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Draft report of the Working Group on the Universal Periodic Review*

Burundi

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifteenth session from 21 January to 1 February 2013. The review of Burundi was held at the 7th meeting on 24 January 2013. The delegation of Burundi was headed by Her Excellency Ms. Clotilde Niragira, Minister of National Solidarity, Human Rights and Gender. At its 13 meeting held on 29 January 2013, the Working Group adopted the report on Burundi.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Burundi: Benin, India and Republic of Moldova.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Burundi:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/15/BDI/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/15/BDI/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/15/BDI/3).
4. A list of questions prepared in advance by **Czech Republic, Mexico, Netherlands, Norway, Slovenia, and United Kingdom of Great Britain & Northern Ireland (United Kingdom)** was transmitted to Burundi through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Le chef de la délégation a présenté le rapport du second cycle de l'examen périodique universel (EPU) du Burundi en soulignant que le Burundi a réalisé des avancées significatives dans la promotion et protection des droits de la personne humaine dans leur globalité.
6. Le chef de délégation a remercié toute la Communauté internationale et plus particulièrement le Haut-Commissariat des Nations Unies aux droits de l'Homme pour être restés aux côtés du peuple burundais, même aux plus forts moments de la crise.
7. Le Burundi a initié différentes actions concrètes afin de répondre aux recommandations formulées lors du premier cycle de l'Examen périodique universel. Il a élaboré un projet de loi spécifique portant prévention, protection et répression des violences basées sur le genre qui est en cours d'adoption. Un centre pilote intégré de prise en charge totale des victimes de violences basées sur le genre a été établi. Il a également initié les démarches visant à la ratification du protocole facultatif à la Convention contre la torture, de la Convention relative aux droits des personnes handicapées, et son protocole facultatif. Le Burundi a élaboré une politique nationale des droits de la personne humaine et de la protection de l'enfant. De même, un forum national des enfants et celui des femmes sont en cours de création. Le Burundi a aussi mis sur pied une Commission Electorale Nationale Indépendante en vue d'une bonne préparation du processus électoral 2015. Il a également

élaboré un Cadre Stratégique de Croissance et de Lutte contre la Pauvreté, une stratégie nationale de réintégration socio-économique des personnes affectées par les conflits et une stratégie nationale de lutte contre l'insécurité alimentaire.

8. La Délégation a aussi reconnu que le Burundi rencontre quelques défis et contraintes dans la mise en œuvre de ses obligations en matière des droits de l'homme.

9. Le Burundi, conscient que la promotion et la protection des droits humains vont de pair avec le développement, vient d'adopter le Cadre Stratégique de Croissance et de Lutte contre la Pauvreté, 2ème génération; qui place la croissance économique et la création d'emplois au cœur de ses objectifs.

10. Au niveau international, la Délégation a indiqué que le Burundi a déjà une riche expérience à partager, étant donné les solutions trouvées aux conflits fratricides qui ont duré plusieurs décennies et handicapé le développement. Grâce à l'accord d'Arusha de 2000 pour la paix et la réconciliation au Burundi, le pays a pu exorciser les démons de la division et de la haine ethnique. Le Burundi a pu former une nouvelle armée et une police nationale, dont les performances sont appréciées de par le monde.

11. La Délégation a aussi noté que le Burundi a mis en place plusieurs institutions nationales de promotion et protection des droits de l'homme. Il s'agit de l'institution de l'Ombudsman, de la Commission Nationale Indépendante des droits de l'homme et de la Commission Nationale des Terres et autres Biens.

12. Au niveau des droits civils et politiques, le nouveau Code Pénal a entre autres aboli la peine de mort, majoré l'âge de la responsabilité pénale de 13 à 15 ans révolus et érigé en infractions le viol et la torture. Le Code réprime les crimes de guerre, les crimes contre l'humanité et le génocide qui sont imprescriptibles et inamnistiables.

13. De plus, le Burundi a élaboré un document de politique pénale destiné à guider le Corps Judiciaire lors du traitement des dossiers dans le but d'assurer le respect des droits des justiciables en vue d'une justice pénale humanisée.

14. Dans le domaine judiciaire, le Burundi a pris plusieurs mesures pour une meilleure distribution et une grande accessibilité aux services de la Justice. La délégation a signalé la mise en place d'une politique d'itinérance du corps des Magistrats pour une justice de proximité et une permanence judiciaire des Cours et Tribunaux en vue d'une réaction rapide lors de violations flagrantes des droits humains. De plus, des juges 'points focaux' ont été nommés au sein des juridictions civiles qui sont chargés du suivi des dossiers en rapport avec les violences basées sur le genre.

15. Le Burundi a souligné qu'il se veut un Etat de droit et qu'il a cœur de consolider un système judiciaire accessible, indépendant, performant, sensible au genre et qui assure le respect des droits de la personne Humaine. Un comité de préparation des Etats généraux de la Justice a été mis sur pied dans le but de définir les voies et moyens qui peuvent conduire au renforcement de l'indépendance de la Magistrature.

16. Le Burundi a poursuivi ses efforts pour réduire le surpeuplement des prisons par des mesures de libération conditionnelle et de grâce présidentielle. Ainsi, plus de 7000 détenus, soit plus de 45% de la population carcérale, ont bénéficié de ces mesures de clémence.

17. Un nouveau Code de Procédure Pénale a été élaboré, adopté par l'Assemblée Nationale et actuellement étudié par le Sénat. L'une de ses innovations consiste en l'introduction des travaux d'intérêt général comme peine alternative à l'emprisonnement. La délégation a relevé que le gouvernement s'attelle également à améliorer les conditions carcérales des détenus par le biais de l'Administration pénitentiaire ainsi 7 prisons sur 11 ont été réhabilités afin de séparer les enfants des adultes et les femmes des hommes.

18. La Délégation a déclaré qu'en vue de favoriser la pleine protection du droit à la liberté d'opinion et d'expression, le Gouvernement du Burundi a élaboré un projet de loi sur la presse dont l'innovation majeure est la dépénalisation des délits de presse.
19. Au niveau des droits économiques, sociaux et culturels, la Délégation a indiqué, entre autres, les progrès réalisés dans le domaine de l'accès de la population burundaise aux services sociaux de base. Ainsi, le Burundi assure la gratuité de scolarité pour tous les enfants de l'Ecole primaire. Elle a ajouté que les soins de santé pour les enfants de moins de 5 ans et pour les femmes en couches étaient gratuits. Elle a noté les défis concernant la qualité des soins de santé, le taux de mortalité élevé chez les enfants et la population active, les problèmes d'hygiène, d'assainissement et d'accès à l'eau potable.
20. La Délégation a relevé que la Constitution du Burundi garantit le principe égalitaire entre tous ses citoyens et respecte le quota constitutionnel minimum de 30% de la représentation de la femme au niveau du parlement et du gouvernement. Concernant les successions, les régimes matrimoniaux et les libéralités, le gouvernement a initié une étude sur l'impact de l'absence d'une loi écrite ainsi que la valeur ajoutée sur l'existence d'une telle loi.
21. Concernant la traite des personnes, le Burundi a ratifié le protocole additionnel à la convention des Nations Unies contre la criminalité transnationale visant à prévenir, réprimer et punir la traite des personnes en particulier les femmes et enfants. De plus, la traite des femmes et des filles ainsi que leur exploitation sont proscrites par le Code Pénal révisé.
22. Le Burundi a initié une étude sur l'impact de l'absence d'une loi écrite sur les successions, les régimes matrimoniaux et les libéralités ainsi que la valeur ajoutée de l'existence d'une telle loi. Aussi le plan d'action national de la Résolution 1325 et sa mise en œuvre est en cours d'exécution.
23. Au sujet des minorités ethniques, la délégation a souligné que les droits des Batwas étaient préservés et que cette communauté était représentée dans les deux chambres du Parlement et dans d'autres institutions Républicaines comme le prévoit la Constitution.
24. La Délégation a indiqué que le Burundi a pris des mesures exceptionnelles pour assurer la protection des groupes vulnérables, notamment les Albinos. C'est ainsi que le Burundi a requis la célérité dans le traitement des dossiers de violation des droits des albinos et les auteurs de ces crimes sont astreints à des peines maximales.
25. La délégation a indiqué que le Burundi a procédé, après son examen périodique universel au premier cycle, à la ratification du protocole visant à prévenir, réprimer et punir la traite des personnes en particulier les femmes et les enfants, additionnel à la convention des Nations Unies contre la criminalité transnationale (convention de Palerme). Plusieurs autres instruments juridiques internationaux étaient en cours d'étude ou d'adoption.
26. La Délégation a reconnu quelques difficultés et défis, notamment la poussée démographique, l'insécurité alimentaire et la mise en œuvre effective du Cadre stratégique de croissance et de lutte contre la pauvreté. Elle a noté que quelques cas de violations des droits de l'homme subsistent notamment les assassinats, les violences basées sur le genre et d'autres violations résultant des conflits fonciers.
27. La délégation a signalé que des signes précurseurs montrent que les burundais sont prêts à reconstruire sur de nouvelles bases en vue de la cohésion sociale et de la réconciliation effective du peuple burundais. Elle a souligné que la grande majorité des réfugiés sont rentrés et que le dernier camp de réfugiés de Mtabila, en Tanzanie, a fermé ses portes au 31 décembre 2012. Les déplacés intérieurs regagnent progressivement leurs collines d'origine. Aussi une Commission Vérité et Réconciliation sera mise en place.

28. La Délégation a lancé un appel à tous ses partenaires afin qu'ils accompagnent le Burundi par leurs appuis multiformes. Le chef de la délégation a réaffirmé l'engagement du Gouvernement du Burundi à poursuivre sa politique de renforcement du processus démocratique, de l'état de droit, d'élargissement de l'espace des libertés publiques et de la protection des droits humains.

B. Interactive dialogue and responses by the State under review

29. During the interactive dialogue 74 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

30. Djibouti congratulated Burundi on the quality of its national report. It commended efforts for the promotion of human rights, in particular the adoption of a law in 2010 for the creation of a national human rights institution. It made recommendations.

31. Egypt noted the review conducted by Burundi to conform legislation with the principals of human rights. New provisions in the Criminal Code addressing the protection of children, the crime of genocide, war crimes and crimes against humanity, torture and rape were welcomed. It made recommendations.

32. Ethiopia appreciated progress in poverty reduction, protection of women and children and improving prison conditions. It asked for additional information on efforts to promote democracy, good governance, poverty reduction and empowerment of women.

33. France thanked Burundi for the presentation of its national report and congratulated progress that has been made in several areas in the field of human rights. It made recommendations.

34. Germany noted that despite progress made the human rights situation in Burundi still raises concerns. It made recommendations.

35. Guatemala noted the establishment of the NIHRC as well as the creation within the police of a Directorate-General for Civil Protection. It took note of the ratification process of several human rights instruments. It made recommendations.

36. Holy See acknowledged efforts for peace and national reconciliation, the NIHRC, the ratification of the Convention on the prohibition of chemical weapons, women participation and the Childhood and Family Department. It made recommendations.

37. Hungary welcomed Burundi's legislative efforts as well as the NIHRC. It raised concerns about impunity regarding political killings and torture, sexual violence and the criminalization of same sex relations. It made recommendations.

38. Indonesia commended several measures regarding women representation in decision making bodies; and education, especially a program promoting girl's education and eradicating drop-out. It noted the National health Development Plan. It made recommendations.

39. Ireland welcomed the NIHRC and the death penalty abolition. It regretted that the Truth and Reconciliation Commission (TRC) was not established before 2012 and that the establishment of a Special Tribunal has stalled. It noted concerns about journalists and human rights defenders' intimidation. It made recommendations.

40. Japan commended the progress made on the rule of law, good governance, and gender equality. Japan appreciated the high percentage of women represented in the National Assembly and the Cabinet posts while concerned by cases of violence against girls in schools. It made recommendations.

41. Kenya noted the updating of the Code of Criminal Procedures and the consenting to additional relevant international legal instruments, as well as the recent creation of NIHRC. Kenya made a recommendation.
42. Latvia noted that Burundi invited several special procedures mandate holder to visit the country and a majority of them have already visited Burundi. However it mentioned that a number of requests to visit have not been accepted yet. Latvia made a recommendation.
43. Libya commended steps taken by ratifying a number of international human rights instruments. Praising the adoption of the national action plan for the elimination of the worst forms of child labour, it raised concerns with the high level of child exploitation. It made a recommendation.
44. Madagascar praised progress made in the field of human rights since its first UPR in 2008. It mentioned the, NIHRC, the abolition of death penalty, the incrimination of genocide and the trafficking of women and girls. Madagascar made recommendations.
45. Malaysia commended the establishment of the NIHRC; the minimum quota of 30 per cent for the representation of women in decision-making bodies; the progress made in the protection of children and the fair access to health services. Malaysia made recommendations.
46. Mauritania referred to the establishment of the NIHRC, the Ombudsman and the specialized agency for the protection of minors and women. It encouraged Burundi to continue its efforts to address illiteracy.
47. Mexico acknowledged efforts made to overcome the recent history of suffering and serious human rights violations. It encouraged Burundi to continue the implementation of international human rights standards. It made recommendations.
48. Morocco noted with satisfaction the cooperation with the Independent Expert on Burundi. Morocco inquired about the progress made in the establishment of a High Court of Justice and the preparation for the *Etats Généraux* for Justice as well as the measures undertaken to reintegrate detainees in the society. It also inquired about the current status of the Press Act.
49. Namibia noted with appreciation the ratification of the Palermo Protocol. It commended the new Criminal Code but raised concern with the lack of access to justice and qualified personnel in the judicial system and the low representation of women in the Parliament. Namibia made recommendations.
50. The Netherlands commended the variety media and wondered how this relates to the new media law, presumably more restrictive on press media. It urged to continue dialogue with opposition parties. It noted with concern that education policy entrenched discrimination on the basis of sexual orientation. It made recommendations.
51. Norway noted that adequate funding would be essential to the success of the new institutions, such as the NIHRC, the Ombudsman and the police unit for civil protection. It expressed concern at the high level of extra judicial killings and the lack of investigation in most cases. Norway made recommendations.
52. Pakistan took positive note of the establishment of the NIHRC, the Ombudsman and a specialized unit to protect women and children. It recalled the challenges of meeting human rights obligations in a post-conflict situation. Pakistan made recommendations.
53. State of Palestine welcomed efforts including the reduction of poverty, promotion of gender equality. Amendments to the Criminal Code and measures to protect children from domestic violence were commended. It urged Burundi to adopt a national plan for children's rights. It made recommendations.

54. Paraguay recognized the revision of criminal legislation on torture, genocide, war crimes and crimes against humanity, and the abolition of capital punishment. It welcomed the establishment of a NIHRC and noted cooperation between Burundi and OHCHR. Paraguay made recommendations.

55. La Délégation a remercié les pays qui ont posés des questions et a réaffirmé la volonté du Burundi d'écouter les conseils et suggestions des délégations afin de voir ensemble comment relever les défis qui préoccupent le Burundi.

56. En regroupant les interventions thématiquement, la Délégation a donné les réponses suivantes:

57. Concernant la question relative à la mise en place de la Commission Vérité et Réconciliation, le projet de loi est en cours d'adoption au niveau du Parlement. Le Burundi n'a pas pu mettre cette Commission en place en 2012, en raison des différents empêchements d'ordre socio-politique et organisationnelle mais le Président de la République du Burundi s'est engagé à sa mise en place en 2013. Le Gouvernement n'a pas trouvé fondé de combiner les dispositions légales régissant les deux mécanismes de justice transitionnelle, l'un non judiciaire (Commission Vérité et Réconciliation) et l'autre judiciaire (Tribunal Spécial). Le texte régissant ce dernier sera probablement élaboré une fois que la commission aura soumis son rapport.

58. Par rapport à l'impunité des crimes et aux exécutions extrajudiciaires, compris comme violation grave de droits de l'homme, il a été souligné que les cas de violations ont sensiblement diminué et que les auteurs des crimes sont traduits en justice, comme le démontre l'arrestation récente d'un bon nombre de militaires et policiers.

59. Concernant les préoccupations par rapport à l'intimidation des journalistes et des défenseurs des droits de l'homme, le Burundi a rappelé que la liberté d'expression est garantie. Il n'y a pas d'intimidation à l'égard des journalistes, mais si une personne viole la loi, celle-ci est poursuivie pour l'infraction commise quel que soit sa profession. De plus, un projet de loi dépénalisant les délits de presse a été rédigé et les medias ont pu partager leurs doléances par rapport à ce projet.

60. Le Burundi a rappelé que les procédures spéciales sont les bienvenues et que le Burundi a travaillé étroitement avec l'Expert indépendant sur le Burundi pendant huit ans. La délégation a ajouté qu'elle analysera la possibilité d'une invitation permanente.

61. Concernant la recommandation d'adopter une loi spécifique sur la violence à l'égard des femmes, le Burundi a indiqué qu'un projet de loi spécifique sur le genre était en cours d'analyse par le Gouvernement. Ce projet vise à protéger les femmes, les filles et les enfants à l'école. De plus, les auteurs des violences faites aux femmes et aux enfants sont passibles à des peines maximales une fois condamnés.

62. Concernant le droit des enfants, le chef de délégation a indiqué qu'un décret portant création d'un forum National des enfants avait été signé et était en cours d'exécution. De plus, le Gouvernement prépare une politique nationale de protection des droits de l'enfant, conscient que les enfants constituent l'avenir du pays. Le Burundi a mis en place une politique nationale d'éducation des filles et enregistre une parité fille-garçon concernant l'accès à l'école.

63. Concernant les successions, les régimes matrimoniaux, et les libéralités, le Burundi a indiqué qu'une proposition de loi avait été présentée par le Parlement mais qu'à ce stade le gouvernement avait décidé d'initier une étude sur l'impact et la valeur ajoutée d'une telle loi.

64. L'indépendance de la magistrature est garantie par la Constitution mais des réformes visibles sont à envisager. Ce besoin de réformes avait déjà été souligné lors de l'accord

d'Arusha. Le Gouvernement est engagé dans la préparation des Etats Généraux de la justice qui visent à renforcer l'indépendance totale de la magistrature. Ces Etats généraux seront organisés lors du prochain semestre de cette année.

65. Concernant l'échéance électorale de 2015 et les membres de l'opposition en exil, le Burundi a souligné que certains membres étaient déjà rentrés au pays et que le Gouvernement leur avait toujours tendu la main afin de faciliter leur retour. Le Burundi a besoin de tout son peuple pour participer aux élections de 2015.

66. Concernant l'indépendance de la Commission nationale indépendante des droits de l'homme, le Burundi a remercié les partenaires pour leur appui et a réitéré son appel pour que ce soutien continue. Le Burundi a rappelé que les fonds concernant le fonctionnement de cette Commission étaient inclus dans le budget de l'Etat.

67. Le Burundi a rappelé que les Batwa étaient une ethnie reconnue par la Constitution et n'étaient pas discriminés. Concernant la protection des albinos, la délégation a souligné que les peines prononcées à l'endroit des auteurs de crimes contre les albinos sont maximales.

68. The Philippines noted efforts to improve its legal and institutional human rights framework and increase legal protection for women and children. It welcomed the second phase of Burundi's Strategic Framework for Growth and Poverty Reduction. It made a recommendation.

69. The Republic of Korea took note of the establishment of the NIHRC, the revised Criminal Code and the measures taken to protect Albinos. Burundi was encouraged to transform plans into actions. It made recommendations.

70. The Republic of Moldova appreciated the strengthened institutional framework for human rights, including the NIHRC and noted the willingness to combat impunity. Work to improve children's rights was welcomed. It made recommendations.

71. Romania took note of positive developments in Burundi. Despite remaining challenges, it hoped that reform projects would be pursued without delay and encouraged further work to improve the situation of women. Romania made recommendations.

72. Rwanda welcomed action for gender equality, notably the 30% quota for women in decision-making bodies. It highlighted reforms to the business climate, poverty reduction and job creation, the new Ombudsman and access to basic services. Rwanda made a recommendation.

73. Senegal noted achievements, notably in the justice, education and health sectors. It also noted measures to eliminate violence against women and increase their involvement in decision-making, and to provide free education. Senegal made recommendations.

74. Singapore welcomed Burundi's legislative and institutional reforms on the rule of law, and the legislative and administrative measures to protect children, particularly the national action plan to eliminate child labour and the national strategy to combat the phenomenon of street children. It made recommendations.

75. Slovakia acknowledged the death penalty abolition. It noted the establishment of the Child and Family Department within the Ministry of National Solidarity, Human Rights and Gender. It made recommendations.

76. Slovenia welcomed the NIHRC; the action plan to eliminate child labour; the equal gender distribution in schools. Slovenia remained concerned about girls' drop-out, teenage pregnancies and criminalization of same sex relations. It made recommendations.

77. South Africa appreciated the strengthening the capacity to protect human rights and the cooperation between Burundi and the OHCHR. It welcomed the Strategic Plan for

Justice and the draft law on gender violence. It urged to provide Burundi with technical assistance. It made recommendations.

78. Spain commended efforts for political stability and human rights promotion, particularly the NIHRC establishment. It welcomed the death penalty abolition and the decriminalization in the Criminal Code of genocide, war crimes, crimes against humanity and torture. It made recommendations.

79. Sri Lanka welcomed efforts on protection of children and women rights; criminalization of trafficking, exploitation and prostitution; improvement of access to health; restoring peace, including child soldiers' reintegration; and disarmament. It made recommendations.

80. Sudan acknowledged efforts to protect human rights, particularly the ratification of several human rights treaties and the measures against women violence. It urged to speed the adoption of a law to fight gender violence. It made recommendations.

81. Switzerland acknowledged the death penalty abolition in the 2009 Criminal Code and the establishment of the NIHRC. It encouraged Burundi to continue its efforts regarding gender equality and women rights. It made recommendations.

82. Thailand commended efforts to protect Batwa and albinos; empower rural women; and improve detention conditions. Thailand was concerned about discrimination in education of girls, albinos and Batwa children; and criminalization of homosexuality. Thailand made recommendations.

83. Togo took note of the laws on human rights; the death penalty abolition; punishment of torture, genocide, war crimes and crimes against humanity in the Criminal Code; the NIHRC; girls' education promotion; and the national health plan 2011-2015. It made recommendations.

84. Tunisia noted the establishment of the NIHRC, the revised Criminal Code, the currently revision of the Code of Criminal Procedure. Actions to introduce transitional justice mechanisms were welcomed. Tunisia made recommendations.

85. Turkey welcomed abolition of death penalty and free health care for children and during maternity. It urged further action on monitoring mechanisms, birth registration and juvenile justice. Turkey made recommendations.

86. Uganda noted achievements in the implementation of a 30 per cent quota for women's representation in decision-making bodies and punishment for the trafficking, exploitation and prostitution of women and girls. Uganda made one recommendation.

87. The United Kingdom commended several measures but objected to the criminalization of homosexuality. It urged ratification of OP-CEDAW. Extra-judicial executions, torture and a lack of accountability remained serious concerns. It made recommendations.

88. The United States welcomed several measures but expressed concern at political violence, impunity, and harassment of those reporting corruption and human rights abuses. The absence of prosecutions of perpetrators of trafficking was noted. It made recommendations.

89. Uruguay welcomed the NIHRC. Despite changes to criminal legislation, the continued criminalization of homosexuality raised concern. It noted that de facto discrimination of certain groups continued to be tolerated. Uruguay made recommendations.

91. Venezuela (Bolivarian Republic of) highlighted: NIHRC, the amended criminal code, measures to protect children, the national strategy to combat GBV and the provision of health insurance cards. It made a recommendation.
92. Viet Nam noted the efforts for national reconstruction. Measures had been introduced to foster peace, the rule of law, social cohesion and the enjoyment of basic human rights, particularly by women and children. It made recommendations.
93. Zimbabwe highlighted efforts to establish a TRC. It welcomed the NIHRC, amendments to the Criminal Code, the implementation of quotas to increase women's participation in decision-making bodies. Zimbabwe made recommendations.
94. Algeria noted quotas for women in decision-making posts; actions to combat trafficking and discrimination against albinos and Batwa; programmes for girls' education and the national sanitation plan. Algeria made recommendations.
95. Angola took note of the new Criminal Code; the NIHRC; ratification Trafficking in Persons Protocol, and actions on disarmament, transitional justice, women and children, and poverty reduction. Angola made a recommendation.
96. Argentina welcomed the establishment of the NIHRC and a tripartite commission involving the Government, the United Nations and civil society to set up transitional justice mechanisms. Argentina made recommendations.
97. Armenia noted legislative improvements to strengthen human rights. It requested more information on measures to implement transitional justice mechanisms and create a TRC. Armenia made recommendations.
98. Australia welcomed the decrease in political killings, but remained concerned about continuing reports of torture and extrajudicial executions. It acknowledged the important role of civil society, journalists and opposition parties. Australia made recommendations.
99. Austria welcomed the operational NIHRC and plans for a TRC. It was concerned about reports of extrajudicial executions, arbitrary detentions and harassment of human rights defenders and journalists. It asked how the situation of the Batwa would be improved. Austria made recommendations.
100. Azerbaijan supported efforts for the peace process. It welcomed the strengthening of the legislative and institutional frameworks of Burundi, measures to combat gender-based violence and positive steps to protect and promote children's rights. Azerbaijan made recommendations.
101. Bangladesh noted that poverty remained a serious issue, hampering full enjoyment of human rights in a country struggling to recover from civil war. Nevertheless, Burundi was making considerable efforts to improve human rights, despite lack of resources. It called for adequate international support for its endeavours.
102. Belgium was concerned about extrajudicial executions and combating impunity and asked which measures are taken to advance prosecutions. It would support training for the judiciary. Belgium was concerned about legislative restrictions on freedom of expression, public demonstrations and non-profit-making organizations. Belgium made recommendations.
103. Brazil welcomed steps to promote democracy and human rights following a long civil war, especially efforts to promote national reconciliation and civil and political rights and combat extreme poverty. Brazil pledged to cooperate in implementing the Strategic Framework for growth and poverty. Brazil made recommendations.
104. Burkina Faso noted legislative changes in Burundi, especially to reform the justice system and ensure access for all. It commended efforts to combat violence against women

and guarantee enjoyment of their rights. Significant challenges remained in ensuring human rights in Burundi. It made a recommendation.

105. Cambodia noted Burundi's commitment to its reform programs, particularly on the judiciary. It recognized the need for Burundi to build its capacity to ensure sustainable development and encouraged it to address remaining challenges, with the support of the international community.

106. Canada enquired about measures to lift restrictions on peaceful demonstrations. It welcomed investigations into allegations of summary executions of opposition activists and called for the perpetrators to be prosecuted. Restrictions on freedom of the press were a concern. It encouraged the adoption of draft legislation on gender equality. Canada made recommendations.

107. Cape Verde welcomed the revised Criminal Code, the NIHRC, measures to protect vulnerable minorities and plans for legislation to protect women and children's rights. It encouraged efforts to alleviate poverty and ensure the economic and social development of its people. It made a recommendation.

108. Chad welcomed legislative and institutional reforms undertaken by Burundi to improve the promotion and protection of human rights and its efforts to ensure the rights of women, children, the Batwa and albinos. Chad made a recommendation.

109. Chile appreciated the willingness of Burundi to implement the recommendations and voluntary commitments since submission of the national report in 2008. It particularly welcomed the amendments to the Criminal Code in 2009. Chile made recommendations.

110. China highlighted Burundi's endeavours to promote gender equality and respect for women's rights, strengthen protection for children and reduce girl school dropouts. It welcomed the National Health Development Plan 2011-2015, which would guarantee people the right to health. China made a recommendation.

111. Colombia applauded the creation of the NIHRC and achievements in the establishment of a TRC. All countries faced challenges in protecting and promoting human rights; dialogue, cooperation and assistance were key elements in sharing good practice and strengthening national efforts. Colombia made recommendations.

112. Congo noted steps taken to: guarantee access to justice; better detention conditions; combat torture and violence towards women. It encouraged Burundi to ensure the effective implementation of legislative and institutional reforms.

113. Costa Rica welcomed efforts to ensure greater enjoyment of human rights. It was concerned about impunity regarding torture, extrajudicial executions related to political violence and the limited access for children with disabilities to the education system. Costa Rica made recommendations.

114. Côte d'Ivoire urged Burundi to ensure the promotion and protection of all human rights, including for women, children and vulnerable people. It should request support from the international community in implementing the recommendations from the 1st UPR cycle, establishing food security and combating poverty. It made a recommendation.

115. Cuba welcomed policies to improve living standards; combat poverty and extreme poverty; combat VIH/SIDA; promote gender equality, transform the economy in pursuit of sustainable growth, improve access to quality basic services and strengthen social protection. Cuba made a recommendation.

116. Cyprus commended Burundi on honouring its commitment to criminalize torture under its new Criminal Code. However, it was concerned at reports of continued incidents

of torture by government officials and members of the armed forces. Cyprus made recommendations.

117. Czech Republic welcomed efforts to overcome challenges in the process of reconciliation and strengthening the rule of law, the abolition of the death penalty and the criminalization of torture under the new Criminal Code, but was concerned that it also criminalized same-sex relations. It made recommendations.

118. En ce qui concerne la question posée sur la situation des Batwa, la délégation a réitéré que les Batwa étaient une ethnie reconnue par la Constitution et étaient considérés comme des burundais à part entière avec les mêmes droits. De plus, le Burundi a pris des mesures pour garantir la protection des albinos et les auteurs de crimes contre les albinos sont sévèrement punis.

119. Suite aux allégations concernant les exécutions extra-judiciaires, le Burundi a mis sur pied une Commission d'enquête qui a démontré que certains assassinats avaient été commis par des policiers et de militaires. Les responsables ont été appréhendés. Le Burundi a insisté pour souligné que l'impunité au niveau de la police, des militaires et des services de renseignement n'existe pas, avec 250 policiers et 300 militaires en prisons pour violations des droits de l'homme.

120. Le Burundi a souligné l'impératif du redressement économique comme prérequis à la bonne gouvernance et à l'Etat de droit. Il a indiqué que 40% du budget de l'Etat était attribué aux secteurs socio-économiques et que le gouvernement avait mis en place un cadre institutionnel afin de lutter contre la corruption. Il a noté l'augmentation de 50% du nombre d'écoliers et a notifié que le nombre de classes avaient également doublés.

121. Afin d'améliorer la santé maternelle et infantile, le Burundi a mis en place une politique nationale de développement sanitaire ainsi que la gratuité des soins de santé pour les femmes en couche et les enfants de moins de cinq ans. L'Etat a également pris des mesures pour encourager l'enregistrement des naissances.

122. Revenant sur les questions sur la liberté de la presse, le Burundi a rappelé que l'expression est libre, en témoigne un nombre important de radios, télévisions et journaux privés. Un seul journaliste est aujourd'hui emprisonné parce qu'il est présumé avoir participé à des bandes armées. Aucun défenseur des droits de l'homme n'est emprisonné à l'heure actuelle. La délégation a rappelé que le Burundi travaille sur un nouveau projet de loi sur la presse. De même, des projets de loi sur les réunions publiques, sur les associations à buts non lucratifs et sur les organisations religieuses sont en cours d'adoption. Certaines clauses sur la loi sur les réunions publiques qui avaient suscités polémiques ont été supprimées dans le nouveau projet de loi.

123. Par rapport à la discrimination des personnes homosexuelles, le Burundi a reconnu que le Code pénal de 2009 réprime toujours l'homosexualité. Cette situation correspond aux coutumes et mœurs du pays et la délégation a demandé à la communauté internationale d'être compréhensive en attendant que la société burundaise se prépare à un changement de mentalité. Le chef de délégation a cependant souligné qu'elle soulèverait cette question avec le gouvernement.

124. Concernant le quota constitutionnel de 30% de la représentation de la femme au niveau du parlement et du gouvernement, le Burundi a rappelé que ce quota était un minimum et que le Burundi était en faveur d'une représentation plus large.

125. Concernant la Commission Vérité et Réconciliation et la question de la protection des victimes et des témoins, la délégation a souligné qu'elle était consciente qu'il sera nécessaire d'adopter une loi sur la protection des victimes et des témoins et le gouvernement est en train de rédiger un projet en ce sens.

126. Le Burundi a rappelé que la ratification du protocole facultatif à la Convention contre la Torture et de la Convention relative aux droits des personnes handicapées étaient en cours d'analyse par le gouvernement. Les rapports périodiques à la Convention contre la Torture, le Pacte international relatif aux droits civils et politiques et aux droits économiques, sociaux et culturels ont été soumis.

127. La délégation a remercié tous les délégués pour leur participation et leurs questions et a réitéré sa disponibilité à répondre à d'autres questions après la séance si nécessaire. Elle a invité les partenaires à continuer à soutenir le Burundi.

II. Conclusions and/or recommendations

128. The formulated during the interactive dialogue and listed below will be examined by Burundi which will provide responses in due time, but no later than the 23rd. session of the Human Rights Council in June 2013.

128.1 Consolidate commitment against the death penalty by ratifying the Second Optional to the International Covenant on Civil and Political Rights (ICCPR-OP2) (France);

128.2 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Belgium);

128.3 Accede to ICCPR-OP2 with the view to abolish the death penalty (Switzerland);

128.4 Consider ratifying the OP-CEDAW (Brazil);

128.5 Speed up the ratification of the Conventions and Protocols recommended during its 2008 Universal Periodic Review (UPR) and already under way, including Convention on the Rights of Persons with Disabilities (CRPD), its Optional Protocol and Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP-CEDAW) (Rwanda);

128.6 Complete the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) as well as the Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP-CEDAW) (Republic of Moldova);

128.7 Sign and ratify CRPD and OP-CEDAW (Turkey);

128.8 Ratify the Optional Protocol to the Convention against Torture (OP-CAT), as well as the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (France);

128.9 Ratify CRPD, CPED and OP-CAT (Tunisia);

128.10 Ratify OP-CAT and incorporate it into domestic legislation (Turkey);

128.11 Enhance the process of ratification of the Optional Protocol to the Convention against Torture (Cyprus);

128.12 Ratify Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Austria);

128.13 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish the national preventive mechanism accordingly (Czech Republic);

- 128.14. Consider ratification of OP-CRC-IC (Slovakia);
- 128.15. Consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), (Philippines);
- 128.16. Continue the efforts embarked to ratify International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Argentine);
- 128.17. Ratify Conventions which it is not yet party (Chad);
- 128.18. Continue to strengthen its domestic legal framework to enhance the rule of law and increase the capacity of its law enforcement agencies (Singapore);
- 128.19. Conclude the alignment of its domestic legislation with the Rome Statute provisions (Tunisia);
- 128.20. Revoke article 567 from the Penal Code and remove any discrimination on the grounds of sexual orientation from all other laws and policies (Hungary);
- 128.21. Repeal the provisions of the 2009 Criminal Code which criminalize sexual relations between consenting adults of the same sex (Slovenia);
- 128.22. Decriminalize sexual relations between consenting adults of the same sex as well as abolish other rules which promote discrimination based on sexual orientation (Spain);
- 128.23. Consider decriminalizing homosexuality, in particular relations between consenting adults (Thailand);
- 128.24. Adopt all necessary political and legislative measures to decriminalize sexual relations between consenting adults of the same sex as well as adopt measures to guarantee the enjoyment of the right to health without discrimination based on sexual orientation (Uruguay);
- 128.25. Undertake a process of revising its penal code by aiming to amend article 567 criminalizing relationships between persons of the same sex (Canada);
- 128.26. Reconsider decriminalizing certain conducts based on sexual orientation and gender identity, as recommended by the High Commissioner for Human Rights (Chile);
- 128.27. Incorporate into its legislation measures of prompt and effective cooperation with the International Criminal Court, as well as, obligations to investigate and prosecute in its territory crimes established in the Rome Statute (Costa Rica);
- 128.28. Put in line with the non-discrimination principle provided by CEDAW, the Persons and Family Code and the law governing inheritance, marriages regime and gifts (Switzerland);
- 128.29. Adopt a legislation on inheritance and matrimonial regimes (Madagascar);
- 128.30. Finalize and enact anti-trafficking legislation and, in the interim, enforce existing trafficking provisions of the 2009 Criminal Code (United States of America);

- 128.31. Intensify efforts in order to eradicate from its legislation and practice all discriminatory laws and adopt a comprehensive strategy on awareness-raising campaigns to eliminate discrimination based on any grounds and against all vulnerable groups, particularly girls with respect to their inheritance and education rights, children born out of wedlock, albinos and those pertaining to the Batwa minority and taken into families under the *kafala* regime (Uruguay);
- 128.32. Modify the legislation which restrains freedom of expression and peaceful assembly (Mexico);
- 128.33. Modify articles 6 and 9 of the bill repealing the Decree No. 100/187/91 on the regulation of public manifestations and public meetings, which would allow especially authorities to “delegate one or more official(s) mandated to attend to any public meeting and ensure the conformity with its obligations regarding human rights” (Canada);
- 128.34. Promote gender equality and adopt legislation to protect vulnerable groups (Madagascar);
- 128.35. Adopt and implement appropriate and efficient measures to address the high incidence of sexual violence against women and girls, including addressing the reported widespread impunity of perpetrators (Slovakia);
- 128.36. Adopt legislation aiming at the protection of all children with disabilities with a view to combat discriminatory attitudes (Djibouti);
- 128.37. Adopt the draft National Policy on Children Protection (Algeria);
- 128.38. Adopt and implement legislation to eliminate discrimination against persons with disabilities (Mexico);
- 128.39. Strengthen the operational and financial capacities of the National Independent Human Rights Commission and ensure that its composition and functioning are in accordance with the Paris Principles (France);
- 128.40. Further strengthen the National Independent Human Rights Commission through provision of required resources (Pakistan);
- 128.41. Ensure sufficient resources for the National Independent Human Rights Commission to fully fulfil its mandate (Republic of Korea);
- 128.42. Continue to provide funds for the functioning of the National Independent Human Rights Commission (Republic of Moldova);
- 128.43. Provide the National Human Rights Commission with the necessary resources to ensure that it is fully operational and effective (South Africa);
- 128.44. Strengthen and support the independence and the work of the National Independent Human Rights Commission as well as of the judicial system, providing them with necessary resources to do their work (Spain);
- 128.45. Continue its efforts with regard to the smooth and productive activity of the National Independent Human Rights Commission within the country (Azerbaijan);
- 128.46. Implement follow up mechanisms of the UPR recommendations that allows verifying the implementation and impact of legislation and measures adopted to promote equal rights and non-discrimination for all

citizens, in particular vulnerable groups such as: women, children, ethnic minorities, LGBTI community and persons with disabilities (Colombia);

128.47. Take further steps toward the improvement of its human rights situation (Japan);

128.48. Continue consolidating peace and strengthening a human rights-based culture (Zimbabwe);

128.49. Maintain the positive efforts of integrating a human rights approach into education policies at various levels (Egypt);

128.50. Continue to integrate human rights approaches into its policies and education at various levels (Uganda);

128.51. Continue the efforts made to achieve the integration of the human rights approach in public policies and in different education levels (Argentina);

128.52. Conclude and put in place a training programme for police officers and others in order to prevent torture (Holy See);

128.53. Take concrete measures in order to combat impunity and to prevent extrajudicial killings and torture (Romania);

127.54. Manifest publicly and energetic to its security forces and intelligence services that extrajudicial executions would not be tolerated and that also make the necessary efforts to eradicate this practice, including the prosecution of those responsible (Costa Rica);

128.55. Make every effort to fully implement recommendations already made to Burundi during the first cycle of the UPR, related to combating impunity of persons responsible for acts of torture and to the carrying out of thorough independent and impartial investigation into all allegations of such crimes (Cyprus);

128.56. Adopt further measures to fight impunity of persons responsible for torture and extrajudicial killings and to conduct prompt, thorough, independent and impartial investigations into allegations of these crimes (Czech Republic);

128.57. Intensify measures against acts of sexual violence against women and girls, and careful and effective treatment of alleged occurrence of extrajudicial executions (Cape Verde);

128.58. Reinforce human rights training to the law enforcement personnel and to members of security forces and to hold duly accountable all those responsible for extrajudicial killings and other excessive use of force (Slovakia);

128.59. Speed up the implementation of the national gender policy and to establish the national gender council by providing appropriate resources (Tunisia);

128.60. Adopt and update a national plan of action on children's rights (Republic of Moldova);

128.61. Continue to strengthen its domestic framework to enhance the protection and well-being of children in cooperation with UNICEF and relevant United Nations agencies (Singapore);

- 128.62. Carry out appropriate and comprehensive measures to combat gender based violence and discrimination against vulnerable groups (Viet Nam)
- 128.63. Continue taking necessary measures to promote the rights of children and women (Armenia);
- 128.64. Further improve its efforts in regard to the measures on combating gender-based violence (Azerbaijan);
- 128.65. Strengthen and take the measures required to prevent and punish sexual violence (Colombia);
- 128.66. Continue its endeavours in relation to the protection and promotion of the rights of children (Azerbaijan);
- 128.67. Continue making efforts for the formulation of a national policy on gender (Chile);
- 128.68. Strengthen promotion and protection of persons with disabilities and elderly (Senegal);
- 128.69. Put a special emphasis on gender equality, the effectiveness protection of children and the protection of victims of albinism (Cote d'Ivoire);
- 128.70. Continue to strengthen its social policies so as to increase the living conditions of its people, especially of the most needed, with the international community solidarity (Bolivarian Republic of Venezuela);
- 128.71. Implement the recommendations of the Committee against Torture in its 2006 Concluding Observations for Burundi, and ratify the Optional Protocol to the Convention against Torture (Australia);
- 128.72. Continue cooperating with the Human Rights Council and its mechanisms, and extend an open invitation to the special procedures mechanisms (Guatemala);
- 128.73. Extend a standing invitation to all mandate holders (Hungary);
- 128.74. Step up its cooperation with Special procedures mandate holders and eventually consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council (Latvia);
- 128.75. Extend invitations and provide access to UN Special Procedures mandate-holders, including the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on the Use of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, in order to help Burundi identify and address human rights challenges(Australia);
- 128.76. Invite the Special Rapporteur on extrajudicial, summary or arbitrary executions (Austria);
- 128.77. Invite the Special Rapporteur on the Independence of Judges and Lawyers to visit Burundi (Belgium);
- 128.78. Issue a standing invitation to the Special Procedures of the United Nations, including the Special Rapporteur on human rights defenders (Chile);

- 128.79. Request assistance from the Office of the High Commissioner for Human Rights to strengthen access to justice services, as well as for the training of judicial personnel (Namibia);
- 128.80. Continue cooperation with Office of the High Commissioner for Human Rights to develop public policies and initiatives to ensure the promotion and protection of human rights (Paraguay);
- 128.81. Speed up the promulgation of equality laws, specially the revision of the Persons and Family Code, as well as the law on inheritance, matrimonial regimes and gifts (Belgium);
- 128.82. Revise its education policy that further entrenches discrimination on the basis of sexual orientation (Netherlands);
- 128.83. Ensure that no one is discriminated against on any grounds, including on the grounds of sexual orientation and gender identity (Brazil);
- 128.84. In line with Constitution of Burundi, continue measures to combat discrimination and violence against albinos (Sri Lanka);
- 128.85. Renew efforts to ratify OP-CAT; to establish a national preventive mechanism regarding torture; and ensure investigation and prosecution in cases of extra-judicial killing and torture, notably those implicating state agents (United Kingdom of Great Britain and Northern Ireland);
- 128.86. Continue ensuring that living conditions in prisons are adequate for the development of the child and try to seek alternative measures to institutional confinement for pregnant women and mothers with young children (State of Palestine);
- 128.87. Take further steps to ensure the conditions in detention centres and prisons meet domestic and international standards, and implement measures to reduce prolonged pre-trial detention (Australia);
- 128.88. Take steps to enhance the treatment of children born in prison, as well as pregnant women prisoners (Thailand);
- 128.89. Pass legislation to address sexual and gender based violence and ensure its full application, among others by providing the required budgetary allocations for legal and psychological assistance to victims (Hungary);
- 128.90. Further fight all forms of violence against children and women (Djibouti);
- 128.91. Establish the necessary mechanisms to put an end to violence against women and children (Japan);
- 128.92. Continue its efforts aimed at combating gender-based violence, including adopting, a specific bill on gender-based violence (Malaysia);
- 128.93. Redouble its efforts to fight against violence against women and adopt a law on sexual and sexist violence and ensure its implementation (Republic of Moldova);
- 128.94. Continue to strengthen the abilities of the law enforcement agents to address the impunity of the perpetrators of sexual and sexist violence and to ensure the protection of the victims of trafficking (Republic of Moldova);

- 128.95. Establish mechanisms to receive, verify and investigate complaints of child ill-treatment and provide psychological and other support to victims of abuses (Guatemala);
- 128.96. Create mechanisms for the protection of children against all forms of exploitation, to fight impunity of perpetrators and bring them to justice and to set up programmes for psychological treatment to children subjected to violations (Libya);
- 128.97. Speed finalising drafting the special law to prevent and punish crimes of gender based violence in order to put an end and fight violence against women (Sudan);
- 128.98. Finalizing the law for the protection of children and create a Committee to protect children, in addition to provide more efforts to solve the phenomenon of street children (Sudan);
- 128.99. Ensure the independence of judges from the executive in Burundi, by applying objective admission criteria within an impartial selection process and ensuring adequate funding for the judicial system (Germany);
- 128.100. Continue with its commitment to improve the judicial system and the prisons (Holy See);
- 128.101. Put in place a concrete national strategy containing effective measures aimed at strengthening the independent functioning of the judiciary (Kenya);
- 128.102. Consolidate the rule of law and social cohesion as preconditions to promote and protect human rights (Viet Nam)
- 128.103. Continue the on-going efforts to strengthen the independence of the judiciary (Senegal);
- 128.104. Continue reforming the judiciary system (Togo);
- 128.105. More actively take steps to break the cycle of impunity (Norway);
- 128.106. Ensure the establishment, within the National Independent Human Rights Commission, of a mechanism to follow up on the extra-judicial executions noted (France);
- 128.107. Put an end to extra-judicial executions and prosecute the perpetrators of such acts by means of a fair trial (Germany);
- 128.108. Promptly and fully investigated, by judicial authorities, all extra-judicial executions and torture committed by security services and that those responsible are prosecuted, and that the government ensure publication of the reports of all national commissions of inquiry set up to investigate arbitrary executions (Hungary);
- 128.109. Conduct prompt and full investigation into extrajudicial executions and political killings and ensure that those responsible are prosecuted and afforded a fair trial free of political interference (Australia);
- 128.110. Investigate all cases of extrajudicial executions, torture and other cruel, inhuman and degrading ill-treatments committed by security forces and prosecute those responsible, with special attention to those crimes committed against human rights defenders (Spain);

- 128.111. Conduct investigations and initiate prosecutions against alleged perpetrators of extrajudicial executions (Austria);
- 128.112. Investigate, prosecute and, if convicted, punish perpetrators of human rights abuses, including those committed against civil society groups, members of the media and LGBT individuals (United States of America);
- 128.113. Continue efforts to eliminate impunity and to ensure the exercise of the right to truth (Armenia);
- 128.114. Promote the establishment of a Truth and Reconciliation Commission, in conformity with the Arusha Agreement and United Nations Security Council resolutions 1606 and 2027, guaranteeing the fight against impunity for crimes for which there is no statute of limitation (France);
- 128.115. Proceed with the establishment of the Truth and Reconciliation Commission in full transparency and establish an independent special tribunal to examine war crimes, as recommended during the first UPR (Germany);
- 128.116. Accelerate work to establish a Truth and Reconciliation Commission and to establish a Special Tribunal tasked with holding those responsible for war crimes to account, with both institutions conforming to international standards and drawing on national consultations (Ireland);
- 128.117. Ensure the independence and credibility of the Truth and Reconciliation Commission, by consulting with affected groups (Norway);
- 128.118. Accelerate efforts for establishment of Truth and Reconciliation Commission (Pakistan);
- 128.119. Positively consider the effective creation of a Truth and Reconciliation Commission, credible and independent, to shed light upon the violations of human rights of the past (Republic of Korea);
- 128.120. Speed up the establishment of a Truth and Reconciliation Commission (Romania);
- 128.121. Review the law establishing the Truth and Reconciliation Commission so as it is in line with international standards and do not establish an amnesty for crimes under international law (Spain);
- 128.122. Continue its efforts in the area of dealing with the past through the establishment of a Special Court and a Truth and Reconciliation Commission in line with international standards (Switzerland);
- 128.123. Continue the process aimed at establishing a Truth and Reconciliation Commission (Togo);
- 128.124. Step up its efforts to quickly complete the process to implement transitional justice mechanisms and to put an end to impunity of perpetrators of extrajudicial executions or political executions (Tunisia);
- 128.125. Urgently hold accountable those responsible for serious crimes committed between 1962 and 2008, ensuring transitional justice mechanisms include: witness and victim protection; an independent prosecutor; and an international commissioner. There should be no amnesty for those who committed war crimes, crimes against humanity or genocide (United Kingdom of Great Britain and Northern Ireland);

- 128.126. Create a Truth and Reconciliation Commission in order to address the root causes of politically motivated violence (United States of America);
- 128.127. Adopt a law on the Truth and Reconciliation Commission which is in line with international human rights norms and which establishes the impossibility of applying an amnesty for serious human rights violations and international crimes (Uruguay);
- 128.128. Establish a special court with an independent prosecutor once the Truth Reconciliation Commission has ended its mandate (Uruguay);
- 128.129. Extend standing invitations to the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to adopt necessary measures aimed at establishing the Truth and Reconciliation Commission (Uruguay);
- 128.130. Finalize, as soon as possible, the establishment of a Truth Reconciliation Commission faithful to the spirit of the Arusha Agreements and representative of the recommendations made during the public consultations in 2010 (Canada);
- 128.131. Secure the protection of witnesses to the Truth and Reconciliation Commission, also those who have testimonies which may be directed at people with power (Norway);
- 128.132. Establish protection measures for victims and witnesses of these crimes (Belgium);
- 128.133. Preserve the natural institution of the family (Holy See);
- 128.134. Take the necessary measures to ensure that all the persons born in Burundi obtain a birth certificate regardless the status of their parents (Mexico);
- 128.135. Strengthen efforts to ensure increased free birth registration for children, both in urban and rural areas (Namibia);
- 128.136. Ensure access of all children to free birth registration (Turkey);
- 128.137. Guarantee fully the right to freedoms of assembly, association and expression, in conformity with the International Covenant on Civil and Political Rights (France);
- 128.138. Ensure the protection of freedom of opinion, and ensure that the press has margin for manoeuvre, as does civil society (Germany);
- 128.139. Protect, in law and in practice, the victims and witnesses of attacks and infringements of human rights and freedoms (France);
- 128.140. Take the necessary measures to ensure the protection of human rights defenders that are at risk (France);
- 128.141. Broaden the initiatives in favour of the independence of the State power, the freedom of expression and association (Holy See);
- 128.142. Take the necessary steps to ensure that its legal system and policies are in full compliance with its international obligations in respect of freedom of expression and that journalists and human rights defenders are guaranteed the freedom to carry out their work independently and without fear of prosecution or intimidation (Ireland);

- 128.143. **Ensure the safety and well-being of human rights defenders so that they are able to carry out freely their legitimate duties (Slovakia);**
- 128.144. **Strengthen the protection of journalists and human rights defenders in order to exercise the important work of monitoring the human rights situation (Colombia);**
- 128.145. **Guarantee freedom of the press and therefore to refrain from implementing more restrictive legal measures and policies (Netherlands);**
- 128.146. **Strengthen and improve press freedom and freedom of speech, including in its consideration of draft laws currently before the National Assembly, notably the revised press law and the law on public gatherings (Australia);**
- 128.147. **Envisage legislative reforms and namely the adoption of the press law in Burundi aiming to comply with human rights international standards (Belgium);**
- 128.148. **Ensure the safety of journalists against violence and harassment (Austria);**
- 128.149. **Take necessary measures to calm down the political environment (Togo);**
- 128.150. **Work with civil society institutions and other partners to ensure a democratic process leading up to the elections in 2015 (Norway);**
- 128.151. **Increase women representation in Government to the 30 % guaranteed by the Constitution (Namibia);**
- 128.152. **Ensure the full implementation of the Strategic Framework for Growth and Poverty Reduction (Madagascar);**
- 128.153. **Strengthen efforts to increase food security for the general population, and particularly those in extreme poverty in rural areas , as well as increase its budget for social infrastructure and social services , including health, education, and water and sanitation (Namibia);**
- 128.154. **Continue to prioritise the areas contained in the Strategic Framework for Growth and Combating Poverty and that the necessary resources are allocated for its implementation (South Africa);**
- 128.155. **Prioritise people-centred and results based socio-economic development planning in line with the Vision Burundi 2025 (Zimbabwe);**
- 128.156. **Seek the necessary assistance, with appropriate partners, to fill the low literacy rates, submit its reports to the treaty bodies and implement its strategic framework for growth and the fight against poverty (Burkina Faso);**
- 128.157. **Continue to advance its poverty reduction strategy by actively implementing its second strategy framework for Growth and poverty (CSLP II), promoting its social and economic development which would enable the country to better protect and promote the various rights of its people (China);**
- 128.158. **Continue to implement the integrated development plans of the country; in particular those aimed at satisfy equitable access and improving the quality of education and health services (Cuba);**

- 128.159. **Keep on efforts, both on legal and procedural grounds, to ensure equal access to quality health services for all citizens (Egypt);**
- 128.160. **Further implement the National Health Development Plan 2011-2015 and the health insurance card for non-civil servants (Indonesia);**
- 128.161. **Continue implementing measures for the improvement of maternal and child health in line with its National Health Development Plan for 2011 to 2015 (Malaysia);**
- 128.162. **Continue to implement the National Health Development Plan 2011-2015 (Algeria);**
- 128.163. **Continue its efforts aimed at improving access of the population to primary health services and care (Angola);**
- 128.164. **Promote awareness and prevention of HIV/AIDS, especially in the rural areas and improve protective and preventive support for AIDS orphans (Sri Lanka);**
- 128.165. **Do all possible to guarantee that schools are safe places for children (Guatemala);**
- 128.166. **Ensure that schools are safe places for children, particularly girls (State of Palestine);**
- 128.167. **Make every effort to ensure that schools are safe places for children and that they are free from sexual and physical violence, as recommended by CRC (Slovenia);**
- 128.168. **Comprehensively implement programmes to provide fair access, in line with international standards, to promote girls' education at all levels, and to eradicate the causes of school dropout, and continue efforts in this regard, including through speeding up the adoption of the draft policy on girls' education (Indonesia);**
- 128.169. **Adopt and implement a national programme for promoting education for girls at all levels and the eradication of root causes of school dropout (Slovenia);**
- 128.170. **Carry on with ensuring that children with disabilities have full access to education and health-care services (Egypt);**
- 128.171. **Make easier the living conditions of the Batwa community which are of concern, particularly with regard to their access to land (Djibouti);**
- 128.172. **Continue the efforts made to combat discrimination against minorities (Argentina);**
- 128.173. **Take measures to address discrimination against persons belonging to the Batwa minority and improve their socio-economic situation by ensuring their active participation in all decisions which affect them (Austria);**
- 128.174. **Request a major degree of solidarity and cooperation from neighbouring States in response to the problematic of being a landlocked country and in terms of the right of development for all (Paraguay);**
129. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under**

review. They should not be construed as endorsed by the Working Group as a whole.

130. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The Delegation of Burundi was headed by Maître Clotilde NIRAGIRA, Ministre de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre and composed of the following members:

- Monsieur Valentin BAGORIKUNDA, Procureur Général de la République;
 - Monsieur Libérât MPFUMUKEKO, Conseiller Principal au Bureau chargé des Questions Economiques, à la Présidence de la République;
 - Monsieur Jean Claude NDIHOKUBWAYO, Conseiller Principal chargé des Questions Juridiques à la Première vice-présidence;
 - Monsieur Célestin SINDIBUTUME, Assistant du Ministre au Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre,
 - Madame Imelde NZIRORERA, Directeur Général des Droits de la Personne Humaine, de l'Éducation à la Paix et à la Réconciliation Nationale;
 - Monsieur Pierre Claver NDAYIRAGIJE, Ambassadeur Représentant Permanent du Burundi auprès de l'Office des Nations Unies à Genève;
 - Monsieur Léonard MINANI, Premier Conseiller à la Mission Permanente du Burundi auprès de l'Office des Nations Unies à Genève;
 - Madame Elisa NKERABIRORI, Attaché Juridique à la Mission Permanente du Burundi auprès de l'Office des Nations Unies à Genève;
 - Madame Dorothée NDAYIZIGA, Deuxième Conseiller à la Mission Permanente du Burundi auprès de l'Office des Nations Unies à Genève;
 - Joselyne MUKAMUSONI, Secrétaire Administrative à la Mission Permanente du Burundi auprès de l'Office des Nations Unies à Genève.
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