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Burundi

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Burundi is a constitutional republic with an elected government and a population of 8.3 million. In August 2005, following local and parliamentary elections, the country's two houses of parliament indirectly elected as President, Pierre Nkurunzia, a member of the National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD) political party. International observers reported that the elections, which ended a four-year transitional process under the Arusha Peace and Reconciliation Agreement, were generally free and fair. Although the CNDD-FDD party dominated parliament and the government, other major parties, notably the Burundian Front for Democracy (FRODEBU) and the Union for National Progress (UPRONA), were also represented. In September 2006 the government concluded a cease-fire agreement with the Party for the Liberation of the Hutu National Liberation Front (PALIPEHUTU-FNL or FNL), with which it had been engaged in hostilities since 1994, and began demobilizing an estimated 3,000 former FNL combatants. The government continued to integrate members of former rebel groups, including the CNDD-FDD, into the National Defense Forces (FDN). From 2004 to December 2007 the government demobilized more than 24,400 former combatants that included members of the regular army, some former rebels, and more than 3,000 child soldiers. Both sides generally adhered to the cease-fire agreement with the exception of a December 28 incident, in which the FNL attacked three military positions in Bubanza, resulting in several injuries and one death among government soldiers. While civilian authorities generally maintained effective control of the security services, there were several instances in which elements of the security forces acted independently of government authority.

The government's human rights record remained poor; despite improvements in some areas, government security forces continued to commit numerous serious human rights abuses. Members of the FDN, the police, and the National Intelligence Service (SNR) were responsible for killings, torture, and beatings of civilians and detainees (including suspected FNL supporters), although there were fewer such reports than in the previous year. There were isolated reports that security forces raped women and young girls. Impunity and harsh, life-threatening prison and detention center conditions remained problems, and reports of arbitrary arrest and detention continued. Prolonged pretrial detention, lack of judicial independence and efficiency, and rampant judicial corruption continued. The government continued to hold some political prisoners and political detainees. The government restricted freedom of assembly and association, although there were fewer such cases than in the previous year. The government did not tolerate direct criticism of the president and journalists continued to exercise self-censorship. Security forces continued to harass members of the opposition. Societal violence and discrimination against women and trafficking in persons remained problems.

Despite the cease-fire and the general lack of hostilities between the government and the FNL, abuses by the FNL against civilians continued and occurred primarily in FNL traditional strongholds of Bujumbura Rural, and the northern provinces of Bubanza, Cibitike, Muramvya, and Kayanza. These abuses included killings, kidnappings, rapes, theft, extortion, the forcible recruitment of children as soldiers, and the use of forced labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed any politically motivated killings; however, security forces killed civilians during the year, although there were fewer such incidents than in the previous year (see section 1.g.). Unlike in the previous year, there were no reports of summary executions or killings of civilians in reprisal for rebel attacks or for suspected collaboration with rebel forces. However, in October during a clash between rebel forces loyal to Agathon Rwasa and dissident rebels under FDN protection, two civilians died as a result of the fighting.

In September an intelligence agent shot and killed a truck driver for failing to provide the location of an individual whom the agent was seeking.

No action was taken in the February 2006 death of a detainee who was severely beaten while in police custody.

At year's end a sub-lieutenant and police officer accused of the July 2006 killings of five soccer fans were in prison awaiting trial.

At year's end the detained SNR member and police officer arrested in connection with the August 2006 deaths of four persons awaited trial in Kinama.

FNL rebels killed numerous persons during the year and committed serious abuses against the civilian population, although there were fewer such reports than in the previous year.

There continued to be reports of deaths and injuries attributed to the use of grenades and mortars; however, unlike in the previous year, there were no deaths as a result of unexploded ordnance or landmines laid in previous years by government or rebel combatants.

No persons were charged during the year in connection with the 2006 bombings in Gihosha, Muganga Nord, and the Nyakabiga Commune.

There continued to be reports of killings of individuals accused of sorcery. Incidents included a January 11 killing of a man in Bujumbura Rural, allegedly by members of the FNL; a January 18 killing of a woman in Ruyigi Province by members of the local commune; the May 29 killing of two persons in Ntega; and the August 18 killing of three persons in Kirundu Province. Despite a 2006 announcement by the president that local authorities would be held accountable for such killings, authorities took no action against the perpetrators.

b. Disappearance

There were no confirmed reports of politically motivated disappearances, and unlike in the previous year, there were no politically motivated kidnappings. The Association for the Protection of Human Rights and Detained Persons (APRODH) reported that no detainees were missing from detention facilities during the year. However, the whereabouts of the 10 detainees missing in 2006 were still unknown.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The constitution and law prohibit such practices, however, the UN, Human Rights Watch (HRW) and domestic nongovernmental organizations (NGOs) League Iteka and APRODH reported that members of the security forces beat and tortured civilians and detainees.

On August 17, in Bururi Province, an allegedly drunken policeman shot seven persons and injured two others in the Songa market in an attempt to bring order to a large unruly crowd. Authorities arrested the police officer, and, at year's end he was awaiting trial.

Throughout the year multiple credible sources reported that the security forces maintained illegal detention and torture centers across the country. The SNR facility reportedly used for torture of detainees and scheduled for closure in 2006 remained open.

Despite the lack of precise numbers, rape committed by security forces and FNL members continued. For example, in March in Bujumbura Rural Province, an FDN soldier raped a minor, according to the United Nations Integrated Office in Burundi (BINUB). On April 11, an FDN soldier raped a woman in Makamba Province, and on April 18, an FDN soldier raped a woman in Muyinga Province. In all three incidents, police arrested the soldiers, who were awaiting trial at year's end.

During the year courts tried and sentenced two FDN soldiers for rape and sentenced another to 20 years' imprisonment.

There were no developments regarding the 2005 rape of a woman by two men, including an FDN soldier, in Bujumbura, or the rape of a woman by a uniformed police officer in the Gihanga commune of Bubanza Province.

There were no developments in the 2005 beating of a man by the FDN while he was in detention for the beating of five brick masons by the FDN during the masons' detention.

On July 20, unknown perpetrators launched grenades at the homes of five politicians, injuring three. On July 28, in Bururi grenade attacks injured two individuals. Other grenade attacks were reported in Ngozi, Cibitoke, Kayanza, and Bujumbura Rural provinces. At year's end no arrests had been made for any of the grenade attacks.

Unlike in the previous year, there were no reports of injuries from unexploded ordnance or landmines laid in previous years by government and rebel combatants.

Prison and Detention Center Conditions

Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted, and the Ministry of Justice reported that 7,594 persons were held in facilities built to accommodate 4,050 prisoners. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and prisoners died as a result of disease. APRODH reported numerous cases of torture and abuse of prisoners and detainees.

Each prison had one qualified nurse and at least a weekly doctor's visit; however, prisoners did not always receive prompt access

to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the primary provider of medicines; the government distributed insufficient food in the main prisons and did not give food for persons held in communal lockups. Detainees and prisoners not held in communal lockups received 450 grams of food per day from the government, and families often had to supplement prisoner rations.

Detention centers and communal lockups were severely overcrowded, and conditions were generally worse than prison conditions. Unlike in the previous year, there were no official reports of abuse of prisoners. However, APRODH acknowledged numerous unofficial reports of such occurrences. Proper sanitation and medical care were limited or nonexistent. There were 400 communal lockups where those who were arrested were supposed to be held no longer than one week; however, in practice, detainees were regularly kept in these facilities for much longer periods of time. Family members were required to provide all food for detainees in communal lockups.

According to the Ministry of Justice, there were 332 children in prisons, including 79 infants accompanying their convicted mothers. According to a March HRW report, children were sometimes tortured to extract confessions, and most did not have access to legal advice. Juvenile prisoners were held with and often treated as adults. Political prisoners often were held with convicted prisoners. Pretrial detainees were held in communal lockups, but some were also incarcerated with convicted prisoners. In detention centers and communal lockups, minors were not always separated from adult detainees, and the UN documented some cases of sexual abuse.

Unlike the previous year, APRODH reported no child soldiers being held by the government in prisons or communal jails, and the government released dozens of child soldiers held in its custody in 2006.

During the year the government permitted some visits by international and local human rights monitors, including the ICRC; however, municipal police commissioners and authorities were slow to grant BINUB human rights officers access to detainees following accounts of illegal detentions and torture, and access was occasionally denied. Unlike in the previous year, there were no reports that authorities denied HRW, ICRC, and local NGOs access to detainees thought to have been tortured or illegally detained for allegedly belonging to the PALIPEHUTU-FNL.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but security forces arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus

The national police are responsible for internal security, but the FDN may assume such responsibilities in time of war. The police deal with criminal matters, and the FDN fulfills external security and counterinsurgency roles. In practice the FDN also arrests and detains criminals. The Ministry of Defense oversees the FDN, and the Ministry of the Interior oversees the national police, including the gendarmerie. The SNR, commonly known as the "Documentation Nationale," is a special police agency that reports directly to the president. The SNR's role consists of intelligence gathering, but it also has authority to arrest and interrogate suspects.

Members of the security forces were poorly trained. Corruption, disregard for legal standards on the duration of detention, and torture and mistreatment of prisoners and detainees remained problems. An internal affairs unit within the police force investigated crimes committed by other police units. BINUB and various NGOs provided human rights training to the police. Impunity for members of the security forces who committed serious human rights abuses and the continuing lack of accountability for those who committed past abuses remained key problems; however, the government made progress in combating impunity among the security forces. During the year authorities arrested and incarcerated more than 150 police for abuses of their police powers; another 100 were under threat of suspension connected to pending allegations of abuse.

A police officer arrested in September 2006 and charged with kidnapping and killing more than 10 suspected FNL collaborators was released when the prosecutor could not provide enough evidence to convict him (see section 1.g.).

Arrest and Detention

The law requires arrest warrants in most cases, and presiding magistrates are authorized to issue them; however, police and the FDN can make arrests without a warrant but are required to submit a written report to a magistrate within 48 hours. These provisions were not always respected in practice. Police routinely violated requirement that detainees be charged and appear in court within seven days of arrest. A magistrate can order the release of suspects or confirm charges and continue detention, initially for seven days, then subsequently for one additional period of seven days, as necessary to prepare the case for trial. Magistrates also ignored this requirement, and suspects were often detained 10 days or longer. Police are authorized to release suspects on bail, but this provision was rarely exercised. Police regularly detained suspects for extended periods without announcing charges, certifying the detention before a judge, or advising the Ministry of Justice within 48 hours as required. Suspects are permitted lawyers in criminal cases at their own expense, but the law does not require, and the government did not provide, an attorney to indigents at government expense. The law prohibits incommunicado detention, but multiple sources reported that it occurred. Authorities on occasion denied prisoners prompt access to family members.

APRODH and League Iteka reported that as of mid-September, the government had released more than 900 prisoners, including some political prisoners, for time served and good behavior.

Unlike in the previous year, there were no reports of politically motivated arrests. During the year the government released five of the seven political figures, including former president Domitien Ndayizaye and former vice president Alphonse Kadege, who were

arrested in July and August 2006. On April 27, police arrested CNDD-FDD party chairman Hussein Radjabu, who was believed to be the principal force behind the arrests of the original seven, and charged him with "intent to disrupt national security through an armed rebellion." Radjabu remained in Mpimba Prison awaiting trial at year's end.

APRODH reported that SNR arbitrarily detained four suspected FNL rebels or sympathizers during the year, a marked decrease from the 200 such detentions reported in the previous year. The four were later released and reintegrated into their home communities.

On October 6, police briefly detained Pancrace Cimpaye, spokesperson for FRODEBU, for questioning. There were no reports that security forces arrested other elected officials from the FRODEBU party on suspicion of supporting or belonging to the FNL, or for any other reason.

Unlike in the previous year, there were no reports of the SNR carrying out mass arrests of suspected FNL supporters. The government released the remaining detainees from the group of approximately 100 individuals detained in 2006 at the Interior Security Police's detention facility in Kigobe, Bujumbura.

Security forces arbitrarily detained journalists; however, unlike in the previous year, there were no reports that NGO leaders or labor unionists were arrested.

Most of the persons arrested on criminal charges since 1993 remained in pretrial custody. According to the Ministry of Justice, 5,280 persons, or 72 percent of the country's prison population, had not been convicted as of May 31 and were awaiting trial. Lengthy jail procedures, a large backlog in pending cases, judicial inefficiency, corruption, and financial constraints often caused trial delays. Irregularities in the detention of individuals, including holding them beyond the statutory limit, continued. Human rights NGOs lobbied the government for the release of prisoners who were held for long periods of time without charge.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was not independent of the executive branch, inefficient, and hampered in some cases by corruption. According to UN officials, political interference seriously impeded the judiciary's impartiality. The Burundian Attorney's Association noted that no improvements were made in the judiciary during the year.

The judicial system consists of civil and criminal courts with the Supreme Court and Constitutional Court at the apex. In all cases the Constitutional Court has the ultimate appellate authority.

The law provides for an independent military court system, which in practice was influenced by the executive and higher-ranking military officers. Courts of original jurisdiction for lower-ranking military offenders were called "War Councils," and one existed in each of the country's five military districts. A court martial Tribunal of Appeals hears appeals of War Council decisions and also has trial jurisdiction for mid-ranking military offenders up to the rank of colonel. Military courts have jurisdiction over military offenders and civilians accused of offenses implicating members of the military.

The government officially recognizes the traditional system of informal community arbitration, known as "Ubashingantahe," which functions under the guidance of community members recognized for their conflict resolution skills and which facilitates the settlement of disputes. Traditionally, a "mushingantahe," or community mediator, recognized by the community presides over deliberations, and no lawyers are involved. The opinion of a mushingantahe often is necessary before access is granted to the formal civil court system. The Ubashingantahe system is limited to civil and minor criminal matters and exercises no jurisdiction over serious criminal matters. In previous years some members of the ruling CNDD-FDD party, with a predominately Hutu membership, looked unfavorably on the institution of the Ubashingantahe because some Hutus perceived it as a tool of Tutsi domination. During the year President Nkurunziza met with leaders of the Ubashingantahe and spoke publicly and favorably about the institution.

Unlike in the previous year, there were no reports of magistrates being instructed by authorities not to investigate cases concerning suspected FNL members, according to APRODH and League Iteka. Also unlike the previous year, there were no reports that magistrates were instructed to confirm arrests and commit suspects to prison without conducting any investigation.

The public reportedly viewed the judiciary as flawed and ethnically prejudiced due to the judiciary's traditional domination by the members of the Tutsi minority; however, during the year the president appointed several judges from the Hutu majority, including the chief justice of the Supreme Court, who is also a woman.

Trial Procedures

With the exception of capital punishment cases, all trials are conducted by panels of judges. Capital punishment cases are decided by a seven-person panel of four citizens and three magistrate judges. Defendants, in theory, are presumed innocent and have a right to counsel but not at the government's expense, even for those who face serious criminal charges. Defendants have a right to defend themselves; however, in practice, few had legal representation as there were only 90 registered lawyers in the country and because most persons could not afford a lawyer. Citizens often had to travel more than 30 miles to reach a court. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources. All defendants, except those in military courts, have the right to appeal their cases up to the Supreme Court, and in capital cases, to the president for clemency. In practice the inefficiency of the court system extended the duration of the appeals process, effectively limiting the possibility of appeals, even by defendants accused of the most serious crimes.

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

Political Prisoners and Detainees

The incarceration of political prisoners and detainees remained a problem during the year. At year's end, according to APRODH, there were an estimated 190-200 political prisoners, all considered to be FNL rebels, a reduction from an estimated 500 at the end of 2006. On April 4, President Nkurunziza pardoned 400 political prisoners. Later, he reclassified many from the general prison population as political prisoners and on June 26 released an additional 461 political prisoners. There were cases of politically motivated charges against individuals convicted for nonpolitical crimes and against defendants awaiting trial for nonpolitical crimes.

In 2005, following the appointment of a commission on political prisoners, President Nkurunziza announced the conditional release of all political prisoners detained for more than two years without charge. The government also released prisoners who had served at least one-quarter of their sentences, with the exception of those who had committed serious crimes. According to the Ministry of Justice, the government released 3,614 political prisoners during 2006.

The government generally afforded international organizations and local human rights NGOs access to political prisoners.

Political and civil society leaders remained divided over the definition of a political prisoner, and human rights organizations raised serious concerns over the lack of transparency in the commission's work. In 2006 three NGOs brought a case before the Constitutional Court stating that the decision to release the political prisoners violated the constitution and should have been based on an act of parliament rather than an executive decree. The court ruled that the NGOs were not qualified to bring their case before the Constitutional Court and referred them to the General Court. Human rights organizations also expressed concern over the lack of preparation to ensure a nondisruptive reinsertion of these former political prisoners into the communities to which they would return. In response, in 2006 the government launched a sensitization campaign to explain its decision on political prisoners and to promote reconciliation in their communities.

On January 16, the Supreme Court ordered the release of five individuals, including former president Domitien Ndayizeye and former vice president Alphonse Kadege, who were arrested along with three others in August 2006 on charges of threatening state security. The five had been held despite a Supreme Court order in October 2006 that they be freed. Three of the detainees were released in January. The other two individuals were serving five-year sentences for lying under oath; one was appealing his conviction. In August 2006 the government acknowledged that the SNR had physically abused several of the detainees, including former vice president Kadege. Several local and international organizations, including HRW, jointly issued a declaration in 2006 condemning beatings during interrogations and calling on the government to investigate and prosecute those responsible.

On April 27, authorities arrested former president of the CNDD-FDD Hussein Radjabu on charges of "intent to disrupt national security through an armed rebellion." Radjabu, who was believed to be the principal force behind the arrest of the seven detainees in the 2006 trial of alleged coup plotters, remained in prison at year's end awaiting trial.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters; however, it was neither independent nor impartial. Media reports alleged that the judiciary was being filled by individuals beholden to the government. The execution of court decisions, including payment of damages, could be very slow, sometimes taking years.

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

The constitution and law provide for the right to privacy, but the government did not always respect this right in practice. Authorities rarely respected the law requiring search warrants. It was widely believed that security forces monitored phone calls.

Unlike in the previous year, there were no reports that security forces looted and destroyed houses whose occupants were accused of harboring and aiding the FNL. There also were no reports that security forces followed the family members of detainees and/or threatened them; however, there were numerous reports that members of the FNL looted homes.

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

The government concluded a cease-fire agreement with the FNL in September 2006, and at year's end, there had been only one report of fighting between government forces and the FNL. On December 28, PALIPEHUTU-FNL forces attacked three military positions in Bubanza, resulting in several injuries and one death among government soldiers. There were no reported civilian casualties.

An estimated 250,000 persons, mostly civilians, have been killed in conflict-related violence since 1993, primarily before the September 2006 cease-fire. Reports of abuses by government forces sharply decreased. When proven, government forces accused of abuse, were arrested and subject to prosecution. Abuses by rebel combatants, although higher in number than government forces, also decreased. There were no reports that rebel forces punished members who were responsible for abuses. No actions were taken against members of the security forces or rebels for 2005 and 2004 killings, rapes, lootings, or other abuses committed in the context of conflict.

Killings

According to the UN, during the year security forces killed 20 civilians; nine were killed by the FDN, nine by the police, and two by the SNR. Unlike in the previous year, the victims were generally bandits, rather than suspected rebel sympathizers.

On January 4, police officers in Vumbi commune killed two civilians. In March a member of the FDN killed a civilian and was subsequently taken into custody by the army. In May the FDN killed three individuals, all believed to be bandits.

There were no developments in the July 2006 killings of 16 persons last seen in military custody; their bodies were found in the Ruvubu River, in the northeastern province of Muyinga. Amnesty International, which charged that the 16 had been accused of allegedly supporting the FNL, called for an independent investigation; however, no such investigation had been conducted by year's end. Three middle-ranking members of the military had been arrested in connection with the killings in 2006; however, the arrest warrant for Colonel Vital Bangirinama, the principal suspect in the Muyinga killings, had not been executed by year's end. According to the UN Human Rights Council, at least 10 members of the military participated in the killings.

SNR officer Dominique Surwavuba, arrested in September 2006 for allegedly killing 15 persons thought to be FNL sympathizers, was released and reinstated in his job after the prosecution failed to bring enough evidence to convict him.

Rebel forces were responsible for numerous killings during the year. In March a man in Ngozi Province accused of practicing sorcery was beaten to death by armed members of the PALIPEHUTU-FNL. In April a child was killed in Ngozi Province by members of the FNL during an armed robbery.

There were regular reports of ambushes on the main roads in and out of Bujumbura, often attributed to the FNL; however, it was not always possible to distinguish between FNL and common criminals. Frequently these crimes were perpetrated by demobilized soldiers who were unable to find employment after military service.

Armed bandits killed civilians who refused to comply with extortion, although there were fewer reports than in the previous year.

There were no developments in the February 2006 killing of a woman accused of providing food to the FNL. After FDN soldiers ordered the woman to stop providing such assistance, approximately 20 members of the FNL abducted the woman and her daughter from their home. In February 2006 the woman's badly mutilated body was found; her daughter escaped her captors.

Abductions

There were no reports that the government agents abducted persons during the year; however, in September the FNL kidnapped a police officer and bound him with a rope. The officer was released when police arrived on the scene.

Physical Abuse, Punishment, and Torture

Security force abuse occurred, although at a sharply reduced rate compared to the previous year. Unlike in the previous year, there were no reports that the SNR tortured detainees, a development partially attributed to training on detainee treatment provided by APRODH and the UN High Commissioner for Refugees (UNHCR). In 2006 the SNR torture of suspected FNL members occasionally caused their deaths. No action was taken against any SNR officer.

Three men accused by police in May 2006 of collaborating with the FNL remained in detention at Socarti camp at year's end. No further information was available.

There were a few reports of security force rape. For example, on January 11, a soldier was accused of raping a child in Bujumbura Rural Province.

There were no developments in the September 2005 incident in which a uniformed police officer in the Gihanga Commune of Bubanza Province raped a woman after forcing her husband to the ground at gunpoint.

There were reports that government forces looted homes, but such reports sharply decreased from the previous year.

Unlike in 2006 there were no reports of deaths or injuries from unexploded ordnance and/or landmines laid in previous years by government and rebel forces. According to the Swiss Foundation for Mine Action, 89 percent of the country had been cleared of mines, with approximately 2,000 explosive devices, including unexploded ammunition, grenades, and three antipersonnel landmines uncovered during the year.

During the year rebel combatants continued to commit numerous serious abuses against the civilian population, including torture, rape, and the looting and burning of houses, principally in Bujumbura Rural Province.

On July 11, local media reported that the FNL tortured a young orphan for allegedly stealing \$220 (200,000 francs) from a neighbor. The FNL burned plastic sacks and dropped the hot plastic on the boy's skin.

The FNL looted homes during the year, primarily in Bujumbura Rural Province and the western provinces of Cibitoke and Bubanza.

Child Soldiers

Under the law the minimum age for military recruitment is 16, although the government stated that no one under 18 was recruited. Through year's end, a project sponsored by the government and the UN Children's Fund (UNICEF) demobilized approximately 3,041 child soldiers from the government security forces as well as from former rebel groups. According to UNICEF, security forces no longer used children as soldiers for combat, although other sources reported that children continued to serve in the security forces as spies and porters and to perform menial tasks. HRW reported only one incident of a child soldier in the FDN; the child worked as a cook and claimed to be 16 years old.

The Ministry of Defense instituted a disciplinary policy regarding the use of children by soldiers to perform menial tasks. Although there have been no recent reports of child labor in military camps, the policy remained in effect; however, access to camps was generally unrestricted and civilians, including children, easily entered and departed. Soldiers using children to perform menial tasks were subject to punishment and dismissal.

Local NGO League Iteka reported that the FNL continued to recruit children into their ranks, and UNICEF confirmed the presence of 129 child soldiers in a December visit to an FNL camp near Bujumbura.

Of the 65 former FNL soldiers held in government custody, 25 were released in February, and 40 others were released later in the year. According to the government, there were no former child soldiers being detained. Although the government failed to reintegrate them into society in accordance with international standards, several NGOs and UNICEF provided the children skills training or educational assistance. Many were reunited with their families or placed in school. HRW stated that there could be large numbers of children still engaged with the FNL in need of demobilization and reintegration.

Civilians continued to be displaced by FNL infighting. In September over 700 families fled their homes in Bubanza Province as members of the FNL looted their homes for food and supplies. Additionally, on September 3 and 4, over 5,000 persons fled their homes in northern Bujumbura as a result of fighting between FNL factions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and the press; however, the government continued to restrict these freedoms, although there were fewer such cases than in the previous year. Unlike in 2006 there were no reports that journalists were arrested or detained, and the government did not force media outlets to suspend operations. However, journalists continued to exercise self-censorship, and direct criticism of the president was not tolerated.

The government controlled many of the major media outlets. The government owned *Le Renouveau*, the only daily newspaper, as well as the country's only television station. The government exercised strong editorial control of these media.

There were six private weekly publications, including the private French-language *Arc-en-ciel* (Rainbow), and 11 private Internet and fax-based news sheets. The number of copies printed by independent publications was small, and readership was limited by low literacy levels. Newspaper circulation was generally limited to Bujumbura or other urban centers. Ownership of private newspapers was concentrated in the capital, but there was a wide range of political opinion among the press.

Radio remained the most important medium of public information. The government-owned radio station broadcast in Kirundi, French, and Kiswahili and offered limited English programming. There were nine privately owned radio stations. Some stations received funding from international donors. Listeners could receive transmissions of foreign news organizations such as the BBC and the Voice of America.

The law criminalizes offenses, including defamation, committed by the media and provides for fines and criminal penalties of six months' to five years' imprisonment for the dissemination of insults directed at the president, as well as writings that are defamatory, injurious, or offensive to public or private individuals.

On October 18, the public prosecutor of Bujumbura summoned Emmanuel Nsabimana, the director of independent radio station RPA, to answer questions concerning a broadcast about a Protestant church representative, Pastor Eson Rutayisire of Eglise du Bon Berger, who was accused of sexual harassment. After four hours Nsabimana was released.

In January editor Serge Nibizi and journalist Domitile Kiramvu of RPA, and Matthias Manirakiza, the director of Radio Isanganiro, were acquitted and released. In November 2006 authorities arrested and charged them with violating judicial secrecy laws. In the same month, authorities arrested Matthias Manirakiza, the director of Radio Isanganiro, and charged him--as well as Nibizi--with threatening state security and public safety by writing an article suggesting that authorities planned to stage fake attacks on the homes of government officials to bolster their claims of a coup plot.

Unlike in the previous year, there were no reports that the government used direct censorship or that it suspended operations by independent media.

Media outlets complained about having to pay licensing fees, which some said were an unnecessarily heavy financial burden; it

was not clear whether these fees weakened the independent media.

Internet Freedom

There were no reports of government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, poverty and a lack of infrastructure prevented widespread public access to the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government at times restricted this right. The law requires permits for public meetings and demonstrations, and the former ruling party UPRONA faced temporary suspension of its right to hold meetings due to intraparty disputes that government officials claimed might turn violent. On more than one occasion, police surrounded UPRONA's party headquarters to prevent the entry of civilians. On another occasion, the UPRONA president was detained for two hours for questioning for organizing a UPRONA meeting in a local bistro without the required prior notice to the Ministry of the Interior.

The government released the 14 FRODEBU members arrested in 2006.

Freedom of Association

The constitution provides for freedom of association; however, the government sometimes restricted this right in practice. There were occasional reports that police arrested persons due to their membership in associations. Registration was required for private organizations and political parties. Private organizations were required to present their articles of association to the Ministry of Interior for approval. There were no reports that the government failed to complete the approval process for private organizations whose purposes the government opposed.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

The government required religious groups to register with the Ministry of Interior, which kept track of their leadership and activities. Registration was granted routinely. The government required religious groups to maintain a headquarters in the country.

Societal Abuses and Discrimination

The Jewish population was very small, and there were no reports of anti-Semitic acts.

There were no arrests in the September 2006 burning of two Roman Catholic churches in Bubanza.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights in practice. The government continued to restrict access into and out of Bujumbura at night. During the year citizens' movements were restricted by government checkpoints and the threat of violence by members of the FNL. Unlike in the previous year, the government did not deny human rights observers access to military camps and SNR facilities, although an HRW observer was denied access to a jail.

The law does not provide for forced exile, and the government did not use it; however, many persons remained in self-imposed exile. During the year several high profile refugees returned, including CNDD leader and Member of Parliament Leonard Nyangoma, former second vice president Alice Nzomukunda, and former Radjabu sympathizer Mathias Basabose.

In 2005 the governments of Rwanda and Burundi signed an agreement with the UNHCR that laid the ground rules for the voluntary repatriation of approximately 4,000 Burundian refugees from Rwanda. By year's end an estimated 2,000 had voluntarily returned, and approximately 2,000 remained in Rwanda.

During the year the UNHCR facilitated the voluntary repatriation of approximately 15,000 Burundian refugees who had previously fled to neighboring countries, primarily Tanzania. The repatriates, who returned mostly to the eastern provinces, often found their homes destroyed, their land occupied, and their livestock stolen. Poor living conditions and a lack of food and shelter were

problems for returnees, although they received a three-month food ration and other forms of assistance from UNHCR. The UNHCR and the National Commission for Rehabilitation of War Victims assisted in the resettlement and reintegration of refugees and internally displaced persons (IDPs).

Internally Displaced Persons

According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), as of September 15, there were approximately 100,000 long-term IDPs living in 160 sites nationwide, the majority in Kayanza, Ngozi, Kirundo, Muyinga, and Gitega provinces. Most were Tutsis displaced by violence in 1993. Soldiers and police provided a measure of protection to the camps, which in many cases had taken on the characteristics of permanent towns and villages. According to UNOCHA, 91 percent of the IDPs were able to participate in agricultural activities, and of these, 78 percent had access to their lands of origin. In the south and east, 18.5 percent of the IDPs were former refugees. According to the UNHCR, IDP camp inhabitants sometimes were required to perform labor for soldiers without compensation.

By year's end the IDPs who protested in Bujumbura in 2005 had not received a letter documenting ownership of land that the government agreed to give them in the Kinama neighborhood of Bujumbura; the government was attempting to resettle them elsewhere, although many IDPs preferred to remain until the Kinama issue was resolved.

Protection of Refugees

The law provides for granting refugee status or asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol. The country was also a party to the Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa. The government has established a system for providing protection to refugees and granted refugee status and asylum to more than 31,000 persons during the year. In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Some NGOs and humanitarian organizations continued to express concern over the low percentage of applicants to whom the government granted asylum; however, according to the UNHCR, the government fulfilled all of its obligations to provide asylum and refugee protections and cooperated with international organizations involved in refugee issues.

At the beginning of December, according to the UNHCR, there were approximately 31,000 Congolese refugees and 282 Rwandan asylum seekers in Burundi. Of the Congolese, more than 11,000 were sheltered in three UNHCR-run refugee camps: Gihinga in Mwaro Province, Gasorwe in Muyinga, and Gihar in Rutana. In addition to the camp-based refugees, there were more than 11,000 Congolese refugees integrated into urban centers. Approximately 23,500 received UNHCR assistance.

During the year the government provided protection to certain individuals who may not qualify as refugees. These individuals included Rwandan asylum seekers as well as some Congolese in the process of undergoing refugee status determinations.

In April 2005 the minister of justice said a report by the National Commission of Inquiry into the Gutumba massacre of 152 Tutsi refugees in 2004 had been completed and would be released, but by year's end the report had not been released.

In July 2006 the government appointed a commission to resolve land and property disputes resulting from the approximately 378,000 Burundian refugees who have repatriated since 2002, including some who have been in exile in Tanzania since 1972. In addressing the increasing number of land disputes, the country has relied on a mixture of customary law and legislation, but few citizens were aware of their legal rights and most remained too poor to afford legal representation. During the year NGOs conducted a workshop in Bujumbura to generate an action plan for the land tenure issue.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

The law and constitution provide the right for citizens to change their government peacefully, and citizens exercised this right in practice.

Elections and Political Participation

In August 2005, through an indirect ballot, citizens chose their first democratically elected president in more than 12 years, marking the end of the four-year transition under the Arusha Peace and Reconciliation Agreement. The legislature elected sole candidate Pierre Nkurunziza of the CNDD-FDD, and he was sworn in as president in August 2005.

President Nkurunziza's election followed communal and legislative elections in June and July 2005, which independent electoral observers judged to be generally free and fair, although the campaign prior to the National Assembly elections was tense and significantly marred by violence and intimidation.

Political parties operated without interference during the year. The law requires that political parties receive permission from the Ministry of Interior before holding large-scale meetings that could create a public disturbance. During the year there were 34 recognized political parties. The CNDD-FDD, FRODEBU, and UPRONA were the largest political parties. The CNDD-FDD, which held majorities in both chambers of the legislature, controlled most government positions.

On August 22, tensions between political parties increased with the siege of opposition party FRODEBU spokesman Pancrace Cimpaye's home by security forces for "insulting" the president. Cimpaye had accused the ruling party of orchestrating five grenade attacks on the homes of opposition politicians several days earlier. Cimpaye remained at large until October 6, when police took him into custody for questioning, releasing him two hours later.

The constitution reserves 30 percent of National Assembly seats, Senate seats, cabinet seats, and positions in other government bodies for women. There were 37 women in the 118-seat National Assembly and 17 women in the 49-seat Senate; women held six of 24 ministerial seats.

The law mandates quotas to maintain ethnic balance in the government. The constitution requires that 60 percent of seats in the National Assembly be filled by Hutus, the majority ethnic group in the country, and 40 percent be filled by Tutsis, who constitute about 15 percent of the citizenry. In addition military posts were divided equally between Hutus and Tutsis. The Batwa ethnic group makes up less than 1 percent of the population and is entitled to three seats in the senate; the government fulfilled this mandate.

The National Assembly continued to refuse the demands of human rights groups that have called for the repeal of a 2003 law granting provisional immunity to political leaders who return from exile to take positions in government. The law covers "crimes with a political aim" committed from 1962 to the date of the law's promulgation.

Government Corruption and Transparency

A culture of impunity and widespread corruption remained a problem. Corruption was prevalent in the public and private sectors and affected numerous public services, including procurement, the granting of land use concessions, public health, and the assignment of school grades. Several respected private sector representatives and trade association officials reported that corruption remained a major impediment to commercial and economic development in the country. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. In December 2006 the domestic NGO Observatory for the Struggle against Economic Corruption and Embezzlement estimated the state had lost \$169.1 million (186 billion francs) to corruption and embezzlement since 2000.

In August police arrested Central Bank Governor Issac Bizimana and accused him of allowing the transfer of more than \$17 million (17 billion francs) from government accounts to a private petroleum import company, Interpetrol.

Despite numerous allegations of corruption, no parliamentary commissions of inquiry were launched, largely due to the cndd-fdd's domination of the legislature and parliamentary commissions.

The second vice president, the Ministry of Good Governance, and the National Auditing Agency were responsible for fighting corruption. In 2006 the government replaced the Ministry of Good Governance's inspector general for finance (IGF) with an inspector general of the state, reportedly with the intention of providing more autonomous oversight of anticorruption programs. However, a legal dispute continued to prevent the IGF staff from undertaking its functions. Instead, 33 of the 50 IGF staff were dispatched by presidential decree to the interior of the country to work as provincial-level Ministry of Finance representatives.

In January a Belgian auditing firm, Decision Analysis Partners, released a report confirming irregularities in the 2006 sale of the president's private jet. While it did not single out a guilty party, the auditing firm recommended further investigation, including the creation of a parliamentary commission to determine who profited from the sale. President Nkurunziza subsequently created a special commission to study the report and in June the government said it would adopt its recommendations, including the creation of a parliamentary commission. However, by year's end no commission had been established, primarily as a result of a general political stalemate in the National Assembly.

There were no developments in the 2005 corruption case against former officials concerning the payment of approximately four million dollars (4.4 billion francs) of government debt to the heirs of Belgian businessman Mojzesz Lubelski.

The law does not provide for access to government information, and in practice information was difficult to obtain. The law does not allow the media to broadcast or publish information in certain cases relating to national defense, state security, or secret judicial inquiries. Human rights observers criticized the law for its poorly defined restrictions on the right to access and disseminate information, noting that vague prohibitions regarding official secrets could easily be used to hide corruption or other human rights abuses.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international NGOs, including human rights groups, generally operated without government restrictions. Unlike in previous years, human rights observers were generally allowed to visit some government facilities, such as some military bases and prisons run by the SNR. Government officials continued to cooperate with these groups by providing access to some information and other resources.

Domestic human rights groups received varying degrees of cooperation from government ministries; at times the ministries provided them with information and facilitated visits to areas of interest. Although the government did not directly take action based on local NGO recommendations, local NGOs continued to engage in advocacy. The most prominent local human rights group, League Iteka, continued to operate and publish a newsletter. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs, particularly those in the

countryside, were more vulnerable to pressure from local authorities.

Unlike in the previous year, there were no reports that security forces arrested, threatened, or harassed human rights workers. There also were no reports that the president asked for the recall of representatives of international organizations.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations such as the ICRC. However, in 2006, some in-country employees and directors of international NGOs said the country's regulations bordered on interference and needed to be streamlined.

The UN High Commissioner for Human Rights (UNHCHR) maintained a six-person observer team in Ngozi to deliver and explain decisions of the Eligibility Commission regarding refugee and asylum status. The commission's purpose was to determine eligibility for those who entered the country and requested refugee and asylum status.

In two separate reports, the UN Secretary General (UNSYG) reported that the overall security situation had deteriorated and that criminals had sometimes targeted staff of international NGOs. The highest crime rates were recorded in Bujumbura Marie and Bujumbura Rural, where armed robberies and theft increased during the year.

The UNSYG also noted a surge in the number of ambushes on highways, an increase in the number of armed robberies, especially within the capital, grenade attacks and sporadic gunfire. The report concluded that the human rights situation had not improved. Arbitrary arrests and detentions were on the rise and the investigations into the Gatumba and Muyinga massacres of 2004 and 2006 had not been concluded.

Security officials sometimes refused access to BINUB human rights officers following reports of illegal detention and torture (see section 1).

The Ministry of Justice, which has jurisdiction over human rights, completed consultations with the UNHCHR on the formation of a Human Rights Commission mandated by the Arusha Agreement; however, no law facilitating creation of the commission had been passed by year's end.

By year's end, despite the adoption of several preliminary steps, neither an International Commission of Judicial Inquiry nor a National Truth and Reconciliation Commission had been established. The proposed commissions would bring to justice persons responsible for genocide, crimes against humanity, and war crimes committed in the country since it gained its independence in 1962. On September 27, President Nkurunziza announced the government's intention to carry out national consultations before proceeding. On October 4, the UN reported that the government was forming a six-member steering committee composed of two members appointed by the government, two members from civil society, and two members from the UN system to facilitate consultations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the government failed to implement these provisions effectively, and discrimination and societal abuses persisted.

Women

The law prohibits rape, which is punishable by up to 20 years' imprisonment, but does not specifically prohibit spousal rape. Doctors without Borders (MSF) received an average of 115 rape victims each month at its center for rape victims in Bujumbura; however, MSF said the number of rapes was likely much higher. During the year MSF reported 1,435 cases of sexual violence with children less than five years of age comprising 14 percent of the total. According to BINUB approximately 65 percent of reported rapes were of children aged 17 years and under. The UN Development Fund for Women reported that many rapes of minors were committed with the belief that they would prevent or cure sexually transmitted diseases, including HIV/AIDS.

Many women were reluctant to report rape for cultural reasons, fear of reprisals and unavailability of medical care. According to a field officer at an MSF center in Bujumbura, only 10 to 15 percent of reported rape victims actually initiated legal proceedings. Men often abandoned their wives following acts of rape, and women and girls were ostracized. Some police and magistrates reportedly ridiculed and humiliated women who said they were raped. Some police reportedly required that victims provide food for and pay the costs of incarceration of those they accused of rape. Many of those who sought judicial redress faced the weaknesses of the judicial system, including judges who did not regard rape as a serious crime and a lack of medical facilities to gather medical evidence. In the limited number of cases that were investigated, successful prosecutions of rapists were rare.

Some local NGOs advocated that cases of rape be subject to community sanctions based upon the traditional justice system of Ubashingantahe. For example, in January the police released a man in Makamba Province accused of raping his five granddaughters. After his release, community members threatened the man, isolated him socially, and refused to allow him to participate in community activities. In August family and neighbors in Buyenyero commune in Bururi Province, following traditional justice methods, socially ostracized a local man accused of raping his niece. They rebuked his attempt to pay a fine, instead declaring him a virtual outcast from the community.

Civil society and religious communities worked to overcome the cultural stigma of rape to help victims reintegrate into families that

had rejected them. League Iteka, APRODH, and BINUB continued to encourage rape victims to press charges and seek medical care, and international NGOs provided free medical care in certain areas. The government also raised awareness of the problem through seminars and local initiatives describing the kinds of medical care available. A June 2006 report stated that such initiatives resulted in more victims filing complaints, obtaining urgent medical assistance, and receiving briefings on their legal rights.

Domestic violence against women was common, although no credible statistics were available. Police occasionally arrested persons accused of domestic violence but released suspects within a few days, with no further investigation. Wives have the right to charge their husbands with physical abuse but rarely did so, although police intervened on occasion and upon request. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence can be tried under assault provisions. According to MSF, the police investigated 154 cases of domestic abuse through August; of that number, investigations were continuing in 67 cases; 87 awaited judgment by the courts.

The law prohibits prostitution; however, it continued to be a problem.

The law does not prohibit sexual harassment, but violators can be prosecuted for similar offenses under public morality laws. There were no known prosecutions during the year.

Women faced legal and societal discrimination, and discriminatory inheritance laws, marital property laws, and credit practices continued despite constitutional protections. By law women must receive the same pay as men for the same work, but in practice they did not. Some enterprises cut salaries of women when they went on maternity leave, and others refused medical coverage to married female employees. Women were less likely to hold mid-level or high-level positions in the workforce. In rural areas women performed most of the farm work, married, and had children at early ages, and had fewer opportunities for education than men. The law precludes women from inheriting family property.

Several local groups worked in support of women's rights, including the Collective of Women's Organizations and NGOs of Burundi and Women United for Development.

Children

The law provides for children's health and welfare, but the government did not meet all the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

The failure of the government to record all births resulted in denial of some public services for unregistered children. The government requires a birth certificate for access to free public schooling and free medical care for children under five. Unmarried women and victims of rape have traditionally been less likely to register the birth of a child.

Schooling was compulsory up to age 12; however, sixth grade was the highest level of education attained by most children, with approximately 10 percent of girls and 14 percent of boys of secondary school age attending school, according to UNICEF. Enrollment of girls in public schools was approximately 40 percent, while girls were approximately 52 percent of pupils in private schools. The NGO Maison Shalom, which ran several centers for orphaned and other vulnerable children in different parts of the country, estimated that 60 percent of the country's school-age children were illiterate. Female illiteracy remained a particular problem.

Although all school fees were abolished in 2005, students had to pay for uniforms, textbooks, and other school materials. While this initiative made schooling available to hundreds of thousands of new students, it also led to overcrowded classrooms and teachers teaching multiple shifts. More than 25 percent of primary schools were destroyed in the war, and many teachers were killed. Some schools reported difficulties in paying for some services, such as guards, which they previously funded with school fees.

Boys and girls had equal access to state-provided free medical care for children under five.

According to UNICEF, 20,000 children were living with HIV/AIDS, and more than 240,000 children were orphaned by AIDS. UNICEF funded a program to prevent HIV transmission from mother to infant.

Child abuse, apart from rape of minors, occurred but was not reported to be a widespread problem.

The FNL continued to use and recruit child soldiers; however, the government claimed it no longer recruited anyone under 18 years of age (see section 1.g.).

Although the 2006 cease-fire agreement between the government and the last remaining rebel group halted active hostilities, the increasing prevalence of HIV/AIDS increased the number of orphans, and, consequently, an increase in the number of street children. The total number of orphans from all causes was more than 836,000, according to the National Council for the Fight Against HIV/AIDS. According to the government, an estimated 30,000 children were heads of household, mostly in rural areas. This marked an increase of more than 60 percent from 2006 UNICEF estimates.

According to the Ministry for National Solidarity, Human Rights, and Gender, there were approximately 5,000 street children in the country. In July the government, in cooperation with Radio Isanganiro and child advocacy NGOs, launched a national radio broadcast to draw attention to the issue of street children. A group of approximately 15 NGOs working with street children developed an action plan and met monthly to coordinate intervention activities in this area.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports of trafficking. Traffickers can be prosecuted under existing laws outlawing assault, kidnapping, rape, prostitution, slavery, and fraud, but this was not widely understood among police.

During the year the country was a source and transit country for children trafficked for the purpose of forced labor and child soldiering. Trafficking of children as child soldiers was a large problem during the civil war, but the FDN claimed it no longer recruited or used child soldiers. However, the trafficking of child soldiers by the FNL within the country remained a problem.

Unlike in the previous year, there were no arrests of alleged traffickers. The Ministry for National Solidarity, Human Rights, and Gender was responsible for combating trafficking.

The government did not actively support public awareness campaigns and programs to prevent trafficking; however, it administered a department within the National Police, the Brigade for the Protection of Minors, to protect children against sexual exploitation. The brigade, which operated only in Bujumbura, lacked funds to expand its operations to the interior of the country. The brigade has conducted 10 successful prosecutions in the five years of its existence.

The government continued to provide assistance to former child soldiers from the FDN, six former rebel groups, and Guardians of the Peace (a civilian paramilitary force recruited by the army during the war).

Persons with Disabilities

The constitution prohibits discrimination against those with physical or mental disabilities, and there were no reports that the government failed to enforce this provision regarding employment, education, or access to healthcare. The government had not enacted legislation or otherwise mandated access to buildings or government services, such as education for persons with disabilities, in part due to a lack of resources.

National/Racial/Ethnic Minorities

Discrimination against Hutus, who constituted an estimated 85 percent of the population, occurred less frequently during the year. The constitution requires ethnic quotas for representation within the government and in the military. Hutus significantly increased their presence and power in the government following the 2005 elections. During the year significant improvements were made with respect to integration of primarily Hutu ex-combatants into the security forces.

The minority Tutsis, particularly southern Tutsis from Bururi Province, historically have held power and continued to dominate the economy.

Indigenous People

The Batwa, believed to be the country's earliest inhabitants, was approximately 1 percent of the population and generally remained economically, socially, and politically marginalized. However, the government has instituted several measures to address the Batwa's traditional isolation. Each of the country's 117 administrative districts must provide free school books and health care for all Batwa children. The government also provides small acreages, when possible, for Batwa who wish to become farmers and allocates them approximately two acres of land, the average sized farmstead of the country's rural poor.

Other Societal Abuses and Discrimination

The constitution specifically outlaws any discrimination against those with HIV/AIDS or other incurable illnesses. There were no reports of government-sponsored discrimination against such individuals, although some observers suggested that the government was not actively involved in preventing societal discrimination.

The constitution bans marriage between individuals of the same sex. Societal discrimination against homosexuals was widespread. The government took no steps to counter discrimination against homosexuals.

Section 6 Worker Rights

a. The Right of Association

The law protects the right of workers to form and join unions without previous authorization or excessive requirements, and although most workers exercised this right in practice, the army, gendarmerie, and foreigners working in the public sector were prohibited from union participation. The law does not cover the rights of state employees and magistrates. The law prevents workers under the age of 18 from joining unions without the consent of their parents or guardians. According to the Confederation of Burundian Labor Unions (COSYBU), many private sector employers systematically worked to prevent the creation of trade unions, and the government failed to protect private sector workers' rights in practice. Union representatives indicated, however, that relations with the government improved during the year.

According to COSYBU, less than 10 percent of the formal private sector workforce was unionized, and roughly 50 percent of the public sector was unionized. Most citizens worked in the unregulated informal economy, in which workers had little or no legal protection of their labor rights.

Unlike in previous years there were no reports of government security agents preventing COSYBU's leadership from traveling to an international labor conference and no reports of a member of COSYBU's leadership going into hiding due to such government harassment.

The law prohibits antiunion discrimination, and the government generally respected this right in the public sector. However, according to the International Trade Union Confederation (ITUC), the government often failed to protect workers in the private sector from discrimination by employers. This failure was due to a lack of resources, labor inspectors, and labor courts rather than a government policy. In cases where employers dismissed employees because of their union affiliation, the Ministry of Labor could order the employee's reinstatement. If the employer failed to comply, the ministry referred the case to the labor court, which determined severance pay and indemnification that the employer must pay. Workers fired for union activity were reinstated in their jobs, as required by law.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law recognizes the right to collective bargaining, and it was freely practiced; however, wages are excluded from the scope of collective bargaining in the public sector and were set according to fixed scales, following consultation with unions.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and the Confederation of Free Unions in Burundi represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions. Civil servant unions must be registered with the Ministry of Civil Service.

The law provides workers with a conditional right to strike but bans solidarity strikes and sets strict conditions under which a general strike may occur. All other peaceful means of resolution must be exhausted prior to the strike; negotiations must continue during the action, mediated by a mutually agreed upon party or by the government; and six days' notice must be given to the employer and the Ministry of Labor. The ministry must determine whether strike conditions have been met before a strike can legally take place, which gives the ministry the power to veto all strikes, according to the ITUC. The labor code prohibits retribution against workers participating in a legal strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there continued to be reports that it occurred.

The government continued a program initiated in 2006 to encourage citizens to participate in Saturday morning community work. Although individuals incurred no penalty for not participating, businesses were not permitted to remain open during the community action time, and road traffic, except for emergency vehicles and limited exceptions, was prohibited.

Unlike in previous years there were no reports of government security forces using persons, including children, to perform menial tasks without compensation. However, the FNL forced rural populations to perform uncompensated labor, such as the transport of supplies and weapons, and recruited children for labor, although to a lesser extent than in previous years.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code states that children under the age of 18 cannot be employed by an enterprise, except for the types of labor the Ministry of Labor determines to be acceptable, which includes light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. However, the government did not effectively enforce these laws, and child labor remained a problem. The legal age for most types of nondangerous labor is 18. Children under age 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ITUC, the vast majority of children in the country worked during the year.

Children were legally prohibited from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence agriculture, family based enterprises, and the informal sector. Child labor also existed in the mining and brick-making industries. UNICEF estimated that approximately 400,000 children worked in these areas.

There continued to be reports of children engaging in forced or compulsory labor, and of trafficking in children. The use of child soldiers was no longer a problem with government forces, but the FNL continued the use of child soldiers.

Child prostitution existed but was not considered to be widespread.

The Ministry of Labor enforced child labor laws and had multiple enforcement tools, including criminal penalties, civil fines and court orders. In practice, however, the laws were infrequently enforced. Due to a lack of inspectors, the ministry only enforced the law when a complaint was filed. The government acknowledged no cases of child labor in the formal sector of the economy but had

conducted no child labor investigations. In conjunction with UNICEF and other NGOs, the government provided training for Ministry of Labor officials in the enforcement of child labor laws.

During the year the government supported international organizations, a few NGOs, and labor unions engaged in efforts to combat child labor; efforts included care of demobilized children.

e. Acceptable Conditions of Work

The legal minimum wage for unskilled workers continued to be \$0.15 (160 francs) per day. However, in practice most employers paid their unskilled laborers a minimum of roughly \$1.40 (1,500 francs) per day. Such an income did not provide a decent standard of living for a worker and family. Most families relied on second incomes and subsistence agriculture to supplement their earnings. The Department of Inspection within the Ministry of Labor enforces minimum wage laws, but there were no reports of enforcement in recent years. The legal minimum wage had not been revised in many years, and there were no known examples of employer violations.

The labor code stipulates an eight-hour workday and a 40-hour workweek, except where workers were involved in activities related to national security; however, this stipulation was not always enforced in practice. Supplements must be paid for overtime. Alternative work schedules were negotiable.

The labor code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the minister of labor, which was responsible for acting upon complaints; however, there were no reports of complaints filed with the ministry during the year. Workers did not have the right to remove themselves from situations that endangered health and safety without jeopardizing their employment.

Small numbers of persons from the neighboring countries of the Democratic Republic of Congo, Tanzania, and Rwanda worked in the country but did not constitute a significant presence.



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