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Country Report on Human Rights Practices 2019 - Burundi

Executive Summary

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2018 constitution, promulgated in June, provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In 2015 voters re-elected President Pierre Nkurunziza and elected National Assembly (lower house) members in elections boycotted by nearly all independent opposition parties that claimed Nkurunziza's election violated legal term limits. International and domestic observers characterized the elections as largely peaceful but deeply flawed and not free, fair, transparent, nor credible. There were widespread reports of harassment, intimidation, threatening rhetoric, and some violence leading up to the 2018 referendum and reports of compelling citizens to register to vote and contribute financially to the management of the elections planned for 2020.

The National Police of Burundi, which is under the Ministry of Public Security's authority, is responsible for law enforcement and maintenance of order. The armed forces, which are under the Ministry of Defense's authority, are responsible for external security but also have some domestic security responsibilities. The National Intelligence Service (SNR), which reports directly to the president, has arrest and detention authority. The Imbonerakure, the youth wing of the ruling Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party, has no official arrest authority but some were involved in or responsible for numerous detentions and abductions. They routinely assumed the role of state security agents and as such detained and turned over individuals to members of the official security services, in some cases after harassing or physically abusing them. Civilian authorities at times did not maintain control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings on behalf of the government; forced disappearances on behalf of the government; torture on behalf of the government; arbitrary arrest and politicized detention on behalf of the government; harsh and sometimes life-threatening prison conditions; political prisoners; significant problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression, the press, and the internet, including violence, threats of violence, and unjustified arrests of journalists, censorship, and the existence of criminal libel and slander laws; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on freedom of

movement; restrictions on political participation, including elections that were not found to be transparent, free, or fair; significant acts of corruption; trafficking in persons; violence against women to which government negligence significantly contributed; crimes involving violence targeting minority groups and persons with albinism; criminalization of same-sex sexual conduct; and use of forced or compulsory or worst forms of child labor.

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

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents, including police, SNR, military personnel, and elements of the Imbonerakure, committed arbitrary or unlawful killings, often against perceived supporters of the political opposition or those who exercised their lawful rights. The banned nongovernmental organization (NGO) Ligue Iteka continued operating from outside the country and documented 281 killings by the end of September, many allegedly committed by agents of the security services or members of the Imbonerakure. The assessments of Ligue Iteka and other human rights groups differed on the number of killings for which agents of the state or ruling party were likely responsible. Responsibility for arbitrary killings and exact statistics were difficult to determine due to the government's restrictions on human rights monitors and civil society organizations (CSOs) and refusal of access to international bodies. Investigations and prosecutions of government officials and members of the ruling party who allegedly committed arbitrary or unlawful killings were rare.

The September *Report of the UN Commission of Inquiry* (COI), whose members were denied access to the country by the government but who conducted interviews with more than 3,400 witnesses living in exile, reported that summary executions and arbitrary killings continued but were increasingly difficult to document because, despite bodies regularly being found in public places, often bearing signs of violent death, no information was provided by authorities concerning investigation into the causes or circumstances of the deaths. In addition, numerous disappearances were reported, and it was increasingly difficult to determine how many of these were cases of enforced disappearance or killings. The COI report concluded that "summary executions have been committed mainly by members of the National Intelligence Service (SNR) and by Imbonerakure acting alone. In certain cases, the bodies are found on the public highway or in watercourses, but sometimes the perpetrators take pains to hide them." Police were also implicated in unlawful killings. The COI further reported that, "Acting in place of the authorities, Imbonerakure have killed persons accused of ordinary crimes, including theft and witchcraft, thus arrogating to themselves the right to dispense justice." Victims were generally perceived as opponents of the government or the ruling

party or, first and foremost, members of the new political opposition party, the National Congress for Freedom (CNL), registered in February. Burundian nationals who returned to the country after having sought refuge abroad were also targeted, as were young men following travel abroad, who were accused of belonging to or supporting armed opposition groups.

According to a report by the NGO Ligue Iteka, on July 11, in Gihanga commune, Bubanza provincial commissioner Prosper Manirampa shot and killed Renovat Bizimana and Hypolite Ndayisaba, both members of the CNL political party. Police arrested Bizimana and Ndayisaba in the suburban Bujumbura villages of Mutimbuzi and Kinama. Although they were shot and killed by the provincial commissioner in public without due process, the police spokesperson alleged that they had attacked a police position while the provincial commissioner claimed they were thieves in illegal possession of firearms.

On October 22, the rebel group Red Tabara claimed responsibility for an attack in Bubanza province that reportedly wounded three Burundi National Defense Force (BNDF) soldiers, according to a BNDF spokesperson. The spokesperson stated that the BNDF allegedly killed 11 attackers and captured an unspecified number of assailants.

As of September 15, there were at least 30 grenade attacks throughout the country, resulting in at least seven fatalities and 40 injuries. The identification of perpetrators and motives behind the attacks was often difficult. While the apparent motives for some attacks that specifically targeted police and other security service members were assumed to be political, others were likely motivated by personal or business vendettas. Responsibility for attacks was often unclear.

b. Disappearance

There were numerous reports that individuals were victims of politically motivated disappearances after they were detained by elements of the security forces or in kidnappings where the identities of the perpetrators were not evident. The September COI report noted that some victims associated with the opposition or without political affiliation disappeared after refusing to join the ruling political party or the Imbonerakure. Victims' last sighting was often at the time of abduction by the Imbonerakure or SNR. The NGOs Ligue Iteka and SOS Burundi regularly reported disappearances, which were sometimes determined to be killings when bodies were later discovered. As of mid-September, Ligue Iteka documented 35 disappearances, linking three to the Imbonerakure, five to police, five to the military, 13 to the SNR, and eight to unidentified actors. Disappearances of persons returning from exile were also reported. There were no reports of efforts to prevent, investigate, or punish such acts.

On July 9, in Mutimbuzi, Bujumbura Rural province, Egide Mpawenimana, a member of the CNL political party, was arrested by Joe Dassin Nkezabahisi, head of the SNR in Mutimbuzi. His family was unable to locate him, and the SNR denied detaining him.

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

The constitution and penal code prohibit cruel, inhuman, or degrading treatment or punishment, but there were numerous reports government officials employed these practices. NGOs reported cases of torture committed by security services or members of the Imbonerakure. As of September, Ligue Iteka reported 201 such cases, attributing 166 to members of the Imbonerakure, 15 to police, 12 to members of local government, and eight to the SNR. According to Human Rights Watch, some Burundian refugees in other countries testified they had fled the country after they or their family members suffered violence including rape, torture, and illegal detention by members of the security forces. The press reported throughout the year that members of the CNL party were arrested, threatened, beaten, tortured, or suffered a combination of the foregoing by Imbonerakure members.

In its September report, the COI reported that torture and mistreatment persisted, and the methods employed remained consistent. Victims were often young men accused of collaborating with the opposition, spying, or campaigning against the 2018 constitutional referendum. The report linked acts of torture to members of the Imbonerakure, often acting alone but sometimes in concert with or with approval from police officers or local administrative officials. According to the COI, victims were beaten, kicked, or struck with sticks or batons, while others were wounded with sharp objects. In several cases the torture took the form of sexual violence, including rape. Torture also included death threats, intimidation, and verbal abuse, sometimes of an ethnically charged nature.

On March 23, in Jimbi, in Gitega province, Pasteur Nshimirimana, a member of the CNL political party was attacked at his residence by Imbonerakure members led by Theogene Ndorimana. He was beaten and transferred to provincial police custody in critical condition and denied medical care.

The country has contributed peacekeepers to the African Union Mission in Somalia since 2007 and to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) since 2014. As of September 2018, the United Nations had received three allegations of sexual exploitation and abuse against three members of the Burundian military contingent serving with MINUSCA, including one allegation of the rape of a minor. After a UN investigation, charges were dropped in all three cases.

Prison and Detention Center Conditions

Prisons were overcrowded, and conditions remained harsh and sometimes life threatening. Conditions in detention centers managed by the SNR and in local "lock-ups" managed by police generally were worse than in prisons, and there were allegations that police and members of the SNR committed acts of torture, beating, and mistreatment of detainees. Prisons did not meet the standards established by the *UN Standard Minimum Rules for the Treatment of Prisoners* (Mandela Rules). The 2018 COI and several other credible organizations also continued to report that the SNR, police, senior officials of the government, and other security organizations maintained clandestine detention facilities to which no independent monitors were granted access.

Physical Conditions: The Office of Penitentiary Affairs reported that, as of September, there were 10,778 inmates, including 5,130 pretrial detainees, in 11 prisons, the majority of which were built before 1965, with the capacity to accommodate 4,194 inmates. Of the 10,778 inmates, 510 were women and 140 were juveniles. As of September authorities held 140 juveniles–of whom 105 were convicted and 35 were pretrial detainees–in two juvenile rehabilitation facilities. They were allowed to participate in recreational activities and received psychosocial support and preparation for eventual return to their families and communities. In addition, there were 76 infant and small children living with their incarcerated mothers. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate population was at 753 percent of capacity, and Mpimba (in Bujumbura), which was at 501 percent of capacity. No information was available on the number of persons held in secret detention centers managed by the SNR or in communal jails operated by police. There was a prison for women in Kayanza. Authorities commonly held pretrial detainees with convicted prisoners. No information was available on the number of deaths in detention, reports of abuse by guards, or prisoner-on-prisoner violence. There were reports of physical abuse by government officials, lack of adequate medical treatment, and prolonged solitary confinement.

Prisons did not have adequate sanitation systems (toilets and bathing facilities), drinking water, ventilation, and lighting. Prisons and detention centers did not have accommodations for persons with disabilities.

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria. Many died from disease. Each inmate received daily approximately 12 ounces of manioc, 12 ounces of beans, and, on some days, oil and salt. Authorities expected family and friends to provide funds for all other expenses. Each prison was required to employ at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care; inmates with serious medical conditions were sent to local hospitals.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but they rarely investigated these complaints. There were credible reports of mistreatment of prisoners, but no record that any abusers were held to account and punished.

Independent Monitoring: The government permitted monitoring by some independent nongovernmental observers.

The government permitted visits requested by the International Committee of the Red Cross, the African Union, and the Independent National Commission on Human Rights (CNIDH). Monitors visited known official prisons, communal jails, and SNR detention centers regularly. Monitoring groups had complete and unhindered access to prisoners held in known detention facilities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not observe these prohibitions. The law provides for a fine of 10,000 Burundian francs ($5.40) and imprisonment of 15 days to one year for any member of the security forces found guilty of involvement in arbitrary arrest. Human rights groups reported numerous arbitrary arrests and detentions, including some involving the participation of Imbonerakure members. The COI described a pattern of arbitrary arrests and detentions, but it did not provide statistics. As of September, Ligue Iteka documented 598 arbitrary arrests, including 54 by the Imbonerakure, 375 by police, 30 by the military, 72 by local administration officials, and 67 by the SNR. Members of the CNL party and their supporters were especially targeted with a total of 242 arrests. Members of other opposition parties were also arrested in connection with legitimate political activities. Along with CNL members, they were often accused of organizing or taking part in “illegal meetings” of small groups in private and public locations, such as bars. Sometimes authorities arrested the relatives of CNL or opposition party members who could not be located.

In one case, minor schoolgirls were held for approximately 10 days and prosecuted for “insult to the Head of State” for having defaced photographs of the president in their school textbooks.

According to the COI, most arrests were arbitrary because they were conducted illegally, on vague grounds, or in breach of established judicial procedure, such as when carried out by Imbonerakure or local administrative authorities not authorized to make arrests other than in the midst of a crime being committed.

In 2017 Emmanuel Nshimirimana, Aime Constant Gatore, and Marius Nizigiyimana, employees of the NGO Speech and Action for the Raising of Consciousness and the Evolution of Mentalities (PARCEM) in Muramvya province, were arrested and charged with acts against state security. In March 2018 they were convicted and sentenced to 10 years’ imprisonment, but the conviction was successfully appealed and in January they were released.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person without a warrant by notifying a police supervisor in advance. Police have seven days to finish the investigation and present suspects before a magistrate but may request a seven-day extension for additional investigation. Police rarely respected these provisions.

A magistrate must either order the release of suspects or confirm the charges for continued detention, initially for 14 days, and for an additional seven days if required to prepare a case for trial. Magistrates routinely failed to convene preliminary hearings, often citing heavy case backlogs or improper documentation by police. Authorities acknowledged that the legal system struggled to process cases in a timely fashion and that lengthy pretrial detentions were common.

Lack of transportation for suspects, police, and magistrates was a frequently cited reason for the failure to convene preliminary hearings. This was a problem in the six provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over the case.

Judges may release suspects on bail but rarely did so. They did, however, often release suspects on their own recognizance. Suspects may hire lawyers at their own expense in criminal cases, but the law does not require legal representation, and the government did not provide attorneys for those unable to afford one. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura. Prisons have solitary confinement facilities, and detainees were sometimes held in solitary confinement for long periods.

Arbitrary Arrest: The law provides for a fine of 10,000 Burundian francs ($5.40) and imprisonment of 15 days to one year for security force members found guilty of arbitrary arrest. There was no evidence that this law had ever been applied. NGOs reported numerous instances of arrests wherein no underlying offense in law existed. In 2018 Ligue Iteka reported 1,182 such cases. Data were not available on the subsequent handling of the cases. Authorities released many within a day or two of their detention.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. By law authorities may not hold a person longer than 14 days without charge. As of September, according to the director of prison administration, 47 percent of inmates in prisons and detention centers were pretrial detainees. The average time in pretrial detention was approximately one year, according to the Office of Penitentiary Affairs, and authorities held some without charge. Some persons remained in pretrial detention for nearly five years. In some cases the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance because public prosecutors failed to open case files or files were lost. Others remained incarcerated without proper arrest warrants, either because police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release if found to have been unlawfully detained. Nevertheless, there was no record that any person was able to do so successfully.

e. Denial of Fair Public Trial

Serious irregularities undermined the fairness and credibility of trials. Although the constitution and law provide for an independent judiciary, there were instances when authorities bribed or subjected members of the judiciary to political influence to drop investigations and prosecutions or predetermine the outcome of trials or did not seek enforcement of court orders. According to the COI, the rules of criminal procedure were

rarely observed. Warrantless arrests of political opponents were routinely carried out, pretrial detentions were illegally extended, and judges used confessions obtained under torture as a basis for convicting defendants.

The September 2018 COI report stated there was a long-standing lack of judicial independence. The executive branch frequently interfered with politically sensitive cases to protect members of the CNDD-FDD and the Imbonerakure by issuing orders to acquit or release them or to convict and imprison opponents of the government. There were allegations the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police. Prosecutors and members of the security services sometimes ignored court orders for the release of detainees after judges had determined that there were no legal grounds for holding them.

Trial Procedures

By law defendants are presumed innocent. Panels of judges conduct all trials publicly. Defendants have the right to prompt and detailed information on the charges and free interpretation from the moment charged through all appeals, if necessary, although these rights were not always respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this did not always occur. Defendants have a right to counsel but not at the government’s expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal assistance to some defendants. Defendants have a right to defend themselves, including by questioning prosecution or plaintiff witnesses, calling their own witnesses, and examining evidence against them. Defendants also may present evidence on their own behalf and did so in most cases. Defendants have the right not to be compelled to testify or confess guilt. The law extends the above rights to all citizens.

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

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

While many of the above rights were often violated, no rights were systematically denied to persons from specific groups.

Political Prisoners and Detainees

No verifiable statistic was available on the number of political prisoners or detainees; estimates by human rights groups ranged from a few hundred to as many as 4,000. Many of the examples cited in the section on arbitrary arrests and detentions qualify as political prisoners or detainees. The government denied incarcerating persons for political reasons, citing instead acts against state security, participation in a rebellion, or inciting insurrection (see section 1.d.). Human rights groups stated that these charges were often a pretext for repressing members of political opposition parties and human rights defenders. Throughout the year there were regular arrests and detentions of members of opposition political parties, mainly from the CNL but also other parties, such as Union for Peace and Democracy-Zigamibanga. These persons were frequently accused of holding "illegal meetings" (a charge that does not exist in the law), often in their own homes or public areas such as bars. Others, mainly young men, were arrested or detained under suspicion of having cooperated with armed rebel groups. In some cases family members were arrested if the suspected member of the political opposition could not be located. In many cases alleged political prisoners remained in pretrial detention; in other cases they were released without explanation or, more frequently, after having paid a sum of money ranging from 20,000 to 500,000 Burundian francs ($10.80 to $270).

In 2017 Germain Rukuki, a former employee of the banned NGO Christian Action for the Abolition of Torture-Burundi, was arrested by SNR officials and subsequently transferred to Ngozi Prison. Rukuki was accused of acts against state security and rebellion. International and local human rights organizations criticized the nature of his detention and the charges against him as politically motivated. In April 2018 Rukuki was convicted and sentenced to 32 years' imprisonment. Rukuki appealed the conviction, and in July his conviction was upheld by the Bujumbura Court of Appeals.

Amnesty: On January 23, a presidential decree amnestied 2,381 prisoners who were serving sentences of less than five years and halved the sentences of other convicted prisoners. The decree excluded those convicted of genocide, crimes against humanity, war crimes, armed robbery, illegal possession of firearms, threatening the internal or external security of state, voluntary homicide, terrorism and bioterrorism, torture and other cruel treatment, inhuman or degrading treatment, and trafficking in persons. Because political prisoners were generally charged with threatening internal state security, none benefited from the amnesty decree.

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were credible reports that the government attempted to use international law enforcement tools for politically motivated reprisals against specific individuals located outside of the country. On October 12, the governments of Burundi and Tanzania signed an agreement to allow cross-border pursuit of alleged criminals into each other's countries. This was perceived by refugees and refugee advocacy organizations as a ploy to allow police to enter refugee camps in Tanzania and arrest opponents. The authority to engage in cross-border pursuit was also reportedly used by the government to pressure other refugees to repatriate in order to support its claim that there was no political or human rights crisis in the country.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations and may appeal decisions to an international or regional court. In 2016 five CSOs closed by the government challenged the decision in the East African Court of Justice. As of October the case remained in process. In January 2018 the court denied an application by the complainants for a preliminary injunction overruling the closures pending the outcome of the case. In denying the application, the court concluded that the complainants had not demonstrated that the CSOs' closure caused irreparable damage.

Property Restitution

In the wake of violence, repression, fear, hunger, insecurity, abuse, and severe economic hardship following the 2015 political crisis and harvest failures in early 2017, more than 420,000 citizens fled to neighboring states, primarily Tanzania. As of November more than 79,000 had returned, primarily from Tanzania, through a formal process organized by the Office of the UN High Commissioner for Refugees (UNHCR). There were reports that since 2015 government officials and private citizens seized land that was owned or legally occupied by departing refugees, which complicated the reintegration of some of those who returned during the year. Some returnees also found that their houses were destroyed, either due to natural conditions or to intentional property destruction. In general, however, government officials prevented the occupation of lands belonging to refugees. Government officials cited specific instructions from President Nkurunziza in a 2015 speech to provide for the integrity of refugees' property.

The National Commission for the Land and Other Properties (CNTB) was established in 2006 to resolve land ownership conflicts, particularly between returning refugees who had fled successive waves of conflict in the country and those who had remained. Because of small plot sizes and the reliance of the vast majority of citizens on subsistence agriculture, land disputes were frequently a source of conflict. Many government officials and civil society actors considered land conflict to be the top cause of killings in the country. In 2015 the president suspended the implementation of all decisions to expropriate taken by the CNTB due to violence associated with land disputes in Makamba province. The CNTB's reported practice of generally restoring lands to returning refugees from the country's past conflicts, many of whom were ethnic Hutu, led to accusations of ethnic favoritism. In 2017 the president lifted the suspension, and the CNTB continued its work to resolve land ownership conflicts. There were allegations, however, the CNTB was biased and corrupt.

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

The constitution and law provide for the right to privacy and require search warrants, but authorities did not always respect these rights. The legislature passed into law a revised Criminal Procedures Code, which was officially promulgated in May 2018. The revised law provided for warrantless searches when security services suspect acts of terrorism, fraud, trafficking in persons, illegal possession of weapons, trafficking in or

consumption of drugs, or "infractions of a sexual nature." The law requires that security services provide advance notice of warrantless searches to prosecutorial officials but does not require approval. Human rights groups raised concerns that the breadth of exceptions to the warrant requirement and the lack of protections provided for in the law created risks of abuse. They also noted that by law warrants may be issued by a prosecutorial official without reference to a judicial authority, limiting judicial oversight of the decisions of police and prosecutors.

Police, SNR agents, and Imbonerakure members–sometimes acting as mixed security committees–set up roadblocks and conducted general vehicle inspections and searches. Members of the security forces also sought bribes in many instances, either during searches or in lieu of a search. In October police in Bujumbura and Gitega were given authorization by city officials to conduct warrantless searches of homes in the interest of security.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press but ban "defamatory" speech regarding the president and other senior officials, material deemed to endanger national security, and racial or ethnic hate speech. Restrictions on freedom of speech and the press increased significantly following dissent against the president's 2015 announcement that he would seek a third term in office and government accusations of media complicity in the 2015 failed coup. These restrictions continued and were applied to press outlets, including those critical of the government or the human rights situation in the country. Journalists and outspoken critics reported harassment and intimidation by security services and government officials. Social media networks, primarily Twitter and WhatsApp, served as news outlets, often replacing traditional news outlets. Forces allied to the CNDD-FDD repressed media perceived as sympathetic to the opposition, including print and radio journalists, through harassment, intimidation, and violence.

Freedom of Expression: The penal code, passed in 2009, protects public servants and the president against "words, gestures, threats, or writing of any kind" that is "abusive or defamatory" or would "impair the dignity of or respect for their office." The law also prohibits racially or ethnically motivated hate speech. The penalty for conviction of insulting the head of state is six months to five years in prison and a fine of 10,000 to 50,000 Burundian francs ($5.40 to $27). Some journalists, lawyers, NGO personnel, and leaders of political parties and civil society stated the government used the law to intimidate and harass them.

Press and Media, Including Online Media: The government owned and operated daily newspapers in French and Kirundi, *Le Renouveau* and *Ubumwe*, and a radio and television station, Burundi National Television and Radio. The directors general of both outlets report to the Presidency. Rema FM, a CNDD-FDD radio station, also enjoyed support from the government, although it was technically independent. Radio Isanganiro was the country's largest independent radio station. *Iwacu*, an independent

newspaper that was generally critical of the government and its policies, continued to publish articles in French and English. It was sanctioned, however, by the National Communications Council (CNC) for reporting that was alleged to be biased against the government, and its journalists reported several incidents of harassment by national security services. On October 22, police arrested four journalists covering unrest in Bubanza, along with their driver. They were charged by the prosecutor with complicity in undermining state security. On November 20, the Ntahangwa Court of Appeal refused temporary release for the journalists but released the driver.

The CNC maintained its requirement that *Iwacu* close the comments section of its website. The 2018 suspension, in connection with a criminal complaint, of *Ikiriho*, a generally progovernment online news outlet, continued at year's end. On November 21, the CNC suspended the online television station and the comments page of the news website *NAWE.bi*.

In 2017 the CNC announced a decision to withdraw the licenses of Radio Bonesha, Radio Publique Africaine (RPA), and Radio/Television Renaissance for breaches of their agreements with the CNC or for not abiding by content regulations. These three stations were shuttered by the government in 2015 after unidentified men destroyed their broadcasting equipment following a failed coup. Radio Bonesha continued to operate a website, and RPA continued to broadcast into the country from Rwanda.

The Voice of America (VOA) was suspended in May 2018 for an initial period of six months; the suspension was never formally renewed at the six-month mark, and the organization was suspended indefinitely in April. VOA removed its equipment from Burundi in November. In announcing the suspension, the CNC cited the outlet's decision to broadcast "biased" information "contrary to the rules of the [journalistic] profession" and to employ journalists the government claimed were subject to arrest warrants. The government suspended the BBC at the same time and in April revoked its broadcast license, citing a documentary it produced that the government stated was defamatory. In announcing its decision to revoke the BBC's license and prolong the VOA's suspension indefinitely, the CNC issued a prohibition for any journalist to provide information to either outlet.

In 2013 the government passed a media law that requires journalists to reveal sources in some circumstances and prohibits the publication of articles deemed to undermine national security. In 2014 parliament revised the law following journalists' successful appeal to the East African Court of Justice. The court's decision caused parliament to remove from the media law some of its more draconian elements. Following the failed coup in 2015, the government invoked the law to intimidate and detain journalists. In September 2018 the government passed a law to regulate accreditation of journalists by increasing the prerequisites to include minimum requirements for education and prior experience and threatening criminal penalties for journalists found working without credentials. Reporters indicated there were lengthy delays in the accreditation process that prevented them from being able to work. Those who were able to continue working complained that government agents harassed and threatened media that criticized the government and the CNDD-FDD. Journalists had difficulty corroborating stories, as local sources were intimidated.

Violence and Harassment: The majority of independent journalists fled the country during and after the political crisis and crackdown in 2015; most had yet to return, citing threats to their safety. Several media outlets stated they received explicit threats that they would be closed if they published or broadcast stories critical of the government. The government detained or summoned for questioning several local journalists investigating subjects such as human rights abuses, corruption, or refugees fleeing the country. Journalists experienced violence and harassment at the hands of security service members and government officials. On February 12, a journalist for National Radio and Television of Burundi was arrested for filming police beating street vendors in Bujumbura. A police spokesperson stated the journalist was arrested for taking unapproved photographs and videos.

Censorship or Content Restrictions: The government censored media content through restrictive press laws established by the CNC, an organization that is nominally independent but subject to political control. According to Freedom House, observers regarded the CNC as a tool of the executive branch, as it regularly issued politicized rulings and sanctions against journalists and outlets. In 2016 the CNC passed two decrees regarding media activity, one for domestic journalists and one for foreign outlets operating in the country. The first compels all journalists to register annually with the CNC. The second limits the access granted to international journalists and establishes content restrictions on the products disseminated by these outlets. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship, including by journalists working for the national broadcaster. Those who did not self-censor faced "reassignment" to jobs where they did not have access to the public or were fired.

The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 members, who were mainly government representatives and journalists from the state broadcaster.

Nongovernmental Impact: Many members of the governing party's Imbonerakure youth wing collaborated with government security forces to inhibit freedom of expression. In some cases they were official members of mixed security councils, which comprise police, local administration officials, and civilians. The Imbonerakure's members often occupied positions that were reserved for local citizenry, giving them a strong role in local policing. The mixed security committees remained controversial, as lines of authority increasingly blurred between Imbonerakure members and police. Journalists and human rights defenders accused Imbonerakure members of acting as irregular security forces and of using government resources to follow, threaten, attack, and arrest individuals they perceived as opposition supporters.

Internet Freedom

The government sometimes restricted or disrupted access to the internet or censored online content. Some citizens relied heavily on the social media platforms WhatsApp, Twitter, and Facebook on both internet and mobile telephone networks to get information concerning current events. There were no verifiable reports the

government monitored email or internet chat rooms. Several journalists stated they were generally freer in their reporting online than in radio and other media more closely controlled by the government, particularly when posting in French or English rather than in local languages. Several radio stations that were closed after the failed coup in 2015 continued to broadcast radio segments and issue articles online.

Some media websites were occasionally unavailable to internet users in the country. Publications affected included the newspaper *Iwacu* and the online publication *Ikiriho* prior to its suspension in October 2018 by the Ministry of Justice. There was no official comment on the outages; both the reason and mechanism remained unclear. In most cases the outages lasted a few days before access was restored.

Academic Freedom and Cultural Events

There were allegations that hiring practices, student leadership elections, and grading at the University of Burundi were subject to political interference in favor of CNDD-FDD members.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government severely restricted this right (see section 1.d.). The law requires political parties and large groups to notify the government in advance of a public meeting and at least four days prior to a proposed demonstration and allows the government to prohibit meetings or demonstrations for reasons of "public order." When notified, authorities in most cases denied permission for opposition members to meet or demonstrate and dispersed meetings already underway. By contrast, supporters of the CNDD-FDD and government officials were regularly able to meet and organize demonstrations on short notice; these demonstrations were frequently large and included participation by senior officials.

There were frequent reports by journalists and members of opposition parties that they were detained, harassed, arrested, or physically beaten for having held "illegal meetings"–often involving no more than a handful of individuals. Victims of these actions were primarily members of the CNL party, although occasionally other parties were also victims.

Freedom of Association

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

In 2017 the government enacted a law constricting the liberties of international NGOs. The law includes requirements that international NGOs deposit a portion of their budgets at the Bank of the Republic of Burundi and that they develop and implement

plans to attain ethnic and gender balances in the recruitment of local personnel. The law contains several clauses that give the government considerable control over NGO selection and programming.

In September 2018 the government's National Security Council announced a three-month suspension of international NGOs, effective October 2018. The minister of the interior clarified that the government was suspending NGO operations until they provided documents demonstrating compliance with the country's NGO and banking laws. The minister required NGOs to submit a copy of their cooperative agreement with the Ministry of Foreign Affairs, a memorandum of understanding with the appropriate technical ministry, a certification of compliance with banking regulations, and a plan to comply with the law's ethnic and gender balances within three years. He stated that the ministry would review the files of each NGO as soon as it received their submissions and that NGOs failing to provide documents within three months would be closed. Many organizations viewed the suspension as a politically motivated restriction on civil space. The suspension had an immediate and significant impact on NGO operations, including on their provision of basic services. Some international NGOs were allowed to continue medical and education programs during the suspension. By early 2019 the government lifted the suspension on all NGOs except two that were asked to leave the country. Enforcement of the new requirements has been sporadic. Representatives from the Ministry of Foreign Affairs or Ministry of the Interior visited a small number of NGOs and requested additional detail on their activities. With the exception of requests for the overall percentages of their staff composition by ethnicity, NGOs reported the questions were not excessive or invasive.

In 2017 the government also enacted laws governing domestic CSOs. The law requires CSOs to register with the Ministry of the Interior (or with provincial governments if they operate in a single province), a complex process that includes approval for an organization's activities from the Ministry of the Interior and other ministries, depending on the CSO's area(s) of expertise. Registration must be renewed every two years, and there is no recourse when authorities deny registration. The law provides for the suspension or permanent closure of organizations for "disturbing public order or harming state security."

In 2016 the government permanently banned five CSOs it claimed were part of the political opposition. In 2016 the government announced its intention to ban Ligue Iteka, the country's oldest human rights organization, for "sow(ing) hate and division among the population following a social media campaign created by the International Federation of Human Rights and Ligue Iteka in which a mock movie trailer accused the president of planning genocide." The ban took effect in 2017; Ligue Iteka has continued to operate from Uganda and report on conditions in Burundi. There were no further reported closings of domestic CSOs.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government severely restricted these rights.

The government generally cooperated with the local UNHCR office and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. On August 24, the governments of Tanzania and Burundi signed an agreement whereby they agreed to the return of roughly 180,000 Burundian refugees in Tanzania, "whether voluntarily or not," starting in October. Initial returnees were determined to be voluntary; however, later media reports indicated that some refugees who had initially volunteered to return, changed their minds but authorities disregarded their change of mind and forced them to leave. As of November 31, international organizations and human rights groups concluded that Tanzanian authorities were making conditions for refugees so difficult that in many cases their returns could not legitimately be considered voluntary. Nonetheless, there were no reports that the agreement between Burundi and Tanzania on cross-border criminal pursuit had been used to repatriate refugees forcibly. In December the governments of Burundi and Tanzania agreed to a three-week pause in returns, and further convoys of returnees were halted through the end of the year.

In-country Movement: According to several news sources, the government enforced the use of household logbooks, *cahier* or *livret de menage*, that listed the residents and domestic workers of each household in some neighborhoods of the capital. In numerous instances police arrested persons during neighborhood searches for not being registered in household booklets. Persons who attempted to cross the border to flee violence and reach refugee camps were sometimes stopped and turned back by police, the SNR, or Imbonerakure members. Stateless persons also faced restrictions on movement because, in addition to lacking identification documents, they may not apply for driver's licenses and may not travel freely throughout the country.

Local governments established checkpoints on roads throughout the country on a widespread basis officially for the collection of transit taxes on drivers and passengers; the checkpoints were often staffed by police or members of the Imbonerakure. Checkpoints were also established for security purposes. There were frequent allegations that those staffing the checkpoints sought bribes before allowing vehicles to proceed. In some instances members of the Imbonerakure were accused of using the checkpoints to deny free movement to individuals for political reasons, such as failing to demonstrate proof of voter registration or of contributions for the funding of elections, for refusal to join the ruling party, or for suspicion of attempting to depart the country in order to seek refugee status.

Foreign Travel: The price of a passport was 235,000 Burundian francs ($127). Authorities required exit visas for foreigners who held nonofficial passports and who did not hold multiple-entry visas; these visas cost 48,000 Burundian francs ($25.95) per month to maintain. Most foreigners held multiple-entry visas and were no longer subject to this requirement. Stateless persons may not apply for a passport and may not travel outside the country.

e. Internally Displaced Persons (IDPs)

The International Organization for Migration (IOM) estimated there were 103,000 IDPs in the country as of December. According to the IOM, 77 percent were displaced due to natural disasters while 23 percent were displaced for political or social reasons. Some IDPs reported feeling threatened because of their perceived political sympathies. Some IDPs returned to their homes, but the majority remained in IDP sites or relocated to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by UNHCR, the IOM, and other humanitarian organizations, such as shelter and legal assistance programs.

f. Protection of Refugees

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

UNHCR estimated 75,000 refugees were in the country as of December, with a further 8,212 in the process of seeking asylum. Of the refugees and asylum seekers, more than 98 percent were Congolese, including arrivals during the year. Continuing violence in the Democratic Republic of the Congo prevented their return. Efforts begun in 2015 to resettle Congolese refugees in third countries continued.

Access to Basic Services: Refugees residing in camps administered by the government and the United Nations and its partners received basic services. The large percentage of refugees residing in urban areas also accessed services, such as education, health care, and other assistance offered by humanitarian organizations.

g. Stateless Persons

According to UNHCR an estimated 974 persons at risk of statelessness lived in the country. All were from Oman, were awaiting proof of citizenship from the government of Oman and had lived in Burundi for decades. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani citizenship. Stateless persons face limited freedom of movement because they were ineligible for driver's licenses and passports.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The country held legislative, communal, and presidential elections during 2015, but the international community and independent domestic organizations widely condemned the process as deeply flawed. Several progovernment CSOs observed and validated the elections. The UN Electoral Mission in Burundi was the sole international observer of the voting; the African Union (AU) and the EU declined to participate in the process. Intimidation, threats, and bureaucratic hurdles colored the campaigning and voting period, resulting in low voter turnout and a boycott by most opposition parties.

Elections and Political Participation

Recent Elections: During 2015 the government held four separate elections, including for communal councils and the National Assembly (June), president (July), the Senate (July), and village councils (August). Citing their inability to campaign fairly and freely, most opposition parties called on their adherents to boycott the elections. The CNDD-FDD won absolute majorities in the National Assembly and Senate.

The EU's election observation mission reported that sufficient conditions for credible elections were not met. The AU also declined to send observers because the conditions were not conducive to credible, transparent, free, and fair elections. According to the International Crisis Group, the National Independent Electoral Commission (CENI) and the Ministry of the Interior created bureaucratic obstacles to opposition parties, including failing to recognize party leadership, refusing to permit legal party meetings, and favoring CNDD-FDD loyalists for positions on provincial and communal election committees.

In 2017 President Nkurunziza announced a referendum to amend the constitution. He warned that any opposition to holding the referendum was a "red line," while stating that opponents of the constitutional changes would be able to make their case. Several government and ruling party officials subsequently made statements threatening individuals opposed to the referendum. In a 2017 speech in Cibitoke province, Sylvestre Ndayizeye, a senior leader of the Imbonerakure, called on his colleagues to "identify and subdue" those who opposed the campaign. In April a video circulated on social media networks of a CNDD-FDD party official in Muyinga province, Melchiade Nzopfabarushe, threatening to kill opponents of the referendum and dispose of their bodies in Lake Tanganyika. During the months leading up to the May 2018 referendum, there were widespread instances of harassment, intimidation, threatening rhetoric, and some violence against real or perceived opponents of the amendments by party or government officials and their proxies.

The vote on the referendum was largely peaceful, but opposition parties cited irregularities during the vote tabulation process, including the expulsion of accredited monitors from voting stations. The Constitutional Court rejected an appeal by the Amizero Y'Abarundi coalition of independents to contest the results provided by CENI. No international organizations and few domestic organizations officially observed the referendum, although several progovernment CSOs did.

In 2017 the government began a campaign to generate citizen contributions to a fund for elections, with the intention of domestically financing future elections. In 2017 the government released a decree formalizing the campaign, under which amounts were to be automatically deducted from the salaries of civil servants. Deductions began in January 2018. The decree specified that contributions from other citizens were to be voluntary but identified recommended contribution levels for salaried employees and for farmers. Beginning in 2017, however, and increasing significantly following an announcement by the minister of the interior in June 2018 of relaunching efforts to generate contributions from citizens, government officials and members of the

Imbonerakure pressured citizens to donate. There were reports of violence, harassment, intimidation, arbitrary arrests, denial of freedom of movement, and denial of basic services to citizens who failed to demonstrate proof of payment. These involuntary contributions continued throughout the first half of the year. There were numerous reports that these collections were carried out by the Imbonerakure using threats of violence, and in many cases families were forced to contribute multiple times. In July the president announced that fundraising goals were reached but that "voluntary" contributions were still welcome. Nevertheless, as of July isolated reports of involuntary collections continued.

Political Parties and Political Participation: According to the law, to qualify for public campaign funding and compete in the legislative and presidential elections, parties needed to be "nationally based," i.e., ethnically and regionally diverse, and prove in writing they were organized and had membership in all provinces. The Ministry of the Interior recognized 35 political parties. On February 14, the Ministry of the Interior registered the previously unapproved National Forces of Liberation-Rwasa under the new name, the CNL. The Union for National Progress (UPRONA), led by Evariste Ngayimpenda, remained unrecognized, except for a small faction that broke off and pledged its allegiance to the ruling party.

Other parties, such as the Union for Peace and Development, were recognized by the Ministry of the Interior but were unable to operate due to intimidation and suppression by the government. The Movement for Solidarity and Democracy remained suspended, and the Supreme Court's decision on a motion to ban it permanently was still pending at year's end.

Ministry of the Interior interference in opposition party leadership and management contributed significantly to the weak and fractured nature of opposition parties. The government stated that the law allows only legally constituted political parties, coalitions of political parties, and independent candidates to run for office and that unrecognized leaders of parties and political actors not associated with a party could play no role in the political process. Parties not recognized by the government were largely unable to conduct political activities and even recognized parties, such as the CNL, were frequently restricted from conducting political activities. The constitution's ban on coalitions for independents further constrained the options of unrecognized parties and disenfranchised them.

The constitution also includes measures increasing restrictions on independent candidates, including a measure that prevented individuals from running as independents if they had claimed membership in a political party within the previous year or if they had occupied a leadership position in a political party within the previous two years. The constitution also provides that independent candidates for the National Assembly must receive at least 40 percent of the vote in their district in order to be elected, a standard that did not apply to candidates representing political parties.

Individuals often needed membership in, or perceived loyalty to, the ruling political party to obtain or retain employment in the civil service and the benefits that accrued from such positions, such as transportation allowances; free housing, electricity, and

water; exemption from personal income taxes; and interest-free loans. During the year there were reports of individuals facing harassment, arbitrary arrest, and violence, including torture and killing, for refusing to join the CNDD-FDD at the hands of members of the Imbonerakure, government officials, or other ruling party supporters. These reports, along with the pressure placed on citizens to register as voters or to provide contributions for elections, led some observers to suggest that the space for citizens to support an opposition party or be apolitical was diminishing, constituting an impingement on freedom of expression and association.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

The constitution reserves 30 percent of positions in the National Assembly, Senate, and Council of Ministers for women, and government institutions hired persons after the elections to meet gender and ethnic quota requirements. The 2017 international NGO law extended this quota to NGO employment. Women were not well represented in political parties and held very few leadership positions. Some observers believed that tradition and cultural factors kept women from participating in politics on an equal basis with men.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, yet corruption remained a very serious problem. The government did not fully implement the law, and some high-level government officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The constitution provides for the creation of a High Court of Justice to review accusations of serious crimes against high-ranking government officials. The anticorruption law applies to all other citizens, but no high-ranking person has stood trial for corruption.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace. There were also allegations of corruption in the government, including incidents related to lack of transparency of budget revenue related to gasoline importation; to the management of public tenders and contracts, including in the health sector; and to the distribution of the country's limited foreign currency reserves to finance imports. The Burundian Revenue Office has an internal antifraud unit, but observers accused its officials of fraud.

The state inspector general and the Anticorruption Brigade were responsible for investigating government corruption but were widely perceived as ineffective.

Financial Disclosure: The law requires financial disclosure by elected officials and senior appointed officials once every five years, but it does not require public disclosure. The Supreme Court receives the financial disclosures. By law the president, two vice presidents, and cabinet ministers are obligated to disclose assets upon taking office, but the nonpublic nature of the disclosure means compliance with this provision could not be confirmed. No other officials are required to disclose assets.

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

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression. The law requires CSOs to register with the Ministry of the Interior, a complex process that includes approval for an organization's activities. Registration must be renewed every two years, and there was no recourse for organizations denied registration or renewal. By law an organization may be suspended permanently for "disturbing public order or harming state security."

Many human rights defenders who had fled the country in 2015 remained outside the country at year's end. Those who remained in the country were subjected to threats, intimidation, and arrest. The cases of Germain Rukuki and Nestor Nibitanga, who were convicted in 2018 and remained in jail at year's end, and three members of PARCEM, who were held from April 2018 until January when they were released following a successful appeal of their convictions, were emblematic of the judicial threats faced by human rights monitors from both recognized and unrecognized organizations.

In 2016 the government banned five CSOs led by opponents to the president having a third term and in January 2017 banned Ligue Iteka. Ligue Iteka and other organizations without official recognition continued to monitor the human rights situation. Members of both recognized and unrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and their sources. In January the government indefinitely suspended PARCEM for allegedly undermining public order and security.

The United Nations or Other International Bodies: In December 2018 the government requested that the Office of the UN High Commissioner for Human Rights (OHCHR) close its office in Bujumbura, abrogating the 1995 memorandum of understanding under which the OHCHR worked in the country. The government cited the existence of national institutions as evidence that the OHCHR office was no longer necessary. The government had suspended cooperation with the office in 2016 in response to the UN Independent Investigation on Burundi (UNIIB) report that found "reasonable grounds to believe" security forces and Imbonerakure had established multiple detention facilities that were unacknowledged by the prosecutor general and included allegations that senior leaders were personally complicit in human rights violations. On February 28, the OHCHR closed its office.

The UN Human Rights Council created the three-member COI in 2016 to investigate human rights violations since 2015; its mandate was renewed in 2017 and again in September 2018. The government refused to allow commission members to enter the country after publication of the 2016 UNIIB report, did not respond substantively to any requests for information from the commission, and in October 2018 declared the commission members, who never had access to the country, to be officially unwelcome in the country. In September the commission delivered its annual report, finding there was reason to believe that grave violations of human rights and crimes against humanity continued to be committed in the country, including extrajudicial killings, systematic torture, sexual violence, and political oppression. The COI reported these violations were primarily attributable to state officials at the highest level and to senior officials and members of the SNR, police, the Burundian National Defense Forces, and Imbonerakure. Following the annual report, in September its mandate was once again extended. Government officials dismissed the report, and the Ministry of Human Rights broadcast a radio report that stated the government "will never work with the [COI]," adding that the decision to once again extend its mandate was supported by the European Union and other countries "with the objective of maintaining Burundi in a state of colonialism." They concluded, "The Government of Burundi does not promote human rights to please the international community."

In 2016 the AU announced it would send 100 human rights monitors and 100 military monitors to the country and stated that the Burundian president supported the deployment. Approximately 40 human rights monitors and eight military monitors deployed in 2016, but the government did not grant permission for the rest of the monitors to enter the country. The 40 monitors stayed in the country until September 2018, when the number was reduced due to a gap in financing. In November 2018 the AU Peace and Security Council voted to extend the mission with reduced staffing levels. According to the AU, the monitors were limited in what they could do because the government had yet to agree on a memorandum of understanding for the monitors. As of October, the 10 civilian and three military AU monitors who remained, and who did not make their reports public, were the only external monitors in the country.

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which had yet to be implemented, and a national Truth and Reconciliation Commission (TRC), which was adopted into law in April 2014. Between becoming operational in 2016 and October, the TRC gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law violations committed in the country. The TRC is also mandated to establish individual responsibilities and those of state institutions, individuals, and private groups.

Based on testimonies collected from September 2016 to May 2018, the commission provisionally identified thousands of mass graves of varying size throughout the country dating from the time of its mandate as well as numerous allegations of killings, torture, sexual and gender-based violence, and violations of due process rights. Some CSOs and opposition political figures raised concerns that, in view of ongoing human rights abuses, political tensions, a climate of fear and intimidation, fears of retribution

for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. CSOs cited concerns that the participation of ruling party members in deposition-gathering teams could reduce the willingness of some citizens to testify or share fully their stories. Some of the TRC commissioners were perceived by some CSOs as representing the interests of the ruling party and therefore not impartial. A lack of funding and qualified experts adversely affected the TRC's ability to operate. The operating environment did not change during the year.

Ombudsman Edouard Nduwimana's mandate included monitoring prison conditions and encouraging interreligious dialogue. During the year he also focused on dialogue with opposition political parties, both within and outside the country.

The CNIDH, a quasigovernmental body charged with investigating human rights abuses, exercised its power to summon senior officials, demand information, and order corrective action. In 2016 the Global Alliance of National Human Rights Institutions (GANHRI) provisionally downgraded CNIDH's accreditation due to concerns regarding its independence. In February 2018 GANHRI confirmed its decision, suspending CNIDH's right to participate fully in global meetings with counterparts. The CNIDH also monitored the government's progress on human rights investigations but did not regularly release its findings to the public. In April a new group of commissioners was appointed to a four-year term and took steps to implement measures to help the CNIDH restore its accreditation.

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

Women

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

In 2016 the government adopted a law that provides for the creation of a special gender-based crimes court, makes gender-based violence crimes unpardonable, and provides stricter punishment for police officers and judges who conceal violent crimes against women and girls. As of October the special court had not been created, and no police or judges had been prosecuted under the law.

The Unit for the Protection of Minors and Morals in the National Police is responsible for investigating cases of sexual violence and rape as well as those involving the trafficking of girls and women. The government-operated Humura Center in Gitega provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence. As of early September, the center had received 878 cases of sexual and gender-based violence and domestic violence.

The September COI report stated that officials and members of the Imbonerakure were responsible for cases of sexual violence, including cases in which women were targeted because they or their relatives were supporters of the political opposition. Credible observers stated many women were reluctant to report rape, in part due to fear of reprisal or social stigma.

Sexual Harassment: The law prohibits sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. Punishment for conviction of sexual harassment may range from a fine to a prison sentence of one month to two years. The sentence for sexual harassment doubles if the victim is younger than 18. The government did not actively enforce the law. There were reports of sexual harassment but no data available on its frequency or extent.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, nationality, and inheritance laws. Women faced legal, economic, and societal discrimination, including with regard to inheritance and marital property laws.

By law women must receive the same pay as men for the same work, but they did not (see section 7.d.). Some employers suspended the salaries of women on maternity leave, and others refused medical coverage to married female employees. The government provided only limited resources to enforce labor laws in general and did not enforce antidiscrimination laws effectively.

In June 2018 the minister of education released a guidance letter stating that female primary and secondary school students who became pregnant or were married during their studies would not be allowed to reintegrate into the formal education system but could pursue vocational training. This provision also applied to male students believed to have had sexual intercourse leading to pregnancy but did not affect married male students. Prior to this guidance, female students who became pregnant were required to seek the permission of the Ministry of Education to re-enter school and then transfer to a different school, leading to high dropout rates; male students were not subject to this requirement. In June 2018 the minister revoked the guidance and announced the establishment of a committee to facilitate the reintegration of students, including pregnant students, who "face any challenges during the academic year." Reports persisted that, especially in remote areas, pregnant girls were still prevented from attending school.

In 2017 President Nkurunziza signed into law regulations requiring unmarried couples to legalize their relationships through church or state registrations. The Ministry of the Interior subsequently announced that couples who did not marry before the end of 2017 could face fines of 50,000 francs ($27), based on the provisions of the criminal code against unmarried cohabitation and that children born out of wedlock would not be eligible for waivers on primary school fees and other social services. The campaign was subsequently extended into 2018, and there were no reports of the threatened

consequences being implemented. Government officials continued campaigns during the year to implement the president's decree, but as of October the movement had lost momentum and there were no reports that the law was enforced.

Children

Birth Registration: The constitution states that citizenship derives from the parents. The government registers, without charge, the births of all children if registered within a few days of birth, and an unregistered child may not have access to some public services. For additional information, see Appendix C.

Education: Education is tuition-free, compulsory, and universal through the primary level, but students are responsible for paying for books and uniforms. Secondary students must pay tuition fees of 12,000 Burundian francs ($6.48) per quarter; secondary school is not compulsory. Throughout the country provincial officials charged parents informal fees for schooling at all levels.

Child Abuse: The law prohibits violence against or abuse of children, with punishment for conviction ranging from fines to three to five years' imprisonment, but child abuse was a widespread problem. The penalty for conviction of rape of a minor is 10 to 30 years' imprisonment.

The traditional practice of removing a newborn child's uvula (the flesh that hangs down at the rear of the mouth) caused numerous infections and deaths of infants.

Early and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal and were rare, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of the Interior discouraged imams from officiating illegal marriages. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The penalty for conviction of commercial sexual exploitation of children is 10 to 15 years in prison and a fine of between 500,000 and two million Burundian francs ($270 and $1,080). The penalties for conviction of child pornography are fines and three to five years in prison. There were no prosecutions during the year.

Women and girls were smuggled to other countries in Africa and the Middle East, sometimes using falsified documents, putting them at high risk of exploitation.

Displaced Children: Thousands of children lived on the streets throughout the country, some of them HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services, such as medical care and economic support. Independent observers reported that children living on the streets faced brutality and theft by police and judged that police were more violent toward them during the 2015 political unrest than previously. A government campaign begun in 2016 to "clean the streets" by ending vagrancy and unlicensed commerce resulted in the detention of hundreds of persons living or working on the streets. The Council of Ministers approved a roadmap in 2017 for ending vagrancy that would

require the return of detained children and adults to their communes of origin. Often when children were returned to their commune of origin, they returned or moved to other cities within a few months. The government established a goal of having no children or adults living on the streets by the end of 2017 but did not meet its goal. Arbitrary arrests and detentions of persons, including children, living on the streets continued.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html).

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/ (https://www.state.gov/trafficking-in-persons-report/).

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but the government did not promote or protect the rights of persons with disabilities. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required job applicants to present a health certificate from the Ministry of Public Health stating they did not have a contagious disease and were fit to work, a practice that sometimes resulted in discrimination against persons with disabilities.

No legislation mandates access to buildings, information, or government services for persons with disabilities. The government supported a center for physical therapy in Gitega and a center for social and professional inclusion in Ngozi for persons with physical disabilities.

Indigenous People

The Twa, the original hunter-gatherer inhabitants of the country, numbered an estimated 80,000, or approximately 1 percent of the population. They generally remained economically, politically, and socially marginalized. By law local administrations must provide free schoolbooks and health care for all Twa children.

Local administrations largely fulfilled these requirements. The constitution provides for three appointed seats for Twa in each of the houses of parliament, and Twa parliamentarians (including one woman in each chamber) hold seats.

In 2018 a representative of a Twa rights organization stated in the newspaper *Iwacu* that several Twa had been victims of vigilante killings during the year after being accused, justly or unjustly, of crimes by other citizens. Although the organization did not suggest complicity by government authorities or security services, the representative stated that some local officials had questioned the need for investigating the killings, since the victims were accused of criminal acts. There were sporadic reports of such killings throughout the year.

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

In 2009 consensual same-sex conduct was criminalized. Article 567 of the penal code penalizes consensual same-sex sexual relations by adults with up to two years in prison if convicted. There were no reports of prosecution for same-sex sexual acts during the year.

The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care, and societal discrimination against LGBTI persons was common.

Other Societal Violence or Discrimination

Criminals sometimes killed persons with albinism, particularly children, in order to use their body parts for ritual purposes. Most perpetrators were citizens of other countries who came to kill and then departed the country with the body parts, impeding government efforts to arrest them. According to the Albino Women's Hope Association chairperson, society did not accept persons with albinism, and they were often unemployed and isolated. Women with albinism often were "chased out by their families because they are considered as evil beings."

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions with restrictions. A union must have at least 50 members. There is no minimum size for a company to be unionized. The minister of labor has the authority to designate the most representative trade union in each sector. Most civil servants may unionize, but their unions must register with the Ministry of Civil Service, Labor, and Social Security (Labor Ministry) that has the authority to deny registration. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers younger than 18 must have the consent of their parents or guardians to join a union.

The law provides workers with a conditional right to strike after meeting strict conditions; it bans solidarity strikes. The parties must exhaust all other means of resolution (dialogue, conciliation, and arbitration) prior to a strike. Intending strikers must represent a majority of workers and give six days' notice to the employer and the Labor Ministry, and negotiations mediated by a mutually agreed upon party or by the government must continue during the action. The ministry must determine whether the sides have met strike conditions, giving it, in effect, the power to prevent strikes. The law permits requisition of essential employees in the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law recognizes the right to collective bargaining, but it excludes measures regarding public sector wages that are set according to fixed scales following consultation with unions. If negotiations result in deadlock, the labor minister may impose arbitration and approve or revise any agreement. There are no laws that compel an employer to engage in collective bargaining. The law prohibits antiunion discrimination. The law allows termination of workers engaged in an illegal strike and does not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws. Resources for inspection and remediation were inadequate, and penalties were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities. In the wake of participation by union members in antigovernment demonstrations in 2015, unions were subject to similar pressures and restrictions as other elements of civil society. These measures led to a significant reduction in union activism.

Most unions were public employee unions, and virtually no private sector workers were unionized. Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiation. The principal trade union confederations represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions.

Most laborers worked in the unregulated informal economy and were not protected. According to the Confederation of Burundian Labor Unions, virtually no informal sector workers had written employment contracts.

In 2015 the Confederation of Free Trade Unions of Burundi submitted a complaint to the International Labor Organization (ILO) stipulating that executive committee members of one of its affiliates were unfairly dismissed and that employment contracts were unjustly suspended or terminated. Evaluation of the case was postponed twice, and in June the ILO noted the government's failure to respond to repeated requests for information.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. The penalty for conviction of forced labor trafficking was sufficient to deter violations, but the government did not effectively enforce applicable laws. Resources for inspections and remediation were inadequate. Workplace inspectors had authority to impose fines at their own discretion, but there were no reports of prosecutions or convictions.

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

Citizens were required to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Although enforcement of this requirement was rare, there were sporadic reports that communal administrators fined residents who failed to participate, and members of the Imbonerakure or police sometimes harassed or intimidated individuals who did not participate.

Also see the Department of State's *Trafficking in Persons Report* at https://www.state.gov/trafficking-in-persons-report/ (https://www.state.gov/trafficking-in-persons-report/).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor but does not generally apply to children working outside of formal employment relationships. The law states that enterprises may not employ children younger than 16, with exceptions permitted by the Labor Ministry. These exceptions include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. The minister of labor permitted children age 12 and older to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. The legal minimum age for most types of "nondangerous" labor varies between the ages of 16 and 18. The law prohibits children from working at night and limits them to 40 hours' work per week. Although the law does not apply to the informal sector, the Ministry of Labor stated that informal employment falls under its purview.

The Ministry of Labor is responsible for the enforcement of laws on child labor and had many instruments for this purpose, including criminal sanctions, fines, and court orders. The ministry, however, did not effectively enforce the law, primarily due to a dearth of inspectors and inadequate resources, such as insufficient fuel for vehicles. As a result the ministry enforced the law only when a complaint was filed. Fines were not sufficient to deter violations. During the year authorities did not report any cases of child labor in the formal sector, nor did they conduct surveys on child labor in the informal sector.

In rural areas children younger than 16, often responsible for contributing to their families and their own subsistence, were regularly employed in heavy manual labor during the day, including during the school year, especially in agriculture. Children working in agriculture could be forced to carry heavy loads and use machines and tools

that could be dangerous. They also herded cattle and goats, which exposed them to harsh weather conditions and forced them to work with large or dangerous animals. Many children worked in the informal sector, such as in family businesses, selling in the streets, and working in small local brickworks. There were instances of children being employed as beggars, including forced begging by children with disabilities.

In urban areas child domestic workers were prevalent, accounting for more than 40 percent of the 13- to 15-year-old children in the country, according to a government survey from 2013-14. Child domestic workers are often isolated from the public. Some were only housed and fed instead of being paid for their work. Some employers, who did not pay the salaries of children they employed as domestic servants, accused them of stealing, and children were sometimes imprisoned on false charges. Child domestic workers could be forced to work long hours, some employers exploited them sexually, and girls were disproportionately impacted.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings (https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings).

d. Discrimination with Respect to Employment and Occupation

The constitution recognizes workers' right to equal pay for equal work. The constitution does not specifically prohibit discrimination against any group but rather provides for equal rights. Authorities reported no violations of this equal rights requirement. Much of the country's economic activity took place in the informal sector, where protection was generally not provided. Some persons claimed membership in the ruling party was a prerequisite for formal employment in the public and private sectors. Members of the Twa ethnic minority, who in many cases lacked official documentation, were often excluded from opportunities in the formal economy. Women were excluded from some jobs, and in 2017 a government decree prohibited women from performing in traditional drumming groups. Persons with albinism experienced discrimination in employment.

e. Acceptable Conditions of Work

The official minimum wages, unchanged since 1988, were below the official line of poverty, but unofficial minimum wages more reflective of labor market forces prevailed. These, too, were below the international poverty line. According to the World Bank, 73 percent of the population lived below the poverty line. More than 90 percent of the working population worked in the informal economy; minimum wage law did not apply to the informal sector, where wages were typically based on negotiation and reflected prevailing average wages.

The labor code limited working hours to eight hours per day and 40 hours per week, but there are many exceptions, including for workers engaged in national security, guarding residential areas, and road transport. Security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. A surcharge of 35 percent for the first two hours and 60 percent thereafter

must be paid for those workers eligible for paid overtime. Workers are supposed to receive 200 percent of their base salary for working weekends and holidays, but only become eligible for this supplement after a year of service. There is no legislation on mandatory overtime. Breaks include 30 minutes for lunch as a generally observed practice, but there is no legal obligation. Foreign or migrant workers are subject to the same conditions and laws as citizens.

The labor code establishes appropriate occupational safety and health standards for the workplace, but they often were not followed. Many buildings under construction in Bujumbura, for example, had workforces without proper protective equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

The Labor Inspectorate in the Ministry of Labor is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. The government did not effectively enforce the law, and penalties were insufficient to deter violations. The labor inspectors' mandate is limited to the formal sector except where international agreements extend that mandate to all employment, according to ministry guidelines. The government did not allocate sufficient resources to address enforcement needs, such as that necessary for training and transportation for inspectors.

Although workplaces rarely met safety standards or protected the health of workers sufficiently, there were no official investigations, no cases of employers reported for violating safety standards, and no complaint reports filed with the Labor Inspectorate during the year. There were no data on deaths in the workplace. Workers could leave the work site in case of imminent danger without fear of sanctions.

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