

country. Brief comments on laws related to non-discrimination and national institutions for the protection of human rights are included, as is a list of citations from a number of laws and decrees that relate to equality and non-discrimination. In its report, the government stated (in para. 5): "Burundi has no races or ethnic groups in the strict sense of the word, as the Hutus, Tutsis and Twas who make up its population do not possess distinctive territories, cultures, languages or religions."

The Committee's concluding observations and comments (CERD/C/304/Add.42) refer to factors and difficulties hindering implementation of the Convention, including: the violent ethnic conflict in the states of the Great Lakes region, including in Burundi; the civil conflict plaguing the country; the massive displacements of populations and flows of refugees within the region, as well as the numerous internally displaced persons; the political instability; and the very difficult economic and social situation, aggravated by the imposition of an economic embargo against Burundi in July 1996.

The Committee welcomed: the declared willingness of the government to restore peace and security through political dialogue and the declared policy to end impunity for perpetrators of human rights violations; the establishment of a Ministry responsible for human rights and a National Centre for Human Rights; the fact that the government encourages the establishment of independent leagues and associations for the promotion and protection of human rights; legal provisions that penalize racial or ethnic discrimination and hatred; and, the fact that the Political Parties Act prohibits discrimination based on ethnic grounds and makes it an offence.

The principal subjects of concern identified by the Committee were: the continuation of acts of violence and killing between people of different ethnic background; the understanding of the notions of "race" and "ethnic origin" by the government; failure to clarify the status of Decree-Law No. 1/001 of 13 September 1996, which regulates the transitional institutional system, the current powers and activities of the National Assembly, and the functions and powers of the National Centre for Human Rights and the Abashingantahe Council; insufficient information concerning article 3 (racial segregation and apartheid); reports of delays in the prosecution of those responsible for the assassination of President Ndadaye; the slow progress in prosecuting and punishing perpetrators of mass killings and disappearance; the absence of specific legislation to implement fully the provisions of article 4 (racist organizations, incitement to racial violence) and lack of information in the report on the implementation of this article in practice; the lack of information on the enjoyment by the various groups within the population of all the rights set out in article 5 (generally, civil and political rights); the insufficiency of information received on regroupment camps in general, and, in particular, on the ethnic composition of the people in the camps and the situation and conditions of life prevailing in them; reports that people, mostly of Hutu origin, are forced by the police to leave their homes and settle in regroupment camps, which are kept under the control of the army; the lack of information on measures taken to ensure the repatriation and safe return of refugees; the lack of information on the situation of refugees living in Burundi; and, the

lack of legislative provisions to implement the right to just and adequate reparations or satisfaction for any damage suffered as a result of acts of racial discrimination. The Committee noted that the absence of complaints of acts of racial discrimination raised doubts as to the extent of the publicity given to, and the effectiveness of, available remedies for victims of racial discrimination.

The Committee recommended that the government:

- ▶ include in the next report information on the representation of members of the Tutsi, Hutu and Twa ethnic groups in the government, administration, judiciary, police and army;
- ▶ provide in its next report information on the place of Decree-Law No. 1/001/96 in the domestic legal order, on the situation with respect to the current powers and activities of the National Assembly, as well as on the respective powers and functions of the National Centre for Human Rights and the Abashingantahe Council;
- ▶ provide comprehensive information in the next periodic report on measures taken to prevent, prohibit and eradicate all practices of racial segregation in Burundi;
- ▶ further its efforts to bring to an end the impunity of perpetrators of human rights violations and to accelerate the procedures currently under way, emphasizing the need for the investigation, prosecution and punishment of those found guilty of such crimes, in order to restore confidence in the rule of law and as an indication that their recurrence will not be tolerated by the authorities;
- ▶ take action at the legislative, administrative and judicial levels to protect the right of everyone, without discrimination, to enjoy their rights;
- ▶ provide further information on the situation prevailing in the regroupment camps, as well as on the ethnic composition of people settled in them and the possibility for people freely to leave or settle in the camps;
- ▶ provide information in the next report on measures taken to ensure the safe repatriation of refugees to Burundi, and to protect from violence refugees living within Burundi;
- ▶ ensure protection against any acts of racial discrimination through the competent courts, by, *inter alia*, strengthening the court system, the independence of the judiciary and the confidence of the population therein;
- ▶ guarantee in law and practice the right to seek just and adequate reparation for victims of acts of racial discrimination; and
- ▶ take all necessary measures to provide training and education to law enforcement officers, civil servants, magistrates and lawyers, as well as teachers and students, at all levels of education, in the field of human rights and prevention of racial discrimination.

Discrimination against Women

Signed: 17 July 1980; ratified: 8 January 1992.

Burundi's initial report was due 2 February 1993; the second periodic report was due 7 February 1997.

Torture

Acceded: 18 February 1993.

Burundi's initial report was due 19 March 1994.