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2009 Human Rights Report: Burundi

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Burundi is a constitutional republic with an elected government and a population of 8.3 million. In 2005, following local and parliamentary elections, the two houses of parliament indirectly elected as president Pierre Nkurunziza, a member of the National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD) political party. International observers reported that the elections, which ended a four-year transitional process under the Arusha Peace and Reconciliation Agreement, were generally free and fair. The CNDD-FDD party dominated parliament and the government, although other major parties, notably the Burundian Front for Democracy (FRODEBU) and the Union for National Progress (UPRONA) were also represented. In December 2008 President Nkurunziza signed the Declaration on the Burundi Peace Process with the last active rebel group, PALIPEHUTU-National Liberation Forces(FNL), represented by leader Agathon Rwasa. This began the demobilization, disarmament, and reintegration of the FNL, which continued during the year. On April 18, Rwasa renounced armed struggle, and on April 21, after it dropped "PALIPEHUTU" (Party for the liberation of the Hutu People) from its name, the government registered the FNL as a political party. (The constitution prohibits ethnic references in political party names.) While civilian authorities generally maintained effective control of security forces, there were numerous instances when elements of the security forces acted independently.

The government's human rights record remained poor. Government security forces continued to commit numerous serious human rights abuses, including killings and beatings of civilians and detainees with widespread impunity. Human rights problems also included vigilante abuse and personal score-settling; rape of women and girls; harsh, life-threatening prison and detention center conditions; prolonged pretrial detention and arbitrary arrest and detention; lack of judicial independence and efficiency, and judicial corruption; detention and imprisonment of political prisoners and political detainees; and restrictions on freedom of speech, assembly, and association, especially for political parties. Domestic and sexual violence and discrimination against women remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The UN Office of the High Commissioner for Human Rights in Burundi reported that security forces killed 19 civilians, compared with 57 in the previous year, based on data gathered through September. The UN noted, however, that it was reevaluating its monitoring mechanisms and may have missed some cases. Local media reported numerous cases in which security forces were known or strongly suspected to have killed civilians unlawfully.

For example, on April 8, unknown perpetrators stabbed to death Ernest Manirumva, vice president and high-profile investigator of the local nongovernmental organization (NGO) Observatory for the Struggle against Economic Corruption and Embezzlement (OLUCOME). Manirumva was widely known to have embarrassed the government, particularly the security forces, by publishing a series of exposés on corrupt payroll and procurement practices. By year's end police had arrested nine suspects, including four policemen. In addition, authorities and local media reported that a Burundian citizen was arrested in Canada for his alleged links to the murder.

On May 21, police opened fire on a group of boy scouts in Kayogoro, Makamba Province, killing one and injuring three. A police spokesperson initially claimed that the scouts had fired first, but later admitted this was not true. Four policemen were arrested. The local police commander, who initially fled the scene, later turned himself in. The communal administrator was also subsequently arrested in connection with the incident. At year's end all six suspects remained in prison awaiting trial.

On October 13, three policemen beat a man to death in Kayanza Town, Kayanza Province. According to witnesses and the policemen who committed the crime, Kayanza Governor Senene Nduwimana ordered the beating because the victim would not give the governor some land for free. At year's end the three policemen were in detention, the governor remained in his position, and the investigation was ongoing.

Unlike in the previous year, there were no reports of security forces killing civilians in response to rebel attacks or for suspected collaboration with rebel forces. Since the December 2008 peace agreement with the FNL, there have been no military engagements between government forces and the FNL. Nonetheless, criminal activity linked to former rebels resulted in numerous killings and other serious abuses against the civilian population during the year. The local human rights organization Ligue Iteka claimed that authorities failed to investigate these incidents associated with former rebels or identify the killers.

During the year there were some developments in connection with the following 2008 killings by security forces:

The June 22 killing of two persons in Ruyigi Province as a result of a grenade thrown by a soldier resulted in the arrest of a soldier who was awaiting trial at year's end.

The June 24 killing by a policeman of a civilian in a bar in Ngozi Province resulted in the arrest of a policeman who was awaiting trial at year's end.

The September 25 death by grenade attack of the director general of sports and leisure at the Ministry of Sports, Youth, and Culture outside his home in Musaga resulted in the arrest of a woman who was later released for lack of evidence. There were no further developments by year's end.

There were no further developments in connection with the following 2008 killings by FNL rebels:

The July 6 killing of the head of a family in Muhuta, Bujumbura Rural Province, and the July 8 looting and killing of livestock in Isale, Bujumbura Rural Province.

Given the high numbers of arms circulating among the population and general lawlessness in many areas, a large number of killings could be attributed to vigilante abuse or the settling of personal scores. There were continuing reports of deaths and injuries caused by unidentified persons, some allegedly security force personnel, using grenades and mortars.

On February 21, one man died when an unknown person threw a grenade into his home in Itaba, Gitega Province. It was rumored that the killing was linked to a land dispute. No arrests were made during the year.

On September 9, one person was killed and six others seriously injured when unknown assailants lobbed a grenade into a cafe in Gihanga, Bubanza Province. No arrests were made during the year.

On December 27, two persons were killed and 10 seriously wounded when an unknown assailant set off a grenade in Bujumbura's central market. Two individuals were detained by police, but no charges were filed and the investigation was ongoing at year's end.

There were reports of killings, usually perpetrated by unknown persons, of individuals accused of sorcery.

On March 20, unknown assailants killed a woman from Gisuru and a man from Butaganzwa, Ruyigi Province. Local residents suspected the woman's own family of the killings because members of her family had accused her of sorcery. No arrests were made during the year.

On May 5, unidentified persons killed three elderly women accused of sorcery in Gishingano, Bujumbura Rural Province. Their families stated that the women were murdered in order to take their land. No arrests were made during the year.

On May 6, a mob burnt alive a man accused of sorcery in Rumonge, Bururi Province. No arrests were made during the year.

There was no further development in the July 2008 sorcery-related death by mutilation of a 14-year-old girl in Muyinga Province.

The September 2008 killing and burning of four persons in Ruyigi Province resulted in the arrest of some suspects, but at year's end none had been tried for the crimes.

Sporadic killings of persons with albinism, in which the victims' body parts were removed for use in witchcraft, continued. In contrast to the previous year, there were fewer such killings. This decline may be attributed to increased police protection for persons with albinism and more rigorous prosecution of the alleged killers.

For example, on February 13, local authorities in Giteranyi Commune, Muyinga Province, reported that a group of unidentified men murdered and dismembered a 40-year-old woman with albinism. No suspect directly implicated in this case was arrested, although it is possible that the 11 individuals arrested for trafficking in body parts were responsible (see below).

On February 24, the national police confirmed that a group of unidentified men in Kayanza Province killed and dismembered a six-year-old boy with albinism. No suspect directly implicated in this case had been arrested (see below).

On July 9, police discovered the corpse of one person with albinism in Nyabitsinda, Ruyigi Province. Police said that the victim was poisoned but the murderers did not take his body parts. No suspect directly implicated in this case had been arrested (see below).

In September 2008 unidentified assailants in Ruyigi Province killed a girl with albinism and then cut off her hands and feet. Also in September 2008 in Ruyigi Province, unknown attackers killed and cut off the arms and legs of a man with albinism. In November 2008, also in Ruyigi Province, a six-year-old girl with albinism was killed and her head and limbs removed. Armed attackers broke into the family's home and tied up the girl's parents before shooting the girl in the head.

From October 2008 to March 14, 2009, police arrested 11 persons in Karuzi and Ruyigi provinces under suspicion of murder, including murders in 2008 and early 2009, and trafficking in body parts. On July 23, the High Court of Ruyigi Province sentenced one suspect to life imprisonment and three suspects to 15 years' imprisonment. Four other suspects

received sentences ranging from one to seven years, while the remaining three suspects were acquitted due to lack of evidence.

In a series of prison breaks on August 1-26, a total of 20 prisoners, including an unconfirmed number of those serving sentences for killing persons with albinism, escaped from prison in Ruyigi Province. Tanzanian security forces recaptured six of the escapees who had crossed into Tanzania, including one of the convicted killers of persons with albinism; this man was later shot and killed when allegedly attempting to escape from Tanzanian security forces.

Widespread public dissatisfaction with security forces' inability to control (and frequent complicity in) crime resulted in several cases of lethal mob action. On September 6, a mob of angry villagers in Muhindo, Ruyigi Province, stoned to death two police officers suspected of theft. At year's end no arrests had been made. While a police spokesperson did not explicitly condone the killings, he commended the mob for "maintaining public order."

On September 18, a mob killed a man caught stealing in the Cibitoke neighborhood of Bujumbura. No arrests were made during the year.

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

Unlike the previous year, the NGO Association for the Protection of Human Rights and Detained Persons (APRODH) reported that no detainees were missing from detention facilities during the year. APRODH also clarified that the 64 detainees reported missing in the previous year were in fact "phantom" cases that resulted from counting alleged offenses instead of actual prisoners, many of whom were charged with several crimes.

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

The constitution and law prohibit such practices; however, the UN, the international NGO Human Rights Watch (HRW), and domestic NGOs Ligue Iteka and APRODH reported that members of the security forces often manhandled and beat civilians and detainees. Unlike in the previous year, domestic NGOs reported no confirmed incidents of torture. A new penal code specifically prohibiting torture took effect in April.

On January 15, a crowd estimated at 100 persons surrounded the local police commander's compound in the Kamenge neighborhood of Bujumbura following reports that he beat an 80-year-old woman. Police dispersed the crowd. No action was taken against the commander.

On June 17, a male police officer working in the Office of the President attacked a female police officer in Kibenga, Bujumbura, in an apparent dispute over office keys. The female officer sustained head injuries. The male officer had not been formally disciplined or arrested at year's end.

On August 6, a police officer knocked a pregnant woman off an illegal bicycle taxi in Bujumbura, breaking two of her teeth. Two witnesses who reported the incident at police headquarters were themselves briefly detained. The police spokesperson refused comment, but two policemen were arrested in connection with the incident. Neither had been tried by year's end.

A police commissioner accused of torturing a detainee in the Bubanza provincial jail in September 2008 remained in his position without any administrative sanctions.

An allegedly drunken policeman arrested for firing into an unruly crowd in Bururi Province in 2007 was tried in July before the Bururi High Court. The case was still in deliberation at year's end.

Unlike in the previous year, there were no confirmed reports that security forces maintained illegal detention and torture centers across the country. Several National Intelligence Service (SNR) facilities reportedly used in the past for torture held "open houses" attended by members of human rights organizations.

On August 7, at Mutimbuzi in Muramvya Province, two armed men in military uniforms raped two 15-year-old girls. By year's end no suspects had been arrested.

There were no further developments in the following rapes committed by security forces in 2008: the 36 rape cases recorded by the UN; the February 13 rape of a 16-year-old girl at a cantonment camp in Randa; the April 14 rape of a nine-year-old girl at a camp for displaced persons in Buhiga; and the July 1 rape of a woman in Busoni.

According to the UN, unlike in the previous year, there were no known cases of children associated with armed groups at year's end.

Prison and Detention Center Conditions

Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted, and in June APRODH reported that 10,636 persons were held in 11 facilities built to accommodate a total of 4,050. More than 6,700 of the prisoners had not been tried. According to government officials and human rights observers, prisoners suffered from digestive illnesses and malaria, and some died as a result of disease. Unlike in the previous year, APRODH reported no cases of torture among prisoners and detainees, but physical abuse and prolonged detentions remained problems. For example, 65 percent of prisoners were "preventive detainees" held without charge.

Each prison had one qualified nurse and at least a weekly visit by a doctor; however, prisoners did not always receive prompt access to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the primary provider of medicines. The government did not feed detainees in communal lockups. Detainees and prisoners not held in communal lockups received 450 grams of food per day from the government; families often had to supplement prisoner rations.

Detention centers and communal lockups were severely overcrowded, and conditions were generally worse than prison conditions. APRODH stated there were numerous unofficial reports of prisoner abuse. Proper sanitation and medical care were limited or nonexistent. There were 400 communal lockups where those arrested were supposed to be held for no longer than one week; in practice detainees were regularly kept in these facilities for much longer periods, ranging from a few weeks to several months.

According to APRODH there were 548 children in prisons, including 79 infants, some of whom were born in the prisons, accompanying their mothers. The mothers in prisons were both pretrial detainees and convicted offenders. In most prisons women were in the same facility as men but had an area for themselves. There was a small women-only jail in Kayanza Province. As of September 30, there were 205 women in prisons, according to the Penitentiary Administration.

Juvenile prisoners were held with, and often treated as, adults.

Political prisoners often were held with convicted criminals.

Detainees awaiting trial were held in communal lockups, but some were also incarcerated with convicted prisoners. In detention centers and communal lockups, minors were not always separated from adult detainees.

During the year the government permitted all visits requested by international and local human rights monitors, including the ICRC; visits took place in accordance with the ICRC's standard modalities.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The national police are responsible for internal security, but the military (FDN) may assume such responsibilities in time of war. The police deal with criminal matters, and the FDN fulfills external security and counterinsurgency roles. In practice the FDN also arrests and detains suspects. The Ministry of Defense oversees the FDN, and the Ministry of Public Security oversees the national police. The SNR is the national intelligence agency; it reports directly to the president. The SNR gathers intelligence on both domestic and international issues and has the authority to arrest and interrogate suspects.

Members of the security forces were poorly trained. Corruption, disregard for limits on detention, and mistreatment of prisoners and detainees remained problems. An internal affairs unit within the police force investigated crimes committed by police, but punishment was rare. The United Nations Mission in Burundi (BINUB) and NGOs provided human rights training to police. Impunity and lack of accountability for members of the security forces who committed human rights abuses remained problems.

Arrest Procedures and Treatment While in Detention

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

Unlike in the previous year, security forces did not arbitrarily detain any journalists or labor union leaders for prolonged periods of time. Journalist Jean-Claude Kavumbagu and vice president of the Justice Ministry's administrative workers union Juvenal Rududura, both detained in September 2008, were released on March 19 and July 9 respectively. Kavumbagu was cleared of the charge of insulting the president while Rududura remained on "provisional release." He was monitored closely by authorities and not permitted to leave Bujumbura.

Lengthy jail procedures, a large backlog of pending cases, judicial inefficiency, corruption, and financial constraints often caused trial delays. Irregularities in the detention of individuals, including holding them beyond the statutory limit, continued. Human rights NGOs and others lobbied the government unsuccessfully for the release of prisoners who were held for long periods of time without charge.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was not independent of the executive branch, was inefficient, and was hampered by corruption. Political interference seriously compromised the judiciary's impartiality.

The judicial system consists of civil and criminal courts with the Supreme Court and Constitutional Court at the apex. In all cases involving constitutional matters, the Constitutional Court has the ultimate appellate authority, while the final authority in all other cases rests with the Supreme Court.

The law provides for an independent military judicial system, which in practice was influenced by the executive and higher-ranking military officers. Courts of original jurisdiction for lower-ranking military offenders are called "War Councils," and one exists in each of the five military districts. A Tribunal of Appeals hears appeals of War Council decisions and also has trial jurisdiction for mid-ranking military offenders. Military courts have jurisdiction over military offenders and over civilians accused of offenses implicating members of the military. Military courts provide the same rights as criminal courts.

The government officially recognizes the traditional system of community arbitration known as "abashingantahe," which functions under the guidance of community members recognized for their conflict resolution skills. A "mushingantahe," or community mediator, is recognized by the community and presides over deliberations; no lawyers are involved. The opinion of a mushingantahe often is necessary before access is granted to the formal civil court system. The abashingantahe system is limited to civil and minor criminal matters.

Trial Procedures

All trials are publicly conducted by panels of judges. In theory, defendants are presumed innocent and have a right to counsel, but not at the government's expense, even in cases involving serious criminal charges. Defendants have a right to defend themselves, which includes the right to question the prosecution's witnesses, call their own witnesses, and examine evidence against them. Defendants can also present evidence on their own behalf, which is what occurred in the majority of cases; few defendants had legal representation because few could afford the services of one of the 90 registered lawyers in the country. Some local and international NGOs provided juridical assistance but could not assist in all cases. The law extends the above rights to all citizens.

All defendants, except those in military courts, have the right to appeal their cases up to the Supreme Court. In practice the inefficiency of the court system extended the appeals process for long periods, in many cases for more than a year. This effectively limited the possibility of appeals, even by defendants accused of the most serious crimes.

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

Political Prisoners and Detainees

The incarceration of political prisoners and detainees remained a problem. According to human rights observers, there were an estimated 30 political prisoners. This contrasts with the previous year, when several hundred PALIPEHUTU-FNL combatants were imprisoned for allegedly political reasons. Authorities released many former rebels as part of the demobilization process in the first half of the year; the remaining detainees were widely believed to be common criminals.

In November 2008 journalist and political activist Alexis Sinduhije was arrested at the Bujumbura headquarters of his Movement for Security and Democracy (MSD), a political party not then registered by the government. Sinduhije was subsequently charged with insulting President Nkurunziza based on comments allegedly found in Sinduhije's personal papers. On March 12, the Bujumbura High Court cleared Sinduhije and released him.

On May 25, an appeals court upheld the prison sentences of former CNDD-FDD party chairman Hussein Radjabu and his codetainees convicted of "intent to disrupt national security through armed rebellion." Radjabu continued to run his Union for Democracy (UPD) political party from prison.

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

Civil Judicial Procedures and Remedies

The judiciary was neither independent nor impartial. Media reports alleged that the judiciary included many individuals beholden to the government. The execution of court decisions, including payment of damages, was slow, sometimes taking years.

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

The constitution and law provide for the right to privacy, but the government did not always respect this right in practice. Authorities rarely respected the law requiring search warrants. Sources in the media and civil society believed that security forces monitored telephone calls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government generally did not respect these rights in practice. The government does not tolerate public criticism, particularly perceived insults to the president and other high-level public officials in the media or at public gatherings. Although legislation regulating political gatherings was repealed in November 2008, opposition meetings continued to be monitored and sometimes disrupted by the government.

There were no reports that the government used direct censorship or forced media outlets to suspend operations. However, journalists continued to exercise self-censorship in the expectation that direct criticism of the president and other high-level government officials would not be tolerated.

On July 19, the director of urban development in the Ministry of Public Works threatened Marc Niyonkuru, a Radio Isangiro journalist, after Niyonkuru reported that an official vehicle of the Department of Urban Development was used for disseminating ruling CNDD-FDD party propaganda. The director admitted calling the journalist but denied threatening him.

There were eight private weekly publications and 23 private Internet and fax-based news sheets. Print runs by independent publications were small, and readership was limited by low literacy levels. Newspaper circulation was generally limited to urban centers. Ownership of private newspapers was concentrated in the capital, but a wide range of political opinions were expressed. The government controlled several major media outlets, including *Le Renouveau*, the only daily newspaper, and the National Television of Burundi. There were two private television stations, including a station with primarily Muslim programming and strong ties to the CNDD-FDD.

Radio remained the most important medium of public information. The government-owned radio station broadcast in Kirundi, French, and Kiswahili and offered limited English programming. There were 13 privately owned radio stations, including a new station focused on broadcasting women-oriented development and human rights programs that opened on April 27 in Gitega Province. Since March 2008, CNDD-FDD has run a private, progovernment radio outlet, Rema FM, which is one of only two local radio stations on air 24 hours a day. CNDD-FDD owns another radio outlet based in the central town of Ngozi that broadcast to the northern and central provinces. Some private stations received funding from international donors. Listeners could receive transmissions of foreign news organizations such as the BBC and Voice of America.

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

On August 28, the media regulatory body, the National Communications Council (CNC), whose members are nominated by the president, ruled against Eric Manirakiza, editing director of Africa Public Radio (RPA), in a defamation complaint filed by the minister of planning. The CNC stated that Manirakiza must repair the damage to the public persona of the minister caused by Manirakiza's July 25 report that described the minister's second marriage as illegal.

At the same session, the CNC ruled that RPA's report on a border conflict between Rwanda and Burundi over the Sabanerwa region was dangerous and constituted a possible threat to national security. The CNC forwarded the case to the courts responsible for levying fines and penalties against news outlets. On September 10, the director of RPA brought a countersuit against the CNC seeking the repeal of its decisions. During a December 3-4 meeting between the media and CNC officials mediated by former Burundian president Sylvestre Ntibantunganya, the parties agreed that all pending lawsuits against the media should be discontinued. Ntibantunganya was designated to convey this decision to the judiciary. At year's end it appeared that the lawsuits would be dropped.

Journalist Jean-Claude Kavumbagu, who was detained in September 2008 for "insulting" the president, was released on March 19 (see section 1.d.).

Internet Freedom

There were no reports of government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, less than 1 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government at times restricted this right. An October 2008 presidential decree required all political parties to obtain government permission to hold gatherings. After numerous protests by local political parties and international actors, the government rescinded the decree in November 2008 and required only that political parties notify local authorities before assembling.

Despite the law's repeal, provincial governors and communal administrators disallowed and disrupted numerous meetings of opposition political parties that had properly notified authorities. During a June 17 meeting with civil society, the minister of interior acknowledged that some local administrators illegally prevented opposition parties from holding meetings. The minister specifically condemned the Kanyosha communal administrator in Bujumbura Rural Province for suspending opposition party meetings.

Local NGOs reported that the national police, SNR, Ministry of Interior, and the ruling party's youth league (the Imbonerakure) were involved in suppressing opposition parties. On June 9, the minister of interior made counterclaims that these parties were attempting to create insecurity. The UN and international and local human rights organizations repeatedly expressed concern that the government harassed opposition parties and limited civil society demonstrations.

For example, on January 31, local authorities detained three UPD party members for several hours in Gitega commune, Gitega Province, for holding "an illegal meeting." UPD officials reported that the party representatives had officially requested permission to hold the meeting.

In February the communal administrator of Gitega reportedly banned the UPD party, but an UPD spokesperson announced in March that his party had reached an understanding with the administrator that would allow UPD to continue its activities.

On August 2, Alexis Sinduhije, president of the MSD party, was put under house arrest in Ruyigi Province. On August 3, the Ruyigi public prosecutor brought a warrant to arrest Sinduhije for allegedly organizing an illegal meeting with members of his party on August 1. Sinduhije and his associates' house arrest ended the following day without any charges filed.

On August 9, police and the communal administrator prevented the FNL from opening its party headquarters in Musaga, Bujumbura. The same day, FNL members were prevented from meeting at their party headquarters in Buhiga Commune, Karuzi Province. Such local government interference occurred repeatedly even though nonpublic meetings at party headquarters do not require government authorization.

Freedom of Association

The constitution provides for freedom of association; however, the government sometimes restricted this right in practice. Registration was required for private organizations and political parties. Three new political parties successfully registered, including the FNL on April 21 and MSD on June 8. There were reports that the ruling CNDD-FDD party used the power of the incumbency to deny national identity cards, employment, access to social programs, and generally to harass individuals who were members of opposition parties.

On January 5, a young man was beaten by local police in Kinama, Bujumbura, allegedly for supporting the FNL instead of belonging to the ruling CNDD-FDD party. No investigation or arrests took place during the year.

On February 27, Frederick Misago was killed in Kamenge, Bujumbura. Misago had reportedly been dismissed from the SNR because he left the CNDD-FDD to join the FRODEBU party. No investigation or arrests took place during the year.

On August 23, the head of UPD in Kayogoro Commune, Makamba Province, was jailed for refusing to put a CNDD-FDD flag in front of his house. Soon after, unknown individuals burned the livestock sheds at his and his mother's home. The UPD leader was released after two days, but no investigation or arrests in connection with the arson took place during the year.

Private organizations were required to present their articles of association to the Ministry of Interior for approval. There were no reports that the government failed to complete the approval process for private organizations whose purposes the government opposed.

c. Freedom of Religion

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

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

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of religious groups, including interreligious or intrareligious incidents.

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights in practice. The government continued to restrict movement into and out of Bujumbura and other cities at night. Citizens' movements were restricted by government checkpoints and

the threat of violence by armed bandits.

The law does not provide for forced exile, and the government did not use this practice; however, many persons remained in self-imposed exile.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. During the year the UNHCR facilitated the voluntary repatriation of approximately 31,000 refugees who had previously fled to neighboring countries, primarily Tanzania, bringing the total of returned refugees to 505,251 since 2002. On September 15, the UNHCR reported that 50,000 refugees from Tanzania's Old Settlements had returned. The repatriates, who returned mostly to the southern and eastern provinces, often found their land occupied. Poor living conditions and a lack of food and shelter were problems for returnees although the UNHCR observed a positive trend since the second half of 2008, with fewer returnees requesting temporary shelter. At year's end 13 temporary accommodation centers had been built in the major areas of origin of the former 1972 refugees, primarily Rutana, Makamba, and Bururi provinces, in order to allow them to participate in the resolution of land conflicts affecting them. The Ministry for Territory and Land Management, along with the UNHCR, was responsible for the preparation of integrated village sites for refugees, IDPs, and other vulnerable groups. Five integrated villages with approximately 700 houses had been established in the provinces of Ruyigi, Makamba, and Rutana since 2008.

The UNHCR and the Government Project for the Reintegration of War-Affected Persons (PARES) assisted in the resettlement and reintegration of refugees and IDPs. During the year PARES registered and helped to relocate 4,525 persons, including 3,000 repatriates (500 of whom forcibly expelled) from Rwanda, and four persons expelled from Uganda; the remaining 1,521 were expelled from Tanzania. The National Office for the Protection of Refugees and Stateless Persons (ONPRA) in the Ministry of Interior formally took over all asylum-related tasks in March.

Internally Displaced Persons (IDPs)

Despite improved security, an estimated 100,000 IDPs remained in settlements throughout the country. Most were Tutsi who fled their homes during internal conflict in 1993. Some attempted to return to their places of origin but the majority relocated to urban centers. According to the UN Office for the Coordination of Humanitarian Affairs, most were living at 160 sites, the majority in Kayanza, Ngozi, Kirundo, Muyinga, and Gitega provinces. A July government survey of the populations living in displacement sites, in old peace villages, and in rural integrated villages stated that many displacement sites in the southern provinces closed while some sites and populations in Bubanza Province, Bujumbura Rural Province, and Bujumbura increased.

In May the government forcibly closed the Tankoma and Bugendana IDP camps in Gitega Province. The Tankoma site was given to the ruling party to build its headquarters. The government intended to build a police officers' school at the site of the former Mitakataka IDP camp in Bubanza Province.

During the year the government took no action on behalf of the approximately 600 IDP families who were violently beaten and forcibly evicted from their land in August 2008.

The government generally permitted IDPs to be included in UNHCR and other humanitarian activities benefiting returning refugees, such as shelter and legal assistance programs.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The laws provide for the government's granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the UNHCR, by year's end the government had granted refugee status and asylum to more than 30,000 persons. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The UNHCR reported that the government fulfilled all of its obligations to provide asylum and refugee protections and cooperated with international organizations involved in refugee issues.

As of August 31, according to the UNHCR, there were approximately 30,300 Congolese refugees and 380 Rwandan asylum seekers in the country. The majority of the Congolese were sheltered in four UNHCR-run refugee camps: Bwagiriza in Ruyigi Province, Gihinga in Mwaro Province, Gasorwe in Muyinga Province, and Musasa in Ngozi Province. The Rwandans were sheltered in Giharo camp in Rutana Province. The remaining 10,500 refugees were integrated into urban centers. In early October the UNHCR closed the Gihinga camp, moving the Congolese refugees to the new Bwagiriza camp despite protests by the refugees that they feared for their security at Bwagiriza, which is in Ruyigi Province, bordering Tanzania. The predominantly Banyamulenge Congolese refugees are survivors of the massacre at Gatumba camp five years ago. They expressed fear that the proximity to Tanzania could facilitate a new, cross-border attack from Mai Mai militia elements in refugee camps in Tanzania.

The national police organized several raids throughout the country in January and February to round up illegal immigrants during which more than 1,000 alleged "irregular foreigners," including Congolese, Rwandans, Tanzanians, and Ugandans, were arrested. Over 700 alleged illegal immigrants were expelled, but confusion remained among national police about individuals' status as illegal immigrants, asylum seekers, or refugees. ONPRA and the UNHCR assisted the asylum seekers and refugees. The Rwandan government reportedly requested suspension of deportation proceedings of illegal

Rwandan immigrants until a joint commission could discuss the appropriate way to conduct this process.

In 2006 the government appointed a National Commission for Land and Other Goods (CNTB) to resolve land and property disputes, including those resulting from the return of an estimated 500,000 Burundian refugees since 2002, including some who had been in Tanzania since 1972. In addressing land disputes, the government relied on a mixture of customary law and legislation, but few citizens were aware of their legal rights, and most remained too poor to afford legal representation. Although the CNTB's success was limited by jurisdiction problems, the UNHCR reported in December that the CNTB had resolved 13,921 claims, more than half of which were in provinces with a high number of repatriates.

During the year a number of cases of vandalism, assault, and killings were associated with land conflicts, primarily in the provinces of Ruyigi, Muyinga, and Bururi. For example, the CNTB and the Rumonge communal administrator agreed there was an increasing problem of violence between returnees and local communities after two persons were wounded in an August 5 land dispute.

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

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through generally free and fair elections based on universal suffrage.

Elections and Political Participation

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

President Nkurunziza's election followed communal and legislative elections earlier the same year, which independent electoral observers judged to be generally free and fair, although the campaign prior to the national assembly elections was tense and significantly marred by violence and intimidation.

The ruling CNDD-FDD party dominated the government. Opposition parties experienced interference and were subjected to political violence (see section 2).

By year's end no one had been charged in the March 2008 grenade attacks on four politicians' homes.

There were reports that at times persons in authority required membership in the CNDD-FDD was required to obtain education, employment, and health care benefits. For example, the director of Marangara High School, Ngozi Province, threatened students who were members of opposition parties, telling them that there would be consequences for any students not in "his party" (CNDD-FDD).

Multiple sources indicated that CNDD-FDD's youth wing, the Imbonerakure, was allowed to commit abuses, such as threatening and assaulting opposition party members, with impunity, due to its affiliation with the ruling party.

HRW reported that in February Imbonerakure members in Bugabira Commune, Kirundo Province, forcibly interrupted UPRONA and UPD meetings and dispersed attendees.

The constitution reserves 30 percent of National Assembly, Senate, and ministerial positions for women. There were 36 women in the 118-seat National Assembly and 16 women in the 49-seat Senate; women held seven of 24 ministerial seats. There were seven women on the 18-seat Supreme Court, including the chief justice, and two women on the seven-seat Constitutional Court, including the chief justice and deputy chief justice.

The law imposes ethnic quotas, requiring that 60 percent of the seats in the National Assembly be filled by Hutus, the majority ethnic group, and 40 percent by Tutsis, who constitute an estimated 15 percent of the citizenry. The Batwa ethnic group, which makes up less than 1 percent of the population, is entitled to three seats in the Senate. Additionally, military positions were divided equally between Hutus and Tutsis. The government fulfilled this mandate.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for corruption; however, the government did not implement the law effectively. Widespread corruption in the public and private sectors and a culture of impunity remained problems. Several respected private sector representatives and trade association officials reported that corruption remained a major impediment to commercial and economic development. The World Bank's 2009 Worldwide Governance Indicators reflected that corruption was a severe problem. In July OLUCOME estimated the state had lost 276 billion Burundian francs (\$230 million) to corruption and embezzlement since 2000, including 37.6 billion Burundian francs (\$31 million) in the first six months of the year.

There were indications that certain government entities cracked down on corruption, while others protected the guilty and promoted the culture of impunity. For example, customs officials at the border reportedly required a bribe of \$2,000-\$4,000 for permitting a truck with a container to pass through.

On January 15, the Anti-Corruption Court sentenced Jean de Dieu Hatungimana, director of the state-owned real estate company, to 15 years in prison for intentionally wrongly approving payments to a road construction company. On January 19, the Anti-Corruption

Court sentenced Ministry of Finance spokesperson Donatien Bwabo to 10 years in prison for authorizing payment to a fictitious garage. Both men appealed and at year's end both remained free and in their high-level positions.

In August 2008 a parliamentary commission established to investigate irregularities in the 2006 sale of the government-owned presidential jet identified several high-level leaders in the ruling party and president's office as complicit in the sale. In August the speaker of the National Assembly, who is a member of the ruling party, canceled the report's release and a debate scheduled to take place on the issue in the National Assembly.

There were no further developments in the case of former central bank governor Isaac Bizimana, who has been in jail since August 2007 for illegal transfer of government funds to a private company, Interpetrol.

The law requires financial disclosure by government officials, but it was not implemented in practice.

The minister of good governance, a Special Anti-Corruption Brigade, and the state inspector general are all responsible for combating government corruption. The brigade has the authority to act on its own initiative to identify offenders and refer them to the general prosecutor for anticorruption. From January to August, the brigade investigated 56 cases and recovered 55.6 million Burundian francs (\$45,950).

The law does not provide for access to government information, and in practice information was difficult to obtain. The law does not allow the media to broadcast or publish information in certain cases relating to national defense, state security, or secret judicial inquiries. Human rights observers criticized the law for its poorly defined restrictions on the right to access and disseminate information.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers generally were allowed to visit government facilities such as military bases and prisons run by the SNR. Government officials were somewhat cooperative and responsive to their views. Human rights groups continued to operate and publish newsletters documenting human rights abuses. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs were more susceptible to pressure from authorities. On August 4, the minister of interior accused domestic NGOs of being part of the political opposition.

In July a Ligue Iteka observer and a RPA journalist were charged with defamation after criticizing corruption in the local public prosecutor's office in Ruyigi Province. The CNC later agreed to drop all pending legal action against journalists (see section 2. a.).

There were no further developments in the 2008 case of Ligue Iteka members forced to testify in a case brought against RPA by a high-ranking member of the president's office.

Although several international NGOs expressed frustration at the formidable bureaucratic hurdles they faced when registering with government offices, governmental attitudes toward international human rights and humanitarian NGOs remained generally favorable.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations such as the ICRC.

In April the UN Independent Expert on the Situation of Human Rights in Burundi reported increasing trends to restrict freedom of expression and freedom of association. He urged authorities to launch an inquiry into the April 8 murder of Ernest Manirumva (see section 1.a.), stating "his death is yet another proof that the right to freedom of expression is under attack in Burundi and that those who choose to exercise it freely are in danger." In 2008 the expert mission's mandate was renewed, to continue until a National Human Rights Commission had been established.

There was no human rights ombudsman.

Parliament established human rights committees in 2005 in both houses: a Committee for Justice and Human Rights in the National Assembly and a Committee for Judicial and Institutional Issues and Fundamental Rights and Liberties in the Senate. The committees did not issue reports or recommendations on human rights and did not have any impact on human rights problems. The committees were dominated by the ruling CNDD-FDD and were not independent of government or party influence.

National consultations on the creation of a Truth and Reconciliation Commission, originally scheduled to begin in October 2008, commenced on July 13, and continued to the end of the year. A steering committee of government, UN, and civil society representatives managed the "Popular Consultations on Transitional Justice" to gauge the population's perspective on how the Truth and Reconciliation Committee and tribunal should function.

In August 2008 the government of Rwanda accused 670 Burundian nationals of having been participants in Rwanda's 1994 genocide; however, by year's end the International Criminal Tribunal for Rwanda had not summoned any Burundians.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law prohibits rape, which is punishable by up to 30 years' imprisonment. The 2009 revised penal code better defines rape as a crime and prescribes more severe punishments in aggravating circumstances such as young victims or HIV positive rapists. It also prohibits domestic rape, but prescribes only a punishment of fines and eight days' imprisonment. The government did not enforce rape laws effectively.

During the year there was a high incidence of rape and other sexual violence against women and girls.

A local NGO, the Association for the Defense of Women's Rights (ADDF), received reports of 3,019 cases of rape and domestic violence during the first half of the year. Centre Seruka is a local NGO equipped in part by Médecins Sans Frontières de Belgique (MSF-Belgium) and funded by the UN Children's Fund (UNICEF), the UN Population Fund, and the UN Development Fund for Women. The Centre reported receiving an average of 131 victims each month at its center for rape victims in Bujumbura. MSF said the number of rape victims in the general population was likely much higher.

The UN and local women's organizations reported a decrease in incidents of rape by members of the FDN.

Many women were reluctant to report rape for cultural reasons, fear of reprisal, and unavailability of medical care. Men often abandoned their wives following acts of rape, and women and girls were ostracized. Some police and magistrates reportedly ridiculed and humiliated women who said they were raped and required that victims provide food for and pay the costs of incarceration of those they accused of rape. According to a March report by MSF, many of those who sought judicial redress faced an unresponsive judicial system; courts often refused to act on cases without witnesses. Some victims were reportedly required to pay 15,000 Burundian francs (\$12.50), a large sum for most victims, to obtain a certified medical report. Other problems included judges who did not regard rape as a serious crime, and a lack of medical facilities to gather medical evidence. According to women's rights organizations, at times families or communities forced victims to withdraw their complaints and negotiate settlements with the perpetrator or his family outside of the formal judicial system. In other cases the victims were forced by their families and local arbiters to marry their attackers. In the limited number of cases that were investigated, successful prosecutions of rapists were rare.

Despite increased attention to the problem, many women did not have access to appropriate health care in the immediate aftermath of a rape due to lack of adequate resources. The continuing stigma attached to victims of sexual violence and a fear of coming forward prevented many victims from accessing these limited services. Civil society and religious communities worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them. Ligue Itaka, APRODH, ADDF, and BINUB continued to encourage rape victims to press charges and seek medical care, and international NGOs provided free medical care in certain areas. The government also raised awareness of the problem through seminars and local initiatives describing the kinds of medical care available.

The penal code, as revised during the year, prohibits domestic abuse of a spouse or child, with punishment ranging from fines to three-to-five years' imprisonment. In January the UN Committee on the Elimination of All Forms of Discrimination Against Women expressed concern over domestic and sexual violence in the country. Domestic violence against women was common, although no statistics were available. Local NGOs in the southern provinces reported men beating and killing their partners to marry younger women. Many victims did not report crimes of domestic violence, fearing retaliation or a lack of support from the justice system. Police occasionally arrested persons accused of domestic violence but usually released suspects within a few days without further investigation. Wives have the right to charge their husbands with physical abuse but rarely did so. The government held police training on domestic and gender-based violence.

The media reported many instances of degrading and violent treatment of women by their husbands. Incidents included severe beating, mutilation, and murder. For example, on January 6, residents of Cibitoke Province discovered a woman who had been severely burned with hot water and left for dead by her husband the week before. Hospitals in Bujumbura initially refused to provide medical treatment to the badly injured woman because of the stench from her infected wounds. Local police later arrested her husband. At year's end he remained in detention awaiting trial.

On September 12, a man in Makamba Province killed his wife with a machete. Police later detained him. At year's end he was in detention awaiting trial.

The suspect in the October 2008 case in Cankuzo Province who burned his wife's genitals remained in detention at year's end.

The law prohibits prostitution, and organized prostitution does not exist to any significant degree; however, there were private brothels in urban areas, and women engaged in prostitution independently in high-traffic and tourist areas around Lake Tanganyika. While police did not aggressively attempt to curb prostitution, there was no reliable evidence that they participated in or profited from the sex trade.

The revised penal code prohibits sexual harassment, including the use of orders, severe pressure, or threats of physical or psychological violence to obtain sexual favors. The sentence for sexual harassment ranges from fines to penalties of one month to two years in prison. The sentence for sexual harassment doubles if the victim is less than 18 years old. There were no known prosecutions during the year.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and

timing of their children. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives, but according to the Burundian Association for Family Wellbeing, a local NGO focused on maternal health and family planning, only 11.4 percent of Burundians used these measures. The government provided free childbirth services, but lack of sufficient doctors meant most women used nurses or midwives during childbirth as well as for prenatal and postnatal care unless the mother or child suffered serious health complications. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners.

Despite constitutional protections, women continued to face legal, economic, and societal discrimination and were often victims of discriminatory practices with regard to credit and marital property laws. By law women must receive the same pay as men for the same work, but in practice they did not. Some enterprises suspended the salaries of women while they were on paid maternity leave, and others refused medical coverage to married female employees. Women were less likely to hold mid-level or high-level positions in the workforce. However, there were many female-owned businesses, particularly in Bujumbura.

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

Children

Citizenship is derived from the nationality of the father and not by birth within the country. In February UNICEF organized a series of meetings with local and provincial authorities to clarify issues relating to cross-border movements and the rights of children born to mixed-nationality couples.

The failure of the government to record all births resulted in denial of some public services for unregistered children, as the government requires a birth certificate for access to free public schooling and free medical care for children under five. Approximately half of all children were not registered at birth. In August 2008 the government announced that it would register without charge the births of all children up to the age of five. Unmarried women and victims of rape traditionally have been less likely to register the birth of a child.

Schooling is compulsory up to age 12; primary school was the highest level of education attained by most children. The government's 2005 declaration of free primary education substantially increased net enrollment rates, which reached 79 percent in the 2007-08 school year, a 20 percent increase over the 2004-05 session. The government claimed a 90 percent enrollment rate for 2008-09. Female illiteracy remained a particular problem.

Rape of minors was a widespread problem, but other child abuse was not reported to be widespread. According to the BINUB, approximately 65 percent of reported rapes were of children aged 17 years and under. The penalty for rape of a minor can be anywhere from 10 to 30 years. The minimum age for consensual sex was 18.

During the year Centre Seruka reported that 15 percent of the sexual violence cases it handled concerned children less than five years of age. The UN Development Fund for Women reported that many rapes of minors were motivated by the rapist's belief that they would prevent or cure sexually transmitted diseases, including HIV/AIDS. Centre Seruka reported that 95 percent of the rape victims who visited its facility during the year were female; the average victim assisted by Seruka was 11.5 years old, while only six individuals were adults between the ages of 20-25. Local NGOs reported providing services to secondary school students who were coerced to perform sexual acts or raped by schoolteachers.

The 2009 revised penal code prohibits child abuse and includes a provision protecting children who are still breast-feeding. A father who takes a breast-feeding child from his mother without her consent can be charged with a felony offense.

According to 2008 statistics from the Ministry of Human Rights and Gender, there were approximately 5,000 street children in the country, many of them HIV/AIDS orphans; however, the government was unable to provide them with adequate medical and economic support and relied on NGOs to provide such basic services.

Increasingly children engaged in prostitution for survival; however, it was not considered widespread. The 2009 revised penal code prohibits child prostitution; penalties include fines and from five to 10 years' imprisonment. The law also prohibits child pornography, which may be punished by fines and three to five years' imprisonment.

The government and former rebel forces claimed they no longer recruited anyone less than 18 years of age. From April to June 8, the FNL demobilized approximately 380 minor children associated with its rebel movement. According to the UN, there were no known cases of children associated with armed groups at year's end.

Revisions to the penal code during the year changed the age of criminal responsibility from 13 to 15 years old, stating that minors less than 15 years old could not be held criminally responsible. For minors between the ages of 15 and 18, the new penal code includes provisions for counseling, supervision, judicial surveillance, and foster home or social shelter placement.

Trafficking in Persons

The 2009 revised penal code prohibits trafficking in persons and prescribes penalties of five to 10 years' imprisonment for anyone convicted of trafficking a third person with or without financial gain. Traffickers could also be prosecuted under existing laws against kidnapping, rape, prostitution, and slavery. Despite these changes in the law, the issue and scope of

trafficking was not widely understood by members of the government or the national police.

The Ministry of Human Rights and Gender, in cooperation with the Ministries of Justice and Interior, is the lead agency on trafficking. In 2005 the government created a department within the National Police, the Brigade for the Protection of Minors, to protect children against sexual exploitation. The brigade sought to protect children against forced prostitution and helped some improve their living conditions.

Since its inception the brigade has conducted 10 successful prosecutions of individuals found to be abusing women and children through forced prostitution. The brigade began four additional prosecutions during the year, but at year's end there were no convictions.

There was no credible evidence that government officials participated in, facilitated, or condoned trafficking.

Internal trafficking of children for the purposes of forced labor, particularly for household labor, was a problem. Children, especially secondary school students, were the targeted population.

There were no reliable reports of widespread, organized sex tourism or sex trafficking. Most sex tourists and sex traffickers were reportedly from the United Arab Emirates, Germany, and Tanzania. Sex traffickers trafficked secondary school students for prostitution into neighboring countries. The brigade also reported that a small number of children were reportedly taken from the country to Uganda, Rwanda, and the Democratic Republic of Congo and returned home after two months.

There were no arrests of alleged traffickers.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities, and there were no reports that the government failed to enforce this provision regarding employment, education, or access to healthcare. However, the government had not enacted legislation or otherwise mandated access to buildings or government services, for persons with disabilities.

National/Racial/Ethnic Minorities

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

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

Indigenous People

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

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

Despite opposition by local and international human rights organizations, the revisions to the penal code enacted during the year included a provision that criminalizes homosexual acts. Anyone who has sexual relations with a person of the same sex can be sentenced to three months up to two years' imprisonment and/or fined. At year's end no one had been prosecuted under this provision.

In early September the government registered a self-described lesbian, gay, bisexual, and transgender (LGBT) rights organization. In order to register, the organization was informally advised by Ministry of Interior sources to change its name from the "Association for the Respect and Rights of Homosexuals" to the Kirundi word "Humure," meaning "do not be afraid."

The size of the LGBT community was unclear, as many individuals feared identifying themselves as LGBT because it was not culturally acceptable. A study in Bujumbura released on August 15 found 180 males who self-identified as gay men.

Although discrimination existed, it was not always overt or widespread. Families sometimes disowned children who refused to deny their homosexual identity, and gays and lesbians often entered opposite-sex marriages due to social pressure. Humure reported that 90 percent of the men who engaged in male-to-male sex were married. Representatives of the LGBT community stated that after the passage of the revised penal code criminalizing same sex relations, they were subjected to more discrimination, but the number of cases remained small. The government took no steps to counter discrimination against homosexuals.

On July 1, a young man was arrested for allegedly committing sexual violence against a club patron in Bujumbura. The police later stated the man was arrested for being gay but offered to release the suspect in exchange for money. Advocacy by human rights NGOs and the LGBT community helped secure his release from police custody.

Other Societal Violence or Discrimination

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

There were persons with albinism who were victims of violence during the year, and discrimination against such persons occurred. Fathers sometimes sent away women who gave birth to children with albinism. The local NGO Albinos Without Borders (ASF) assisted in four cases of mother and child abandonment due to albinism since 2008. Health issues involving eyesight or prolonged sun exposure often affected the ability of persons with albinism to participate fully in school or the workforce. ASF reported that efforts to educate the population about the issues affecting persons with albinism have helped to improve the situation.

There was a series of killings of persons with albinism in 2008 and sporadic killings continued during the year (see section 1.a.).

Incitement to Acts of Discrimination

On March 6, a demonstration with an estimated 2,000 to 3,000 participants took place in Bujumbura in support of the law criminalizing homosexuality. The march was sponsored by the ruling party, CNDD-FDD. Participants in the antihomosexual demonstration wore CNDD-FDD T-shirts and sang party anthems. Buses were hired to bring large numbers to the march, including school-aged children; schools were closed for the event.

Section 7 Worker Rights

a. The Right of Association

The constitution and the labor code protect the right of workers to form and join unions without previous authorization or excessive requirements. However, although most workers exercised this right in practice, the armed forces, state employees, magistrates, and foreigners working in the public sector were prohibited from union participation. The law prevents workers under the age of 18 from joining unions without the consent of their parents or guardians. According to the Confederation of Burundian Labor Unions (COSYBU), many private sector employers systematically worked to prevent the creation of trade unions, and the government failed to protect private sector workers' rights in practice. Relations between COSYBU and the government remained poor. Ligue Iteka reported widespread discriminatory hiring practices for government jobs based on applicants' political affiliations, despite a law prohibiting such practices.

According to COSYBU less than 10 percent of the formal private sector workforce was unionized, while an estimated 50 percent of the public sector was unionized. Most citizens worked in the unregulated informal economy, in which there was little or no legal protection of labor rights. COSYBU stated that virtually no informal sector workers had written employment contracts; according to government statistics, only 5 percent had them.

The law provides workers with a conditional right to strike but bans solidarity strikes and sets strict conditions under which a general strike may occur. All peaceful means of resolution must be exhausted prior to the strike; negotiations must continue during the action, mediated by a mutually agreed-upon party or by the government; and six days' notice must be given to the employer and the Ministry of Labor. Before a strike can occur, the ministry must determine whether strike conditions have been met, which essentially gives it the power to veto all strikes, according to the International Trade Union Confederation (ITUC).

The labor code prohibits retribution against workers participating in a legal strike, but labor leaders continued to suffer abuse. Several leaders of the doctors' and nurses' unions who organized a series of strikes between February and May reported receiving death threats. Four committee members of the state-owned Moso Sugar Company's labor union were dismissed for organizing a peaceful strike in April 2008 and had not been reinstated by year's end.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government frequently interfered with unions and intimidated or harassed their leaders. The law also recognizes the right to collective bargaining, and it was freely practiced; however, wages are excluded from the scope of collective bargaining in the public sector and were set according to fixed scales, following consultation with unions.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and the Confederation of Free Unions represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions. Civil servant unions must be registered with the Ministry of Civil Service. There were no reliable statistics on the percentage of workers covered by collective agreements.

The law prohibits antiunion discrimination; however, the government often failed to respect this right in the public sector. During the year there were numerous instances of the government intimidating, imprisoning, or illegally transferring union workers. For example, the leader of the state penitentiary workers' union, who was administratively transferred in April 2008 to another work site for criticizing sharp increases in management salaries, was permitted to remain at her original

post following an outcry from local NGOs. However, she was reportedly ostracized by her employers and no longer had any responsibilities.

According to the ITUC, the government often failed to protect workers in the private sector from discrimination by employers.

In September 2008 the vice president of the Justice Ministry's Administrative Workers Union, Juvenal Rududura, was arrested for allegedly lying during a television interview in which he criticized government policies. Following prolonged detention without trial, he was "provisionally released" on July 9. However, his movements were restricted; he was not permitted to leave the country, and his activities were closely monitored by the government.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there continued to be reports that it occurred. Most of these reports concerned cases of domestic servitude or work by children in fishing and subsistence agriculture, primarily bananas, cassava, maize, and beans (see section 6).

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code states that enterprises may not employ children under the age of 18, except for exceptions permitted by the Ministry of Labor. These include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. However, the government did not effectively enforce these laws, and child labor remained a problem. Additionally, the legal age for most types of "non-dangerous" labor is 18. The code also permits children aged 12 and up to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. However, children less than age 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ITUC, the vast majority of children in the country worked during the year.

Children were legally prohibited from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and other informal sector activity. Child labor also existed in brick making enterprises.

There continued to be reports of children performing household domestic labor. Local media in Rumonge, Bururi Province, reported young children working 12-hour days in the informal fishing sector. As in previous years, there was no indication that children were trafficked for commercial sexual exploitation or labor on an organized or widespread basis.

The Ministry of Labor was charged with enforcing child labor laws and had multiple enforcement tools, including criminal penalties, civil fines, and court orders. However, in practice the laws were seldom enforced. Due to a lack of inspectors, the ministry enforced the law only when a complaint was filed. The government acknowledged no cases of child labor in the formal sector of the economy during the year but had conducted no child labor investigations. In conjunction with UNICEF and NGOs, the government provided training for ministry of labor officials in enforcing child labor laws.

During the year the government supported international organizations, several NGOs, and labor unions engaged in efforts to combat child labor; efforts included care and training of demobilized child soldiers. UNICEF assisted the Ministry of Labor to implement a public education program to counter child labor and the abuse of former child soldiers.

e. Acceptable Conditions of Work

Although the cost of living rose significantly during the year, the legal minimum wage for unskilled workers continued to be 160 Burundian francs (\$0.13) per day. While some employers voluntarily paid their unskilled laborers a minimum of 1,500 Burundian francs (\$1.25) a day, this was far from standard practice. In general, unskilled workers' incomes did not provide a decent standard of living for a worker and family. Most families relied on second incomes and subsistence agriculture to supplement their earnings. The Department of Inspection within the Ministry of Labor is charged with enforcing minimum wage laws, but there were no reports of enforcement in recent years. The legal minimum wage had not been revised in many years, and there were no known examples of employer violations. These regulations apply to the entire workforce and make no distinction between domestic and foreign workers or between the informal and formal sectors.

The labor code stipulates an eight-hour workday and a 40-hour workweek, except for workers involved in national security activities; however, this stipulation was not always enforced in practice. Supplements must be paid for overtime. There is no statute concerning compulsory overtime, opportunities for which generally do not exist. Rest periods include 30 minutes for lunch. There are no exceptions for foreign or migrant workers.

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

Small numbers of persons from the neighboring Democratic Republic of Congo, Tanzania, and Rwanda worked in the country but did not constitute a significant presence. They were typically undocumented and worked in the informal sector.

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