



**Amasezerano mpuzamakungu  
yo gukinga kuboreza igufa  
kiremwa muntu, kumufata  
nk'inyamaswa canke  
kumukurako agateka.**

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**Komite ijejwe kurwanya kuboreza igufa kiremwa muntu**

**Umwihwezo ku vyiyumviro vya nyuma bijanye  
n'icegeranyo ca gatatu c'ibihe bimwe bimwe igihugu  
c'Uburundi cabayemwo.\***

1. Komite yarasuzumye icegeranyo ca gatatu c'Uburundi<sup>1</sup> mu nama zayo<sup>2</sup> za 2039 na 2042 ku magenekerezo ya 31 Gitugutu na 1 Munyonyo 2023, maze iremeza uwu mwihwezo ku vyiyumviro vya nyuma mu nama yayo igira 2066, ku wa 21 Munyonyo 2023.

**A. Intangamarara**

2. Komite yakiriye neza icegeranyo ca gatatu ca Leta c'ibihe bimwe bimwe, ariko ikaba itashimye kubona ico cegeranyo catanzwe gicerewe imyaka ibiri. Komite irashimira kandi Leta ku nyishu zanditse<sup>3</sup> bashize ku rutonde rw'ibibazo<sup>4</sup>
3. Komite irashima akaryo yahawe ko kugiranira ibiganiro vyubaka n'intumwa za Leta. Ikindi Komite ishima ni inyishu zatanzwe ku munwa hamwe no mu nyandiko zatanzwe ku bibazo n'impungenge vyari vyashikirijwe mu gihe c'isuzuma ry'icegeranyo c'ibihe bimwe bimwe.

**B. Ivyo Komite ishima**

4. Komite irashimishwa nuko kuva habaye isuzuma ry'icegeranyo gihuruka c'ibihe bimwe bimwe. Ikindi komite ishima ni uko leta yemeje amasezarano mpuzamakungu akurikira, ayandi ikaba yaremeye kuyajamwo no kuyashira mu ngiro :
  - a) Amasezerano ya Afrika yerekeye urwaruka, yemejwe kuwa 9 Nzero 2023 ;
  - b) Amasezerano ya Afrika yerekeye uburenganzira bwa kiremwa muntu n'uburenganzira bw'abantu, akaba kandi yerekeye uburenganzira bw'abageze mu zabukuru muri Afrika, yemejwe kuwa 28 Ndamukiza 2022 ;
  - c) Amasezerano ya Afrika yerekeye uburenganzira bwa kiremwa muntu n'uburenganzira bw'abantu, ayo masezerano akaba kandi yerekeye uburenganzira bw'abagendana ubumuga muri Afrika, yemejwe kuwa 28 Ndamukiza 2022.
5. Komite irashima kandi ingingo zafashwe na Leta zo gusubiramwo amategeko yayo canke zo gushinga amategeko mu bijanye n'Amasezerano, harimwo no kwemeza aya mategeko akurikira :

\* Yemejwe na Komite mu nama yayo ya mirongo irindwi n'umunani (30 Gitugutu-24 Munyonyo 2023).

<sup>1</sup> CCPR/C/BDI/3.

<sup>2</sup> Raba CAT/C/SR.2039 na CAT/C/SR.2042.

<sup>3</sup> CAT/C/BDI/Q/3.

<sup>4</sup> CAT/C/BDI/Q/3.



- a) Itegeko No 1/03 ryo kw'igenekerezo rya 10 Mukakaro 2018 ryerekeye uguteza imbere no gukingira uburenganzira bw'abagendana ubumuga mu Burundi ;
- b) Itegeko n°1/13 ryo ku wa 22 Nyakanga 2016 ryerekeye ugukinga amabi afatiye ku gitsina no gukingira abakorewe ivyaha bifatiye ku gitsina, no guhana ico caha ;
- c) Itegeko n°1/04 ryo ku wa 27 Ruheshi 2016 ryerekeye ugukingira ivyabona hamwe n'abandi bantu bari mu kaga ;
- d) Itegeko n°1/28 ryo ku wa 29 Gitugutu 2014 ryerekeye ugukinga no guhana urudandazwa rw'abantu hamwe n'ugukingira abagizweko ingaruka na rwo ;

6. Komite irashima ingingo zafashwe na Leta zo guhindura politike zayo n'uburyo ikora ibintu kugira ngo itsimbataze ugukingira agateka ka zina muntu no gutuma ayo Masezerano agira ico ahinduye, cane cane :

- a) Ishingwa, mu mwaka w'2021, rya Komite yamaho y'Abashikiranangijwe yo gutegura ivyegeranyo vy'intangamarara n'ivy'ibihe bitandukanye hakurikijwe amasezerano yemejwe n'Uburundi ;
- b) Iyemezwa, mu mwaka w'2020, rya Politike y'Igihugu yerekeye gukingira agateka k'abana mu Burundi (2020-2024) ;
- c) Iyemezwa, mu mwaka w'2020, rya Politike y'Igihugu yerekeye uburenganzira bw'abagendana ubumuga n'indinganizo ry'ishirwa mu ngiro ryayo (2020-2024), n'ishingwa, mu mwaka w'2019, rya Komite y'Igihugu yerekeye uburenganzira bw'abagendana ubumuga ;
- d) Iyemezwa, mu mwaka w'2018, ry'Itegeko ry'Igihugu ryerekeye agateka ka zina muntu mu Burundi (2018-2023);
- e) Iyemezwa, mu mwaka w'2018, ry'Umugambi w'Igihugu wo kurwanya amabi afatiye ku gitsina n'indinganizo y'ishirwa mu ngiro ry'uwo mugambi. (2018-2022);
- f) Ishingwa, mu mwaka w'2017, ry'Umurwi w'Igihugu w'Ubumwe no kunywanisha Abarundi ;
- g) Ishingwa, mu mwaka w'2017, ry'umurwi w'Igihugu ujejwe gukinga no kurwanya ihonyabwoko, amabi yo mu ntambara, n'ayandi mabi asinzikaza agateka ka zina muntu ;
- h) Iyemezwa, mu mwaka w'2017, ry'indinganizo y'ishirwa mu ngiro y'imyaka itanu (2017-2021) mu gushira mu ngiro Politike y'Igihugu ijejwe ivy'uburinganire bw'abagabo n'abagore, ifise ihangiro ryo kunganisha imbere y'amategeko abagore n'abagabo no guha abakenyezi ububasha bwo kwigenga ;
- i) Ishingwa, mu mwaka w'2016, ry'umurwi wamaho ujejwe kuzuzura amadosiye yerekeye ubutungane n'ingene abanyororo babayeho mu mabohero ;
- j) Ishingwa, mu mwaka w'2015, ry'umurwi w'Igihugu werekeye Ibiganiriro hagati y'Abarundi.

### **C. Ibibazo bikuru bikuru biteye impungenge hamwe n'ivyasabwe gukorwa**

#### **Ibibazo bitarasozerwa vyavuye mu gice gihuruka**

- 7. Mu mwihwezo w'ivyiyumviro vyayo vya nyuma vyerekeye icegeranyo ca kabiri ca Leta c'ibihe bimwe bimwe<sup>5</sup>, iyo Komite yari yasavye Leta ko yotanga amakuru kuco imaze gukora ku bijanye n'ivyo yari yasavye ko vyokorwa, ku ruhande rumwe, ibirego vyo kuboreza igufa kiremwa muntu n'ubwicanyi ndengerabutungane. Ku rundi ruhande naho, amabi afatiye kuri politike n'uguhonyanga bikomeye agateka ka zina muntu akorwa n'urwaruka rw'umugambwe uri ku butegesi (Imbonerakure)<sup>6</sup>. Komite irababazwa n'uko Leta itatanze ayo makuru, naho nyene yarungikiwe ikete ryo kwibutsa kuwa 16 Munyonyo 2015 n'Umuhinga ashinzwe gukurikirana umwihwezo w'ivyiyumviro vyo gusozera. Hakurikijwe ivyo bivuzwe aho hejuru, hamwe n'amakuru yasuzumwe na Komite avuye mu masoko yo

<sup>5</sup> CAT/C/BDI/CO/2, igice ca 28.

<sup>6</sup> Ibid., igice ca 11 a), b) na d), n'igice ca. 22 b)

mw'Ishirahamwe Mpuzamakungu n'amasoko atari ayo muri Leta yerekena ko hariho ukurenga bikomeye ku ngingo z'Amasezerano, iyo Komite yarasavye Leta, mw'ikete ryo ku wa 9 Kigarama 2015, kuyiha icegeranyo kidasanzwe, hakurikijwe agace ka 1, *ubwa nyuma*, kari mu ngingo ya 19 y'Amasezerano. Ako gace kavuga yuko, ama Leta atanga ibindi vyegeranyo vyose bisabwa na Komite. Mu mwihwezo w'ivyiyumviro vyayo vyo gusozera vyemejwe bishingiye ku cegeranyo kidasanzwe ca Leta<sup>7</sup>, vyongeye, kubera uburyo budasanzwe kandi bwihutirwa bwatangujwe na Komite isaba Uburundi icegeranyo kidasanzwe, hamwe n'uguhagarika ibiganiro vyakozwe na Leta, Komite yarasavye Leta ko yoyiha icegeranyo kidasanzwe co gukurikirana ingingo zose zafashwe kugirango ibintu vyose vyasabwe biri muri uwo mwihwezo w'ivyiyumviro vya nyuma bishirwe mu ngiro. Hakurikijwe amakuru yatanze na Leta ku wa 12 Gitugutu 2016<sup>8</sup>, kandi hakurikijwe amakuru yatanze mu cegeranyo ca gatatu c'ibihe bimwe bimwe ca Leta no mu nyishu zayo zanditse bashize ku rutonde rw'ibibazo. Komite ibona ko ivyasabwe ko vyokorwa biri mu mwihwezo w'ivyiyumviro vya nyuma vyerekeye icegeranyo kidasanzwe ca Leta zitashizwe mu ngiro zose. Ivyo vyiyumviro biravugwa mu bice vya 9, 11, 13, 15, 17, 19 na 21 z'ivyo vyiyumviro vya nyuma.

### **Ibirego vyo guhonyanga bikomeye agateka ka zina muntu**

8. Komite iguma ihagaritswe umutima cane n'ibirego vyinshi kandi vy'ukuri vyerekeye guhonyanga agateka ka zina muntu. Ivyo navyo ahanini akaba ari, nk'ugufatwa bunyamaswa no kuboreza igufa kiremwa muntu; ubwicanyi ndengerabutungane no kunyurura abantu bakaburwa irengero, bivugwa ko vyakozwe mu Burundi kuva mu magume afatiye kuri politike yo mu mwaka w'2015. Iyo Komite irababazwa cane n'amakuru yo kwizera, adahinduka kandi aguma aboneka y'abantu bicwa mu bwicanyi ndengerabutungane, harimwo cane cane inzego z'umutekano, abagize igisirikare, igipolisi, Iperereza hamwe n'Imbonerakure. Naho Komite ibona ko hashizweho imirwi y'amatohoza kugira ngo itange umuco ku bijanye n'ubwo bwicanyi, hamwe n'amatohoza ku binogo rusangi vyoba vyahambwemwo abantu. Komite iranegura ingene ayo matohoza hamwe no gukurikirana abakoze ivyaha kwatangujwe ata nguvu zikwiye bifise kandi biteba. Gutyo bigatuma hagaragara ko ibirego vyo kudahana abakoze ivyo vyaha ari ivyukuri. Komite irongera ikababazwa n'ukuntu ata makuru ariho yerekeye imanza zicibwa n'amasentare hamwe n'ibimaze kuva mu nzira. Komite iratewe impungenge kandi n'amakuru menshi yerekeye ingeso y'abategetsi yo guhamba vuba na vuba ibiziga bitorwa mu bibanza bitandukanye bifise ibimenyetso ko abo bantu baba bishwe babanje gusinzikarizwa ubuzima. Abategetsi bagategeka ko bahambwa batabanje kumenya abaribo canke imyidondoro yabo, vyongeye batamenyesheje imiryango yabo bahisi kuko ata matohoza aba ku bijanye n'ingene abo bantu baba bapfuye canke ngo hamenyekane abakoze ubwo bwicanyi. Komite irabona kandi n'agahinda amakuru menshi y'ubwicanyi bw'abatavuga rumwe n'ubutegetsi, kandi ikababazwa nuko itaronse ayandi makuru ku bijanye n'amatohoza yakozwe na Leta. Komite ibona ko ivyaha bimwe bimwe bishobora kuba ari amabi asinzikaza agateka ka zina muntu<sup>9</sup> (ingingo ya 2, 4, 12, 13 na 16).
9. **Komite isaba Leta ishimitse:**
  - a) **Gucungera cane abajejwe umutekano kugira ngo babuze inzego zijejwe kubahiriza umutekano n'amategeko, hamwe n'abandi bantu bose gukora ubwicanyi ndengerabutungane;**
  - b) **Kubahiriza rwose uruhara rwayo rwo gucungera neza ko ibirego vyose vyerekeye ubwicanyi ndengerabutungane, hamwe n'ivyo kwica abatavuga rumwe n'ubutegetsi, harimwo n'ivyoba vyarakozwe n'abakozi ba Leta n'Imbonerakure, bikorwako amatohoza ataho yegamiye, hakurikijwe Itegeko ry'i Minnesota ryerekeye amatohoza y'urupfu rushobora guterwa n'ibikorwa bitemewe n'amategeko, kandi ko ababikoze bacirirwa ibihano bihuye n'uburemere bw'ivyaha bakoze, hisunzwe ingingo**

<sup>7</sup> CAT/C/BDI/CO/2/Add.1, igice ca 35.

<sup>8</sup> CAT/C/BDI/CO/2/Add.2.

<sup>9</sup> A/HRC/48/68, igice ca 70 ; na A/HRC/51/44, igice ca 5.

ngenderwako yo gutanga amategeko canke amabanga y'abatwara abandi aho abakuru bakuru bafatwa nk'abafise uruhara rw'ubugizi bwa nabi kubera inyifato y'abakozi babo bato bato mu gihe bari bazi canke bategerezwa kumenya ivyo bariko barakora, canke bashobora gukora, ubwicanyi ndengerabutungane bakaba batafashe ingingo zo gukinga zibereye zari zikenewe;

- c) Gushira mu ngiro ata guteba uburyo bukenewe bwo kumenya, gukingira no kuzuzura ahantu havugwa ko hari ibinogo rusangi vyahambwemwo abantu kugira ngo umurwi wigenga w'amatohoza, ufise ubuhinga bukenewe, ushobore gutangura igikorwa co kuzura, gusuzuma no kumenya neza ibiziga, mu gihe vyoba bukenewe;
- d) Kuraba neza ko imiryango y'abo bantu bishwe n'ababaserukira imbere y'amategeko bashobora kunguruzwa, bakingiwe neza iterabwoba, ibitero n'igikorwa cose co kwihora, bafise uburenganzira bwo kuja mu rubanza nk'abanyagihugu, bashobora gusaba ko umuganga bo nyene bahisemwo aja mu bikorwa vyo gupima umubiri w'umuntu bijanye n'ivy'amategeko hamwe no gupima umubiri w'umuntu kugira ngo hamenyekane icamwishe, bashobora gutwara ikiziga inyuma y'amatohoza hamwe no kuronka indishi ibereye kandi ikwiranye n'umubabaro baba batewe nicaha bakorewe.

#### **Ibirego vyo kuboreza igufa kiremwa muntu no kudahana ivyaha**

10. Hisunzwe urugero rw'ibirego vyinshi, bidahera kandi vy'ukuri vyiyamiriza kuboreza igufa kiremwa muntu no gukurwako agateka, bikorwa n'abakozi ba Leta, harimwo abapolisi n'abakozi b'Iperereza, n'Imbonerakure, vyakorewe cane cane mu kigo c'Iperereza kiri hafi y'Isengeru rya Cathedrale Regina Mundi y'i Bujumbura, ku birindiro vy'igipolisi no mu mabohero, ariko kandi no mu bibanza bipfungirwamwo abantu bitemewe n'amategeko aho abagenzuzi bo mu gihugu n'abava mu makungu batashobora gushika. Hisunzwe kandi amakuru avuga ko uburyo bwo kuzuzura abapolisi buguma budakwiye, Komite iguma ihagaritse umutima cane ku bijanye n'ukuntu ata n'umwe abazwa ivyo yakoze, nk'uko bigaragarira mu gitigiri gitoyi c'ingingo zo guhana abakoze ivyaha hamwe no gukurikirana mu butungane inkozi z'ikibi zavuzwe, ivyo bikaba bituma haba icuka c'ukudahana ivyaha. Komite irababazwa kandi no kubona itaronse amakuru akwiye ku bijanye n'igitigiri c'ibirego vyerekeye kuboreza igufa kiremwa muntu no gukurwako agateka vyatumye habaho gukurikirana mu butungane abakoze ivyaha, igitigiri c'abaciriwe imanza n'ibihano vyatanzwe n'izindi ngingo zafashwe mu kiringo kiriko kirakorerwako. Ubwa nyuma, iyo Komite irababazwa nuko ata buryo nyabwo bwigenga kandi bw'ibanga bukiraho bujewe kwakira ibirego vy'ibikorwa vyo kuboreza igufa kiremwa muntu no gukurwako agateka vyakozwe mu bibanza vyose abantu bapfungirwamwo, kandi ko inzego z'amatohoza ziriho zikaba zidafise ubwigenge bukwiyeye kuko batwarwa n'abategetsu bari mu baregwa ko bakoze ivyo vyaha.(ingingo ya 4, 11 gushika kuri 13 na 16).

#### **11. Leta itegerezwa :**

(a) Kuraba neza ko ibirego vyose vyo kuboreza igufa kiremwa muntu no gukurwako agateka bitohozwa vuba, mu buryo bubereye kandi butagira aho bwegamiye, bigakorwa n'urwego rwigenga, ata sano rufitaniye n'inzego canke abatware bo hejuru hagati y'abatohoza n'abaregwa ko bakoze ivyaha, ko abikekwa ko bakoze ivyaha, harimwo n'abari mu bibanza bikuru bikuru vy'ubutegetsu, bashengezwa imbere y'ubucamanza, kandi ko mu gihe bokwagirwa n'icaha, bocirirwa ibihano bihuye n'uburemere bw'ivyaha bakoze, kandi abakorewe ivyaha bakaronka indishi ihuye n'icaha bakorewe kandi ihagije;

(b) Kuraba neza ko abategetsu batanguza amatohoza igihe cose hari imvo yumvikana yo kwemera ko habaye igikorwa co kuboreza igufa kiremwa muntu no gukurwako agateka ;

(c) Gukora ku buryo mu gihe habaye igikorwa co kuboreza igufa kiremwa muntu no gukurwako agateka, abakozi ba Leta babifisemwo uruhara bahagarikwa mu mabanga yabo ubwo nyene mu kiringo cose c'amatohoza, cane cane iyo bishoboka ko basubira gukora ibikorwa bikekwa ko bakoze, bagashobora kwihora uwakorewe icaha

canke bakabera intambanyi amatohoza, bishingiye ku kwubahiriza ingingo ngenderwako y'uko umuntu aguma ari umwere mu gihe ataragirwa n'icaha;

d) Gufata ingingo zihutirwa zo gushiraho uburyo bukora neza kandi bwigenga bwo kugenzura abapolisi n'Ibiro vy'Iperereza ;

e) Gushiraho uburyo bwo kwitwara bwigenga, bukora neza, bwo mw'ibanga kandi abantu bashobora gushikira mu bibanza vyose vy'amabohero, harimwo n'ibibanza abantu bapfungirwamwo vy'agateganyo hamwe n'amabohero, no gukingira abakorewe ivyaha, ivyabona n'abagize umuryango wabo ingorane iyo ari yo yose yosa n'ukwihora.

#### **Gukoresha inguvu zirenze urugero**

12. Komite yakiranye impungenge ibirego vyinshi vyerekeye gukoresha inguvu zirenze urugero, harimwo inguvu zo kwica abantu, kugira ngo bahagarike imyiyerekano yo mu mahoro. Komite iratewe kandi umutima uhagaze n'ibirego vyinshi bivuga ko abapolisi n'abakozi b'Iperereza, Imbonerakure n'abategesi bo hagati mu gihugu bakoresheje inguvu zirenzeje urugero kandi zidahuje uburemere, harimwo no gukoresha ibirwanisho vyica, cane cane mu gihe c'imyiyerekano yabaye mu gihe c'amagume ya politike yo mu 2015, bikaba vyatumye abantu bapfa abandi barakomereka, barafatwa ku nguvu, barahagarikwa kandi barapfungwa mu buryo buteye kubiri n'amategeko, baraborezwa igufa, baranyuruzwa baburwa irengero ryabo. Komite irababazwa nuko habayeho intambwe ntoywa mu matohoza yakozwe kugira ngo hamenyekane ivyabaye hamwe n'uko gushika ubu ata wurakurikiranwa mu butungane, ivyo bikaba bituma haba icuka co kudahana ivyaha (ingingo ya 2, 12 gushika ku ya 14 na 16).

#### **13. Leta itegerezwa :**

(a) Kugwiza utwigoro two guha abajejwe umutekano, cane cane abajejwe kugenzura imyiyerekano, inyigisho zitunganijwe ku bijanye n'ugukoresha inguvu, hakurikijwe ingingo ngenderwako zijanye n'ugukoresha inguvu n'ibirwanisho bicira umuriro bikoreshwa n'abajejwe gukurikiza amategeko hamwe n'ingingo ngenderwako z'Ishirahamwe Mpuzamakungu zishingiye ku gateka ka zina muntu zijanye n'ugukoresha ibirwanisho bidashobora kwica abantu mu gihe baba bariko bakurikiza amategeko ;

(b) Kuraba neza ko ibikorwa vyo gucungera umutekano wa bose vyubahirijwe, ku rugero runini rushoboka, n'inzego z'ubutegezi atari iz'umutekano kandi ko abategesi bose bashobora kumenyekana neza igihe cose bari ku kazi, kugira ngo bafashe mu gutuma habaho kwubahiriza ingingo ngenderwako y'uruhara rw'umuntu ku giti ciwe no gukinga ibikorwa vyo kuboreza igufa kiremwa muntu no gukurwako agateka;

c) Kuraba neza yuko hakozwe amatohoza yihuta, akozwe neza kandi ataho ahengamiye ku birego vyose vyavuzwe aha haruguru, kandi gukora ku buryo ababikoze bakurikiranwa kandi bagahabwa n'ibihano bikwiranye n'ivyaha bakoze, kandi ko abakorewe ivyaha canke imiryango yabo baronka indishi y'umubabaro ikwiye.

#### **Kunyuruzwa/Kuburwa irengero**

14. Komite iratewe umutima uhagaze kandi n'amakuru yo kwizera vyongeye akaba ari ay'ukuri avugwa ku bantu banyurujwe bakaburwa irengero, yabonetse mu kiringo kiriko kirakorerwako. Nk'uko amasoko menshi y'amakuru yizewe abivuga. Ivyo vyaha vyo kunyuruzwa abantu bakaburwa irengero vyoba vyari vyerekeye abagabo, urwaruka n'abakenyeksi bakekwa ko bagize uruhara mu myiyerekano, abaharanira agateka ka zina muntu, n'abatavuga rumwe n'ubutegezi. Komite iguma itewe ubwoba n'ukudahana kwabaye kandi kubandanya ku bakoze ayo mabi. Komite iratewe impungenge kandi no kutaronka amakuru ku ngingo zafashwe kugira ngo hamenyekane iherezo ry'abantu babuzwe irengero n'aho bari. Amatohoza yakozwe, ku bakurikirananywe mu butungane, ku bihano vyahawe

abakoze ivyaha, hamwe no ku ngingo zafashwe kugira ngo abakorewe ivyaha n'imiryango yabo bashobore kuronka ubutungane n'indishi zikwiranye n'ivyaha bakorewe. (ingingo ya 2 na 12 gushika 14).

**15. Leta itegerezwa :**

a) Gufata ingingo zikenewe kugira ngo hakorwe amatohoza yimbitse kandi ataho yegamiye ku birego vyose vyerekeye kunyuruzwa abantu bakaburwa irengero, kandi ababikoze bakurikiranwe. Mu gihe icaha cobagira, bahabwe ibihano bihuye n'icaha bakoze;

(b) Gukora ibishoboka vyose kugira ngo hamenyekane iherezo ry'abantu banyurujwe bakaburwa irengero hamwe n'aho abo bantu bari, cane cane ababuzwe irengero bamaze gusambishwa n'inzego z'umutekano n'abakozi b'Iperereza ry'Igihugu, no kumenya ko umuntu wese yashikiwe n'ivyago bivuye ku kunyuruzwa ashobora kuronka amakuru yose ahari ashobora gukoreshwa mu kumenya aho uwo muntu yanyurujwe ari, kandi afise uburenganzira bwo guhabwa indishi ikwiranye n'icaha yakorewe kandi ihagije ;

c) Gushiraho igitabo umuntu wese ashobora kuraba cerekana ibibanza vyose abantu bapfungirwamwo ;

d) Kwemeza Amasezerano Mpuzamakungu ryo gukingira abantu bose kunyuruzwa bakaburwa irengero.

**Amabi ashingiyeye kuri politike yakozwe n'urwaruka rw'Imbonerakure.**

16. Komite iguma ihagaritse umutima cane kubera amakuru menshi yo kwizera kandi y'ukuri yerekana uruhara rw'urwaruka rw'Imbonerakure mu bihe vyinshi bikomeye vyo kurenga ku Masezerano. Irongera igashikiriza ko itewe impungenge cane n'amakuru y'ukuri yerekana ko uwo murwi, wemezwa n'amasoko y'Ishirahamwe Mpuzamakungu nk'umurwi w'inkorabara, woba warahawe ibirwanisho bicira umuriro kandi ukamenyerezwa ivya gisirikare n'abategetsi b'Igihugu. Ikindi uwo murwi w'imbonerakure ukaba kandi ufise uruhara mu gukorana n'abapolisi n'abakozi b'Iperereza ry'Igihugu mu guhagarika abantu, bamwe bakaburwa irengero abandi bakaborezwa igufa. Ivyo vyaha vyose umurwi w'imbonerakure ukora bikaba batigera bihanwa. Naho iyo Komite ibona ko Leta isa n'iyihakana ko uwo murwi ufise uruhara muri ivyo bikorwa vy'ububisha, kandi ko yitandukanya n'ibikorwa vyawo, iyo Komite irababazwa no kubona ata makuru yerekeye ingene ibikorwa vy'Imbonerakure bitunganijwe, ingene zikorana n'ubutegetsi hamwe n'ivyo zijejwe. Komite irababazwa kandi n'uko Leta itayihaye amakuru yasavye yerekeye ivyakozwe ku mabi bivugwa ko yakozwe n'Imbonerakure, harimwo n'ibirego vy'ubwicanyi, kuboreza igufa kiremwa muntu, kunyuruzwa abantu bakaburwa irengero. Amabi afatiye ku gitsina, hamwe no guhagarika abantu badakurikije amategeko. Abafatwa bakaba cane cane ari abatavuga rumwe n'ubutegetsi n'abaharanira agateka ka zina muntu. (ingingo ya 2,12 na 16).

**17. Leta itegerezwa :**

(a) Gukora amatohoza yihuta, yimbitse kandi ataho yegamiye ku mabi yose yakozwe n'urwaruka rw'Imbonerakure, no gushengeza mu butungane ata guteba abakoze ayo mabi, hamwe n'abakozi ba Leta bivanze muri ayo mabi canke ayo mabi yabaye babizi vyongeye mu gihe icaha cobagira, ko bocirwa ibihano bihuye n'uburemere bw'amabi bakoze ;

(b) Gushiramwo bimwe bikomeye ibikorwa vyo kugenzura umutekano wo mu gihugu ku gipolisi kigengwa n'amategeko kandi gifise akarangamutima no gutegura ningoga ingingo zitomoye zo kwaka ibirwanisho no kugenzura bimwe bikomeye imirwi yose n'abantu ku giti cabo bafise ibirwanisho batari mu nzego z'umutekano zisanze zizwi kandi zemewe n'amategeko.

**Amabi afatiye ku gitsina nk'igikoresho co gukandamiza abantu mu vya politike**

18. Komite iratewe ubwoba n'amakuru menshi kandi yizewe yerekeye gukorera abakenyezi n'abakobwa amabi afatiye ku gitsina, harimwo no gufatwa ku nguvu mu kivunga, ivyo bikaba bikoreshwa nk'uburyo bwo gutera ubwoba no gukandamiza muri politike kubera ko baba canke bikekwa ko bari mu migambwe itavuga rumwe na Leta canke abo mu muryango wabo. Ivyo vyaha bikaba vyarongerekanye mu gihe c'imyiyerekano ya 2015, mu matora y'Ibwirizwa Shingiro ya 2018, hamwe n'amatora ya 2020, bikaba vyakoze mu gihe co gusaka mu ngo no mu mazu hamwe no guhagarika abantu ikivunga vyakozwe n'Imbonerakure, abakozi b'Iperereza, abasoda n'abajejwe umutekano(abapolisi), mu makaritiye yabayemwo imyiyerekano. Komite iratewe impungenge nuko ayo mabi yakozwe yoba yakozwe yemejwe canke ashigikiwe n'abakozi ba Leta mu gihe bariko barakora akazi kabo, rero bikaba ari ibikorwa vyo kuboreza igufa kiremwa muntu. Komite iratewe ubwoba kandi n'uko abakora ayo mabi badahanwa. Abakorewe amabi bafise ingorane zo kwitura ubutungane n'ubwoba bw'uko ababakoreye amabi bashohora kubandanya babagirako iterabwoba mbere bagashobora kubagirira nabi. Ivyo bica bituma abasinzikarijwe ubuzima batinya kwitwarira ababasinzikarije ubuzima. Komite ifise amakenga kandi ko, kubera ivyo, abakorewe amabi bake cane ari bo bashobora kwitwara no kwunguruzura urubanza mu gihe bibaye ngombwa, mbere kuronka indishi canke kuvurwa ngo basubire mu buzima bwa kera imbere yuko bagirirwa nabi bikagorana cane. (Ingingo ya 2, 12-14 na 16).

**19. Leta itegerezwa :**

(a) Kuraba neza ko habaho amatohoza yimbitse kandi yigenga ku birego vyose vy'amabi afatiye ku gitsina bikoze nk'uburyo bwo gutera ubwoba no gukandamiza abantu mu vya politike, kandi ko abikekwa ko bakoze ayo mabi, baba abakozi ba Leta canke abatari abakozi ba Leta bemeye gukorana ayo mabi n'abakozi ba Leta, bashengezwa mu butungane, mu gihe bagiriwe n'icaha naho, bagacirirwa ibihano bihuye n'uburemere bw'ivyaha vyabo ;

b) Kuraba neza ko abagore bakorewe ayo mabi bashobora kuronka ubufasha bukwiye muvy'amategeko, ubuvuzi n'ubufasha bw'amagara yo mu mutwe, hamwe n'ubundi bufasha bwose n'indishi no kubakingira, ayandi mabi ashamikiyeko harimwo no gutotezwa nabo bashengeje ;

c)Gutanga amabwirizwa atomoye ku bapolisi, abakozi b'Iperereza, ku gisirikare, n'Imbonerakure mu rwego rwose rw'ubutegetsi kugira ngo babuze amabi afatiye ku gitsina, no kwiyamiriza ku mugaragaro icaha co gufata ku nguvu bikorwa n'abakozi ba Leta canke Imbonerakure.

**Abaharanira agateka ka zina muntu, abadaharanira ivyicarwo vya politike, abamenyeshamakuru n'abatavuga rumwe n'ubutegetsi**

20. Komite igumana impungenge n'umutima uhagaze ku birego vyinshi vy'ugutera ubwoba, ugutotezwa, guhungabanya ubuzima bw'abantu, guhagarikwa n'ugufungwa bidakurikije amategeko, gukurikiranwa mu butungane, kuborezwa igufa n'ugufatwa nabi, kunyuruzwa hakaburwa irengero n'ubwicanyi ndengerabutungane biguma bikorerwa abaharanira agateka ka zina muntu, abatavuga rumwe n'ubutegetsi, abadaharanira ivyicarwo vya politike, abamenyeshamakuru hamwe n'abatavuga rumwe na Leta, bigakorwa n'igipolisi, Iperereza n'Imbonerakure. Komite irababajwe kandi n'uko Leta ata twigoro tudahagije igira two gukingira abantu mu buryo bubereye, gukora amatohoza yihuta, akozwe neza kandi ataho yegamiye, hamwe rero no guhanisha abakoze ivyo vyaha ibihano bibakwiriye. Ikindi kandi, iyo Komite iguma itewe ubwoba kandi n'amakuru y'ukuri yerekeye kubangamira umwidengemvyo w'abanyagihugu, birangwa n'uguhagarika no gufatira ibihano amashirahamwe itegamiye Leta n'ibinyamakuru vyigenga, hamwe n'ibirego vyinshi vy'ibitero n'ugutotezwa mu butungane bikorerwa abaserukira amashirahamwe adaharanira ivyicarwo vya politike n'abamenyeshamakuru, nkuko vyashikiye umumenyeshamakuru Floriane Irangabiye, yafashwe muri Myandagaro 2022 n'abakozi b'Iperereza inyuma yo kunegura Leta mu kiganiro caciye kw'iradiyo, aca acirirwa urubanza ku wa 2 Mukakaro 2023 yagirizwa "guhungabanya ubutaka bw'igihugu". Ku bijanye n'ivyo, Komite iratewe impungenge n'amakuru avuga ko abategetsi bariko barakoresha ingingo mpanavyaha kugira ngo bazivye ivyiyumviro

bitandukanye nivy'ubutegetsi. Ubwa nyuma, iyo Komite irahagaritswe cane umutima n'ihagarikwa ry'umushingwamanza Lambert Nigarura mu rwego rw'abashingwamanza igihe kirekire hamwe n'ukuntu ata n'umwe asobanukiwe neza ku vyerekeye ico umuntu yokora ndetse n'urwego rufise ububasha umuntu yokwitura kugira ngo rumufashe gusubira mu rwego rw'abashingwamanza, hamwe n'ifutwa mu rwego rw'abashigwamanza vyakurikiwe no gucira imanza mpanavyaha abashingwamanza Armel Niyongere, Dieudonné Bashirahishize na Vital Nshimirimana, bakoranye na Komite nk'abadaharanira ivyicarwo vya politike mu Burundi mu gihe c'isuzuma ry'icegeranyo kidasanzwe ca Leta. Komite ibona ko ivyo bihano bishobora kuba ari igikorwa co kwihora kubera amakuru yahawe Komite n'abo bashingwamanza bane mu bijanye n'isuzuma ry'icegeranyo kidasanzwe cerekeye Uburundi<sup>10</sup> (ingingo ya 2, 12, 13 na 16).

## **21. Leta itegerezwa :**

**(a) Kuraba neza ko abaharanira agateka ka zina muntu, abatavuga rumwe n'ubutegetsi, abadaharanira ivyicarwo vya politike, abamenyeshamakuru n'abanegura ubutegetsi bacungerwa neza ku buryo bakora bigenga kandi ata gitsure kibatera ubwoba, canke ukubatoteza, kubakorera amabi atandukanye, guhagarikwa no gufungwa bidakurikije amategeko, gukurikiranwa mu butungane, kuborezwa igufa no gufatwa nabi, tudasize inyuma ukunyuruzwa bakaburwa irengero, n'ubwicanyi ndengerabutungane, bashobora guhura kubera ibikorwa vyabo;**

**b) Gufata ingingo zose zikenewe kugira ngo hatanguzwe amatohoza yihuta, akozwe neza kandi atagira aho ahengamiye kuri ivyo birego vy'uguhoterwa agateka ka zina muntu, guhanisha ababikoze ibihano bibakwiriye no kumenya ko vyashizwe mu ngiro nk'uko bikwiye. Kurekura ubwo nyene abantu bose bafunzwe kubera gukoresha uburenganzira bwabo bwo gushikiriza ivyiyumviro, ubwigenge bwo gutunganya amanama no kuja hamwe n'abandi ;**

**(c) Gufata ingingo zo guteza imbere umwidegemvyo n'uburenganzira bwo gushikiriza ivyiyumviro no kuja hamwe n'abandi, harimwo no gusubiramwo Itegeko No 1/02 ryo ku wa 27 Mukakaro 2017 ryerekeye itunganywa ry'amashirahamwe adaharanira ivyicarwo vya politike hamwe no gukuraho ibihano vyahanishijwe ibinyamakuru vyigenga kandi bikizingamitswe nizo ngingo ;**

**(d) Guhagarika gukoresha ingingo mpanavyaha ukutariko kugira ngo umuntu azivye ivyiyumviro bitandukanye nivy'ubutegetsi no kuvuga ko uburenganzira bwo gushikiriza ivyiyumviro ari icaha ;**

**(e) Gukingira abadaharanira ivyocarwo vya politike bakoranye na Komite mu bijanye n'isuzuma ry'icegeranyo kidasanzwe cerekeye Uburundi, guhagarika ibikorwa vyose bisa nivy kwihora, cane cane itotezwa ku bashingwamanza Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize na Vital Nshimirimana, no gufata ingingo zose zibereye zotuma habaho icuka co kuganira n'Ishirahamwe Mpuzamakungu, abariserukira n'inzego zaryo mu bijanye n'agateka ka zina muntu.**

## **Insiguro yo kuboreza igufa kiremwa muntu**

**22. Iyo Komite iremera ibivugwa mu ngingo ya 25 y'Ibwirizwa Shingiro, bibuza kuboreza igufa kiremwa muntu no kumukurako agateka, kandi ibona ko insiguro y'icaha co kuboreza igufa kiremwa muntu ivugwa mu ngingo ya 206 y'Igitabo Mpanavyaha ihuye n'ingingo ya 1 y'Amasezerano mpuzamakungu abuzwa icaha co kuboreza igufa kiremwa muntu no kumukurako agateka. Komite irashima kandi kubuza burundu kuboreza igufa kiremwa muntu vyashizwe mu ngingo ya 210 y'Igitabo Mpanavyaha, hisunzwe ingingo ya 2 (igice ca 2 n'ica 3) c'ayo masezerano mpuzamakungu, hamwe n'ukunganisha ibihano bitegekanijwe mu ngingo**

<sup>10</sup> Raba amakete ya Komite ku bijanye n'ukwihora n'inyishu ya Leta, aboneka kuri:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID)

=1084&Lang=en. Raba kandi CAT/C/BDI/CO/2/Add.1, igice ca 1. 33 na 34 ; Haut-Commissariat des Nations Unies aux droits de l'homme, « Examen de la torture au Burundi : des cas de représailles signalés préoccupent des experts des Nations Unies », communiqué de presse, 8 août 2016.



ya 207 gushika ku ngingo ya 209 y'Igitabo Mpanavyaha, hisunzwe ingingo ya 4 (igice ca 2). Ariko rero, iyo Komite iratewe impungenge n'uko ukugerageza kuboreza igufa kiremwa muntu hamwe n'ikindi kintu cose gikozwe n'umuntu uwari we wese kikaba ari ugufatanyanya canke kugira uruhara mu gikorwa co kuboreza igufa kiremwa muntu, bidafatwa nk'icaha mu buryo butomoye mu gitabo mpanavyaha, nk'uko bisabwa n'ingingo ya 4 (igice ca 1) c'ayo masezerano twavuze hejuru. Komite irarajwe ishingira kandi n'uko icaha co kuboreza igufa kiremwa muntu gishobora gufatwa nk'icaha kitari mu rwego rw'amabi yo mu ntambara, n'ayandi mabi asinzikaza agateka ka zina muntu, hakurikijwe ingingo ya 198 na 200 z'Igitabo Mpanavyaha. Ikindi kandi, Komite ibonamwo agaheze nuko ingingo ngenderwako yo gutanga amategeko canke uruhara rw'uwukurira abandi mu caha co kuboreza igufa kiremwa muntu no kumukurako agateka, ivuga yuko abakuru bafatwa imbere y'amategeko nk'abafise uruhara rw'ivyaha ku nyifato y'abo barongoye mu gihe bari bazi canke bategerezwa kumenya ko abo barongoye bariko barakora, canke ko bashobora gukora ivyo vyaha, hanyuma bakaba batafashe ingingo zibereye zo gukinga zari zikenewe, ivyo bikaba bitarashirwa mu mategeko y'igihugu (ingingo ya 1, 2 na 4).

**23. Leta yari ikwiye gutegekanya gusubiramwo Igitabo Mpanavyaha kugira ngo:**

- (a) **Irabe neza ko icaha co kuboreza igufa kiremwa muntu kidashobora gushirwaho nk'itegeko, mbere no mu bihe kitoba citwa icaha co kuboreza igufa kiremwa muntu canke amabi yo mu ntambara, n'ayandi mabi asinzikaza agateka ka zina muntu, kugira ngo hakurweho ingorane iyo ari yo yose yo kudahana no kugira ngo ibikorwa vyo kuboreza igufa kiremwa muntu bitohozwe kandi ko ababikoze bakurikiranwe kandi bongere babihanirwe ;**
- (b) **Gufata nk'icaha kugerageza kuboreza igufa kiremwa muntu canke igikorwa ico ari co cose n'umuntu uwari we wese yakoze kwaba ari ugufatanyanya canke kugira uruhara mu gikorwa co kuboreza igufa kiremwa muntu ;**
- (c) **Gushiramwo ingingo ngenderwako y'itegeko ry'abatanga amategeko canke uruhara rw'abatwara abandi ku caha co kuboreza igufa kiremwa muntu no kumukurako agateka.**

**Ivyemezo ngenderwako**

24. Komite iremera ivyemezo vyo gukinga kuboreza igufa kiremwa muntu no kumukurako agateka biri mu gitabo kigenga ingene imanza zitohozwa, zikaburanishwa zikongera zigacibwa, ariko iguma ihagaritswe umutima n'amakuru avuga ko, mu ngiro, abantu bafunzwe badashobora kuronka uburyo bwose ngenderwako bushingiye ku mategeko kuva mu ntango y'uko bakwa umwidgegemvyo. Ku bijanye n'ivyo, Komite yamenyeshye ko: (a) uburenganzira bw'abantu bari mu minwe y'igipolisi bwo kumenyeshwa imvo zatumye bafatwa, ivyo bagirizwa hamwe n'uburenganzira bwabo ntivyama vyubahirizwa; (b) kuronswa umushingwamanza ntivyubahirijwe mu ngiro, cane cane mu gihe c'amatohoza; (c) ntivyari bimenyerewe gukora isuzuma ku gihe ry'umuganga yigenga kugira ngo amenye ibimenyetso vyo kuborezwa igufa kiremwa muntu no kumukurako agateka; (d) gukoresha uburenganzira bwo kumenyeshwa incuti canke umuntu ahisemwo kenshi vyaracerezwa kandi rimwe na rimwe bikaba vyarankwa; (e) ibitabo vyandikwamwo abantu bapfunzwe hamwe n'amakuru arimwo kenshi ntivyari akwiye kandi ntiyakoreshe mu buryo butunganye kandi budahinduka mu ntambwe zose z'ugufungwa; kandi (f) abo bantu bahagaritswe bajanwa imbere y'umucamanza ajejwe amatohoza igihe gitegekaniye n'amategeko y'Uburundi cararenze cane, ivyo bikaba vyatuma bashobora gushikirwa n'ingorane nyinshi zo kuboreza igufa kiremwa muntu no kumukurako agateka.

Kuri ivyo, Komite ibona ko, hisunzwe ingingo ya 34 y'Igitabo kigenga ingene imanza z'ivyaha zitohozwa, ziburanyishwa zikongera zigacibwa, igihe co gufungwa vy'agateganyo gishobora gushika ku misi indwi, kigashobora kwongerezwa rimwe gusa umushikirizamanza abanje gusigura imvo, kandi ko igihe c'ugufungwa vy'agateganyo hakurikijwe amategeko kikaba cararenze (ingingo ya 2, 11 na 16).

**25. Komite isaba ishimitse Leta kuraba neza ko abantu bose bafunzwe baronka, mu mategeko no mu ngiro, kuva mu ntango y'uko batswe umwidgegemvyo, uburyo bwose ngenderwako bushingiye ku mategeko, harimwo n'uburenganzira bukurikira :**

- (a) Kumenyeshwa, mu rurimi batahura, imvo yatumye bafatwa, ivyo bagirizwa vyose hamwe n’uburenganzira bwabo ;
- (b) Gufashwa n’umushingwamanza yigenga bahisemwo mu ntambwe zitandukanye z’urubanza, harimwo n’igihe c’amatohoza, no kuronka, iyo bikenewe gufashwa muv’ubutungane, uwo mushingwamanza ategerezwa kuba yigenga kandi akamuronswa ku buntu ;
- (c) Gusaba no kuronka ibipimo vyo ku buntu bikozwe n’umuganga yigenga canke umuganga bahisemwo, vyiyongera ku bipimo vyose vyo kwa muganga bishobora gukorwa bisabwe n’ubutegetsi, ivyo bipimo vyo kwa muganga bigakorwa abapolisi ndetse n’abakozi bo mw’ibohero batariko baravyumva canke ngo babibone, kiretse iyo umuganga ariko arabikora abisavye hisunzwe ibanga ry’abaganga ;
- (d) Kumenya neza ko amakuru yabo yo kwa muganga aca amenyeshwa umushikirizamanza ubwo nyene mu gihe cose ivyo batoye canke ivyo bagirizwa vyerekana ko hariho ibikorwa vyo kuboreza igufa kiremwa muntu no kumukurako agateka bishobora kuba vyarakozwe ;
- (e) Kumenyeshya umuntu wo mu muryango wabo, canke uwundi muntu wese bahisemwo, ko bapfunzwe ;
- (f) Kubandika mu gitabo c’abapfunzwe;
- (g) Kubajana imbere y’umucamanza yigenga vuba bishoboka, kugira ngo hagenzurwe impamvu zatumye umuntu apfungirwa mu gipolisi, kandi bishoboke kwongereza iryo pfungwa;
- (h) Kugira ngo bashobore guhakana ko ukuntu bafunzwe bidahuye n’amategeko ku ntambwe iyo ari yo yose y’urubanza.

26. Leta itegerezwa gusubiramwo gitabo kigenga ingene imanza z’ivyaha zitohozwa, zikaburanishwa zikongera zigacibwa kugira igihe ntarengwa co gufungwa n’igipolisi ntikirenze amasaha 48 kandi kikongerezwa rimwe gusa mu bihe bidasanze bishingiye ku bimenyamenya bifadika. Leta itegerezwa kandi guha inyigisho zihagije kandi zamaho abakozi bajejwe ibikorwa bijanye n’ugufunga abantu ku bijanye n’uburyo ngenderwako bushingiye ku mategeko, gukurikirana ukuntu izo ngingo zikurikizwa no guhana abategetsi baciye kubiri n’amategeko mu vyo bakora.

#### **Gufungwa vy’agateganyo**

27. Mu gihe tuvuga ingingo zo mu gitabo kigenga ingene imanza z’ivyaha zitohozwa, zikaburanishwa zikongera zigacibwa zigena ko umuntu ashobora gufungwa vy’agateganyo gushika ku mwaka umwe gusa « iyo icaha akurikiranwako kigaragara ko ari icaha gusa igihano gitegekanijwe n’itegeko kiva ku myaka itatu gushika ku myaka itanu » no ku myaka itatu “iyo igihano gitegekanijwe kurico icaha kirenza imyaka itanu yo gufungwa”<sup>11</sup>. Komite iratewe umutima uhagaze n’amakuru avuga ko igihe umuntu amara afunzwe vy’agateganyo gikunda kurenza ibiri mu mategeko, aho hafi 50% vy’abapfunzwe baba barindiriyeye gucira imanza. Komite irababazwa kandi nuko gufunga abantu igihe kirekire canke mu buryo budatomoye hadasuzumwe ko amategeko yakurikijwe arivyo birangwa mu Burundi, bikaba arivyo bituma amabohoro yama yuzuye abanyororo barenze urugero. Iyo Komite iratewe kandi impungenge n’amakuru avuga ko Umushikirizamanza Kizigenza wa Repubulika ahora aca kubiri n’amategeko yo kurekura abantu bafunzwe vy’agateganyo yatanze n’abacamanza, maze akaguma apfunze abantu bahejeje ibihano vyabo (ingingo ya 2, 11 na 16).

#### **28. Leta itegerezwa:**

- (a) Gukurikirana neza ko abantu bapfunzwe vy’agateganyo n’ubushikirizamanza mu buryo bukurikije amategeko kugira ngo amabwirizwa yerekeye ivyo bikorwa yubahirizwe neza kandi ko ubwo bwoko bw’ugufunga bukoreshwa gusa mu buryo budasanze, mu biringo bigufi kandi hakurikijwe amategeko, ayo nayo akisunga ingingo ngenderwako z’uko bikenewe kandi ari ngombwa;
- (b) Guteza imbere rwose, mu biro vy’abashikirizamanza no mu bacamanza, gukoresha

<sup>11</sup> Burundi, Igitabo kigenga ingene imanza zitohozwa, zikaburanishwa zikongera zigacibwa, ingingo ya 159.

- ubundi buryo bwo gufunga umuntu vy'agateganyo, hakurikijwe Amategeko y'Ishirahamwe Mpuzamakungu yerekeye ingingo zituma umuntu adapfungwa (Amategeko ya Tokyo) hamwe n'Itegeko ry'Ishirahamwe Mpuzamakungu ryerekeye ingene abantu bapfunzwe bafatwa hamwe n'ingingo zituma abagore bakoze ivyaha badapfungwa(Amategeko ya Bangkok);
- (c) Gusubiramwo amadosiye yose y'abantu bafunzwe vy'agateganyo, hagaca harekurwa ubwo nyene abo bose bamaze igihe kinini bapfunzwe kuruta igihano bocirwa bagiwe n'icaha bakurikiranwako;
- (d) Kemenya neza ko umushikirizamanza kizigenza wa Repubulika yubahiriza amategeko yo kurekura abantu bafunzwe vy'agateganyo atangwa n'abacamanza, akarekura ubwo nyene abantu bamaze guheza igihano cabo, canke abapfunzwe mu buryo buteye kubiri n'amategeko;
- (e) Gusubiramwo igitabo kigenga ingene imanza z'ivyaha zitohozwa, zikaburanishwa zikongera zigacibwa mu ntumbero yo kugabanya igihe kinini co gufungwa vy'agateganyo kugira ngo kijane n'ingingo ngenderwako mpuzamakungu zijanye no kuronka ubutungane.

#### **Ukugene abantu bafunzwe babayeho mw'ibohero**

29. Naho Komite yemera ko Leta yafashe ingingo kugira ngo iteze imbere ingene abantu bapfunzwe babayeho mu mabohero, harimwo no kwemeza mu 2018 Politike yerekeye abantu bapfunzwe. Komite iguma ihagaritswe umutima cane n'amakuru y'uko amabohero amwe amwe agwiriyemwo abantu benshi barenze urugero hamwe n'uko abantu bafungwa mu buryo butari bwiza, cane cane isuku rike, kubura impemu zikwiye, ibitanda bike n'aho kuryama bidakwiye, ibifungurwa n'amazi bidakwiye, hamwe n'ukubura ibikorwa vyo kwisamaza canke vy'inyigisho bishobora gutuma umuntu asubira mu buzima busanzwe ashobora kugira ico yimarira nico amarira igihugu n'umuryango. Ikindi kandi, ukuntu abantu badashobora kuvurwa neza, harimwo n'amagara yo mu mutwe, cane cane ku bagore bibungenze n'abagore bapfunganywe n'abana babo, hamwe no kubura abakozi bo mw'ibohero babinonosoye kandi bafise ubushobozi, harimwo n'abaganga, birabandanya gutera ingorane zikomeye mu bijanye n'uburyo bwo gufunga. Komite iratewe kandi umutima uhagaze n'amakuru yerekana urugero rw'amabi akorerwa mu mabohero, harimwo amabi akorwa n'abakozi bo mw'ibohero n'amabi akorwa hagati y'abapfunzwe ubwabo(Amabi akorwa nabanyororo bita aba generali), no kudatandukanya neza imigwi itandukanye y'abapfunzwe(ingingo ya 2, 11 na 16).

30. Komite isaba ishimitse Leta kwongereza utwigoro twayo, ifatanije n'inzezo mpuzamakungu zibijewe, harimwo n'Ishirahamwe Mpuzamakungu rijejwe iterambere, kugira ngo uburyo bwo gufungwa buhure n'Amategeko yerekeye ingene abantu bapfunzwe bafatwa y'ishirahamwe Mpuzamakungu (Amategeko ya Nelson Mandela) n'amategeko ya Bangkok. Leta itegerezwa, cane cane:

- (a) Kugabanya ibitigiri vy'abantu bapfungiwe mu mabohero mu gukoresha cane ubundi buryo bwo kudapfunga abantu, no kubandanya gushira mu ngiro imigambi yo guteza imbere ibikorwa vy'amabohero no gutuma abantu bapfunzwe babaho neza;
- (b) Kwubahiriza ivya nkenerwa ngenderwako vy'abantu bapfunzwe, cane cane ku bijanye no kuronka amazi akwiye yo kunywa n'ibifungurwa vyiza kandi bikwiye;
- (c) Kworohereza abantu kuronka ivyo kwisamaza n'ivy'imico kama mu mabohero, hamwe n'inyigisho z'imyuga, mu ntumbero yo gutuma abantu bapfunzwe basubira mu kibano bashobora kugira ico bimarira nico bamarira imiryango;
- (d) Gutanga uburyo bukenewe bwo kuvura neza abantu bapfunzwe, harimwo n'amagara yo mu mutwe, cane cane abagore bibungenze n'abagore bapfunganywe n'abana babo, hakurikijwe amategeko 24 gushika ku 35 y'Amategeko ya Nelson Mandela;
- (e) Kwongereza igitiri c'abakozi bakorerwa mu mabohero babinonosoye kandi bafise ubushobozi, harimwo n'abaganga, no gukomeza ugukurikirana no gucunga amabi akorwa hagati y'abantu bapfunzwe(amabi akorwa n'abanyororo baserukira abandi bita aba generali) ;
- (f) Gukora amatohoza yihuta, ataho yegamiye kandi kandi akozwe neza ku birego vyose

vyo kuboreza igufa kiremwa muntu no kumukurako agateka bikorwa n'abakozi bo mw'ibohero, hanyuma ababikoze bagakurikiranwa kandi bagahanwa nk'uko bikwiye;

- (g) Kwubahiriza itandukaniro rikomeye hagati y'abagore n'abagabo, hagati y'abana bato n'abakuze, no hagati y'abantu bapfunzwe vy'agateganyo n'abamaze gucirwa imanza, mu bibanza vyose abantu bapfungirwamwo.

#### **Impfu zibera mu mabohero**

31. Komite iratewe umutima uhagaze n'amakuru yerekeye impfu nyinshi, harimwo n'impfu zikomeye, zibera mu mabohero. Irababazwa n'uko ata makuru yizewe yerekeye ibitigiri vyose vyerekeye abantu bapfiriye mu mabohero mu kiringo cose kiriko kirakorerwako, avuga igituma izo mpfu ziba, n'amatohoza yakozwe kuri zo, ku ngingo zitomoye zafashwe kugira ngo ntihagire uwundi muntu asubira gupfira mw'ibohero no ku bibazo vyose vyerekeye guha indishi abasigwa b'abapfuye muri ubwo buryo(ingingo ya 2, 11 na 16).

#### **32. Leta itegerezwa:**

- (a) Kuraba neza kohabaho ningoga amatohoza ataho yegamiye akozwe n'urwego rwigenga ku rupfu rwose rubereye mu mw'ibohero, hakurikijwe amasezerano ya Minnesota yerekeye amatohoza ku rupfu rushobora guterwa n'ibikorwa biteye kubiri n'amategeko, kwerekana neza nimba abakozi ba Leta canke ababakurira bafise uruhara muri izo mpfu, kandi, nimba ari ukwo bimeze, guhana ababikoze nk'uko bikwiye kandi imiryango y'abakorewe ivyo vyaha ikaronswa indishi ihagije;
- (b) Guhimiriza Ubushikiranangaji bw'Ubutungane gusuzuma ubushobozi bwo gukinga ukwiyahura no kwica ibihimba vy'umubiri, hamwe n'ubushobozi bw'imigambi yo gukinga, gupima no kuvura indwara zidakira, zitera ubumuga n'indwara zandukira mu mabohero;
- (c) Kwegeranya amakuru yose yerekeye impfu zibera mu bibanza vyose abantu bapfungirwamwo hamwe n'ivyo urwo rupfu rwaturutseko, hamwe n'ivyavuye mu matohoza, maze ayo makuru agahabwa Komite.

#### **Gucunga ahantu abantu bapfungirwa n'uburyo bw'igihugu bwo gukinga**

33. Naho iyo Komite ibona ko Leta yerekanye ko amabohero n'ibindi bibanza abantu bapfungirwamwo biguma biriko birasuzumwa n'Ubushikirizamanza, Umurwi w'igihugu wigenga ujejwe Agateka ka Zina Muntu hamwe n'amashirahamwe amwamwe itegamiye Leta, iyo Komite irahagaritswe umutima n'ugucererwa gushinga urwego rw'igihugu rwo gukinga kuboreza igufa kiremwa muntu, bisanzwe biri muvuyo reta itegerezwa gushira mu ngiro, inyuma y'aho yinjiriye mu 2013 mu Masezerano mpuzamakungu asaba ko kuboreza igufa umuntu vyoba umuziro. Komite iratewe impungenge kandi n'ukuntu ata makuru azwi ku ngingo zafashwe zo kwubahiriza ishira neza mu ngiro ry'ivyifuzo vyatanzwe n'inzeho zigenga inyuma y'ingendo zabo zitamenyeshajwe mu bibanza abantu bapfungirwamwo (ingingo ya 2, 11 na 16).

#### **34. Leta itegerezwa:**

- (a) Gushinga vuba hashoboka urwego rw'igihugu rwo gukinga kuboreza igufa kiremwa muntu rwoba rujejwe gukurikiranana no kugenzura ibibanza vyose abantu bapfungirwamwo. Urwo rwego rugahabwa abakozi n'amafaranga bikenewe kugira ngo rukore neza kandi rwigenga, hakurikijwe Amabwirizwa yerekeye uburyo bw'igihugu bwo gukinga<sup>12</sup>, no gutegekanya gusaba imfashanyo muv'ubuhinga umurwi mutoya wo gukinga kuboreza igufa kiremwa muntu, kumufata nk'inyamaswa canke kumukurako agateka mu ntumbero yo gushinga urwego rw'igihugu rwo gukinga rujanye n'ayo masezerano;
- (b) Kuraba neza ko inzego mpuzamakungu n'izo mu gihugu zijejwe kugendera ibibanza abantu bapfungirwamwo zishobora kugira ingendo zamaho, zigenga kandi

<sup>12</sup> CAT/OP/12/5

zitamenyeshajwe ahantu hose abantu bapfungirwa mu gihugu cose, harimwo n'ubusho bwo mu gipolisi, mw'Iperereza no mu makambi n'ibigo vy'igisirikare, kugira ngo ziganire mw'ibanga n'abantu bose bapfungirwe kandi zikaraba neza ko abo bantu bakingiwe uburyo bwose bw'abashobora kubagirira nabi;

- (c) Kwemerera amashirahamwe itegamiye Leta aharanira agateka ka zina muntu n'abari mu mashirahamwe adaharanira avyicarwo vya politike batanga ubuvuzi n'indero gukora ibikorwa vyo kugenzura ibibanza abantu bapfungirwamwo.

#### **Gutanga indishi y'akababaro**

35. Naho Komite ibona ko igitabo kigenga ingene imanza z'ivyaha zitohozwa, zikaburanishwa zikongerwa zigacibwa gitegekanya mu ngingo yaco ya 349 indishi ku bantu bakorewe ivyaha, Komite irababazwa nuko Leta itatanze amakuru akwiye ku bijanye n'ingingo zafashwe zerekeye indishi z'akababaro zategetswe na sentare n'izindi nzego za Leta kandi ko zoba zarahawe koko abakorewe ivyaha n'imiryango yabo mu kiringo kiriko kirakorerwako, hamwe no gukorana n'amashirahamwe y'abahinga ategamiye Leta. Komite iratewe kandi umutima ugahaze n'amakuru avuga ko uburyo bwo kuvura mbere n'amagara yo mu mutwe buhabwa abakorewe ivyaha vyiyongera ku ndishi y'akababaro ari buke cane, kandi ikababazwa nuko ata makuru azwi ku bijanye no gushiraho imigambi idasanzwe yo kuvura abo bantu. Vyongeye, Komite iratewe impungenge n'amakuru yatanze na Leta avuga yuko gutangura urubanza maze uwakorewe ivyaha agasaba indishi y'akababaro bishingiye ku rubanza rw'inkomoko.

#### **36. Leta itegerezwa:**

- (a) Gufata ingingo zikenewe z'amategeko n'ubutegetswe kugira ngo imenye neza ko uburyo bwo gusaba indishi y'akababaro bushobora gutangurwa n'abakorewe ivyaha vyo kuborezwa igufa, imiryango yabo canke uwubaburanira, hatabanje kurabwa urubanza rukiriko ruraba canke rwaraheze, harimwo n'igihe uwakoze icaha yoba atamenyekanye;
- (b) Kuraba neza ko, mu mategeko no mu ngiro, abakorewe ivyaha vyo kuborezwa igufa baronse indishi y'akababaro, harimwo n'uburenganzira bwo guhabwa indishi ibereye kandi ihagije hamwe no kuronka uburyo bukenewe bwo kuvurwa bukwiye uko bishoboka kwose;
- (c) Gushinga no gutangaza ibitigiri bigezweho vyerekeye igitigiri c'abakorewe ivyaha vyo kuborezwa igufa, abaronse indishi, harimwo no kuvurwa canke gufashwa mu vy'imibano n'indishi, hamwe n'uburyo bw'iyonye ndishi n'ivyavuyemwo.

#### **Ubutungane bw'inyuma y'intambara**

37. Naho Komite yamenye ko hemejwe itegeko No 1/022 ryo ku wa 6 Munyonyo 2018 rihindura Itegeko No 1/18 ryo ku wa 15 Rusama 2014 rishinga, rigashiraho abagize Umurwi wo kumenya ukuri n'ukunywanisha abarundi, rigatunganya kandi rikagena ingene ukora, uwo murwi ukaba ufise ububasha bwo gukora amatohoza ku vyabaye kuva mu mwaka wa 1885 gushika mu 2008, Komite iratewe impungenge n'uko ibikorwa vy'uko abakoze ivyaha bikomeye vyo guhonyaga agateka ka zina muntu vyakozwe muri ico kiringo babazwa ivyaha bakoze, harimwo no kuboreza igufa kiremwa muntu no kumukurako agateka, bigenda buhoro buhoro. Komite irahagaritswe umutima cane cane nuko abantu bose batamenyeshwa ku mugaragarako ingene amatohoza ariko agenda, hamwe n'igitigiri gito c'abantu baciriwe imanza. Irahagaritswe kandi umutima n'uko ata rwego ruhari rujejwe guha indishi y'akababaro abakorewe ivyaha vyo gusinzikaza agateka ka zina muntu. Vyongeye kandi, Komite iratewe umutima uhagaze n'ibirego bivugwa yuko uwo murwi udafise ubushobozi n'ubwigenge hamwe no kuba itaronse inkuru zikwiye zerekeye ivyohindurwa bikenewe kugira ngo urwo rwego rutsimbatazwe.

Ubwa nyuma, iyo Komite irababazwa n'uko ivyaha uwo murwi ujejwe bidakorera ku mabi akomeye yo guhonyanga agateka ka zina muntu bivugwa ko yakozwe kuva mu 2015 (ingingo ya 2, 12, 13, 14 na 16).

**38. Leta itegerezwa gufata ingingo zose zikenewe kugira ngo igikorwa c'Umurwi wo kumenya ukuri n'ukunywanisha abarundi kibe cigenga, ataho cegamiye, kibe kirimwo**

bose, kibe mu muco kandi kibe kigereranye. Itegerezwa kandi kuraba neza ko ibirego vyose vyo guhonyanga bikomeye agateka ka zina muntu bishikirizwa uwo Murwi vyongera bigashikirizwa urundi rwego rwigenga rw'amatohoza, maze bigakorwako amatohoza yihuta, yimbitse kandi ataho ahengamiye, ko abakoze bose ivyaha bikomeye vyo guhonyange agateka ka zina muntu vyakozwe mu kiringo kivugwa mw'Itegeko No 1/18 ryo ku wa 15 Rusama 2014, harimwo n'abakuru mu gisirikare n'abasivire, bakurikiranwa, hanyuma mu gihe bokwagirwa n'icaha, bagacirirwa ibihano bihuye n'uburemere bw'ivyaha bakoze, kandi ko abakorewe ivyaha n'abo mu miryango yabo baronka indishi zihagije kandi ningoga. Vyongeye, Leta itegerezwa gufata ingingo zose zikenewe kugira ngo uwo murwi wigenge, ariko ikaguma iraba neza ko inkingi z'ubutungane bw'inyuma y'intambara zitera imbere, harimwo uruhara rw'umwumwe wese, indishi y'akababaro n'isubirwamwo ry'inze, cane cane isubirwamwo ry'urwego rw'umutekano n'ubutungane. Ubwa nyuma, itegerezwa gutegekanya gusubiramwo Itegeko No 1/18 ryo ku wa 15 Rusama 2014 kugira ngo yongere ububasha bw'Umurwi bwo gukorera ku vyaha bikomeye vyo guhonyanga agateka ka zina muntu vyakozwe kuva mu 2015.

#### **Impunzi n'abateshejwe izabo**

39. Mu gihe iyo Komite ibona utwigoro twakozwe two kworohereza abarundi bari barahungiyeye mu mahanga ngo bashobore gusubira mu gihugu cabo no gusubira mu vyabo kubera umutekano muke vyabaye mu gihugu kuva mu 2015, Komite irahagaritswe umutima n'amakuru avuga ko bamwe bamwe murabo barundi bashobora kuba baratewe ubwoba, bakakwa ibintu vyabo, bagapfungwa hadakurikije amategeko inyuma yo gusubira mu gihugu ku gushaka kwabo, bikoze cane cane n'abatware bo kumitumba no mu makomine hamwe n'Imbonerakure. Komite iratewe kandi impungenge n'ibirego vy'uko abarundi batavuga rumwe na Leta, bari muri Repubulika yunze Ubumwe ya Tanzaniya nk'impunzi canke abasaba ubuhungiro, boba barahizwe n'abakozi b'Iperereza kandi bakaba baragizweko ibikorwa vyo gusubizwa mu gihugu ku nguvu, guterwa ubwoba, guhagarikwa ata mategeko akurikijwe hamwe no kunyuruzwa bakaburwa irengero. Vyongeye, Komite irahagaritswe umutima n'amakuru avuga ko abantu benshi bateshejwe izabo, cane cane kubera amagume yabaye mu gihugu n'ivyago vy'ivyaduka, baba mu makambi mu buryo bubi, kandi ko abagore n'abakobwa bateshejwe izabo n'abahungutse bashobora guhura n'ingorane nyinshi z'amabi afatiye ku gitsina (ingingo ya 2,3 na 16).

**40. Leta itegerezwa gufata ingingo zose zikenewe kugira ngo abahungutse basubizwe mu vyabo mu gihugu, umutekano wabo n'agateka kabo vyubahirizwe. Itegerezwa kandi gutohoza ibirego vyose vyo gutera ubwoba, kwaka abantu ibintu vyabo, gusubizwa mu gihugu ku nguvu no gufungwa bidakurikije amategeko vyakorewe abarundi bahungutse, no kuraba neza ko abakoze ivyo vyaha bakurikiranwa kandi bagahanwa bikwiye, kandi abakorewe ivyo vyaha n'abo mu miryango yabo bakaronka indishi ikwiye. Vyongeye, itegerezwa kwongereza utwigoro twayo two kwihutisha gutorera inyishu zirama abantu bateshejwe izabo, hakurikijwe ingingo mpuzamakungu, harimwo n'ingingo ngenderwako zijanye n'abateshejwe izabo hagati mu gihugu. Leta itegerezwa kandi gufata ingingo zikomeye zo gukinga ubwoko ubwaribwo bwose bw'amabi akorerwa abagore n'abakobwa bateshejwe izabo n'abahungutse, harimwo n'amabi afatiye ku gitsina, igakora amatohoza neza kuri ivyo vyaha, ababikoze bagashengezwa imbere y'ubutungane.**

**Ubwa nyuma, Leta itegerezwa gukingira abakorewe ivyaha, no kubavuzwa ningoga, cane cane kubaha ubuvuzi bwerekeye irondoka rijanye n'amagara meza.**

#### **Amabi afatiye ku gitsina**

41. N'ubwo Komite ishima ko hemejwe itegeko numero 1/13 ryo ku wa 22 Nyakanga 2016 rigenga ugukinga, guhana abakoze amabi afatiye ku gitsina, hamwe n'Ingingo y'Igihugu yo kurwanya amabi afatiye ku gitsina n'indinganizo yayo yo gushirwa mu ngiro (2018-2022)

Komite iracafise impungenge ko abagore babandanya guhohoterwa, cane cane mu ngo no

gufatwa ku nguvu. Komite irarajwe inshinga cane cane, n'ukuntu ingingo zijanye n'amategeko n'ingingo zifatwa n'inzego zidakwiye, cane cane ku bijanye n'ugushira mu ngiro ingingo z'amategeko zijanye no gukinga amabi akorerwa abakenyenzi mu ngo, gufata ubusambanyi nk'icaha no kworoshya ibihano bitegekanijwe ku caha co gufata ku nguvu abagore mu rugo. Komite iratewe kandi impungenge n'amakuru yerekana ko abahohotewe batanga amakuru ari bake cane, kubera gutinya gukumirwa n'abo mu muryango no mu kibano canke ko ivyo bavuze bibagirako ingaruka bakagirirwa nabi. Ikindi giteye impungenge Komite ni ukudahana abakora ivyo vyaha hamwe rero n'igitigiri gito c'abakurikiranwa bakanacirwa imanza kubera amabi afatiye ku gitsina. Vyongeye, Komite iramenyesha ko ihagaritswe umutima n'amakuru yerekana ko ata ngingo zihagije zo gukingira no gufasha abakorewe amabi afatiye ku gitsina, cane cane ku bijanye n'aho baba n'ibikorwa vyo kubasubiza mw'iteka ryabo (ingingo ya 2 n'ya 16).

#### **42. Leta itegerezwa:**

- (a) Gukora ku buryo imanza zose zerekeye amabi afatiye ku gitsina, cane cane izijanye n'ibikorwa canke aho inzego za Leta zirabira hirya canke izindi nzego zijewe kwibutsa uruhara mpuzamakungu rwa Leta hakurikijwe Amasezerano, zitohozwa neza, kandi ko abavugwa ko bakoze ivyaha bakurikiranwa kandi, mu gihe bagiriwe n'icaha, bagahabwa ibihano bibakwiriye, kandi abakorewe ivyaha n'imiryango yabo bakaronka n'indishi y'akababaro ihuye n'amabi bakorewe;
- (b) Kuraba neza ko Itegeko No 1/13 ryo ku wa 22 Nzero 2016 n'ingingo z'Igitabo kigenga ingene imanza z'ivyaha zitohozwa, ziburamishwa zikongera zigacibwa bishirwa mu ngiro, kandi kugira ngo ivyo bishoboke, abacamanza, abashikirizamanza, abajejwe gukurikiza amategeko n'abashingwamanza bagahabwa inyigisho ku bijanye n'izo ngingo zose zijanye n'amategeko;
- (c) Gukora ibikorwa vyinshi vyo kwigisha abantu kugira ngo abanyagihugu n'abandi bose babifisemwo uruhara bamenye ko amabi afatiye ku gitsina akorerwa mu ngo n'ivyaha vyo gufata ku nguvu ari ivyaha bihanwa n'amategeko, no guseniyura ivyo abantu batinya kuvuga kuri ivyo vyaha hamwe no kurandurana n'imizi gukumira abakorewe ayo mabi bituma abo bakorewe ayo mabi batinya kwitwara;
- (d) Gutegekanya gusubiramwo ingingo ya 550 n'ya 577 zo mu gitabo kigenga ingene imanza z'ivyaha zitohozwa, zikaburanishwa zikongera zigacibwa kugira ngo ubusambanyi bube icaha, hongere hategekanywe ibihano bikwiye kuruta ku bijanye no gufata ku nguvu hagati y'abubakanye;
- (e) Gukomeza utwigoro twayo two gukingira abakorewe ivyaha hamwe n'imiryango yabo, gufashwa mu buryo ubwaribwo bwose, cane cane mu kwongereza ibibanza vyo kwakiriramwo abakorewe ivyaha no gutegura imigambi yo kuvura, gufasha abagize ihunganbana mu mutwe no gusubira mu buzima busanzwe, cane cane mu ntara zo hagati mu gihugu.

#### **Amabi akorerwa abana.**

43. Naho Komite ishima ko hemejwe Politike y'igihugu yerekeye gukingira agateka k'abana (2020-2024), Komite iratewe impungenge n'uko iryo tegeko ritabuza mu buryo butomoye guhanisha abana ibihano vyo ku mubiri i muhira no mu bigo vyo kurareramwo abana aho abantu bakuze bakoresha ububasha bw'ubuvyeyi ku bana. Vyongeye, iratewe ubwoba n'amakuru y'ugutotezwa no kwicwa, no gusinzikaza amagara y'abana b'abanyamwema, kandi ikababazwa nuko ata makuru yimbitse yerekeye ingingo zafashwe na Leta kugira ngo abo bana bakingirwe amabi ayariyo yose hamwe n'ivangura iryariryo ryose (ingingo ya 2, 11-14 na 16)

**44. Leta itegerezwa guhindura igitabo Mpanavyaha n'Igitabo kigenga ingo n'imiryango kugira ngo ibuze mu buryo butomoye gukoresha ibihano vyo ku mubiri mu bihe ivyarivyo vyose, harimwo i muhira no mu bigo abana barareramwo n'ibigo aho abantu bakuze bakoresha ububasha bw'ubuvyeyi ku bana, hamwe no kwigisha abantu bose ku bijanye n'uburyo bwiza bwo guhana, bugira uruhara kandi budakaze. Leta itegerezwa kandi gufata ingingo zose**

**zikenewe kugira ngo ikingire abana b'abanyamwema no kubakingira mu vy'imigenzo n'ibindi bikorwa vy'imigenzo ya kera bishobora gutera ingorane, mu kuraba neza ko ayo mabi yose atohozwa, ababikoze bagashikirizwa ubutungane, abakorewe ivyaha nabo bagatunganirizwa.**

### **Inyigisho**

45. Naho iyo Komite ibona utwigoro twagizwe na Leta kugira ngo itange inyigisho muri rusangi zijanye n'agateka ka zina muntu, cane cane ku bapolisi n'abakozi bo mu butungane no mu mabohero, Komite irababazwa n'uko ata nyigisho zihariye zatanzwe ku bijanye n'ingingo z'Amasezerano hamwe no ku bijanye n'ibiri mu gitabu kivuga ku vyerekeye gukora neza amatohoza ku kuboreza igufa kiremwa muntu, kumufata nk'inyamaswa no kumukurako agateka kiwe, (Amategeko ya Istanbul) yasubiwemwo<sup>13</sup>, zitunganijwe ku baganga b'abahinga mu vy'amategeko n'abaganga bajewe amagara y'abanyororo, kugira ngo bashobore kumenya no kubona ingaruka zo ku mubiri no mu mutwe ziturutse ku kuborezwa igufa. Komite irababazwa kandi nuko ata buryo bwashizweho bwo gusuzuma ubushobozi bw'imigambi yo kwigisha (ingingo ya 10).

### **46. Leta itegerezwa:**

(a) **Gutegura no gushira mu ngiro imigambi y'inyigisho z'ifatiro, zamaho kandi zitegerezwa kugira ngo abakozi ba Leta bese, cane cane inzego z'umutekano, iperereza, abasirikare, abakozi bo mu butungane, abakozi bo mu mabohero, abakozi bo mu biro biraba abasohoka n'abinjira mu gihugu n'abandi bantu bese bashobora kuba bari mu bikorwa vyo gufunga, gusambisha canke guhagarika umuntu no kumupfunga, bamenye neza ingingo z'Amasezerano, cane cane kubuzwa bikomeye kuboreza igufa kiremwa muntu, kandi bakamenya ko uwuzorenga ku mategeko atazokwihanganirwa, ko ukurenga ku mategeko kwose kuzokorwako amatohoza kandi ko ababikoze bazokurikiranwa, bagiriwe n'icaha naho bagahanwa nk'uko bikwiye;**

b) **Gukora ibishoboka vyose kugira ngo abakozi bese biraba, harimwo n'abaganga, bigishwe mu buryo nyabwo kumenya no kubona ko umuntu yaborejwe igufa, hakurikijwe amasezerano ya Istanbul yasubiwemwo;**

c) **Gutegura no gushira mu ngiro uburyo bwo gusuzuma ubushobozi bw'imigambi y'inyigisho nko kubona ko igitigiri c'ibirego vyo kuboreza igufa kiremwa muntu no kumukurako agateka hamwe no gutuma ivyo bikorwa bimenyekana, bikandikwa, bigatohozwa kandi ababikoze bagakurikiranwa.**

### **Gukorana n'inzego mpuzamakungu ziharanira agateka ka zina muntu**

47. Naho Komite ishima ko mu mwaka w'2021 hashinzwe Umurwi wamaho w'Abashikiranjanji ujejwe gutegura ivyegeranyo vy'intango canke vyo mu bihe bimwe bimwe hisunzwe amasezerano yemejwe n'Uburundi hamwe n'ishingwa mu mwaka w'2016 ry'Igisata kijejwe amasezerano, Inzira zidasanzwe n'Isuzuma ryo mu bihe bimwe bimwe ry'Ishirahamwe Mpuzamakungu hamwe n'ubundi buryo buri muri bushikiranjanji bwo Gufatana mu munda, Agateka ka zina Muntu n'Uburunganire hagati y'abagabo n'abagore, iyo Komite iratewe impungenge nuko Leta idakorana canke ngo iganire n'inzego mpuzamakungu z'agateka ka zina muntu, cane cane inzego zidasanzwe z'amasezerano atandukanye, Umurwi w'amatohoza ku Burundi washinzwe n'Inama y'Ishirahamwe Mpuzamakungu y'Agateka ka zina Muntu mu 2016, kandi ububasha bwayo bukaba bwarangiye mu 2021<sup>14</sup>, n'uburyo budasanzwe bw'Inama

<sup>13</sup> Amategeko ya Istanbul yarasubiwemwo muri 2022 (mu gihe ibi bishizwe ahabona, ayo mategeko ari mu Congereza gusa); raba Komiseri mukuru w'agateka ka zina muntu, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (publication des Nations Unies, 2022).

<sup>14</sup> Raba ingigo ya 33/24 y'Inama y'agateka ka zina muntu.



y'Ishirahamwe Mpuzamakungu y'Agateka ka zina Muntu, cane cane Umuhinga adasanze ajeje gukurikirana ingene agateka ka zina muntu kifashe mu Burundi<sup>15</sup>. Komite irashima ko Leta yiyemeje, mu gihe c'ibiganiro vyubaka, kwishura ku ngingo zafashwe na Komite hisunzwe ingingo ya 22 y'Amasezerano, ariko iguma ihagaritswe umutima cane ku bijanye n'ukuntu Leta idakorana neza ku bijanye n'uburyo bwo gutanga ibirego vy'umuntu ku giti ciwe hamwe n'ukuntu yananiwe gushira mu ngiro ingingo zose zafashwe na Komite igihe cose habonetse ukutubahiriza Amasezerano<sup>16</sup>. Komite irababazwa kandi no kubona Ibiro vy'Ishirahamwe Mpuzamakungu vy'Agateka ka zina muntu vyarugawe mu mwaka w'2019, bisabwe na Leta.

Mu gusozera, Komite irababazwa no kubona Leta yarikuye mu Masezerano y'i Roma agenga Sentare Mpuzamakungu Mpanavyaha ku wa 27 Gitugutu 2017.

**48. Iyo Komite irasaba Leta gusubizaho bimwe bishitse ibiganiro hamwe no gusubira gukorana n'inzego mpuzamakungu zijewe agateka ka zina muntu, cane cane inzego z'amasezerano atandukanye adasanze y'Inama y'Ishirahamwe y'Agateka ka zina Muntu, harimwo n'Umuhinga adasanze ajeje kuraba ingene agateka ka zina muntu kifashe mu Burundi. Irahimiriza kandi Leta gukorana bimwe biboneka n'Umurwi mutoya ujeje gukinga kuboreza igufa kiremwa muntu, kumufata nk'inyamaswa no kumukurako agateka, kugira ngo iyo Komite ishobore kugendera ahantu hose hafunguwe abantu hari mu minwe ya Leta, hakurikijwe Itegeko ry'Ihitamwo ry'Amasezerano. Komite kandi irasaba Leta gufata ingingo zose zikenewe kugira ngo ishira mu ngiro ingingo zafashwe na Komite hakurikijwe ingingo ya 22 y'Amasezerano. Vyongeye, irahimiriza Leta kwemera ko Ibiro vya Komiseri Mukuru w'Agateka ka zina Muntu bisubira kwugururwa. Ubwa nyuma, iyo Komite irasaba Leta gukorana bimwe bikwiye na Sentare Mpuzamakungu Mpanavyaha mu matohoza yatangujwe n'Ibiro vy'Umushikirizamanza imbere y'uko Leta iva muri iyo Sentare, no gusubira kwinjira mu masezerano y'i Roma agenga Sentare Mpuzamakungu Mpanavyaha.**

#### **Uburyo bwo gukurikirana**

**49. Komite irasaba kuyirungikira bitarenze igenekerezo rya 24 Munyonyo 2024 amakuru yerekeye inyishu Leta izoba yatanze ku vyasabwe mu ngingo zijanye n'ibirego vyerekeye guhonyanga bikomeye agateka ka zina muntu, ibirego vyerekeye kuboreza igufa kiremwa muntu no kudahana, kunyuruza abantu bakaburwa irengero, abaharanira agateka ka zina muntu, abari mu mashirahamwe adaharanira ivyicarwo vya politique, abamenyeshamakuru, abatavuga rumwe n'ubutegetsi ( raba ibice 9 (b), 11 (a), 15 (a) na 21 (e) biri ngaha haruguru). Leta irasabwe kandi kumenyeshya Komite ingingo itegekanya gufata kugira ngo ishira mu ngiro, mu kurindira ko icegeranyo cayo kizokurikira, ivyasabwe vyose canke igice cavyo, vyatanze muri ivyo vyiyumviro bisozera.**

#### **Ibindi bibazo**

**50. Leta irasabwe gukwiragiza cane icegeranyo yashikirijwe niyo Komite, hamwe na bino vyiyumviro bisozera, mu ndimi ishatse, biciye ku mbuga ngurukanabumenyi zizwi kandi ibicishije mu binyamakuru n'amashirahamwe ategamiye Leta, hamwe rero no kumenyeshya Komite ibikorwa bizoba vyakozwe kuri ivyo.**

<sup>15</sup> Raba ingingo ya 33/24 y'Inama y'agateka ka zina muntu, agace ka 20

<sup>16</sup> Raba Ndayirukiye c. Burundi (CAT/C/73/D/952/2019); M. D. c. Burundi (CAT/C/73/D/921/2019);

R. M. c. Burundi (CAT/C/72/D/793/2017); O. N. c. Burundi (CAT/C/71/D/843/2017); B. N. na S. R.

c. Burundi (CAT/C/71/D/858/2018) ; Ndarisigaranye c. Burundi (CAT/C/62/D/493/2012 na

CAT/C/62/D/493/2012/Corr.1) ; Ndagijimana c. Burundi (CAT/C/62/D/496/2012 na

CAT/C/62/D/496/2012/Corr.1) ; C. N. c. Burundi (CAT/C/60/D/579/2013) ; A. N. c. Burundi

(CAT/C/60/D/612/2014) ; Kabura c. Burundi (CAT/C/59/D/549/2013) ; na E. N. c. Burundi

(CAT/C/56/D/578/2013). Raba kandi CAT/C/BDI/CO/2/Add.2, agace ka 31 na 32; na

Ibiro vya Komiseri Mukuru ajeje agateka ka zina muntu, "Uburundi: Komite ijewe kuwanya kuboreza igufa kiremwa muntu irababazwa n'ukuntu Uburundi budakorana ku bijanye n'ibirego vy'abantu ku giti cabo," itangazo ku bamenyeshamakuru, 21 Kigarama 2021.

**51. Komite irasaba Leta gutanga icegeranyo cayo gikurikira, kikazoba ari ica kane, bitarenze igenekerezo rya 24 Munyonyo 2027.**

**Kubera ivyo, Komite irasaba Leta kwemera bitarenze igenekerezo rya 24 Munyonyo 2024 uburyo bworoshe bwo gutanga icegeranyo, aho Komite izoyiha urutonde rw'ibibazo imbere y'igihe kandi mu gihe kibereye. Inyishu za Leta kuri urwo rutonde rwibibazo zikazoba arizo zigize icegeranyo cayo ca kane co mu bihe bitandukanye izotanga hisunzwe ingingo ya 19 y'Amasezerano.**

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