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2015 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 5.5

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 6

Status Change Explanation:

Burundi's political rights rating declined from 5 to 6, and its status declined from Partly Free to Not Free, due to a coordinated government crackdown on opposition party members and critics, with dozens of arrests and harsh sentences imposed on political activists and human rights defenders.

OVERVIEW

Burundi's authoritarian government increased its crackdown on opposition parties and restricted freedom of assembly in 2014. Against the backdrop of national elections scheduled for mid-2015, the ruling party continually disrupted the activities and targeted the members of opposition groups. In the government's harshest move, in March, police arrested 70 people in Bujumbura for allegedly planning to participate in an opposition protest and subjected the group to a summary one-day trial.

Throughout 2014, outlets critical of the government were threatened with closure. In March, press freedom was further undermined when the president appointed six progovernment representatives to the media regulatory body. Authorities also regularly obstructed peaceful demonstrations and organized meetings in 2014, including a peaceful Women's Day march organized by the women's league of the opposition Unity for National Progress (UPRONA) party in Bujumbura.

A law creating a truth and reconciliation commission was passed in April in a vote boycotted by opposition members, who expressed concern over the commission's lack of independence. A new land law, adopted in January, was condemned by critics who argued that it could shift the country back into ethnic conflict.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 11 / 40 (-1)*A. Electoral Process: 4 / 12*

A new constitution was adopted in 2005 after a series of agreements ended Burundi's 12-year civil war, which began with the 1993 assassination of a newly elected Hutu president and ultimately led to the deaths of more than 300,000 people. The president, who is elected to a five-year term, appoints two vice presidents, one Tutsi and one Hutu, who must be approved separately by a two-thirds majority in both the lower and upper houses of Parliament. The lower house – National Assembly – has 100 members directly elected by proportional representation for five-year terms. The constitution requires the National Assembly to be no more than 60 percent Hutu and no less than 40 percent Tutsi, with three additional deputies from the Twa ethnic minority. The upper house, the Senate, consists of 34 members chosen by locally elected officials for five-year terms. Each of Burundi's 17 provinces chooses two senators – one Tutsi and one Hutu. The Twa are also allocated three senators. In both houses, a minimum of 30 percent of the legislators must be women. If an election produces a distribution that is not in line with ethnic and gender distribution requirements, new deputies are co-opted in order to reach the quotas. As such, following the May 2010 elections, there are currently 106 deputies serving in the National Assembly. The elections also produced a total of 41 members of the Senate – three additional members were co-opted, while four former presidents serve as ex officio members.

The May 2010 local elections were beset with procedural irregularities, restrictions on freedom of movement for opposition leaders, the arrest of dozens of opposition activists, and a ban on all opposition party meetings. In response, most opposition parties boycotted the presidential and parliamentary polls that June and July. The ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) – a largely Hutu party associated with a former rebel group – captured 81 percent of the vote for the lower house, followed by the Tutsi-led UPRONA with almost 12 percent. The Front for Democracy in Burundi (FRODEBU), a CNDD-FDD ally, took nearly 6 percent. The CNDD-FDD took 32 of the 34 elected seats in the Senate, leaving UPRONA with 2. Incumbent president Pierre Nkurunziza was reelected with some 92 percent of the vote.

In the lead-up to national elections scheduled for 2015, the CNDD-FDD unsuccessfully attempted to amend the constitution to allow Nkurunziza to run for a third presidential term. Nkurunziza is nevertheless widely expected to seek reelection. A new electoral code, adopted in April 2014, was favorably reviewed by opposition leaders.

Over 3.6 million Burundians had registered to vote by late 2014 in a process denounced as flawed by civil society and opposition groups. A key issue concerned identification cards, which are required for registration; critics alleged that cards were widely distributed to government supporters and systematically denied to oppositionists. The opposition also charged that members of the ruling party dominate the electoral commission.

B. Political Pluralism and Participation: 5 / 16 (-1)

More than two dozen political parties are active in Burundi, ranging from those that champion radical Tutsi positions to those that hold extremist Hutu views. Most are small in terms of membership, and many Tutsi have now joined formerly Hutu-dominated parties. The current government consists of members of the CNDD-FDD, UPRONA, and FRODEBU. Many political parties include youth branches that intimidate and attack opponents.

In 2014, the government continually disrupted opposition party activities, obstructing meetings, banning demonstrations, and targeting party members with harassment, arrests, and violent attacks. Critics accused the CNDD-FDD of arming its youth wing, Imbonerakure, to terrorize the

electorate and attack the opposition in collaboration with local authorities and with complete impunity. Dozens of violent incidents involving Imbonerakure were reported during the year. In March, Ananias Nsabaganwa of FRODEBU was shot and killed by a group of Imbonerakure, soldiers, and local authorities in Kirundo Province. Violence allegedly flared when Nsabaganwa was unable to contribute to the group's fundraising campaign for a local cemetery; some believe the killing was politically motivated.

Also in March, police arrested 70 people in Bujumbura for allegedly planning to participate in a protest affiliated with the opposition Movement for Solidary and Democracy (MSD) party. They were tried on charges of rebellion and insurrection during a one-day summary hearing. The hurried proceedings resulted in 21 defendants sentenced to life in prison, 27 defendants sentenced to between 2 and 10 years, and 22 defendants acquitted. The MSD was suspended until July.

In October, Léonce Ngendakumana, the head of the opposition coalition Alliance des Démocrates pour le Changement-Ikibiri (ADC-Ikibiri), was sentenced to one year in prison for making false accusations and inciting racial hatred. He was known for calling on the international community to exert pressure on the CNDD-FDD ahead of the 2015 elections.

In February, the ruling party intervened in UPRONA's affairs, unseating UPRONA president Charles Nditije and replacing him with a closer regime ally. Burundi's Vice President Bernard Busokoza, also of UPRONA, criticized the move and was subsequently fired as well. Three UPRONA ministers resigned in protest of these events, and internal discord left the party divided in two factions. The vice president of FRODEBU, Frédéric Bamvuginyumvira, was released from detention in March on medical grounds following a December 2013 arrest; his initial charges of adultery had been changed to corruption. The government reportedly rigorously vetted opposition party leaders in an effort to prevent them from running.

C. Functioning of Government: 2 / 12

Corruption and nontransparent government practices are significant problems in Burundi, which ranked 159 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. Burundi's largest anticorruption watchdog, the Anticorruption and Economic Malpractice Observatory (OLUCOME), is active in investigating and raising public attention about corruption in the government. In September 2014, anti-riot police in Bujumbura forcibly stopped OLUCOME president Gabriel Rufyiri from staging a hunger strike at the justice ministry in protest against rising corruption. Rufyiri was previously imprisoned in 2006 for leading inquiries about corruption.

Civil Liberties: 21 / 60 (-1)

D. Freedom of Expression and Belief: 8 / 16

Freedom of expression is constitutionally guaranteed, but press laws restrict journalists through broad, vaguely written provisions. A 2013 media law has been widely criticized for limiting the protection of journalistic sources, requiring journalists to meet certain educational and professional standards, and banning content related to national defense, security, public safety, and the state currency. The law empowers the media regulatory body to issue press cards to journalists, suspend or withdraw cards as a result of defamation cases, and impose financial penalties for media offenses. In January 2014, the Constitutional Court rejected a challenge of the media law lodged by the Union of Burundian Journalists (UBJ), but reduced the law's high fines and penalties. The UBJ subsequently submitted a challenge to the East African Court of Justice. In March, the president appointed six pro-government representatives to the 15-member regulatory body; the remaining nine members are journalists, principally from state broadcasters.

Radio is the primary source of information for the majority of the population. The government dominates the media through its ownership of the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. There are several private broadcast outlets, though most have a limited reach, and multiple international radio broadcasts are available in the capital. Print runs of most newspapers remain small, and readership is limited by low literacy levels. Access to the internet remains largely confined to urban areas.

Throughout 2014, the government often aggressively demanded journalists to name sources used in certain critical articles and threatened to shutter outlets reporting critically of government repression. Journalists have been increasingly willing to convey criticism of the government, though they continue to self-censor and are sometimes censored by authorities. Journalists are also frequently subject to arbitrary arrest, harassment, or threats.

Freedom of religion is generally observed, though authorities regularly harass the followers of Euzébie Ngendakumana, also known as Zebiya, who leads a small sect. In 2013, police attacked members of the group during a monthly pilgrimage, killing nine of them. In January 2014, several followers were arrested as authorities reportedly searched for Zebiya herself in Bwiza.

For many years, civil strife and Tutsi social and institutional dominance had impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved since 2005. The ability to engage in private discussion openly and freely, particularly on topics that are critical of the ruling party, is hindered by a fear of harassment by pro-government supporters.

E. Associational and Organizational Rights: 3 / 12 (-1)

The constitution provides for freedoms of assembly and association, but a 2013 law on public gatherings imposes restrictions on the right to assemble, including a one-day limit on the duration of public demonstrations. The law holds the organizers of public gatherings liable for any legal infractions made by participants and allows authorities to interrupt or cancel gatherings that pose a risk to public order. Empowered by the law, authorities regularly obstructed peaceful demonstrations and organized meetings throughout 2014. In February, the mayor of Bujumbura ordered police to halt the Burundian Bar Association's annual assembly due to the association's lack of authorization, even though authorization was not required for the private event. In March, police dispersed a peaceful Women's Day march organized by the women's league of the UPRONA party in Bujumbura using teargas. Numerous MSD meetings were also reportedly denied authorization in 2014.

Onerous and costly registration requirements prevent many local nongovernmental organizations (NGOs) from receiving official legal recognition. Registration must be completed in person at the Ministry of Interior in Bujumbura, which is difficult for NGOs based in remote areas, and extensive documentation is required.

Despite the various obstacles, there is modest but important civil society activity with a focus on human rights. The National Independent Human Rights Commission, established in 2011, has been able to operate independently and investigate politically sensitive cases. In 2014, the commission worked with international organizations to draft a law to protect human rights defenders.

Nevertheless, members of human rights groups that criticize the government are often subject to intimidation, threats, arrest, or surveillance. In May, the head of the Association for the Protection of Human Rights and Detained Persons, Pierre Claver Mbonimpa, was arrested and charged with spreading false rumors and inciting violence in relation to remarks he made regarding the politically motivated attacks perpetrated by Imbonerakure. He was provisionally released in September on medical grounds.

The constitution provides protections for organized labor, and the labor code guarantees right to strike. The Confederation of Burundi Trade Unions has been independent since its establishment in 1995. Most union members are civil servants and have bargained collectively with the government.

F. Rule of Law: 4 / 16

Burundi's judiciary is hindered by corruption, a lack of resources and training, and executive interference in legal matters. The current judicial system struggles to function effectively or independently and cannot handle the large number of pending cases, many of which are politically sensitive. Crimes, especially those related to political violence, often go unreported or uninvestigated.

In April 2014, Parliament passed a law creating a truth and reconciliation commission to provide accountability for abuses committed between 1962 and 2008, though opposition members boycotted the vote out of concern over the commission's lack of independence. In December, Parliament elected 11 members to the commission in a vote that the opposition also boycotted; under the new law, members are elected by a simple majority. Of the 11 members, 6 are Hutu, 4 are Tutsi, and 1 is Twa. The opposition accused the vote of being politically motivated, charging that the commission is comprised primarily of affiliates of the ruling party. There are concerns that the body could be used as a political tool to selectively punish the opposition, especially in the lead-up to the 2015 elections.

Impunity for police brutality remains widespread. Beginning in late December, security forces and Imbonerakure reportedly committed dozens of extrajudicial executions of armed rebel group members during a clash in Cibitoke Province. The authorities believed the rebels were planning to disrupt the 2015 elections.

Albinos face a particular threat from discrimination and violence. Since 2008, at least 18 albinos have been murdered in Burundi. Although close to a dozen arrests have been made in connection with such crimes, only one has resulted in a conviction in recent years. Members of the LGBT (lesbian, gay, bisexual, and transgender) community face official and societal discrimination, and same-sex sexual activity is a criminal offense.

G. Personal Autonomy and Individual Rights: 6 / 16

The constitution provides for freedom of movement, though citizens are restricted from traveling outside their communities without a special permit on Saturday mornings as part of a government effort to encourage participation in local service projects.

A new land law, adopted in January 2014, strengthened the authority of Burundi's National Commission of Land and Other Belongings to resolve disputes between current landowners and refugees returning to reclaim their land. Critics argue that the new law could shift the country back into ethnic conflict if it is not implemented in an unbiased manner.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Sexual and domestic violence are serious problems but are rarely reported to law enforcement agencies. The 2009 penal code criminalizes gay and lesbian sexual activity, and punishments include up to two years in prison.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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