is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and can carry out its mandate fully, effectively and independently, to guarantee the stability of its members and the irrevocability of their mandate, and to promote pluralism. It also recommends that the State Party allocate adequate human, financial and technical resources to the Commission to enable it to carry out its mandate effectively. The Committee invites the State Party to provide information in its next periodic report on the mandate of these institutions and the activities carried out by them with regard to racial discrimination.**

#### **National action plan against racial discrimination**

13. The Committee regrets that the State Party has not adopted a national action plan to combat racism, racial discrimination, xenophobia and related intolerance, in accordance with the Durban Declaration and Programme of Action (arts. 2 and 5).

14. **The Committee recommends that the State Party:**

(a) **Develop and adopt a national action plan to combat racism, racial discrimination, xenophobia and related intolerance;**

(b) **Ensure the participation of all the different ethnic communities, the Twa people, persons with albinism, migrants, refugees, asylum-seekers, stateless persons and internally displaced persons in developing the aforementioned plan, and in monitoring and evaluating the progress and results achieved;**

(c) **Establish mechanisms for monitoring and evaluating the implementation of the plan and allocate adequate human, financial and technical resources for its effective implementation.**

#### **Implementation of article 4 of the Convention**

15. While noting the information provided by the State Party, the Committee remains concerned that the national legislative framework, including the Criminal Code, does not fully cover all the grounds of discrimination referred to in article 1 of the Convention, nor does it cover all the commitments undertaken by the State Party under article 4 of the Convention. It regrets the lack of information as to whether racist motives constitute an aggravating circumstance for criminal offences (art. 4).

16. **Recalling its previous concluding observations,<sup>5</sup> the Committee recommends that the State Party review its legislation, including the Criminal Code, to ensure that all the actions described in article 4 of the Convention are prohibited and criminalized. The Committee further recommends that the State Party recognize racist motives as an aggravating circumstance for all acts classified as offences under the Criminal Code. The Committee draws the attention of the State Party to its general recommendations No. 1 (1972), No. 7 (1985), No. 8 (1990) and No. 15 (1993) on article 4 of the Convention, according to which all the requirements of article 4 are of a mandatory character.**

#### **Racist hate speech**

17. The Committee takes note of the information provided by the State Party on existing constitutional and legislative provisions to prohibit and combat racist hate speech. It is nevertheless concerned about reports of an increasing number, particularly during election periods, of cases of hate speech based on ethnicity or political affiliation, national origin, sexual orientation or gender identity, particularly on the Internet and social media, including by public officials, members of the ruling party and the Imbonerakure (members of the youth wing of the ruling party). The Committee is concerned about the lack of statistics on racist and xenophobic hate speech, broken down by ethnic and national origin, political affiliation, and sexual orientation or gender identity, and on the multiple and intersecting forms of such speech, without which it is impossible to fully know the extent of the problem (arts. 2 and 4).

18. **In the light of its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State Party:**

(a) **Take the necessary measures to prevent, condemn and combat hate speech based on a person's political opinion, national or ethnic origin, sexual orientation or gender identity, including on the Internet and social media; encourage the reporting of racist hate speech; to ensure that perpetrators are duly prosecuted and punished, including when they are public officials or members of structures affiliated with the ruling party; and to ensure that victims have effective remedies and receive adequate reparations;**

(b) **Adopt a national action plan to prevent and respond to hate speech and incitement to violence, ensuring that all the ethnic communities, the Twa people, persons with albinism, migrants, refugees, asylum-seekers, stateless persons and displaced persons can participate in developing the aforementioned plan, and in monitoring and evaluating the progress made and results achieved;**

(c) **Strengthen training programmes for police officers, prosecutors, judges and other law enforcement officials, including on methods for identifying and**

<sup>5</sup> CERD/C/304/Add.42, para. 25.

**documenting cases of racist hate speech, investigating such offences and prosecuting perpetrators;**

**(d) To conduct awareness-raising campaigns aimed at eliminating prejudice and stigmatization against groups most at risk of racial discrimination, promoting respect for diversity and combating racist and xenophobic hate speech;**

**(e) Collect and publish reliable and comprehensive statistics, disaggregated by the ethnic or national origin of victims, on reports of racist hate speech, the prosecutions, convictions and sentences to which they have given rise of perpetrators and reparation awarded to victims.**

#### **Civic space and fundamental freedoms**

19. The Committee takes note of the information provided by the State Party about article 266 of the Criminal Code, which makes racial hatred a criminal offence. It notes with concern that the concept of racial hatred as described in this article is drafted in vague, imprecise terms, jeopardizing and disproportionately restricting the legitimate exercise of the right to freedom of opinion and expression. This in turn has resulted in arbitrary arrests and detentions, including those of human rights defenders, journalists – as in the case of Aline Sandra Muhoza – and persons criticizing the work of the Truth and Reconciliation Commission (arts. 2 and 4–6).

**20. The Committee recommends that the State Party take the necessary legislative and other measures to bring article 266 of the Criminal Code, as well as the provisions relating to the undermining of internal State security or the integrity of the national territory, into full compliance with its international human rights obligations, in particular the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.**

21. The Committee is concerned about the legislative framework governing public meetings, as it gives broad powers to the administrative authorities to ban demonstrations. The Committee is also concerned about reports that this legislative framework has been applied abusively and in a discriminatory manner with regard to demonstrations organized by the political opposition or civil society organizations and to commemorations organized by the families of disappeared persons or victims of massacres (arts. 2, 5 and 6).

**22. The Committee recommends that the State Party guarantee, in law and in practice, the full exercise of the right to freedom of peaceful assembly, including for the political opposition, civil society organizations and the families of disappeared persons or victims of massacres, on an equal footing and without discrimination of any kind, in particular on the basis of race, colour, descent, or national or ethnic origin.**

23. The Committee shares the concerns of the Human Rights Committee regarding the extremely restrictive legislative framework on freedom of association created by the laws adopted in 2017 that govern foreign non-governmental organizations (NGOs) and non-profit associations. These laws require them to recruit staff in accordance with ethnic quotas, align their activities with government programmes and priorities, renew their registration certificates every two years and deposit their funds in a central bank account, all of which have a deterrent effect on civil society organizations, including those working to combat racial discrimination and protect the rights of persons and groups protected by the Convention. The Committee is also concerned that, during the period covered by the State Party's report, many civil society organizations have seen their authorizations suspended or revoked, or they have decided to leave the country because of this legislative framework and its application (arts. 2, 5 and 6).

**24. The Committee recommends that the State Party review the legislative framework governing foreign NGOs and non-profit associations in order to ensure the effective exercise of the right to freedom of association, so as to provide all civil society organizations, including those working to combat racial discrimination and protect the rights of persons and groups protected by the Convention, an open environment in which to work, without political control by the authorities or interference contrary to the State Party's international obligations, including those under the International**

**Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.**

25. The Committee is concerned about reports that, during the period covered by the State Party's report, political opponents, human rights defenders, members of civil society organizations, lawyers and journalists have been the targets of acts of violence, intimidation, harassment, threats and reprisals. These human rights violations, committed by members of the police, the National Intelligence Service and the Imbonerakure, restrict civic space and prevent individuals from exercising and promoting human rights in complete safety, particularly in the context of activities to combat racial discrimination and protect persons and groups covered by the Convention (arts. 2 and 4–6).

**26. With regard to the situation of political opponents, human rights defenders, members of civil society organizations, lawyers and journalists, particularly those working to combat racial discrimination and protect the rights of persons and groups protected by the Convention, the Committee recommends that the State Party:**

**(a) Take all necessary legislative and other measures to guarantee them an open civic space in which they can carry out their work effectively and safely;**

**(b) Conduct effective, thorough and impartial investigations into all reported cases of human rights violations against these individuals, including those committed since 2015, such as arbitrary detentions, extrajudicial executions, enforced disappearances, acts of torture and ill-treatment, intimidation, harassment, threats and reprisals; to prosecute the perpetrators of these acts; and to grant adequate reparation to victims or their families;**

**(c) Guarantee these individuals the freedom to carry out their activities, including cooperation with the United Nations and international and regional human rights mechanisms, without fear of harassment, intimidation or reprisals.**

**Participation in public affairs**

27. The Committee takes note of the information provided by the State Party in its periodic report and during the dialogue concerning the constitutional provisions on quotas for the Hutu and Tutsi ethnic groups in the executive, legislative and judicial branches, as well as in the defence and security forces. Nevertheless, it is concerned about reports that the planned quotas have been only partially implemented, particularly within the public administration, and by the lack of effective and transparent mechanisms for monitoring compliance with quotas in public institutions. While noting the 30 per cent quota set by the State Party's Constitution for the representation of women in the Government, Parliament and Senate, the Committee is concerned that women, particularly women from marginalized communities, are very poorly represented at the provincial and colline (local administrative subdivision) levels and in several other areas of civil, political and economic life. The Committee notes the mechanism for co-opting members of the Twa people, as provided for in the State Party's Constitution, but is concerned about the low level of participation and representation of the Twa in public affairs (arts. 1 and 5).

**28. The Committee recommends that the State Party adopt the necessary measures to guarantee pluralism and tolerance in political life, as well as the effective participation and representation of persons belonging to different ethnic groups in public and political life, particularly in State institutions and public administration at all levels, in full compliance with the Constitution and the Arusha Peace and Reconciliation Agreement for Burundi. It also recommends that the State Party take the necessary measures to increase the participation and representation of women, in particular women from marginalized communities, and persons belonging to the Twa people in public and political life, including in decision-making positions, at both the national and local levels.**

**Rights of Indigenous Peoples**

29. The Committee takes note of the State Party's commitment to redress the historical injustice suffered by the Twa people and of the measures adopted to protect and promote

their rights, in particular the National Strategy for the Socioeconomic Reintegration of Disaster Victims and Other Vulnerable Persons and the Inclusion of the Twa (2023–2027). However, it remains concerned about the persistence of inequalities and various forms of discrimination and stigmatization experienced by the Twa. These difficulties are reflected, inter alia, in the absence of specific legislation recognizing their rights as an Indigenous People, high rates of poverty and illiteracy, limited access to quality health services and land tenure insecurity with regard to the lands that they have traditionally owned, occupied or used (art. 5).

**30. In the light of its general recommendation No. 23 (1997) on the rights of Indigenous Peoples and recalling the 2007 United Nations Declaration on the Rights of Indigenous Peoples, the Committee recommends that the State Party:**

**(a) Take all necessary measures to ensure non-discrimination against the Twa people and their recognition and legal protection, including through the adoption of a specific law to promote and protect their rights;**

**(b) Adopt legislative and other measures to ensure that the Twa are consulted on any legislative, administrative or other initiative that may affect their rights, with a view to obtaining their free, prior and informed consent; establish appropriate mechanisms to ensure that such consultations are held; and ensure the effective participation of the Twa in the development of such measures and in the creation of consultation mechanisms;**

**(c) Revise the legislative framework for land ownership with a view to ensuring the protection of the right of the Twa to own, use, develop and control their lands, territories and resources, while ensuring their effective and meaningful participation in the revision process;**

**(d) Intensify efforts to reduce the high levels of inequality and poverty experienced by the Twa, and ensure that they have the same access as the rest of the population to high-quality, culturally appropriate health services;**

**(e) Take additional measures to combat racial discrimination in education, particularly against the Twa, and to ensure the availability, accessibility and quality of education at all levels for children from this community;**

**(f) Take measures to ensure access by the Twa to effective remedies when their rights are violated and provide them with just compensation, including when the lands, territories and resources that they have traditionally owned or used have been confiscated, occupied or used without their free, prior and informed consent.**

#### **Multiple and intersecting forms of racial discrimination**

31. While noting the measures adopted by the State Party concerning women's rights, such as the National Gender Policy (2012–2025) and the National Strategy on the Promotion of the Effective and Inclusive Participation of Women and Girls in Decision-making Bodies (2023–2030), the Committee is concerned about the multiple and intersecting forms of discrimination faced by women and girls from all ethnic communities, including Twa women, as well as women with albinism and migrant, refugee, asylum-seeking, stateless and displaced women, particularly in terms of access to work, education and healthcare, and in matters of inheritance. While noting the adoption of Act No. 1/13 of 22 September 2016 on the prevention and punishment of gender-based violence and the protection of victims, the Committee regrets the lack of sufficient information, disaggregated by national and ethnic origin, on the number of investigations conducted, prosecutions initiated and convictions handed down in cases of violence against women, as well as on the reparations measures applied (arts. 1, 2 and 5).

**32. In the light of its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State Party:**

**(a) Continue and expand its efforts to combat the multiple and intersecting forms of discrimination against women and girls from all ethnic communities, including Twa women, as well as women with albinism and migrant, refugee, asylum-seeking,**

stateless and displaced women, in particular by taking gender issues into account in all its policies and strategies to combat racial discrimination;

(b) Take measures to ensure that these women and girls can exercise all their rights, in particular the right to work, the right to education and the right to health, taking into account cultural differences;

(c) Strengthen women's access to land, including by adopting, without further delay, a law guaranteeing parity in inheritance and by revising circular No. 552/01/427/CS/2025 of the President of the Supreme Court, dated 27 March 2025, which provides that priority must be given to custom in judicial decisions, in order to bring it into line with the Constitution and the State Party's international obligations in this area;

(d) Step up its efforts to prevent and combat all forms of violence against women, in particular by strengthening the institutions responsible for enforcing the existing legislative framework, especially the public prosecutor's office, courts and tribunals, by providing them with the necessary resources, by offering training on this issue to public officials and by expanding public awareness-raising campaigns;

(e) Expand and strengthen reception facilities and victim support mechanisms, ensuring that they are culturally appropriate;

(f) Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and given appropriate sentences and that victims receive protection and full reparation;

(g) Collect and provide statistics, disaggregated by ethnic or national origin, on the extent of violence against women.

#### **Situation of returnees**

33. While noting the measures taken by the State Party to facilitate the return and reintegration of Burundian nationals who had sought refuge abroad, the Committee is concerned about the reported difficulties encountered by some Burundian returnees in sustainably reintegrating into society. These difficulties relate, in particular, to the recovery of their property, including land, access to basic services on an equal basis with other nations and without discrimination, and safe reintegration at the local level without suffering violence or reprisals (arts. 2, 5 and 6).

34. Recalling its previous concluding observations,<sup>6</sup> the Committee recommends that the State Party take all the necessary measures to ensure that Burundian returnees are able to return and reintegrate at the local level in safe and dignified conditions and on a genuinely voluntary basis. It also recommends that the State Party ensure that returnees recover the property they had before their departure, including their land, or have access to compensation and indemnification measures. It also recommends that the State Party intensify measures to ensure that returnees have access to public services, in particular health services, education and adequate housing, on an equal basis with other Burundians and without discrimination, including on the grounds of race, colour, descent or national or ethnic origin. Furthermore, the Committee recommends that the State Party investigate all cases of violence, intimidation, reprisals and forced returns against Burundian returnees, and ensure that perpetrators are prosecuted and given appropriate sentences and that victims receive full reparation.

#### **Right to own property**

35. While noting the information provided by the State Party's delegation during the dialogue, the Committee is concerned about reports of arbitrary land expropriation that disproportionately affect people living in the neighbourhoods of Rohero, Nyakabiga, Bwiza and Buyenzi, including widows, orphans and heirs from displaced families, as well as refugee and exiled families abroad, and that this expropriation is often carried out in violation of

<sup>6</sup> CERD/C/304/Add.42, paras. 18 and 28.

procedural safeguards, without effective recourse and without fair and prior compensation (arts. 2, 5 and 6).

**36. The Committee recommends that the State Party take the necessary measures to guarantee the right of everyone to own property in conditions of equality and without discrimination, in particular on the grounds of race, colour, descent, national or ethnic origin or political affiliation; to ensure strict compliance with legal remedies against arbitrary expropriations; to ensure that the public is informed of these guarantees and can avail themselves of them; to guarantee fair and prior restitution, compensation and reparations, based on the principles of transparency, fairness and non-discrimination; and to suspend ongoing expropriation operations, particularly in the aforementioned neighbourhoods, until an independent assessment of their legality has been carried out.**

#### **Situation of persons with albinism**

37. While noting the information provided by the State Party, the Committee remains concerned about reports of discrimination and stigmatization of persons with albinism in various aspects of daily life, as well as abductions and other forms of extreme violence, including killings, often motivated by beliefs related to witchcraft and their skin colour. The Committee regrets the lack of detailed information on the measures taken by the State Party to ensure the protection of these persons, in particular children and girls and women with albinism, against violence and discrimination (arts. 2 and 5–7).

**38. The Committee recommends that the State Party better guarantee the right to life of persons with albinism. It urges the country to take more effective measures to protect these people from violence, abductions and discrimination, and to ensure that they have access to education, healthcare and employment in conditions of equality. The Committee recommends that the State Party conduct full and thorough investigations into all reported cases of attacks on persons with albinism, including cases identified by civil society organizations, end impunity for the perpetrators and conduct information campaigns on albinism to combat prejudices and false beliefs on albinism.**

#### **Situation of non-citizens, including migrants, asylum-seekers and refugees**

39. The Committee commends the State Party for hosting, despite the challenges it faces, a large number of refugees who have fled subregional conflicts. Nevertheless, it is concerned about reports that migrants, asylum-seekers and refugees encounter difficulties in terms of registration, freedom of movement, effective access to housing, employment and health and education services, sometimes because they do not have the necessary documents. The Committee notes with concern that, in some cases, these persons are subjected, in particular because of their national or ethnic origin, to xenophobic acts or racial discrimination by public officials or private actors. While noting the information provided by the State Party, the Committee is concerned that the attack on the Gatumba refugee camp in August 2004, which targeted Banyamulenge refugees in particular, has remained unpunished for more than 20 years (arts. 5 and 6).

**40. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State Party adopt additional measures to facilitate the integration of migrants, asylum-seekers and refugees, including those living in urban areas, and develop a system of indicators to assess the impact of its public policies and other measures, particularly with regard to the effective enjoyment of economic, social and cultural rights. It further recommends that the State Party:**

(a) **Allocate sufficient human, financial and technical resources to the National Office for the Protection of Refugees and Stateless Persons to enable it to fulfil its mandate effectively;**

(b) **Adopt measures to facilitate access to registration and identity documents for migrants, asylum-seekers and refugees;**

(c) **Take the necessary measures to guarantee the right to freedom of movement for all refugees and asylum-seekers, without discrimination;**

(d) **Review legal restrictions and simplify administrative procedures that hinder the right of non-citizens, including those with long-term residence permits, to purchase a plot of land or legitimize a land transaction and register their land rights;**

(e) **Review Joint Ministerial Order No. 570/530/921 of 20 June 2022, regulating the employment of foreigners and citizens of States members of the East African Community in Burundi, in order to bring it into line with international standards on the right to work and the right to non-discrimination;**

(f) **Step up efforts to ensure access to quality health services for migrants, asylum-seekers and refugees;**

(g) **Accelerate the adoption and implementation of the national strategy on the inclusion of refugees and returnees in the Burundian education system, the draft of which has been pending approval since January 2025;**

(h) **Step up efforts to prevent and combat prejudice, stereotyping, xenophobia and racial discrimination against migrants, refugees and asylum-seekers, including by conducting awareness-raising, information and education campaigns and strongly condemn all expressions of xenophobia or racism;**

(i) **Ensure that all acts of racial or xenophobic discrimination against non-citizens, including racketeering and racial profiling by law enforcement officers, are investigated and prosecuted, that the perpetrators are punished and that victims receive adequate redress;**

(j) **Take the necessary measures to end impunity for the attack on the Gatumba refugee camp, ensure that the perpetrators are duly prosecuted and punished, and provide adequate reparations to the victims or their families.**

#### **The fight against trafficking in persons**

41. The Committee takes note of the measures adopted by the State Party to prevent and combat trafficking in persons, such as the adoption of Act No. 1/28 of 29 October 2014, on the prevention and suppression of trafficking in persons and the protection of victims of trafficking, the establishment of a consultation and monitoring commission on the prevention and suppression of trafficking in human beings in 2022 and the adoption of the National Action Plan to Combat Trafficking in Persons (2023–2027). However, the Committee is concerned about the persistence of trafficking in persons in the country, particularly in the border provinces (arts. 2, 5 and 6).

42. **The Committee recommends that the State Party:**

(a) **Step up efforts to end trafficking in persons, particularly in the border provinces, and ensure the effective enforcement of human trafficking legislation and implementation of the National Action Plan;**

(b) **Investigate rapidly, effectively and impartially all allegations of trafficking in persons, prosecute the perpetrators of such acts and duly punish those found guilty appropriately, while facilitating the reporting of trafficking and ensuring victims' access to effective remedies;**

(c) **Enhance early identification procedures for trafficking victims, including migrants, refugees and asylum-seekers, and establish a comprehensive referral system to ensure access to appropriate support services, with targeted measures to protect the most vulnerable, especially migrant children;**

(d) **Strengthen protection and assistance measures for victims and ensure that they have effective access to appropriate legal, medical and psychological assistance and social services;**

(e) **Continue its efforts to train police officers, border guards, immigration officers, judges, prosecutors and labour inspectors to ensure the effective application of national anti-trafficking legislation.**

**Right to nationality**

43. The Committee is concerned that, under the Nationality Code, Burundian women cannot transfer their nationality to their non-Burundian spouses or to their children from birth, unlike Burundian men (arts. 2 and 5).

44. **In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State Party amend the Nationality Code to allow Burundian women married to foreign nationals to transmit their nationality to their children from birth and to their spouses, on an equal footing with Burundian men.**

**Statelessness**

45. The Committee regrets the lack of detailed information on measures taken to prevent and eliminate statelessness, as well as the lack of significant progress towards accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (art. 5).

46. **In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State Party take all necessary measures to prevent and reduce statelessness, including by expediting the process of acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

**Complaints concerning racial discrimination and access to justice**

47. While noting the information provided by the State Party about the scarcity of complaints of racial discrimination, the Committee is concerned about the absence of a system for recording and collecting data on incidents of racial discrimination, and regrets the lack of detailed information on complaints of racial discrimination, racist hate speech and related offences brought before the courts or other national institutions and on the outcome of investigations, the prosecutions brought, the penalties imposed and the reparation awarded to victims (arts. 5 and 6).

48. **In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State Party that the absence or small number of complaints and legal actions brought by victims of racial discrimination may reveal a lack of specific relevant legislation, inadequate information of victims concerning their rights, fear of social censure or reprisals or fear on the part of victims of the cost and complexity of the judicial process, a lack of trust in the police and judicial authorities or that the authorities are insufficiently alert to or aware of offences involving racism. Recalling its previous concluding observations,<sup>7</sup> the Committee recommends that the State Party:**

(a) **Ensure that the legislative framework for combating racial discrimination contains appropriate provisions, take the necessary measures to facilitate the reporting of cases and ensure that all victims of racial discrimination have access to effective remedies and adequate redress;**

(b) **Intensify public information campaigns on the rights enshrined in the Convention and on judicial and non-judicial remedies available with respect to those rights, targeting in particular the groups most exposed to racial discrimination, including the Twa people, persons with albinism, migrants, refugees, asylum-seekers, stateless persons, displaced persons and returnees;**

(c) **Redouble efforts to ensure that victims of racial discrimination have effective access to free legal aid services, and allocate sufficient human and financial resources to such services;**

<sup>7</sup> CERD/C/304/Add.42, paras. 19 and 29.

(d) **Strengthen the training of law enforcement officials to enable them to deal effectively with cases of racial discrimination;**

(e) **Adopt the necessary measures, including legislative measures, to ensure the application of the principle of reversal of the burden of proof in favour of victims of racial discrimination;**

(f) **Set up a mechanism to collect statistics on complaints of racial discrimination and racially motivated offences, disaggregated by ethnic or national origin, as well as on the prosecutions, convictions and sentences to which they have given rise and the reparation awarded to victims;**

(g) **Take all necessary measures to thoroughly reform its judicial system, guaranteeing, in law and in practice, the full independence, impartiality and security of judges and prosecutors, and ensuring that they are protected from any kind of undue pressure or interference from other bodies, in particular the executive branch, including the Supreme Council of Justice; and to provide the judicial system with sufficient human, technical and financial resources to ensure its proper functioning.**

#### **Transitional justice and the fight against impunity**

49. The Committee takes note of the measures taken by the State Party in the area of transitional justice, such as the establishment of the Truth and Reconciliation Commission and the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Other Crimes Against Humanity. While taking note of the information provided by the State Party's delegation, the Committee is concerned about reports of the limited independence, impartiality and diversity of the Truth and Reconciliation Commission, as well as reports that the transitional justice process focuses on the year 1972 rather than taking a comprehensive and inclusive approach that also covers other periods of violence, thereby preventing the equitable treatment of atrocities committed against all the communities in the State Party. The Committee regrets that the mandate of the Truth and Reconciliation Commission does not cover serious human rights violations committed after 2008, including those resulting from the 2015 crisis. The Committee is seriously concerned about the impunity that the perpetrators of serious human rights violations and other atrocities have enjoyed and continue to enjoy (arts. 2 and 4–6).

50. **The Committee urges the State Party to take all necessary measures to ensure that the transitional justice process is comprehensive and inclusive, deals fairly with all the serious human rights violations and atrocities committed against all the communities in the State Party, recognizes fairly all victims of past violence and advances all aspects of transitional justice, in particular accountability, reparations, land restitution, and security and justice sector reform. The Committee recommends that the State Party ensure that the work of the Truth and Reconciliation Commission is independent, impartial, inclusive, transparent and balanced, and that it extend its mandate to cover all periods of violence, including the serious human rights violations allegedly committed since 2015. Recalling its previous concluding observations,<sup>8</sup> the Committee urges the State Party to end to impunity for all perpetrators of human rights violations and atrocities, regardless of their ethnic origin and political affiliation, and to ensure that they are prosecuted and punished in proportion to the seriousness of the acts of which they are accused and that all victims or their family members obtain full reparation. The Committee recommends that the State Party implement the recommendations made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence following his mission to Burundi.<sup>9</sup>**

#### **Human rights education to combat prejudice and intolerance**

51. The Committee takes note of the information provided by the State Party on the steps taken to provide training focusing on human rights, peace and responsible citizenship. However, the Committee regrets the lack of detailed information on specific training in

<sup>8</sup> CERD/C/304/Add.42, para. 24.

<sup>9</sup> See A/HRC/48/60/Add.2 and A/HRC/30/42/Add.1.

school curricula and vocational training programmes relating to the Convention's provisions and the inclusion of information on the fight against racial discrimination, racism and xenophobia. While noting the initiatives taken by the State Party with regard to research into crimes committed during the colonial era, it regrets the lack of information on the inclusion of the history of colonization and its consequences in school curricula (art. 7).

**52. The Committee recommends that the State Party step up its efforts in the field of human rights education and ensure that school curricula and vocational training programmes in this area include systematic and continuous training on the provisions of the Convention, and information on the fight against racial discrimination, racism and xenophobia and on the history and culture of the various ethnic groups, including the Twa people. It further recommends that the State Party include in curricula the history of colonization and trans-Saharan slavery and their consequences, promote research on these topics and include information on measures adopted in this regard in its next periodic report.**

#### **Cooperation in the field of human rights**

53. The Committee welcomes the appointment in 2021 of the members of the Interministerial Standing Committee for the Drafting of Initial and Periodic Reports and the establishment in 2016 of the Department of Treaty Bodies, Special Procedures, the Universal Periodic Review of the United Nations and Other Mechanisms. Nevertheless, the Committee is concerned about the lack of cooperation and dialogue on the part of the State Party, during the reporting period, with international human rights mechanisms, in particular treaty bodies, the Commission of Inquiry on Burundi established by the Human Rights Council in 2016 and whose mandate expired in 2021,<sup>10</sup> and the special procedure mandate holders of the Human Rights Council, in particular the Special Rapporteur on the situation of human rights in Burundi. It also regrets the closure in 2019 of the country office of the Office of the United Nations High Commissioner for Human Rights, at the request of the Government, and deplores the fact that the State Party withdrew from the Rome Statute of the International Criminal Court, with effect from 27 October 2017.

**54. The Committee invites the State Party to re-establish full dialogue and cooperation with international human rights mechanisms, in particular the treaty bodies and the special procedure mandate holders of the Human Rights Council, including the Special Rapporteur on the situation of human rights in Burundi; to authorize the reopening of the country office of the Office of the United Nations High Commissioner for Human Rights; to cooperate fully with the International Criminal Court in relation to investigations initiated prior to the withdrawal of the State Party; and to accede anew to the Rome Statute of the International Criminal Court.**

### **D. Other recommendations**

#### **Ratification of other treaties**

**55. Bearing in mind the indivisibility of all human rights, the Committee encourages the State Party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance for communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 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, as well as the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).**

<sup>10</sup> See [A/HRC/RES/33/24](#), para. 23, and [A/HRC/RES/48/16](#).

**Amendment to article 8 of the Convention**

56. The Committee recommends that the State Party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

**Declaration under article 14 of the Convention**

57. The Committee encourages the State Party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

**Follow-up to the Durban Declaration and Programme of Action**

58. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention, the State Party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State Party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

**International Decade for People of African Descent**

59. The General Assembly, in its resolution 79/193, proclaimed the period 2025–2034 the Second International Decade for People of African Descent. Also in that resolution, the General Assembly decided to extend the programme of activities for the implementation of the International Decade for People of African Descent adopted in resolution 69/16, with a view to ensuring continuing efforts in promoting the respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent. In view of these developments, the Committee recommends that the State Party implement the programme of activities in collaboration with people of African descent and include in its next periodic report information on the specific measures taken in this regard, bearing in mind the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

**Consultations with civil society**

60. The Committee recommends that the State Party expand its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

**Dissemination of information**

61. The Committee recommends that the State Party's reports be made readily available to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention and publicized on the website of the Ministry of Foreign Affairs, Regional Integration and Development Cooperation in the official and other commonly used languages, as appropriate.

**Common core document**

62. The Committee encourages the State Party to update its common core document, which dates to 1998, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty

bodies, held in June 2006.<sup>11</sup> In the light of General Assembly resolution 68/268, the Committee urges the State Party to observe the limit of 42,400 words for such documents.

#### **Paragraphs of particular importance**

63. The Committee wishes to draw the attention of the State Party to the particular importance of the recommendations contained in paragraphs 10 (legislation against racial discrimination), 28 (participation in public affairs) and 50 (transitional justice and the fight against impunity) above and requests the State Party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Follow-up to concluding observations**

64. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State Party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 18 (a) (racist hate speech) and 40 (g) (situation of non-citizens, including migrants, asylum-seekers and refugees) above.

#### **Preparation of the next periodic report**

65. The Committee recommends that the State Party submit its combined twentieth to twenty-second periodic reports by 26 November 2030, taking into account the reporting guidelines adopted by the Committee at its seventy-first session<sup>12</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State Party to observe the limit of 21,200 words for such documents.

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<sup>11</sup> [HRI/GEN/2/Rev.6](#), chap. I.

<sup>12</sup> [CERD/C/2007/1](#).