



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of Burundi*

1. The Committee considered the third periodic report of Burundi¹ at its 4003rd meeting,² held on 3 July 2023. At its 4029th meeting, held on 20 July 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party and the information presented therein. The Committee thanks the State party for its written replies³ to the list of issues.⁴ The Committee nevertheless regrets that the delegation of the State party decided to leave the review after the start of the meeting and did not hold a constructive dialogue with it. It recalls that the review of the reports that States parties are required to submit under article 40 of the Covenant is done through a dialogue between the Committee and representatives of the State.⁵ The Committee stresses that full participation by States parties in dialogues with the human rights treaty bodies is a fundamental component of the periodic review procedure.⁶ As a consequence of the delegation's withdrawal, the Committee was forced to proceed with its review in the absence of a delegation.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

- (a) Act No. 1/13 of 22 September 2016 providing for the protection of victims and the prevention and punishment of gender-based violence;
- (b) Act No. 1/04 of 27 June 2016 providing for the protection of victims, witnesses and other persons at risk;
- (c) Act No. 1/28 of 29 October 2014 providing for the prevention and punishment of trafficking in persons and protection for victims of trafficking;
- (d) The National Child Protection Policy 2020–2024;
- (e) The National Gender Policy 2012–2025.

* Adopted by the Committee at its 138th session (26 June–26 July 2023).

¹ [CCPR/C/BDI/3](#).

² See [CCPR/C/SR.4003](#).

³ [CCPR/C/BDI/RQ/3](#).

⁴ [CCPR/C/BDI/Q/3](#).

⁵ Rule 68 of the Committee's rules of procedure.

⁶ See General Assembly resolution 68/268.



C. Principal matters of concern and recommendations

The Covenant in the domestic legal order

4. While it notes that, pursuant to article 19 of the State party's Constitution, the rights enshrined in international human rights instruments form an integral part of the Constitution, the Committee regrets the lack of information on examples of cases in which the provisions of the Covenant have been invoked before or applied by the courts. The Committee also regrets that the State party has not yet ratified either of the Optional Protocols to the Covenant. Additionally, it notes with concern the State party's lack of cooperation and dialogue with international human rights mechanisms, in particular the special procedures of the Human Rights Council, as well as the closure of the country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2019 at the Government's request (art. 2).

5. The State party should intensify its efforts to inform judges, prosecutors and lawyers about the Covenant so that its provisions are taken into consideration by the national courts, as well as carry out public awareness-raising. It should also expedite the ratification process for the two Optional Protocols to the Covenant. Furthermore, the State party should re-establish dialogue and cooperation with international human rights mechanisms, in particular the special procedures of the Human Rights Council, and authorize the reopening of the OHCHR country office.

Independent National Human Rights Commission

6. The Committee notes that the Independent National Human Rights Commission has regained its A status accreditation from the Global Alliance of National Human Rights Institutions and has seen its budget allocations increased since 2020. The Committee is nonetheless concerned by reports that the Commission is not independent, that it is selective in its follow-up of cases of human rights violations and that its reports do not sufficiently reflect cases of violations committed by members of the police, the National Intelligence Service and the Imbonerakure (the youth league of the ruling party). The Committee is further concerned by the fact that the Commission does not have branches in the provinces that would enable it to carry out its work countrywide (art. 2).

7. In the light of the Committee's previous concluding observations,⁷ the State party should take all the necessary steps to guarantee, in practice, the full independence of the Commission and provide it with sufficient resources to fully carry out its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should also ensure that the Commission has premises and effective means of action in all parts of the country.

Anti-corruption efforts

8. The Committee is concerned by reports of persistent corruption at the highest levels of the State, the public sector and the judiciary and in public tendering in the infrastructure and natural resource exploitation sectors, particularly in the negotiation of mining permits, which weakens the rule of law and leads to violations of the Covenant. Additionally, it regrets the lack of detailed information on the number of investigations, prosecutions and convictions in corruption cases (arts. 2, 14 and 25).

9. The State party should intensify its efforts to combat trafficking and take the measures necessary to safeguard the independence and effectiveness of national anti-corruption bodies, including the Anti-Corruption Court, its prosecutor's office and the Special Anti-Corruption Brigade. It should also ensure that all acts of corruption are investigated independently and impartially and that suspected perpetrators, including the most senior officials in the State party and other public figures, are brought to justice and given appropriate punishments should they be found guilty.

⁷ CCPR/C/BDI/CO/2 and CCPR/C/BDI/CO/2/Corr.1, para. 7.

Discrimination on grounds of sexual orientation and gender identity

10. Recalling its previous concluding observations,⁸ the Committee finds it extremely regrettable that homosexuality remains criminalized under article 590 of the Criminal Code and is concerned that individuals are being arrested and criminally prosecuted pursuant to that provision, for instance in the case of the 24 people who, after taking part in an event on HIV/AIDS in Gitega, were arrested on 22 February 2013 and prosecuted for “homosexual practices”. The Committee reiterates its concern that individuals are being discriminated against and stigmatized due to their sexual orientation or gender identity in various spheres of life, especially in the exercise of the right to freedom of expression, peaceful assembly and association and in access to housing, health care and education. It is further concerned at reports of incitement to hatred and violence against individuals on account of their sexual orientation or gender identity, including by the authorities of the State party and political leaders (arts. 2, 9 and 26).

11. The State party should take action to:

(a) **Repeal all provisions that might lead to individuals being discriminated against, prosecuted or punished for their sexual orientation or gender identity, including article 590 of the Criminal Code and article 9 of Ministerial Order No. 620/613 of 7 June 2011;**

(b) **End the practice of arresting and criminally prosecuting individuals for “homosexual practices” and release anyone who is being detained on those grounds;**

(c) **Ensure that lesbian, gay, bisexual and transgender persons can fully exercise their rights, including the right to freedom of expression, peaceful assembly and association;**

(d) **End incitement of hatred and violence against individuals on account of their sexual orientation or gender identity;**

(e) **Investigate cases of discrimination and violence against lesbian, gay, bisexual and transgender persons, prosecute the suspected perpetrators, punish those who are found guilty and provide victims with an effective remedy.**

Gender equality and discrimination against women

12. The Committee notes the adoption of the National Gender Policy 2012–2025 aimed at achieving equality between men and women and the empowerment of women. It remains concerned, however, by the continued application of customary law in matters of inheritance, matrimonial regimes and bequests, thus reinforcing unequal treatment of men and women, and by the provisions of the Code of the Person and the Family⁹ and the Nationality Code¹⁰ that are discriminatory towards women. While the Committee welcomes the 30 per cent quota established in the Constitution for the representation of women in Government, the National Assembly and the Senate,¹¹ it notes with concern how few women representatives there are at the provincial and district (*collines*) levels and in several other areas of civilian, political and economic life (arts. 2, 3, 25 and 26).

13. In keeping with the Committee’s previous concluding observations,¹² the State party should:

(a) **Adopt without delay a law on inheritance, matrimonial regimes and bequests that it is fully in line with the provisions of the Covenant;**

(b) **Amend the discriminatory provisions in the Code of the Person and the Family and the Nationality Code to fully realize the principle of gender equality enshrined in the Constitution and the Covenant;**

⁸ CCPR/C/BDI/CO/2 and CCPR/C/BDI/CO/2/Corr.1, para. 8.

⁹ Code of the Person and the Family, arts. 38, 88, 122 and 126.

¹⁰ Nationality Code, arts. 2 and 4.

¹¹ Constitution, arts. 128 (Government), 169 (National Assembly) and 185 (Senate).

¹² CCPR/C/BDI/CO/2 and CCPR/C/BDI/CO/2/Corr.1, paras. 10 and 11.

(c) **Take additional steps to increase the representation of women in political and public life at the national and local levels;**

(d) **Strengthen public information and awareness-raising activities to combat sexist stereotypes regarding women's subordination and promote respect for the roles and shared responsibilities of men and women in the family and in society.**

Violence against women

14. The Committee welcomes the adoption of Act No. 1/013 of 22 September 2016 providing for the prevention and punishment of gender-based violence and the protection of victims but remains concerned at the persistent violence against women, in particular domestic and sexual violence. The Committee is further concerned at how few cases are reported and suspected perpetrators prosecuted out of fear of stigmatization or reprisals, at the impunity enjoyed by perpetrators and at the insufficient number of shelters and protection measures for victims. It regrets the lack of information on the number of investigations, prosecutions and convictions relating to violence against women and on the reparations awarded to victims (arts. 3, 6, 7 and 17).

15. **The State party should:**

(a) **Intensify its efforts to prevent and combat all forms of violence against women, for instance by strengthening the institutions responsible for enforcing the law, in particular the prosecution service and the courts, by providing them with the necessary resources, organizing training for State officials and enhancing public awareness campaigns;**

(b) **Increase the number of shelters and assistance centres and strengthen their ability to protect victims from reprisals of any kind;**

(c) **Ensure that all cases of violence against women are thoroughly investigated, that suspected perpetrators are prosecuted and punished with appropriate penalties and that victims are provided with protection and comprehensive reparation;**

(d) **Collect and provide disaggregated statistical data on the scale of violence against women.**

Sexual violence as a weapon of political repression

16. The Committee is alarmed at the numerous corroborating reports of sexual violence, including gang rape, committed by members of the Imbonerakure, the National Intelligence Service and the security forces against women and girls as a means of intimidation and political repression for their, or a relative's, real or perceived affiliation with the political opposition; this intensified during the 2015 demonstrations, the 2018 constitutional referendum and the 2020 elections. It is also alarmed at the impunity enjoyed by the perpetrators, the obstacles victims face in accessing justice and the fact that victims are dissuaded from lodging a complaint against their attackers out of a fear of reprisals. In addition, it regrets the lack of information on the measures taken to prevent this type of violence, on investigations, prosecutions and penalties in such cases and on reparations awarded to victims (arts. 2, 3, 7 and 26).

17. **In the light of the recommendations made by the Committee against Torture¹³ and the Committee on the Elimination of Discrimination against Women,¹⁴ the State party should take all measures necessary to:**

(a) **Ensure that all cases of sexual violence, including those allegedly committed by the Imbonerakure, officials of the National Intelligence Service and members of the security forces, are thoroughly and independently investigated and that the suspected perpetrators are brought to justice and punished if found guilty;**

¹³ CAT/C/BDI/CO/2/Add.1, para. 17.

¹⁴ CEDAW/C/BDI/CO/5-6, para. 27.

(b) **Ensure that all victims of sexual violence have access in practice to legal, medical, financial and mental health services, effective remedies, as well as reparation and protection measures, including against reprisals;**

(c) **Prevent sexual violence against women and girls, including when committed as a means of intimidation and political repression, and raise awareness among judges and prosecutors of the prohibition of all forms of violence against women and girls.**

Voluntary termination of pregnancy and women's sexual and reproductive health

18. The Committee is concerned by the criminalization of abortion under article 533 of the Criminal Code and the extremely restrictive conditions, laid down in article 534, for women to legally undergo a voluntary termination of pregnancy, namely, when they are at risk of death or serious permanent damage to their health, which lead women to seek unsafe clandestine abortions in conditions that endanger their life and health. It is also concerned by reports that many women who sought such an abortion were criminally prosecuted and sentenced to prison (arts. 3, 6, 7, 17 and 26).

19. **Bearing in mind paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:**

(a) **Amend its legislation to guarantee safe, legal and effective access to abortion where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or where the pregnancy is not viable;**

(b) **Modify the restrictive conditions for access to abortion when the pregnant woman or girl's life or health is at risk;**

(c) **Ensure that women and girls who undergo an abortion, as well as the doctors who help them, do not face criminal charges, for this compels women and girls to seek unsafe abortions;**

(d) **Implement awareness-raising policies to end the stigmatization of women and girls who undergo abortions;**

(e) **Guarantee that the population, especially girls and boys, has access to good quality education on sexual and reproductive health and related rights and to a wide range of affordable contraception.**

Right to life, prohibition of torture and cruel, inhuman or degrading treatment and the fight against impunity

20. The Committee notes the measures taken to strengthen the legislative framework on the protection of the right to life and the prevention and punishment of torture, including Act No. 1/27 of 29 December 2017 amending the Criminal Code and Act No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure. However, it is alarmed at the numerous corroborating reports of the many cases of enforced disappearance, extrajudicial executions and torture committed by members of the National Intelligence Service, police, security forces and the Imbonerakure, mainly against real or perceived political opponents, which intensified during the 2015 demonstrations, the 2018 constitutional referendum and the 2020 elections. In addition, the Committee notes with concern the many reports that the authorities immediately bury bodies bearing signs of violence found in public areas, without identifying them, notifying their families or investigating the circumstances of the deaths or the perpetrators.

21. In this context, the Committee remains concerned at the alarming rates of impunity enjoyed by those responsible for these violations, which leads to further violations, both on the part of State officials and members of the Imbonerakure. It deeply regrets not having received sufficient information on: (a) the steps taken to determine the fate and whereabouts of the disappeared persons; (b) investigations, prosecutions, convictions and penalties in such cases; (c) the measures taken to ensure that the victims and their families have access to justice and appropriate reparations; and (d) the investigations into the alleged summary

executions carried out in the neighbourhoods of Nyakabiga, Musaga, Mutakura, Cibitoke, Jabe and Ngagara in the course of the events of 11 December 2015 and the burial of the victims' bodies in mass graves; the summary executions carried out in three towns in Bujumbura Province (Isale, Kanyosha and Nyabiraba) between 19 and 23 February 2020; the case of Pascal Ninganza and two other persons reportedly killed by police officers on 15 April 2020; and the case of Claude Ndimunzigo, who was reportedly the victim of an extrajudicial execution by military personnel on 8 or 9 April 2023 in the Kibira natural reserve (arts. 2, 6, 7, 14 and 26).

22. **In keeping with the Committee's previous concluding observations,¹⁵ and in the light of the recommendations by the Committee against Torture¹⁶ and the Committee on the Elimination of Discrimination against Women,¹⁷ the State party should:**

(a) **Take all the measures necessary to combat impunity and ensure that prompt, thorough and impartial investigations are conducted into all reports of enforced disappearance, extrajudicial execution and torture, including where allegedly committed by State officials and the Imbonerakure, and that those responsible are prosecuted and, if found guilty, are sentenced to penalties commensurate with the seriousness of the offence;**

(b) **Ensure that victims and their families have access to effective remedies and comprehensive reparation and are effectively protected against threats, assault and any other reprisals;**

(c) **Uncover the fate and whereabouts of disappeared persons and ensure that their relatives are kept informed of the progress and outcome of investigations;**

(d) **Refrain from appointing or promoting alleged perpetrators of human rights violations to leadership positions;**

(e) **Take concrete action to prevent new abuses, in particular during the next elections;**

(f) **Operationalize the compensation fund for victims of torture;**

(g) **Provide judges, prosecutors, lawyers and law enforcement personnel with effective training covering international norms on the prevention of torture, including the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);**

(h) **Promptly establish a national mechanism for the prevention of torture in compliance with the Optional Protocol to the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment;**

(i) **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;**

(j) **Cooperate fully with the International Criminal Court on the investigations that were initiated before the State party's withdrawal, and re-accede to the Rome Statute of the International Criminal Court.**

Truth and Reconciliation Commission

23. The Committee notes the adoption of Act No. 1/18 of 15 May 2014 on the establishment, mandate, composition, organization and functioning of the Truth and Reconciliation Commission, whose mandate covers the period 1885 to 2008. It is concerned at reports of the Commission's lack of effectiveness, impartiality and independence and regrets not having received information on these reports or on the reforms needed to strengthen the institution (arts. 2, 6, 7, 14 and 26).

¹⁵ CCPR/C/BDI/CO/2 and CCPR/C/BDI/CO/2/Corr.1, paras. 13 and 14.

¹⁶ CAT/C/BDI/CO/2/Add.1, paras. 9, 11, 13, 15 and 27.

¹⁷ CEDAW/C/BDI/CO/5-6, para. 9.

24. **The State party should take all measures necessary to ensure that the work of the Truth and Reconciliation Commission is independent, impartial, inclusive, transparent and balanced. It should also ensure that the perpetrators of past human rights violations, irrespective of their ethnicity or political affiliation, are prosecuted and punished in accordance with the seriousness of their offence and that all victims or their families obtain comprehensive reparation. In this regard, the State party should take into consideration the recommendations of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.**¹⁸

Persons deprived of their liberty and conditions of detention

25. The Committee remains concerned at the very high rate of prison overcrowding and the reportedly extremely harsh conditions, in particular the lack of sanitation, adequate food and access to medical care and drinking water. It also remains concerned at the excessive duration of police custody and pretrial detention and the disproportionate use of pretrial detention, such that places of deprivation of liberty are overflowing with persons awaiting judgment (arts. 7, 9 and 10).

26. **In keeping with the Committee's previous concluding observations,**¹⁹ **the State party should:**

(a) **Intensify its efforts to improve the living conditions and treatment of detainees and resolve prison overcrowding in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(b) **Amend the Code of Criminal Procedure to reduce the maximum duration of police custody and pretrial detention, bringing them into line with the Covenant;**

(c) **Reduce the use of pretrial detention and increase the use of non-custodial measures in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).**

Arbitrary detention

27. The Committee is alarmed at reports that many people, including children, have been arbitrarily detained by police officers, officials of the National Intelligence Service and the Imbonerakure, who target political opponents first and foremost, and that these detentions have led to other violations, including extrajudicial executions, enforced disappearances, torture and sexual violence, especially during the 2015 demonstrations and the most recent referendum and elections. While it notes the release of several detainees following presidential pardons, the Committee is concerned that many individuals who have been pardoned have reportedly not been released (art. 9).

28. **The State party should take all the measures necessary to prevent the arbitrary detention of individuals, especially children, considered to be political opponents. It should also immediately release those who are still detained, conduct thorough, independent investigations into these cases without delay, bring the suspected perpetrators to justice and provide effective remedies to the victims. Lastly, it should ensure that all detainees enjoy full legal and procedural safeguards in accordance with the Covenant and the Committee's general comment No. 35 (2014) on liberty and security of person.**

Trafficking in persons

29. The Committee welcomes the adoption of Act No. 1/28 of 29 October 2014 providing for the prevention and punishment of trafficking in persons and protection for victims of trafficking. It regrets, however, that it did not receive detailed information on cases of human trafficking, especially trafficking for the purposes of sexual exploitation, domestic servitude

¹⁸ See [A/HRC/48/60/Add.2](#) and [A/HRC/30/42/Add.1](#).

¹⁹ [CCPR/C/BDI/CO/2](#) and [CCPR/C/BDI/CO/2/Corr.1](#), paras. 17 and 18.

or begging, or on investigations, prosecutions and convictions in such cases (arts. 6, 7, 8 and 24).

30. **In the light of the Committee's previous concluding observations,²⁰ the State party should redouble its efforts to fully implement Act No. 1/28 of 2014 and to develop and adopt a new national anti-trafficking plan. It should also systematically investigate all cases of human trafficking, prosecute the suspected perpetrators and impose appropriate sentences. In addition, it should ensure that victims are identified and have access to shelters and to appropriate legal, medical and psychological services.**

Displaced persons and refugees

31. The Committee is concerned at reports that a considerable number of displaced persons, particularly those displaced by crises in the country or by natural disasters, are living in deplorable conditions in camps and that displaced and repatriated women and girls have been subjected to or face a heightened risk of sexual violence (arts. 12 and 26).

32. **The State party should intensify its efforts to expedite durable solutions for internally displaced persons, in consultation with those concerned and in accordance with relevant international standards, including the Covenant and the Guiding Principles on Internal Displacement. It should also take concrete action to prevent all forms of violence against displaced and repatriated women and girls, especially sexual violence. Furthermore, it should ensure that victims are protected and have prompt access to medical services, in particular sexual and reproductive health services.**

33. The Committee is concerned at reports that Burundian nationals who had sought refuge abroad have been the victims of intimidation, extortion and arbitrary detention upon their voluntary return to Burundi, including by local officials and the Imbonerakure. The Committee is also concerned at reports that members of the Burundian political opposition who held refugee or asylum-seeker status in the United Republic of Tanzania have been tracked down by agents of the National Intelligence Service, forcibly returned and subjected to intimidation, arbitrary detention and enforced disappearance (arts. 6, 9, 12 and 26).

34. **The State party should take all measures necessary to promote the integration of repatriated Burundians at the local level in safety and dignity. It should also investigate all cases of intimidation, extortion, forced return and arbitrary detention of repatriated Burundians, ensure that those responsible for such acts are prosecuted and appropriately sentenced if found guilty and that victims and their families obtain comprehensive reparation.**

Independence of the judiciary

35. Notwithstanding the information provided by the State party, the Committee remains concerned about the ongoing lack of an independent judiciary. In this regard, the Committee is concerned by the fact that the President heads the Supreme Council of Justice, on which the Minister of Justice also sits, noting with particular concern that Act No. 1/02 of 23 January 2021 empowers the Council to monitor the quality of judgments, rulings and other judicial decisions and the related enforcement measures.²¹ The Committee is further concerned by reports of other deficiencies and shortcomings in the judicial system, including the lack of measures to guarantee judges' security of tenure, corruption, considerable delays in the administration of justice and insufficient human and financial resources (art. 14).

36. **The State party should take all measures necessary to overhaul the judicial system, in particular by: (a) ensuring, in law and in practice, the full independence, impartiality and security of judges and prosecutors; (b) ensuring that judges and prosecutors are protected from any form of undue pressure or interference on the part of other entities, particularly the executive, including at the level of the Supreme Council of Justice; (c) stepping up the fight against corruption in the judicial system;**

²⁰ CCPR/C/BDI/CO/2 and CCPR/C/BDI/CO/2/Corr.1, para. 16.

²¹ Act No. 1/02 of 23 January 2021 amending Organic Act No. 1/13 of 12 June 2019 on the organization and functioning of the Supreme Council of Justice, art. 3 (8).

(d) reducing excessive delays in the processing of judicial cases; and (e) providing the justice system with sufficient human and financial resources to operate.

Freedom of expression

37. The Committee notes the adoption of Act No. 1/19 of 14 September 2018 governing the press, as well as the fact that, between 2021 and 2022, the National Communication Council lifted the sanctions imposed in 2015 on Bonesha FM radio station, BBC radio and the newspaper *Ikirihó*. Notwithstanding these developments, the Committee is concerned by: (a) a closing of the civic space in Burundi, marked by the suspension of or imposition of sanctions on private and independent media; (b) the President's power to appoint members of the National Communication Council and the Council's reported lack of independence and impartiality; (c) the many allegations of harassment, threats and intimidation against journalists, human rights defenders and political opponents; and (d) the situation of Ms. Floriane Irangabiye, a journalist for Igicaniro radio station, who was arrested in August 2022 by officials of the National Intelligence Service for criticizing the Government on a radio broadcast and was convicted on 2 January 2023, under article 611 of the Criminal Code, of undermining the integrity of the national territory (art. 19).

38. In keeping with the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:

(a) Adopt the additional legislative measures necessary to ensure that any restriction on the exercise of freedom of expression meets the strict conditions outlined in the Covenant;

(b) Lift the remaining suspensions and sanctions imposed on private media and authorize the resumption of their operations;

(c) Ensure that the National Communication Council performs its function in an independent and impartial manner;

(d) Investigate the harassment, threats and intimidation against journalists, human rights defenders and political opponents and prosecute and punish those responsible;

(e) Cease the improper use of article 611 of the Criminal Code to criminalize the exercise of freedom of expression.

Freedom of peaceful assembly

39. The Committee is concerned that, according to the information provided by the State party, the legal obligation to obtain prior authorization for an assembly remains, in contravention of article 21 of the Covenant and the Committee's general comment No. 37 (2020). It is also concerned at the many corroborating reports that: (a) the police uses excessive force, including lethal force, to quell peaceful protests, as was the case during the 2015 protests in particular; (b) police officers, members of the National Intelligence Service, the Imbonerakure and representatives of local authorities arbitrarily detained protesters or prevented protests from taking place, particularly those organized by political opposition parties and trade unions; and (c) individuals have been forced to take part in local meetings organized by the party in power or the Imbonerakure (arts. 6, 21 and 25).

40. In the light of the Committee's general comment No. 37 (2020) on the right to peaceful assembly, the State party should:

(a) Harmonize its legislation with the Covenant and ensure that any restrictions on the right to peaceful assembly are in line with article 21;

(b) Ensure that all allegations of excessive use of force and arbitrary detention during peaceful protests are investigated thoroughly and impartially, that those responsible are prosecuted and punished and that the victims obtain redress;

(c) Ensure that law enforcement officials receive appropriate training on the use of force, in particular on the Basic Principles on the Use of Force and Firearms by

Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;

(d) Guarantee, in law and in practice, the full exercise of the right to freedom of peaceful assembly, including by political opposition parties and trade unions, and ensure that no one is forced to take part in protests or meetings, including those organized by the party in power.

Freedom of association

41. The Committee is concerned that Act No. 1/01 of 23 January 2017 on the general framework for cooperation between the Republic of Burundi and foreign non-governmental organizations and Act No. 1/02 of 27 January 2017 on the organizational structure of non-profit organizations constitute an extremely restrictive legal framework on freedom of association under which these organizations are required to reregister every two years, deposit their funds in accounts at the central bank, align their activities with the Government's programmes and priorities and recruit staff in an ethnically balanced manner. It is particularly concerned that the licences of many civil society organizations in Burundi have been suspended, cancelled or revoked as a consequence of this legal framework. It is further concerned at reports that individuals have been intimidated by the Imbonerakure into joining the party in power (art. 22).

42. The State party should revise its legal framework to guarantee effective enjoyment of the right to freedom of association, without any interference contrary to article 22 of the Covenant or political control by the authorities, and should take the measures necessary to prevent and combat forcible membership in associations, including the party in power.

Protection of journalists and human rights defenders

43. The Committee remains concerned at ongoing reports of the many acts of violence, harassment, intimidation and other human rights violations that are committed against human rights defenders by the police, the National Intelligence Service and the Imbonerakure. These practices, in addition to the acts already condemned in paragraphs 37, 39 and 41, prevent the development of a civic space in which individuals can safely exercise and promote human rights. The Committee is also concerned at the disappearance of journalist Jean Bigirimana in 2016 and human rights defender Marie-Claudette Kwizera in 2015, both of whom had allegedly been held by the National Intelligence Service (arts. 2, 9, 19, 21 and 22).

44. The State party should ensure that journalists, human rights defenders and other civil society actors are protected against violence, threats, harassment and intimidation and should investigate, prosecute and convict perpetrators of such acts. It should also allow these categories of people the necessary latitude to carry out their activities, including engaging with the United Nations, without fear of harassment, intimidation or reprisal.

Rights of the child

45. While it notes the adoption of the National Child Protection Policy 2020–2024, the Committee is concerned at reports that very young children have been recruited to a group affiliated with the party in power (known as “The Eaglets” or “The Children of the Eagle”) and to the Imbonerakure. It is concerned at reports that these children have taken part in parades organized by the police, where they chanted slogans that incited to violence and ethnic hatred, and regrets the lack of information from the State party in this regard. The Committee notes the public awareness-raising campaigns to protect persons with albinism, especially children, but regrets the lack of detailed information on the measures that the State party has taken for these children in order to protect them from all forms of discrimination (art. 24).

46. The State party should take the measures necessary to investigate the reported recruitment of very young children to violent groups or groups that incite violence and ethnic hatred, as well as dismantle such groups, end the practice and incorporate training that promotes peace, development and human rights into the education system.

It should also redouble its efforts to protect children with albinism from all discrimination, including violations of their physical integrity.

Participation in public affairs

47. The Committee is alarmed by the many corroborating reports that candidates and leaders of the political opposition and their supporters are often the targets of political violence, incitement to political or ethnic hatred, intimidation, torture and violations of fundamental freedoms on the part of the Imbonerakure, local administrative leaders, police officers and the National Intelligence Service, and by reports of the instrumentalization of the judicial system against the opposition parties, especially during the 2015 and 2020 elections and the 2018 constitutional referendum. It is concerned that the State party has not taken effective measures to prevent impunity for these acts or renewed violence, which could hinder the elections scheduled for 2025 and 2027 and the full discharge of obligations under the Covenant before, during and after the elections. The Committee is also concerned by the constraints on the right to stand for office contained in the Electoral Code, as amended by Organic Act No. 1/11 of 20 May 2019, for instance, the restrictive conditions to run as an independent candidate (arts. 7, 14, 25 and 26).

48. The State party should, prior to the 2025 and 2027 elections, take all measures necessary to:

(a) Prevent violence and incitement to political and ethnic hatred, and promote a culture of political pluralism;

(b) Ensure the full and meaningful enjoyment of electoral rights by everyone, including opposition political candidates and their supporters, and that all political parties can conduct an equal, free and transparent electoral campaign;

(c) Review the restrictions on the right to stand for office with a view to bringing them into line with the Covenant;

(d) Conduct thorough and independent investigations into all allegations of violence, intimidation, torture and violations of fundamental freedoms against members and supporters of opposition parties, and bring the perpetrators of such acts to justice.

Rights of minorities and Indigenous Peoples

49. While it notes that articles 169 and 185 of the Constitution provide for three representatives of the Batwa community in the National Assembly and the Senate, the Committee is concerned at reports that the Batwa community is not represented at the provincial or local levels, does not hold any seats in the Independent National Human Rights Commission and is almost entirely absent from leadership positions in ministries. In addition, it is concerned at reports that, in February 2023, the Council of Ministers decided to suspend the adoption of a national strategy for sustainable development through the integration and socioeconomic inclusion of the Batwa people 2022–2027 (arts. 2, 25, 26 and 27).

50. The State party should take the measures necessary to: (a) ensure sufficient representation of the Batwa Indigenous People in the central Government, local authorities and the Independent National Human Rights Commission, including as commissioners; (b) strengthen programmes promoting equal opportunities and access to services for the Batwa, including access to health care, education and justice, in particular by adopting the national strategy for sustainable development through the integration and socioeconomic inclusion of the Batwa people 2022–2027; and (c) increase the participation of members of the Batwa community in decision-making processes, including for issues that concern them.

D. Dissemination and follow-up

51. The State party should widely disseminate the Covenant, its third periodic report and the present concluding observations with a view to raising awareness of the rights

enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language(s) of the State party.

52. In accordance with rule 71 (1), of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2026, information on the implementation of the recommendations made by the Committee in paragraphs 28 (arbitrary detention), 44 (protection of journalists and human rights defenders) and 48 (participation in public affairs) above.

53. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.
