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Freedom in the World 2017 - Burundi

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Freedom Status: Not Free

Aggregate Score: 19/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 7/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 11,100,000

Capital: Bujumbura

GDP/capita: \$277

Press Freedom Status: Not Free

OVERVIEW

Democratic gains made after the 12-year civil war ended in 2005 are rapidly being undone by a shift toward authoritarian politics and ongoing repression of and violence against the opposition and those perceived to support it.

Key Developments in 2016:

- Repression and persecution of those suspected of opposing President Pierre Nkurunziza continued.
- At the end of the year, over 300,000 people had fled Burundi as refugees due to the ongoing crisis.
- In March, the European Union (EU) suspended direct aid to Burundi over the government's refusal to engage in peace talks.
- In October, the government announced that it would withdraw from the International Criminal Court (ICC), six months after the ICC prosecutor's office had initiated a preliminary examination of the crisis.

Executive Summary:

Burundi's political crisis began in April 2015, when President Nkurunziza announced his intention to run for a constitutionally dubious third term, which he won in disputed elections held later that year. Nkurunziza's move sparked violence including assassinations, arrests, torture of government critics, and escalating attacks by antigovernment forces in 2015. The violence continued in 2016, though at a lower rate. Many opposition figures and journalists who fled the country in 2015 continued to operate in exile. At the end of 2016, over 300,000 people had fled Burundi as refugees due to the crisis.

The government has shown little interest in mediators' attempts to help negotiate a resolution to the crisis, and in March 2016, the EU suspended direct aid to Burundi over the government's refusal to engage in peace talks. The government's hard-line stance, combined with its stated intention to withdraw from the ICC, reflect a worrying disengagement from the international community.

Meanwhile, Nkurunziza's ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) maintained near-total control of the executive, judiciary, and legislative branches, as well as the security forces.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 5 / 40

A. Electoral Process 1 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

A new constitution was adopted in 2005 after a series of agreements ended Burundi's 12-year civil war. According to the charter, the president, who is directly elected for up to two five-year terms, appoints two vice presidents, one Tutsi and one Hutu, who must be approved separately by a two-thirds majority in both the lower and upper houses of Parliament.

The lower house, the National Assembly, has 100 members directly elected by proportional representation for five-year terms. The constitution requires the National Assembly to be no more than 60 percent Hutu and no less than 40 percent Tutsi, with at least 30 percent of the seats held by women, and three deputies from the Twa ethnic minority. Additional members can be added, or "co-opted," from the respective party lists to meet these requirements. The upper house, the Senate, consists of 36 members chosen by locally elected officials for five-year terms. Each of Burundi's 18 provinces chooses two senators – one Tutsi and one Hutu. As in the National Assembly, the Twa are guaranteed three seats in the Senate, and additional members can be co-opted to meet the 30 percent quota for women.

In April 2015, the CNDD-FDD announced that President Pierre Nkurunziza would seek a third presidential term in elections scheduled for later that year. Critics charged that the move contravened the constitution and would jeopardize the country's fragile peace. Nkurunziza and his supporters argued that he was eligible to run again because he had been elected by Parliament rather than through a popular vote for his first term in office. Despite widespread public protests and international condemnation of the move, the Constitutional Court in May 2015 ruled in favor of Nkurunziza, even as one of the court's justices fled abroad. Days later, a group of military leaders led a coup attempt against Nkurunziza while he was in Tanzania. Government forces quickly reasserted control and began a harsh crackdown on those suspected of involvement in the plot or opposition to the president. Due to ongoing unrest in the country, the electoral commission

postponed National Assembly elections until June 2015, and the presidential poll until that July. Indirect Senatorial elections were also held in July.

Despite having boycotted the vote, the opposition coalition remained on the ballot; Amizero y'Abarundi (Hope for Burundi) secured 11 percent of the vote (21 seats), while the Union for National Progress (UPRONA) captured 2 percent (2 seats). Subsequent reallocations and co-opting to meet constitutional quotas resulted in a full seating of 121 deputies. In indirect elections for the Senate, the CNDD-FDD took 33 of 36 elected seats; an additional 7 seats were co-opted. In the presidential poll, Nkurunziza defeated National Forces of Liberation (FNL) leader Agathon Rwasa, 69 percent to 19 percent. Rwasa had pulled out of the race, but his name – like those of other opposition candidates – had remained on the ballot.

International observers from some organizations, including the EU and African Union (AU), refused to monitor the elections, saying they could not be free or fair given the growing violence and climate of intimidation. A UN mission observing the presidential poll stated that the overall environment had not been conducive to a free and fair electoral process, saying that while not as violent as the previous month's legislative polls, that violence had "remained an unfortunate feature of the entire process."

In August 2016, Parliament was sent a report that had been drafted by a national commission, assembled by Nkurunziza, supporting the elimination of term limits. In December, Nkurunziza suggested that he could run for a fourth term if this constitutional change were enacted.

B. Political Pluralism and Participation 4 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

More than two dozen political parties are active in Burundi. The current legislature consists of members of the CNDD-FDD, a largely Hutu party associated with a former rebel group; the Tutsi-led UPRONA; and Amizero y'Abarundi, which includes members of the FNL, a former Hutu rebel movement. Many political parties include youth branches that intimidate and attack opponents.

Opposition parties, politicians, and their supporters faced harassment, intimidation, and violence throughout 2016, following the failed coup attempt in May 2015 that triggered a crackdown on those suspected of involvement. Security forces loyal to the president played a key role in the repression, as did the Imbonerakure, the ruling party's youth wing.

Many opposition politicians and groups were operating in exile in 2016, including the National Council for the Restoration of the Arusha Accords and Restoration of the State of Rights (CNARED), which accused Nkurunziza of violating the agreements that ended the civil war. Even some leading regime figures, such as Vice President Gervais Rufyikiri and National Assembly speaker Pie Ntavyohanyuma, fled the country in 2015 after voicing opposition to Nkurunziza's third-term bid. Hafsa Mossi, a former minister and member of the East African Legislative Assembly, was shot and killed in July 2016; the motive for her murder was unclear.

C. Functioning of Government 0 / 12

- C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?
- C2. Is the government free from pervasive corruption?
- C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

The 2015 polls fell far short of international standards for democratic elections, and in the absence of freely elected leaders, the government is accountable only to the ruling CNDD-FDD party. Corruption and nontransparent government practices are significant problems in Burundi. The country does not have a freedom of information law.

Civil Liberties 14 / 60

D. Freedom of Expression and Belief 6 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

Freedom of expression is constitutionally guaranteed, but press laws restrict journalists through broad, vaguely written provisions, and key independent news outlets were destroyed in the political violence of 2015. A 2013 media law has been widely criticized for limiting the protection of journalistic sources, requiring journalists to meet certain educational and professional standards, and banning content related to national defense, security, public safety, and the state currency. The law empowers the media regulatory body to issue press cards to journalists, suspend or withdraw cards as a result of defamation cases, and impose financial penalties for media offenses. The 15-member regulatory council is controlled by presidential appointees and journalists from state broadcasters.

The government dominates the media through its ownership of the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. Radio is the primary source of information for the majority of the population. Some international radio broadcasts are available in the capital. Print runs of most newspapers remain small, and readership is limited by low literacy levels and availability.

Throughout 2016, the government continued to pressure outlets carrying unfavorable coverage, with some such outlets being forced to close. Additionally, in October the Burundian Union of Journalists (UBJ) was indefinitely suspended alongside several civil society groups. Journalists are frequently subject to arbitrary arrest, harassment, or threats by police and the Imbonerakure. In July, journalist Jean Bigirimana, who worked a reporter with the independent weekly newspaper *Iwacu*, disappeared after receiving a phone call from intelligence services. He remained missing at year's end. Also in 2016, police arrested several foreign journalists, as well as their Burundian colleagues, and other foreign journalists were barred from the country. More than 100 journalists had fled into exile since April 2015, according to an October 2016 report by the Committee to Protect Journalists (CPJ).

Access to the internet remains largely confined to urban areas. As antigovernment protests began in 2015, the government attempted to cut off access to social-media sites used by the demonstrators. Many were able to circumvent the restrictions through the use of VPNs (virtual private networks).

Freedom of religion is generally observed.

For many years, civil strife and Tutsi social and institutional dominance impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved since 2005.

The ability to engage in open and free private discussion, particularly on opposition to the ruling party, is hindered by a fear of harassment by government supporters. Private citizens, including students and youth activists, continued to face surveillance by the National Intelligence Service (SNR) and the Imbonerakure in 2016.

E. Associational and Organizational Rights 2 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The constitution provides for freedoms of assembly and association, but a 2013 law on public gatherings imposes restrictions on the right to assemble, including a one-day limit on the duration of demonstrations. The law holds the organizers of public gatherings liable for any legal infractions by participants and allows authorities to interrupt or cancel gatherings that pose a risk to public order.

Onerous and costly registration requirements prevent many local nongovernmental organizations (NGOs) from receiving official legal recognition. Registration must be completed in person at the Ministry of Interior in Bujumbura, which is difficult for NGOs based in remote areas, and extensive documentation is required. Crackdowns against Burundi's civil society sector sharply intensified during 2015 and continued into 2016. Members of human rights groups that criticized the government faced surveillance, intimidation, threats, and arrest, leading many to seek refuge abroad. Authorities continued to issue bans and suspensions against NGOs in 2016, though some groups focusing on apolitical causes continued to function.

The constitution provides protections for organized labor, and the labor code guarantees the right to strike. However, it is unlikely that union members would feel free to exercise the collective bargaining rights guaranteed by the law in the current political climate. In late December 2016, the chairman of the Confederation of Burundi Trade Unions was arrested by intelligence agents on unclear charges along with several other union leaders with whom he was meeting.

F. Rule of Law 1 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

Burundi's judiciary is hindered by corruption, a lack of resources and training, and executive interference in legal matters. In 2015, justices on the Constitutional Court were reportedly intimidated into ruling in favor of Nkurunziza's decision to stand for a third term. The court's vice president, Sylvere Nimpagaritse, fled the country rather than approve the president's candidacy,

which he deemed unlawful; he alleged that he and his fellow justices had come under enormous pressure, including death threats, to vote in favor of the proposal. The current judicial system struggles to function effectively or independently and cannot handle the large number of pending cases, many of which are politically sensitive. Crimes, especially those related to political violence, often go unreported or uninvestigated.

In 2014, Parliament passed a law creating a truth and reconciliation commission to provide accountability for abuses committed between 1962 and 2008, though opposition members boycotted the vote due to concerns about the commission's lack of independence, claiming that most members were affiliates of the ruling party. The body began its work in March 2016.

Separately, in October 2016, the government announced that it would withdraw from the ICC. The announcement came six months after the ICC prosecutor's office had opened a preliminary examination into the current crisis.

Impunity for police brutality remains widespread. The police and the SNR increasingly engaged in torture and other ill-treatment of detainees suspected of participating in the 2015 protests or subsequent antigovernment violence. Victims described being beaten with iron bars, burned with acid, and having their heads forced under dirty water. Detainees did not have access to lawyers and were forced to make false confessions under threat of death. In April 2016, the UN High Commission for Human Rights warned that there had been a sharp increase in the use of torture during detention, noting that UN personnel had documented 345 new cases of torture in the first three months of the year. Many of those tortured were held by the intelligence services, but the UN found torture and detainee mistreatment at police stations and sometimes at army facilities. The UN also noted reports of secret detention facilities across the country.

The general security situation remained poor in 2016. Over 300,000 refugees had fled Burundi since the current crisis began, according to year-end statistics released by the United Nations refugee agency. According to a May 2016 report from the Armed Conflict Location and Event Dataset, 1,155 people were killed between April 2015 and April 2016 amid attacks against civilians, battles, protests, and other unrest, with perpetrators including security forces, ex-soldiers and opposition groups. Of the dead, according to the report, at least 690 were civilians. Because researchers and international organizations have difficulty collecting such data, the death toll could be higher. In July 2016, Human Rights Watch published a report detailing rapes by Imbonerakure of women and men suspected of being opposition supporters.

Albinos face a particular threat from discrimination and violence in Burundi. Since 2008, at least 18 albinos – whose body parts are believed by some to have magical properties – have been murdered. In February 2016, a child with albinism was murdered and dismembered, the first such killing in four years.

LGBT (lesbian, gay, bisexual, and transgender) people face official and societal discrimination. The 2009 penal code criminalizes same-sex sexual activity, and punishments include up to two years in prison.

G. Personal Autonomy and Individual Rights 5 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners,

and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

The constitution provides for freedom of movement, though citizens are restricted from traveling outside their communities without a special permit on Saturday mornings as part of a government effort to encourage participation in local service projects. Since 2015, concerns for personal safety further have restricted free movement, particularly in neighborhoods regarded as opposition strongholds where security forces conducted search operations. The deteriorating security situation hampers private business activity in the country.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Sexual and domestic violence are serious problems but are rarely reported to law enforcement agencies. Rights monitors continue to report sexual violence against women in refugee camps, and by security forces and Imbonerakure.

The U.S. State Department's 2016 *Trafficking in Persons Report* noted that children in Burundi are often subject to forced labor and sex trafficking. In some cases they are sold into servitude by family members, or recruited and deceived by friends and neighbors. Government officials have largely failed to combat domestic child trafficking.

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