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Freedom in the World 2012 - Burundi

2012 Scores

Status: Partly Free
Freedom Rating: 5.0
Civil Liberties: 5
Political Rights: 5

Overview

Burundi's fragile democracy was threatened in 2011 by sporadic violence between supporters of the ruling party and opposition groups that had boycotted 2010 elections. Tensions were heightened in September by an attack that killed more than 30 people in Gatumba, likely carried out by members of the former rebel National Liberation Forces (FNL) in revenge for killings of FNL personnel.

The minority Tutsi ethnic group governed Burundi for most of the period since independence from Belgium in 1962. The military, judiciary, education system, business sector, and news media were also traditionally dominated by the Tutsi. Violence between them and the majority Hutu has broken out repeatedly since independence. A 1992 constitution introduced multiparty politics, but the 1993 assassination of the newly elected Hutu president, Melchior Ndadaye of the Front for Democracy in Burundi (FRODEBU) party, led to sustained and widespread ethnic violence. The resulting 12-year civil war killed more than 300,000 people.

Ndadaye's successor was killed in 1994, along with Rwandan president Juvénal Habyarimana, when their plane was shot down as it approached Kigali airport in Rwanda. This event triggered the Rwandan genocide and intensified the fighting in Burundi.

A 1994 power-sharing arrangement between FRODEBU and the mainly Tutsi-led Unity for National Progress (UPRONA) party installed Hutu politician Sylvestre Ntibantunganya as Burundi's new president, but he was ousted in a 1996 military coup led by former president Pierre Buyoya, a Tutsi whom Ndadaye had defeated in the 1993 election. Peace and political stability remained elusive, as insurgents sporadically staged attacks and government forces pursued a campaign of intimidation.

In 2000, 19 groups from across the political spectrum agreed in principle on a future political solution to the conflict. A transitional government was installed in 2001, with Buyoya temporarily remaining chief of state and FRODEBU's Domitien Ndayizeye serving as vice president. Key elements of two Hutu rebel groups, the Forces for the Defense of Democracy (FDD) and the National Liberation Forces (FNL), failed to participate in the transition, resulting in both continued negotiations and additional violence.

By the end of 2002, most factions had agreed to stop the fighting and participate in transitional arrangements leading to national elections. In April 2003, Buyoya stepped down and was replaced as president by Ndayizeye, and the FDD subsequently reached an agreement with the government in October. An August 2004 agreement outlined the shape of new democratic institutions – designed to balance the interests of the Hutu and Tutsi populations – and the holding of elections.

In 2005, Burundi held the first local and national elections since 1993. The largely Hutu National Council for the Defense of Democracy (CNDD), the political wing of the FDD, emerged as the country's largest party, and Parliament chose Pierre Nkurunziza as president. Domestic and international observers generally regarded the voting as legitimate and reflective of the people's will.

A key faction of the sole remaining rebel group, the FNL, agreed to lay down its arms and participate in the political process in 2006. A tentative ceasefire agreement was reached with the last significant FNL faction in 2007, but violence involving the group flared again in 2008. Nonetheless, FNL leader Agathon Rwasa soon returned to participate in negotiations on the demobilization of his guerrillas and the transformation of the FNL into a political party. These discussions were complicated by complaints regarding repressive actions taken by the CNDD and counterclaims that the FNL was continuing to recruit military cadres.

The talks finally led the FNL to lay down its arms in 2009, leading to its recognition as a legal political party. In April of that year, an independent election commission was sworn in to prepare for elections due in 2010, and a new electoral code was adopted. However, political uncertainty and tension remained, as opposition parties accused the government of trying to manipulate the electoral process.

Local elections took place in May 2010, in which the CNDD won with almost two-third of the vote. Following increasing efforts by the CNDD to close political space, opposition candidates boycotted both the June presidential election and July parliamentary polls. Prior to the presidential poll, the government placed serious restrictions on freedom of movement for opposition leaders, arrested dozens of opposition activists, and banned all opposition party meetings. According to opposition parties and human rights organizations, the ostensibly

independent election commission failed to adequately investigate allegations of pre-electoral violence and make public some individual polling place results. In the legislative poll, the CNDD captured 81 percent of the vote, followed by UPRONA with almost 12 percent and FRODEBU with nearly 6 percent, while Nkurunziza was reelected president with some 92 percent of the vote. Observers viewed the elections as a missed opportunity for strengthening Burundi's democratic political culture, as political polarization increased, and several leading opposition figures – including Rwasa – fled the country fearing for their safety. It was also noted that the political rifts and violence were mainly between rival Hutu groups, and not between Hutus and Tutsis as in the past.

Sporadic violence continued throughout much of 2010, with both the CNDD and opposition parties blaming one another for the attacks. In September, at least 18 bodies, some of which had been mutilated, were found in the Ruzizi River west of Bujumbura; some were identified as FNL members. This violence continued in 2011, as supporters of the CNDD and FNL members who had again taken up arms engaged in retaliatory attacks. In September, at least 30 people were killed when gunmen opened fire in a bar in Gatumba, on the Congolese border, an attack that the intelligence services attributed to the FNL. The putative motive was retribution for government violence against its own members; along with murders of lower-level FNL supporters, three high-ranking current and former members of the group had been killed since July 2011. In December, 21 people went on trial for involvement in the massacre, in a process that apparently was seriously flawed. A number of the defendants said in court that they had been tortured to confess or implicate the FNL in the attack. The court also refused a request by the defense to call senior members of the police and intelligence services to testify. The trial was ongoing at year's end.

Political Rights and Civil Liberties

Burundi is not an electoral democracy. The country lacks representative institutions at the national level, in both the legislative and executive branches of government. Despite citizens' ability to change their government democratically in 2005, serious electoral irregularities and repression during the May 2010 local elections led most opposition parties to boycott subsequent presidential and parliamentary polls. The 2010 presidential election was the first by direct vote for a five-year term, but without meaningful competition, the results lacked legitimacy. The president appoints two vice presidents, one Tutsi and one Hutu, and they must be approved separately by a two-thirds majority in both the lower and upper houses.

While the lower house of Parliament – the 100-seat National Assembly – is directly elected for a five-year term, locally elected officials choose members of the Senate, also for five-year terms. Each of Burundi's 17 provinces chooses two senators – one Tutsi and one Hutu. Carefully crafted constitutional arrangements require the National Assembly to be 60 percent Hutu and 40 percent Tutsi, with three additional deputies from the Twa ethnic minority, who are also allocated three senators. In both houses, a minimum of 30 percent of the legislators must be women.

There are more than two dozen active political parties in the country, ranging from those that champion radical Tutsi positions to those that hold extremist Hutu views. Most are small in terms of membership, and many Tutsi have now joined formerly Hutu-dominated parties. The government appointed in September 2010 consists of members from the three political parties represented in Parliament: the CNDD, UPRONA, and FRODEBU. Many political parties include groups of youths that are used for intimidation and violence against opponents.

Corruption remains a significant problem. Burundi was ranked 172 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index, making it the most corrupt country in East Africa. The deputy head of Burundi's largest anticorruption organization, the Anticorruption and Economic Malpractice Observatory, was assassinated in April 2009, and although the case went to trial in July 2010, no verdict had been reached by the end of 2011.

Freedom of speech is legally guaranteed, but press laws restrict journalists in broad, imprecise ways, and sanctions for defamation and insult include harsh fines and imprisonment. While journalists continue to engage in self-censorship and are sometimes censored by authorities, they have been increasingly willing to express opinions critical of the government. Radio is the primary source of information for the majority of the population. The media is dominated by the government, which owns the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. Several private broadcast media outlets also operate, though most have a limited broadcast range. The British Broadcasting Corporation (BBC), Radio France Internationale, and the Voice of America are available on FM radio in the capital. Print runs of most newspapers remain small, and readership is limited by low literacy levels. Access to the internet remains largely confined to urban areas.

Despite the recent emergence of a more pluralistic press, journalists have been arbitrarily arrested, harassed, or threatened on numerous occasions. In July 2010, the editor of an online newspaper, Jean-Claude Kavumbagu, was charged with treason after publishing an article warning that Burundi's security forces lacked the capacity to effectively counter external terror threats against the country such as the one carried out that month by the Somali terrorist group Al-Shabaab in Uganda. He was freed in May 2011, after being acquitted of the treason charge but found guilty of publishing material "likely to discredit the state or economy." He was sentenced to time served and fined 100,000 francs (\$70), after already having served 10 months in pretrial detention. After the Gatumba attack in September 2011, the government imposed a 30-day media blackout regarding the massacre, issuing a statement banning "publishing,

commenting or doing analyses in connection with the ongoing investigations into the carnage in Gatumba." After the 30-day period expired, the government harassed and intimidated journalists who attempted to report on or investigate the attack or the other murders that had occurred throughout the year.

Freedom of religion is generally observed. For many years, the ongoing civil strife and the Tutsi social and institutional dominance impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved in recent years.

The constitution provides for freedoms of assembly and association, although members of human rights groups that criticize the government have been threatened with or subjected to surveillance. There is modest but important civil society activity with a focus on human rights. In June 2011, the members of the newly created National Independent Human Rights Commission was sworn in. However, the commission's work had been hampered by a lack of funding and support from the government.

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

Burundi's judiciary is hindered by corruption, a lack of resources and training, and executive interference in legal matters. Crimes, especially those related to political violence, often go unreported or uninvestigated. The current judicial system struggles to function effectively or independently and cannot handle the large number of pending cases, many of which are politically sensitive. Prisons remain overcrowded, unhygienic, and at times life-threatening. In July 2011, President Pierre Nkurunziza announced the creation of a truth and reconciliation commission, designed to provide accountability for past abuses; it was set to start work in 2012.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Burundi continues to have a serious problem with sexual and domestic violence, and these crimes are rarely reported. The 2009 penal code criminalizes same-sex relationships. Albinos face a particular threat from discrimination and violence.