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**Human Rights Council**
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**Human rights situations that require the Council's attention**

**Albania,* Australia,* Austria, Belgium,* Bulgaria, Croatia,* Cyprus,* Czechia, Denmark, Estonia,* Finland,* France, Germany, Greece,* Hungary,* Ireland,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, New Zealand,* North Macedonia,* Norway,* Poland, Portugal,* Romania,* Slovakia,* Slovenia,* Spain,* Sweden,* Ukraine and United States of America*: draft resolution**

## 48/… Situation of human rights in Burundi

*The Human Rights Council*,

*Guided* by the principles and purposes of the Charter of the United Nations,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

*Recalling also* all relevant resolutions of the Human Rights Council, the General Assembly and the Security Council,

*Recalling further* the report of the Secretary-General on the strategic assessment mission for United Nations engagement in Burundi,[1] in particular his call upon the Government to work together with the United Nations to sustain the progress made to date and to advance national reconciliation, peacebuilding, social cohesion, socioeconomic development, humanitarian priorities and respect for human rights and the rule of law,

*Recalling* the statement by the President of the Security Council of 4 December 2020,[2] and taking into consideration the observations and recommendations contained therein,

*Noting* that, at the request of the Burundian authorities**,** the Office of the Special Envoy of the Secretary-General for Burundi closed on 31 May 2021, transferring its responsibilities to the United Nations country team in Burundi,

*Reaffirming* full respect for the sovereignty, political independence, territorial integrity and national unity of Burundi,

*Reaffirming also* that States have the obligation to respect, protect and fulfil all human rights and fundamental freedoms,

*Stressing* the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with international human rights law and international humanitarian law, as applicable,

* State not a member of the Human Rights Council.
[1] S/2020/1078, annex.
[2] S/PRST/2020/12.



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*Recalling* the Arusha Peace and Reconciliation Agreement for Burundi, which is rooted in the principles of human rights and transitional justice and provides the foundation for peace, justice, national reconciliation, security and stability in Burundi,

*Considering* that the international community and the United Nations system, including the Human Rights Council and its mechanisms, can play a critical role in strengthening the protection of human rights, preventing human rights violations and abuses and mitigating the risks of escalation of conflicts and deterioration in humanitarian situations,

*Recognizing* the progress made in the field of human rights, good governance and the rule of law since the investiture of the President of Burundi, Evariste Ndayishimiye, and the establishment of the new Government, and noting the newly presented national programme for the capitalization of peace, social stability and promotion of economic growth,

*Noting with appreciation* the re-accreditation, as of 28 June 2021, of the National Independent Human Rights Commission as an A status national human rights institution,

*Noting with appreciation also* the work of the Commission of Inquiry on Burundi, including the oral update provided to the Human Rights Council at the current session and the most recent report of the Commission[3] on the situation of human rights in Burundi, while deploring the persistent refusal by the Government of Burundi to cooperate with the Commission, the regrettable decision to declare the three members of the Commission personae non gratae and its dismissal of the Commission's findings,

*Deeply regretting* that no progress has been made on the reopening of the country office of the Office of the United Nations High Commissioner for Human Rights, which was unilaterally closed by the Government on 28 February 2019,

1. *Acknowledges* the progress that has been made in the field of human rights, good governance and the rule of law since the investiture of the President of Burundi, Evariste Ndayishimiye, condemns in the strongest terms all human rights violations and abuses committed in Burundi, including those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, acts of torture and other cruel, inhuman or degrading treatment or punishment, acts of violence, destruction and theft of property, sexual and gender-based violence, intimidation and harassment of members of opposition political parties, civil society representatives, peaceful protesters, human rights defenders, journalists, bloggers and other media workers, and expresses deep concern at their arbitrary arrest, and detention, and the criminalization of their exercise of human rights;

2. *Deplores* the severe restrictions on civil and political rights and fundamental freedoms, in particular the freedoms of opinion and expression, peaceful assembly and association, and the shrinking space for civil society and citizen activism, and calls upon the Government not to support online hate speech messages with political and ethnic connotations;

3. *Condemns* the widespread impunity for all human rights violations and abuses, and urges the Government of Burundi to hold all perpetrators, regardless of their affiliation or status, including members of defence and security forces and of the ruling party's youth league, the Imbonerakure, accountable for their actions, including sexual and gender-based violence and child abuse, and to ensure that victims can seek justice and legal redress;

4. *Notes with appreciation* in this regard the increase in the number of cases of members of the Imbonerakure, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, local administration, including secret service and police, convicted for serious crimes, and encourages the Government to pursue further accountability with determination and without exception;

5. *Reiterates* its urgent call upon the Government of Burundi, while acknowledging some positive steps recently undertaken, to immediately put an end to all human rights violations and abuses, to ensure full respect for, and the protection and fulfilment of, human rights and fundamental freedoms for all, to guarantee the safety, physical integrity and protection of its population, to observe the independence of the judiciary, to take immediate steps to ensure necessary reform of the judicial sector and to

[3] A/HRC/48/68.

strengthen the separation of powers with parliamentary oversight, the rule of law and good governance;

6 *Calls upon* the Government of Burundi to provide political, legal and administrative conditions for civil society to operate freely, while noting with appreciation in this regard the lifting of the suspension measure targeting the non-governmental organization Parole et Actions pour le Réveil des Consciences et l'Évolution des Mentalités;

7. *Notes* of the presidential pardon of over 5,000 prisoners, welcomes the release of four journalists of the weekly newspaper *Iwacu* and of Burundian human rights defenders Germain Rukuki and Nestor Nibitanga, and urges the Government of Burundi to release all human rights defenders, journalists and prisoners of conscience who are still in detention for doing their work in defence of human rights;

8. *Encourages* the Government of Burundi to promote and protect the full and effective exercise of fundamental freedoms, media independence and pluralism, enabling a safe environment for all journalists, bloggers and other media workers to carry out their work independently, without intimidation or undue interference and without fear of violence or persecution, and notes with appreciation that the sanctions imposed against Radio Bonesha FM and other radio stations were lifted, as well as the ongoing negotiations with other media aiming at the lifting of their suspension;

9. *Calls upon* the Government of Burundi to provide the National Independent Human Rights Commission with all the means necessary to perform its function of promoting and protecting human rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

10. *Also calls upon* the Government of Burundi to implement the recommendations made by the Secretary-General in his recent report on the strategic assessment mission for United Nations engagement in Burundi;[4]

11. *Further calls upon* the Government of Burundi to implement the recommendations made by the Commission of Inquiry on Burundi in its reports;

12. *Calls upon* the Government of Burundi to implement the recommendations it accepted in the context of the universal periodic review, in 2018;[5]

13. *Also calls upon* the Government of Burundi to cooperate fully with the International Criminal Court with regard to the investigation regarding crimes within the jurisdiction of the Court allegedly committed in Burundi or by Burundian nationals outside Burundi between 26 April 2015 and 26 October 2017, while Burundi was a State party to the Rome Statute of the International Criminal Court, and encourages the Government to reconsider its decision to withdraw from the Rome Statute;

14. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to grant access to special procedure mandate holders to conduct country visits, to constructively engage with the Office of the United Nations High Commissioner for Human Rights, in particular with its regional office for Central Africa with a view to reopening the country office of the Office of the High Commissioner in Burundi, to facilitate monitoring of the situation of human rights in Burundi, and to cooperate with the United Nations country team in Burundi;

15. *Calls upon* the Government of Burundi to refrain from all acts of intimidation or reprisal against human rights defenders, including those who are cooperating with international human rights mechanisms and the Human Rights Council;

16. *Encourages* the Government of Burundi to engage in a genuine and inclusive spirit with all Burundian stakeholders, operating from both inside and outside the country, including civil society representatives, human rights defenders, media workers and representatives of political parties, to effectively address the multiple, deep-rooted challenges, exacerbated by the coronavirus disease (COVID-19) pandemic, that Burundi is experiencing;

17. *Welcomes* steps taken by the Government of Burundi to reinforce cooperation with the international community and regional organizations, including the African Union,

[4] S/2020/1078, annex.

[5] See A/HRC/38/10.

the East African Community, the International Conference on the Great Lakes Region and the guarantors of the Arusha Peace and Reconciliation Agreement for Burundi, and to help to achieve lasting peace, reconciliation and inclusive development, and encourages the Government to continue and further strengthen cooperation in this area;

18. *Expresses serious concern* at the difficult situation of Burundians who have fled the country, including the nearly 268,000 Burundians who are currently settled in four neighbouring countries, while over 116,000 Burundians are internally displaced, notes that large numbers of refugees in neighbouring countries have been returning to Burundi, notes with appreciation the tripartite agreement of 29 November 2019 between Burundi, the United Republic of Tanzania and the Office of the United Nations High Commissioner for Refugees and the tripartite agreement of 13 August 2020 between Burundi, Rwanda and the Office of the United Nations High Commissioner for Refugees, urges all parties to respect their commitment to voluntary, safe and dignified repatriation consistent with their respective non-refoulement obligations, calls upon the Government of Burundi and countries hosting refugees to ensure that the conditions for the safe return and the sustainable reintegration of returning refugees are met, and commends refugee-hosting countries, donors and other partners providing humanitarian support and international protection to refugees;

19. *Notes with appreciation* the efforts by the Government of Burundi in presenting its national programme for the capitalization of peace, social stability and promotion of economic growth to tackle the precarious humanitarian and socioeconomic situation exacerbated by the COVID-19 pandemic;

20. *Decides* to appoint a special rapporteur mandated to monitor the situation of human rights in Burundi, to make recommendations for its improvement, to collect, examine and assess information from all relevant stakeholders pertaining to the human rights in Burundi, building upon the work of the Commission of Inquiry, to advise the Government of Burundi in fulfilling its human rights obligations emanating from international treaties and to offer support and advice to civil society and to the National Independent Human Rights Commission in executing its independent mandate of promoting and protecting human rights as well as in raising awareness on human rights issues;

21. *Requests* the Special Rapporteur to present to the Human Rights Council, at its fiftieth session, an oral update on the situation of human rights in Burundi and also to submit to the Council, at its fifty-first session, and to the General Assembly, at its seventy-seventh session, a comprehensive written report;

22. *Calls upon* the Government of Burundi to cooperate fully with the Special Rapporteur, to grant the mandate holder unhindered access to the country and to provide the mandate holder with all the information necessary to properly fulfil the mandate, in line with the public commitments made by the current Administration to advance human rights and re-engage with the international community;

23. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure that there is no monitoring gap pending the appointment of the Special Rapporteur, and to provide the Special Rapporteur with the assistance and all resources necessary to fulfil the mandate;

24. *Requests* the High Commissioner to ensure that information and evidence of human rights violations and abuses that committed in Burundi collected by the Commission of Inquiry are consolidated and preserved and made accessible and usable in support of ongoing and future accountability efforts;

25. *Decides* to remain seized of the matter.