

**Flygtningenævnets baggrundsmateriale**

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## Freedom in the World 2018 - Burundi

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### Freedom Status: Not Free

Aggregate Score: 18 (0 = Least Free, 100 = Most Free)

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

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

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

### Quick Facts

Population: 11,100,000

Capital: Bujumbura

GDP/capita: \$301

Press Freedom Status: Not Free

### OVERVIEW

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

### Key Developments in 2017:

- Repression and persecution of private individuals, activists, and others suspected of opposing President Pierre Nkurunziza continued. The crackdown began in 2015, when Nkurunziza's decision to run for a constitutionally dubious third term in office prompted widespread unrest.
- A June report published jointly by the International Federation for Human Rights and Burundian human rights groups said that over the two years of the conflict, at least 1,200 people had been killed, 400 to 900 had been forcibly disappeared, at least several hundred had been tortured, and more than 10,000 had been detained arbitrarily.
- Data from the UN refugee agency released in December indicated that more than 420,000 people had fled the country since 2015.
- In October, the International Criminal Court (ICC) opened an investigation into crimes against humanity allegedly committed by government actors and supporters against

Nkurunziza opponents since 2015. The ICC announcement came two days before Burundi withdrew from the international body.

## **POLITICAL RIGHTS: 4 / 40 (-1)**

### **A. ELECTORAL PROCESS: 1 / 12**

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

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

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

In the election, Nkurunziza defeated National Forces of Liberation (FNL) leader Agathon Rwasa, 69 percent to 19 percent, even though the latter boycotted the elections. International observers from some organizations, including the EU and African Union (AU), refused to monitor the elections, saying they could not be free or fair given the growing violence and climate of intimidation. A UN mission observing the poll stated that the overall environment had not been conducive to a free and fair electoral process, and that violence had "remained an unfortunate feature of the entire process."

Nkurunziza's move to pursue a third term sparked violence including assassinations, arrests, torture of government critics, and attacks by antigovernment forces in 2015. The unrest has continued, though at a lower rate in 2016 and 2017.

#### **A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4**

The 100 members of the lower house, the National Assembly, are directly elected by proportional representation for five-year terms. The upper house, the Senate, consists of 36 members chosen by locally elected officials for five-year terms.

Due to the unrest taking place in the country in 2015, the CENI postponed the year's National Assembly elections by several weeks, and they eventually took place in late June 2015. Indirect senatorial elections were held that July. The volatile environment surrounding the legislative vote prevented it from being free or fair. The opposition boycotted the polls, and the CNDD-FDD took significant majorities in both the National Assembly and the Senate.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4**

The CENI is made up of five members. In 2015, two CENI members who fled the country amid the year's unrest were replaced with pro-Nkurunziza appointments approved by a CNDD-FDD--controlled Parliament.

In May 2017, the president created a 15-member commission tasked with revising the constitution, and in December, launched a campaign for a May 2018 constitutional referendum. The revised constitution was expected to allow Nkurunziza to run for president yet again in 2020 and 2027.

**B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16 (-1)**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

Legally, political party formation is not difficult. In practice, the activities of parties and political leaders perceived as opposing Nkurunziza are severely discouraged by the threat of retaliatory violence or repression. Many political parties include youth branches that intimidate and attack opponents, the most prominent of which is the ruling party's Imbonerakure.

In February 2017, eight members of the FNL were arrested at a bar in northern Burundi and accused of holding an illegal meeting.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4**

The opposition has little realistic opportunity to increase its popular support through elections. Opposition parties, politicians, and their supporters have faced harassment, intimidation, and violence since the failed 2015 coup attempt, which triggered a crackdown on those suspected of involvement. Many opposition politicians and groups continue to operate in exile, and face arrest if they return home.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4**

Many opposition parties, politicians, and their supporters faced harassment, intimidation, and violence throughout 2017. Such acts were perpetrated by the Imbonerakure, the National Intelligence Services (SNR), and the Burundian police, and were largely intended to limit victims' range of political choices.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4 (-1)**

Constitutional provisions require certain numbers of ethnic Hutu and Tutsi lawmakers in the National Assembly and Senate, and additionally stipulate that women and members of the Twa minority be seated in both houses. Women face social pressure that can deter active political participation, and few women hold political office at senior levels.

The current political environment is characterized by the dominance of the CNDD-FDD party and repression of its opponents, reducing meaningful openings for effective political representation of ethnic and religious minorities and other distinct groups.

**Score Change: The score declined from 3 to 2 because the ongoing crisis in the country prevents minority and other relevant groups from exercising their full political rights.**

## **C. FUNCTIONING OF GOVERNMENT: 0 / 12**

### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The ruling CNDD-FDD, which took power in 2015 elections that fell far short of international standards for democratic elections, controls policy development and implementation.

### **C2. Are safeguards against official corruption strong and effective? 0 / 4**

Corruption is a significant problems in Burundi, and there is little political will to address it. Violators generally enjoy impunity, even when corrupt activities are exposed by nongovernmental organizations (NGOs) and other actors. Anticorruption organizations are underresourced and ineffective. Domestic anticorruption researchers blamed a national fuel shortage in 2017 on corruption within Burundi's sole legal oil importer.

### **C3. Does the government operate with openness and transparency? 0 / 4**

Government operations are opaque, and government officials are generally unaccountable to voters. There are few opportunities for civil society actors and others to participate in policymaking. Due to recurrent assassinations and assassination attempts, politicians are wary of organizing town hall-style meetings or making other public appearances before voters.

## **CIVIL LIBERTIES: 14 / 60**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16**

### **D1. Are there free and independent media? 0 / 4**

Freedom of expression is constitutionally guaranteed, but severely restricted in practice by draconian press laws and a dangerous operating environment for media workers, who risk threats, harassment, and arrest in response to their coverage. A 2013 media law limits the protection of journalistic sources, requires journalists to meet certain educational and professional standards, and bans content related to national defense, security, public safety, and the state currency. The law empowers the media regulatory body to issue press cards to journalists, suspend or withdraw cards as a result of defamation cases, and impose financial penalties for media offenses. The government dominates the media through its ownership of the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. Key independent news outlets destroyed in the political violence of 2015 have yet to be reestablished. Many journalists have been forced to flee the country in recent years.

In 2017, the government continued to harass and intimidate outlets and journalists that questioned or criticized its policies. In April, the SNR summoned Joseph Nsabiyabandi of Radio Isanganiro for questioning in connection with his alleged collaboration with two Burundian radio stations operating from abroad, and about other alleged offenses related to the station's editorial practices. In September, the government temporarily suspended CCIB FM+ after it broadcast a critical

editorial about the government's response to the shooting deaths of 36 Burundian refugees by security forces in the Democratic Republic of the Congo (DRC) in a camp in that country.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

Freedom of religion is generally observed in Burundi. However, relations between the government and the Roman Catholic Church, of which a majority of Burundians are members, has been strained at times; senior government officials have engaged in strongly worded verbal attacks against the church that could discourage open worship. In January 2017, the government set up a commission to monitor religious groups and guard against political subversion within them.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4**

For many years, civil strife and Tutsi social and institutional dominance impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved since 2005. However, there have been allegations that both university students and staff who support the CNDD-FDD receive preferential treatment at academic institutions. Continued intimidation of opposition supporters has created an atmosphere of fear and limited free speech on university campuses.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4**

The SNR and the Imbonerakure actively conduct surveillance activities on private citizens. There is a reluctance to engage in speech critical of or which could be perceived as critical of the ruling party due to fears of harassment, threats of violence, and other reprisals.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12**

**E1. Is there freedom of assembly? 0 / 4**

Opposition or antigovernment meetings and rallies are usually prevented or dispersed, and participants in gatherings seen as antigovernment face harassment or arrest. Many people who participated in 2015 protests against Nkurunziza fled Burundi amid the subsequent crackdown.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4**

NGOs in Burundi face increasingly restrictive registration laws and persecution for activity seen as hostile to the government. A number of human rights and other groups perceived as antigovernment have been banned, and many of their members have chosen to flee abroad rather than face surveillance, intimidation, threats, and arrest in Burundi.

In late 2016, the parliament passed measures imposing further restrictions on domestic and international NGOs, including a mandate that foreign funding for local NGOs be processed through the country's central bank. In August, Germain Rukuki – a former employee of the Burundi chapter of Action by Christians for the Abolition of Torture (ACAT), which is now banned – was accused of a slew of national security-related charges including "rebellion," and remained in detention at year's end.

Some groups considered apolitical, such as those addressing poverty, continue to operate. There appears to be some tolerance of groups that criticize abuses by the police and security services.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4**

The constitution provides protections for organized labor, and the labor code guarantees the right to strike. However, it is unlikely that union members would feel free to exercise the collective bargaining rights guaranteed by the law in the current political climate.

## **F. RULE OF LAW: 1 / 16**

### **F1. Is there an independent judiciary? 0 / 4**

Burundi's judiciary is hindered by corruption and a lack of resources and training, and is generally subservient to the executive. In 2015, justices on the Constitutional Court were reportedly intimidated into ruling in favor of Nkurunziza's decision to stand for a third term.

### **F2. Does due process prevail in civil and criminal matters? 0 / 4**

Constitutional guarantees of due process are poorly enforced. Arbitrary arrest and lengthy pretrial detention are common. There have been reports that detainees' families were able to secure their release only upon making large payments to the SNR or Imbonerakure.

Defendants must provide their own legal representation, making trial rights dependent on the ability to afford a lawyer. Some detainees accused of participating in the 2015 protests or subsequent antigovernment violence did not have access to lawyers and were forced to make false confessions under threat of death. Because the courts, police, and security forces do not operate independently or professionally, critics argue the country is not capable of handling cases involving human rights violations.

In October 2017, the government followed through on its threat to leave the International Criminal Court (ICC), becoming the first country ever to do so. The move came two days after the ICC opened an investigation into alleged crimes against humanity committed by government actors and Nkurunziza supporters against Burundians protesting Nkurunziza's April 2015 announcement that he would run for a third term.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4**

The general security situation in Burundi is poor. A September 2017 report issued by a Commission of Inquiry on Burundi convened by the UN Human Rights Council documented crimes committed over the last two years that were "frequently of an extremely cruel nature, particularly extrajudicial executions, arbitrary arrests and detentions, enforced disappearances, acts of torture and other cruel, inhuman, or degrading treatment, and sexual violence." The report said the defense and security forces were the "principal perpetrators of human rights violations in Burundi." It noted that armed opposition groups had also committed human rights violations, but said that they were harder to document, in part because the government declined to cooperate with investigators.

Bodies – presumed to be the victims of extrajudicial killings – were frequently found on the streets of the capital during the year, and refugees claimed that the murders of family members by the Imbonerakure prompted them to flee the country. More than 420,000 refugees had fled Burundi in response to the ongoing crisis, according to December 2017 data from the UN refugee agency. A

June 2017 report published jointly by the International Federation for Human Rights and Burundian human rights groups said that over the two years of the conflict, at least 1,200 people had been killed, 400 to 900 forcibly disappeared, at least several hundred tortured, and more than 10,000 detained arbitrarily.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4**

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

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 5 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

Since 2015, concerns for personal safety have restricted free movement, particularly in neighborhoods regarded as opposition strongholds, where security forces frequently conduct search operations.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The deteriorating security situation hampers private business activity in the country, as does rampant corruption.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4**

Sexual and domestic violence are serious problems, but are rarely reported to law enforcement agencies. Rights monitors continue to report sexual violence against women by security forces and Imbonerakure. In April 2017, a video surfaced of dozens of Imbonerakure members chanting, "Impregnate female opponents so that they can give birth to Imbonerakure," a chant that been noted on other occasions.

Nkurunziza has regularly made statements of his intent to "moralize society," and signed orders in May 2017 to force unmarried couples to regularize their unions with state- or church-sanctioned ceremonies.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4**

Women have limited opportunities for advancement in the workplace. Much of the population is impoverished. In October 2017, "vagrancy" and begging by able-bodied persons became formal offenses under the penal code, with both punishable by fines and weeks-long prison sentences.

The government has conducted some trainings for government officials on handling cases of human trafficking. However, the government has largely failed to prevent domestic human trafficking, to protect victims, and to prosecute perpetrators.

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