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Évènements en 2021

Access to land and secure land rights for women and vulnerable groups

Apart from the implementation of the *Burundi Landscape Restoration and Resilience Project* (PRRB), the IG/NFI/GEOFIT⁴-LADEC (Land and Development Expertise Centre) Group held a workshop on 27 July 2021 on access to land and securing land rights for women and vulnerable groups.

The results of a study conducted by the group in Buhinyuza and Isare communes during the first half of 2021 were presented. This study highlighted the challenges relating to the land rights situation for women and other vulnerable groups.

Indeed, as noted by Mr. Vital Bambanze, President of UNIPROBA, an organisation for the defence and promotion of the rights of Indigenous Peoples, i.e. (in Burundi) the Twa, land is intrinsically linked to the Burundian identity.

Burundians proudly identify with the land of their ancestors, "*Itongo rya ba sogokuru*" (with, according to popular custom, a duty to safeguard it from all predation and alienation). This is why land certification is so important and necessary to securing land rights.⁵

During the workshop, multiple recommendations emerged from the various interventions. Some related to revising the legal framework, for example:

- effectively implementing the constitutional provisions regarding the principle of equality;
- promulgating the law on succession, matrimonial regimes and gifts;
- reviving Decree-Law No.1/19 of 30 June 1977 abolishing the institution of *Ubugererwa*,⁶ and Decree No. 100/65 of 30 June 1977 on the composition and functioning of the *Ubugererwa* liquidation commission, in order to finally abolish *Ubugererwa* for the Twa;
- general communication and awareness-raising efforts towards women and vulnerable groups to encourage them to register their land holdings and thus secure their rights, and publicising parents who promote the equitable sharing of land between girls and boys.

Finally, recommendations were made specifically for the Batwa, whose land situation is of particular concern. These recommendations related, for example, to identifying Batwa in advance of land certification operations and adopting strict administrative measures prohibiting the purchase, sale or transfer of land once it has been allocated to the Twa. At the end of the workshop, it was recalled that encouraging the certification of women's land rights was an issue that affected all women regardless of their status: married women, co-habiting women, single mothers, divorced women. By the end of the PRRB project, more than 7,000 land certificates (of the 14,080 expected under the project) will need to bear the name of a woman.

Violations of the rights of the Twa in Burundi: Request for urgent intervention

Several human rights organisations issued the following appeal⁷ on 19 August 2021:

We, the undersigned organisations, express our extreme concern at the human rights violations, including arbitrary detentions, torture and extrajudicial killings, perpetrated against the Batwa Indigenous people in Burundi since 2015.

- On 2 April 2021 Sylvestre Bazirinyakamwe, founder and vice-president of the Batwa organisation UNIPROBA was arrested by Burundi's national intelligence service. These police officers later arrested seven further staff members of the organisation, who were released after five hours. After being held in an unknown location for four months, on 18 August 2021, Mr. Bazirinyakamwe was suddenly transferred to the central prison of Bujumbura.
- At the end of July 2021, Innocent Mahwikizi, Founder and National Coordinator of the Batwa organisation *L'Union Chrétienne pour l'Éducation et le Développement des Déshérités* (UCEDD-Burundi) was incarcerated in the central prison of Gitega.
- In 2018, Jacques Ndayizeye, founder and Deputy Legal Representative of *Union des Jeunes Batwa pour le Développement Communautaire* (UJEDECO) was unjustly incarcerated in Bujumbura's central prison. He was arrested in the same way as Sylvestre Bazirinyakamwe. Since 2018, no-one in the Batwa community has been able to get justice for this Indigenous leader.
- Many more cases of killing, torture, and unjust imprisonment of Batwa leaders and members of the Batwa community have been documented since 2015, with no way to obtain justice for these victims of State-sponsored and extrajudicial actions. Documentation was provided to human rights agencies.

The co-signatories of the letter concluded their message by saying:

We hereby call for the immediate release of all Batwa who have been detained in Burundi for political reasons, including Sylvestre BAZIRINYAKAMWE, Innocent MAHWIKIZI and Jacques NDAYIZEYE; and we call on the human rights bodies of the international community, including the Office of the UN High Commissioner for Human Rights, the Human Rights Council, the UN Commission of Inquiry on Burundi, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the UN Permanent Forum on Indigenous Issues, the Special Rapporteur on extrajudicial executions, summary or arbitrary executions, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights of indigenous peoples, as well as international NGOs such as the World Organisation Against Torture, Amnesty International, Human Rights Watch and Trial International, to launch an immediate investigation into the acts listed above, and to follow up those that are ongoing with an urgent response.

The United Nations Human Rights Council appoints a Special Rapporteur to monitor the situation of human rights in Burundi⁸

With a vote adopted by 21 votes to 15 with 11 abstentions, the Human Rights Council has decided to appoint a Special Rapporteur to monitor the situation of human rights in Burundi, to advise the Government of Burundi on the implementation of its human rights obligations, and to provide advice and assistance to civil society and the Independent National Commission on Human Rights. The Council has requested that the mandate holder present an oral update on the human rights situation in Burundi at its 50th session (June 2022) and submit a comprehensive written report at its 51st session.

Through this resolution, the Council is calling on the Government of Burundi to implement the recommendations made (*inter alia*) in the reports of the Commission of Inquiry on Burundi⁹ and the recommendations it accepted at the end of the 2018 Universal Periodic Review.

The Council recognises the progress made in the areas of human rights, good governance and the rule of law since the inauguration of President Evariste Ndayishimiye. It condemns the human rights violations and abuses committed in Burundi, including extrajudicial killings, enforced disappearances, arbitrary arrests and detentions, torture and other cruel, inhuman or degrading treatment or punishment, and acts of violence, sexual and gender-based violence, and intimidation and harassment of members of opposition political parties, civil society representatives, peaceful demonstrators, human rights defenders, journalists, bloggers, and other media professionals, and expresses its deep concern that the exercise of their human rights is criminalised.

Nonetheless, the Government of Burundi communicated that it would not welcome the new Special Rapporteur in its country, thus preventing any new Rapporteur from carrying out their mandate.¹⁰ The Rapporteur is expected to be appointed in March 2022.

Notes and references

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2. PopulationData.net. "Palmarès – Indicateur de développement humain (IDH)." PopulationData.net. <https://www.populationdata.net/palmares/idh/>
3. UNIPROBA. "Rapport sur la situation foncière des Batwa du Burundi" [Report on the Land Situation of Burundi's Batwa]. Bujumbura: Août 2006- Janvier 2008: .16.
4. IGN FI - GEOFIT Group is the technical operator of IGN (the French National Institute of Geographical and Forest Information) in relation to its international projects and offers customised services within its fields of expertise: geodesy, metrology, cartography / national geographic data infrastructure, databases, geographic information systems (GIS), thematic portals, land information systems
5. IGNFI. « PRRPB : Un Atelier pour Sécuriser les Droits Fonciers des Plus Vulnérables. » <https://www.ign.fr/2021/08/04/prrpb-un-atelier-pour-securiser-les-droits-fonciers-des-plus-vulnerables>
6. Contract in which a client has to work for a boss in exchange for a piece of land.
7. Initiative for Equality (IfE). "Rights Violations of Batwa in Burundi: Urgent Request for Intervention." August 19, 2021. <https://www.initiativeforequality.org/rights-violations-batwa-burundi-urgent-request-intervention/>
8. ReliefWeb. "Human Rights Council appoints a Special Rapporteur on the protection of human rights in the context of climate change and a Special Rapporteur to monitor the situation of human rights in Burundi." ReliefWeb, October 8, 2021. <https://reliefweb.int/report/burundi/human-rights-council-appoints-special-rapporteur-protection-human-rights-context>
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10. Radio France internationale (RFI). « Le Burundi refuse d'accueillir un rapporteur spécial de l'ONU avant même sa nomination. » RFI, 13 décembre 2021. <https://www.rfi.fr/fr/afrique/20211213-le-burundi-refuse-d-accueillir-un-rapporteur-sp%C3%A9cial-de-l-onu-avant-m%C3%Aame-sa-nomination>
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