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Burundi: Government should make human rights provisions in new Constitution a reality

Amnesty International welcomes the referendum on the Burundian Constitution, likely to be overwhelmingly approved, and urges the Government of Burundi to take all possible measures to ensure that the human rights provisions enshrined in the Constitution quickly become a reality for Burundians.

The organisation also strongly encourages politicians vying for the presidency and other public office to adopt and publicly commit to following an explicit human rights agenda in their campaign platforms.

In applying the Constitution, government officials should ensure that the human rights guarantees it contains do not become empty promises.

Article 24 guarantees that "every woman, every man has the right to life". Article 25 guarantees the right to physical and psychological integrity and guarantees that no one shall be subjected to torture or cruel, inhuman or degrading treatment. The death penalty is the ultimate cruel, inhuman and degrading punishment, and Amnesty International urges the Government of Burundi to take immediate action to end the practice.

Article 38 guarantees the right to a fair trial in a reasonable period of time. This right should be enjoyed by the many detainees who have been held for years without trial. This right should likewise be restored to those who are serving prison sentences or have been condemned to death after unfair trials.

Amnesty International welcomes the inclusion of Article 261, which ensures that civilians cannot be tried under the military justice code nor tried by military courts. This provision marks the realisation of a long-term goal of human rights campaigners. Amnesty International welcomes provisions to combat impunity, such as Article 246 that submits security personnel to the authority of civilian authorities and the law. The organization however urges the government of Burundi to ensure that military personnel accused of civil law infractions and crimes against civilians be judged by civilian courts, to tackle impunity more effectively.

Article 260 requires that security and defence personnel at all levels are trained in international humanitarian law and the primacy of the Constitution. Amnesty International welcomes this provision and urges the international community to help ensure that this training is made available to contribute to the respect of human rights by all security services.

Several articles of the Constitution recognise certain economic, social and cultural rights of the

population, such as the right to healthcare and education. These should be applied in light of the immediate obligations of the Government of Burundi to prohibit discrimination in the realisation of these rights and to deliver, at the very least, minimum essential levels of these rights. These efforts should focus especially on marginalised communities and on taking deliberate, concrete and targeted steps, mobilizing the maximum of all available resources, including those from international cooperation and assistance, towards the full realization of all economic, social and cultural rights guaranteed in international and regional human rights instruments to which Burundi is a party.

Amnesty International welcomes the inclusion of provisions for the representation of women in the highest levels of government, including a guarantee of 30% of posts in the Senate, National Assembly and Government, and provisions to promote the rights of ethnic minorities, notably the Batwa.