

BURUNDI 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty 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. During the year voters re-elected President Pierre Nkurunziza and chose a new national assembly (lower house) in elections boycotted by independent opposition parties. International and domestic observers characterized the elections as largely peaceful but deeply flawed and not free, fair, transparent, or credible. 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 contributed to an absence of competition. While observers considered the military generally professional and apolitical, the National Intelligence Service (SNR) and police tended to be influenced directly by, and responsive to, the CNDD-FDD. Civilian authorities experienced increasing difficulty maintaining control over the security forces as postelection violence increased, particularly during the latter months of the year.

Police and intelligence services responded with disproportionate use of force to peaceful protests against the president's bid for a third term. The security forces, widely believed to be heavily infiltrated by CNDD-FDD party youth, detained hundreds of protesters, and were accused of mistreating protesters in custody. As many as 100 persons died in the protests. Human rights observers alleged a campaign of intimidation and harassment intended to create an environment of self-censorship and minimal political debate. Government agents shut all independent media outlets in May, and only a few outlets reopened by year's end.

The principal human rights abuses included extrajudicial killings, including reports of victims disposed of in mass graves; arbitrary and politicized detention, often in inhuman and life-threatening conditions; and widespread government disregard for the freedoms of speech, press and media, assembly, and association.

Other common human rights abuses included disappearances; a highly politicized judicial system that lacked independence from the executive branch; and prolonged pretrial detention, often without formal charges. Authorities harassed and intimidated journalists and members of civil society and nongovernmental organizations (NGOs) who criticized the government and the CNDD-FDD.

Government corruption was a serious problem. Security forces reportedly raped women and girls, and widespread sexual and gender-based violence and discrimination against women and girls was a serious problem. Human trafficking occurred. Discrimination against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, persons with disabilities, and persons with albinism occurred. Authorities did not respect labor rights, and forced child labor existed.

The reluctance of police and public prosecutors to investigate and prosecute, and of judges to hear, cases of government corruption and human rights abuse in a timely manner resulted in widespread impunity for government and CNDD-FDD officials.

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. There were reports that the government or its agents disposed of some of the victims in mass graves.

Between April and the end of the year, the UN Office of the High Commissioner for Human Rights (OHCHR) documented more than 400 killings of individuals, many of them cases of extrajudicial killings committed by police, the SNR, military personnel, and local government officials. OHCHR documented four cases of arbitrary or unlawful killings in 2014.

On December 11 and 12, police responded to an early morning attack on three military installations by conducting house-to-house searches in several neighborhoods of Bujumbura perceived as opposed to the President Nkurunziza. Numerous civilian victims were found killed with their hands bound behind their backs and bullet holes to the head. The official death toll from the fighting was 87, but independent observers estimated that between 150 and 200 persons died. On January 15, 2016, the UN High Commissioner for Human Rights released a statement calling for an immediate investigation into the events of December 11 and 12, citing reports, including eyewitness accounts, of mass graves containing the bodies of those killed on December 11 and 12. The High Commissioner stated that, “We’ve received numerous allegations that during the initial search operations on 11 and 12 December in the Musaga, Nyakabiga, Ngagara, Cibitoke, and Mutakura neighborhoods of Bujumbura, police and army forces arrested considerable numbers of young men, many of whom were later tortured, killed, or

taken to unknown destinations.” On January 28, 2016, Amnesty International (AI) released a report citing satellite imagery and eyewitness accounts as indicators that victims from December 11 and 12 were buried in mass graves.

According to Human Rights Watch (HRW), on October 3, men in police uniforms shot and killed a camera operator for the state broadcaster in the Ngarara neighborhood of Bujumbura. Police then ordered the camera operator’s wife, two children, a nephew, and a local guard to lie in the street before shooting them in the head and killing them.

On July 14, Benjamin Mbonimpa and Emmanuel Harimenshi, two brothers active in the Movement for Solidarity and Democracy (MSD) opposition party, were discovered dead with their arms bound in a canal in Buterere, Bujumbura. Mbonimpa and Haremenshi were active in anti-third-term political protests. Shortly before their deaths police allegedly discovered weapons at the brothers’ residence and the SNR began a search for them.

From July to October 2014, a number of corpses appeared in Lake Rweru, which is bisected by the border between Rwanda and Burundi. In December 2014, Burundi’s minister of foreign affairs accepted an offer of forensic assistance from a group of countries through an international NGO for an investigation led by the African Union (AU). Rwandan officials stated their government also supported a joint investigation, but no investigation occurred during the reporting period.

On October 13 in the Ngagara neighborhood of Bujumbura, a group of opposition members attacked three police officers in civilian clothing. The attackers bound the officers’ arms and killed two of them with grenades. The third escaped.

b. Disappearance

According to OHCHR, no totals on cases of disappearance were available. On January 15, 2016, the UN High Commissioner reported an increase in enforced disappearances, including disappearances related to the events of December 11 and 12. Following the May 13 attempted coup against President Nkurunziza, several alleged coup plotters within the military went missing, and their whereabouts remained unknown at year’s end. OHCHR received reports of unidentified bodies found by the road near the airport.

In July the government intercepted a large group of alleged rebels in Kayanza Province and detained them in an unknown location. In response to requests for

access, the Ministry of External Relations and International Cooperation invited several UNICEF and International Committee of the Red Cross (ICRC) workers to accompany its officials to a high school in Cibitoke Province to visit the detainees. Approximately one-third of the detainees were minors, including seven children under the age of 15. UNICEF requested that the children under age 15 be reintegrated with their families immediately, and the government released them to the National Independent Human Rights Commission (CNIDH). CNIDH detained the children under 15 in its facilities in Bujumbura for a few days and then sent them to their families without following procedures. UNICEF reported the anomalies have made follow-up with the children nearly impossible and considered them disappeared for a time. At the end of the year, UNICEF continued to work on identifying and locating the children, and ascertaining their welfare.

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

The constitution and penal code prohibit such practices, but there were reports government officials employed them (see section 1.a). From April 26 through the end of the year, OHCHR documented 263 cases of torture and mistreatment by security personnel. No information on any arrest or conviction of the perpetrators was available. Most of the victims were members of opposition political parties and participants in anti-third-term protests.

Authorities arrested Dieudonne Ntiburumunsi on August 11, and his body was found in a distant town on August 18. Assailants had cut off three fingers of his left hand. The family filed a lawsuit, but as of late October, authorities had taken no action on the case.

In September Amnesty International (AI) published a report called “Just Tell Me What to Confess To” documenting the stories of young men who had been mistreated by SNR because of their participation in the anti-third-term protests. Survivors related experiences ranging from beatings and sleep and food deprivation to confinement in cramped spaces and burning with acid. The AI report identified SNR and armed members of the Imbonerakure, the youth wing of the governing party, as the primary perpetrators of abuses.

Cruel, inhuman, or degrading treatment or punishment in detention remained a serious problem.

On June 5, SNR agents detained Egide Ndayikuriye and a neighborhood acquaintance. SNR agents took Ndayikuriye to SNR headquarters and beat him violently with pipes and chains on his hips, thighs, knees, and feet. The agents also robbed him, stealing his money and his national identity card. After approximately five hours of abuse, SNR agents determined that Ndayikuriye was not on their list of persons to detain and released him. Ndayikuriye reported he observed at least 10 other persons who SNR agents had beaten. Ndayikuriye's acquaintance disappeared after his detention, and his whereabouts remained unknown at year's end.

On January 15, 2016, the UN High Commissioner for Human Rights released a statement citing rape by security forces during the events of December 11 and 12. The High Commissioner stated, "We have documented 13 cases of sexual violence against women, which began during the search and arrest that took place after the December events in the neighborhoods perceived as supportive of the opposition. The pattern was similar in all cases: security forces allegedly entered the victims' houses, separated the women from their families, and raped--in some cases gang raped--them."

From January through October, OHCHR registered cases of rape committed by government agents, including schoolteachers. Many survivors of rape requested that OHCHR not report or record the rape because of cultural pressures and due to fear of retaliation from state agents. No statistics were available. No prosecutions or convictions occurred.

Security forces responded with water cannons, live bullets, and tear gas during protests against the candidacy and eventual presidency of President Pierre Nkurunziza between April 26 and the end of the year.

On December 30, according to reliable international press sources, UN international peacekeeping troops, including from Burundi, were listed as using a prostitution ring in the M'Poko camp in the Central African Republic, paying CFA 289 to 1,731 (50 cents and \$3) for sex with young girls. While UN sources have not officially confirmed participant nationalities, UN officials were cited in the press accounts as the source for the countries being implicated.

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 October 8, there were 8,746 inmates in the 11 prisons, which were built before 1965 to accommodate 4,050 inmates. Of the 8,746 inmates, 345 were women, 175 were convicted juveniles, 124 were juveniles awaiting trial, and 57 were children under age three (who were living with their incarcerated 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. Detention of protesters, most eventually charged with insurrection, swelled the population of the already crowded prisons after May. The Association for the Protection of Human Rights and Prisoners (APRODH) estimated SNR and police detained 1,000 youth by midsummer, and OHCHR estimated that by mid-October 500 protesters remained in detention centers. Authorities released many youth after a short time in detention.

Juvenile prisoners occupied the same prisons as adults. Authorities rehabilitated 10 of the 11 prisons to provide separate areas for juvenile prisoners but often allowed adult prisoners in those areas due to overcrowding. Authorities generally held juveniles with adults in detention centers and communal lock-ups. Authorities commonly held pretrial detainees with convicted prisoners.

The government detained 53 minors, including seven children under age 15, in a cross-border incursion in Kayanza Province in July. As a condition of their release from Rumonge prison, the minors participated in a patriotic re-education course. As of October at least 13 other minors detained in Kayanza remained scattered in other prisons, while UNICEF had not completed confirming the whereabouts of the seven children under the age of 15 (see section 1.b).

According to government officials and international human rights observers, prisoners suffered from digestive illnesses and malaria. An unknown number died from disease. Each inmate received 12 ounces of manioc and 12 ounces of beans daily; rations also included oil and salt on some days. Authorities expected family and friends to provide funds for all other expenses. 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; inmates with serious medical conditions were sent to local hospitals. ICRC was the sole provider of medicines.

In late September officials transported 28 high-profile prisoners accused of participating in the failed May 13 coup attempt to the Central Prison in Gitega. On October 5, prison officials attempted to move the 28 prisoners into isolation cells, but other prisoners prevented the action. Prison officials cleared all civilian employees and human rights monitors from the prison and brought in reinforcements, but they failed to separate the prisoners. On October 6, the Antiriot Brigade, led by Desire Uwamahoro, failed as well. On October 7, reportedly up to 500 additional police arrived in Gitega to help subdue the prisoners. Police elements threatened to kill the director of Gitega Prison if he tried to intervene in police action. On October 8, one of the prisoners led a negotiation seeking agreement that the 28 alleged coup plotters would enter the isolation cells if police refrained from using violence against any prisoners. The standoff ended peacefully. At year's end, the alleged coup plotters reportedly were incarcerated four to a cell in isolation cells intended to hold a single individual. Human rights observers noted the cells did not have windows or toilet facilities.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but judicial authorities rarely investigated prisoners' complaints.

Independent Monitoring: During the year the government permitted all visits requested by international and local human rights monitors, including monitors from OHCHR and the ICRC. Monitors visited all prisons, communal lock-ups, and SNR detention centers regularly. Monitoring groups had complete and unhindered access to those prisoners held in known detention facilities.

d. Arbitrary Arrest or Detention

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

In mid-September provincial governors and security forces detained approximately 200 young men in three major population centers. In Gitega Province, Governor Venant Manirambona stated the youths were all heading to the south and might have been intending to join a rebel movement. Similar mass detentions occurred in Bujumbura and in Makamba provinces. Authorities released the youths after a few days.

Towards the end of the year, human rights observers and civilians reported instances in which security forces appeared to detain persons for money, mostly

according to the individual's ability to pay bail. Security forces reportedly detained individuals and then sent an intermediary to the person's family to offer information on the person's whereabouts for a fee. Families of detainees reported negotiating bail sums with security forces to secure the release of detainees.

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. Police, the SNR, the armed forces, and local officials committed human rights abuses.

The constitution provides for equal numbers of Hutu and Tutsi in the military, police, and SNR to prevent either of these ethnic groups from having disproportionate power that might be used against the other group. The formal integration (with international oversight and assistance) of Hutu into the previously Tutsi-dominated army began in 2004 and was largely successful. Tutsis tend to be older than their Hutu counterparts, and some fear that the replacement rate does not respect the ethnic balance provided for by the constitution. The integration of police and SNR was less successful; SNR in particular never achieved ethnic equilibrium.

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

Approximately 75 percent of police were former rebels; 85 percent received minimal entry-level training but no refresher training in the past five years; and 15 percent received no training. Due to low wages, petty corruption was widespread.

The public perceived police as heavily politicized and responsive to the CNDD-FDD. Police officials complained that militant youth loyal to the CNDD-FDD and President Nkurunziza infiltrated their ranks. Civil Society Organizations (CSOs) noted the weaponry carried by some supposed police officers was not in the official arsenal. Between April 26 and late July, police estimated 231 officers were wounded in responding to protests, 23 died, and 67 deserted their positions. Police

did not provide numbers on their losses at year's end. Many Burundians believed police under-reported their losses to keep morale high and to mask the incorporation of political allies, often with no formal training, into the official government security forces. Police officials prevented citizens from exercising their civil rights and were implicated in torture, killing, and extrajudicial execution. During street protests in April and May, the military intervened to protect civilians from police brutality. The government's general reluctance and slowness to investigate and prosecute these cases resulted in a widespread perception of police impunity and politicization.

On July 1, police and SNR agents encircled the Bujumbura neighborhood of Mutakura and prevented residents from leaving and journalists and the ICRC from entering while they searched for weapons. At least 13 persons, including seven civilians, died by the end of the eight-hour operation. Eyewitnesses named police officers and other government officials responsible for the deaths of Pantaleon Hakizimana and his sons Fleury and Franck, but authorities launched no official inquiry.

The international community provided instruction at the police academy on human rights, the code of conduct, and community-oriented policing. Due to serious human rights abuses during the year, however, international donors suspended or canceled many of these programs.

The president, in collaboration with the cabinet, reactivated mixed security committees in towns and villages throughout the country. Authorities intended such committees, whose members came from local government, regular security services, and the citizenry, to play an advisory role for local policymakers and to flag new threats and incidents of criminality for local administration. NGOs expressed concern the committees allowed the Imbonerakure, the youth wing of the ruling CNDD-FDD, a strong role in local policing and put the governing party in a position to harass and intimidate opposition members on the local level. The mixed security councils remained controversial because lines increasingly blurred between Imbonerakure and police. Imbonerakure reportedly detained individuals for political or personal reasons.

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

In January an invading force of approximately 150 rebel soldiers crossed the border into Cibitoke Province from the Democratic Republic of the Congo (DRC). Locals alerted security officials to their movements, and in the communes of Bukinanyana and Murwi security forces clashed with the rebels. Four days of fighting left approximately 90 rebels dead and 12 taken prisoner. There were reports the remaining rebels escaped into Kibira Forest. After considerable pressure to investigate such a high percentage of deaths, including some rumored to have taken place after the rebels were in custody, a government commission eventually produced a report promising to punish those determined guilty. Authorities determined three alleged rebels disappeared after being placed in the custody of police units, and authorities attributed all other deaths to active fighting. Authorities opened cases against police officials implicated, but there were no convictions by year's end.

The country has contributed peacekeepers to the AU Mission in Somalia since 2008 and to the United Nations' Multidimensional Integrated Stabilization Mission in the Central African Republic since 2014. The international community was heavily engaged in training the armed forces and regularly provided courses in international humanitarian law and in countering sexual and gender-based violence to soldiers assigned to the Somalia mission (see section 1.c). In September 2014 Human Rights Watch (HRW) released a report detailing systematic sexual exploitation of women and girls in Somalia including by Burundian soldiers. The government named a commission to investigate the allegations, and in January the commission released a report that found no proof of wrongdoing by Burundian peacekeepers but instead criticized HRW's methodology.

The SNR has mandates for both external and internal security. Observers believed SNR's ranks expanded during the year with youth loyal to the CNDD-FDD. 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 as heavily politicized and responsive to the CNDD-FDD. NGOs, including AI and HRW, asserted SNR officials colluded with the Imbonerakure in torture and extrajudicial killings.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person 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 a seven-day extension if they require additional investigation time.

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 an additional seven 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 have authority to release suspects on bail, but they rarely used it. Suspects may hire 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, particularly those detainees accused of opposing the government.

Arbitrary Arrest: According to APRODH and OHCHR, police, SNR personnel, and local administrative authorities arbitrarily arrested more than 3,000 persons between April and the end of the year. Authorities released at least 2,000 detainees without charges and, of those, authorities released many within a day or two of their detention. OHCHR estimated more than 500 persons remained in detention in October across the country. Many of the detainees participated in the protests against the president's bid for a third term.

SNR agents detained Anatole Bararusanze near his home in Cibitoke, Bujumbura, on August 24. After torturing him SNR agents accused him of disturbing elections, supporting protesters, and possessing arms. Authorities transferred Bararusanze from the SNR lock-up to Mpimba prison without due process; he remained in prison--accused of posing a threat to internal security--at year's end.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The law specifies that authorities may not hold a person longer than 14 days without charge. As of October according to the director of prison administration, 56.7 percent of inmates in prisons and detention centers were pretrial detainees. The average time in pretrial detention was one year, and authorities held some without charge. Some persons remained in pretrial detention for nearly five years. In some

cases 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, authorities deprived many persons of their legal right to be released on their personal recognizance because public prosecutors failed to open case files or because prosecutors and court officials could not find the files. Others remained incarcerated 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.

On September 25, authorities arrested Colonel Leonidas Hatungimana at army headquarters on charges that he had distributed weapons to protesters. Authorities transferred him to SNR facilities, where his family claimed authorities subjected him to cruel and inhuman treatment. He had little or no contact with family and legal support. On October 27, SNR moved Hatungimana to an unknown location.

Amnesty: In July 2014 the president issued a general pardon for good behavior to prisoners who had served more than 20 years of a life sentence or served part of a five-year sentence. As of November authorities released 1,480 prisoners, 421 had their sentences reduced from life to 20 years, 1,575 had their sentences reduced by half, and authorities released 349 on their own recognizance.

e. Denial of Fair Public Trial

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

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

Trial Procedures

The law presumes defendants innocent. Panels of judges conduct all trials publicly. Defendants have the right to prompt and detailed information of the

charges and 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.

In October those detained during the April-June protests appeared for their first hearing. The hearing took place without advance notice in the not easily accessible Mpimba Prison.

All defendants, except those in military courts, have the right to appeal their cases to the Supreme Court. The inefficiency of the court system 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 reasons such as national security or when publicity might harm the victim or a third party; for example, cases involving rape or child abuse. Defendants in military courts are entitled to only one appeal.

Political Prisoners and Detainees

OHCHR estimated there were more than 500 political prisoners or detainees, not including the MSD youths arrested in March 2014. The government denied it held persons for political reasons, citing instead threats against the state, participation in a rebellion, and inciting insurrection.

In March 2014 a group of youths associated with the opposition MSD party engaged in a violent confrontation with police. After a dragnet operation and a

trial that failed to meet the country's legal standards, 44 of the youths received long prison sentences. Their lawyers appealed the harshness of the sentences and the prosecution simultaneously appealed their leniency. The appeals hearings were delayed for months while the Ministry of Justice failed to release consolidated documents on the multiple cases to the lawyers for the defense. In 2014 five appeals hearings took place in the prison where authorities detained the youths. Each hearing ended inconclusively because authorities had not allowed the defense to prepare. The Ministry of Justice released the consolidated documents to the team of defense lawyers during the year, but the case saw no movement until late August, when judges called lawyers to a hearing with no advance notice. The court reached no decision, and the youths remained in preventive detention at year's end.

Prison authorities did not treat political prisoners differently from other prisoners, and international human rights and humanitarian organizations had access to them. Those detained for alleged participation in the failed May 14 coup received similar treatment, and authorities eventually granted monitors access to them.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations and may appeal decisions to an international or regional court. Independent journalists, for example, contested the 2013 media law in the East African Court of Justice and won their appeal. The decision obliged Burundi's parliament to review the law and make changes to it.

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. Police, SNR agents, and Imbonerakure--sometimes acting as mixed security councils--set up roadblocks and searched vehicles for weapons. They conducted search-and-seizure operations in the contested neighborhoods of Bujumbura. During these searches security agents seized a very small number of weapons and a considerable number of household items they claimed could be used to supply an insurgency, such as large cooking pots and mosquito nets.

Individuals often need membership in or perceived loyalty to a registered political party 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.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Protests against a third term for the president rocked Bujumbura from April 26 through late October. Protesters, led by civil society groups and political opposition parties, announced peaceful protests. Police, SNR, and irregular security forces responded with live bullets, water cannons, and tear gas. The use of violence escalated on both sides. Opposition groups threatened residents who wanted to go to work and burned tires--and sometimes vehicles--to prevent them from leaving their neighborhoods and breaking solidarity. As the confrontation continued, security forces accused residents of certain neighborhoods of throwing grenades at them. The population generally feared police, SNR, and irregular security forces and looked to the military for support and protection. By year's end, slightly more than 225,000 persons had fled the violence and instability in the country for refugee camps in Tanzania, Uganda, Rwanda, and the DRC.

Killings: OHCHR documented more than 400 killings between April 26 and the end of the year. There were reports that the government or its agents disposed of some victims in mass graves. There were numerous reports of such abuses similar to the following example: on October 15, security forces killed between nine and 11 persons in the Ngagara neighborhood of Bujumbura. Protesters died from wounds sustained while protesting, due in part to security forces' use of live bullets and in part to the poor medical infrastructure. In addition to deaths associated with the protests, the government reported at least two major cross-border incursions of unidentified rebel forces. In Cibitoke Province a government commission confirmed the deaths of three individuals accused of participating in a rebellion after they were in police custody.

Abductions: Security forces abducted individuals, particularly young men, from neighborhoods perceived as supportive of the opposition during the year. OHCHR observed that human rights defenders labeled many arbitrary detentions as abductions. Many abductions, particularly those for which the SNR was responsible, resulted in the death of the person detained. OHCHR did not have an estimate on how many persons authorities had abducted.

Physical Abuse, Punishment, and Torture: Protesters reported mistreatment at the hands of police and the SNR after their detention. HRW published a report entitled "Burundi: Spate of Arbitrary Arrests, Torture," relating the experiences of

noncombatants whom SNR, police, and Imbonerakure perceived to be disloyal to the Nkurunziza administration. Security forces reportedly raped women during house-to-house searches in Bujumbura in December.

Child Soldiers: According to OHCHR, the structure of the military prevents the widespread use of child soldiers. In Kayanza Province in early July, however, more than 50 children ages 10 to 17, along with approximately 150 adults, were captured when they allegedly attempted a military invasion from Rwanda. The minors reported they were recruited for work in Rwanda but were implicated in the alleged rebel movement. They had no papers and no knowledge of crossing the border; moreover, many identified their captors as the same people who had recruited them. UNICEF reported it has no proof of child soldiers but that rumors and stories abound. On December 14, Refugees International released the report, “Asylum Betrayed: Recruitment of Burundian Refugees in Rwanda” which included information about the identification of at least six Burundian refugee children recruited into an armed group from refugee camps in Rwanda. The report also cited allegations that individuals, including some wearing military uniforms bearing Rwandan military flag patches, had trained Burundian refugee children in the use of weaponry in the Nyungwe Forest National Park in Rwanda.

Other Conflict-Related Abuses: According to OHCHR, on May 14 and 15, during fighting following the attempted coup, a group of nearly 50 police loyal to the Nkurunziza regime attacked Bumerec Hospital in an attempt to locate and kill three rebel soldiers receiving treatment for injuries. Police stormed the hospital and used hospital staff as human shields while looking for the soldiers. After a rebel soldier shot and killed a police officer, police called for reinforcements, and a group of approximately 150 soldiers loyal to the government arrived to clear the hospital of the injured rebel soldiers. Authorities took two rebel soldiers who were still alive to an unknown location; their whereabouts remained unknown at year’s end.

Additionally, some detainees were denied health care or had treatment for injuries and illnesses interrupted. OHCHR reported some clinics have received instructions to deny medications to protesters; authorities deemed those who provided support guilty of supporting the insurgency.

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, and restrictions on freedom of the speech and press increased significantly following President Nkurunziza's April announcement he would seek a third term in office.

Freedom of Speech and Expression: The law protects public servants and the president against “words, gestures, threats, or writing of any kind” that is “abusive or defamatory” or 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 (\$6.25 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 (see sections 1.d. and 3).

Press and Media Freedoms: Government-owned and operated *Le Renouveau*, the only daily newspaper, and Burundi National Television and Radio (RTNB), the sole television and radio station with national coverage, were the only news media allowed to operate uninterrupted during the year. 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 capacity that could damage the dignity of or respect for the public office.

In 2013 the government passed a media law that required journalists to reveal sources in some circumstances and prohibits the publication of articles deemed to undermine national security. Penalties for failing to observe the law were severe. In 2014 parliament revised the law, stripping it of some of its more draconian elements; however, during the year the government invoked the law to intimidate and detain journalists. On January 20, authorities detained journalist and Director of African Public Radio (RPA) Bob Rugurika for his refusal to name a source who had confessed on air to his participation in the murder of three Italian nuns in Bujumbura in September 2014; the source also implicated senior members of the security forces in the murders. On February 19, authorities released Rugurika; however, the charges against him remained pending at year's end.

Violence and Harassment: The government detained or summoned for questioning several journalists investigating controversial subjects such as corruption and human rights violations or covering the anti-third-term movement. Journalists experienced violence and harassment, and a number fled the country by year's end.

In November the Prosecutor's Office twice summoned for questioning Antoine Kaburahe, director of the country's only independent newspaper, *Iwacu*; the government alleged Kaburahe participated in the failed May coup attempt. Following his second summons, Kaburahe fled the country.

On April 27, the day after political protests began against the president's decision to seek a third term, government officials, including Minister of Interior Edouard Nduwimana, attempted to shut RPA. Government officials scaled the walls of the RPA compound and accused the station of inciting insurrection for its coverage of the protests. Negotiators reached a compromise allowing RPA to continue broadcasting but prohibiting live coverage of the protest. On April 26, RTNB cut all independent radio stations' access to its broadcasting towers, effectively preventing the interior of the country from receiving independent radio outlet broadcasts. On May 14, during fighting following the failed coup, unidentified attackers burned the four primary independent radio stations in Bujumbura and destroyed their equipment. Independent radio stations remained off the air at year's end pending a Ministry of Justice investigation that barred journalists and owners from accessing the studios, which were considered crime scenes.

All original stringers and correspondents for a foreign official news service fled the country by year's end in response to harassment and threats from government operatives or sympathizers, including threats delivered in person, via telephone and text, and a grenade attack. On June 5, unidentified assailants threw a grenade at the house of the family of Diane Nininahazwe, a foreign official news service reporter. The attack injured no one; it occurred after she had received threatening messages over several days. By year's end the targeted foreign official news service engaged new stringers to continue reporting.

On August 2, a rocket attack killed former SNR chief Adolphe Nshimirimana. Journalist Esdras Ndikumana, covering the story for Radio France International (RFI) and Agence France Presse (AFP), was first on the scene. He photographed the damaged vehicles in the convoy until SNR made him stop. SNR detained Ndikumana for two hours, beating him with a variety of objects on the back, legs, ribs, soles of the feet, and hands. Ndikumana left the country for medical treatment. After more than a week, the government issued a statement promising to take internal measures to investigate, but at year's end, it had taken no steps. Ndikumana, AFP, and RFI sued the government for damages in October.

Reporters Without Borders and local media outlets estimated 75 to 80 percent of the independent journalists fled the country due to growing threats from pro-government groups. Between 50 and 60 percent of the country's journalists fled in May, and in October the outward flow resumed. Acts of intimidation and violence began to focus on the most influential journalists after the inauguration of the newly elected government in late August.

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 caused a climate that fostered a high degree of self-censorship. Journalists working for the national broadcaster reported practicing self-censorship. Those who would not self-censor reportedly faced "reassignment" to jobs where they did not have access to the public.

Libel/Slander Laws: 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.

In 2014 Leonce Ngendakumana sent a letter to the UN secretary-general on behalf of the opposition coalition ADC-Ikibiri to alert the international community to concerns about violence during Burundi's election cycle during the year. Authorities charged Ngendakumana with libel, jeopardizing state interests, and inciting racial aversion. He defended himself in court by demonstrating that each point in his letter was factually true and, therefore, not slander. Authorities acquitted him of the first two charges but sentenced him to one year in prison and the payment of damages of one million Burundian francs (\$625) each to the CNDD-FDD and Radio REMA FM. He appealed in December, but authorities set no date for his hearing. He remained at liberty pending his appeal hearing.

Nongovernmental Impact: The Imbonerakure, in spite of their links to a political party, collaborated closely with government security forces. In some cases, they

were official members of Mixed Security Councils (comprised of police, local administration, and civilians), but at times they appeared to serve as irregular security forces carrying out the party's agenda with the government's resources. Journalists and human rights defenders accused Imbonerakure of acting as irregular security forces, following, threatening, and attacking individuals they perceived as opposition supporters.

On May 14, during the fighting associated with the coup, protesters burned the facilities of independent but progovernment Radio REMA FM. Like the other independent radios, authorities declared Radio REMA FM's facilities a crime scene under investigation by the Ministry of Justice. Unlike the others, however, authorities completed the investigation, and by mid-fall Radio REMA FM was operational.

Internet Freedom

The government blocked the use of two or three social media applications on mobile networks for several days following the May 13 attempted coup. There were no verifiable reports the government monitored e-mail or internet chat rooms. According to the International Telecommunication Union, 5 percent of individuals used the internet. In the absence of independent radio, citizens relied heavily on WhatsApp, Twitter, and Facebook on both internet and mobile telephone networks to get information about current events.

Academic Freedom and Cultural Events

During the demonstrations in April and May, the government closed the national university as well as several private universities, fearing protesters were using campuses to coordinate the protests. The government canceled music concerts for fear of insurrection.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but the government restricted this right severely (see section 1.d). The law requires political parties and large groups to notify the government prior to a meeting, but even when notified, authorities denied permission for opposition members to meet and dispersed meetings already underway. Many opposition political parties decided to

boycott elections in response to consistent denials of permission by authorities to hold campaign rallies.

In January, MSD attempted to hold its annual congress to select a presidential candidate. The first venue MSD rented became unavailable for unknown reasons shortly after MSD informed the Ministry of Interior about the event, in keeping with the law. Ministry officials sent a formal letter to MSD leadership expressing their concern that the approximately 6,000 persons involved in the congress would not fit comfortably in a room (as required by party statutes). MSD proposed, also by formal letter, to hold the event in a privately owned field, but the ministry objected, again by formal letter, because it was not a room and because it would be impossible to provide security. MSD eventually held the congress in the field with slightly fewer than its full cohort but only after a lengthy negotiation with the ministry.

The CSOs leading the anti-third-term protests informed the Ministry of Interior of their intention to march peacefully in advance of the scheduled protest date, but protesters encountered heavy police and SNR resistance to their planned marches from the outlying neighborhoods to the center of Bujumbura. Government security forces responded to unarmed civilian protesters with live bullets, tear gas, and water cannons. Violence on both sides, but primarily from the government, escalated quickly until the aborted coup attempt of May 13. After mid-May the government showed zero tolerance for any public group activities and prevented, often with violence, small groups of citizens from coming together in public, for any purpose.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right.

On November 19, the prosecutor general froze the assets of 10 CSOs, many of which worked on governance, civil liberties, and human rights issues. The government accused the CSOs of participating in the May 13 coup attempt and of working to overthrow the government. On November 25, the Ministry of Interior formally suspended the operations of these CSOs.

In August a commission headed by the attorney general named the majority of the leaders of anti-third-term CSOs and all opposition parties as responsible for the 51 billion Burundian francs (\$31.9 million) in damages and lost revenue caused by the

protests. Most CSO leaders fled the country after receiving threats against themselves and their families; many reported being unable to work and live in peace for months before they fled.

In December 2014 several progovernment CSOs sent a letter requesting that the Ministry of External Relations and International Cooperation nullify the newly formed UN human rights defenders network because the United Nations had failed to observe the ethnic balance required by the 2000 Arusha Peace and Reconciliation Agreement for Burundi. On January 13, the ministry canceled the network, delaying funding and ongoing projects underway since the network's inception in 2014. After negotiations between the United Nations and the government, participants relaunched the network with language on inclusivity that satisfied the government's concerns.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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, but the government severely restricted 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 refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: There were regular reports that government security forces or its agents tried to block individuals from fleeing the country both at the border and in transit to the border. When civilians began to flee the anticipated electoral violence, would-be refugees reported that in Kirundo and Makamba provinces, government and governing party personnel attempted to prevent them from moving towards the borders. In early May, UNICEF reported refugees blocked on a beach in southern Burundi; however, the government later allowed civilians to cross into Tanzania in UNICEF's presence. In October refugees left the country for Rwanda, the DRC, and Tanzania at the rate of 300 to 500 per day.

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. Authorities required permits for movement outside of one's community during those hours, and police enforced the restrictions through roadblocks. Persons could obtain waivers in advance. All foreign residents were exempt.

Foreign Travel: Many middle and upper class citizens fled the country during the political unrest, and, on a few occasions, the passport office failed to produce passports in a timely fashion. The price of passports fluctuated as well, from 50,000 francs to 235,000 francs (\$31 to \$147). Charles Nditije, leader of the opposition wing of the Union for National Progress (UPRONA) party, attempted to get a tourist passport (as a deputy he holds an official passport), but as of mid-October, the passport had been delayed without explanation for more than two months. Additionally, Interpol reported that 46 high-profile opposition figures, including several with official passports, found that authorities had canceled their passports when they attempted to travel on them while abroad. Authorities required exit visas for persons who held nonofficial, nonstate passports; these visas cost 48,000 Burundian francs (\$30) per month to maintain.

Exile: The law does not provide for forced exile, and the government did not practice it. Many political opposition members, civil society leaders, and journalists went into voluntary exile to escape threats and violence.

Internally Displaced Persons (IDPs)

Because of successive waves of civil war and unrest beginning in 1972, there were approximately 80,000 IDPs at 120 sites throughout the country, according to 2013 UNHCR estimates. Some IDPs reported feeling threatened because of their perceived political sympathies. Some IDPs attempted to return to their places of origin, but the majority returned to the sites or relocated to urban centers. The government generally permitted IDPs to be included in programs provided by UNHCR and other humanitarian organizations to benefit returning refugees, such as shelter and legal assistance programs.

During the political unrest that began in late April, many citizens sent family members out of contested neighborhoods in Bujumbura. On November 18, Refugees International released the report "You Are Either With Us Or Against Us: Persecution and Displacement in Burundi," which discussed the situation of IDPs, many of whom held jobs in civil society, independent media, education, or

medical professions prior to the political unrest but fled into hiding due to threats and violence. The political unrest during the year created an unknown number of new IDPs.

Protection of Refugees

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

Approximately 56,000 Congolese refugees remained in the country, prevented from returning to the DRC because of continuing violence there. While the country offered the relative security of camps, the government did not offer local integration to the majority of refugees, citing the added strain on land and jobs that such an effort would produce. Efforts to resettle Congolese refugees in foreign countries began during the year.

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

Stateless Persons

Citizenship generally derives from citizenship of parents. According to UNHCR an estimated 1,400 stateless persons lived in the country at the end of 2012. All were from Oman, were awaiting proof of citizenship from the government of Oman, and had lived in Burundi for decades. The government offered the stateless Omanis citizenship if they could not get Omani citizenship.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability. Burundi held legislative, communal, and presidential elections during the year, but the international community and independent domestic organizations widely condemned the process as deeply flawed. Several progovernment CSOs observed and validated the elections. The UN Electoral Mission in Burundi was the sole international observer of the voting; the AU and the EU declined to legitimate the process. Intimidation, threats, and bureaucratic hurdles colored the campaigning and voting period, resulting in low voter turnout and a boycott by most political opposition parties.

Elections and Political Participation

Recent Elections: During the year the government held four separate elections: communal councils and national assembly (June), presidential (July), senate (July), and village councils (August). Citing their inability to campaign fairly and freely, most major opposition parties called on their adherents to boycott the elections. Voter turnout in Bujumbura was very low for all four elections. In the provinces voter turnout fluctuated, but little independent reporting on participation was available. President Nkurunziza announced April 25 he would seek a third term, a violation of the terms of the Arusha agreement. Security forces responded with violence to quell demonstrators opposed to Nkurunziza's third term candidacy. The CNDD-FDD won absolute majorities in the national assembly and senate.

The EU's Election Observation Mission departed in late May after determining that sufficient conditions for credible elections could not be met. The AU also declined to send observers. The National Independent Electoral Commission and the Ministry of Interior provided a series of bureaucratic obstacles to opposition parties, including failing to recognize party leadership, refusing to permit legal party meetings, and loading electoral decision making bodies with CNDD-FDD loyalists. Members of the youth wings of the CNDD-FDD and opposition political parties, police, and the SNR were the main perpetrators of intimidation and violence before, during, and after the elections.

Political Parties and Political Participation: According to law to qualify for public campaign funding and compete in the legislative and presidential elections, parties needed to be "nationally based" (ethnically and regionally diverse) and demonstrate in writing they organized and had membership in all provinces. The Ministry of Interior recognized 38 political parties. Two other parties--FNL (Forces for National Liberation)-Rwasa and UPRONA-Nditije--had members, but authorities did not officially recognize them. Only the Union for Peace and Development, previously split into recognized and unrecognized wings, successfully reunited and became a single party.

Ministry of Interior involvement in opposition party leadership and management kept opposition political parties weak and fractured. In 2013 the governing party and opposition met during a UN-backed workshop and agreed on a roadmap for the 2015 elections as well as the adoption of an electoral code. After the meetings ended, the government pulled back from its commitments. It stated the law and constitution allow only legally constituted political parties, coalitions of political parties, and independent candidates to run for office, and that unrecognized leaders

of parties and political actors not associated with a party could play no role in the political process. This stance effectively disenfranchised opposition party wings and prevented their leaders from developing platforms and running campaigns in the months before this year's elections.

UPRONA-Nditije and FNL-Rwasa formed a government-recognized coalition of independents, Abigenga, Mizero Y'Abarundi (Independents, Hope for Burundi). The coalition faced administrative, bureaucratic, and security hurdles during the campaign season but fared well in legislative and presidential elections despite its calls for its adherents to boycott. In a major reversal, Rwasa and his followers took the seats they won in the national assembly, but Nditije and all but one of his followers continued to protest by not taking their seats in the national assembly. Those seats nominally were held by Nditije's followers in Abigenga, but at year's end they continued to protest the process by boycotting the government and refusing to occupy the seats. The coalition had limited power within the government.

Government security forces heavily targeted the MSD opposition party during the electoral cycle. As of July MSD confirmed that police or Imbonerakure had killed more than 100 of its members in the protests. MSD noted that authorities had forced 265 of its proposed candidates into exile and kept 179 in prison. Violence against MSD continued after the elections. On October 17, citizens found the body of MSD leader Charlotte Umugwaneza; it showed signs of torture.

Violence and arbitrary detention perpetrated by the Imbonerakure, police, and the SNR escalated as the electoral cycle advanced. According to HRW members of the Imbonerakure, sometimes outfitted with official police uniforms, detained and beat individuals perceived to be opponents of Nkurunziza seeking a third term. Between April and July, human rights defenders and CSOs accused the Imbonerakure, police, and the SNR of 148 arbitrary detentions or acts of political violence.

Participation of Women and Minorities: The constitution reserves 30 percent of seats in the national assembly, the senate, and the communal councils for women. After the August inauguration of the new government, 42 women held seats in the 121-seat national assembly and 18 women in the 41-seat senate. The constitution provides for 30 percent of seats in government for women, and government institutions absorbed persons after the elections in order to meet gender, as well as ethnic, quota requirements. Women held six of 20 ministerial positions. Additionally, there were 11 women on the 28-member Supreme Court and one

woman and two vacancies designated for women on the seven-member 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 law designates three seats in each chamber of parliament for the Twa ethnic group, which makes up less than 1 percent of the population.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but corruption remained a very serious problem. The government did not fully implement the law, and some high-level government officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The 2005 constitution provides for the creation of a High Court of Justice to review accusations of corruption against high-ranking positions, including the president, the two vice presidents, ministers, the speakers of the parliament, members of parliament, and judges; however, the government had not established the court by year's end. The anticorruption law applies to the rest of its citizens, but no high-ranking person has stood trial for corruption.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace.

RPA reported in September the CNDD-FDD transferred fuel tax income from the country's public coffers to the Imbonerakure, stating official rates for importing a tanker were 20 million Burundian francs (\$12,500) but that in reality importers paid closer to 32 million Burundian francs (\$20,000). The party allegedly shuffled the difference to party accounts for disbursement to irregular security forces, including the Imbonerakure.

There were allegations of corruption due to the government's fixed price of gasoline and fluctuations in the price of gasoline on the global market. The government fixed-price for gasoline was 1,880 francs (\$1.18) per liter, and the government retained 660 francs (\$0.41) as taxes. A consumption rate of 11 million liters per year brings in approximately 70 billion francs (\$43.7 million) in revenue. The budget for the year estimated 21 billion francs (\$13.1 million) in revenue, giving the government approximately 48 billion francs (\$30 million) in untracked revenue. Low world oil prices drove up the revenue further.

Judicial corruption occurred. Authorities often punished judges who failed to follow politicized instructions.

The Tax and Customs Revenue Authority (OBR) has an internal antifraud unit, and observers have accused OBR officials of fraud.

The state inspector general and the Anticorruption Brigade of the Ministry of Good Governance and Privatization were 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.

In 2014 the Anticorruption Brigade investigated 163 cases. The brigade claimed it recovered more than 292 million Burundian francs (\$187,000) and prevented more than 1.5 billion Burundian francs (\$900,000) in government losses.

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

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. By law the president, two vice presidents, and cabinet ministers are obligated to disclose assets upon taking office, but the nonpublic nature of the disclosure means this provision cannot be confirmed. No other officials are required to disclose assets. There was no record of such disclosures, and the law provides no penalty 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

Domestic and international human rights groups struggled to operate without government restriction. Many human rights defenders fled the country after receiving threats against themselves and their families. Many CSO workers who remained in Bujumbura reported they did not travel after dark and slept in different houses each night for safety.

In November the prosecutor general froze the bank accounts of 10 NGOs, including several prominent human rights NGOs such as APRODH. The minister of interior suspended the licenses of and all activities by the organizations later the same month, citing as justification the organizations' alleged role in the May failed coup attempt and other alleged antigovernment activities (see section 2.b). Human rights groups continued to operate and publish newsletters, often from another country.

On August 3, unknown assailants on a motorbike shot Pierre Claver Mbonimpa, President of human rights NGO APRODH, in the cheek and neck while he was returning home. Mbonimpa sought medical treatment and rehabilitation abroad and remained out of the country at year's end. The government did not make public efforts to identify his assailants. The attack followed months of threats against Mbonimpa and other human rights advocates. On October 9, unknown assailants shot and killed Mbonimpa's son-in-law, businessman Pascal Nshimirimana, in Bujumbura. On November 6, police detained Mbonimpa's son, Welly Nzitonda, as he was leaving his neighborhood in Bujumbura; authorities found him shot and killed later that day.

During the year progovernment local NGOs grew stronger and more vocal. They tailored their messages to confuse or dilute the objectives and work of independent organizations. The progovernment National Observatory of Elections and Organizations for Progress and the Integrated Platform for Civil Society fielded observers on the three voting days and reported turnout was high, all voters were peaceful, and the process was legitimate. While mostly true, their statements hid the fact that targeted threats drove independent observers from the country and that many citizens reported structural exclusion from the electoral process, due to problems with their identity documents and overt threats against those perceived to be sympathetic to the opposition.

The United Nations or Other International Bodies: The AU called upon the country to receive human rights monitors prior to the presidential election and to allow them to stay in country to monitor developments during the post-electoral period. The government accepted the monitors but then delayed issuing visas for

the monitoring teams until late afternoon of the day of the presidential election. When the monitors arrived, the government requested a memorandum of understanding--an addition to the agreement already negotiated with the AU--before it would allow the monitors to begin work. On October 17, the AU Peace and Security Council (PSC) released a communique calling for an increase to 100 human rights monitors and military experts and their rapid deployment to the country. At year's end, approximately 10 human rights monitors and military experts were in the country. The government's refusal to conclude the terms of reference for their work impeded the work of the 10 monitors and experts prevented the deployment of the additional monitors called for by the PSC.

In Kayanza Province in July, the government intercepted a large group of alleged rebels and detained them in an unknown location. After two days of requests for access to the detainees, the Ministry of External Relations and International Cooperation invited several UNICEF and International Committee of the Red Cross workers to accompany ministry representatives to a high school in Cibitoke Province to visit the prisoners. Approximately one-third of the detainees were minors, including seven children under the age of 15. UNICEF requested the government reintegrate children under 15 with their families immediately, and the government released them to CNIDH. CNIDH detained them in its garage in Bujumbura, and UNICEF could not locate them since mid-July. As of late October, UNICEF managed to obtain the names of four of the children, but it had no information on their welfare and whereabouts. UNICEF considered the children disappeared.

Government Human Rights Bodies: Both domestic NGOs and their international partners widely perceived the Office of the Ombudsman, which monitored prison conditions to be impartial and effective. The ombudsman left the country abruptly in September after speaking out against the president seeking a third term but continued to issue periodic statements from abroad.

The CNIDH, a quasi-governmental body charged with investigating human rights abuses, exercised its power to summon senior officials, demand information, and order corrective action. The CNIDH, which also monitored the government's progress on human rights investigations, did not always release its findings to the public. Local and international partners widely perceived the commission as independent and effective until April, when the terms of all national level commissioners ended and less experienced and more political actors replaced them.

Human rights committees in the national assembly and the senate worked on a range of issues including human rights, antitrafficking legislation, and administrative themes.

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

The constitution provides for equal status and protection for all citizens, without distinction as to race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or having other communicable disease. 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.

Center Seruka, a clinic for rape victims, received on average reports of 120 new rape cases per month until the crisis began in April; numbers from the crisis were impossible to obtain due to insecurity. The clinic treated 545 new cases of sexual assault, of which men in uniform committed 14 and armed men committed 24. Center Seruka noted that the number of rapes was likely higher but that, in addition to cultural hesitancy to report sexual violence, roadblocks and insecurity prevented many women and girls from seeking medical care.

The Brigade for the Protection of Women and Children in the Burundian National Police is responsible for investigating cases of sexual violence and rape, as well as trafficking of girls and women.

Many women were reluctant to report rape for cultural reasons, due to fear of reprisal. Husbands often abandoned their wives following acts of rape, and rape victims experienced ostracism 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 and the role of police assistance throughout the country. Those trained included police, local administrators, and grassroots community organizers. The government-operated Center Humura in Gitega provided a full range of services, including legal, medical, and psychosocial services to survivors of domestic and sexual violence. In 2014 the center received 596 cases of sexual and gender-based violence (SGBV). Between January and the end of September, it received 545 cases.

The International Organization for Migration (IOM) and UNHCR reported that in two refugee camps in Tanzania, home to more than 100,000 refugees, seven women reported surviving SGBV in Burundi; 19 reported attacks during their flight; and 82 reported attacks after arriving in Tanzania.

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. Center Seruka and Center Nturingaho 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 threats of physical violence or psychological pressure to obtain sexual favors. Punishment for sexual harassment may range from a fine to a prison sentence of one month to two years. The sentence for sexual harassment doubles if the victim is under age 18. The government did not actively enforce the law. There were reports of sexual harassment but no data on its frequency or extent.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely the number, spacing, and timing of their children, manage their reproductive health, and have access to 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 disseminated 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 and for prenatal and postnatal care, unless the mother or child suffered serious health complications. According to the 2010 Demographic and Health Survey, skilled attendants were present at 60 percent of births. According to the UN Population Fund, the 2013 maternal mortality rate

was 740 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 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 questions 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.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, nationality, and inheritance laws. Despite constitutional protections, however, women continued to face legal, economic, and societal discrimination including 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 (see section 7.d). Some employers suspended the salaries of women on 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 derives 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 may not have access to some public services, such as free public schooling and medical care for children under five years old.

Education: Education is free, compulsory, and universal through the secondary level, but students are responsible for paying for books and uniforms. Throughout the country, provincial officials charged parents fees for schooling. In Bubanza Province, for example, parents reported fees of 5,000 Burundian francs (\$3.00) for “construction costs” to send their children to free public schools. Additionally,

parents reported 500 Burundian franc (\$0.30) fees in schools receiving support from the World Food Program.

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. The UN Development Fund for Women reported that in many instances, rapists wrongly believed the rape of minors would prevent or cure sexually transmitted diseases, including HIV/AIDS.

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.

Early and Forced 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 were rare, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of Interior continued an effort to convince imams not to officiate over illegal marriages.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. 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 law punishes child pornography by fines and three to five years in prison. 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 benevolence and in some cases forced them into prostitution to pay for living expenses. Brothels were located in poorer areas of Bujumbura, along the lake, and on trucking routes. Extended family members sometimes also financially profited from the prostitution of young relatives residing with them. Businesses recruited local girls for prostitution in Bujumbura and nearby countries.

The country was a destination for child sex tourism. Although authorities reported no cases during the year, there were reports in past years that male tourists from the Middle East exploited local girls for prostitution, mainly in newly constructed, high-end neighborhoods.

Displaced Children: Thousands of children lived on the streets throughout the country. Some 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 and economic support. UNICEF reported some children living on the streets returned to their families during the months of civil unrest for safety. Family poverty and parents' inability to provide for them was a major factor in causing children to leave home. The number of children living on the streets in Bujumbura remained more or less static, but Ngozi Province saw a spike in child poverty. Children living on the streets faced brutality and theft from police officers, and UNICEF judged that police were more violent toward them during the political unrest than previously.

UNHCR and IOM reported as many as 6,000 children arrived in refugee camps without their parents between March and October. Some children arrived in camps in Rwanda, and their parents arrived in camps in Tanzania, and vice versa.

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/rls/tiprpt/.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities. The government nevertheless did not promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care (see section 7.d). Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required health certification from the Ministry of Public Health, a practice that 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 for persons with physical disabilities.

Indigenous People

The Twa, the original hunter-gatherer inhabitants of the country, 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 among their major problems. By law local administrations must provide free schoolbooks and health care for all Twa children and two acres of land per family (comparable to the countrywide average size of a farmstead). Local administrations largely fulfilled these requirements. The constitution provides for three appointed seats for Twa in each of the houses of parliament, and Twa took their seats in August.

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

The law criminalizes same-sex sexual acts with penalties ranging from fines to imprisonment of three months to two years. Since its passage in 2009, however, authorities have not applied it.

The Remuruka Center in Bujumbura offers urgent services to the LGBTI community. The government neither supported nor hindered the activities of local LGBTI organizations or the center.

HIV and AIDS Social Stigma

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.

Other Societal Violence or Discrimination

Criminals sometimes targeted persons with albinism, particularly children, for their body parts, which they used for ritual purposes. 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. According to Nathalie Muco, chairperson of Albino Women's Hope Association, society did not accept persons with albinism, and they were often unemployed and isolated. Women with albinism often were "chased out by their families because they are considered as evil beings." There were no government programs dedicated to helping persons with albinism.

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 register with the Ministry of Civil Service, Labor, and Social Security, which has the authority to deny registration. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers under age 18 must have the consent of their parents or guardians to join a union.

The law provides workers with a conditional right to strike after meeting strict conditions. It bans solidarity strikes. The parties must exhaust all other means of resolution (dialogue, conciliation, arbitration) prior to a strike. Intending strikers must give six days' notice to the employer and the Labor Ministry, and negotiations mediated by a mutually agreed party or by the government must continue during the action. The ministry must determine whether the sides have met strike conditions, giving it, in effect, veto power over all strikes. The law permits requisition of essential employees 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 workers were unionized. 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. The minister of labor has the authority to designate the most representative trade union in each sector.

Most laborers worked in the unregulated informal economy and were unprotected by other than minimum wage labor laws. According to the Confederation of Burundian Labor Unions, virtually no informal sector workers had written employment contracts.

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. Resources for inspections and remediation were inadequate, and the penal code did not specify penalties. Workplace inspectors had authority to impose fines at their own discretion.

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, carrying river stones for construction in Bujumbura, or engaging in 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 from 8:30 a.m. to 10:30 a.m. While community work is traditionally voluntary in most of the country, the governor of Bubanza Province announced in September that those residents who fail to participate would face penalties of 2,000 Burundian francs (\$1.25).

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

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 include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. The minister of labor permitted children age 12 and above to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. The legal minimum age for most types of "nondangerous" labor varies from 16 to 18. The law prohibits children from working at night and limits them to 40 hours' work 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). Penalties were not sufficient to deter violations. During the year the government acknowledged no cases of child labor in the formal sector of the economy and conducted no child labor investigations or prosecutions.

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 as young as seven worked on tea plantations in some areas, and children frequently prepared food for fishermen. 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 exposed them to harsh weather conditions and forced them to work with large or dangerous animals. Many children worked in the informal sector, including family businesses, artisanal gold mining, street vending, and small brick-making enterprises.

In urban areas children working in domestic service often were isolated from the public, and some received in-kind 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 authorities incarcerated children due to 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/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution provides workers the right to dignified work and equal pay for equal work. The constitution does not specifically prohibit discrimination against any particular group but rather provides for equal rights. Authorities reported no discrimination violations. Most economic activity took place in the informal sector, where protection was not generally provided. Penalties ranged from 5,000 to 20,000 Burundian francs (\$3.20 to \$12.80) and were not sufficient to deter violations. Some individuals stated membership in the governing party was a prerequisite for formal public and private sector employment.

e. Acceptable Conditions of Work

The market-based daily minimum wage in Bujumbura for unskilled laborers was 3,000 francs (\$1.88) in Bujumbura. In the interior of the country, the daily minimum wage was 1,000 Burundian francs (\$0.63) with lunch provided in addition. 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 \$1.87) in Bujumbura and between 1,000 and 1,500 Burundian francs (\$0.65 to \$0.94) 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. Premium pay for weekends and holidays is 200 percent. There is no statute concerning compulsory overtime. Rest periods, although not legally required, typically included 30 minutes for lunch. There is no legal differentiation between foreign or migrant workers and citizen workers.

The labor code establishes occupational safety and health (OSH) standards that require safe workplaces. Many new buildings under construction in Bujumbura, however, employed workers without protective gear, such as closed-toe shoes, and used scaffolding built of wooden poles of irregular length and width.

The Department of Inspection within the Labor Ministry has responsibility for 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), which was insufficient to deter violations. 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 an employee filed a complaint.

Despite the fact that workplace environments often did not meet OSH standards, there were no reported examples of citing employers for violations of OSH standards or reports of OSH complaints filed with the ministry during the year. There were no data on workplace fatalities. Workers had the right to remove themselves from hazardous situations without jeopardizing their employment. Employees generally did not complain about violations to avoid jeopardizing their jobs.