Komite ijejwe kurwanya isinzikaza [ry'ubuzima bwa kiremwa muntu]

Ivyashikirijwe kubijanye n'icegeranyo cakabiri c'Uburundi gitangwa buri gihe

URWANDIKO RWAHINYANYUWE ARIKO RUTARASOHORWA

1. Komite ijejwe kurwanya ihohoterwa yarize icegeranyo c'uburundi gitangwa buri gihe (CAT/BDI/20), mu nama zayo zigira 1262 na 1265 zo ku ma generekerezo ya 11 na 12 munyonyo 2014 (CAT/C/SR.1262 na 1265), iraheza ishika ku myihwezo y'isozera ikurikira mu nama yayo igira 1284, yabaye kuwa 26 munyonyo 2014 (CAT/C/SR.1201).

A. Intangamarara

2. Komite yakiranye umunezero icegeranyo ca kabiri c'Uburundi gitangwa buri gihe ariko iranebagura ingene catanzwe cacerewe imyaka 3 irenga ntikinisunge ingendo nkurunkuru za Komite kubijanye n'itunganywa ry'ivyegeranyo bitangwa buri gihe.
3. Komite irashima ko hatanzwe inyishu biciye mu nyandiko ku rutonde rw'ibibazo vyari bitegekanijwe kwihwezwa (CAT/C/BDI/Q/2/Add.1) hamwe n'ivyashikirijwe mu kuzunganiramu kiganiro c'ukwungurana yagiranye n'umurwi waserukiye Leta yateye igikumu ku maserano.

B. Intambwe nziza/ Ivyo gushima

4. Komite irashima ko Leta yemeje burundu canke ikemera kw'isunga amasezerano mpunzamakungu akurikira :

   a) Amasezerano adahatirwako yerekejwe kumasezerano mpuzamakungu yerekeye kurwanya gusinzikaza ubuzima, ibihano canke gufata umuntu bunyamaswa hamwe n'ayandi mabi y'agahomerabunwa akorerwa ikiremwa muntu, muri gitugutu 2014 ;
   b) Amasezerano mpuzamakungu yerekeye uburungenzira bw'abagendana ubumuga, muri rusama 2014 ;
   c) Amasezerano mpuzamakungu adahatirwako yerekejwe kumasezerano mpuzamakungu yerekeye uburungenzira bw'abagendana ubumuga, muri rusama 2014 ;
   d) Amaserano nyunganiramasezerano yiyongera ku masezerano y'ishirahamwe mpuzamakungu ONU yerekeye kurwanya ubukozi bw'ikibi butagira imbibe mu ntumbero yo gukinga, gukurikirana hamwe no guhana icuruzwa ry'abantu na cane cane abagore n'abana, muri rusama 2012.

5. Komite yakiranye kandi umunezero utwigoro twagizwe na Leta mu guhindura amategeko y'igihungu mu ntumbero yo gushira mu ngiro Amasezerano, nk'akarorero ibi bikurikira :

   a) Isubirwamwo ry'igitabo c'amategeko mpana vyaha muri 2009 cemeza ikurwaho ry'igihano co gupfa, gisigura, gitegekanya nk'icaha kikongera

kigahana isinzikaza ry'ubuzima, ibihano canke gufata umuntu bunyamaswa hamwe n'ayandi mabi y'agahomerabunwa akorerwa kiremwa muntu, kiduza imyaka umuntu ategerezwa kuba n'imiburi buri ashikana kugira ngo ashobore gukurikiranwa ku bijanye n'ivyaha iva kuri 13 ikaja kuri 15, gitegekanya nk'icaha gufata ku nguvu, amabi akorwa hagati y'abubakanye, ukugobera mu ntumbero yo gushurashuza, ivyaha vyo mu ntambara, ivyaha vy'agahomerabunwa hamwe n'ihonyabwoko ;

b) Isubirwamwo ry'igitabo c'amategeko yerekeye ingene imanza z'ivyaha zitohozwa, ziburanishwa n'ingene zicibwa mu 2013 gitegekanya indishi kuba basinzikarijwe ubuzima kikongera kigategekanya ko ibikorwa vy'akamaro rusangi bishobora gufatwa nk'ingingo zisubirira ibihano ;

c) Integuro y'ibwirizwa rikinga rikongera rigahana amabi afatiye ku gitsina ;

d) Integuro y'ibwirizwa rikinga, rigahana urudandazwa rw'abantu rikongera rigakingira abashikiwe n'urwo rudandazwa.

6. Komite irashimishwa n'integuro y'umugambi w'igihugu werekeye agateka ka zina muntu hamwe n'itegekanywa ry'ingene uzoshirwa mu ngiro, hamwe n'uko Leta yashizeho urwego rw'umuhuza **[**wa Leta n'abanyagihugu**]** muri 2011.

C. Ibibazo bikuru bikuru biteye impungenge hamwe n'ivyokorwa

Ikurikizwa ry'Amasezerano imbere y'ama sentare y'igihugu

7. Naho ata wokwirengagiza ububasha abacamanza bafise mugushobora kwisunga ingingo ya 19 y'ibwirizwa nshingiro mu gusesanura itegeko, Komite igumanaimpungenge zitewe n'uko sentare z'igihugu zidakoresha aya masezerano mu manza zica. Komite iratewe kandi impungenge n'uko sentare zakira ivyemezo vyabonetse biciye mu gusinzikaza ubuzima, ivyo bikaba biciye kubiri n'Amasezerano arwanya isinzikza ry'ubuzima hamwe n'igitabo kigenga ingene imanza z'ivyaha zitohozwa, zikurikiranwa n'ingene zicibwa (Ingingo ya 2 n'iya 15).

Mu ntumbero yo gukurikiza koko ingingo zigize Amasezerano muri sentare n'izindi nzego z'igihugu, Leta yateye igikumu ku masezerano ikwiye gufata ingingo zose zikenewe kugirango iroranishe amategeko y'igihugu n'ingigo z'Amasezerano ikongera igahimiriza abo bose bajejwe gukurikiza amategeko kubahiriza izo ngingo. Leta ikwiye kandi gushira mu ngiro ingingo za 52 na 251 z'igitabo c'amategeko (y'igihungu) ategekanya ingene imanza z'ivyaha zitohozwa, ziburanishwa n'ingene zicibwa kugira ngo ivyemezo vyabonetse biciye mu gusinzikaza ubuzima bibe koko mpfagusa.

Ingingo zijanye n'ishingwa ry'amategeko mu ntumbero yo gukinga ihohoterwa

8. Naho izi ko ibwirizwa shingiro ribuza isinzikazwa ry'ubuzima mu buryo bwose no bihe vyose, Komite iratewe impungengen'ibintu vyinshi bitagenda neza mw'itunganywa hamwe n'ubuyobozi bw'inzego z'umutekano, aho twovuga n'igipolisi c'igihugu (PNB) hamwe n'urwego rw'igihugu rushinzwe igendereza (SNR). Izo nzego zigengwa n'amategeko yo mubiro vy'umukuru w'igihugu, ivyo bikaba biciye ku biri n'ibwirizwa nshingiro ritegekanya ko zategerezwa kugengwa n'amabwirizwa ngenderwako/ntunganyanzego. Naho kandi itegekanya mu ngingo ya 31 y'igitabo cayo c'amategeko mpana vyaha ko itegeko ryatanzwe n'umukuru ridashobora kwakirwa nk'insiguro ikura icaha k'uwagirizwa gusinzikaza ubuzima, Komite iguma impungenge ku bijanye n'ikurikizwa koko ry'iyo ngingo (ingingo za 2, 6, 16).

Leta ikwiye gushiraho amabwirizwa ngenderwako/ntunganyanzego yogenga igipolisi hamwe n'urwego rw'iperereza afasha gusuzuma no gukirkirana ibikorwa vy'izo nzego mu ntumbero yo kwubahiriza koko ingingo ziri mu masezerano. Leta ikwiye kandi gukurikirana ikaraba ko ingingo ya 2 y'Amasezerano itegekanya ko itegeko ryatanzwe n'umukuru ridashobora kuba icitwazo mu gusigura co gusinzikaza ubuzima yakurikijwe vy'ukuri**.**

Kubuza isinzikazwa ry'ubuzima mu bihe vyose/kwamirira kure ihohoterwa

9. Komite iratewe impungenge n'uko igitabo c'amategeko mpana vyaha ya gisirikare kitisunga amategeko mpuzamakungu mu bijanye no kurwanya gusinzikaza ubuzima kuko kidategekanya nk'ivyaha ibikorwa vyo gusinzikaza ubuzima vyagirizwa abasirikire, nkuko ingo ya 4 y'Amasezerano yo ibitegekanya (ingingo 2 na 4).

Leta ikwiye gufata ingingo zihuta kugira yongere mu gitabo c'amategeko mpana vyaha ya gisirikare ingingo zifata nk'inkicaha gusinzikaza ubuzima hamwe n'ibindi vyaha vy'agahomerabunwa vyakozwe n'abasirikare kandi ikabifata nk'ivyaha didaharirwa, bidatezurirwa kandi bihanishwa ibihano bihagije.

Gupfunga ic'amaso, gupfunga vy'agateganyo hamwe n'uburenganzira butangwa n'amategeko

10. Naho Leta yasubiyemwo igitabo cerekeye ingene imanza zitohozwa, ziburanishwa n'ingene zicibwa, Komite igumana impungenge ku bijanye: n'ikiringo kirekire birenze cane co gupfunga ic'amaso, kurenza ibiringo vyo gupfunga ic'amaso bishika kenshi ; ukudategekanya ibitabo vyerekana inzandiko zerekana uwinjiye canke uwasohotse umunyoro canke ukutuzuza bikwiye ivyo bitabo, kutubahiriza uburenganzira abanyororo barekurirwa n'amategeko; kuba ata mategeko ahari ategekanya ingene abatishoboye bashobora gushikira umuganga hamwe no gufashwa mu bijanye no kuburana ; Gukoresha no mu gihe bidakenewe ibijanye no gupfunga vy'agateganyo,

atakugenzura ngo hasuzumwe ko bihuye n'amategeko kandi ata rugero ntarengwa rw'ikiringo c'ipfunga ry'agateganyo (ingingo za 9, 10, 11, na 14).

Leta ikwiye : gusubiramwo igitabo c'ametegeko yerekeye ingene imanza zitohozwa, ziburanishwa n'ingene zicibwa kugira ngo imanure ikiringo c'ugupfunga ic'amaso igishire ku masaha 48, gushinga igihe ntarengwa cumvikana co gufungwa ivy'agateganyo, gushiramu ngiro bimwe biboneka uburenganzira abapfunzwe ic'amaso canke vy'agateganyo bahabwa n'amategeko, nko kumenyeshwa uburenganzira bwabo, kuronka umushingwamanza canke umuganga bipfuza, gushobora kuvugana n'ababo, gufashwa mu bijanye no kuburana ku bantu batishoboye hamwe no kurengutswa mu maguru masha imbere y'umucamanza. Mu bijanye no gupfunga vy'agateganyo, Leta ikwiye kandi kwisunga amategeko mpuzamakungu yerekeye urubanza rubereye ruciwe mu gihe cumvikana.

Kuba hashobora kuba harakozwe ivyaha vy'isinzikaza ry'ubuzima hamwe n'ubwicanyi ndengerabutungane

11. Komite irahagaritswe umutima n'amakuru yo kwizigira adahengeshanya gutangwa, ava ahantu hatandukanye ku vyerekeye ibitigiri vyishi vy'abasinzikarizwa ubuzima hamwe n'ubwicanyi ndengerabutungane bivugwamwo nk'igipolisi (PNB) hamwe n'urwego rw'ipererezа (SNR). Ibandanya iterwa impungenge n'amatohoza adashemeye kandi amara igihe kire kire birenze, ivyo bigaca vyemeza ibivugwa ko abakora ivyo vyaha bakingirwa ikibaba. Irababajwe kandi n'uko ata kivugwa ku vyerekeye ibimaze gukorwa n'ama sentare hamwe n'ivyashitsweko. Komite iratewe impungenge no kubona ata ngingo zifatwa mu ntumbero yo gukingira abakorewe ivy'aha hamwe batotezwa bazira ku vyo bashikirije (ingingo za 2, 4, 6, 7, 12 na 14).

Leta ikwiye :

a) Gufata ingingo zose zikenewe kandi ngirakamaro kugira ngo igwanye ukudahana ivyaha, mu kwama igira amatohoza yihuta ataho ahengamiye mu gihe cose bivuzwe ko hashobora kuba habaye isinzikazwa ry'ubuzima canke ukwaka ubuzima kugira idomeko urutoke ababikoze, bakurikiranwe, bagiriwe n'icaha bahabwe ibihano bikwiye hanyuma abakorewe icaha canke ababo baronke indishi ikwiye ;
b) Kumenyesha Komite ibicishije mu nyandiko ivyavuye mu matohoza yakozwe, iburanishwa, imanza zaciwe hamwe n'ibihano vyafashwe ku bashobora kuba barakoze ibi vyaha twavuze ngaha kandi vyrai ku rutonde rw'ibibzao komite yayishikirije (CAT/C/BDI/Q/2/Add. 1, n° 9, 10, 12, 13,15), harimwo n'ibijanye n'ubwicanyi bwabaye imbere n'inyuma y'amatora ya 2010, hamwe n'ibiherutse kuba vuba, nk'ubwicanyi bw'abantu benshi b'inkehwa mu bijanye n'amadini ;
c) Gutegekanya mu gitabo c'amategeko yerekeye ingene imanza z'ivyaha zitohozwa, ziburanishwa n'ingene zicibwa ko hategerezwa kuba amatohoza mu gihe cose hashobora kuba habaye isinzikazwa

ry'ubuzima canke ihohoterwa, ikongera igategekanya ko ikurikiranwa ry'ivyaha bijanye n'isinzikaza ry'ubuzima hamwe n'ihohotera ridatigihe ;

d) Gukingira abakorewe ivyaha k'ikwitotezwa bashobora kugirirwa hamwe no kubarosa indishi ihagije nk'uko bitegekanijwe n'ingingo ya 14 y'Amasezerano bikongera bigatomorwa mu nsiguro rusangi [ku bijanye n'Amsezerano] igira 3 ya Komite.

Ba nyamwema

12. Komite iratewe impungenge n'itotezwa n'ukubabariza igufa ba yamwema vyatumye hapfa abantu 18 n'abandi benshi baciwe ibihimba vy'umubiri kuva 2008 (ingingo za 10, 12, 16).

Leta ikwiye, vyihutirwa cane, gukingira ba nyamwema kw'ikumirwa n'ukubabarizwa igufa, kurwanya ukudahanwa kw'abagirwa n'ivyo vyaha ikongera igahimiriza mu ntumbero yo kurwanya ikumirwa bagirirwa [ba nyamwema].

Ubwigenge kw'ubutungane

13. Komite iratewe impungenge n'ivyegeranyo vyishi bivuga ko urwego rw'ubutungane rutigenga, bifatiye cane cane nko : Kwivanga kw'ubutegetsi mu bikorwa vya rwo ; guhindurira uturere bakoreramwo abacamaza bakoze mu buryo bunyuranye n'ivyo ubutegetsi bwipfuza hamwe n'ingendo ituzuriza bose ikorwa biciye mu vyitwa ngo ni « umwumvikano » ku vyaha vyo gufata ku nguvu hamwe n'irindi hohoterwa rifatiye ku gitsina bikorerwa abakenyezi n'abana. Kur'ivyo hakiyongerako ukugoyagoya k'urwego rw'ubutungane : amikoro adakwiye nko ku bijanye n'ibitigiri vy'abacamanza bidakwiye no kuba badafise ubumenyi bukwiye bw'ibanze umwuga w'ubucamanza usaba ; ikiringo [kire kire] imanza zimara ; hamwe no kudashira mu ngiro imanza zimwe zimwe zaciwe. Gutorera umuti ivyaha bikomeye biciye mu kwumvikanisha bituma abanyagihu batakaza cane umwizero ku rwego rw'ubutungane bigatuma bashira imbere [ivyo] kwihanira. Hanyuma, naho habaye inama rukokoma ihuza abegwa n'ikibazo c'ubutungane muri myandagaro2013, Komite ntishimishwa no kubona atageranyo gisozera casohowe. (ingingo za 12, 13, 15)

Leta ikwiye gusubiramwo itegeko ritegekanya abagize urwego rukuru mpanuzwajambo mu vy'ubutungane kugirango ruroswe ubwigenge n'ukutagira aho rwegamiye. Ikwiye kandi gufata ingingo zikenewe zose kugira ngo urwego rw'ubutungane ruroswe ubwigenge, harimwo no kubicisha k'uguha akazi abacamanza biciye mu gukoresha ibibazo, kuduzwa mu kazi ku mvo zumvikana zifatiye ku bushobozi bw'akazi, hamwe no kutaburabuzwa. Mu gihe habaye kurya igiturire no kwishimiriza ubutegetsi mu kurenza urugero, abo vyagiriye bakora mu nzegoz'ubutungane bakwiye guhanwa. Leta ikwiye kandi kwongerereza uburyo urwengo rw'ubutungane mu bijanye n'abakozi haba mu bitigiri no mu vy'ubumenyi, ikongera ikarosa inyigisho zishimishije abarongoye

abandi mu nzego z'ubutungane kugira urwego rw'ubutungane rusubire kwizerwa gutyo ukwihanira gukingwe. Leta ikwiye gushira ahabona icegeranyo cavuye mu nama rukokoma ihuza aberwa n'ikibazo c'ubutungane ikongera igashira mu ngiro ivyasabwe.

Inyigisho

14. Naho Leta yatanze insiguro, Komite iguma itewe impungenge n'inyigisho zidashemeye ku Amasezerano zihabwa abakozi ba Leta hamwe n'abandi bafise uruhara nkenerwa mu gushira mu ngiro biri mu masezerano. Ukwo kutamenya vyerekeye ahanini igipolisi, ipereereza, abakora mu rwego rw'ubutungane, abakora mu vy'amabohero hamwe n'abaganga bakora ku bijanye n'isinzikaza ry'ubuzima n'ihohotera. (ingingo za 2, 10, 16)

Leta ikwiye kwongera, mu nyigisho z'ibanze zigenewe abakozi b'inzego z'igipolisi n'ipereereza, abagize urwego r'ubutungane (canecane abacamanza n'abashingwamanza) hamwe n'abakora mu vy'ubuganga n'ivy'amabohero, inyigisho ku ngingo za Masazerano, z'Inyunguramasezerano ya Istanbul yo muri 1999, ubuhinga bwo gutohoza ku bijanye n'isinzikaza hamwe n'ihohotera hamwe n'amategeko mpunzamakungu agenga agateka ka zina muntu. Mur'iz'inyigisho hotegerejwe kwongerwa mwo inyigisho zifatiye ku mwihwezo w'uturorero tw'ivyabaye hamwe n'inyigisho kw'ikubagurwa rifatiye ku gitsina nya zina. Leta ikwiye kandi kuguma isuzuma buri gihe inyigisho zitangwa kugira irabe akamaro kazo n'ico zifasha gushikako.

Ingene abatswe uburenganira bwo kwidegemvya babayeho

15. Komite iratewe umutima uhagaze no kubona uburyo abanyororo bafashwemwo mu mabohero butabereye. Irababazwa cane cane n'ibi bikurikira: ibitigiri birenze cane vy'abari mu mabohero ugereranije n'ibitigiri vy'abategerezwa kwakirwa; ukudatandukanya abapfungwa b'abagabo n'abagore, abakuze n'abana, abataracirirwa imanza n'abamaze kuzicirwa; ibitanda n'ibibanza vy'uburyamo bidakwiye; isuku rike; ugusaza kw'amazu; ingaburo zitikwije hamwe no kutavugwa. Irababazwa kandi n'urupfu rw'abapfungwa 263, ugukubagurana hagati y'abanyororo bonyene hamwe n'ugufatwa ku nguvu kw'abakenyezi n'abana bapfunzwe n'abo bapfunganywe canke abasanzwe bacunga amabohero. Uburangiza Komite iratewe impungenge n'uko hakiri umugenzo wo gupfungira abantu mu bibanza vy'amavuriro bitewe n'uko batashoboye kuriha amafaranga bafitiye amavuriro (ingingo za 6, 11, 12, 16).

Leta ikwiye, vyihuta cane, kugabanya ibitigiri c'abari mu mabohero, ishobora kubikora ibicishije ku ngingo zigenga irekurwa vy'agateganyo, gushira mu ngiro ingingo zitegekanya ibikorwa vy'akamaro rusangi, kugabanya ikoreshwa ryo gupfunga vy'agateganyo, hamwe no kwiyumvira, ibifashijwemwo n'amashirahamwe yigenga, izindi ngingo zosubira gupfunga. Ikwiye [Leta] kandi gushiraho urwego rw'umucamanza ajejwe ishirwa mu ngiro ry'ibihano ikongera igakurikiza koko itandukanya ry'abapfungwa rifatiye ku myaka [yabo],

igitsina, hamwe n'imvo bapfungiwe. Leta ikwiye gufata ingingo nkenerwa zihutirwa kugira ihagarike ipfungirwa ry'abantu mu bibanza vy'amavuriro ngo ni uko batashoboye kuriha.

Ivyerekeye impunzi hamwe n'abasaba ubuhungiro

16. Naho izi ivyashikirijwe na Leta mu nyishu zayo biciye mu kwandika ku vyerekeye ingingo zafashwe mu ntumbero yo kwubahiriza uburenganzira bw'abasaba ubuhungiro, Komite iguma itewe impungenge n'amakuru amenyesha ko kwiga ibibazo vy'abasaba uhungiro hamwe no gutanga ubuhungiro bidahuye n'amategeko mpuzamakungu kandi ko hoba hari abasubizwa inyuma bagishika ku mbibe zihugu bataronkejwe akaryo ko gusaba ubuhungiro (ingingo ya 3)

Leta ikwiye gukurikirana ikaraba ko uwo uwese yipfuza gusaba ubungiro ashobora kubishikiriza kandi ko ikibazo ciwe cihwezwa hisunzwe amategeko ngenderwako afatiye ku ngingo nyamukuru z'Amasezerano harimwo no gushobora kwunguruza mu ngihe hafashwe ingingo itamunezera yo kumuhakanira. Abakozi bajejwe kwiga ibibazo vy'abasaba ubuhungiro bakwiye kuronka inyigisho nyezina zijanye n'ivyo bibazo.

Ububasha ku rwego mpuzamakungu

17. Komite iratewe impungenge n'ingaruka zishobora kuva ku ngingo ya 10 y'igitabo c'amategeko mpanavyaha nkuko yatomowe na Leta mu tugabane twa 51 na 52 tw'icegeranyo c'ayo ko uwuzoba yagirizwa ic'acaha co gusinzikaza ubuzima hanze y'igihugu, aba umurundi canke umunyamahanga azokurikiranwa mu Burundi mu gihe conyene isinzikaza ry'ubuzima ryoba rifatwa nk'icaha mu mategeko y'igihugu ivyo yagirizwa vyakorewemwo. Irakebuye (Komite) yibutsa Leta ivyo itegerejwe bifatiye ku ngingo ya 5 y'amasezerano. (ingingo ya 5)

Leta ikwiye gusubiramwo igitabo c'amategeko mpanavyaha kugira ngo sentare z'uburundi ziroswe uburenganzira bwo gukurikirana uwagirizwa isinzikaza ry'ubuzima ryakorewe mu kindi gihugu, ico gihugu kiba gitegekanya canke kidategekanye isinzikaza ry'ubuzima nk'icaha. Leta ikwiye kandi gutegekanya mu mategeko yayo ingingo iha uburenganzira mpuzamakungu sentare z'igihugu kubijanye no gusinzikaza ubuzima.

Indishi n'inshumbusho ku basinzikarijwe ubuzima

18. Naho igitabo gishasha c'amategeko mpana vyaha mu ngingo yaco ya 289 gitegekanya indishi ku basinzikarijwe ubuzima, Komite ishikirije impungenge zayo zifatiye ku kudashirwa mu ngiro kw'iyo ngingo, biciye kubiri n'ingingo ya 14 y'amasezerano nkuko itomowe mu nsiguro rusangi igira 3 ya Komite (ingingo ya 14).

Leta ikwiye gushiraho amategeko n'inzego vya nkenerwa kugira abasinzikarijwe ubuzima baroswe indishi ikwiye nkuko bitegekanijwe mu ngingo ya 14 y'Amasezerano bikongera bikaba bitomowe mu nsiguro rusangi ya 3 ya Komite.

Uburyo bwo kugenzura amabohero

19. Komite iratewe impungenge n'icerwa mu gushiraho canke kugena urwego rw'igihugu rujejwe gukinga isinzikaza ry'ubuzima nk'uko bisabwa n'amaserano adahatirwa yiyongera ku masezerano yerekeye kurwanya isinzikaza (ingingo ya 11)

Leta ikwiye gutanguza umugambi utuma abo vyega bose bashobora kugira ico baterereye kugira ngo hashingwe hagenwe, vyihuta, urwego rw'igihugu rujejwegukinga isinzikaza rwigenga kandi rufise ubushobozi bukwiye, hisunzwe intumbero nyamukuru z'igisata ca komite kijejwe kurwanya isinzikaza. Ikwiye kuwurosa uburyo bukwiye mu bijanye n'abakozi hamwe n'amafaranga vya ngombwa kugira ngo ushobore gukora koko kandi wigenge. Leta ikwiye kandi gufasha koko kugira ngo amashirahamwe yigenga ashobore gushika ata ntambamyi mu ibibanza bipfungirwamwo abantu yongere ashirikirize ubutegetsi ivyokorwa.

Umurwi wigihugu wigenga ujejwe agateka ka zina muntu

20. Naho ishima utwigoro twagizwe na Leta mw'ishirwaho ry'umurwi w'igihugu wigenga ujejwe agateka ka zina muntu (CNIDH) mu 2011 ushingiye ku mategeko yikwije bihagije awuha ububasha bukwiye, Komite irafise impungenge ko ubwigenge n'icizere kuri urwo rwego bitozohava bibangamirwa no kuba hadategekanijwe isubirizwa ry'aba komiseri b'urwo rwego biciye mu kugisha inama bose kandi ku mugaragaro. Komite irababajwe kandi n'uko ata buryo uhabwa [uwo murwi]. (Ingingo 2, 4, 10, 11, 12).

Leta ikwiye gufasha koko ko habaho ubwigenge n'icizere ku mu murwi w'igihugu wigenga ujejwe agateka ka zina muntu, bifataye nko kw'isubiriza ry'aba komiseri mu buryo bwuriza bose kandi ku mugara garo. Komite ihimriza kandi Leta mu a) kubandanya utwigoro twayo two kurosa umurwi uburyo bukwiye mu vy'amafaranga, abakozi hamwe n'ibikoresho bikwiye biwufasha kurangura koko igikorwa cawo, nkuko bitegekanijwe n'ingingo zashingiwe i Paris ku bijanye n'ingene inzego z'ibihugu zijejwe gukingira no guteza imbere agateka ka zina muntu zitunganywa kandi zikora hamwe no b) gushira mu ngiro ivyasabwe n'umurwi CNDIDH.

Ubutungane bw'inyuma y'intambara

21. Komite irashimishwa no kuba Leta yarashizeho itegeko rigenga umurwi ujejwe kurondera ukuri no kurekurirana (CVR) ariko irababajwe n'ukwikwega biranga ishirwaho ry'umurwi CVR, hamwe n'uko umugambi watangujwe udatuma bose baterera kandi ngo uhe ikibanza bose. (Ingingo za 2, 14)

Komite ihimiriza Leta gushiraho urwo rwego rw'ubutungane bw'inyuma y'intambara mu maguru masha biciye mu buryo buha ijambo n'ikibanza bose, buhamagariwe bose, harimwo n'amashirahamwe yigenga yitaho ibijanye n'agateka ka zina muntu.

Ubugizi bwa nabi bufatiye ku kukudasangira ivyiyumviro vya politike

22. Komite iratewe impungene n'ibi:

    a) Iburabuzwa mu bijanye n'burenganzira bwo kugira amanama n'imyiyerekano rigirwa n'inzego z'umutekano, hamwe n'ivyegeranyo bivuga ibuzwa ry'imyirekano hakoreshejwe inguvu, bigatuma ubutegetsi bukoresha inguvu zirenze urugero, nk'akaroero mu gihe c'imyirekano yo muri ntwarante 2014.
    b) Guhonyanga cane agateka ka zina muntu bigirwa n'umurwi w'urwaruka rwegereye ubutegetsi rwitwa *Imbonerakure*, nko kuburabuza abanyapolitike batavuga rumwe na Leta, kuburabuza amanama abera ku mugaragaro, iterabwoba, gufata no gupfunga [abantu] bidaciye mu mategeko, ndetse no gukoresha inguvu hamwe no gutora inyishu ku matati biciye mu nzira zo kwumvikanisha. Komite irashikirije impungenge nyishi zijanye n'amakuru avuga ko Leta yoba iha ibirwanisho ikarosa n'inyigisho uwo murwi. (ingingo za 2, 12, 14, 16)

    Leta ikwiye:

    a) Gufata ingingo zihutirwa kugira ngo igihe cose habaye ihonyangwa ry'agateka ka zina muntu rihanwe vyihuta, hatarabwe uwa bikoze uwo ari we. Abagirizwa guhonyaga agareka bategerezwa gukurikiranwa bagiriwe n'icaha bagahabwa ibihano bikwiye, abakorewe ivyaha nabo bategerezwa kuronka indishi ikwiye kandi hagafatwa n'ingingo zotuma basubira kubana neza n'abandi mu gateka kabo.
    b) Kugirisha amtohoza ku bijanye n'*imbonerakure*, ivyo bahuriyeko n'ubutegetsi, harimwo kubaha ibirwanisho hamwe n'ivyo bakora, mu ntumbero yo kwubahiriza koko ingingo z'amasezerano.

Ikumirwa rifatatiye ku karangamutima ka muntu ku bijanye no kurangura amabanga mpuzabitsina

23. Komite iratewe impungenge n'uko kurangura amabanga mpuzabitsina ku basingiye ibitsina bitegekanywa nk'icaha mu gitabo c'amategeko mpanavyaha. Komite iretewe impungenge kandi n'ivyegeranyo bivuga kw'iterabwoba rigamije gusinzikarizwa ubuzima no kwangazwa hamwe n'ubugizi bwa nabi kubafitaniye imigenderanire iboneka nk'uko yoba ishingiye ku mabanga mpuzabitsina ku basangiye igitsina. (Ingingo ya 16)

Leta ikwiye gufuta ingingo zitegekanya nk'icaha ukurangura amabanga mpuzabitsina kubasangiye ibitsina, ikongera igafata ingingo zose zikenewe mu gukingira koko, abafitaniye imigenderanire iboneka nk'uko yoba ishingiye ku mabanga mpuzabitsina kuba basangiye igitsina kw'iterabwoba n'ubugizi bwa nabi bagirirwa, ikongera igakora amatohoza hisunzwe ingingo nyamukuru-ziri mu maserano mu gihe cose basinzikarijwe ubuzima.

Gufashanya n'inzego z'ishirahamwe mpuzamakungu ONU

24. Komite irashimishwa n'ingingo ya Leta yo "kwama yakirana ikaze" inzego ONU yashinze gukurikirana ibibazo nkoramutima kanaka muri rusangi canke mu gihugu kanaka. Ariko, irababajwe n'icerwa mu gutanga ivyegeranyo vy'ibanze hamwe n'ivyegeranyo bitangwa buri gihe birungikirwa inzego zishinzwe gucungera iyubahirizwa ry'amasezerano, ikiringo kire kire birengeje mu gutanga inyishu iyo hasabwe impusha zo kugira ingendo mu gihugu canke hasabwe insiguro ku bibazo biba vyashikiye abantu ku giti cabo hamwe ni uko ata gikorwa kubiba vyasabwe n'inzego zubahiriza amasezerano na cane cane ku vyerekeye abantu baba bitwaye ku giti cabo (ingingo za 2, 12, 14, 16).

Leta ikwiye cane cane: gufata ingingo zikwiye kugira itange ivyegeranyo igihe cabigenewe idacerewe, ibicishe nko mu gushiraho urwego rw'igihugu ntayegayezwa rwo gutunganya, gushikiriza no gukurikirana ivyegeranyo; kwishura mu maguru masha ku mpusha zo kugira ingendo mu gihugu zigirwa n'izo inzego za ONU; gutanga insiguro zikwiye ku bijanye n'ivyashikirijwe na za nzego za ONU zishinzwe gukurikirana ibibazo nkoramutima n'inzego zijejwe gucungera iyubahirizwa ry'Amasezerano hamwe no gushira mu ngiro ibiba vyasabwe n'izo nzego zose.

Ugutotororokanya ibiharuro ntangamuco

25. Komite irababajwe no kubona ata biharuro ntangamuco bikwiye kandi bifatira ku bitwaye, ku matohoza, kw'ikurikiranwa, ku manza zaciwe ku bijanye n'isinzikaza hamwe n'ibindi bikorwa bigayitse bihonyanga agateka ka muntu vyagirizwa abakozi ba Leta, ibihano hamwe n'indishi abasinzikarijwe ubuzima canke ababo.

Kugira ngo Leta ishobore gusuzuma ishirwa mungiro ry'Amasezerano ku rugero rw'igihugu, imenye urugero rw'ibigikorwa bigayitse vyo gusinzikaza ubuzima hamwe n'ico ingingo ziba zafashwe zishikako, ikwiye gutorokanya ibiharuro ntagamuco vyo kwizigira kandi biri ku gihe, bifatiye ku gitsina, ku bwoko, ku myaka, ku kibanza n'urugero rw'ibohero, ku bitwaye bavuga ko hoba harabaye isinzikaza canke ihohotera vyagizwe mu kiringo kanaka kiba cafatiweko, ku matahoza, kw'ikurikiranwa, ku manza zaciwe, ku bihano bitegekanijwe mu gitabo mpanavyaha canke bijanye n'amategeko y'akazi hamwe n'indishi n'inshumbusho zishobora kuba zarahawe abakorewe ivyaha.

Ibibazo bitandukanye

26. Leta ihimirijwe kwemeza burundu mu maguru masha Amasezerano mpuzamakungu akingira abantu ukunyuruzwa n'ukuzimanganywa Ibitabo bibiri nyunganiramaserano ntahatirwako vyerekejwe ku Masezerano mpuzamakungu yerekeye uburenganzira mu biranga umuntu no mu vya politike, Inyunganiramasezerano ntahatirwako yerekejwe ku Masezerano mpuzamakungu yerekeye gukuraho ikumirwa iryo ari ryo ryose rigirirwa abagore, Amasezerano mpuzamakungu yerekeye gukingira uburenganzira bw'abakozi mu bari mu bihugu badaturukamwo hamwe n'abagize imiryango yabo, Amasezerano mpuzamakungu ajanye n'idaharirwa ry'ivyaha vyo mu ntambara n'ivyaha vy'agahomerabunwa bigirirwa ikiremwa muntu hamwe n'Amasezerano yerekeye ubwisanzure n'ubudahangarwa vy'urwengo mpuzamakungu mpanavyaha (CPI) hamwe n'Impinyaruro zagiriwe Kampala ku maserano y'I Roma.
27. Leta ihamagariwe gukwiragiza bimwe biboneka icegeranyo cashikirijwe Komite hamwe n'iyi myihwezo y'isozera mu ndimi zikenewe, ibicishe ku mbuga ntaramakuru za Leta zizwi, ku bimentyeshamakuru no ku mashirahamwe ategamiye Leta.
28. Komite ishimiye Leta ko yerekanye ugushaka kubandanya ibiganiro hejuru yo ku kuganira hagati ya Leta na Komite (bisanzwe bitegekanijwe mu masezerano) ikayisaba kuba yashikirije gushika kw'itariki ya 28 munyonyo 2015 uhereye ubu, inkuru ku vyakozwe ku vyasabwe vyerekeye: uduce 11 uturongo a, b hamwe na d n'agace 22b.
29. Leta ihamagariwe gutanga icegeranyo c'ayo gitangwa buri gihe, kizoba kigira gatatu, gushika kw'igenekerezo rya 28 munyonyo 2018 uharuye uhereye uyu musi. Mur'iyo ntumbero, Komite ihamagariye Leta kwemera, hatarenze ignerekerezo rya 28 munyonyo 2015 uharuye uhereye uyu musi, gutegura icegeranyo cayo biciye mu buryo budahatirwa, ni ukuvuga, ku bwa Komite, kurungikira Leta vyerekeye urutonde rw'ibibazo bizokwigwa imbere yuko icegeranyo gitangwa buri gihe kirungikwa. Inyishu za Leta kuri bibazo bizokwigwa zizoheza zigire icegeranyo ca Leta gitangwa buri gihe gikurikira hisunzwe ingingo ya 19 y'amasezerano.