

BURUNDI 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multi-party republic with an elected government. The 2005 constitution provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In 2010 voters re-elected President Pierre Nkurunziza and chose a new National Assembly (lower house) in elections a coalition of 12 opposition parties boycotted.

International observers characterized the elections as largely peaceful, generally free and fair, and generally well managed. Nevertheless, they noted an absence of pluralistic competition, restrictions on freedom of expression and assembly, and unfair use by the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) of government facilities and financial resources during campaigns. Authorities maintained effective control over the security forces. While observers considered the military generally professional and apolitical, the intelligence service and the police tended to be influenced directly by and responsive to the CNDD-FDD. Security forces committed human rights abuses.

The main human rights abuses included torture and extrajudicial executions of detainees, particularly members of certain opposition political parties, by police, military, and intelligence services; prolonged pretrial detention of detainees, often without formal charges; harsh and sometimes life-threatening prison conditions; and a lack of judicial independence.

Other human rights abuses included interference with and intimidation of government officials and political opposition members by certain members of the CNDD-FDD and the intelligence and police services. The government restricted the political rights of certain opposition political parties, including the right to hold party meetings, and members of these parties were detained, threatened, and intimidated. Some journalists and members of civil society and nongovernmental organizations (NGOs) who criticized the government and CNDD-FDD were harassed and intimidated. Corruption existed at all levels of government. Women and girls suffered from widespread sexual and gender-based violence and discrimination, and some were trafficked. Discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community, persons with disabilities, and persons with albinism occurred. Labor rights were not respected, and forced child labor existed.

The general reluctance and delay by police and public prosecutors to investigate and prosecute, and of judges to hear, cases of government corruption and human rights abuse resulted in a widespread perception of impunity for government and CNDD-FDD officials. In many cases investigative and judicial officials hesitated to act as a result of bribes or threats.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports the government or its agents committed arbitrary or unlawful killings during the year. There was no entity that examined security force killings to evaluate whether they occurred in the line of duty or were otherwise justifiable.

In late April, in the commune of Mpinga-Kayove, police arrested and detained Eric Misigaro for stealing a bicycle. Misigaro, who escaped during the night of his arrest, was shot and killed a few days later, allegedly by police.

As of October the UN Office of the High Commissioner for Human Rights (OHCHR) documented 34 cases of extrajudicial killings committed by police, the National Intelligence Service (SNR), military personnel, and local government officials; the OHCHR documented 30 cases in 2012 and 61 cases in 2011. Police were allegedly responsible for 23 of the 34 killings; the military for seven; local administrative officials three; and the SNR one. Investigations were opened in most cases, but perpetrators were tried and convicted in only three cases. Most of the victims were former or current members of the opposition National Liberation Front and other opposition parties. The OHCHR relayed the cases to a committee composed of representatives from the Ministries of Interior; National Solidarity, Human Rights, and Gender; and Public Security; the SNR; and others in government. In some cases police or prosecutors opened investigations, but these rarely led to arrests.

During the year Michel Nurweze, the former deputy police commissioner in Gitega, was acquitted of the 2012 killing of student Juvenal Havyarimana. According to the National Independent Human Rights Commission (CNIDH), the body of Havyarimana, who was a member of the opposition Movement for Solidarity and Democracy party, was discovered five days after he was invited to an opposition meeting.

In May 2012 Human Rights Watch released the report *You Will Not Have Peace While You Are Living: The Escalation of Political Violence in Burundi*. The report describes political killings in 2011, some by state agents and members of the ruling party and others by armed opposition groups, stemming from the 2010 elections. According to Human Rights Watch, the killings reflected widespread impunity, the inability of the state to protect its citizens, and an ineffective judiciary. The report also documented government attempts to restrict independent media and civil society's efforts to denounce the violence.

According to the OHCHR, 10 suspects in the 61 cases of extrajudicial killings in 2011 were convicted and serving prison sentences; five suspects were tried and acquitted; 42 cases were under investigation, including four under military jurisdiction; and the remaining were closed due to lack of evidence.

In 2012 the government established an ad hoc commission under the jurisdiction of the public prosecutor to investigate alleged extrajudicial killings between January 2011 and June 2012. The commission considered allegations made by the OHCHR, local NGOs, and diplomatic missions. Despite the OHCHR's documentation of 61 extrajudicial killings in 2011 and 30 in 2012, the report claimed there were no extrajudicial killings in the country during the previous 18 months. The report acknowledged the killings took place but concluded that they did not fit the UN definition of extrajudicial killings, since there was no proof of government involvement. Nevertheless, as a result of the commission's investigation, three ranking police officers in 2012 were arrested and charged with crimes. During the year the three – Michel Nurweze, Guillaume Magorwa, and Joseph Nsabimana (alias Ndomboro) – were tried. In August Nurweze, the former deputy police commissioner in Gitega who was acquitted of the 2012 killing of student Juvenal Havyarimana, was also acquitted of a second murder charge. A third murder charge against Nurweze was reduced to malicious wounding, for which his sentence was reduced to three months' imprisonment. Since Nurweze had already served three months in pretrial detention, he was released the same day. Magorwa and three coaccused, who were charged with killing a male resident of Gihanga, also were acquitted in August due to insufficient evidence.

b. Disappearance

There were no reports of politically motivated abductions or kidnappings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and the law prohibit such practices, but there were reports government officials employed them (see section 1.a.). From January through October, the OHCHR documented 17 cases of torture by security personnel, while 105 cases of mistreatment were documented during the same period. No information on arrests or convictions of the perpetrators was available. In 2012 the OHCHR documented 59 victims of cruel, inhuman, or degrading treatment or punishment for the year, mostly committed by the national police.

From January through October, the OHCHR documented 15 cases of rape and sexual abuse by government agents, including school teachers. None of the perpetrators had been tried by year's end. In 2012 the OHCHR documented 17 cases of rape and sexual abuse by government agents.

Prison and Detention Center Conditions

Prisons were overcrowded, and conditions remained harsh and sometimes life threatening. Conditions in detention centers managed by the SNR and in local "lock-ups" managed by police generally were worse than in prisons. There were reports of physical abuse and prolonged solitary confinement.

Physical Conditions: The director of prison administration in the Office of Penitentiary Affairs reported that as of September 26, there were 7,389 persons incarcerated in the country's 11 prisons, which were built before 1965 to accommodate 4,050 inmates. Of the 7,389 prisoners, 148 were women, 88 were convicted juveniles, 133 were juveniles in pretrial detention, and 43 were children under age three who were living with their prisoner mothers. No information was available on the number of persons held in detention centers managed by the SNR or in communal lock-ups run by police.

A separate area for female inmates existed in each prison. Conditions in these areas generally were better than in the men's sections. For example, female prisoners received free rations of charcoal and more NGO support, such as the provision of soap. A small prison in Ngozi province was reserved for women only. Juvenile prisoners were held in the same prisons as adults. Ten of the country's 11 prisons were rehabilitated in 2011 to separate juvenile prisoners, but adult prisoners often were allowed in those areas due to overcrowding. Juveniles generally were held with adults in detention centers and communal lock-ups. Pretrial detainees commonly were held with convicted prisoners.

According to government officials and international human rights observers, prisoners suffered from digestive illnesses and malaria. An unknown number died as a result of disease. Each inmate was allotted 12 ounces (350 grams) of manioc and 12 ounces of beans daily. Oil and salt were provided on some days. Family and friends were expected to provide funds for all other expenses. All prisoners had access to potable water. Each prison had at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the sole provider of medicines.

Administration: Recordkeeping on prisoners was adequate, prison ombudsmen were available to respond to prisoner complaints, and prisoners and detainees had access to visitors. In August 2012 the government amended the criminal code to add community service as a sentencing alternative. Authorities permitted prisoners religious observance and allowed them to submit complaints to judicial authorities without censorship. Nevertheless, judicial authorities rarely investigated prisoner complaints.

In two separate incidents during the year, prisoners rioted to protest increased food bribes imposed by “capitas” (inmate bosses who run the interior of prisons and take a portion of inmate food rations as “taxes”). The riots resulted in prisoner deaths and injuries, as well as in less food for the average inmate.

Independent Monitoring: During the year the government permitted all visits requested by international and local human rights monitors, including the ICRC, which regularly visited all prisons, communal lock-ups, and SNR detention centers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not observe these prohibitions.

Role of the Police and Security Apparatus

The National Police, under the Ministry of Public Security, are responsible for law enforcement and maintenance of order within the country. The armed forces, under the Ministry of Defense, are responsible for external security but also have some domestic security responsibilities. The SNR, which reports directly to the

president, has arrest and detention authority. Elements of the police, the SNR, the military, and local officials were responsible for human rights abuses during the year.

The constitution provides for a 50/50 quota (Hutu/Tutsi) in the military, police, and the SNR to prevent these armed elements from being used against one ethnic group or the other. The formal integration (with international oversight and assistance) of Hutu into the previously Tutsi-dominated army began in 2004 and largely was concluded, but the integration of police remained incomplete.

Police generally were poorly trained, underequipped, underpaid, and unprofessional. They were widely perceived by local citizens as corrupt and were often implicated in criminal activity, including taking bribes. The government's Anticorruption Brigade, in the Office of the President, is responsible for investigating police corruption.

Approximately 75 percent of the police force were former rebels; 85 percent had received minimal entry-level training and no refresher training in the past five years; and 15 percent had received no training. Due to low wages, petty corruption was widespread. For example, according to the Anticorruption Brigade, a truck or bus driver typically was compelled to pay bribes totaling approximately 19,500 Burundian francs (\$12.50) at arbitrary police roadblocks and "vehicle inspections" on the main road from Bujumbura to Makamba, a distance of approximately 100 miles.

The public perceived police as heavily politicized and responsive to the CNDD-FDD. During the year police officials were implicated in cases of torture, killing, and extrajudicial execution. The government's general reluctance and slowness to investigate and prosecute these cases resulted in a widespread perception of police impunity.

The international community was heavily engaged in providing instruction at the police academy on human rights, code of conduct, and community-oriented policing.

The armed forces, which generally were perceived as professional and politically neutral, have an Office of Inspector General to investigate allegations of military abuse.

The country has contributed peacekeepers to the African Union Mission in Somalia since 2008. The international community was heavily engaged in training the armed forces and regularly provided training in international humanitarian law and in countering sexual and gender-based violence to soldiers assigned to the Somalia mission.

The SNR is a 200-person force with mandates for both external and internal security. It was reasonably effective at investigating what the government defined as terrorists, including certain opposition political party leaders and their supporters. Many citizens perceived the SNR to be heavily politicized and responsive to the CNDD-FDD. During the year intelligence officials were implicated in cases of torture and extrajudicial killings. SNR officials claimed officers who were found guilty of abusing their authority were punished internally.

Arrest Procedures and Treatment of Detainees

The law requires warrants issued by a presiding magistrate to make arrests, although police may arrest without a warrant by notifying a supervisor in advance. Police have seven days to finish their investigation and transfer suspects to a magistrate but may request seven more days if additional investigation time is required. Police rarely respected these provisions and routinely violated the requirement that detainees be charged and appear before a magistrate within seven days of arrest.

A magistrate may order the release of suspects or confirm the charges and continue detention, initially for 14 days, then for seven more days if necessary to prepare the case for trial. Magistrates routinely failed to convene preliminary hearings, often citing their heavy case backlog or improper documentation by police. Lack of transportation for suspects, police, and magistrates was the most frequently cited reason for the failure to convene preliminary hearings. This was a particular problem in the six provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over the case.

Police are authorized to release suspects on bail, but this provision rarely was exercised. Suspects are permitted lawyers at their own expense in criminal cases, but the law does not require, and the government did not provide, attorneys for indigents at government expense. The law prohibits incommunicado detention, but it reportedly occurred. Authorities on occasion denied family members prompt access to detainees.

Arbitrary Arrest: According to the OHCHR, police and SNR personnel arbitrarily arrested 437 persons during the year.

For example, in May SNR agents in Rutana province arrested three members of the opposition Union for Peace and Development-Zigamibanga political party. The three, who had held an illegal meeting in a home with another friend, reportedly were held for several days and then released without charge.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The law specifies that a person cannot be held longer than 14 days without charge. As of September 26, according to the director of prison administration, 53 percent of inmates in prisons and detention centers were pretrial detainees. The average time in pretrial detention was one year, and some were held without charge. Some persons were held for nearly five years. There were a significant number of instances in which the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, many persons were deprived of their legal right to release on personal recognizance because public prosecutors failed to open case files or because prosecutors and court officials could not find the files. Others were held without proper arrest warrants either because police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, there were instances in which members of the judiciary were subject to political interference or bribery to drop investigations and prosecutions, predetermine the outcome of trials, or avoid enforcing court orders. Judicial officials, including the president of the Supreme Court responsible for prosecuting and trying high-profile corruption and criminal cases, were subject to direct and indirect threats from persons named in cases or their political supporters.

Serious irregularities undermined the fairness and credibility of trials. During the year there were allegations the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police.

Unlike in the previous year, there were no strikes by magistrates protesting political interference and the appointment of incompetent and corrupt judicial personnel.

Trial Procedures

Defendants are presumed innocent. All trials are conducted publicly by panels of judges. Defendants have the right to be informed promptly and in detail of the charges and with free interpretation if necessary, although this right was not always respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this did not always occur. Defendants have a right to counsel but not at the government's expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of one of the 131 registered lawyers in the country. Some local and international NGOs provided legal assistance but could not assist in all cases. Defendants have a right to defend themselves, including questioning prosecution witnesses, calling their own witnesses, and examining evidence against them. Defendants also may present evidence on their own behalf and did so in the majority of cases. Defendants have the right not to be compelled to testify or confess guilt. The law extends the above rights to all citizens.

All defendants, except those in military courts, have the right to appeal their cases to the Supreme Court. The inefficiency of the court system, however, extended the appeals process for long periods, in many cases for more than a year.

Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. The government does not provide military defendants with attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges. Military trials generally are open to the public but may be closed for compelling reasons, including for national security or when publicity might harm the victim or a third party, such as in cases involving rape or child abuse. Defendants in military courts are allowed only one appeal.

Political Prisoners and Detainees

The government denied that persons were detained or convicted for political reasons.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations but are precluded from appealing decisions to an international or regional court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law provide for the right to privacy and require search warrants, but authorities did not always respect these rights.

Membership in a registered political party often is needed to obtain or retain employment in the civil service and the benefits that accrue from such positions, such as transportation allowances, free housing, electricity, water, exemption from personal income taxes, and interest-free loans.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but the government did not always respect these rights.

Freedom of Speech: The law protects public servants and the president against “words, gestures, threats, or writing of any kind” that are “abusive or defamatory” and would “impair the dignity of or respect for their office.” The law also prohibits racially or ethnically motivated hate speech. The law mandates a penalty of six months to five years in prison and a fine of approximately 10,000 to 50,000 Burundian francs (\$6.40 to \$32) for insulting the head of state. Some journalists, lawyers, NGO personnel, and leaders of political parties and civil society alleged the government used the law to intimidate and harass them.

Press Freedoms: The government owned and operated *Le Renouveau*, the only daily newspaper, and Radio Television Nationale du Burundi, the sole television and radio station with national coverage. The law prohibits political parties, labor unions, and foreign NGOs from owning media outlets and forbids the media from spreading “hate” messages or from using abusive or defamatory language against public servants acting in their official role that could damage the dignity of or respect for the public office.

On June 4, the government passed a media law that requires journalists to reveal sources and prohibits the publication of articles deemed to undermine national security. Prohibited topics include national defense, public safety, state security, local currency, personal privacy, pretrial investigations, libel, and disparaging the head of state. Penalties include fines that far exceed the financial resources of journalists and most press agencies and are disproportionate to fines incurred for similar offenses. The National Communications Council (CNC), the state agency that oversees the enforcement of media laws, may close media outlets that violate the new law. Reporters Without Borders, which campaigned for months against the law, described its June 4 promulgation as “a black day for freedom of information in Burundi” that set back the country by more than 20 years. During the year the CNC also reviewed all projects or legislative proposals relating to the press and imposed sanctions on media organizations that it deemed in violation of the law. Although it lacked the resources to investigate and did not file lawsuits, the CNC referred cases to the prosecutor general of the appropriate province and exercised its power to suspend media outlets or reprimand journalists it deemed in violation of the law.

One week after passage of the new media law, the public prosecutor in Makamba province summoned a reporter from Radio Isanganiro in connection with a continuing investigation into a case of corruption involving local authorities.

Unlike in the previous year, the CNC did not suspend newspapers that had not published an edition in more than two years. In June the CNC suspended Radio Rema, which generally supported the ruling party, for airing editorials and comments against civil society members that the CNC found insulting and libelous. The suspension on Radio Rema was lifted, but a lawsuit filed by the prosecutor general was pending at year’s end.

Violence and Harassment: Some journalists investigating controversial subjects such as corruption and human rights violations reported receiving threats from members of the police, the SNR, and the CNDD-FDD. On October 12, for example, the head of the SNR in Cibitoke province threatened a reporter from Radio Bonesha and warned him against reporting on the torture of opposition party members in the province.

On March 6, radio journalist Hassan Ruvakuki, a reporter for the private Radio Bonesha FM and a correspondent for Radio France Internationale, was released from jail after 16 months of detention. In 2012 Ruvakuki was sentenced to life imprisonment for “acts of terrorism” after he participated in a rebel group meeting

and planning session in neighboring Tanzania. Domestic and international NGOs criticized the verdict, noting Ruvakuki was acting as a journalist when he visited the camp. Ruvakuki resumed working for Radio Bonesha FM after his release from jail.

Censorship or Content Restrictions: The government censored the media and penalized journalists who published items critical of public servants and the president. Broadly construed laws against libel, hate speech, and treason, in conjunction with the new media law, resulted in a climate that fostered a high degree of self-censorship.

Libel Laws/National Security: Libel laws prohibit the public distribution of information that exposes a person to “public contempt” and carry penalties of prison terms and fines. The crime of treason, which includes knowingly demoralizing the military or the country in a manner that endangers national defense during a time of war, carries a criminal penalty of life imprisonment. It is a crime for anyone knowingly to disseminate or publicize false rumors likely to alarm or excite the public against the government or to promote civil war. It is illegal for anyone to display drawings, posters, photographs, or other items that may disturb the public peace. Penalties range from two months’ to three years’ imprisonment and fines. Some journalists, lawyers, and leaders of political parties, civil society groups, and NGOs alleged the government used these laws to intimidate and harass them.

Internet Freedom

There were no government restrictions on access to the internet or credible reports the government monitored e-mail or internet chat rooms. According to a 2012 International Telecommunication Union estimate, 1.2 percent of individuals used the internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected the law. The law requires political parties and large groups to notify the government prior to a meeting. Some opposition political parties claimed local officials refused permission for them to hold meetings or dispersed meetings.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement: The government strongly encouraged citizens to participate in community-level work projects every Saturday morning and imposed travel restrictions on citizens from 8:30 a.m. to 10:30 a.m. Permits were required for movement outside of one's community during those hours, and these restrictions were enforced by police roadblocks. Waivers could be obtained in advance. All foreign residents were exempt.

Exile: The law does not provide for forced exile, and the government did not practice it. Several leaders of political parties that boycotted the 2010 elections remained in self-imposed exile, claiming they feared for their lives.

Emigration and Repatriation: In late 2012 the Government of Tanzania repatriated approximately 35,000 former Burundian refugees who had been living in the Mtabila refugee camp in Tanzania; the Government of Tanzania, in collaboration with the UNHCR, rescinded their refugee status in August 2012. The status change came only after a series of interviews to determine continuing needs for international protection, during which time refugee status was maintained for 2,715 individuals. Most of the refugees had resided in Tanzania since fleeing the civil war in Burundi 20 years ago. Until the end of December 2012, those returning

were entitled to reintegration assistance from the UNHCR and other agencies in the form of a cash grant, six months of food rations, and health, education, and shelter support. Returnees also began the process of obtaining a government identification card and health benefit card.

During the year the Government of Tanzania forcibly returned what it referred to as “illegal aliens living in Tanzania.” As of October 30, the Tanzanian government forced approximately 32,000 Burundians back into Burundi. In October, after significant pressure from the diplomatic community, the Tanzanian government suspended the deportations until at least January 2014. According to the UNHCR, only two former UNHCR transit centers, one operated by the government and the other by the Burundian Red Cross, were available to assist these individuals. Both centers were below internationally acceptable standards, according to the UNHCR.

Internally Displaced Persons (IDPs)

As a result of successive waves of civil war and unrest beginning in 1972, there were approximately 80,000 IDPs in 120 sites throughout the country, according to 2011 UNHCR estimates. Some IDPs attempted to return to their rural places of origin, but the majority returned or relocated to urban centers. The government generally permitted IDPs to be included in programs provided by the UNHCR and other humanitarian organizations to benefit returning refugees, such as shelter and legal assistance programs.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Between January and September, 6,205 refugees from the Democratic Republic of the Congo crossed the border and sought asylum in the country. They were mainly from South Kivu province. Most were fleeing violence between armed groups as well as tension between ethnic groups. The influx strained the country’s four camps for Congolese refugees – Bwagiriza, Musasa, Kavumu, and Gasorwe. The Bwagiriza camp, for example, had an intended capacity of 8,000 persons but hosted more than 10,000 at year’s end. As of September, according to the UNHCR, 28,216 refugees were in the four camps; another 18,571 urban refugees chose not to go to the camps.

Employment: Refugees have the right to work except in protected sectors such as the army, police, and judiciary.

Stateless Persons

Citizenship is derived from parents, not the place of birth. According to the UNHCR, there were 1,400 stateless persons living in the country at the end of 2012. All were from Oman, awaiting proof of citizenship from the Government of Oman, and had lived in Burundi for decades. The Burundian government offered the stateless Omanis citizenship if they could not get Omani citizenship.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In 2010 the government held five separate elections: communal councils (May), presidential (June), National Assembly (July), Senate (July), and village councils (September). Voter turnout in the communal elections was more than 90 percent. Following the communal elections, a coalition of 12 parties withdrew and boycotted the remaining four elections. Following the withdrawal of the opposition coalition, the CNDD-FDD's presidential candidate, Pierre Nkurunziza, ran unopposed, and the CNDD-FDD won absolute majorities in the National Assembly and Senate.

The EU's Election Observation Mission, which monitored the five elections, noted that the presidential and communal council elections were largely peaceful and generally well managed by the Independent Electoral Commission. Nevertheless, the mission stated that the political and electoral environment was characterized by unfair use by the CNDD-FDD of government facilities and financial resources during the campaigns, the absence of pluralistic competition, and restrictions by the government and ruling party on the freedoms of political party expression and assembly of its competitors. Members of the youth wings of several rival political parties were the main perpetrators of intimidation and violence before, during, and after the elections.

Political Parties: There were 42 registered political parties, the vast majority based on family, clan, or region and representing localized interests. Only six parties fielded candidates in all 17 provinces and 129 communes in the May 2010 communal elections. In 2011 the National Assembly mandated all parties reregister by the end of 2011. According to the new law, to qualify for public campaign funding and compete in the 2015 legislative and presidential elections, parties must be “nationally based” (ethnically and regionally diverse) and demonstrate in writing that they are organized and have membership in all provinces. A provision that all party presidents must reside in the country was rejected by the coalition of political parties that boycotted the 2010 elections, because the presidents of three of the parties in the coalition remained in self-imposed exile abroad. Many opposition political parties had not reregistered by the end of the year, but the Ministry of Interior imposed no penalties on parties who failed to reregister.

Participation of Women and Minorities: The constitution reserves 30 percent of seats in the National Assembly, the Senate, and the communal councils for women. There were 35 women in the 106-seat National Assembly and 18 women in the 41-seat Senate. The constitution also mandates that 30 percent of appointed government positions be set aside for women, a target that was met. Women held seven of 21 ministerial positions. Additionally there were seven women on the 25-seat Supreme Court and three women on the seven-seat Constitutional Court.

The constitution provides for representation in all elected and appointed government positions for the two main ethnic groups: the Hutu majority is entitled to no more than 60 percent and the Tutsi minority to no less than 40 percent. The Twa ethnic group, which makes up less than 1 percent of the population, is allotted three seats in each chamber of parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not fully implement the law, and some high-level government officials continued to engage in corrupt practices with impunity. Corruption remained a very serious problem.

Corruption: Judicial corruption occurred.

In the Tax and Customs Revenue Authority, the government fired personnel, tightened procedures, and put the authority under foreign management. As a result, tax and revenue collections for 2010 through 2012 increased 76 percent.

The state inspector general and the Anticorruption Brigade of the Ministry of Good Governance and Privatization are responsible for investigating government corruption. Within the judiciary there is a designated anticorruption general prosecutor and an anticorruption court. The Anticorruption Brigade has the authority to investigate, arrest, and refer offenders to the anticorruption general prosecutor.

During the year the Anticorruption Brigade investigated 193 cases, although the government did not authorize the release of a report on these cases. The brigade claimed its actions prevented more than 9.14 billion Burundian francs (\$5.86 million) in losses for the government and that it recovered 318 million Burundian francs (\$203,900).

In view of the lengthy backlog of cases in the anticorruption court and the difficulty of obtaining convictions, the Anticorruption Brigade resorted in many instances to enforcing the law through settlements in which the government agreed not to prosecute and the offending official agreed to reimburse the money stolen. The government exercised its power to freeze and seize property and bank assets of officials to compel reimbursement, although corrupt officials were permitted to retain their positions in most cases.

During the year the 2007 fraud case against three senior government officials in connection with a 48.3 billion Burundian franc (\$30.9 million) government procurement contract with INTERPETROL was closed. No charges were filed against INTERPETROL or its associates. The case was filed again in 2012 after the Supreme Court chief justice adjudicating the case was threatened against continuing the case and was subsequently dismissed.

Whistleblower Protection: The law does not provide protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: The law requires financial disclosure by elected officials and senior appointed officials once every five years, but it does not require public disclosure. The president, two vice presidents, and cabinet ministers are obligated to disclose assets upon taking office. No other officials are required to disclose

assets. There is no record of such disclosures, and no penalty is provided in the law for failure to disclose.

Public Access to Information: The law does not provide for public access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were not always cooperative and responsive to their views.

Human rights groups continued to operate and publish newsletters documenting human rights abuses and to participate in meetings sponsored by the government and international organizations. Nevertheless, some national human rights NGOs reported being intimidated and harassed by government officials. No major local human rights NGOs were closely aligned with the government or political parties.

Government Human Rights Bodies: The Office of the Ombudsman, which monitored prison conditions, was widely perceived by both Burundians and international partners to be impartial and effective.

During the year the CNIDH, a quasi-governmental body charged with investigating human rights abuses, exercised its power to call in senior officials, demand information, and order corrective action. The CNIDH, which also monitored the government's follow-up, is not allowed to release report findings. Local and international partners widely perceived the commission as independent and effective. In 2012 the CNIDH opened three regional offices to increase its ability to investigate alleged abuses.

Human rights committees exist in the national assembly and the senate. They were instrumental in passing the law creating the CNIDH.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal status and protection for all citizens, without distinction based on race, language, religion, sex, or ethnic origin, but the law does

not explicitly address distinctions based on sexual orientation or gender identity. The government did not enforce the law in many cases.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, with penalties of up to 30 years' imprisonment. The law prohibits domestic abuse of a spouse, with punishment ranging from fines to three- to five-years' imprisonment. The government did not enforce the law uniformly, and rape and other domestic and sexual violence continued to be serious problems.

According to a 2010 report compiled from family development centers throughout the country, there were 3,781 reported cases of gender-based violence in 2010, the last year funding was available to compile statistics. No statistics were available on the number of abusers prosecuted or punished. Centre Seruka, a clinic for rape victims, reported an average of 126 new rape cases per month from January through September. Of that number, 52.8 percent were under age 13, and 14.8 percent were under age five. Centre Seruka also reported a 32 percent increase in clients who filed a lawsuit during the year.

The police Women and Children's Brigade is responsible for investigating cases of sexual violence and rape, as well as of trafficking of girls and women.

Many women were reluctant to report rape for cultural reasons, due to fear of reprisal, and because of a lack of medical care. Men often abandoned their wives following acts of rape, and rape victims were ostracized by their families and communities. In some cases police and magistrates required rape victims to provide food for and pay the costs of incarceration of those they accused of rape.

The government, with financial support from international NGOs and the United Nations, continued civic awareness training on domestic and gender-based violence as well as the role of police assistance throughout the country. Those trained included police, local administrators, and grassroots community organizers.

Civil society organizations worked to overcome the cultural stigma of rape to help victims reintegrate into families that rejected them. The organizations also encouraged rape victims to press charges and seek medical care. Centre Seruka provided shelter and counseling to victims of rape and domestic violence. Several international NGOs provided free medical care, mostly in urban areas.

Sexual Harassment: The law prohibits sexual harassment, including the use of orders, severe pressure, or threats of physical or psychological violence to obtain sexual favors. The sentence for sexual harassment ranges from fines to penalties of one month to two years in prison. The sentence for sexual harassment doubles if the victim is less than 18 years old. The government did not actively enforce this law. There were reports sexual harassment occurred, but no data were available on its frequency or extent.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. For cultural reasons husbands often made the final decisions about family planning. Health clinics and local health NGOs were permitted to disseminate freely information on family planning under the guidance of the Ministry of Public Health. The government provided free childbirth services, but the lack of doctors meant most women used nurses or midwives during childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. According to the 2010 demographic and health survey, 60 percent of all births took place with skilled attendants. Between 2004 and 2011, the maternal mortality rate was 500 deaths per 100,000 live births. The main factor influencing maternal mortality was inadequate medical care.

There were no restrictions on access to contraceptives, but the contraceptive usage rate during the year was estimated at only 22 percent. According to a 2009 survey, this low rate was due to male opposition or lack of involvement in family planning, lack of communication between partners on family planning, women's lack of decision making authority on problems related to reproductive health, absence of contraceptives in faith-based health clinics, and societal suspicion of family planning and modern contraceptive methods. Men and women had equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but local health NGOs and clinics reported women were more likely than men to seek treatment and refer their partners. Only 18 percent of health facilities provided services to prevent mother-to-child transmission of HIV/AIDS.

Discrimination: Despite constitutional protections, women continued to face legal, economic, and societal discrimination and often were victims of discriminatory practices with regard to inheritance and marital property laws. The Ministry of National Solidarity, Human Rights, and Gender is responsible for combating discrimination against women.

By law women must receive the same pay as men for the same work, but they did not. Some employers suspended the salaries of women on paid maternity leave, and others refused medical coverage to married female employees. Women were less likely to hold mid- or high-level positions in the workforce, although they owned businesses, particularly in Bujumbura.

Children

Birth Registration: The constitution states that citizenship is derived from the parents. The government registers, without charge, the births of all children if registered within a few days of birth. The government fines parents who do not register a birth within the time limit. An unregistered child does not have access to some public services, such as free public schooling and medical care for children under five years old.

Education: Education was free, compulsory, and universal through the secondary level, but students were responsible for paying for books and uniforms.

Child Abuse: The law prohibits violence against or abuse of children, with punishment ranging from fines to three to five years' imprisonment, but child abuse was a widespread problem. The penalty for rape of a minor is 10 to 30 years' imprisonment. During the year local hospitals, NGOs, and human rights associations noted a particularly high number of rape and sexual abuse cases of children in Rumonge, Burambi, and Buyengero communes of Bururi province; there also were several reported cases of child rape from Ngozi, Muyinga, Bujumbura, and Bujumbura Rurale provinces, although statistics were unavailable. Centre Seruka reported 92 percent of rape victims who visited its facility during the year were girls and women and that the average age of victims was 15. The UN Development Fund for Women reported many rapes of minors were motivated by the rapist's belief that the rape would prevent or cure sexually transmitted diseases, including HIV/AIDS.

Forced and Early Marriage: The legal age for marriage is 18 for girls and 21 for boys. No statistics were available on the rate of early marriage. Forced marriages are illegal and rare. Nevertheless, forced marriages reportedly occurred in southern, more Muslim areas. The Ministry of Interior continued an effort to convince imams not to celebrate illegal marriages.

Harmful Traditional Practices: The traditional practice of removing a newborn child's uvula (the flesh that hangs down at the rear of the mouth) continued to cause numerous infections and deaths of infants.

Persons with albinism, particularly children, were sometimes targeted for their body parts, which were used for ritual purposes. In May 2012 the mutilated body of a 15-year-old girl with albinism was found in the Kabezi community, south of Bujumbura. Seven men were subsequently arrested and tried during the year; deliberations on the case continued at year's end. During the arrest police shot in the air to disperse a crowd of neighbors trying to kill the perpetrators. A neighbor claimed the girl was the 18th person killed for ritual purposes in the community since 2008. Most perpetrators were citizens of other countries, who came to kill and then departed the country with the body parts, impeding government efforts to arrest perpetrators.

Sexual Exploitation of Children: The penalty for commercial sexual exploitation of children is five to 10 years in prison and a fine of between 20,000 (\$12.80) and 50,000 Burundian francs (\$32). The minimum age for consensual sex is 18. The law punishes child pornography by fines and three to five years' imprisonment. There were no prosecutions during the year.

While little evidence existed of large-scale child prostitution, older women offered vulnerable younger girls room and board within their homes under the guise of being benevolent and in some cases forced them into prostitution to pay for living expenses. Brothels were located in poorer areas of Bujumbura, as well as along the lake and trucking routes. Extended family members sometimes also financially profited from the prostitution of young relatives residing with them. Business people recruited local girls for prostitution in Bujumbura and nearby countries.

In October an NGO returned a young Burundian woman from Oman, where she had been forced into prostitution after being promised schooling.

Also in October border police detained a woman claiming to be the aunt of a 15-year-old child and two five-year-old children, all of whose travel documents were discovered to be fraudulent. The woman was trying to take the children to Tanzania for undisclosed purposes. The children were returned to their villages, and the case was under investigation at year's end.

The country was a destination for child sex tourism, although no cases were reported during the year. Male tourists from the Middle East exploited local girls for prostitution, mainly in newly constructed high-end neighborhoods.

Displaced Children: According to the latest (2009) report compiled by the Ministry of National Solidarity, Human Rights, and Gender and the Institute of Statistics and Economic Studies of Burundi, more than 3,250 street children lived in the country's three largest cities – Bujumbura, Gitega, and Ngozi. Statistics on their numbers in other communities were not available. Many of the children were HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services such as medical care or economic support.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

No estimate was available on the size of the Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities. Nevertheless, the government did not promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care. The law does not address the rights of persons with disabilities to air travel and other transportation. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, the benefits were not widely publicized or provided. The employment practice of requiring health certification from the Ministry of Public Health sometimes resulted in discrimination against persons with disabilities.

The Ministry of National Solidarity, Human Rights, and Gender coordinates assistance and protects the rights of persons with disabilities. The government did

not enact legislation or otherwise mandate access to buildings, information, or government services for persons with disabilities. The government supported a center for physical therapy in Gitega and a center for social and professional reinsertion in Ngozi to assist individuals with physical disabilities.

Indigenous People

The Twa, the original hunter-gatherer inhabitants, numbered approximately 80,000 and constituted less than 1 percent of the population. They generally remained economically, politically, and socially marginalized. Lack of education, employment, and access to land were cited as the major problems. Local administrations must provide free schoolbooks and health care for all Twa children and two acres of land per family (comparable with the countrywide average size of a farmstead). Local administrations largely fulfilled these requirements. The constitution provides three appointed seats for Twa in each of the houses of parliament. Following the 2010 election, there were allegations that one of these three Senate seats was occupied by a non-Twa. During the year the Constitutional Court ruled that the incumbent of the third seat was a Twa; other Twa continued to claim the incumbent was a Hutu.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes same-sex sexual acts with penalties ranging from a fine to imprisonment of three months to two years, with or without a fine.

The Remuruka Center in Bujumbura offers urgent services to the LGBT community. The government neither supported nor hindered local LGBT organizations or the center during the year.

Other Societal Violence or Discrimination

The constitution specifically outlaws discrimination against persons with HIV/AIDS or other “incurable” illnesses; there were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions. A union must have at least 50 members. Most civil servants may unionize, but they must be registered with the Ministry of Civil Service, Labor, and Social Security. Police, the armed forces, public sector employees, foreigners working in the public sector, and magistrates may not form or join unions. The law also prevents workers under the age of 18 from joining unions without the consent of their parents or guardians.

The law provides workers with a conditional right to strike if strict conditions are met, but it bans solidarity strikes. All peaceful means of resolution must be exhausted prior to the strike. Negotiations must continue during the action and be mediated by a mutually agreed party or by the government, and six days' notice must be given to the employer and the labor ministry. The ministry must determine whether strike conditions have been met and has a de facto veto power over all strikes. The law permits requisition orders in the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law also recognizes the right to collective bargaining, excluding measures regarding public sector wages, which are set according to fixed scales following consultation with unions. The law prohibits antiunion discrimination. The law does not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws. Resources for inspection and remediation were inadequate, and penalties which ranged from 5,000 to 20,000 Burundian francs (\$3.20 to \$12.80) were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities.

Most unions were public employee unions, and virtually no private sector jobs were unionized. Most laborers worked in the unregulated informal economy and were unprotected by labor law, except for laws regarding minimum wage. According to the Confederation of Burundian Labor Unions (COSYBU), virtually no informal sector workers had written employment contracts.

In 2012 the minister of justice reinstated Juvenal Rududura, vice president of the nonmagistrates' union (SPMJB) of the Justice Ministry, to his administrative

position at the SPMJB. Rududura had been suspended following his arrest on libel charges after he alleged corruption in the recruitment of staff at the Ministry of Justice in 2010. The order of reinstatement also required Rududura to transfer from Bujumbura to Karuzir, a transfer that Rududura appealed. By year's end no decision had been made on Rududura's transfer, he remained unemployed, and the criminal libel charge had not been expunged. Rududura was imprisoned for 10 months in 2008-09 for criticizing on television antiunion repression and corruption in the recruitment process. At the end of the year he remained prohibited from leaving the city of Bujumbura, he had to report to the prosecutor's office once a month, and he had yet to be readmitted to the SPMJB.

The two principal trade union centers, COSYBU and the Confederation of Free Trade Unions of Burundi, criticized authorities' political interference in union affairs. Workers were harassed by their employers to join the government-controlled union, although government-controlled unions continued to lose momentum during the year.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. The principal trade union centers represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. The government did not effectively enforce applicable laws. The resources for inspections and remediation were inadequate, and penalties were insufficient to deter violations.

Children and young adults were coerced into forced labor on plantations or small farms in the south, small-scale menial labor in gold mines in Cibitoke, fetching river stones for construction in Bujumbura, or informal commerce in the streets of larger cities (see section 7.c.).

The government encouraged citizens to participate in community work each Saturday morning and imposed travel restrictions on citizens during the hours of 8:30 to 10:30 a.m.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law states that enterprises may not employ children under age 16, with exceptions permitted by the labor ministry. These exceptions included light work or apprenticeships that did not damage children's health, interfere with their normal development, or prejudice their schooling. The minister of labor permits children age 12 and above to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. The legal age for most types of "nondangerous" labor varied from 16 to 18. The law prohibits children from working at night and limited them to 40 hours per week. The law makes no distinction between the formal and informal sectors.

The labor ministry is responsible for enforcing child labor laws, and it had multiple enforcement tools, including criminal penalties, civil fines, and court orders. Nevertheless, the government did not effectively enforce child labor laws. Due to a lack of inspectors and resources, including fuel for vehicles, the ministry enforced the law only when a complaint was filed. The penalties for violations ranged from 5,000 to 20,000 Burundian francs (\$3.20 to \$12.80). During the year the government acknowledged no cases of child labor in the formal sector of the economy and conducted no child labor investigations.

Because of extreme poverty, child labor was an economic necessity for many families and remained a problem. In rural areas children under age 16 regularly performed heavy manual labor in the daytime during the school year, primarily in the agricultural sector. Children working in agriculture could be subject to carrying heavy loads and using potentially dangerous machinery and tools. They also herded cattle and goats, which could expose them to the elements and force them to work with large or dangerous animals. Many children worked in the informal sectors, including family businesses, street vending, and small, local brick-making enterprises.

In urban areas children working in domestic service often were isolated from the public, and some received other remuneration, such as food and shelter, in lieu of wages for their work. Some employers avoided paying their child domestics by accusing them of criminal activity, and at times children were incarcerated because of false accusations. Children in domestic service were vulnerable to long working hours and physical exploitation by their employers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The informal daily minimum wage in Bujumbura for unskilled laborers was 2,500 Burundian francs (\$1.60). In the past the government set the minimum wage, but during the year the minimum wage was set by market forces. In the interior of the country, the daily minimum wage was 1,000 Burundian francs (\$0.65), with lunch provided. The government estimated 62 percent of the population lived below the poverty line, which the World Bank defined as a daily wage of \$0.50 in urban areas and \$0.38 in rural areas. More than 90 percent of the population participated in the informal economy. Daily wages in the informal sector averaged between 2,500 and 3,000 Burundian francs (\$1.60 to \$1.95) in Bujumbura and between 1,000 and 1,500 Burundian francs (\$0.65 to \$0.98.) in the interior of the country. The labor code provides for an eight-hour workday and a 40-hour workweek, but there were many exceptions, such as for workers in national security, residential security, and transport drivers. Supplements must be paid for overtime work: 35 percent for the first two hours and 60 percent thereafter. The weekend and holiday premium pay is 200 percent. There is no statute concerning compulsory overtime. Rest periods include 30 minutes for lunch. There is no differentiation made between foreign or migrant workers and citizen workers.

The labor code establishes occupational safety and health (OSH) standards that require safe workplaces.

The Department of Inspection within the Labor Ministry is charged with enforcing the law regarding minimum wage, work hours, and OSH standards. The penalties for violations ranged from 5,000 to 20,000 Burundian francs (\$3.20 to \$12.80). The government did not effectively enforce these laws. Due to a lack of inspectors and resources, including fuel for vehicles, the ministry investigated possible violations only when a complaint was filed.

Employees generally did not complain to avoid jeopardizing their jobs. Thus, there were no known examples of employer violations of OSH standards, nor were there reports of OSH complaints filed with the ministry during the year, despite the fact that workplace environments often did not meet OSH standards. There were no data on workplace fatalities.