



# International Service for Human Rights

## The Reports in Short

ISHR's summaries of documents for the UN Commission on Human Rights  
62nd Session and Human Rights Council 2<sup>nd</sup> Session

The Independent Expert on the human rights situation in Burundi<sup>1</sup>

Mandate holder

Akich Okola

Mandate

The mandate was established in 1995 in response to the inter-ethnic violence that followed the attempted coup d'état in 1993, and the resulting mass exodus of people from Burundi. It was preceded by an agreement signed on 22 September 1994 by the High Commissioner for Human Rights and the Government of Burundi on the implementation of a major programme of technical assistance and advisory services in the field of human rights. The Independent Expert is expected to consider the human rights situation in Burundi and ensure the government is abiding by its commitments in this respect. The Independent Expert is also mandated to provide technical support for government in its efforts to improve the human rights situations in Burundi and follow developments in the peace process.

Activities

Mission to Burundi from 4 to 15 October 2005.

Annual report<sup>2</sup>

### **Scope**

The report is based on the Independent Expert's last mission to Burundi, from 4 to 15 October 2005, and covers the period from 15 August to 15 December 2005. During the mission, the Independent Expert met with senior State officials, senior officials from national institutions, non-governmental organisations, diplomatic missions, UN agencies and international organisations.

### **Summary and key conclusions**

- There is a general atmosphere of hope accompanied by high expectations from the new Government;
- The security situation throughout the country remained generally stable and the successful completion of the electoral process had a positive impact on the human rights situation, but the continuing armed conflict, refusal by the Forces Nationales de Libération (FNL) to participate in negotiations, weak judiciary and the perceived climate of impunity mean that human rights violations continue at the expense of civilians;
- Agents of the State, armed groups and incidents of mob justice violate civil and political rights, in particular the right to life. Arbitrary arrests and detentions, especially by the intelligence service of the State, have recently increased;
- The Government has taken steps to achieve gender balance at all levels but sexual violence remains a major problem. The situation of children and minorities also remains a problem, despite an initiative to provide free education;

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<sup>1</sup> Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

<sup>2</sup> E/CN.4/2006/109, 23 December 2005.

- In the light of increased return of internally displaced persons (IDPs) and refugees, there have been problems with the freedom of movement, freedom to choose one's residence, and access to housing and land;
- In terms of economic, social and cultural rights, Burundi ranks very low in the human development and the human poverty indexes, and there are problems with primary education and health care;
- Some of the legislative reforms provided for in the Arusha agreement have been implemented but as a whole, implementation has been delayed and has had limited impact. Little progress has been achieved in the justice sector and in combating impunity, and the issue of political prisoners is still unresolved;
- The situation in the region remains extremely volatile.

### **Key recommendations**

- Urgent appeal to FNL to stop all hostilities and participate in negotiations;
- Both FNL and *Forces nationales de défense* (FDN) should respect the rights of the civilian population and discontinue hostilities;
- The Government should strengthen the judicial system, fight impunity and bring all perpetrators of human rights violations to justice, especially those involved in the Gatumba massacre;
- The Government should ensure the respect of international human rights and humanitarian law;
- Human rights observers should be allowed unhindered access to all prisons and detention facilities;
- The Government should take concrete measures to combat continuing sexual violence and a visit by the Special Rapporteur on violence against women would be highly desirable;
- The Government should press ahead with the establishment of the institutions provided for by the Arusha Agreement, in particular transitional justice mechanisms and an independent national human rights institution;
- The international community, United Nations agencies and civil society should continue to support Burundi in its development priorities and should strengthen their coordination and cooperation in the field.