

The Internal Displacement Monitoring Centre Submission to the United Nations Committee on Economic, Social and Cultural Rights

55th Pre-Sessional Working Group - Review on Burundi

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The Internal Displacement Monitoring Centre (IDMC) is the leading source of information and analysis on internal displacement. For the millions of people worldwide displaced within their own country, IDMC plays a unique role as a global monitor and evidence-based advocate to influence policy and action by governments, United Nations (UN) agencies, donors, international organisations and Non-Governmental Organisations.

IDMC was established in 1998 at the request of the Interagency Standing Committee on humanitarian assistance. Since then, IDMC's unique global function has been recognised and reiterated in annual UN General Assembly resolutions.

IDMC is part of the Norwegian Refugee Council (NRC), an independent, non-governmental humanitarian organisation.

Address : Chemin de Balexert, 7-9, 1219 Châtelaine, Geneva, Switzerland

Phone Number: +41 (22) 799 07 00

Email: anais.pagot@nrc.ch or melanie.kesmaecker-wissing@nrc.ch

Website: <http://www.internal-displacement.org/>

This submission includes a **first part** that briefly describes the internal displacement situation in Burundi. The **second part** refers to the report that was submitted by the State party and the **third part** focuses on specific articles of the Covenant related to the rights of internally displaced people.

I. Background

As a result of inter-ethnic and inter-communal violence which broke out after a 1993 *coup d'état* in Burundi, many people fled their homes and sought refuge within the Burundian borders. Additional internal displacement occurred from 1995 to 2005 when people escaped fighting between government forces and rebel groups. While most of the over 800,000 internally displaced people (IDPs) at the height of the crisis in 1999 have returned, locally integrated or settled elsewhere, up to 78,900 Burundians remain internally displaced according to a 2011 profiling exercise. Most of them are in the northern and central provinces. A report from the United Nations High Commissioner for Refugees (UNHCR) and the Burundian Ministry of National Solidarity, Human Rights and Gender (the Ministry) from July 2014 highlighted that the majority of these IDPs wish to integrate locally¹ and achieve durable solutions in their place of refuge.

Further, natural disasters, such as floods, also displaced people in Burundi in recent years. For instance, in February 2014, nearly 12,500 people had to leave their homes because of heavy rains.

The country is ranked at 180 out of 187 for the Human Development Index². This demonstrates the population's challenges, notably in terms of health, education and employment, which are even greater for IDPs and former IDPs, including returnees.

II. State party report to the Committee on Economic, Social and Cultural Rights: special issues on IDPs³

Paragraph 45 of the State party report submitted to the Committee mentions that there are still IDPs in Burundi and defines them as “*disaster victims*”. In addition, it states that the government’s “*strategy involves caring for the vulnerable by enabling them to become self-sufficient and to participate effectively in the process of social and economic development*”. This includes:

- “- *Support for resettlement.*
- *Boosting the production capacity of disaster victims.*
- *Improving the coordination of measures to benefit disaster victims.*
- *Improving the capacity to care for those suffering from psychological trauma.*
- *Support for persons with a disability.*
- *The reconstruction and renovation of social infrastructure.*
- *The policy of “villagization” (which is also an appropriate method of gradually transforming the subsistence economy into a market economy) is also one of the Government’s main priorities when it comes to resettling and reintegrating the displaced and returnees. Burundi has set up and promoted the creation of peace*

¹ Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre and UNHCR – *Enregistrement d'intention des PDI, Rapport Principal*, Juillet 2014 – page 1

² Human Development Indicators: <http://hdr.undp.org/en/countries/profiles/BDI> (consulted on 15 December 2014)

³ E/C.12/BDI/1 – Initial report of Burundi to the Committee on Economic Social and Cultural Rights [January 2013] – Link: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBDI%2f1&Lang=en

villages to enable them to coexist peacefully.”

Furthermore, in paragraph 76 related to Article 4, the State party describes that “*The Land Code is under revision, and a land policy has been put in place at the right moment in order to resolve various land disputes, especially concerning repatriated and internally displaced persons*”.

In light of what is expressed by the State party in its report regarding IDPs, IDMC recommends including the following questions in the List of Issues for the examination of Burundi:

- 1. What concrete measures is the State party taking to enable IDPs and former IDPs to become self-sufficient and reach a durable solution?**
- 2. What specific measures is the State party putting in place to ensure that IDPs and former IDPs are included in the process of social and economic development?**
- 3. Could the State party explain further its policy of “villagization”? What criteria are used to define the beneficiaries and how many are they? How many IDPs and former IDPs have been benefitting from this policy so far? Are there any needs assessment undertaken among IDPs and former IDPs prior to its implementation?**
- 4. What is the exact property status and degree of security of tenure of the land and houses in these peace villages?**
- 5. Was the cost of construction reduced or adapted to the most vulnerable groups including IDPs?**
- 6. Were IDPs’ sites turned into peace villages?**
- 7. What are so far the concrete outcomes of this “villagization” policy for IDPs and former IDPs? Was there any assessment carried out on the impact of villagization programmes on the achievement of durable solution and integration of IDPs into these villages?**
- 8. What does the Land Code say concerning land disputes that involve IDPs and former IDPs? What are the mechanisms in place for addressing such land issues? How are land rights of those IDPs who do not return ensured in the Land Code?**
- 9. What are so far the concrete outcomes of the land policy in place?**

III. The International Covenant on Economic, Social and Cultural Rights (the Covenant)⁴

Articles 10 (3) and 13 of the Covenant

The Covenant in its article 10 (3) specifies that “*Children and young persons should be protected from economic and social exploitation*”. In addition, article 13 states that “*The State parties to the present Covenant recognize the right of everyone to education*”⁵.

The July 2014 report from UNHCR and the Ministry highlighted that 43% of displaced children were not attending school⁶. In comparison, UNICEF reports that at the national level this figure is under 30% in term of enrolment to primary school⁷.

⁴ Link to Covenant: <http://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

⁵ See text of the International Covenant on Economic, Social and Cultural Rights – Link: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁶ Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre and UNHCR – *Enregistrement d’intention des PDI, Rapport Principal*, Juillet 2014 – page 1

⁷ UNICEF – Primary school participation, Net enrolment ration (%) – Link: http://www.unicef.org/infobycountry/burundi_statistics.html (consulted on 18 December 2014)

The main reason for the non-attendance of displaced children are inability to pay education fees (29% of IDPs), the lack of interest or drop-out (18%), child labor (6%) and other reasons (47%) such as the lack of infrastructures, discrimination and disability of children.

Articles 9 and 12(2) d of the Covenant

The article 9 stipulates that “*State parties to the present Covenant recognize the right of everyone to social security, including social insurance*”. Furthermore, the article 12(2)d states that “*The steps to be taken by the States parties to the present Covenant to achieve the full realization of this right⁸ shall include those necessary for: [...] d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness*”⁹.

According to a UNHCR report from January 2014, 73% of the IDPs interviewed in 6 sites found the level of hygiene in sites precarious¹⁰. In addition access to health structures was difficult as some IDPs lacked health insurance cards.

In light of this, IDMC recommends that the following questions be included in the List of Issues for the examination of Burundi:

- 1. How is the State party ensuring that primary education for IDPs is free? What are the concrete measures undertaken to guarantee that IDPs and former IDPs have access to school without discrimination? How does the State party bridge the gap between IDPs and non IDPs families in terms of access to education?**
- 2. What steps are put in place by the State party to prevent child labor and encourage families to send their children to school?**
- 3. How is the State party ensuring that IDPs and former IDPs have access to health services?**
- 4. What are the activities undertaken by the State party to guarantee that IDPs and former IDPs are able to have access to health insurance cards?**

⁸ In this case « *the right of everyone to the enjoyment of the highest attainable standard of physical and mental health* »

⁹ See text of the International Covenant on Economic, Social and Cultural Rights – Link:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

¹⁰ Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre, UNHCR and ACCORD – *Enregistrement d'intention des PDI, Provinces de Bujumbura rural et de Bubanza, Rapport Principal*, Janvier 2014 – page 1