



## OHCHR SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW OF BURUNDI

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

#### Para 2

On 11 October 2016, the Government of Burundi suspended all cooperation and collaboration with the Office of the United Nations High Commissioner for Human Rights in Burundi (OHCHR-Burundi), thereby hindering the fulfilment of the latter's mandate. Moreover, the human rights situation was growing worse. OHCHR-Burundi therefore encouraged Burundi to expedite its negotiations on a memorandum of understanding that would allow it to promptly resume working with the Government.

### **National Human Rights Framework**

#### Paragraph 11

OHCHR-Burundi regretted that the National Independent Human Rights Commission was to be downgraded from A to B status by the Global Alliance of National Human Rights Institutions, and invited the Commission to work with the Office to ensure its independence. The demotion decision is likely to be confirmed at the session of the Sub-Committee on Accreditation in November 2017, if there is no convincing improvement in the performance of the CNIDH that can justify its retention at "A" status. OHCHR remains open to working with the CNIDH to contribute to its improvement to assist it retains its "A" status.

### **Right to life, liberty and security of the person**

#### Paragraph 16

OHCHR-Burundi reported that with Nkurunziza's victory in the presidential elections, a phase of intensifying violence had begun. The independent experts stated that, on 25 April 2016, the Office of the Prosecutor of the International Criminal Court had started a preliminary examination on alleged crimes under the jurisdiction of the International Criminal Court committed in Burundi since April 2015. The preliminary examination focused on allegations of killing, imprisonment, torture, rape and other forms of sexual violence, as well as cases of enforced disappearances.

#### Para 18

Between 26 April 2015 and October 2016, OHCHR-Burundi documented 580 cases of persons killed in connection with the crisis: civilians, members of the opposition, members of civil society, police officers, Imbonerakure, members of the *Conseil national pour la défense de la démocratie-Forces de défense de la démocratie* (CNDD-FDD) and members of the military. In some cases, the extrajudicial executions documented by OHCHR-Burundi had been preceded by enforced disappearances, as the victims were abducted before being killed and later discovered. OHCHR-Burundi recommended prosecuting those responsible for human rights violations in order to end impunity.



Para 22

OHCHR-Burundi had visited the 11 prisons and police holding cells in Burundi and observed overcrowding resulting from the waves of arrests of protesters opposed to a new term for the President, members of the opposition and civil society, and persons suspected of joining rebel movements in Rwanda or the United Republic of Tanzania. OHCHR-Burundi had observed that, in some cases, detainees had not been given food for several days, denied visits by family members and had further observed that children were rarely held separately from adults in police holding cells and in the National Intelligence Service.

**Administration of justice, including impunity, and the rule of law**

Para 25

Most of the human rights violations documented by OHCHR-Burundi, including summary executions, enforced disappearances, torture and the alleged sexual violence committed by members of the defence and security forces or the Imbonerakure, had not led to prosecution. Hundreds of people arrested during the demonstrations, or following the fighting between the security forces and armed men, had remained in detention without trial. OHCHR-Burundi recommended that the Government of Burundi should conduct an immediate review of the legality of detentions, release arbitrarily arrested people and ensure that everyone arrested in the context of the current crisis had the right to a fair trial.

Para 31

OHCHR-Burundi reported that many NGO members had been victims of intimidation, arbitrary arrest and detention, physical assault, extrajudicial execution and murder.<sup>48</sup> OHCHR-Burundi recommended continuing to make efforts to expand civil liberties by putting an immediate end to the suspensions of and other sanctions against NGOs defending human rights, the media and civil society in general and by facilitating their work.

Para 36

Freedom of expression remained restricted. Activities of media critical of the Government had been suspended, while independent media professionals had suffered arbitrary arrests, torture and enforced disappearance. OHCHR-Burundi recommended that the Government uphold freedom of expression

**Fundamental freedoms and the right to participate in public and political life**

Para 37

Human rights defenders had been intimidated and ill-treated by security forces. OHCHR-Burundi recommended that a national mechanism of protection of human rights defenders be set up and operationalized.



## Women

### Para 53

The dissemination, with a view to the effective implementation, of Act No. 1/1013 of 22 September 2016, on the prevention, protection of victims and suppression of gender-based violence, had been a challenge, especially for lawyers and others involved in the criminal justice system. The information documented the cases of girls (and women) who were victims of rape and who experienced pressure from their families or local administrative representatives to agree to out-of-court settlements. As a result of such pressure, as well as intimidation by the perpetrators of the abuses in question, victims renounced their right to justice. Victims rarely appealed to care services owing to a lack of information or out of fear of stigma and reprisals.

## Minorities and indigenous peoples

### Para 57

According to OHCHR-Burundi, the Batwa still suffer from discrimination in equal access to land, education and health services. The Office urged Burundi to uphold the United Nations Declaration on the Rights of Indigenous Peoples in order to better protect minority rights.