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Secretariat

Coalition mondiale contre la peine de mort

Mundo-M • 47 avenue Pasteur • 93100
Montreuil • France

+33 1 80 87 70 43

contact@worldcoalition.org

Burundi's Compliance with the International Covenant on Civil and Political Rights

Suggested List of Issues

Submitted by the World Coalition Against the Death Penalty

131st Session of the Human Rights Committee 01 to 26 March 2021

In view of the 131st session of the Human Rights Committee, the World Coalition Against the Death Penalty would like to communicate several points with respect to the situation of the death penalty in Burundi.

The World Coalition is present in five continents, gathering more than 160 member organizations – human rights organizations, professional associations, and local authorities – that have united to campaign for the universal abolition of the death penalty. It was founded in 2002 in Rome. Its actions include the World Day Against the Death Penalty, a campaign for the ratification of the United Nations Protocol aiming at the abolition of the death penalty, and a campaign for the implementation of the UNGA moratorium resolution.

1. Burundi abolished the death penalty in law for all crimes after the revised penal code repealing capital punishment entered into force on 22 April 2009.¹
2. Burundi acceded to the International Covenant on Civil and Political Rights on 9 May 1990. However, Burundi has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
3. Burundi expressed its commitment to the abolition of the death penalty by co-sponsoring and voting in favor of four United Nations General Assembly's Resolutions for a moratorium on the use of the death penalty in 2008², 2010³, 2012⁴, and 2014.⁵ Burundi voted in favor of the resolution

¹ Loi n°1/05 du 22 avril 2009 portant révision du code pénal (in French).

² United Nations General Assembly, *Resolution adopted by the General Assembly on 18 December 2008 [on the report of the Third Committee (A/63/430/Add.2)], 63/168. Moratorium on the use of the death penalty, A/RES/63/168.*

³ United Nations General Assembly, *Resolution adopted by the General Assembly on 21 December 2010 [on the report of the Third Committee (A/65/456/Add.2 (Part II))], 65/206. Moratorium on the use of the death penalty, A/RES/65/206.*

⁴ United Nations General Assembly, *Resolution adopted by the General Assembly on 20 December 2012 [on the report of the Third Committee (A/67/457/Add.2 and Corr.1)], 67/176. Moratorium on the use of the death penalty, A/RES/67/176.*

⁵ United Nations General Assembly, *Resolution adopted by the General Assembly on 18 December 2014 [on the report of the Third Committee (A/69/488/Add.2 and Corr.1)], 69/186. Moratorium on the use of the death penalty, A/RES/69/186.*

in 2007 without co-sponsoring it⁶, against it in 2016⁷ and was absent at the vote in 2018⁸ and 2020.⁹

4. Burundi participated in the Third Cycle of the Universal Periodic Review on 18 January 2018. On this occasion, Burundi accepted¹⁰ all the recommendations related to the accession to the Second Optional Protocol, namely recommendations 137.2 (Belgium, Croatia, Georgia, Honduras, Montenegro, South Africa, Spain, and Togo)¹¹, 137.3 (Australia)¹², and 137.4 (Armenia, on signing the Protocol).¹³ Burundi further stated that the previous “recommendations are of priority national interest and Burundi will take all necessary measures to implement them”.¹⁴
5. In their Concluding Observations in 2014, the Human Rights Committee¹⁵ and the Committee Against Torture¹⁶ encouraged Burundi to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
6. The World Coalition Against the Death Penalty therefore seizes this opportunity to ask:
 - a. What steps have been taken by Burundi to formally accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty?
 - b. If no steps have been taken, what are the obstacles to the accession?

⁶ United Nations General Assembly, *Resolution adopted by the General Assembly on 18 December 2007 [on the report of the Third Committee (A/62/439/Add.2)]*, 62/149. *Moratorium on the use of the death penalty*, A/RES/62/149.

⁷ United Nations General Assembly, *Resolution adopted by the General Assembly on 19 December 2016 [on the report of the Third Committee (A/71/484/Add.2)]*, 71/187. *Moratorium on the use of the death penalty*, A/RES/71/187.

⁸ United Nations General Assembly, *Resolution adopted by the General Assembly on 17 December 2018 [on the report of the Third Committee (A/73/589/Add.2)]*, 73/175. *Moratorium on the use of the death penalty*, A/RES/73/175.

⁹ United Nations General Assembly, *Resolution adopted by the General Assembly on 16 December 2020 [on the report of the Third Committee (A/75/478/Add.2)]*, 75/183. *Moratorium on the use of the death penalty*, A/RES/75/183.

¹⁰ United Nations General Assembly, *Report of the Working Group on the Universal Periodic Review, Burundi, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies by the State under review*, 6 June 2018, A/HRC/38/10/Add.1, at para. 6-7.

¹¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Burundi*, 19 April 2018, A/HRC/38/10, at para. 137.2.

¹² *Ibid.* at para. 137.3.

¹³ *Ibid.* at para. 137.4.

¹⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Burundi, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies by the State under review*, 6 June 2018, A/HRC/38/10/Add.1, at para. 7.

¹⁵ UN Human Rights Committee, *Concluding observations on the second periodic report of Burundi*, 21 November 2014, CCPR/C/BDI/CO/2, at para. 6.

¹⁶ UN Committee Against Torture, *Concluding observations on the second periodic report of Burundi*, 12 December 2014, CAT/C/BDI/CO/2, at para. 26.