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COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

BURUNDI

17 DECEMBER 2009

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1. Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on Burundi has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 1 December 2009. It was issued on 17 December 2009.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UK Border Agency users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Burundi is also provided. Please note, this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- vii The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- viii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>
- ix Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Background information on Burundi

Full Country Name: Republic of Burundi.

(Central Intelligence Agency (CIA) World Factbook, 7 October 2009) [1]

Area: 27,830 sq km. (CIA World Factbook, 7 October 2009) [1]

Population: 8,988,091. (CIA World Factbook, 7 October 2009) [1]

Capital City: Bujumbura. (CIA World Factbook, 7 October 2009) [1]

Languages: Kirundi (official); French (official); Swahili. (CIA World Factbook, 7 October 2009) [1]

Religion(s): Roman Catholic 62%; Protestant 5%; Muslim 10%; indigenous beliefs 23%. (CIA World Factbook, 7 October 2009) [1]

Major political parties: Governing parties - Burundi Democratic Front; National Council for the Defence of Democracy - Front for the Defence of Democracy; Unity for National Progress. (CIA World Factbook, 7 October 2009) [1]

Head of state and government: President Pierre Nkurunziza. (CIA World Factbook, 7 October 2009) [1]

Cabinet: Council of Ministers appointed by president. (CIA World Factbook, 7 October 2009) [1]

Elections: president elected by popular vote for a five-year term (eligible for a second term). The Constitution adopted in February 2005 permits the post-transition president to be elected by a two-thirds majority of parliament.

(CIA World Factbook, 7 October 2009) [1]

Election results: Nkurunziza was elected president by parliament by a vote of 151 to 9; Senate elections last held on 29 July 2005; National Assembly elections last held on 4 July 2005. (CIA World Factbook, 7 October 2009) [1]

Public holidays: New Year's Day - 1 January; Unity Day - 5 February; Labour Day - 1 May (normally on 1 May but date can vary); Ascension - May (normally in May but date can vary); Independence Day - 1 July; Assumption - 15 August; Anniversary of President Rwagasore's Assassination - 13 October; Anniversary of President Ndadaye's Assassination - 21 October; All Saints' Day - 1 November; Christmas Day - 25 December. (Africa Profile - Burundi public holidays, accessed 7 July 2009) [27]; (VisaRequest.com - public holidays in Burundi, accessed 7 July 2009) [13]

GEOGRAPHY

As noted in the US State Department Background Note on Burundi, dated June 2009, Burundi is located in central Africa. Burundi's neighbouring countries include Tanzania, the Democratic Republic of the Congo and Rwanda. The capital city is Bujumbura. The climate of the country is equatorial with two dry seasons and two wet seasons. Burundians come from three ethnic groups - the Hutu, Tutsi and Twa. Three languages are spoken in Burundi - Kirundi, French and Swahili. Kirundi and French are the official languages. [2c]

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MAP



Map of Burundi weblink:

http://www.lonelyplanet.com/maps/africa/burundi/map_of_burundi.jpg

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RECENT HISTORY

The Foreign and Commonwealth Office (FCO) Country Profile on Burundi (15 July 2008 version) stated:

“Burundi existed as an independent Kingdom for several centuries before becoming part of German East Africa in 1899. After WW1 it became the Belgian-run territory of ‘Ruanda-Urundi’, with neighbouring Rwanda, under a League of Nations mandate. Following independence in 01 July 1962, Burundi was run by a series of brutal regimes dominated by the minority Tutsi group...in 1987 Major Pierre Buyoya, a Tutsi, took control in a bloodless coup and initiated a 5-year transition to democracy.

“...Burundi’s first ever election, held in 1993, was won by a Hutu. Elements of the Tutsi-dominated army assassinated the new President a few months later, triggering the start of a long-running conflict between the army and Hutu rebel groups that cost an estimated 500,000 lives. In 1996 Buyoya again took power but was unable to stop the violence. Under pressure from the region, negotiations between the belligerents began in 1998, and in 2000 a peace agreement was concluded in Arusha, Tanzania. It was signed by all parties except 4 hard-line rebel groups. Violence between these groups and the army continued, despite the institution of a transitional government in 2002, until separate cease-fire agreements were concluded with 3 of them during the second half of 2003. The UN deployed a peacekeeping force in Burundi (ONUB) in June 2004, and successful elections between June and September 2005 ended the transition and installed Pierre Nkurunziza’s CNDD-FDD party in power.

“The Parti pour la Liberation Forces (Palipehutu-FNL) rebel group finally entered the peace process in September 2006 after the signature of a ceasefire with the government. Work to implement this agreement has been slow. The Palipehutu-FNL leadership returned to Burundi in May 2008 for peace talks. A cessation of hostilities was signed on 26 May 2008 to end hostilities between the Government of Burundi and the Palipehutu-FNL.

“ONUB gradually drew down its peacekeeping troops during 2006, and handed over to an integrated United Nations office (BINUB) in February 2007.” [3]

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RECENT EVENTS AND POLITICAL DEVELOPMENTS

A United Nations IRIN report dated 29 May 2009 stated:

“With the integration of Burundi’s last rebel groups into government institutions almost complete, the team that mediated the peace process has set up a structure to monitor the implementation of the pact signed in 2006, officials said.

“Ugandan President Yoweri Museveni, who chairs the Regional Initiative for Burundi, initiated the Partnership for Peace in Burundi (PPB), to monitor the consolidation of peace in the country until December 2009.

“The partnership is mandated to promote sustainable peace in the country and ‘contribute to an enabling environment for the period leading up to the elections’ scheduled in 2010, according to Dumisani Kumala, a member of the South Africa-led mediation team that brokered the agreement between the Burundian government and the last rebel group, the Forces nationales de libération (FNL).

“...both the government and the FNL have praised the move to complete the peace process.

“Evariste Ndayishimiye, the government’s representative in the PPB, said Burundi was entering a phase that heralded greater stability.” [25a]

A United Nations News Centre report dated 9 June 2009 stated further:

“Significant strides have been taken in Burundi in implementing its ceasefire accord and laying the foundations for next year’s presidential election, the United Nations top envoy to the impoverished African nation said today.

“The Government and the Palipehutu-FNL – the last major rebel hold-outs after the end of the brutal civil war between the Hutu majority and the Tutsi minority – took a decisive step forward in April [2009] when the FNL formally disarmed and registered as a political party, Youssef Mahmoud, Executive Representative of the Secretary-General for Burundi, told the Security Council.

“In addition, he said that 3,500 former combatants for the FNL, which had first signed the Comprehensive Ceasefire Agreement in 2006 but revised it last year after a fresh outbreak of deadly fighting, integrated into Government forces and the police.

“ ‘The FNL’s renunciation of armed struggle is an important development which paves the way for its participation in the democratic process in Burundi,’ Mr. Mahmoud, who also heads the UN Integrated Office in Burundi (BINUB), told the Council in an open meeting.

“He noted that almost half of the 11,000 adults associated with the FNL militia have registered and received assistance as part of the disarmament, demobilization and reintegration (DDR) process.

“Some 340 children, including six girls, who had been separated from the FNL during April, were also reunited with their families, and 24 the group’s leaders had been nominated to senior civil service positions, including ambassadorial posts and governorships.

“The head of BINUB said that the political climate in the Great Lakes nation had also seen some improvements in 2009, most notably the establishment of the National Independent Electoral Commission (CENI).

“Additionally, with yesterday’s [8 June 2009] registration with the Government of the Mouvement pour la Solidarité et la Démocratie of Alexis Sinduhije, there are now 43 registered political parties in Burundi, he said.” [31]

A United Nations IRIN report, dated 4 November 2009, stated:

“Civilians across Burundi have handed in thousands of guns, grenades and rounds of ammunition during a 10-day voluntary disarmament campaign.

“The deputy head of the national disarmament commission, Leopold Banzubaze, said the campaign had netted 2,482 rifles, 10,429 grenades, 218 bombs, 28 mines and 788,908 bullets. In return, the state handed out goods such as construction materials, furniture, bicycles, farming tools, mobile phones and soap.

“...under a decree issued by President Pierre Nkurunziza in August 2009, an amnesty was granted to anyone who surrendered their weapons before the end of October [2009]. From now on, possession of arms can lead to hefty fines and jail terms of up to 10 years.” [25d]

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ECONOMY

GDP (official exchange rate): US\$903 million (2008 est).

(CIA World Factbook, 7 October 2009) [1]

GDP growth rate: 4.5% (2008 est). (CIA World Factbook, 7 October 2009) [1]

GDP per capita: US\$400 (2008 est). (CIA World Factbook, 7 October 2009) [1]

Inflation: 12% (2008 est). (CIA World Factbook, 7 October 2009) [1]

Major industries: food processing, manufacturing of blankets, shoes, soap; assembly of imported components; public works construction.

(CIA World Factbook, 7 October 2009) [1]

Major trading partners: Germany, Pakistan, Belgium, Sweden, Rwanda, France, Sudan (2007). (CIA World Factbook, 7 October 2009) [1]

The World Bank Country Brief on Burundi (last updated March 2009) stated:

“Since 2000, the Government of Burundi has implemented a program of financial and structural reforms to stabilize the economy and revive economic activity. These have included: prudent monetary policy implemented by a more independent central bank in the context of a liberalized foreign exchange regime, prudent fiscal policy with poverty-focused expenditure priorities, and steps to strengthen and improve the transparency of public financial management.

“Economic performance has improved, but real GDP growth still averaged only about 3 percent from 2001-2008. Economic growth remains highly volatile due to its dependence on the widely fluctuating agricultural sector, whose volatility is largely due to climatic shocks in recent years. The 2005 drought led real GDP to grow by only 0.9 percentage points, it bounced back strongly in 2006 to 5.1 percent and slightly decelerated to 3.6 percent in 2007. In 2008, despite the unprecedented increase in fuel and food prices, real GDP growth is estimated to be 4.5 percent.

“Per capita income fell by almost 40 percent during the war, from US\$180 in 1993 to US\$110 in 2007. Burundi’s annual population growth, at an estimated 3.8 percent in 2007, is among the highest in Sub-Saharan Africa. This suggests that it will be difficult to increase living standards in coming years without a slow-down in population growth or a significant acceleration of the annual GDP growth rate. Although Burundi has made some progress in the past few years, GDP growth rates of 8 percent over the next four years will be needed for the country to reach its pre-war level of GNI per capita by 2012.

“Successful implementation of the government’s economic reform program enabled Burundi to reach the Heavily Indebted Poor Country (HIPC) decision point in August 2005 and HIPC completion point in January 2009. Debt relief to Burundi under the enhanced HIPC Initiative will total about US\$832 million in net present value (NPV) terms, with IDA contributing to more than half of it (US\$425 million).” [12]

The United States State Department Background Note on Burundi, published in June 2009, stated:

“Burundi’s economy is based predominantly on agriculture, accounting for 44.9% of GDP in 2006. Agriculture supports more than 90% of the labor force, the majority of whom are subsistence farmers. Although Burundi is potentially self-sufficient in food production, the civil war, overpopulation, and soil erosion have contributed to the contraction of the subsistence economy by 30% in recent years. Large numbers of internally displaced persons have been unable to produce their own food and are dependent on international humanitarian assistance. Burundi is a net food importer, with food accounting for 13% of imports in 2003.

“...little industry exists except the processing of agricultural exports. Although potential wealth in petroleum, nickel, copper, and other resources is being explored, the uncertain security situation has prevented meaningful investor interest. Industrial development also is hampered by Burundi’s distance from the sea and high transport costs.

“Burundi is heavily dependent on bilateral and multilateral aid, with external debt totalling \$1.4 billion in 2004. International Monetary Fund (IMF) structural adjustment programs in Burundi were suspended following the outbreak of violence in 1993; the IMF re-engaged Burundi in 2002 and 2004 with post-conflict credits, and in 2004 approved a \$104 million Poverty Reduction and Growth Facility loan...more than 81% of Burundians live below the poverty line. Serious economic problems include the state’s role in the economy, the question of governmental transparency, and debt reduction.” [2c]

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HUMAN RIGHTS

GENERAL

The United States State Department 2008 Human Rights Report on Burundi, published on 25 February 2009, stated in its introductory section:

“The government's human rights record remained poor; government security forces continued to commit numerous serious human rights abuses. Members of the army (FDN), the police, and the National Intelligence Service (SNR) were responsible for killings, torture, and beatings of civilians and detainees (including suspected FNL supporters), although there were fewer such reports than in the previous year. There were reports that security forces raped women and girls. Impunity and harsh, life-threatening prison and detention center conditions remained problems, and reports of arbitrary arrest and detention continued. Prolonged pretrial detention, lack of judicial independence and efficiency, and judicial corruption continued. While government security forces, especially the FDN, took some steps to prosecute the perpetrators of human rights abuses, most individuals acted with impunity. The government continued to hold some political prisoners and political detainees. It restricted freedom of assembly and association, especially for political parties, and did not tolerate direct criticism of the president. Security forces continued to harass members of the opposition. Domestic and sexual violence and discrimination against women remained problems. A large number of weapons circulated throughout the general population, and many violent incidents and killings were considered the result of vigilante abuse and personal score-settling.

“Despite the cease-fire, abuses by the FNL against civilians continued and occurred primarily in the FNL traditional strongholds of Bujumbura Rural, and the northern provinces of Bubanza, Cibitoke, Muramvya, and Kayanza. These abuses included killings, kidnappings, rapes, theft, extortion, and the use of forced labor.”

[2a] (Introduction)

The Human Rights Watch 2009 World Report, covering events in 2008, published in January 2009 stated:

“Efforts to resolve conflict between the government and the last active rebel group, the Party for the Liberation of the Hutu People-National Liberation Forces (Palipehutu-FNL), made halting progress. Preliminary talks in early 2008 on renewed negotiations soon deadlocked. In April, FNL forces attacked the capital, Bujumbura. Tanzania, longtime host of the Palipehutu-FNL leadership, expelled them in May. Combined with combat losses, this brought the group back to the table, signing a new ceasefire on May 25 [2008]. However, as of November [2008], Palipehutu-FNL refused to enter the political process unless it could retain its name, although the constitution prohibits ethnically based political parties.

“Rebels, security forces, and armed civilians linked to the ruling party carried out extrajudicial executions of opponents. Meanwhile, President Pierre Nkurunziza's National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) intimidated rival parties and civil society.

“...in early 2008 killings on both sides of the political divide raised concerns about violence as politicians began preparing for the 2010 elections. At least five persons linked to the FNL and one person linked to the Front for Burundian Democracy (Frodebu), a political party, were murdered. Witnesses accused police, National Intelligence Service (SNR) agents, local officials, and demobilized CNDD-FDD combatants. In March [2008] grenades were thrown at the homes of five politicians opposed to the CNDD-FDD, recalling similar attacks in mid-2007.

“Five CNDD-FDD officials and a police informant linked to the CNDD-FDD were killed in early 2008, and attempts were made on the lives of two intelligence agents and two other CNDD-FDD officials. In at least three cases, witnesses attributed attacks to Palipehutu-FNL, while two other victims had been repeatedly threatened by FNL members.

“Police arrested three suspects for the grenade attacks, but a magistrate released them due to lack of evidence. As of November [2008], there had been no trials for any of these attacks.

“Following the resumption of combat in April, police, soldiers, and intelligence agents arrested hundreds of suspected Palipehutu-FNL members, detaining many for weeks without charge, beating some. Police and intelligence agents frequently used former FDD combatants to harass, assault, and illegally arrest Palipehutu-FNL members and others.

“In April [2008] former CNDD-FDD president Hussein Radjabu was sentenced to 13 years in prison after being convicted with five others of threatening state security. Radjabu was arrested in April 2007 after he lost his post in political in-fighting. He had been detained for months in conditions that violated Burundian law. The convictions are under appeal.

“Twenty-one CNDD-FDD deputies including 19 loyal to Radjabu left the party in 2007. Another was expelled in early 2008, leading to deadlock in the National Assembly. In June [2008] the CNDD-FDD president of the assembly asked the Constitutional Court to declare the seats empty. He did not seek a ruling on the situation of deputies who had left the opposition Frodebu party. In a much-criticized, hastily issued decision, the court held that the seats of the CNDD-FDD defectors were occupied unconstitutionally, allowing the party to fill them with loyalists. The decision did not enable Frodebu also to replace defectors. Three defecting CNDD-FDD deputies were subsequently arrested; as of November two remained in pre-trial detention on charges of threatening state security.

“In late 2007, at least 71 members of opposition parties and movements, mostly from the Union for Peace and Development (UPD-Zigamibanga) and the Movement for Security and Democracy (MSD), were arrested. MSD chairperson Alexis Sinduhije was arrested in November on charges of ‘insulting the president’, based on documents seized in an illegal search at his headquarters.

“...after three journalists held for allegedly threatening state security were freed in 2007, several months of relative press freedom followed. In August 2008, however, judicial authorities interrogated representatives from the Burundian human rights organization Ligue Iteka and a Burundian consultant for International Crisis Group about sources of information critical of the government they had allegedly passed to journalists. Gabriel Rufyiri, head of L'Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME), detained for four months in 2006 for criticizing official corruption, was interrogated twice in 2008, once after criticizing the state budget.

“In August [2008], Jean Claude Kavumbagu, editor of the web-based Net Press, was imprisoned on defamation charges after publishing a report that the president had spent US\$100,000 on a trip to China. Union activist Juvenal Rududura was imprisoned for ‘false declarations’ after he accused the minister of justice of corruption. In September [2008] the director of Radio Publique Africaine (RPA) was interrogated after the station criticized officials. Pressured by the National Communications Council to apologize, the station expressed regret for some ‘journalistic errors,’ but otherwise stood by its reporting.” [6a]

The Amnesty International 2009 World Report, covering events in 2008, published in May 2009, stated that during 2008:

“Harassment and intimidation of political opponents, journalists and human rights defenders increased, often in violation of the right to freedom of expression. Soldiers were prosecuted for the killings of civilians in 2006, but other grave human rights violations committed in the past remained unaddressed and the government failed to break the cycle of impunity. Despite reforms to the judicial system, significant problems remained in the administration of justice. Rape and sexual violence, despite their prevalence, were rarely investigated and prosecuted. A large number of children were detained without trial.

“...security forces unlawfully killed civilians in the context of security operations against the FNL. Human rights abuses were also committed by the FNL, including unlawful killings and rape.

- On 5 May, members of the army entered a family home in the commune of Muhuta, in Bujumbura Rural province, where the suspected FNL members were living. One of the soldiers reportedly opened fire, killing the mother of the household.
- Three FNL soldiers went to the commune of Mutimbuzi, in Bujumbura Rural province, to search for new recruits in June. They reportedly visited a member of a local Hutu youth organization, but he refused to help them. The soldiers threw a grenade into his house, killing his wife.

“The government and the UN took steps to reform and strengthen the judicial system, including building and renovating magistrates’ courts, training magistrates, addressing overcrowding in detention facilities and reducing the backlog of cases. However, significant problems remained. The judiciary lacked independence and was influenced by the executive. Corruption was reported. Judicial staff were inadequately trained and had on occasion little understanding of the law. The judicial system was ill-equipped and needed further financial and material resources. The local population had little confidence in the justice system and resorted to mob justice on numerous occasions.

“...the authorities frequently detained individuals without charge in violation of the legal maximum custody limit of 14 days. Officials without a working knowledge of the law frequently arrested people arbitrarily. Many of those arbitrarily arrested were suspected of supporting the FNL.

- In April [2008], 782 people were arbitrarily arrested following renewed clashes between the FNL and the National Defence Forces. The police arrested individuals whom they suspected of sympathizing with or supporting the FNL, often with no legal basis for the detention.

“Human rights monitors reported that the National Police were responsible for beating detainees and other citizens. Members of the security forces had scant working knowledge of human rights despite ongoing training provided by the UN and local human rights organizations.

- Jean Claude Nkuzimana from Kinama commune, Bujumbura, was walking home on 1 July when he was stopped by five police officers drinking at a local bar. One officer asked him for a cigarette. When he refused, the five officers beat him severely.
- A young man was arrested on 9 June [2008] for fraud in the Commune of Gisozi, Mwaro Province. When he was caught trying to escape, seven police officers reportedly beat him with the butts of their pistols and kicked him. He needed hospital treatment for his injuries.” [11a]

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PRISON CONDITIONS

The United States State Department 2008 Human Rights Report on Burundi stated:

“Prison conditions remained harsh and sometimes life threatening [during 2008]. Severe overcrowding persisted, and in August [2008] APRODH [human rights NGO] reported that 9,613 persons were held in 11 facilities built to accommodate a total of 4,050. According to government officials and human rights observers, prisoners suffered from digestive illnesses and malaria, and some died as a result of disease. APRODH reported 57 cases of torture and abuse of prisoners and detainees, as well as arbitrary and prolonged detentions, in Rumonge Prison in Bururi Province. For example, 59 percent of prisoners were ‘preventive detainees’ held without charge.

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

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

“According to the Ministry of Justice, there were 489 children in prisons, including 82 infants accompanying their convicted mothers. Juvenile prisoners were held with and often treated as adults. Political prisoners often were held with convicted criminals. Persons being detained before their trials were held in communal lockups, but some were also incarcerated with convicted prisoners. In detention centers and communal lockups, minors were not always separated from adult detainees.

“During the year [2008] the government permitted some visits by international and local human rights monitors, including the ICRC, and the visits took place in accordance with standard modalities.” [2a] (section 1c)

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THE DEATH PENALTY

The Hands off Cain NGO, in its country status report on the death penalty, updated to 28 April 2009, stated that Burundi is an abolitionist country as regards the death penalty. [9a]. A Hands off Cain report dated 22 April 2009 stated that “Burundi’s President Pierre Nkurunziza promulgated the new criminal code which abolishes the death penalty but makes homosexuality a crime punishable by jail.” [9b]

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FREEDOM OF POLITICAL ASSOCIATION AND ASSEMBLY

The United States State Department 2008 Human Rights Report on Burundi stated:

“The constitution and law provide for freedom of assembly; however, the government at times restricted this right.

“On February 20 [2008], the governor of Kayanza suspended a meeting of the opposition FRODEBU party in the commune of Gatara.

“On April 12 [2008], local police suspended a press conference held by Alexis Sinduhije, former director of the African Public Radio and president of the unrecognized political party MSD. By year's end the MSD had not been granted political party status by the Ministry of Interior for allegedly not fulfilling registration requirements. The MSD claimed its registration file was complete and accurate.

“An October [2008] presidential decree required all political parties to obtain government permission to assemble. Authorities had the right to send security forces and a representative ‘to ensure the freedom and security of the meeting’ and assure the good behavior of the participants. Early morning or evening meetings were also disallowed. After numerous protests by local political parties and international actors, the government rescinded the decree and began to require only that political parties notify local authorities before they assemble.

“The constitution provides for freedom of association; however, the government sometimes restricted this right in practice. Registration was required for private organizations and political parties. Although a number of political parties had successfully registered in advance of [the] 2010 elections, at year's end the Ministry of Interior had not accepted the MSD, purportedly because of Sinduhije's popularity and perceived threat to the ruling party's success in the upcoming elections.

“Private organizations were required to present their articles of association to the Ministry of Interior for approval. There were no reports that the government failed to complete the approval process for private organizations whose purposes the government opposed.” [2a] (section 2b)

The Amnesty International 2009 World Report stated:

“The government prevented opposition parties from holding meetings without prior authorization. The authorities enforced such decisions through local administrations, which were under increasingly tight control by the executive. On 6 October [2008], the Interior Minister signed a ministerial decree which stipulated that opposition parties could only hold meetings at designated times. It also required opposition parties to formally ask, in writing, for permission from the local administration to hold meetings. The local administration was granted powers to reject such requests if they deemed the meetings would disturb ‘order and public security’.” [11a]

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FREEDOM OF SPEECH AND THE MEDIA

The United States State Department 2008 Human Rights Report on Burundi stated:

“The constitution and law provide for freedom of speech and of the press; however, the government continued to restrict these freedoms. The government does not tolerate public criticism, particularly the dissemination of insults directed at the president and other high-level public officials in the media or at public gatherings. Although legislation regulating political gatherings was repealed, opposition meetings continued to be largely monitored by the government.

“Unlike in the previous year, there were no reports that the government used direct censorship or forced media outlets to suspend operations; however, the National Communications Council, a presidentially nominated media regulatory commission, threatened a major radio outlet, the Africa Public Radio (RPA), with closure unless the radio recanted several news stories criticizing government authorities that the government claimed were lies.

“Journalists continue to exercise self-censorship, and direct criticism of the president was not tolerated.

“The government controlled several major media outlets, including Le Renouveau, the only daily newspaper, as well as the widely viewed National Radio and Television of Burundi. There were also two private television stations.

“There were eight private weekly publications and 11 private Internet and fax-based news sheets. Print runs by independent publications were small, and readership was limited by low literacy levels. Newspaper circulation was generally limited to urban centers. Ownership of private newspapers was concentrated in the capital, but there was a wide range of political opinion expressed.

“Radio remained the most important medium of public information. The government-owned radio station broadcast in Kirundi, French, and Kiswahili and offered limited English programming. There were nine privately owned radio stations. Some stations received funding from international donors. Listeners could receive transmissions of foreign news organizations such as the BBC and the Voice of America. During the year the CNDD-FDD created a progovernment radio outlet, Rema FM.

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

[2a] (section 2a)

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FREEDOM OF RELIGION

The United States State Department 2009 International Religious Freedom Report on Burundi, published on 26 October 2009, stated:

“Although reliable statistics on the followers of various religious groups are not available, sources estimate Roman Catholics to be 60 percent of the population, members of indigenous religious groups 20 percent, and Protestants 15 percent. The Muslim population is estimated to be between 2 and 5 percent, the majority of whom live in urban areas. Sunnis make up the majority of Muslims; the remainder is Shi’a.

“The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors. Discrimination on the basis of religious conviction is prohibited. A 1992 law covering nonprofit organizations, including religious groups, is the basis for the recognition and registration of religious bodies.

“...the Government requires religious groups to register with the Ministry of the Interior. Each association of a religious nature must file the denomination or affiliation of the institution, a copy of its bylaws, the address of its headquarters in the country, an address abroad if the local institution is a subsidiary, and information about the association’s governing body and legal representative. It usually takes between two and four weeks for the Ministry to process a registration request. During the reporting period, no religious institution had its request for registration refused.

“The Ministry reminds religious groups of registration requirements; if the place of worship or association does not comply with these requirements, the Ministry instructs it to close down. Although a representative of the religious institution can be jailed for six months to five years for failing to comply with these instructions, the Ministry has not penalized any religious representatives in recent years.” [2d]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

The United States State Department 2008 Human Rights Report on Burundi stated that the “constitution bans marriage between individuals of the same sex. Homosexuality is socially taboo, but overt discrimination against homosexuals was minimal. The government took no steps to counter discrimination against homosexuals.”
[2a] (section 5)

Information contained in an International Lesbian and Gay Association (ILGA) report, published in May 2009, stated that “on 22 April 2009 the president of Burundi signed into law a revision of the Penal Code which for the first time in history includes a prohibition of same-sex relations. Article 567 now punishes such relations with up to two years imprisonment upon conviction.” [10]

A “Behind the Mask” (African gay rights NGO) report dated 29 April 2009 stated:

“Over 60 African and international human rights organisations have deplored the Burundian government’s decision to criminalise homosexuality demanding that it be reversed immediately.

“This after Burundian President Pierre Nkurunziza secretly signed a legislation criminalising homosexual conduct on 22 April [2009] despite an overwhelming rejection of such law by the Senate who voted against it in February.

“The new legislation makes sexual relations between persons of the same sex punishable by a prison sentence of three months to two years or a fine of 50,000 to 100,000 Francs (CFA) or both penalties.

“...In a joint statement with other 62 African and international human rights organizations HRW [Human Rights Watch] accused the Burundian president’s staff of making calls to a number of legislators attempting to influence them to vote for the Bill which was then in parliament.

“According to these organisations article 567 of this law which penalizes consensual same sex relations by adults violates the rights to privacy and freedom from discrimination.

“...in November 2008 the Burundian National Assembly proposed this law which was rejected following strong opposition by the Senate.

“Last month the lower house of Burundi’s parliament reversed the Senate’s vote that rejected the introduction of the law.

“Furthermore the ruling party CNDD-FDD staged a mass protest on March 12 [2009] calling for the criminalisation of homosexual conduct, transporting adults and even pupils to this mass protest.

“...Amnesty International has noted that under this new law there will be imprisonment of people solely for their actual or imputed sexual orientation, including for private sexual relations between consenting adults.” [21]

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WOMEN

The United States State Department 2008 Human Rights Report on Burundi stated:

"The law prohibits rape, which is punishable by up to 20 years' imprisonment, but does not specifically prohibit spousal rape. According to a local NGO, the Association for the Defense of Women's Rights, 3,017 cases of rape and domestic violence were reported to their group during the year. The NGO Doctors without Borders (MSF) received an average of 115 victims each month at its center for rape victims in Bujumbura; however, the MSF said the number of rapes was likely much higher. In 2007 the MSF reported 1,435 cases of sexual violence against children less than five years of age. According to BINUB approximately 65 percent of reported rapes were of children ages 17 years and under. The UN Development Fund for Women reported that many rapes of minors were committed with the belief that they would prevent or cure sexually transmitted diseases, including HIV/AIDS. Centre Seruka, a local NGO financed in part by the MSF, reported that 3 percent of rape victims were male.

"Many women were reluctant to report rape for cultural reasons, fear of reprisals, and unavailability of medical care. According to a 2007 report by Amnesty International, only 10 to 15 percent of reported rape victims actually initiated legal proceedings. Men often abandoned their wives following acts of rape, and women and girls were ostracized. Some police and magistrates reportedly ridiculed and humiliated women who said they were raped and required that victims provide food for and pay the costs of incarceration of those they accused of rape. Many of those who sought judicial redress faced the weaknesses of the judicial system, including judges who did not regard rape as a serious crime and a lack of medical facilities to gather medical evidence. According to the report, sometimes victims were forced to withdraw their complaints and enter into negotiated settlements with the perpetrator or his family outside of the formal judicial system. There were cases where the victims were forced by their families and local arbiters to marry their attackers. In the limited number of cases that were investigated, successful prosecutions of rapists were rare.

"Despite increased attention to the problem, many women did not have access to appropriate health care in the immediate aftermath of a rape due to lack of adequate resources. The continuing stigma attached to the victims of sexual violence and fear of coming forward prevented many victims from accessing these limited services. Civil society and religious communities worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them. Ligue Iteka, APRODH, and BINUB continued to encourage rape victims to press charges and seek medical care, and international NGOs provided free medical care in certain areas. The government also raised awareness of the problem through seminars and local initiatives describing the kinds of medical care available. Some local NGOs advocated that cases of rape be subject to community sanctions based upon the traditional justice system of 'ubashingantahe.' In addition to resolving problems such as land disputes and resettlement of refugees and displaced persons, the 'ubashingantahe' actively promoted respect for human rights and the common good.

"The law does not specifically prohibit domestic violence; however, persons accused of domestic violence can be tried under assault provisions. Domestic violence against women was common, although no credible statistics were available. Police occasionally arrested persons accused of domestic violence but released suspects within a few days, with no further investigation. Wives have the right to charge their husbands with physical abuse but rarely did so, although police intervened on occasion and upon request.

"The media reported many instances of degrading and violent treatment of women by their husbands. These incidents included severe beatings, mutilation, and being thrown into latrines. For example, on October 12 [2008], a man in Cankuzo Province burned his wife's genitals and stabbed her in the head with a spear, allegedly for producing only female offspring. He was detained by the police. Although he had been scheduled for a number of court appearances, at year's end the assailant had not been charged.

"The law prohibits prostitution and organized prostitution does not exist to any significant degree.

"The law does not specifically prohibit sexual harassment, but violators can be prosecuted for similar offenses under public morality laws. There were no known prosecutions during the year.

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

"Several local groups worked to support women's rights, including the Collective of Women's Organizations and NGOs of Burundi, and Women United for Development."
[2a] (section 5)

A Voice of America report dated 17 June 2008 about domestic violence in Burundi stated:

"Domestic violence is a serious, yet unreported problem in Burundi. Activists and politicians say traditional practices that justify violence, attitudes that discourage women from speaking out, and women's limited economic options often keep them in abusive situations. Some Burundians are agitating for changes in the law and cultural attitudes to protect women against such violence and give them options for a better life.

"...Marie-Christine Ntagwirumugara is a Member of Parliament and president of the National Association of Catholic Women Jurists.

" 'There are no laws on domestic violence,' Ntagwirumugara said. 'If a woman has been beaten badly by her husband, one will ask her to explain, she will retract her complaint because women are unwilling to say what happens in the house.'

"Violence against women is a growing problem in Burundi, the tiny central African country that is just emerging from more than a decade of civil war.

"Ntagwirumugara says there are no official statistics on the incidence of domestic violence. Yet according to a survey conducted by her organization, one out of every three women in the capital Bujumbura is being beaten at home.

"Activists say domestic violence is viewed as normal in Burundi. Some traditional practices even encourage wife beating.

“Women are afraid to speak out when it does occur for fear of reprisals, and the culture prohibits them from expressing their views.

“...because their options are so limited, activists say most women have no choice but to put up with whatever ill treatment they receive at the hands of their partners.

“Women’s rights groups are lobbying Burundi’s parliament to change the law to protect women against domestic violence.

“They are also helping women to learn how to ear their own income, so they can become economically self-sufficient.” [5]

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CHILDREN

The United States State Department 2008 Human Rights Report on Burundi stated:

“The law provides for children's health and welfare, but the government did not meet most of the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

“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. Unmarried women and victims of rape traditionally have been less likely to register the birth of a child.

“Schooling was compulsory up to age 12, and primary school was the highest level of education attained by most children. Female illiteracy remained a particular problem.

“According to the latest statistics from UNICEF, 20,000 children under the age of 15 were living with HIV/AIDS and more than 120,000 children were orphaned by AIDS.

“Rape of minors was a widespread problem, but other child abuse was not reported to be widespread.

“The government claimed it no longer recruited anyone under 18 years of age into the military. However, the FNL continued to recruit children into their ranks.

“The increasing prevalence of HIV/AIDS increased the number of orphans. The total number of children orphaned from all causes was almost 900,000, according to UNICEF.

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

“Child prostitution existed but was not considered to be widespread.” [2a] (section 5)

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TRAFFICKING

The United States State Department 2008 Human Rights Report on Burundi stated:

"The law does not specifically prohibit trafficking in persons; however, traffickers can be prosecuted under existing laws outlawing assault, kidnapping, rape, prostitution, slavery, and fraud, but this was not widely understood among police.

"The country was a source country for internal trafficking of children for the purposes of soldiering and forced labor. While the FDN claimed it no longer recruited or used child soldiers and punished soldiers who used children to perform menial tasks, the trafficking of child soldiers by the FNL remained a problem.

"There were no arrests of alleged traffickers. The Ministry of National Solidarity and Human Rights, in cooperation with the Ministries of Justice and Interior, is the lead agency on trafficking. During the year the Ministry of Justice sent a team of lawyers to Lebanon to investigate the whereabouts of approximately 60 young girls who were previously trafficked to the Middle East. As a result, in Lebanon a small number of Lebanese citizens were punished for their involvement in the illegal labor scheme; however, a large-scale prosecution of suspected traffickers was not pursued by the Lebanese authorities.

"The Ministry of National Solidarity and Human Rights, in conjunction with the government's Executive Secretariat for Disarmament, Demobilization, and Reintegration, sponsored weekly radio spots to educate citizens about the perils of trafficking.

"In 2005 the government created a department within the National Police, the Brigade for the Protection of Minors, to protect children against sexual exploitation. The brigade sought to protect children against forced prostitution and helped some improve their living conditions. The brigade has conducted 10 successful prosecutions of individuals found to be abusing women and children through forced prostitution since its inception." [2a] (section 5)

The United States State Department 2009 Trafficking in Persons Report, published in June 2009, stated:

“Burundi is a source country for children trafficked for the purposes of child soldiering, domestic servitude, and commercial sexual exploitation. The rebel faction National Liberation Force (FNL) remained the only armed group not to have fully implemented a ceasefire agreement with the government, and it continued to unlawfully recruit and exploit children as fighters, manual laborers, and logistical support throughout the majority of the reporting period; the FNL appeared to cease child recruitment in early 2009 after the commencement of the formal demobilization process. Generally, child soldiers and other children were identified, separated from the adults at the demobilization camps and pre-assembly areas, and returned to their homes early to mid-2009. FNL rebels reportedly forced rural populations to perform uncompensated labor, such as transporting supplies or weapons, during the reporting period. Some Burundian children are also trafficked within the country for domestic servitude and commercial sexual exploitation...Burundian girls are also trafficked to Kenya, Malawi, and Uganda for commercial sexual exploitation. Human trafficking of Burundian adults and children with albinism to Tanzania for the forcible removal of body parts may occur; so-called Tanzanian traditional healers seek various body parts of persons with albinism for traditional medical concoctions commonly purchased to heal illness, foster economic advancement, or hurt enemies.

“...the government’s anti-trafficking law enforcement efforts were limited during the reporting period. Article 241 of the Burundian Constitution prohibits slavery and its criminal code outlaws forced labor and kidnapping. During the November 2008 legislative session, the National Assembly approved amendments to the criminal code that, among other things, prohibit human trafficking and prescribe sentences of five to ten years’ imprisonment; the amendments do not, however, provide a clear definition of human trafficking. The draft amendments were subsequently considered by Burundi’s Senate, and signed into law by the president in April 2009. The revised criminal code, however, prescribes no explicit penalties for forced labor or slavery, and penalties of five to 10 years’ imprisonment for kidnapping. Sex trafficking crimes can be punished using statutes on brothel-keeping and pimping, which prescribe penalties of one to five years’ imprisonment. The existing penalties are sufficiently stringent but not commensurate with those prescribed for other serious offenses. Nevertheless, there were no investigations, prosecutions, or convictions for trafficking under these statutes during the reporting period.

“...the government provided minimal assistance to trafficking victims during the reporting period...the government did not encourage victims to participate in investigations or prosecutions of trafficking offenders, nor did it ensure that victims were not inappropriately incarcerated or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

“The government’s efforts to prevent trafficking remained lackluster. A poor understanding of human trafficking among government officials, particularly the police, continued to be an impediment to effective intervention. In June 2008, the government sent officials from the Ministry of Justice, the Supreme Court and the National Crime Bureau to Dar es Salaam for a meeting of regional security and judicial officials to draft a Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa. The Ministry of Labor conducted no child labor inspections or investigations in 2008. “During the year, the Ministry of National Security and Human Rights, in conjunction with the National DDR Commission and with production assistance from an international NGO, sponsored radio spots that aired four times each week to educate citizens about topics such as human trafficking and violence against women. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. The pre-deployment training for four battalions of Burundian

peacekeepers participating in the African Union's Mission to Somalia, provided by two foreign governments, included a curriculum that created awareness and discouraged acts of trafficking and sexual exploitation. Burundi has not ratified the 2000 UNTIP Protocol." [2b]

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FREEDOM OF MOVEMENT

The United States State Department 2008 Human Rights Report on Burundi stated:

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

"The law does not provide for forced exile, and the government did not use this tactic; however, many persons remained in self-imposed exile." [2a] (section 2d)

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3. Index to key source documents

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