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2011 Country Reports on Human Rights Practices - Burundi

EXECUTIVE SUMMARY

The Republic of Burundi is a democratic, multiparty republic. The 2005 constitution provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In June 2010 voters reelected President Pierre Nkurunziza, and in July 2010 they selected a new National Assembly (lower house) in elections that international observers found largely free, fair, peaceful, and consistent with international standards. The armed forces and other security forces reported to civilian authorities. While observers considered the military generally professional and apolitical, the intelligence service and the 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 party (CNDD-FDD).

During the year the main human rights abuses included torture and extrajudicial executions of detainees, particularly of members of certain opposition political parties, by police, military, and intelligence services; prolonged pretrial detention of detainees, often without formal charges, in overcrowded, harsh, degrading, and sometimes life-threatening prison conditions; and a lack of judicial independence.

Other human rights abuses included interference with and intimidation of government officials and political opposition members by certain members of the ruling CNDD-FDD party and the intelligence and police services. The political rights of certain opposition political parties – including the right to hold party meetings – were restricted arbitrarily, and members of these parties were detained and/or threatened and intimidated. Some journalists and members of civil society and nongovernmental organizations (NGOs) critical of the ruling CNDD-FDD party and government were the objects of harassment and intimidation. Corruption existed at all levels of government. Women and girls suffered from violence and discrimination, and children and women were trafficked. Forced child labor also existed.

The general reluctance and slowness of police and public prosecutors to investigate and prosecute – and of judges to hear – cases of government corruption and human rights abuse led to a widespread perception of impunity for government and ruling CNDD-FDD party officials and agents. In many cases investigative and judicial officials hesitated to act as a result of bribes or threats to themselves or their families.

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

a. Arbitrary or Unlawful Deprivation of Life

The UN Office of the High Commissioner for Human Rights (UNOHCR) documented 61 cases of extrajudicial executions committed by police, intelligence service, military, and local government officials during the year. Members of the Youth Wing (Imbonerakure) of the ruling CNDD-FDD political party also were implicated in some of these cases. The UNOHCR conveyed all these cases and their documentation to representatives of an interministerial committee of the Ministry of Interior; the Ministry of National Solidarity, Human Rights, and Gender; the Ministry of Public Security; the National Intelligence Service (SNR); and others in the government. The UNOHCR monitored the government's actions on each case; as of November 30, no prosecutions were underway in any of the cases. Besides these 61 cases, through November 30, the UNOHCR documented an additional 42 cases of politically motivated assassination in which the perpetrators were unknown; the victims included members of the opposition parties National Liberation Front (FNL) and Movement for Solidarity and Democracy (MSD), as well as members of the ruling CNDD-FDD.

In November the UNOHCR requested from the Ministry of Justice a list of those police officials who the government claimed were in custody pending trial or serving jail terms for commission of human rights violations, including extrajudicial killings. As of mid-December the ministry did not produce the list. On May 19, the government established an ad hoc commission to investigate, within three months, incidents of violence committed before, during, and after the 2010 elections. By year's end the commission's report was not conveyed to the prosecutor general of the republic.

The government established an ad hoc commission under the jurisdiction of the public prosecutor for Bujumbura City to investigate cases of extrajudicial executions in Bujumbura Rurale Province reported during the period from November 2010 through June. In August the commission completed its investigations and transmitted its report to the prosecutor for Bujumbura City, but it did not release the report publicly. To address the numerous unsolved killings and allegations of extrajudicial executions and to prevent recurrences in the future, in September the government instructed all public prosecutors to open case files and pursue all murder cases, regardless of whether or not a suspect was in custody.

The new National Independent Human Rights Commission (CNIDH), which commenced its work in June, investigated as "emblematic" one case of extrajudicial execution, that of Joel Ndereyimana, who was killed on the night of June 22 while in the custody of police in Gihanga Commune, Bubanza Province. According to the commission's investigation, villagers apprehended Ndereyimana attempting to burglarize a local residence and turned him over to the local Ndava-Busongo village police. The Ndava-Busongo police then delivered Ndereyimana to Gihanga police chief Dieudonne Magorwa on the night of June 22. Ndereyimana was last seen alive in Magorwa's custody; his corpse was discovered on June 23 in another location. On July 4, the commission requested the Bubanza prosecutor general to open a case file and pursue an investigation as required by law. The prosecutor general initially was reluctant to open a case file and did not do so until late July. The commission's on-site investigation revealed that the delay in opening the case was due primarily to the unwillingness of the two Ndava-Busongo village police officers to testify because certain unidentified senior police officials had threatened them with death if they talked to the commission or cooperated in any investigation. In August the commission recommended to the prosecutor general of the republic that Magorwa and a lower level police officer be charged formally with extrajudicial execution. The prosecutor general of the republic turned the case over to the Bubanza provincial prosecutor general for investigation. A trial date was set for October 26, but due to a strike by judges and court personnel, the hearing was rescheduled to begin after the end of the year.

Investigation into the alleged extrajudicial killing and beheading of opposition MSD party member Leandre Bukuru in November continued. The head prosecutor for the Gitega court of appeals investigated the case, as a local police commissioner was alleged to be involved in the killing. The CNIDH conducted its own investigation. Both investigations continued at year's end.

The Special Commission of Inquiry established by the minister of justice in November 2010 to investigate cases of extrajudicial executions in the provinces of Cibitoke and Bubanza through the end of October 2010 submitted its report to the prosecutor general of the republic in June. According to the prosecutor general of the republic, four cases involving local police officials were being pursued but, as of November 30, no one was arrested. In addition, no action was taken on the following cases from 2010: police officer Jackson Ndikuriyo, who was killed in August 2010 while in the custody of Bubanza Province Police Commissioner Remegie Nzeyimana and four other police officers; and Japhet Bigirimana (alias Kadura), Boniface Mahungu, Nsabiyaremye (alias Zairois), and Niyonkuru who were killed in September 2010 while in the custody of Police Chief Eugene Bizindavyi of Buganda Commune, Cibitoke Province, and other police officers.

In September the government's investigation of the 2010 killing of Fabien Mpfubusa found that Mpfubusa was shot while resisting arrest; four of his accomplices in the killing of two persons in Mubanga were charged and in detention. There was no independent information available to confirm or deny the allegation that Mpfubusa was a victim of extrajudicial execution.

The high-profile criminal case of the killing of Ernest Manirumva in 2009, allegedly by police and SNR personnel, continued. On January 19, a hearing to determine which court had jurisdiction resulted in the case's being sent to the Bujumbura City High Court on January 26. At a June 15 hearing before the court, the government prosecutor requested that the case file be returned for further investigation, including the results of the interrogation of a major suspect, Gabriel Nduwayo, who was extradited by the government of Canada to Burundi in May. Nduwayo and 16 other defendants remain in custody.

b. Disappearance

There were no reports of politically motivated abductions or kidnappings.

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

The constitution and the law ban torture, but incidents nonetheless occurred. During the year the UNOHCR documented 33 cases of torture by police and SNR personnel.

The UNOHCR documented 35 victims of cruel, inhuman, or degrading treatment or punishment for the year, mostly committed by the national police. No information on arrests or convictions of the perpetrators was available.

The UNOHCR documented 30 cases of rape and sexual abuse by government agents during the year. Nine of the presumed perpetrators were arrested. No information on the current status of the legal cases against them was available.

Prison and Detention Center Conditions

Prisons were overcrowded, and prison 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 the prisons. The director of prison administration in the Office of Penitentiary Affairs reported that as of November 30, 10,478 persons were held in 11 prisons built before 1965 to accommodate a total of 4,050 inmates. Government officials estimated that more than half of the persons held in prisons, detention centers, and "lock-ups" were held, often without charge, in pretrial detention.

The government improved conditions and alleviated overcrowding by releasing hundreds of pretrial detainees. The director of prison administration was not able to provide information on the number of persons held in detention centers managed by the SNR or in "lock-ups." All prisons had access to potable water.

According to government officials and international human rights observers, prisoners suffered from digestive illnesses and malaria; an unknown number died as a result of disease. Each inmate is supposed to receive 12 ounces (350 grams) of manioc and 12 ounces of beans daily. Oil and salt may be provided on some days. Family and friends are expected to provide funds and all other food to inmates. Although each prison had at least one qualified nurse and at least a weekly visit by a doctor, prisoners did not always receive prompt access to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the sole provider of medicines. Cases of physical abuse and prolonged solitary confinement also were reported.

As of November 30, there were 415 women in prisons and 88 children under three years of age, some of whom were born in prison. There were 231 juveniles in pretrial detention and 154 convicted juveniles. A separate area for female inmates existed in each prison. These areas generally were better than the men's sections. For example, the female prisoners made better use of the space provided; they received free rations of charcoal; and NGOs provided more support such as furnishing soap to women. A small prison in Ngozi Province was reserved for women only. Juvenile prisoners were held in the same prisons as adults. During the year 10 of the 11 prisons were rehabilitated to accommodate juvenile prisoners in separate areas; however, adult prisoners often were allowed in those areas as well due to overcrowding. Juveniles generally were held with adults in detention centers and communal "lock-ups." Pretrial detainees commonly were held with convicted prisoners.

Prisoners were permitted religious observance without discrimination. Prisoners were allowed to submit complaints to judicial authorities without censorship; however, judicial authorities rarely investigated prisoner complaints.

In May an estimated 900 inmates detained at Ruyigi prison, which has a capacity of 300, rioted to protest deteriorating living conditions. Rioters told local media they had not been fed for a week. Guards restored order in a matter of hours; two inmates who were attempting to use a rope to climb the prison wall were shot and killed.

In September the Office of the Prosecutor General of the Republic and the Office of the Ombudsman began separate investigations into prison conditions and individual cases (see section 1.d., Pretrial Detention).

During the year the government permitted all visits requested by international and local human rights monitors, including the ICRC. The ICRC regularly visited all prisons, including police "lock-ups," and the SNR "lock-up." The visits took place in accordance with the ICRC's standard operating procedures. The ICRC was confident that it had access to all prisons as well as SNR and police detention centers and local "lock-ups."

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention. However, there were credible reports that they occurred (see section 1.e., Political Prisoners and Detainees).

Role of the Police and Security Apparatus

Under the Ministry of Public Security, the Burundi National Police has responsibility in law and practice for law enforcement and maintenance of order with the country. The Ministry of Defense, which commands the armed forces, is responsible for external security but also has some domestic security responsibilities. The SNR, which reports directly to the president, has arrest and detention authorities. Elements of the police, the SNR, the military, and local officials were responsible for human rights abuses during the year (see sections 1.a. and 1.c.).

The constitution provides for a 50/50 quota (Hutu/Tutsi) in both the military and the police to prevent these armed elements from being used against one ethnic group or the

other. The formal integration (with international oversight and assistance) of Hutu into the previously Tutsi-dominated army and police began in 2004 and largely has been completed.

Burundi National Police: The police generally were undertrained, underequipped, underpaid, and unprofessional. They were widely perceived by local citizens as corrupt and were often implicated in criminal activity, including receiving bribes. Approximately 75 percent of the police force included former rebels; 85 percent of the force had received minimal entry-level training without any refresher training in the past five years; and 15 percent of the police force did not receive any training. Due to low wages, petty corruption was widespread. For example, according to the government's Anti-Corruption Brigade in the Ministry in the Office of the President in Charge of Good Governance and Privatization, a truck or bus driver typically was compelled to pay bribes totaling approximately 19,500 Burundian francs (\$16) at arbitrary police roadblocks and "vehicle inspections" on the main road from Bujumbura to Makamba.

The public perceived police as heavily politicized and responsive to the ruling CNDD-FDD party. During the year police officials were implicated in cases of torture, killing, and extrajudicial execution (see sections 1.a. and 1.c.). The government's general reluctance and slowness to investigate and prosecute these cases led to a widespread perception of impunity.

The international community was heavily engaged in providing instruction at the police academy on human rights, code of conduct, and community-oriented policing.

Armed Forces: The armed forces generally were perceived as politically neutral and professional. The country has contributed peacekeepers to the African Union Mission in Somalia (AMISOM) since 2008. In September a board of inquiry of the African Union determined that four Burundian peacekeepers deployed with AMISOM in Mogadishu were responsible for the death of a Malaysian journalist and the wounding of another. Burundian authorities disputed this finding. Also in September the government officially requested the African Union to conduct an independent investigation of the charges, but results were not available at year's end. The four soldiers accused of the killing continued to work in Mogadishu at the end of the year. The international community was heavily engaged in training the armed forces and regularly provided training in international humanitarian law and in countering sexual- and gender-based violence to soldiers assigned to AMISOM.

National Intelligence Service (SNR): The SNR was a 200-person force with mandates for both external and internal security. It was reasonably effective at investigating what the government defined as terrorists, including certain opposition political party leaders and their supporters. The SNR was perceived by many citizens to be heavily politicized and responsive to the ruling CNDD-FDD party. During the year intelligence officials were implicated in cases of torture, killing, and extrajudicial execution (see sections 1.a. and 1.c.). SNR officials claimed that officers who were found guilty of abusing their authority were punished internally. However, the government's general reluctance and slowness to investigate and prosecute these cases led to a widespread perception of impunity.

Arrest Procedures and Treatment While in Detention

The law requires arrest warrants issued by the presiding magistrate. Police can make arrests without a warrant but are required to notify their supervisor before doing so. The police have seven days to finish their investigation and to transfer suspects to the magistrate. The police can request seven more days if additional investigation time is required. However, police rarely respected these provisions in practice and routinely violated the requirement that detainees be charged and appear before a magistrate within seven days of arrest.

A magistrate can order the release of suspects or confirm the charges and continue detention, initially for 14 days, then for seven more days as necessary to prepare the

case for trial. Magistrates routinely failed to convene preliminary hearings, often citing their "heavy" case backlog and/or improper documentation by police. Lack of transportation for suspects, police, and magistrates was, however, the most frequently cited reason for the failure to convene preliminary hearings. This was a particular problem in the six provinces where there were no prisons; there was a lack of transportation to transfer suspects to the provincial court with jurisdiction from their place of detention in another province.

Police are authorized to release suspects on bail, but this provision rarely was exercised. Suspects are permitted lawyers at their own expense in criminal cases, but the law does not require, and the government did not provide, attorneys for indigents at government expense. The law prohibits incommunicado detention, but it reportedly occurred. Authorities on occasion denied family members prompt access to detainees.

Arbitrary Arrest: There were allegations of arbitrary detentions by police and SNR personnel.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The law specifies that a person cannot be held longer than 14 days without charge. As of November 30, according to the director of prison administration, 49 percent of those being held in prisons and detention centers were pretrial detainees – that is, held without formal charge – and the average time in pretrial detention was one year; some persons were held for nearly five years. Police, prosecutorial, and judicial inefficiency and corruption contributed to the problem. For example, a large number of persons were deprived of their legal right to release on personal recognizance because public prosecutors simply failed to open case files or because prosecutorial and court officials "could not find" the case files. Others were held without proper arrest warrants either because the 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.

In September the prosecutor general of the republic and the Office of the Ombudsman initiated separate reviews of the cases of all prisoners with the goal of releasing either provisionally or completely those held in pretrial detention. As a result of the review, in October the government announced the release of 328 persons from Mpimba Prison in Bujumbura.

In July lawyer Francois Nyamoya was arrested for allegedly suborning a witness in the 2002 murder case of a World Health Organization official, Dr. Kassy Manlan, in which he had defended his sister, Gertrude Nyamoya. On August 19, the Superior Court ruled that Nyamoya be provisionally released pending trial, on the conditions that he not leave the country and that he report once a week or whenever summoned to a magistrate. However, at the end of the year Nyamoya remained in custody at Mpimba Prison, and his lawyer continued to appeal his case.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, there were instances in which members of the judiciary were subjected to political interference and/or took bribes to drop investigations and prosecutions, predetermine the outcome of trials, or to fail to enforce court orders.

Judicial officials, including the president of the Supreme Court responsible for prosecuting and trying high-profile corruption and criminal cases, often were subjected to direct and indirect threats from persons named in the cases or their political supporters. In October magistrates went on strike for two months to protest political interference and demand the removal of incompetent and corrupt judicial personnel appointed by the government in violation of the law.

Executive officials also were threatened and harassed: In March the ministers of justice and of good governance and privatization were the targets of threatening telephone

calls and text messages from persons who sought to block a list of nominations for senior judicial positions presented by the executive branch to the Senate for confirmation. Among the nominees were several persons known for being tough on corruption and on human rights violators.

Trial Procedures

Defendants are presumed innocent. All trials are conducted publicly by panels of judges. 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 one of the 131 registered lawyers in the country. Some local and international NGOs provided legal assistance but could not assist in all cases. Defendants have a right to defend themselves, including to question the prosecution's witnesses, call their own witnesses, and examine evidence against them. Defendants also can present evidence on their own behalf and did so in the majority of cases. The law extends the above rights to all defendants.

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

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 can be closed for compelling reasons, including for national security or when publicity can harm the victim or a third party, such as in cases involving rape or child abuse. Defendants in military courts are allowed only one appeal.

Political Prisoners and Detainees

The government denied that persons were detained or convicted for political reasons. Through the end of November, the UNOHCR documented 107 cases of detention of members of opposition political parties by police, intelligence service, military, and local officials; these cases and documentation were conveyed to the government for investigation. As of mid-December there was no action.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations, including appeal to the African Court on Human and Peoples' Rights.

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

The constitution and law provide for the right to privacy, but the government did not always respect this right in practice. Authorities did not always respect the law requiring search warrants.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; the government usually respected these rights.

Freedom of Speech: The government mostly respected freedom of speech. Throughout the year political party leaders, including those representing the nonparliamentary opposition coalition that boycotted the 2010 elections, convened press conferences, were interviewed by the media, and issued/circulated written statements (including on the Internet) in which they criticized the government and the ruling party. In August prosecutors called in for questioning the president of one of these opposition parties, the Front for Democracy in Burundi (FRODEBU), after he expressed support for violence against the government in a press conference. He was released after questioning during which he retracted his statement by explaining that he had been "provoked" by one of the journalists into saying what he had said.

On July 27, the president of the Burundian Bar Association, Isidore Rufikiri, was detained by the public prosecutor of Bujumbura Mairie for having repeatedly and publicly insulted government magistrates. After "apologizing" for his statements, he was released on August 4.

Freedom of Press: The law prohibits political parties, labor unions, and foreign nongovernmental organizations from owning media outlets. The law also prohibits the media from spreading "hate" messages or from using abusive or defamatory language against public servants acting in their official role that could damage the dignity of or respect for the public office.

The National Communications Council (CNC), an independent state agency, oversaw enforcement of these laws and was charged with promoting freedom of the press and expression, guaranteeing access to information by all political parties, labor groups and media, as well as accreditation of journalists. It reviewed all projects or legislative proposals relating to the press and imposed sanctions against media organizations that it deemed violated the law. The CNC used counseling sessions with and reprimands of the heads of media organizations or journalists who it thought violated the law. It did not file lawsuits and lacked the resources to investigate cases; instead, it referred cases to the prosecutor general of the appropriate province. During the year the CNC issued eight reprimands in total to four private, independent FM radio stations and one television station: Rema FM, which tended to reflect the views of the ruling CNDD-FDD, and African Public Radio, which was viewed as favorable to the opposition, each received two reprimands; Radio Isanganiro, Renaissance TV, and CCIB FM+, which were viewed as more politically neutral, each received one. Following the reprimands, journalists from two radio stations, African Public Radio and Bonesha, were summoned by public prosecutors to respond to "judicial investigations," but no criminal charges were filed.

Violence and Harassment: Some journalists investigating controversial subjects such as corruption and human rights violations reported threats from certain members of the police, the SNR, and the ruling CNDD-FDD party.

Censorship or Content Restrictions: The law protects public servants and the president against "words, gestures, threats, or writing of any kind" that are "abusive or defamatory" and 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 jail and a fine of approximately 10,000 to 50,000 Burundian francs (\$8 to \$40) for insulting the head of state. Some journalists, lawyers, political party, and civil society or NGO leaders alleged that the government used these articles to intimidate and harass them.

In May by decision of the cabinet, the government suspended for three days a popular call-in program aired on the private, independent African Public Radio because the host permitted a prominent opposition political party leader to call the president a thief and murderer for 10 minutes before cutting him off. The program resumed broadcasting and subsequently aired numerous live and taped interviews with prominent opposition political party leaders.

Following the massacre of civilians in a bar near Gatumba on September 18, the Burundian National Security Council (NSC) directed the media to "refrain from any communication that may undermine peace and security and not publish, comment on or analyze" information related to the ongoing investigation of the massacre. A few days after the NSC directives, most of the radio stations in the country flouted the NSC order by broadcasting interviews about the massacre simultaneously on all of their stations; the government took no actions against them. The stations complied with the order after this single act of defiance.

Libel Laws/National Security: 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 nation 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 false rumors likely to alarm the people or to excite them against the government or promote civil war. It is illegal for anyone to display drawings, posters, photographs and other items that may disturb the public peace. Penalties range from two months to three years and fines. Some journalists, lawyers, and political party, civil society, and NGO leaders alleged that the government used these laws to intimidate and harass them.

On May 13, the High Court of Bujumbura, on appeal, acquitted NetPress editor and owner Jean Claude Kavumbagu of treason, libel, and harmful imputation but confirmed the charge of "publishing information likely to harm the assets of the state and the national economy." He paid the fine of 100,000 Burundian francs (\$80) and was immediately released. Kavumbagu was sentenced to eight months in prison but was immediately released as he had already spent 10 months in pretrial detention. The state prosecutor had requested a life sentence.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government mostly respected it in practice. The law requires political parties to notify the government prior to a meeting. Some nonparliamentary opposition political parties claimed that local officials refused permission for them to hold meetings and/or dispersed meetings. In November at the request of the president of the Unity for National Progress Party (UPRONA), one of the parties in the government coalition, police dispersed a meeting of members of a dissident faction of the party.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected it in practice.

c. Freedom of Religion

See the Department of State's [2010 International Religious Freedom Report](#).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government mostly respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement: The government strongly encouraged citizens to participate in community-level work projects every Saturday morning and imposed travel restrictions on citizens during the hours of 8:30-10:30 a.m. Permits were required for movement outside of one's community during those hours, and these restrictions were enforced by police roadblocks. Waivers could be obtained in advance; all foreign residents were exempt.

Exile: The law does not provide for forced exile, and the government did not practice it. Several leaders of political parties which boycotted the 2010 elections remain in self-imposed exile, claiming to fear for their lives.

Emigration and Repatriation: The International Organization for Migration estimated that 200,000 refugees from the country remained in Tanzania.

Internally Displaced Persons (IDPs)

According to the government estimates, there were approximately 150,000 IDPs. Some attempted to return to their places of origin, but the majority relocated to urban centers. The government generally permitted IDPs to be included in the UNHCR's and other humanitarian groups' activities benefiting returning refugees, such as shelter and legal assistance programs.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. At the end of 2010, the latest UNHCR data available, 29,365 refugees and 12,062 asylum seekers lived in the country.

Employment: Refugees have the right to work except in protected sectors like the army, police, and judiciary.

Access to Basic Services: Refugees may access public services, including for example education, health, and legal assistance.

Stateless Persons

Citizenship is derived from the parents, not the place of birth. According to the UNHCR at the end of 2010, 1,059 stateless persons lived in the country. The UNHCR stated that the stateless persons were all Omani, and they were waiting for the government of Oman to provide them with proof of their citizenship. The government of Burundi offered them Burundian citizenship if they could not get Omani citizenship. They reported no negative or prejudicial events during the year.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair

elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Between May and September 2010 the government held five separate elections: communal councils (in May), presidential (in June), National Assembly (in July), Senate (in July), and village councils (in September). Voter turnout in the communal elections was more than 90 percent. Following the communal elections, a coalition of 12 parties withdrew and boycotted the remaining four elections. Following the withdrawal of the opposition coalition, the CNDD-FDD's presidential candidate, Pierre Nkurunziza, ran unopposed, and the ruling CNDD-FDD party won absolute majorities in the National Assembly and Senate.

The EU's Election Observation Mission, which monitored the five elections, noted that the June 28 presidential and July 23 National Assembly elections were largely peaceful and generally well managed by the Independent Electoral Commission, but that the political and electoral environment was characterized by unfair use by the ruling CNDD-FDD of government facilities and financial resources during the campaigns, the absence of pluralistic competition, and restrictions by the government and ruling party on the freedoms of political party expression and assembly of its competitors. Members of the youth wings of the CNDD-FDD and of several rival political parties engaged in intimidation and violence before, during, and after the elections.

Political Parties: There were 43 registered political parties, the vast majority based on family, clan, or region and representing localized interests. Only six parties fielded candidates in all 17 provinces and 129 communes in the May 2010 communal elections. In July the National Assembly mandated that all parties reregister by the end of the year. According to the new law, in order to qualify for public campaign funding and to compete in the 2015 legislative and presidential elections, parties must be "nationally" based (i.e., be ethnically and regionally diverse) and demonstrate in writing that they have party membership and organizations in all of the provinces. A provision that all party presidents must reside in Burundi was rejected by the coalition of political parties that boycotted the 2010 elections, given that the presidents of three of the parties in the coalition remain in self-imposed exile abroad.

Participation of Women and Minorities: The constitution reserves 30 percent of the seats in the National Assembly, the Senate, and the communal councils for women. There were 32 women in the 106-seat National Assembly and 19 women in the 41-seat Senate. The constitution also mandates that 30 percent of appointed government positions be set aside for women. After a cabinet reshuffle in December, women held eight of 21 ministerial positions; there were seven women on the 17-seat Supreme Court, and three women on the seven-seat Constitutional Court.

The constitution provides for representation in all elected and appointed government positions for the two main ethnic groups: the Hutu majority is entitled to no more than 60 percent and the Tutsi minority to no less than 40 percent. In addition, the Batwa ethnic group, which makes up less than 1 percent of the population, is allotted three seats in each chamber of parliament. However, in 2010 the government named a non-Batwa to one of three Senate seats reserved for Batwas, a decision challenged by the Batwa community but upheld by the Constitutional Court in 2010.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not fully implement the law, and some high-level government officials continued to engage in corrupt practices with impunity. Corruption is a very serious problem in the country.

The ministries of civil service, defense, and public security completed reviews of all civil service, military, and police positions and eliminated more than 5,000 "ghost" (deceased, retired, or dismissed) personnel who were still drawing salaries, thereby

saving the government nearly 20.7 billion Burundian francs (\$15 million) during the year.

In the Burundian Tax and Customs Authority, the government fired personnel, tightened procedures, and put the authority under foreign management. As a result, tax and revenue collections increased through the end of September by 137 percent over the same period in 2010.

The state inspector general and the Anti-Corruption Brigade of the Ministry of Good Governance and Privatization are responsible for investigating government corruption. Within the judiciary there is a designated anticorruption general prosecutor and an anticorruption court. The Anti-Corruption Brigade has the authority to investigate, arrest, and refer offenders to the anticorruption general prosecutor.

During the year the Anti-Corruption Brigade investigated 226 cases. Between October 2010 and September 2011, the Anti-Corruption General Prosecutor's Office investigated 386 cases: 290 of these were scheduled for trial at the Anti-Corruption Court, 42 cases were referred to other courts, and 54 were dismissed.

In view of the lengthy backlog of cases in the court and the difficulty of obtaining convictions, the Anti-Corruption Brigade resorted in many instances to enforcing the law through settlements in which the government agreed not to prosecute and the official agreed to reimburse the money stolen. The government exercised its power to freeze and seize property and bank assets of officials to compel reimbursement. In most cases, however, the official was permitted to retain his position.

Early in the year Melchior Wagara, the former chief of civilian staff in the Office of the President, reportedly was required to reimburse the government approximately 5.5 billion Burundian francs (\$4.4 million) embezzled from the 2010 presidential inauguration fund. On April 8, he was named to a vice president's position at the Central Bank of Burundi, a position the government claimed provided no access to or influence over monetary transactions. In another case, the president of a government-owned bank reimbursed embezzled money to the government; he remained in his position at year's end.

In 2007 the government charged three senior government officials with fraud involving 48.3 billion Burundian francs (\$38.6 million) in a government procurement contract with a private company, INTERPETROL. In early 2010 the prosecutor general dismissed the case for lack of evidence, but the new government reopened the case in December 2010. In April the government began prosecuting the owners of INTERPETROL, Munir and Tariq Bashir, on charges of embezzlement, corruption, and collusion. No new charges were brought against the government officials associated with the case. Certain CNDD-FDD party and government officials, including the director of the SNR, Adolphe Nshimirimana, and the deputy director of the National Police, Gervais Ndirakobuca, directly threatened the chief justice of the Supreme Court to force him to drop the case. Nonetheless, with the support of senior government and CNDD-FDD party officials, the chief justice and the public prosecutor continued to prosecute the case at year's end.

In May a court official took a bribe to alter or forge a court release order, and prison administration officials thus unwittingly released four high-profile prisoners serving sentences for organizing and carrying out a series of politically motivated grenade attacks during the 2010 elections. According to police sources, the prisoners remained at large at year's end.

The law requires financial disclosure by elected officials and senior appointed officials once every five years, but not public disclosure. Information on financial disclosures was difficult to obtain. There is no freedom of information law.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

International and national human rights observers generally were allowed to visit prisons and detention centers, including those run by the SNR. Human rights groups continued to operate and publish newsletters documenting human rights abuses and to participate in meetings sponsored by the government and international organizations.

No major local human rights NGOs were closely aligned with the government or political parties. Some national human rights NGOs reported being subjected to intimidation and harassment by government officials.

Following its May 2010 expulsion of the resident Human Rights Watch (HRW) researcher, the government agreed to permit – and HRW assigned – a new researcher in the country, who began work in early 2011.

UN and Other International Bodies: The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations, such as the ICRC and the UN Independent Expert on Human Rights in Burundi. In June the mandate of the UN Independent Expert expired and was not renewed.

The UNOHCHR was very effective and thorough. It regularly conveyed its concerns to the appropriate government agencies, and had regular follow up mechanisms. The ICRC also acted effectively in the country.

Government Human Rights Bodies: During its first year of operation the Office of the Ombudsman was widely perceived by both Burundians and international partners to be impartial and effective.

In January parliament created the CNIDH; the authorities and mandate of the commission are consistent with the Paris Principles on National Institutions for the Promotion and Protection of Human Rights. During the year the CNIDH exercised its power to call in senior officials, demand information, and order corrective action; it also monitored the government's follow-up. Local and international partners widely perceived the commission as independent and effective.

Human rights committees exist in the national assembly and the senate. They were instrumental in passing the law creating the CNIDH.

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

The constitution provides for equal status and protection for all citizens, without distinction based on race, language, religion, sex, or ethnic origin. The government did not enforce it in many cases.

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.

According to reports compiled from family development centers throughout the country, there were 3,781 reported cases of gender-based violence in 2010, the last year that funding was available to compile statistics. The local human rights organization, the Association for the Protection of Human Rights and Prisoners in Burundi, recorded 61 alleged rapists arrested as of September. Centre Seruka, a clinic for rape victims,

estimated that 60 percent of alleged rapists were arrested, and perhaps 30 percent of all arrested rapists were prosecuted. During the year Centre Seruka averaged 116 new cases per month; 65 percent of the victims were under the age of 18, 46 percent were under the age of 13, and 15 percent were under the age of five.

The National Police's Women and Children's Brigade was responsible for investigating cases of sexual violence and rape, as well as of trafficking of girls and women.

Many women were reluctant to report rape for cultural reasons, fear of reprisal, and the lack of medical care. Men often abandoned their wives following acts of rape, and rape victims were ostracized by their families and communities. Police and magistrates regularly required that victims provide food for and pay the costs of incarceration of those they accused of rape.

The government, with financial support from international NGOs and the UN, completed civic awareness training on domestic and gender-based violence as well as the role of police assistance throughout the country. The audience for the training included the police, local administrators, and grassroots community organizations.

Civil society organizations worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them and encouraged rape victims to press charges and to seek medical care. Centre Seruka provided shelter and counseling to victims of rape and domestic violence. Several international NGOs provided free medical care, mostly in urban areas.

Sexual Harassment: The law prohibits sexual harassment, including the use of orders, severe pressure, or threats of physical or psychological violence to obtain sexual favors. The sentence for sexual harassment ranges from fines to penalties of one month to two years in prison. The sentence for sexual harassment doubles if the victim is less than 18 years old. The government did not actively enforce this law. There were reports that sexual harassment occurred, but no data was available on its frequency or extent.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. For cultural reasons husbands often made the final decisions about family planning. Health clinics and local health NGOs were permitted to disseminate freely information on family planning under the guidance of the Ministry of Public Health. The government provided free childbirth services, but the lack of doctors meant most women used nurses or midwives during childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. According to the 2010 demographic and health survey, 60 percent of all births took place with skilled attendants. The 2008 census reported that maternal mortality rate at 866 deaths per 100,000 live births. The main causes of maternal mortality were hemorrhaging, postpartum infections, obstetric complications, and hypertension. Health facilities were not equipped to deal with these health problems in a timely manner.

There were no restrictions on access to contraceptives. The contraceptive prevalence rate was 18 percent. According to a knowledge, attitudes, and practices survey done in 2009, this low rate was due to weak involvement and/or opposition of men in family planning, lack of dialogue on family planning within the couple, weak powers of decision making of women on problems related to reproductive health, inaccessibility of services because highly regarded health clinics affiliated with certain religious groups did not provide modern contraceptive methods, persistent rumors and beliefs against family planning and modern contraceptive methods. Men and women had equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners. Only 16 percent of health facilities provided services to prevent mother-to-child transmission of HIV/AIDS.

Discrimination: Despite constitutional protections, women continued to face legal,

economic, and societal discrimination and often were victims of discriminatory practices with regard to inheritance and marital property laws. The Ministry of National Solidarity, Human Rights, and Gender is responsible for combating discrimination against women.

By law women must receive the same pay as men for the same work, but in practice they did not. Some employers suspended the salaries of women while they were on what should be paid maternity leave, and others refused medical coverage to married female employees. Women were less likely to hold mid- or high-level positions in the workforce. However, women owned many businesses, particularly in Bujumbura.

Children

Birth registration: Although the constitution states that citizenship can be derived from the mother or father, in practice and according to the law on nationality, citizenship is derived from the father only. The failure of the government to record all births resulted in denial of some public services for unregistered children, as the government requires a birth certificate for access to free public schooling and free medical care for children under five. The government registered without charge the births of all children up to the age of five.

Child Abuse: The law prohibits violence against or abuse of children, with punishment ranging from fines to three- to five-years' imprisonment; the problem was not widespread.

Harmful Traditional Practices: Female genital mutilation is not practiced, but the traditional practice of removing a newborn child's uvula (the piece of flesh that hangs down at the rear of the mouth) continued to cause numerous infections and deaths of infants.

Sexual Exploitation of Children: The penalty for rape of a minor is 10 to 30 years' imprisonment, and 18 is the minimum age for consensual sex. Local hospitals, NGOs, and human rights associations highlighted a particularly high number of rape and sexual abuse cases against children in Rumonge, Burambi, and Buyengero communes of Bururi Province during the year; there were also several reported cases from Ngozi, Musinga, Bujumbura, and Bujumbura Rurale provinces, although exact statistics were unavailable. According to UNICEF, approximately 60 percent of reported rapes were of children under age 18, and 20 percent of whom were under age 12. Centre Seruka reported that 95 percent of the rape victims who visited its facility during the year were female; the average age of victims assisted by Centre Seruka was 14.5 years of age. The UN Development Fund for Women reported that many rapes of minors were motivated by the rapist's belief that the rape would prevent or cure sexually transmitted diseases, including HIV/AIDS.

The law punishes child pornography by fines and three to five years' imprisonment. While child pornography was not prevalent, the rape of minors was a widespread problem.

Displaced Children: According to the latest (2009) report compiled by the Ministry of National Solidarity, Human Rights, and Gender and the Institute of Statistics and Economic Studies of Burundi, more than 3,253 street children lived in the country's three largest cities of Bujumbura, Gitega, and Ngozi; statistics on their numbers in other communities were not available. The Ministry of National Solidarity, Human Rights, and Gender stated that many of these children were HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services such as medical services or economic support.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *2011 Trafficking in Persons Report*.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities; however, the government was unable to promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care. Although persons with disabilities were eligible for free health-care services through social programs targeting vulnerable groups, the benefits were not widely publicized or provided. The employment practice of requiring health certification from the Ministry of Public Health sometimes led to discrimination against persons with disabilities.

The Ministry of National Solidarity, Human Rights, and Gender coordinates assistance and protects the rights of persons with disabilities. The government did not enact legislation or otherwise mandate 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 reinsertion in Ngozi to assist individuals with physical disabilities.

Indigenous People

The Batwa, the original hunter-gatherer inhabitants who number approximately 80,000 persons, less than 1 percent of the population, generally remained economically, politically, and socially marginalized. Lack of education, employment, and access to land were cited as the major problems. Local administrations must provide free schoolbooks and health care for all Batwa children and two acres of land per family (comparable with the nationwide average size of a farmstead). Local administrations largely fulfilled these requirements. The constitution provides three appointed seats for Batwa in each of the houses of parliament. Following the 2010 election, however, one of these three Senate seats was awarded to a non-Batwa. The local NGO, Union for the Promotion of Batwa, claimed that on October 23 three Batwa were killed and 32 Batwa houses were systematically burned in Gahombo Commune, Kayanza Province. Five suspects were arrested and held for two weeks. The local prosecutor dismissed the case for lack of evidence.

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

The law criminalizes same-sex sexual acts with penalties ranging from a fine to imprisonment of three months to two years, with or without a fine. During the year no one was arrested or prosecuted under this law.

On May 17, the Remuruka Center, which offers urgent services to the lesbian, gay, bisexual and transgender (LGBT) community, began operations in Bujumbura. The government neither supported nor hindered local LGBT organizations or the center.

Other Societal Violence or Discrimination

The constitution specifically outlaws discrimination against persons with HIV/AIDS or other "incurable" illnesses; there were no reports of societal violence or discrimination against persons with HIV/AIDS.

During the year criminals who trafficked in body parts of persons with albinism kidnapped a five-month-old girl with albinism and hacked off the arm of a young boy with albinism to sell to traditional healers in Tanzania for use in magic charms.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and the law protect the right of workers to form and join unions without previous authorization or excessive requirements. A union must have at least 50 members. Most civil servants may unionize, but they must be registered with the Ministry of Civil Service, Labor, and Social Security. Police, the armed forces, public sector employees, foreigners working in the public sector, and magistrates may not form or join a union. The law also prevents workers under the age of 18 from joining unions without the consent of their parents or guardians. Virtually no private sector jobs were unionized.

The constitution and the law provide workers with a conditional right to strike but set strict conditions under which a strike may occur and ban solidarity strikes. All peaceful means of resolution must be exhausted prior to the strike; negotiations must continue during the action and be mediated by a mutually agreed party or by the government; and six days' notice must be given to the employer and the labor ministry. Before a strike is allowed, the ministry must determine whether strike conditions have been met. The law permits requisition orders in the event of strike action. The ministry has a de facto veto power over all strikes. The law prohibits retribution against workers participating in a legal strike. The law also recognizes the right to collective bargaining. Wages, however, are excluded from the scope of collective bargaining in the public sector; instead, wages were set according to fixed scales following consultation with unions. The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination. The law does not specifically provide for reinstatement of workers dismissed for union activity.

Most workers worked in the unregulated informal economy and largely were unprotected by labor law with the exception of laws regarding minimum wage. The Confederation Burundian Labor Unions (COSYBU) stated that virtually no informal sector workers had written employment contracts; according to government statistics, only 5 percent had written employment contracts.

Freedom of association and the right to collective bargaining were respected in practice. However, the government sometimes interfered in union activities. The government did not effectively enforce applicable laws and procedures were subject to lengthy delays and appeals.

In October the government suspended salaries of magistrates striking for higher salaries. Soon thereafter the magistrates terminated the strike, and their salary payments resumed. At the end of 2010 Juvenal Rududura, vice-president of the nonmagistrates' union of the justice ministry (SPMJB), an affiliate of the COSYBU, had not been reinstated. His criminal record was not expunged. He was imprisoned for 10 months in 2008-09 for criticizing on television antiunion repression and corruption in the recruitment process. At the end of the year he was still prohibited from leaving the city of Bujumbura and had to report to the prosecutor's office once a month. His case was under submission since 2009, and therefore he has yet to be readmitted to the SPMJB.

The two principal trade union centers, the COSYBU and the Confederation of Free Trade Unions of Burundi (CSB), criticized authorities' constant interference in trade union affairs. Between 2007 and 2010 trade unions with close ties to the ruling party were created in the health and education sectors. Workers were harassed by their employers to join the ruling party, quit any union they were already a member of, and join the government-controlled union. However, during the year the COSYBU reported that the government-controlled unions lost momentum and were less active. The government did not use hiring practices to avoid hiring workers with bargaining rights.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both the COSYBU and the CSB represented labor interests in collective bargaining negotiations, in cooperation with individual labor

unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. Most reports involving adult men and women concerned cases of domestic servitude. Forced labor by children involved domestic servitude and agriculture. Children working in domestic service often were isolated from the public, and some received other remuneration, such as food and shelter, in lieu of wages for their work. Children in domestic service could also be vulnerable to long working hours and physical and sexual exploitation by their employers, conditions indicative of forced labor. Children were trafficked internally for work in domestic service. Girls were trafficked for commercial sexual exploitation to East Africa. There were no credible reported cases of forced child labor in the production of goods. The government has made an effort to stem child trafficking. The police caught one ring trafficking three 16-year-old girls en route to the Democratic Republic of Congo destined for the sex trade. They caught a second ring trafficking 11 children between the ages of six and 11 from one province to another destined for domestic servitude. In both cases the perpetrators were prosecuted.

The government encouraged citizens to participate in community work each Saturday morning and imposed travel restrictions on citizens during the hours of 8:30-10:30 a.m.

Also see the Department of State's *2011 Trafficking in Persons Report*.

c. Prohibition of Child Labor and Minimum Age for Employment

The law states that enterprises may not employ children under the age of 16, barring 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. In accordance with the law, the minister of labor may permit children aged 12 and up to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. Under the law the legal age for most types of "nondangerous" labor varies from 16 to 18. Children are legally prohibited from working at night and are legally limited to 40 hours per week. The law makes no distinction between the formal and informal sector. The labor ministry is responsible for enforcing child labor laws and had multiple enforcement tools, including criminal penalties, civil fines, and court orders.

The government did not effectively enforce these laws. Due to a lack of inspectors and resources including fuel for vehicles, the ministry enforced the law only when a complaint was filed. During the year the government acknowledged no cases of child labor in the formal sector of the economy and conducted no child labor investigations.

Because of extreme poverty, child labor was an economic necessity for many families and remained a problem. Children younger than 16 in rural areas regularly performed heavy manual labor in the daytime during the school year, primarily in the agricultural sector. Children working in agriculture could be subject to using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. They also herded cattle and goats, which could expose them to the elements and force them to work with large or dangerous animals. Many children worked in the informal sectors. Children were obliged by custom and economic necessity to participate in subsistence farming, family businesses, and other informal sector activity such as street vending. Children also worked in small, local brick-making enterprises. In urban areas children worked as domestic servants.

The commercial sexual exploitation of children also occurred. Older females offered vulnerable younger girls room and board within their homes under the guise of being benevolent, and in some cases pushed them into prostitution to pay for living expenses; these brothels were located in poorer areas of Bujumbura, as well as along the lake and trucking routes. Extended family members sometimes also financially profited from the prostitution of young relatives residing with them. Business people recruited local girls

for prostitution in Bujumbura and nearby countries.

Also see the Department of Labor's *2010 Findings on the Worst Forms of Child Labor*.

d. Acceptable Conditions of Work

The informal daily minimum wage in Bujumbura for unskilled laborers was 2,500 Burundian francs (\$2.00). In the past the minimum wage was set by the government, but the government has stopped setting it, and during the year the minimum wage was set by market forces. In the interior of the country, the daily minimum wage was 1,000 Burundian francs (\$0.80), with a lunch provided. The government estimated that 60 percent of the population lived below the poverty line which the World Bank defined for Burundi as being the equivalent of \$0.50 in urban areas and \$0.38 in rural areas. More than 90 percent of the population participated in the informal economy. The wages in the informal sector average between 2,500 and 3,000 Burundian francs (\$2.00 to \$2.40) in Bujumbura and 1,500 Burundian francs (\$1.20) in the interior of the country. There were no reports of enforcement of minimum wage laws in recent years.

The labor code stipulates an eight-hour workday and a 40-hour workweek, except for workers involved in national security activities. Supplements must be paid for overtime work: 35 percent for the first two hours and 60 percent thereafter. The weekends and holiday premium pay is 200 percent. There is no statute concerning compulsory overtime. Rest periods include 30 minutes for lunch. There is no differentiation made between foreign or migrant workers and citizen workers.

The labor code establishes occupational safety and health (OSH) standards that require safe workplaces. Enforcement responsibility for acting upon complaints rests with the labor ministry. Workers did not have the right to remove themselves from situations that endangered health and safety without jeopardizing their employment.

The Department of Inspection within the Labor Ministry is charged with enforcing the law regarding minimum wage and work hours and the OSH standards. These regulations apply to the entire workforce and make no distinction between domestic and foreign workers or between the informal and formal sectors.

The government did not effectively enforce these laws. Due to a lack of inspectors and resources including fuel for vehicles, the ministry enforced the law only when a complaint was filed. Employees generally did not complain so as not to jeopardize their employment.

There were no known examples of employer violations of OSH standards, nor were there reports of OSH complaints filed with the ministry during the year despite the fact that workplace environments often did not meet OSH standards. There was no data on workplace fatalities.
