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Country Report on Human Rights Practices 2017 - Burundi

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2005 constitution provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In June, July, and August 2015, voters re-elected President Pierre Nkurunziza and chose a new National Assembly (lower house) in elections boycotted by nearly all independent opposition parties who claimed Nkurunziza's election violated legal term limits. International and domestic observers characterized the elections as largely peaceful but deeply flawed and not free, fair, transparent, or credible.

Civilian authorities at times did not maintain control over the security forces. Observers considered the military generally professional and apolitical, but the National Intelligence Service (SNR) and police tended to be influenced directly by, and responsive to, the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party. Some armed elements within the CNDD-FDD's youth group, the Imbonerakure, committed human rights violations at the instruction or direction of some senior officials in the SNR, police, army, and the President's Office, but also at times operated independently of any identifiable oversight. Imbonerakure members abducted or detained individuals, despite having no legal powers of arrest; beat, extorted, tortured, and killed persons with impunity; and often handed individuals over to the SNR or police, indicating that authorities knew of and failed to punish their conduct. Individuals perceived to be members of the political opposition were specifically targeted. Police abuse was widespread and carried out with impunity.

The most significant human rights issues included extrajudicial killings; disappearances; torture and other cruel, inhuman, and degrading treatment, including rape of both male and female detainees; arbitrary arrest and politicized detention; prolonged pretrial detention; harsh and sometimes life-threatening prison conditions; a highly politicized judicial system that lacked independence from the executive branch; government infringement on the freedoms of speech, press and other media, peaceful assembly, and association; restrictions on freedom of movement; government corruption; restrictions on domestic and international human rights and civil society organizations; lack of prosecutions and accountability in cases of sexual and gender-based violence against women and girls; violence against persons with albinism; criminalization of same-sex sexual conduct; and inadequately enforced labor rights.

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

Overt violence between the government and armed opposition groups was limited in comparison to 2015 and early 2016. Armed opposition groups committed acts of violence including attempted assassinations and ambushes of government officials, security forces, and ruling party members. There were at least 75 grenade attacks as of December, some of which killed civilians; some were linked to political violence, while others appeared to result from criminal activity or private vendettas.

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

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

There were numerous reports the government or its agents committed arbitrary or unlawful killings, often against perceived supporters of the political opposition or those who exercised their lawful rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) documented more than 400 cases of arbitrary or unlawful killings in 2015. The banned but still operating nongovernmental organization (NGO) Ligue Iteka documented 338 killings by the end of October. The 2017 UN Commission of Inquiry (UN COI), which was denied access to the country by the government but conducted interviews with more than 500 witnesses, reported that unlawful or arbitrary killings by government security services continued and reported allegations of security forces executing detained individuals and leaving their bodies in the Rusizi River, often after having weighed them down with stones. Many of the bodies were decapitated, were found with hands tied behind their backs, and showed signs of extreme torture and mutilation. NGOs reported numerous cases of extrajudicial killings committed by police, the SNR, and military personnel, sometimes with involvement of local government officials. Local and international organizations also charged that members of the Imbonerakure were responsible for some unlawful killings, including summary executions.

There were press and government reports of attempted killings targeting government officials, security force personnel, and individuals associated with the CNDD-FDD. In November 2016 Presidential Communications Advisor Willy Nyamitwe was shot and wounded in an assassination attempt by an unknown assailant; his bodyguard was killed. On January 1, Minister of the Environment, Land Management, and Urban Planning Emmanuel Niyonkuru was shot and killed in front of his residence; four suspects were detained as of October. On August 15, the motorcade of the governor of Bubanza province came under attack; there were no fatalities. There were also reports

of extrajudicial killings of members of the security forces by members of the police and army, including General Kararuzza, who was killed by police and army personnel in April 2016.

As of December there were at least 75 grenade attacks throughout the country, of which 26 occurred in Bujumbura. It was often difficult to identify perpetrators and motives behind the attacks. While some attacks specifically targeted police and other members of the security services with apparent political motives, others were likely motivated by personal or business vendettas. Responsibility for attacks was often unclear, as in the case of a July 9 grenade explosion at a crowded bar in Kayanza province that killed eight persons and wounded more than 50. It remained unclear whether this was an intentional attack or an accident involving one or more grenades or other incendiary devices. A police investigation was conducted but no conclusive details were released.

b. Disappearance

There were numerous reports that individuals were victims of politically motivated disappearances after they had been detained by elements of the security forces or in kidnappings where the identities of the perpetrators were not evident. Ligue Iteka documented 88 disappearances as of the end of October. The UN COI found that numerous victims of disappearances were political opponents, members of civil society, or former members of the Burundian Armed Forces (“ex-FAB”) who had received threats prior to their disappearance. The report documented specific cases of disappearance it alleged were the responsibility of government security services. The UN COI stated it had received information indicating the SNR was responsible for the April 8 disappearance of Pacifique Birikumana, the driver for the Catholic bishop of Ngozi. The UN COI also documented the disappearance of Oscar Ntasano, a hotel owner and member of the CNDD-FDD. The report suggested possible links between his disappearance and the SNR and other government officials, but did not definitively determine government responsibility.

On August 23, Kampala-based NGO International Refugee Rights Initiative (IRRI) released a report based primarily on interviews with 30 Burundian asylum seekers who had recently arrived in Uganda, mostly between April and June. According to the report, some left Burundi because of threats and abuses by elements of the Imbonerakure or SNR officials as well as killings and enforced disappearances of family members. IRRI reported that Imbonerakure targeted family members of asylum seekers. For example, in January the Imbonerakure arrested in Muyinga province the brother of an asylum seeker in Uganda and took him to the local SNR office. He has not been heard from since.

On September 12, armed men, including one in police uniform, kidnapped Leopold Habarugira in Bujumbura. The Independent National Commission on Human Rights (CNIDH) stated he was not being held at any official jail in Bujumbura; police stations in

the city also denied holding him. Habarugira is a member of the nonrecognized wing of the Union for Peace and Democracy political party. It was not possible to confirm motive or responsibility for his disappearance.

Jean Bigirimana, a journalist for independent newspaper *Iwacu*, was abducted from his car in July 2016. Bigirimana's spouse was present at the abduction and stated publicly that SNR officers were responsible. Despite continued attention from the CNIDH, his whereabouts remained unknown as of October. According to media reports, his spouse received several anonymous death threats and subsequently fled the country with her children.

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

The constitution and penal code prohibit cruel, inhuman, or degrading treatment or punishment, but there were numerous reports government officials employed these practices. NGOs reported cases of torture committed by security services or members of the Imbonerakure; as of October, Ligue Iteka alleged 236 such cases. According to IRRI some asylum seekers testified they had fled the country after suffering gang rape and other sexual violence, torture, and illegal detention by members of the security forces. The UN COI cited members of the SNR, Imbonerakure, police, and to a lesser extent the Burundian National Defense Forces (BNDF) as perpetrators of torture. The UN COI documented allegations of practices employed by security forces since 2015, including beating detainees with electric wires, belts, batons, firearm stocks, and other implements; pouring boiling liquid on detainees; inserting long needles or injecting unidentified substances into victims' bodies; placing victims beside human remains; forcing victims to eat feces; cutting detainees with knives; removing fingernails; and threatening to kill victims; among others. The report also documented allegations of security services employing sexual- and gender-based violence against detainees.

Sexual violence remained pervasive and was often used as a means of torture to obtain information or confessions from detainees. Rape was also committed while police officers or members of the Imbonerakure arrested a victim's spouse or relative accused of belonging to an opposition party. On April 8, following the inauguration of a CNDD-FDD party office in the eastern province of Ruyigi, an estimated 200 persons, including Imbonerakure, chanted a song urging the impregnation of female opposition members so that more Imbonerakure would be born, which was widely interpreted as threatening rape. On September 29, Amnesty International (AI) published a report based on June 2016 and July 2017 interviews with 129 refugees in Uganda and Tanzania, some who had recently arrived, regarding the reasons for their flight from Burundi. One woman told Amnesty International that she was raped by two Imbonerakure members in her home in the presence of her two children.

Representatives of the wing of the National Liberation Forces (FNL) political party associated with National Assembly Vice President Agathon Rwaso alleged that security service members tortured detained members of the party.

The country contributed peacekeepers to the African Union Mission in Somalia since 2008 and to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) since 2014. As of October there were almost 800 Burundian personnel serving in MINUSCA. The United Nations received one allegation of sexual exploitation and abuse (SEA) against two members of the Burundian military contingent serving with MINUSCA during the year. The allegation of the solicitation of transactional sex was pending investigation as of November. Burundian authorities were also investigating certain remaining SEA allegations against MINUSCA peacekeepers from Burundi referred to them by the United Nations in 2016 and 2015. Other allegations made during 2016 were found to be unsubstantiated.

Prison and Detention Center Conditions

Prisons were overcrowded, and conditions remained harsh and sometimes life threatening. Conditions in detention centers managed by the SNR and in local “lock-ups” managed by police generally were worse than in prisons. According to its September 29 report, AI interviewed 16 Burundian refugees who alleged that they had been tortured or mistreated by members of the security services, including through physical blows and sexual and gender-based violence. Prisons did not meet the standards established by the *UN Standard Minimum Rules for the Treatment of Prisoners* (Mandela Rules).

Physical Conditions: The Office of Penitentiary Affairs reported that, as of October, there were 10,093 inmates, including 5,580 pretrial detainees, in 11 prisons, the majority of which were built before 1965 to accommodate 4,194 inmates. Of the 10,093 inmates, 492 were women and 107 were juveniles. As of October authorities held 96 juveniles (most but not all of whom had been convicted; others were awaiting trial) in two juvenile rehabilitation facilities that opened in 2015; they were allowed to participate in recreational activities and received psychosocial support and preparation for eventual return to their families and communities. In addition there were 95 children living with their incarcerated mothers. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate population was at 539 percent of capacity and Mpimba (in Bujumbura) which was at 428 percent of capacity. No information was available on the number of persons held in detention centers managed by the SNR or in communal jails operated by police. There was a prison for women in Kayanza. Authorities commonly held pretrial detainees with convicted prisoners. No data were available on the number of deaths in detention, reports of abuse by guards, or prisoner-on-prisoner violence. There were reports of physical abuse, lack of adequate medical treatment, and prolonged solitary confinement.

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

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria (which were also epidemic among the country's general population). An unknown number died from disease. Each inmate received approximately 12 ounces of manioc and 12 ounces of beans daily; rations also included oil and salt on some days. Authorities expected family and friends to provide funds for all other expenses. Each prison had at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care; inmates with serious medical conditions were sent to local hospitals.

Radio Bonesha and NGOs reported prison guards used live ammunition to restore order following a demonstration at Rumonge prison on August 3, reportedly wounding several prisoners. There were allegations authorities delayed access to medical treatment for wounded prisoners. During the incident the security detail of the prison director shot and wounded Adrien Kadende, a former military officer detained since September 2016. Prison management reportedly denied his referral to a civilian hospital, instead transferring him to the health unit of Mpimba prison, where he received medical treatment.

Conditions for political prisoners were sometimes worse than for ordinary prisoners. In September 2015 officials transported 28 high-profile prisoners accused of participating in the failed May 2015 coup attempt to the Central Prison in Gitega. They reportedly were incarcerated four to a cell in isolation cells intended to hold one person. Twenty-one of the 28 were sentenced to life imprisonment, six were sentenced to 30-year terms, and one was acquitted; the Court of Cassation of the Supreme Court upheld the sentences in December 2016. Independent human rights observers noted the cells did not have windows or toilet facilities. Conditions of detention for these political prisoners remained the same as of October.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but they rarely investigated prisoners' complaints. There were credible reports of mistreatment of prisoners, but no record that abusers were punished. Visitors were authorized to see prisoners in most cases.

Independent Monitoring: The UN COI during the year documented the existence of numerous secret, unofficial detention facilities, including one located in the headquarters of the SNR. No independent monitors were able to visit these secret facilities. The September 2016 UN Independent Investigation on Burundi (UNIIB) report concluded there were “reasonable grounds to believe” security forces and Imbonerakure had established 13 places of detention that were denied or unacknowledged by the prosecutor general, according to victims the UNIIB had interviewed. In its response to the UNIIB report, the government challenged UNIIB's “reasonable grounds to believe” there were unacknowledged detention centers by asserting there was no tangible evidence to support the allegations.

The government permitted visits requested by the International Committee of the Red Cross (ICRC) and the CNIDH. Monitors visited known, official prisons, communal jails, and SNR detention centers regularly. Monitoring groups had complete and unhindered access to those prisoners held in known detention facilities. Since the government’s October 2016 decision to suspend official cooperation with the local OHCHR office, the OHCHR was not allowed to conduct prison visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not observe these prohibitions. The law provides for a fine of 10,000 Burundian francs (\$5.65) and imprisonment of 15 days to one year for any member of the security forces implicated in arbitrary arrest. Human rights groups reported numerous arbitrary arrests and detentions, including some involving the participation of Imbonerakure members. The UN COI described an ongoing trend of arbitrary arrests and detentions during the period of its mandate, starting in 2015, but did not provide statistics. As of October 31, Ligue Iteka documented 2,153 cases it deemed to be arbitrary arrests, but was not able to document the subsequent disposition of all cases. Although regulations obligated government officials to notify family members of an arrest and allow communication, there were documented cases where families of arrested individuals did not receive timely notification or were not allowed contact.

Among other reasons for arbitrary arrests or detentions, police arrested persons on accusations of “undermining state security, participation in armed banditry, holding illegal meetings, illegal detention of weapons, or simply because they were traveling to or from other provinces or neighboring countries,” according to the OHCHR. Police routinely detained adults and children for begging, which was not a crime. A draft law to revise the Penal Code that would include the criminalization of begging was approved by the Council of Ministers during the year and was under consideration by the National Assembly and Senate.

As of October there were reportedly 15 cases of children detained for “participation in armed groups, participation in an insurrectional movement, or illegal possession of arms,” all receiving legal assistance through civil society organizations. This was a decrease from 2016, when there were more than 150 such cases. Some of those detained were subsequently convicted and sentenced. Those convicted were placed in government-run rehabilitation centers in Ruyigi and Rumonge provinces for children in conflict with the law and received psychosocial support, recreational activities, and preparation for eventual return to their families and communities.

NGOs reported numerous cases of individuals arrested without due process and accused of being part of or intending to join the armed opposition. Members of the FNL associated with National Assembly Vice President Agathon Rwasa alleged that security services arrested party members in retaliation for their political activism and membership in the party. Authorities charged some of those identified with the FNL with threats to state security, participation in rebellion, or illegal possession of firearms.

In April, six representatives of university students were arrested while protesting against the reduction of scholarships provided by the government. They were charged with undermining state security and promoting insurrection. As of November, three remained in detention while undergoing trial; the other three had been released.

On July 13, Germain Rukuki, a former employee of the banned NGO Christian Action for the Abolition of Torture-Burundi, was arrested by SNR officials and subsequently transferred to Ngozi Prison. Rukuki was accused of acts against state security and rebellion; international and local human rights organizations criticized the nature of his detention and the charges against him as politically motivated. On November 21, Nestor Nibitanga, a human rights monitor and former representative of the Burundian Association for the Protection of Human Rights and Detainees (APRODH) was arrested in Gitega and accused of acts against state security.

SOS-Torture Burundi continued to report instances in which persons arrested allegedly had to pay bribes to be released. The amount demanded typically ranged from 5,280 to 52,800 Burundian francs (\$3 to \$30). The September 29 AI report recounted instances wherein persons arrested by security forces or detained by members of the Imbonerakure were subjected to extortion and asked to pay between 200,000 and two million Burundian francs (between \$115 and \$1,150). The October COI report stated that members of the SNR, police, judiciary, and Imbonerakure often demanded large sums of money for the release of detainees or for their transfer to official prisons.

Role of the Police and Security Apparatus

The National Police, which is under the Ministry of Public Security's authority, is responsible for law enforcement and maintenance of order. The armed forces, which are under the Ministry of Defense's authority, are responsible for external security but also have some domestic security responsibilities. The SNR, which reports directly to the president, has arrest and detention authority. Members of the Imbonerakure, who have no arrest authority, were involved in or responsible for numerous detentions and abductions, according to the OHCHR. According to an August report by IRRI, the Imbonerakure regularly took over the role of state security agents. The UN COI report stated that since 2015 the security forces, including police, SNR, and defense forces, have been the principal perpetrators of human rights violations, including when they acted jointly with nonstate actors such as the Imbonerakure. Impunity for these crimes was widespread.

The constitution provides for equal numbers of Hutu and Tutsi in the military, police, and the SNR to prevent either of these ethnic groups from having disproportionate power that might be used against the other. The integration of police and the SNR did not achieve equilibrium between Hutu and Tutsi members, as a large majority remained Hutu. The International Crisis Group reported in April that the disproportionate

retirement of older (ex-FAB) Tutsi officers in the military risked shifting this balance in favor of the Hutu. In 2016 the government replaced the 50/50 quota for army recruits to a 40 (Tutsi) /60 (Hutu) quota.

Police generally were poorly trained, underequipped, underpaid, and unprofessional. Local citizens widely perceived them as corrupt, often demanding bribes and engaging in criminal activity. The Anticorruption Brigade, which reports to the Office of the President, is responsible for investigating police corruption, but was widely perceived to be ineffective.

Approximately 75 percent of police were former rebels. Eighty-five percent of police received minimal entry-level training but had no refresher training in the past five years, while 15 percent received no training. Wages were low and petty corruption widespread.

Police were heavily politicized and responsive to the CNDD-FDD. Police officials complained that militant youth loyal to the CNDD-FDD and President Nkurunziza infiltrated their ranks. Civil society organizations (CSOs) claimed the weaponry carried by some supposed police officers was not in the official arsenal. Some police officers prevented citizens from exercising their civil rights and were implicated in or responsible for summary executions, arbitrary arrests and detentions, enforced disappearances, acts of torture and cruel, inhuman, and degrading treatment and sexual violence. The UN COI stated that the Anti-Riot Brigade and the Protection of Institutions unit were particularly implicated in grave violations of human rights since 2015. The government rarely investigated and prosecuted these cases, which resulted in widespread police impunity and politicization.

A report by the Senate published in August stated authorities had dismissed 38 police officers while incarcerating and prosecuting 59 others for “grave breaches.” In its response to the UN COI report, the government admitted that “certain elements of the security forces have overstepped the framework of their competencies.” The government stated they had been held accountable by the justice system but provided no supporting documentation.

Mixed security committees, whose members came from local government, regular security services, and the citizenry, operated in towns and villages throughout the country. Local government authorities designed the committees to play an advisory role for local policymakers and to flag new threats and incidents of criminality for local administration. Human rights organizations and the UN COI alleged the committees allowed the Imbonerakure a strong role in local policing, which permitted the ruling party to harass and intimidate opposition members and those perceived to favor the opposition on the local level. Government officials and a spokesperson for the CNDD-FDD confirmed that Imbonerakure members participated in mixed security committees. The mixed security committees remained controversial because lines of authority increasingly blurred between Imbonerakure members and police. Imbonerakure members reportedly detained individuals for political or personal reasons. According to

a report by Human Rights Watch (HRW), Imbonerakure members set up unofficial roadblocks in many provinces, sometimes detaining and beating passersby and extorting money or stealing their possessions.

Independent observers generally regarded the BPDF as professional and politically neutral. The UN COI, however, reported that military personnel were implicated in summary executions, arbitrary arrests, and torture. Among the units involved in grave violations of human rights, the commission identified the Special Brigade for the Protection of Institutions, the Combat Engineer Battalion (Camp Muzinda), and the Support Battalion of the First Military Region (Camp Muha) in Bujumbura. The commission and other organizations reported that major decisions, including those that have given rise to gross violations of human rights, were allegedly made through parallel chains of command reporting to senior government and ruling party leadership.

The SNR's mandate is to provide both external and internal security. It often investigated certain opposition political party leaders and their supporters. Many citizens perceived the SNR as heavily politicized and responsive to the CNDD-FDD. The UN COI and NGOs asserted SNR officials committed acts of torture, extrajudicial killings, enforced disappearance, and arbitrary arrest and detention.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person without a warrant by notifying a supervisor in advance. Police have seven days to finish their investigation and transfer suspects to appear before a magistrate but may request a seven-day extension if they require additional investigation time. Police rarely respected these provisions and routinely violated the requirement that detainees be charged and appear before a magistrate within seven days of arrest.

A magistrate must either order the release of suspects or confirm the charges and continue detention, initially for 14 days, and for an additional seven days if necessary to prepare the case for trial. Magistrates routinely failed to convene preliminary hearings, often citing their heavy case backlog or improper documentation by police. The CNIDH identified some cases of prisoners held in detention without a preliminary hearing or in excess of the statutory limits for preventive detention. A UN human rights team that visited SNR facilities in Bujumbura in April 2016 reported that 25 of the 67 detainees they saw had been kept in custody beyond the prescribed maximum. Due to suspension of the OHCHR's memorandum of understanding, it was unable to collect data during the year.

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

Judges have authority to release suspects on bail but rarely used it. They may also release suspects on their personal recognizance and often did so. Suspects may hire lawyers at their own expense in criminal cases, but the law does not require legal representation, and the government did not provide attorneys for those unable to afford one. Prisons have solitary confinement facilities, and detainees were sometimes held in solitary confinement for long periods. Authorities on occasion denied family members prompt access to detainees, particularly those detainees accused of opposing the government.

The law provides for prisoners to have access to medical care and legal assistance. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura. The ICRC continued to have access to official prisons and detention centers. Several credible organizations, however, reported that the SNR, National Police, senior officials of the government, and other security organizations maintained clandestine holding cells to which no independent monitors, including the ICRC, were granted access. The September report of the UN COI documented cases of torture and mistreatment that occurred in unofficial detention centers where national and international observers had no access.

Arbitrary Arrest: The law provides for a fine of 10,000 Burundian francs (\$6) and imprisonment of 15 days to one year for security force members found guilty of arbitrary arrest. There was no evidence that this law has ever been applied. NGOs reported numerous instances of alleged arbitrary arrests wherein no underlying offense in law existed; Ligue Iteka alleged 1,922 such cases as of September. Comprehensive data was not available on the subsequent handling of the cases; authorities released many within a day or two of their detention.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The law specifies authorities may not hold a person longer than 14 days without charge. As of August 31, according to the director of prison administration, 55 percent of inmates in prisons and detention centers were pretrial detainees. The average time in pretrial detention was approximately one year, according to the Office of Penitentiary Affairs, and authorities held some without charge. Some persons reportedly remained in pretrial detention for nearly five years. In some cases the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance, because public prosecutors failed to open case files or files were lost. Others remained incarcerated without proper arrest warrants, either because police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release if found to have been unlawfully detained. There was no record that any person challenged their arrest on these grounds during the year.

Amnesty: On January 3, a presidential decree announced an amnesty of prisoners who were serving sentences of less than five years and halving the sentences of others. As of October at least 2,576 prisoners were released and 592 prisoners saw their sentences reduced. Some, including members of opposition political parties, were reported to have been subsequently rearrested. Most of those prisoners were considered to be political prisoners. The decree specifically excluded those imprisoned for the crimes of genocide, crimes against humanity, war crimes, armed robbery, illegal possession of firearms, threatening the internal or external security of the state, voluntary homicide, being a mercenary, cannibalism, and all other crimes committed in association with organized gangs. As of October a total of 1,706 prisoners were found ineligible for a presidential pardon.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, there were instances when authorities subjected members of the judiciary to political influence or bribery to drop investigations and prosecutions, predetermine the outcome of trials, or avoid enforcing court orders.

A report by the Senate published in August stated that, over an unspecified timeframe, authorities had dismissed 21 judges, arrested nine, and suspended 19 for corruption or “unjust decisions.”

There were allegations the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police. Serious irregularities undermined the fairness and credibility of trials, and the failure to prosecute members of the security forces accused of abuse created an atmosphere of impunity.

Trial Procedures

Defendants are presumed innocent under the law. Panels of judges conduct all trials publicly. Defendants have the right to prompt and detailed information on the charges and free interpretation from the moment charged through all appeals, if necessary, although these rights were not always respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this did not always occur. Defendants have a right to counsel but not at the government’s expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal assistance to some. Defendants have a right to defend themselves, including questioning prosecution or plaintiff witnesses,

calling their own witnesses, and examining evidence against them. Defendants also may present evidence on their own behalf and did so in the majority of cases. Defendants have the right not to be compelled to testify or confess guilt. The law extends the above rights to all citizens.

The right to a fair trial was often violated. On January 26, 20 individuals accused of participating in an armed group attack on the Mukoni military camp in Muyinga province were tried, convicted, and received prison sentences in an expedited procedure in the Superior Court of Muyinga. They were reportedly tried without access to counsel, and signs that some had been subjected to torture were reportedly not taken into account by the court. According to HRW those standing trial had badly swollen hands and feet, many were limping, one had his arm in a sling, and another vomited blood during the trial. The judge denied a defendant's request that the trial be postponed because his testicles had been tortured, and he wanted to be treated before presenting his defense. The defendants were given 30 years of prison time and each fined five million Burundian francs (\$2,900), approximately 10 times the average annual income in the country, with an increase to 55 years in prison if they failed to pay the fine.

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

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

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

Political Prisoners and Detainees

In 2016 the OHCHR estimated there were more than 500 political prisoners or detainees. Statistics for the year were unavailable due to the government's suspension of the OHCHR's activities and refusal to cooperate with or allow the UN COI access to the country, but independent observers continued to estimate that the number of political prisoners was in the hundreds. The government denied it held persons for political reasons, citing instead threats made against the state, participation in a rebellion, or inciting insurrection.

The director of prison affairs said he could not identify political prisoners, as they were incarcerated on charges just like ordinary criminals. In some cases, however, political prisoners were housed in separate cells. In an August 2 presidential statement, the UN Security Council acknowledged the release of some political prisoners as part of the amnesty announced January 3.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations and may appeal decisions to an international or regional court. In December 2016 five civil society organizations that the government closed in October 2016 contested the decision in the East African Court of Justice. A preliminary hearing took place on September 14. As of December the court had not taken further action on the case; a scheduled hearing for November was postponed.

Property Restitution

In the wake of violence and repression, fear, hunger, insecurity, abuse, and severe economic hardship following the 2015 political crisis, more than 400,000 Burundians fled to neighboring states, primarily Tanzania. There were reports that in some instances government officials and private citizens seized land owned or legally occupied by departing refugees. In general, however, government officials prevented the occupation of lands belonging to refugees.

The National Commission for the Land and Other Properties (CNTB) was established in 2006 to resolve land ownership conflicts, particularly between returning refugees who had fled successive waves of conflict in Burundi and those who had remained. Land disputes were frequently a source of conflict given small plot sizes and the reliance of the vast majority of citizens on subsistence agriculture. In 2015 the president suspended the implementation of all decisions to expropriate taken by the CNTB due to violence associated with land disputes in Makamba province. CNTB's reported practice of generally restoring lands to returning refugees, many of whom were ethnic Hutu, led to accusations of ethnic favoritism. The president lifted the suspension in January, and the CNTB continued its work to resolve land ownership conflicts.

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

The constitution and law provide for the right to privacy and require search warrants, but authorities did not always respect these rights. Police, SNR agents, and Imbonerakure members--sometimes acting as mixed security committees--set up roadblocks and searched vehicles for weapons. They conducted search-and-seizure operations in contested neighborhoods of the country throughout the year. During these searches security agents seized weapons and household items they claimed could be used to supply an insurgency, including large cooking pots and mosquito nets.

Individuals often needed membership in, or perceived loyalty to, a registered political party to obtain or retain employment in the civil service and the benefits that accrued from such positions, such as transportation allowances, free housing, electricity, water, exemption from personal income taxes, and interest-free loans.

g. Abuses in Internal Conflict

Overt violence between the government and armed opposition groups was limited in comparison to 2015 and early 2016. Armed opposition groups conducted ambushes of government officials and security forces, as well as grenade attacks, some of which killed civilians, linked to political conflict. As of October armed groups, in many instances operating across the border from the Democratic Republic of the Congo (DRC), initiated approximately one dozen firefights with government security forces. As of December there were at least 75 grenade attacks countrywide, of which 26 occurred in Bujumbura. It was not always possible to identify perpetrators or their motives; some attacks specifically targeted police and other members of the security services with apparent political motives, while others were likely motivated by personal or business vendettas. The government refused requests from independent UN investigators for information on these attacks.

There were reports of extrajudicial killings, sexual violence, forced disappearances, and torture committed by security services and elements of the Imbonerakure, some of which were related to conflict with armed opposition groups. In its August report, the IRRI stated that the Imbonerakure committed human rights violations against perceived opposition members or citizens who refused to join the ruling party.

On January 24, armed men conducted an attack, causing an unconfirmed number of casualties, on the Mukoni military camp in Muyinga province. An opposition armed group called Malibu-Front Patriotique du Salut claimed responsibility. Among other attacks a September 16 ambush killed two BNDF soldiers; the armed group National Liberation Forces-Nzabampema (FNL-Nzabampema) claimed responsibility.

Killings: The NGO Ligue Iteka reported 338 killings as of October, some of which were associated with political unrest during the year.

Abductions: Security forces abducted and committed enforced disappearances of individuals accused of supporting opposition groups. In targeting individuals and committing human rights violations, national authorities and security forces routinely made minimal distinction between affiliation with legitimate, nonviolent political groups, and support to armed opposition groups. There was at least one instance of armed opposition groups abducting individuals and demanding ransoms.

Physical Abuse, Punishment, and Torture: Detained individuals reported mistreatment by police and the SNR after their detention. The UN COI and NGOs documented cases of torture allegedly committed by members of the SNR, BNDF, and police. Amnesty International reported cases wherein torture was used to extract information from alleged rebels.

Child Soldiers: The BNDF abided by the law that forbids the recruitment of persons under 18 years of age. On January 30, authorities of the DRC transferred to Burundi 124 Burundians, including six under 18 years of age, accused of participation in armed opposition groups. The six minors received legal assistance and were either released from prison or transferred to a rehabilitation center for children.

Other Conflict-related Abuse: Some detainees were denied health care or had treatment for injuries and illnesses interrupted.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The Penal Code, passed in 2009, protects public servants and the president against “words, gestures, threats, or writing of any kind” that is “abusive or defamatory” or would “impair the dignity of or respect for their office.” The law also prohibits racially or ethnically motivated hate speech. The law mandates a penalty of six months to five years in prison and a fine of 10,000 to 50,000 Burundian francs (\$5.65 to \$28.35) for insulting the head of state. Some journalists, lawyers, NGO personnel, and leaders of political parties and civil society alleged the government used the law to intimidate and harass them.

Press and Media Freedom: The government owned and operated a daily newspaper, *Le Renouveau*, and a radio/television station, Burundi National Television and Radio (RTNB). The directors general of both outlets report to the Presidency. Rema FM, a CNDD-FDD radio station, also enjoyed support from the government, although it was technically

independent. Radio Isanganiro was the country's largest independent radio station. *Iwacu*, an independent newspaper, continued to publish articles in French and English that were critical of the government and its policies. The family of an *Iwacu* journalist who disappeared in July 2016 reported that it received death threats throughout the year.

Government reports identified 20 public and independent radio stations, four community radio stations, 24 periodicals, and 12 press associations operating in the country. After being closed in the aftermath of the failed coup in 2015, Radio REMA FM, Radio Isanganiro, Radio Humuriza, and Maison de la Presse were reauthorized in February 2016 and continued operating during the year.

On September 28, the National Council for Communication (CNC) announced a decision to withdraw the licenses of Radio Bonesha, Radio Publique Africaine (RPA), and Radio/Television Renaissance for breaches of their agreements with the CNC or for not abiding by content regulations. These three stations had been shuttered by the government in 2015 after unidentified men destroyed their broadcasting equipment following the failed coup in May 2015. Radio Bonesha continued to operate a website and RPA continued to broadcast into the country from Rwanda. In the same communique the CNC also announced the suspension for three months of CCIB FM +, a radio station operated by the Federal Chamber of Commerce of Burundi (CFCIB), following a broadcast including critical coverage of the government's response to the killing of 39 Burundian refugees in the DRC by Congolese security forces. CFCIB appealed the suspension to the CNC and dismissed the station's editor in chief; there were reports he subsequently fled the country after receiving threats. In December the CNC announced the six-month suspension of Radio Ntumbero for violations of its charter and suspended for one month the opinion section of the *Igihe* news site. The CNC also revoked the licenses of other radio or television stations because they did not begin broadcasting in a timely manner.

In 2013 the government passed a media law that required journalists to reveal sources in some circumstances and prohibited the publication of articles deemed to undermine national security. In 2014 parliament revised the law following journalists' successful appeal to the East African Court of Justice. The court's decision caused parliament to remove from the media law some of its more draconian elements. Following the failed coup of May 2015, the government invoked the law to intimidate and detain journalists.

Reporters who were able to continue working complained that government agents harassed and threatened media that criticized the government and the CNDD-FDD. Journalists had difficulty corroborating stories, as local sources were intimidated.

Violence and Harassment: The majority of independent journalists fled the country since the political crisis and crackdown in 2015; very few had returned, citing threats to their safety. Several media outlets alleged they received explicit threats that they would be closed if they published or broadcast stories critical of the government. The government detained or summoned for questioning several local and international

journalists investigating subjects such as human rights violations, corruption, or refugees fleeing the country. Journalists experienced violence and harassment at the hands of security service members and government officials.

On April 5, intelligence agents interrogated Joseph Nsabiyabandi, the editor in chief of Radio Isanganiro about his alleged collaboration with Burundian radio stations operating in exile in Rwanda. In July 2016 unknown men abducted *Iwacu* reporter Jean Bigirimana. Police and the SNR denied that he was in their custody. As of October, Bigirimana’s whereabouts remained unknown. According to media reports, his spouse received several anonymous death threats after his disappearance and subsequently fled the country with her children.

Censorship or Content Restrictions: The government censors media content via restrictive press laws established by the CNC, an organization that is nominally independent but subject to political control in practice. In 2016 the CNC passed two decrees regarding media activity: one for domestic journalists and one for foreign outlets operating in the country. The first compels all journalists to register with the CNC annually. The second limits the access granted to international journalists and establishes content restrictions on the products disseminated by these outlets. As of October the government had not enforced these laws on a regular basis. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship, including by journalists working for the national broadcaster. Those who did not self-censor reportedly faced “reassignment” to jobs where they did not have access to the public or were fired.

The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 members, who were mainly government representatives and journalists from the state broadcaster. According to Freedom House, observers regarded the CNC as a tool of the executive branch, as it regularly issued politicized rulings and sanctions against journalists and outlets.

Libel/Slander Laws: Libel laws prohibit the public distribution of information that exposes a person to “public contempt” and carry penalties of prison terms and fines. The crime of treason, which includes knowingly demoralizing the military or the country in a manner that endangers national defense during a time of war, carries a criminal penalty of life imprisonment. It is a crime for anyone knowingly to disseminate or publicize rumors likely to alarm or excite the public against the government or to promote civil war. It is illegal for anyone to display drawings, posters, photographs, or other items that may “disturb the public peace.” Penalties range from two months’ to three years’ imprisonment and fines. Some journalists, lawyers, and leaders of political parties, civil society groups, and NGOs alleged the government used these laws to intimidate and harass them.

Nongovernmental Impact: Many members of the governing party’s youth wing, the Imbonerakure, collaborated with government security forces. In some cases they were official members of mixed security councils, which comprise police, local administration officials, and civilians. Journalists and human rights defenders accused Imbonerakure members of acting as irregular security forces, using government resources to follow, threaten, and attack individuals they perceived as opposition supporters.

Actions to Expand Freedom of Expression, Including for the Media: In February 2016 the government announced it would allow two radio stations to resume broadcasting after their closure and destruction in 2015. As a condition for reopening, REMA FM (which supported the ruling party) and Radio Isanganiro (which was critical of the ruling party) were obliged to sign an agreement stating they would be “balanced and objective” and not threaten the country’s security. As of October both stations continued to operate.

Internet Freedom

According to the International Telecommunication Union’s 2016 survey, only 5 percent of individuals used the internet. Some citizens relied heavily on the social media platforms WhatsApp, Twitter, and Facebook on both internet and mobile telephone networks to get information about current events. There were no verifiable reports the government monitored email or internet chat rooms. One journalist reported harassment by security officials for the content of messages he composed on WhatsApp. Several radio stations that were closed after the failed coup continued to publish radio segments and articles online.

Beginning in late October, some media websites were occasionally unavailable to internet users in the country. Publications affected included the newspaper *Iwacu*, which was generally critical of the government, but also the generally progovernment online publication *Ikiriho*. There was no official comment on the outages; both the reason and mechanism remained unclear. In most cases the outages lasted a few days before access was restored.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government severely restricted this right (see section 1.d.). The law requires political parties and large groups to notify the government with details at least four days prior to a meeting, but even when notified, authorities in most cases denied permission for

opposition members to meet and dispersed meetings already underway. By contrast, supporters of the CNDD-FDD and government officials were regularly able to organize demonstrations on short notice; these demonstrations were frequently large and included participation by senior officials.

Freedom of assembly was further restricted following the failed coup attempt in May 2015, and these restrictions remained in place. Members of the wing of the FNL political party associated with Agathon Rwasa alleged that government officials harassed or arrested supporters for holding unauthorized meetings. Other political parties reported being unable to hold party meetings or conduct political activities outside Bujumbura.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right. On January 27, the government enacted new laws governing domestic CSOs. The law requires registration of CSOs with the Ministry of Interior (or with provincial governments if they operate in a single province), a complex process that includes approval for an organization’s activities from the Ministry of the Interior and other ministries depending on their areas of expertise. There is no recourse when authorities deny registration. The law provides for the suspension or permanent closure of organizations for “disturbing public order or harming state security.” Registration must be renewed every two years.

On January 23, the government also enacted a law restricting international NGOs. The law includes requirements that international NGOs deposit a portion of their budgets at the Bank of the Republic of Burundi and that they maintain ethnic balance in the recruitment of local personnel. The new law contains several clauses that give the government considerable control over NGO selection and programming. In November an international NGO was instructed to suspend its agricultural programs due to a disagreement with the Ministry of Agriculture on program design; in December another international NGO was expelled for allegedly distributing rotten seeds.

In October 2016 the government permanently banned five CSOs that it claimed were part of the political opposition. In December 2016 the government announced its intention to ban Ligue Iteka, the country’s oldest human rights organization, for “sow [ing] hate and division among the Burundian population following a social media campaign created by the International Federation of Human Rights and Ligue Iteka in which a mock movie trailer accused the president of planning genocide.” The ban took effect on January 3; Ligue Iteka continued to operate from Uganda and report on conditions in Burundi. As of year’s end there were no further reported closings of CSOs.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

The government strongly encouraged citizens to participate in community-level work projects every Saturday morning and imposed travel restrictions on citizens from 8:30 a.m. to 10:30 a.m. Authorities required permits for movement outside of one’s community during those hours, and police enforced the restrictions through roadblocks. There were reports that members of the Imbonerakure compelled individuals to engage in community work, including an instance in which Imbonerakure members compelled travelers on buses to disembark and participate. Persons could obtain waivers in advance. Foreign residents were exempt.

Foreign Travel: The price of passports was 235,000 Burundian francs (\$133). The government issued arrest warrants against members of the opposition group National Council for the Respect of the Arusha Accord and the Rule of Law, whom it accused of participation in the May 2015 failed coup, that were also circulated as Red Notices by the International Police Organization (INTERPOL). Authorities required exit visas for foreign nationals who held nonofficial passports; these visas cost 48,000 Burundian francs (\$28) per month to maintain. Stateless persons cannot apply for a passport and cannot travel outside the country.

Internally Displaced Persons (IDPs)

The International Organization for Migration (IOM) counted approximately 187,626 IDPs displaced as of December. According to IOM, 69 percent were displaced due to natural disasters while 31 percent were displaced for political or social reasons. Some IDPs reported feeling threatened because of their perceived political sympathies. Some IDPs attempted to return to their homes, but the majority remained in IDP sites or relocated

to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by UNHCR, IOM, and other humanitarian organizations, such as shelter and legal assistance programs.

Protection of Refugees

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

UNHCR estimated 63,234 refugees were in the country as of September. Of these approximately 61,995 were Congolese refugees, including new arrivals during the year. Continuing violence in the DRC prevented their return. Efforts to resettle Congolese refugees in third countries, begun in 2015, continued.

Employment: The employment of refugees was subject to restrictions. The government is a signatory to the 1951 UN Convention Related to the Status of Refugees and 1967 Protocol on the Status of Refugees, but with a reservation regarding the employment of refugees that meant Burundian nationals had preferred access to employment opportunities over refugees. In 2016 the government committed to lifting these reservations, but as of December had not taken steps to do so.

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

Stateless Persons

According to UNHCR an estimated 974 persons at risk of statelessness lived in the country as of October 2016. All were from Oman, were awaiting proof of citizenship from the government of Oman, and had lived in Burundi for decades. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani citizenship. Stateless persons face limited freedom of movement as they were ineligible for driver's licenses and passports.

Section 3. Freedom to Participate in the Political Process

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

in low voter turnout and a boycott by most opposition parties. In December the government announced a referendum campaign for several constitutional amendments and repressed opposition activity related to the amendments.

Elections and Political Participation

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

The EU's election observation mission departed in May 2015 after judging that sufficient conditions for credible elections were not met. The AU also declined to send observers because the conditions were not conducive to credible, transparent, free, and fair elections. According to the International Crisis Group, the National Independent Electoral Commission and the Ministry of Interior created bureaucratic obstacles to opposition parties, including failing to recognize party leadership, refusing to permit legal party meetings, and favoring CNDD-FDD loyalists for positions on provincial and communal election committees.

During the year the government began a campaign to generate citizen contributions to a fund for elections, with the intention of domestically financing future elections. There were reports that citizens were pressured to make purportedly voluntary contributions and that civil servants who did not make contributions were reprimanded by their superiors. In December the government released a decree formalizing the campaign, under which amounts were to be automatically deducted from the salaries of civil servants. The decree specified that contributions from other citizens were to be voluntary, but government officials continued to pressure citizens to donate.

On December 12, President Nkurunziza announced a referendum campaign to amend the constitution, and several government and ruling party officials subsequently made statements threatening individuals opposed to the referendum. In a December 14 speech in Cibitoke province, Sylvestre Ndayizeye, a senior leader of the Imbonerakure, reportedly called on his colleagues to “identify and subdue” those who oppose the campaign. In December authorities arrested and detained several FNL activists opposed to the referendum, and university police at the University of Burundi summoned seven student activists and warned them against referendum-related activism.

Political Parties and Political Participation: According to the law, to qualify for public campaign funding and compete in the legislative and presidential elections, parties needed to be “nationally based” (ethnically and regionally diverse) and demonstrate in writing they were organized and had membership in all provinces. The Ministry of Interior recognized 32 political parties. Other parties—including the FNL (Forces for National Liberation)-Rwasa and Union for National Progress (UPRONA)-Nditije--were

officially unrecognized. Other parties, such as the Union for Peace and Development, were recognized by the Ministry of Interior but were nevertheless unable to operate due to intimidation and suppression by the government. In April the minister of the interior suspended the Movement for Solidarity and Democracy (MSD). On August 22, the minister of interior filed a motion with the Supreme Court to ban the MSD permanently, accusing the party of support for acts of violence and creating a paramilitary wing in violation of the law on political party activities. The president of the MSD, Alexis Sinduhije, was associated with the armed opposition group Resistance for a State of Law in Burundi (RED-Tabara) and was captured on video advocating violence against the government. As of October the case remained pending.

Ministry of Interior interference in opposition party leadership and management kept opposition political parties weak and fractured. The government stated that the law allows only legally constituted political parties, coalitions of political parties, and independent candidates to run for office and that unrecognized leaders of parties and political actors not associated with a party could play no role in the political process. This stance effectively disenfranchised parties not recognized by the government and prevented their leaders from developing platforms and conducting political activities.

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

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

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, yet corruption remained a very serious problem. The government did not fully implement the law, and some high-level government officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. Although the 2005 constitution provides for the creation of a High Court of Justice to review accusations of corruption against high-ranking defendants, including the president, the two vice

presidents, ministers, the speakers of parliament, members of parliament, and judges, the government had not established the court by year’s end. The anticorruption law applies to all other citizens, but no high-ranking person has stood trial for corruption.

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

The state inspector general and the Anticorruption Brigade of the Ministry of Good Governance and Planning were responsible for investigating government corruption. There is also a designated anticorruption general prosecutor and an anticorruption court. The Anticorruption Brigade has the authority to investigate, arrest, and refer offenders to the anticorruption general prosecutor.

In view of the lengthy backlog of cases in the anticorruption court and the difficulty of obtaining convictions, the Anticorruption Brigade often resorted to enforcing the law through out-of-court settlements in which the government agreed not to prosecute if the offending official agreed to reimburse the money stolen.

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

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

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression. On January 27, the government enacted new laws governing domestic CSOs that made it difficult for many organizations to conduct their work. The law required registration of CSOs with the Ministry of the Interior, a complex process that includes approval for an organization’s activities from the ministry and other ministries depending on their areas of expertise. Registration must be renewed every two years, and there was no recourse in cases where registration was denied. The law provides for the suspension or permanent closure of organizations for “disturbing public order or harming state security.” Many human rights defenders who had fled the country in 2015 remained outside the country at year’s end. Those who remained in the country were subjected to threats, intimidation, and arrest. For example, Germain Rukuki, a human rights defender for the

Association of Catholic Jurists of Burundi, was arrested on July 13 and held by the SNR for 14 days before being moved to Ngozi prison without being informed of the charges against him. On August 1, he was charged with rebellion and breaching internal security. On November 21, Nestor Nibitanga, a human rights monitor and former representative of APRODH, was arrested in Gitega and accused of acts against state security. As of December both remained in pretrial detention.

In October 2016 the government banned five CSOs led by opponents to the president having a third term and in January banned Ligue Iteka. Ligue Iteka and other organizations without official recognition continued to monitor the human rights situation. Members of both recognized and nonrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and their sources. In June government security services arrested three human rights monitors working with the officially recognized NGO Speech and Action for the Awakening of Consciousness and Evolution of Mentalities; as of October they remained in detention awaiting trial.

Following a lawsuit filed by the minister of the interior, the appellate court of Bujumbura ruled on January 16 in favor of permanently banning three lawyers and suspending another for one year. All four were human rights activists accused of having participated in banned civil society organizations. The Burundi Bar Association had stated that they were not guilty of any wrongdoing.

The United Nations or Other International Bodies: In October 2016 the government suspended cooperation with the Bujumbura operation of the OHCHR; although the OHCHR maintained its office, it reduced personnel in country. The OHCHR’s monitoring activities were curtailed substantially and its access to government institutions was limited. As of October negotiations continued between the government and the OHCHR on a memorandum of understanding that would enable it to resume activities. On September 13, days before a separate UN body presented a final report on Burundi to the Human Rights Council in Geneva, a group of armed men broke into and began to search the OHCHR’s offices in Bujumbura before departing after a security guard activated an alarm. According to the OHCHR the men did not take any confidential or otherwise valuable information. The government initially denied the attacks occurred and then announced a police investigation, which had not produced any public results as of November.

The UN Human Rights Council created a three-member UN COI in 2016 to investigate human rights violations since 2015. The government refused to allow commission members to enter the country and did not respond substantively to any requests for information from the commission. The commission delivered its final report in September, finding there was reason to believe that grave violations of human rights and crimes against humanity had been committed in the country since 2015, including systematic torture, sexual violence, and political persecution. The UN COI reported these violations were primarily attributable to state officials at the highest level and to senior officials and members of the National Intelligence Service, police, army, and

Imbonerakure. Government officials, including the minister of human rights and social affairs, dismissed the report as not credible and accused the commission’s members of serving foreign interests to undermine the country’s sovereignty. Government officials and CNDD-FDD leaders organized nonviolent protests criticizing Western countries, the United Nations, and commission members, during which participants chanted slogans condemning the authors of the report. In September the Human Rights Council voted to extend the commission’s mandate for one year, as well as requesting the OHCHR to send a team of three experts to Burundi.

In July 2016 the UN Security Council passed Resolution 2303 expressing grave concern over human rights violations and welcomed the government’s professed cooperation in the deployment of United Nations and AU human rights monitors. The resolution also authorized a force of up to 228 UN police monitors to be deployed throughout the country. The government refused to accept the police monitors, and as of October, there had been no progress on their deployment. On August 2, the Security Council released a presidential statement expressing support for engagement by the United Nations with the government on implementation modalities for Resolution 2303. In February 2016 the AU announced it would send 100 human rights monitors and 100 military monitors to the country and stated that the president supported the deployment. As of October, 40 human rights monitors and eight military monitors had deployed. According to the AU, the monitors were limited in what they could do because the government had yet to agree on a memorandum of understanding for the monitors. The government did not grant permission for the rest of the monitors to enter the country.

The government ratified the Rome Statute of the International Criminal Court (ICC) and became a State Party to the Rome Statute in September 2004. In April 2016 the prosecutor of the ICC launched a preliminary examination into the situation in the country since April 2015, noting that her office had reviewed reports and communications concerning acts appearing to fall within the jurisdiction of the ICC, including killing, imprisonment, torture, rape and other forms of sexual violence, and enforced disappearances. Burundi became the first country to withdraw from the ICC on October 27, one year after notifying its intent to withdraw in 2016. On November 9, the ICC announced the opening of a full investigation into crimes under its jurisdiction committed in the country prior to the withdrawal. The investigation was approved by a panel of ICC judges prior to October 27, but the decision was kept under seal until November 9. ICC officials stated that the investigation would proceed despite Burundi’s withdrawal.

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which has not been implemented, and a national Truth and Reconciliation Commission (TRC), which was only passed into law in April 2014. In 2014 parliament appointed 11 commissioners in a vote boycotted by the opposition; the mandate of the commission runs through December 2018, with the possibility of a one-year extension. Since becoming operational in 2016, the TRC has continued to gather testimony and conduct outreach activities under its mandate to investigate and establish the truth

about serious human rights and international humanitarian law violations committed from the country's 1962 independence to 2008, when the last armed opposition group (the FNL) laid down its arms to end the civil war. The TRC is also mandated to establish individual responsibilities and those of state institutions, individuals, and private groups. Some CSOs and opposition political figures raised concerns that, given ongoing violence, political tensions, a climate of fear and intimidation, fears of retribution for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. The operating environment did not change during the year.

A lack of funding and qualified experts adversely affected the TRC's ability to operate. TRC commissioners were perceived by some CSOs as representing the interests of the ruling party and therefore not impartial. The 2015 law creating the TRC provided for the appointment of an advisory board of eminent international persons, but none was appointed. As of the end of August, the TRC had hired six researchers and had limited its initial investigations to three provinces (Karuzi, Mwaro, and Ngozi). On September 8, the TRC president, Jean-Louis Nahimana, announced initial results of investigations in Karuzi and Mwaro, including the discovery of mass graves dating from within the period of the TRC's mandate (1962-2008). The TRC also organized meetings with different sectors of society to discuss the country's reconciliation needs.

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

The CNIDH, a quasi-governmental body charged with investigating human rights abuses, exercised its power to summon senior officials, demand information, and order corrective action. In November 2016 the Global Alliance of National Human Rights Institutions downgraded CNIDH's accreditation due to concerns over its independence. The CNIDH, which also monitored the government's progress on human rights investigations, did not always release its findings to the public.

Human rights committees in the National Assembly and the Senate worked on a range of issues, including reviewing the human rights situation and reports from national and international actors. On August 31, the National Assembly established a special commission to analyze and respond to the report of the UN COI.

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

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, with penalties of up to 30 years' imprisonment. The law prohibits domestic abuse of a spouse, with punishment ranging from fines to three to five years' imprisonment. The

government did not enforce the law uniformly, and rape and other domestic and sexual violence continued to be serious problems. On April 8, following the inauguration of a CNDD-FDD party office in the eastern province of Ruyigi, an estimated 200 persons, including Imbonerakure, chanted a song urging impregnation of female opposition members so that more Imbonerakure would be born, which was widely interpreted as threatening rape.

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

The Unit for the Protection of Minors and Morals in the Burundian National Police is responsible for investigating cases of sexual violence and rape, as well as those involving the trafficking of girls and women. The government, with financial support from international NGOs and the United Nations, continued civic awareness training throughout the country on domestic and gender-based violence and on the role of police assistance. Those trained included police, local administrators, and grassroots community organizers. The government-operated Humura Center in Gitega provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence. As of early December, the center had received 197 cases of sexual and gender-based violence (SGBV).

Reports by Amnesty International and the IRRI stated that some female refugees had fled Burundi after surviving SGBV, including violence perpetrated by authorities.

Credible observers stated many women were reluctant to report rape, in part due to fear of reprisal.

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

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

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

By law women must receive the same pay as men for the same work, but they did not (see section 7.d.). Some employers suspended the salaries of women on maternity leave, and others refused medical coverage to married female employees.

In May, President Nkurunziza signed into law new regulations requiring unmarried couples to legalize their relationships through church or state registrations.

Children

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

Education: Education is tuition-free, compulsory, and universal through the secondary level, but students are responsible for paying for books and uniforms. Throughout the country provincial officials charged parents fees for schooling.

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

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

Early and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal and were rare, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of Interior continued an effort to convince imams not to officiate over illegal marriages. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The penalty for commercial sexual exploitation of children is five to 10 years in prison and a fine of between 20,000 and 50,000 Burundian francs (\$11 and \$28). The law punishes child pornography by fines and three to five years in prison. There were no prosecutions during the year.

Women and girls were smuggled to other countries in Africa and the Middle East,

sometimes using falsified documents, putting them at high risk of exploitation.

Displaced Children: Thousands of children lived on the streets throughout the country, some of them HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services, such as medical care and economic support. Independent Observers reported that children living on the streets faced brutality and theft by police and judged that police were more violent toward them during the 2015 political unrest than previously. A government campaign to “clean the streets” by ending vagrancy and unlicensed commerce, begun in 2016, resulted in the detention of hundreds of persons living or working on the streets. The campaign continued during the year and intensified as the government established a goal of having no children or adults living on the streets by the end of the year. The Council of Ministers approved a roadmap for ending vagrancy that would require the return of detained children and adults to their commune of origin; as of October this provision was not implemented.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>).

Anti-Semitism

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

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

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

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

Indigenous People

The Twa, the original hunter-gatherer inhabitants of the country, numbered an estimated 80,000, or approximately 1 percent of the population, according to the OHCHR. They generally remained economically, politically, and socially marginalized. By law local administrations must provide free schoolbooks and health care for all Twa children. Local administrations largely fulfilled these requirements. The constitution provides for three appointed seats for Twa in each of the houses of parliament, and Twa parliamentarians (including one woman) took their seats in August 2015.

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

Since 2009 Burundi has criminalized consensual same-sex conduct. Article 567 of the penal code penalizes consensual same-sex sexual relations by adults with up to two years in prison. There were no reports of prosecution for same-sex sexual acts during the year. There were cases, however, of harassment, intimidation, arbitrary arrests, and demands for bribes by police officers and members of the Imbonerakure targeting lesbian, gay, bisexual, transgender, and intersex individuals.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions. A union must have at least 50 members. There is no minimum size for a company to be unionized. The minister of labor has the authority to designate the most representative trade union in each sector. Most civil servants may unionize, but they must register with the Ministry of Civil Service, Labor, and Social Security (Labor Ministry), which has the

authority to deny registration. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers under the age of 18 must have the consent of their parents or guardians to join a union.

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

The law recognizes the right to collective bargaining, excluding measures regarding public sector wages, which are set according to fixed scales following consultation with unions. There are no laws that compel an employer to engage in collective bargaining. The law prohibits antiunion discrimination. The law allows termination of workers engaged in an illegal strike and does not specifically provide for reinstatement of workers dismissed for union activity.

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

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

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. The government did not effectively enforce applicable laws. Resources for inspections and remediation were inadequate, and the penal code did not specify penalties. Workplace inspectors had authority to impose fines at their own discretion.

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

The government encouraged citizens to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Governors of various provinces sporadically fined residents who failed to participate.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law states that enterprises may not employ children younger than 16, with exceptions permitted by the Labor Ministry. These exceptions include light work or apprenticeships that do not damage children’s health, interfere with their normal development, or prejudice their schooling. The minister of labor permitted children who were 12 years old and above to be employed in “light labor,” such as selling newspapers, herding cattle, or preparing food. The legal minimum age for most types of “nondangerous” labor varies between 16 and 18. The law prohibits children from working at night and limits them to 40 hours’ work per week. The law makes no distinction between the formal and informal sectors.

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

In rural areas children under 16 years of age, often held responsible for contributing to their families and their own subsistence, were regularly employed in heavy manual labor during the day, including during the school year, especially in agriculture. Children working in agriculture could be forced to carry heavy loads and use machines and tools that could be dangerous. They also herded cattle and goats, which exposed them to

harsh weather conditions and forced them to work with large or dangerous animals. Many children worked in the informal sector, such as in family businesses, selling in the streets, and working in small local brickworks.

In urban areas child domestic servants were often isolated from the public. Some were only housed and fed instead of being paid for their work. Some employers who did not pay the salaries of children they employed as domestic servants accused them of stealing, and children were sometimes imprisoned on false charges. Child domestic workers could be forced to work long hours, some employers exploited them sexually, and girls were disproportionately impacted.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings (<http://www.dol.gov/ilab/reports/child-labor/findings>).

d. Discrimination with Respect to Employment and Occupation

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

e. Acceptable Conditions of Work

In Bujumbura the informal minimum wage for unskilled workers was 3,000 Burundian francs (\$1.70) per day. In rural areas the daily minimum wage was 2,000 Burundian francs (\$1.13) plus lunch. According to the government, 62 percent of the population lived below the poverty line, defined by the World Bank as the equivalent of \$0.50 per day in urban areas and \$0.38 per day in rural areas. More than 90 percent of the working population worked in the informal economy; minimum wage law did not apply to the informal sector, where wages were typically based on negotiation and reflected prevailing average wages. Wages in the informal sector were on average 3,000 to 3,500 Burundian francs per day (\$1.70 to \$1.98) in Bujumbura and from 2,000 to 2,500 Burundian francs per day (from \$1.13 to \$1.41) in the rest of the country.

The labor code limited working hours to eight hours per day and 40 hours per week, but there are many exceptions, including national security, guarding residential areas, and road transport. A surcharge of 35 percent for the first two hours and 60 percent

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

The labor code establishes appropriate occupational safety and health standards for the workplace. Many buildings under construction in Bujumbura, however, had workforces without proper protective equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

The Labor Inspectorate in the Ministry of Labor is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. The government has not provided for the effective implementation of these laws and regulations. The number of labor inspectors was insufficient to enforce compliance.

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

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