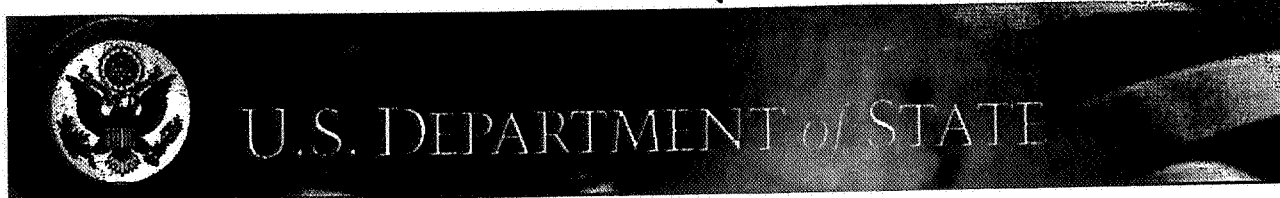


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Burundi

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Country Reports on Human Rights Practices - 2003

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Burundi is a republic ruled by a Transitional Government established under the Arusha Peace and Reconciliation Accord (Arusha Accord) in November 2001. On April 30, the second half of the 3-year Transitional Government began as Domitien Ndayizeye, a member of the Hutu ethnic group, succeeded Pierre Buyoya, a member of the Tutsi ethnic group, as President. In 2001, a Transitional Constitution was adopted, providing for power to be shared between the Tutsi minority, which has traditionally ruled the country, and the Hutu majority. A presidential decree suspended elections in 1998; however, the Transitional Constitution provides for elections following the completion of the 3-year Transitional Government. The country remained engaged in a low-intensity civil conflict, and for most of the year, the conflict involved two armed opposition groups, the National Council for Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) faction led by Pierre Nkurunziza, and the Palipehutu/National Liberation Front (FNL) faction led by Agathon Rwasa. Smaller factions of both groups had signed and implemented ceasefire agreements with the Transitional Government in October 2002. In December 2002, the largest armed opposition group, the Nkurunziza faction of the CNDD-FDD, also signed a ceasefire with the Transitional Government. In October, the Transitional Government and the CNDD-FDD faction led by Nkurunziza signed a protocol on power-sharing, and in November, the CNDD-FDD entered the Transitional Government, assuming four cabinet positions and other posts. However, the FNL remained outside the peace process and launched attacks on Bujumbura and its environs throughout the year. Although the security situation in most parts of the country improved, in Bujumbura Rural province, which surrounds the capital, fighting continued throughout the year. Human rights violations resulting from the conflict continued to occur primarily in the countryside, although fighting reached the capital city of Bujumbura in April, July, and November. The Transitional Constitution provides for an independent judiciary; however, the judiciary was subject to political manipulation and was inefficient in practice.

The security forces were controlled by the Transitional Vice President in consultation with the Transitional President, and consisted of the Burundian Armed Forces (FAB) and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Guardians of the Peace, armed paramilitary civil defense units, served in the Bujumbura area and the provinces of Bujumbura Rural, Ruyigi, Rutana, and Bururi. In June, pursuant to the Arusha Accord, a South African-led African Union Mission to Burundi (AMIB) was deployed. Civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Following the signing of the November power-sharing protocol, the Transitional Government allowed the CNDD-FDD to conduct military operations against the FNL. In December, outside of Bujumbura, the Transitional Government reportedly also allowed CNDD-FDD forces to operate an armed police force parallel to that of the Transitional Government.

The country, which has a population of 6.7 million, was extremely poor, and approximately 90 percent of the population was dependent on subsistence agriculture. The Transitional Government controlled the price of commodities and rates of exchange; government-owned enterprises were predominate in the economy. The civil conflict caused severe economic disruption, and internally displaced persons (IDPs) were dependent on international humanitarian assistance. The country's gross domestic product dropped from \$4.1 billion in 1998 to \$695.3 million in 2002. Wages did not keep pace with inflation.

The Transitional Government's human rights record remained poor, and it continued to commit numerous serious human rights abuses. Citizens did not have the right to change their government. Security forces continued to commit numerous arbitrary and unlawful killings, including unarmed civilians, many of whom were killed during reprisal attacks on those suspected of cooperating with the insurgents. There were credible reports of disappearances, and the security forces continued to torture, beat, rape, and otherwise abuse persons. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Impunity and the continuing lack of accountability for those who committed past abuses remained serious problems. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system did not ensure due process or provide citizens with fair trials. The Transitional Government infringed on citizens' privacy rights. The Transitional Government controlled the media and restricted freedoms of speech, the press, assembly, association, and movement. Since 1993, the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing security conditions. Violence and discrimination against women continued. Commercial sexual exploitation of children and the use of child soldiers were problems. Discrimination against persons with disabilities, indigenous Twa populations, and state discrimination against Hutus remained serious problems. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. Child labor, including forced labor, was a problem. Trafficking in persons was a problem.

Rebels also continued to commit numerous serious human rights abuses against civilians, including killings, kidnappings, rapes, theft, extortion, the forcible recruitment and employment of children as child soldiers, and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that security forces committed political killings during the year, although no exact figures were available. On October 24, police arrested senior police officials suspected of the 2001 killing of Kassi Manlan, the local representative of the World Health Organization. By year's end, no trial had been scheduled.

The FAB regularly committed unlawful killings, often with impunity, of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels (see Section 1.g.).

On February 9, in the Kinama suburb of Bujumbura, approximately 30 FAB soldiers broke into Abraham Nshimirimana's house and looted it. His corpse, along with the body of a neighbor, was found the next morning in a nearby field. There were no reports of any investigation or prosecutions in these cases, and the motive was unknown.

No actions were taken against government soldiers responsible for the 2001 killings of 11 civilians in Kiriri, Bujumbura Rural Province; the 2001 case in which police in Gitega tortured to death Methode Nkurunziza; and the 2001 beating to death of Emmanuel Ntikarahera in Bweru Commune, Ruyigi Province.

Unlike in the previous year, there were no reports that security forces killed demonstrators.

On June 28, in Bweru Commune, Ruyigi Province, FAB soldier Mathias Nkurunziza was tortured by his commander following an argument with colleagues. He died as a result of being beaten, bound, denied food and water, and imprisoned. The military was investigating the case at year's end, according to a local NGO.

There were no new developments in the July 2002 killing by the FAB of one of its soldiers.

Civilians were killed during fighting between government and rebel forces, and women died as a result of being raped (see Section 1.g.).

There were reports of deaths and injuries caused by landmines laid by both government and rebel forces (see Section 1.g.).

Although no exact figures were available, there were numerous political killings by unidentified assailants during the year.

On February 28, armed men in military uniforms entered the home of Leonard Masengo, an employee of the Social Security Administration in charge of real estate management, and shot and killed him. The killers reportedly told Masengo's wife that killing her was not their mission. Colleagues of Masengo told investigators in the case that Masengo had refused to approve the overvalued purchase of a building owned by a prominent politician. The case remained under investigation.

On May 17, unidentified assailants killed Sangwe Pader political party committee member Jean Nkurikiye while he was at home in Gatumba, Bujumbura Rural Province. On September 20, Raphael Nzinahora, Mayor of Giheta, Gitega Province, was killed by unidentified assailants. There were no developments in either case by year's end.

On November 7, unidentified assailants shot and killed Philbert Nsengiyumva, a World Food Program employee, at his home in Ngozi. There were no developments in the case by year's end.

There were no new developments in connection with the following killings by year's end: the January 2002 killing of Elvis Makhado, a civilian member of the South African Protection Force; and the September 2002 killing of Samuel Nimubona, leader of World Outreach Initiatives.

Members of the Guardians of the Peace killed some civilians during the year. For example, on August 26, in Murwi Commune, Cibitoke Province, a member of the Guardians of the Peace shot and killed a civilian after persons disregarded an order to stop. No action was taken against those responsible for the killing. Rebels killed numerous persons during the year and committed serious abuses against the civilian population (see Section 1.g.).

Unlike in the previous year, there were no reports of mob violence or lynchings. No actions were taken against perpetrators of lynchings that occurred in 2002.

During the year, the local press reported numerous incidents in which individuals threw hand-grenades into pubs or other public gathering places, resulting in deaths and injuries (see Section 1.c.). For example, on October 11, in Ngozi Province, a woman and her 14-year-old daughter were killed after an unidentified assailant threw a grenade into their home.

b. Disappearance

Although precise numbers were unavailable, there were frequent reports of kidnappings during the year. Rebels were responsible for many of the disappearances.

In June, rebels kidnapped and held for ransom Etienne Bigirimana, the Rusaka Commune administrator in Mwaro Province. Bigirimana was released shortly afterward, although no ransom had been paid.

On June 29, CNDD-FDD rebels kidnapped three members of parliament (M.P.s) and seven citizens in the eastern province of Ruyigi. The rebels released the citizens shortly following the abduction, and the M.P.s on July 26.

On July 10, bandits kidnapped an employee of the International Rescue Committee (IRC) and demanded a ransom of \$20,000 (21.5 million francs). The victim was released on July 18, although the ransom reportedly had not been paid.

There were no developments in the May 2002 case in Buhonga, Bujumbura Rural Province, where two persons disappeared during a rebel ambush, or the 2001 case of two persons abducted by rebels in Rumonge commune.

In November 2002, Human Rights Watch (HRW) reported that numerous children between 14

and 16 years of age had been kidnapped and were serving as soldiers with the CNDD/FDD.

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

The Transitional Constitution prohibits such practices; however, members of the security forces continued to torture and otherwise abuse persons. There were reported deaths resulting from torture during the year (see Section 1.a.).

During the year, League Iteka, a local human rights group, reported that torture continued to be a problem. Between January and May, the League documented 30 cases of torture by government agents, the FAB, and rebels. Noting that human rights observers did not have access to illegal detention centers, state intelligence services, and rebel camps, the League estimated that the actual number of torture victims was much higher.

Amnesty International (AI) has reported that the torture of children in prisons was widespread. Based upon interviews conducted in 2002, the report detailed beatings using electric flexes, sticks and other weapons, beatings on the soles of feet and joints, and being tied in excruciating positions for long periods of time.

In 2001, the Burundian Association for the Defense of the Rights of Prisoners, a local NGO, reported that prison officials and security forces used beatings with batons and pipes, electrocution, burning, bayonets, and needles to torture prisoners.

AI reported that in July, security forces tortured and mistreated two men after they arrested the men on suspicion of involvement in attacks by the FNL on Bujumbura. On July 11, the Public Security Police arrested Emmanuel Niyongabo and reportedly handcuffed him to an iron gate and prevented him from sitting for at least 8 days in a cell. Members of the security forces reportedly tortured Ezechiel Ncitiyinisalaba in military barracks in Kamenge before he was transferred to the PSP.

In August, at a detention center in Makamba province, an international human rights observer reported that guards tortured three prisoners. No action was taken against those responsible.

AI reported that on December 26, members of CNDD-FDD forces detained and severely beat four women suspected of witchcraft in Ndava Zone, Cibitoke Province; the women were beaten on their legs, arms, and feet and were fined between \$2 and \$10 (2,000 and 10,000 francs) after their release.

No action was taken in the June 2002 torture of two persons by soldiers in the town of Buhiga, Karuzi Province.

Unlike in the previous year, there were no reports that security forces beat journalists (see Section 2.a.).

Unlike in the previous year, security forces did not use excessive force to disperse demonstrations during the year (see Section 2.b.).

There were credible reports that members of the Guardians of the Peace beat, raped, harassed, and extorted money from civilians.

Although precise figures remain unavailable, there were frequent reports that members of the FAB raped women with impunity (see Section 1.g.).

No action was taken by year's end against the soldiers responsible for several cases of rape during 2001.

There were frequent reports that both FNL and CNDD-FDD rebels raped women (see Section 1.g.).

Government troops used excessive force in areas where there were civilians and often targeted Hutu civilians (see Section 1.g.).

Several persons were injured during the year by landmines laid by government and rebel forces (see Section 1.g.).

Rebels beat and stole from civilians, and raped women (see Sections 1.g.).

In September, in the Ngagara neighborhood of northern Bujumbura, three persons were injured, one seriously, after a grenade was thrown into a pub. By year's end, there were no developments in this case.

Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and diseases resulted in deaths, although the Government rarely, if ever, recorded the cause of death as disease. The Transitional Government provided sufficient food, and families were permitted to supplement prisoner rations. Unlike in the previous year, there were no reports that prisoners died from malnutrition.

According to the Ministry of Justice, 7,914 inmates were held in facilities built to accommodate a maximum of 3,650 persons during the year. Of this number, 3,433 were serving sentences, and 4,481 were pretrial detainees. Human rights nongovernmental organizations (NGOs) lobbied the Transitional Government during the year for the release of prisoners who were held for long periods of time without charge. The Transitional Government agreed in principle to release some of these prisoners; however, in practice, few were released.

According to the Ministry of Justice, women were detained separately from men. There were 153 children in prisons during the year: 106 serving sentences and 47 accompanying their convicted mothers. Juvenile prisoners were held with and often treated as adults. Unlike in the previous year, there were no reports that children in prisons were subjected to torture or sexual exploitation. Political prisoners often were held with convicted prisoners. Pretrial detainees were held in communal lockups, but some were also incarcerated with convicted prisoners.

During the year, the Government permitted visits by international and local human rights monitors, and there were no reports that groups were denied access during the year. NGOs continued their efforts to monitor and improve sanitation, hygiene, medical care, food, and water.

The ICRC was allowed access to prisoners and detained persons, including persons detained for "reasons relating to the conflict," and conducted visits regularly during the year.

d. Arbitrary Arrest, Detention, or Exile

The criminal code prohibits arbitrary arrest, arbitrary detention, and exile; however, security forces arbitrarily arrested and detained persons.

Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. The security forces did not always cooperate with civilian prosecutors or magistrates, including in investigations involving their members. Members of the Guardians of the Peace were unpaid and poorly trained; some were coercively recruited. A representative of the police force said in December that corruption, abuse of the criminal code's standards on the duration of detentions, and mistreatment of prisoners remained problems.

The law requires arrest warrants, and presiding magistrates were authorized to issue them. Police and gendarmes could make arrests without a warrant but were required to submit a written report to a magistrate within 48 hours. Few aspects of the code were respected, and the section that requires that detainees be charged and appear in court within 7 days of their arrest was violated often. A magistrate could order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police were required to follow the same procedures as magistrates; however, the police have regularly detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations, the U.N., the press, and lawyers of the detained reported that incommunicado detention existed, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pretrial detention were not respected, and a magistrate's strike

seeking judicial independence, more resources, and increased pay brought the already dysfunctional justice system to a standstill from September 1 through October 20 (see Sections 1.e. and 6.b.).

There were numerous arbitrary or politically motivated arrests, including the arrest of several opposition politicians, some demonstrators, and one journalist (see Sections 2.a. and 2.b.). There were no reports that union members were arrested during the year.

On October 17, security officers arrested Charles Mukasi, leader of the pro-Tutsi Union for the National Progress (UPRONA) political party, 1 day after he was placed under house arrest and following his receipt of a warrant accusing him of sedition. Police had arrested Mukasi on at least two previous occasions during the year (see Sections 2.a. and 2.b.). In the past, Mukasi had criticized the Transitional Government for creating a culture of impunity and negotiating with rebel groups. On October 24, Mukasi was released.

On April 30, the November 2002 house arrest imposed on former president Jean-Baptiste Bagaza, leader of the PARENA political party, was lifted.

Many of the persons arrested on criminal charges since 1993 remained in pretrial custody. According to the Ministry of Justice, 4,481 prisoners were awaiting trial. There were 400 communal lockups where those who were arrested were supposed to be held no longer than 1 week; however, in practice, detainees were regularly kept in these facilities for much longer periods of time. Family members were required to provide all food for these detainees. Once detainees were transferred to larger detention facilities, the Government provided food.

The law does not provide for forced exile, and the Transitional Government did not use it as a means of political control; however, many persons remained in self-imposed exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere.

e. Denial of Fair Public Trial

The Transitional Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive and was dominated by members of the minority Tutsi community. The judicial system was inefficient and subject to bribes and other forms of corruption; many citizens had no confidence in its ability to provide even basic protection. Judicial reform was a priority of the Arusha Accord, and some progress was made. According to the Ministry of Justice, 70 percent of the reforms provided for in the Arusha Accord had been implemented by year's end.

During the year, the Transitional Government instituted three major judicial and administrative reforms that were provided for in the Arusha Accord, including efforts to reduce the President's influence over the judiciary and to correct ethnic imbalances in it. First, on September 22, the Transitional Government began decentralizing the judiciary to allow citizens wider access to the appeals process and prevent citizens from having to travel more than 30 miles to reach a court of law. Second, the Transitional Government ended the practice by which members of the High Council of Magistrates were named by the President and allowed the members to be elected by judges, the National Assembly, and the President; in addition, the High Council's seats must be ethnically and regionally balanced. Finally, the seven judges of the Constitutional Court must be nominated by the President and confirmed by the Senate in consultations with the National Assembly. The Constitutional Court must also be ethnically balanced. By year's end, the judiciary had not been fully decentralized or ethnically balanced. The lack of Hutu judges and lawyers remained a problem.

The judicial system consisted of civil and criminal courts with the Supreme Court at the apex. In all cases, the Constitutional Court has the ultimate appellate authority; however, in practice few cases of lower-ranking offenders reached this level.

Citizens generally did not have regular access to court proceedings and often had to travel more than 30 miles to reach a court of law. All trials were conducted before a jury. Defendants, in theory, are presumed innocent and have a right to counsel and to defend themselves; however, in practice, few had legal representation. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. According to the law, all defendants, except those in

military courts, have the right to appeal their cases up to the Supreme Court, and in capital cases, to the President for clemency; however, in practice, the inefficiency of the court system extended the duration of the appeals process, effectively limiting the possibility of appeals, even by defendants accused of the most serious crimes.

The traditional system of communal arbitration under the guidance of elders, the "Bashingantahe," stressed settlement and reconciliation of disputes and was officially recognized by the Transitional Government. A Bashingantahe opinion often was necessary before access was granted to the formal civil court system. The Bashingantahe was limited to civil and minor criminal matters and had no jurisdiction over serious criminal matters. Community elders presided over deliberations under this system.

The law provides for an independent military court system, which in practice was influenced by the executive and higher ranking military forces. Courts of original jurisdiction for lower ranking military offenders were called "War Councils," and one existed in each of the five military districts. A court martial tribunal of appeals heard appeals of War Council decisions and also had trial jurisdiction for mid-ranking military offenders up to the rank of colonel. Military courts had jurisdiction over military offenders and civilians accused of offenses implicating members of the military. Defendants were not provided attorneys to assist in their defense, although NGOs have provided some defendants with attorneys in cases involving serious charges. Trials generally were open to the public; however, they could be closed for compelling reasons, such as national security or "scandalous accusations against prominent people."

Procedures for civilian and military courts were similar; however, military courts reached decisions more quickly, and trials generally failed to meet internationally accepted standards for fair trials. In addition, defendants in military courts are allowed only one appeal.

The detention of political prisoners remained a problem during the year. According to the U.N., the Government held approximately 4,000 political prisoners during the year. However, the Government stated that there were no political prisoners and that each person in detention had been convicted of a specific crime. The Arusha Accord recommended the creation of a commission to define political prisoners, but by year's end, no definition had been agreed upon. Charges against defendants convicted for nonpolitical crimes sometimes were politically motivated. In April and again in September, the Special Representative of the U.N. Secretary General called for the immediate release of all political prisoners and for politicians to establish a definition for political prisoners.

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

The Transitional Constitution provides for the right to privacy; however, these rights were not respected in practice. Authorities rarely respected the law requiring search warrants.

There were numerous reports during the year that the army looted and destroyed houses whose occupants were accused of harboring and aiding rebels (see Section 1.g.). It was widely believed that security forces regularly monitored telephones.

Unlike in the previous year, there were no reports that the army forcibly relocated civilians into "protection camps."

There were numerous reports of looting by rebel forces (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

The ongoing conflict resulted in numerous serious abuses against the civilian population by government and rebel forces; generally no actions were taken against perpetrators. The FAB killed numerous civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Abuses included massacres, the looting and burning of houses, attacks on noncombatants, the displacement of large numbers of civilians, and the rape of women. Security forces prevented international humanitarian aid agencies and human rights observers from reaching some areas of the country (see Section 2.d.).

While no definitive countrywide casualty figures were available, reports from media and NGOs estimate that more than 250,000 persons, mostly civilians, may have been killed in conflict-

related violence since 1993. Much of the unlawful killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi, as well as in the central and western provinces of Muramvya, Mwaro, and Cibitoke. In November and December, in Bujumbura Rural Province, there were reports of a significant increase in the killing and rape of civilians and the destruction of homes by FAB soldiers following their relocation to the province.

There were numerous reports of deliberate killings. For example, in March, in Makamba Province, a FAB lieutenant invited three senior CNDD-FDD members to pay a courtesy call on the local FAB commander; they were immediately arrested and executed. There were no reports that anyone was punished for these executions.

There were numerous reports of civilians killed as a result of the conflict. For example, according to press reports, on January 12, after an ambush that killed two soldiers, the FAB killed nine civilians suspected of collaborating with rebels. Two soldiers were arrested and were tried by a military court. One soldier was sentenced to life imprisonment and another to a term of 20 years. Both sentences were under appeal at year's end.

On January 19 and 20, in Ruyigi province, FAB soldiers killed between 32 and 89 civilians, including children, the leader of Esebu church, and several church members who were conducting a prayer vigil; the soldiers reportedly suspected them of collaborating with rebels. The soldiers also looted and burned at least 400 homes, raped women and girls, and denied humanitarian aid agencies access to the population displaced by fighting, according to numerous NGO and humanitarian agency reports. Several of the victims were killed by clubs and bayonets. There were no reports of any investigation or punishment of those responsible for these killings.

According to HRW, on April 23, members of the FAB reportedly shot and killed approximately 20 civilians suspected of collaborating with FNL rebels in Kabezi Commune, Bujumbura Rural. There were also unconfirmed reports that members of the FAB killed civilians suspected of collaborating with FNL rebels in September in Ruziba and Muyira.

On February 21, a military court acquitted two FAB officers of responsibility for the September 2002 killing of approximately 189 civilians in Itaba, Gitega Province, an area that had been vacated by rebels; however, the court convicted the two officers for failing to obey orders and sentenced them to 4 months in prison. There were reports that the two officers convicted were not present at the massacre; however, the military refused to investigate the case further.

No other actions were taken against members of the security forces responsible for killings reported in 2002 or 2001.

In January, the governor of Muyinga Province refused to allow food distribution to 6,000 IDPs, saying that local officials, not NGOs, should decide who received humanitarian relief supplies.

Many reports detailed systematic aggression by the FAB and the CNDD-FDD against the civilian population. In many cases, it was unknown whether government or rebel forces were responsible for the killings of civilians during the course of fighting.

Between January and April, approximately 440 civilians reportedly were killed during fighting between government security forces and CNDD-FDD rebels in the eastern province of Ruyigi.

There were numerous other reports of civilians displaced by fighting (see Section 2.d.).

Landmines placed by government and rebel forces continued to cause civilian deaths and injuries. There were no reports that any parties to the conflict laid mines during the year; however, in December, approximately four persons were killed per day in the southern provinces of Makamba, Bubanza, and Bururi, according to press reports.

During the year, soldiers and rebels systematically raped women and girls, and the number of rapes increased compared with that of the previous year, according to U.N. and NGO information. An NGO reported that 91 cases of rape were registered in Ruyigi from April to November, 60 cases in Muramvya from June to November, and 86 cases in Bujumbura from January to August. The NGO attributed the increase in rape to the conflict. In addition, League

Iteka reported that from January to September, 20 women and young girls were raped in Rumonge, in Bururi Province. There were numerous clashes between the FAB and the CNDD-FDD in these regions during these periods, but it was not known who was responsible for the rapes committed.

Rebels killed, beat, kidnapped, and stole from civilians, and raped women (see Section 1.b.). On occasion, Hutu rebels deliberately targeted Tutsi citizens.

In January, during FAB operations in Ruyigi Province, unidentified assailants reportedly raped several women following fighting between the FAB and CNDD-FDD members. Two women reportedly died after being raped in these incidents. By year's end, no action had been taken against those responsible.

Rebel forces often killed civilians who refused to comply with extortion. There were numerous reports that rebel forces regularly ambushed minibuses on national highways, and robbed and killed the occupants. U.N. security officials reported numerous other ambushes during the year.

Between April 17 and 19, CNDD-FDD rebels shot and killed 9 civilians and injured 41 in Bujumbura.

Between July 7 and 12, the FNL launched sustained attacks on Bujumbura. An international newspaper reported that child soldiers as young as 9 or 10 participated (see Section 5). The attacks resulted in several dozen civilian deaths. Following the attack, there were reports that the FAB killed seven civilians; however, the FAB claimed it killed seven rebels.

In July, foreign officials visited a reported mass grave in Kinanira, a southern suburb of Bujumbura. There was no visible evidence of human remains. Local observers reported that rebels had killed 17 civilians and had thrown them into the grave. Local radio reported the alleged killings on July 11.

On August 24, FNL rebels killed 13 civilians, mainly women and children, in Rusabagi, South Kivu Province, in the DRC. There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for abuses.

On September 10, an unidentified armed group reportedly killed 17 civilians following the ambush of a bus in Mabayi Commune in the Cibitoke Province. Security forces claimed the killings were committed by rebels active in the area; however, armed gangs had reportedly committed similar killings in the area.

During the year, security forces restricted access by humanitarian organizations to certain areas; although authorities said insecurity in those areas made delivery of aid impossible, commercial traffic was sometimes not restricted, particularly in the eastern provinces. For example, from mid-January until late February, military authorities prevented humanitarian agencies from delivering assistance to persons deemed by the U.N. to be at risk in the Meso area of Ruyigi Province. Authorities said insecurity in the area made delivery impossible; however, according to HRW and other NGOs, authorities appeared to be withholding aid from civilians to punish those whom the FAB believed had supported CNDD-FDD rebels, or to prevent civilians from diverting aid to the rebels.

Security forces and rebel groups used or recruited children during the year (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Constitution provides for freedom of speech and of the press, despite a law requiring journalists to submit articles for government approval prior to publication; however, the Transitional Government restricted these rights in practice. The Transitional Government harassed and detained journalists. The Transitional Government and security forces frequently prevented journalists from going to rural areas where crimes occurred, making it difficult to gather information about perpetrators or victims. According to Reporters Without Borders, journalists practiced self-censorship.

The Government restricted freedom of speech. For example, on January 21, Charles Mukasi, leader of the pro-Tutsi UPRONA political party, was arrested for criticizing the December 2002 cease-fire agreement between the Transitional Government and the CNDD-FDD. He was released unharmed on March 17. However, in both May and June, police arrested Mukasi again, along with three collaborators, after he wrote on his party's website that the Transitional Government under President Ndayizeye was a "puppet government." The four men were released in June.

On July 9, MSP-Inkizo political party leader Alphonse Rugambarara was arrested for advocating that the Transitional Government consider peace negotiations with the FNL. He was released unharmed on July 16.

The Transitional Government controlled the major media. The Transitional Government owned the only regularly published newspaper, the country's only television station, and two radio stations, and exercised strong editorial control. The government-owned newspaper *Le Renouveau* was published three times a week. Political tracts circulated by independent sources, and two private faxed news sheets, *Azania* and *NetPress*, were published regularly and represented primarily Tutsi perspectives. There were seven privately owned radio stations, including Radio Isanganiro, Bonesha FM, and African Public Radio (RPA).

Radio remained the most important medium of public information. The government-owned radio broadcast in Kirundi, French, and KiSwahili, and offered limited English programming. The private radio stations broadcast in French, Kirundi, and KiSwahili, and some stations received funding from international donors. Listeners could receive transmissions of foreign news organizations. Citizens were allowed to work and report for foreign news organizations.

On February 15, unidentified assailants fired shots at the home of Alexis Sinduhije, the director of private radio station African Public Radio (RPA), and killed his night watchman; Sinduhije believed it was an attempt on his life, in an effort to silence his investigation into the 2001 killing of World Health Organization representative Kassi Manlan.

Unlike in the previous year, there were no reports that security forces beat journalists.

Security forces harassed and intimidated journalists during the year and arrested at least one journalist. For example, on July 5, Jean Claude Kavumagubu of the Net Press news sheet was arrested for hosting a banned link on his publication's website. He was released on July 10.

No action was taken against security forces who beat journalist Aloys Niyoyita in March 2002.

The Transitional Government continued to restrict, through direct and indirect means, reporting on the country's internal conflict and continued to threaten independent radio stations with closure if they broadcast reports that contradicted government accounts. On March 4, President Buyoya summoned the editors of the country's private radio stations and ordered them to stop broadcasting and indirectly quoting statements made by leaders and spokespersons of rebel groups that had not signed a cease-fire agreement with the Transitional Government. HRW reported that in July, Minister of Communication Albert Mbonerane prohibited the public and private media from publishing the number of persons killed or injured in a rebel attack on Bujumbura; a few days later, he and the Minister of Defense prohibited the press from reporting any information on the extent of army losses. According to the British Broadcasting Corporation, as a result of government pressure, journalists practiced self-censorship.

Unlike in the previous year, there were no reports that the Transitional Government banned newspapers.

A press law requires that newspaper articles undergo review by a government censor 4 days before publication; journalists viewed the law as a form of intimidation.

The Transitional Government suspended the broadcasting rights of radio stations that reported opinions about the April 30 transfer of the Presidency, which were deemed harmful to national security; aired interviews with rebel leaders; or reported on other sensitive matters. For example, on September 13, the Transitional Government imposed an indefinite suspension on Radio Isanganiro for broadcasting an interview with a spokesman of the FNL. The Government accused the station of "endangering national unity." Following protests by other privately owned

stations and newspapers, the suspension was lifted on September 20.

On September 16, the Transitional Government closed RPA after the station aired an interview with a rebel spokesperson and reactions to the closure of Radio Isanganiro. The Government accused the station of "vilifying the Government and disseminating propaganda of the country's enemy." The ban was lifted on September 19 and the station began broadcasting again on September 20.

Unlike in the previous year, there were no reports that the Transitional Government jammed the transmissions of privately owned radio stations.

The Transitional Government did not limit academic freedom. Unlike in previous years, there were no reports of tensions between Hutu and Tutsi students.

According to Reporters Without Borders, the Transitional Government continued to closely monitor certain websites and enforce an August 2002 ban prohibiting websites from posting material from opposition political groups that "incite hatred and violence." In July, the Transitional Government censored the Net Press news sheet by forcing it to remove a banned link from its website, after arresting a member of its staff.

Unlike in the previous year, there were no reports that journalists were killed during fighting between government forces and rebels.

b. Freedom of Peaceful Assembly and Association

The Transitional Constitution provides for freedom of assembly; however, the Transitional Government at times restricted this right in practice. The law requires permits for public meetings and demonstrations, and applications were sometimes denied to groups, including those that criticized or opposed the Transitional Government. There were fewer reports that such applications were denied during the year.

In March, communal authorities in Makamba Province denied a women's group permission to stage a protest march against domestic violence. During the year, PA Amaskanya, the private militia of politician Diomedé Rutamucero, was denied permission to demonstrate on several occasions.

Security forces also broke up meetings and demonstrations during the year; however, unlike in the previous year, there were no reports that security forces killed demonstrators. On January 18, security forces broke up a meeting of the UPRONA party wing that opposed the Arusha reconciliation process.

No action was taken against security forces responsible for using excessive force during demonstrations and marches in 2002 and 2001.

Unlike in the previous year, police did not arrest demonstrators.

The Transitional Constitution provides for freedom of association; however, the Transitional Government restricted this right in practice and arrested members of organizations and political parties (see Sections 1.d. and 2.a.). Registration was required for private organizations and political parties. Private organizations were required to present their articles of association to the Ministry of Interior for approval; however, the Transitional Government routinely failed to complete the approval process for private organizations whose purposes the Transitional Government opposed. The Transitional Constitution permits political parties to operate; however, the Transitional Government placed restrictions on groups that criticized its policies. For example, it did not allow groups to advocate negotiations with the FNL rebel group. On May 7, the Transitional Government lifted a 6-month-old ban on all activities by the Party for National Recovery (PARENA).

c. Freedom of Religion

The Transitional Constitution provides for freedom of religion, and the Transitional Government generally respected this right in practice.

The Transitional Government required religious groups to register with the Ministry of Internal Affairs, which kept track of their leadership and activities. The Government required religious groups to maintain a headquarters in the country.

In January, the FAB killed a church leader suspected of collaborating with rebels (see Section 1.g.).

On December 29, unidentified armed assailants in Minago, Bururi Province, shot at the vehicle in which Monsignor Michael Courtney, the Papal Nuncio in the country, was traveling. Courtney was shot three times and died shortly afterwards. It was not clear whether he was the victim of a targeted attack. Shortly after the killing, Archbishop Simon Ntamwana accused the FNL of killing Courtney. An FNL spokesperson denied that the group was responsible for the killing, threatened Ntamwana, and ordered him to leave the country within 30 days.

There were no developments in the August 2002 killing of parish priest Peter Tondo.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation

The Transitional Constitution provides for these rights; however, the Transitional Government restricted them in practice. The Transitional Government imposed a curfew in parts of the country. During fighting between the FAB and rebel forces, local populations were routinely displaced and their movements were restricted by checkpoints established by the FAB, violence, and the threat of violence, including from the FAB. Citing insecurity, security forces sometimes restricted humanitarian relief agencies' access to local populations. For example, on April 25, the international medical NGO Doctors Without Borders (MSF) suspended operations after government health authorities prevented its team from gaining access to medical supplies.

The majority of citizens could travel legally in and out of the country. Travel within the country was possible but often hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba Provinces.

On November 12, the mayor of Bujumbura banned bicycle taxis entering the city center as a security measure to prevent rebel infiltration of the city following mortar attacks by FNL rebels. The ban primarily affected persons, particularly poor peasant farmers, who could not afford public transportation. The ban did not affect those using bicycles for other purposes. The ban remained in effect at year's end.

Civilians were displaced as a result of frequent fighting between government forces and rebel groups. During January, in Ruyigi Province, an estimated 47,000 civilians were displaced during fighting between government forces and CNDD-FDD rebels. In April, up to 80,000 persons were displaced following attacks by the CNDD-FDD in Bujumbura Rural Province. In addition, in September, 2 weeks of fighting between rival rebel forces resulted in the displacement of approximately 47,500 civilians around Mubimbi Commune, in Bujumbura Rural Province; and in Mpanda Commune, in Bubanza Province. Throughout the year, security forces restricted the movement of the country's approximately 400,000 internally displaced persons (IDPs) and humanitarian relief agencies. Timely relief was sometimes denied to populations in need (see Section 1.g.). The Government cited insecurity as grounds for denying human rights observers access to some areas of the country (see Section 4).

According to the U.N. High Commissioner for Refugees (UNHCR), between 300,000 to 400,000 IDPs lived in more than 200 sites by year's end. The majority were Tutsis who were displaced in 1993 because of violence and never returned home. Soldiers provided a measure of protection to camp inhabitants; however, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi Provinces during periods of instability. There were reports that camp inhabitants sometimes were required to perform labor for the soldiers without compensation (see Section 5).

There were approximately 280,000 IDPs, the vast majority of whom lived with friends or families outside displacement sites, beyond the reach of humanitarian relief programs. Security forces reportedly killed some persons who remained outside the sites on suspicion of collaborating with the rebels. Hutu rebels also reportedly killed IDPs for allegedly collaborating with government authorities (see Section 1.g.). For example, in February, CNDD-FDD rebels

reportedly attacked an IDP camp in Muhuza, in central Gitega Province, killing several civilians.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, there was a special ad hoc administrative body in the Transitional Government that coordinated refugees. In practice, the Government generally provided protection against refoulement and granted asylum status. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. During the year, approximately 39,000 refugees were residing in the country, including 27,000 citizens of the DRC, of whom 3,800 were registered with the UNHCR, and 1,000 Rwandan refugees.

According to the U.N., more than 324,000 Burundian refugees, most of them Hutus, remained in UNHCR camps in Tanzania. The total number of Burundian refugees living throughout Tanzania at year's end was estimated to be 800,000. Approximately 170,000 "old caseload" refugees, many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye, were residing in Tanzania and were not assisted by the UNHCR. An additional 23,000 refugees, most of them Hutus, resided in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia. By year's end, approximately 100,000 Burundian refugees had registered to repatriate from Tanzania; the UNHCR had facilitated 35,699 voluntary repatriations, and there were 44,964 known spontaneous repatriations.

During the year, the Transitional Government provided protection to certain individuals who did not fit the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

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

Citizens do not have the right to change their government. The Transition Constitution, which established executive, legislative, and judicial government branches, makes no specific provision for elections; however, the Arusha Accord obliges the Transitional Government to hold communal and legislative elections in time for a newly elected National Assembly to select the post-transitional president before November 1, 2004. Under the Arusha Accord, all future presidents are required to be elected by direct ballot.

Following a 1996 coup, the Buyoya military regime suspended the 1992 Constitution and 1994 Convention of Government, dissolved the National Assembly, and banned political parties. Approximately 3 weeks after the coup, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. In 1998, multiparty peace talks to end the civil conflict began. In 2000, the Arusha Peace and Reconciliation Accord, which provided for a 3-year transitional period, was signed and ratified by the National Assembly. On November 1, 2001, the transition period began, and President Buyoya was sworn in as president, and Domitien Ndayizeye, then secretary general of FRODEBU, was sworn in as vice president.

On April 30, President Ndayizeye succeeded former President Buyoya to begin the second half of a 3-year transitional government in accordance with the peace agreement; the 10 predominantly Tutsi parties selected Alphonse Kadege as Vice President. The Vice President and 14 of the 26 cabinet ministers were members of the 7 predominantly Hutu parties. The cabinet also included 12 Tutsis, including the Ministers of Defense and Foreign Affairs.

The Arusha Accord, the Transitional Constitution, and the agreements between the Transitional Government and the CNDD-FDD comprise a formula for the restoration of democracy. Majority rule is to be accomplished through communal and legislative elections, and the protection of minority rights is to be reflected in a senate and armed forces that have a higher percentage of Tutsis than the population at large.

A portion of the Transitional Government's revenues and expenditures remained off-budget, allowing the Transitional Government to use monies collected from taxes on things such as beer, gas, and to fund military expenditure. This practice contributed to the problem of corruption.

The Transitional Constitution stipulated that the National Assembly shall consist of 186 parliamentarians: Those elected in 1993 who sat in the previous National Assembly (or

substitutes from the same political party, if some of the original parliamentarians had died), and 40 additional members. Members of the Tutsi community filled 22 of the 40 new seats.

There were 22 recognized political parties by year's end. UPRONA and FRODEBU were the largest political parties and, in coalition, controlled most transitional government positions. Political parties operated under significant constraints. Police often prevented or disrupted political demonstrations and arrested opposition politicians (see Sections 1.d. and 2.b.).

On April 16, the Transitional Government voted into law measures against genocide, crimes against humanity, and war crimes; it was promulgated on May 8.

At year's end, the National Assembly continued to refuse the demands of human rights groups calling for the repeal of a provisional immunity law that the Assembly approved on August 27. The law grants provisional immunity to political leaders who return from exile to take part in the transitional government institutions. The law covers "crimes with a political aim" committed from July 1, 1962, to the date of the law's promulgation.

There were no laws that restricted the participation of women in the political process. There were 17 women in the 186-seat National Assembly and 9 women in the 54-seat Senate. Of the 26 cabinet seats, women held 4 portfolios: Social Affairs; Reintegration of Refugees; Development, Planning and Reconstruction; and HIV/AIDS. Two of the nine members of the Supreme Court were women, as were three of the seven Constitutional Court members, including its president.

There were no laws that restricted the participation of minorities in the political process. Approximately 1 percent of the population was Twa; although there were no Twa in the Cabinet, one Twa was appointed to the National Assembly, and three were members of the Senate.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international NGOs, including human rights groups, generally operated without government restrictions; however, the Government cited insecurity in rural areas in denying journalists, international relief workers, and human rights observers access to some areas of the country (see Sections 1.g. and 2.d.). Government officials, although limited by capacity and resources, cooperated with these groups by providing access to information and other resources.

Domestic human rights groups received varying degrees of cooperation from government ministries; the ministries provided them at times with information and facilitated visits to areas of interest. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs in the countryside were more susceptible to government pressure. In addition, government security services—even if willing—were unlikely to be able to protect NGO members from private reprisals. Although the Transitional Government did not directly take action based on local NGO recommendations, local NGOs continued to engage in advocacy. The most prominent local human rights group, League Iteka, continued to operate and publish a newsletter.

The FAB frequently denied human rights observers access to areas where it was accused of committing human rights violations. Human rights NGOs frequently were unable to investigate reports of killings because of these restrictions, which they said were arbitrary. Many areas of the country, particularly near Bujumbura and the borders with the DRC and Tanzania, remained off limits for humanitarian operations.

The U.N. Special Rapporteur for Human Rights visited the country from May 11 through 19 and made a report to the U.N. General Assembly outlining specific recommendations to the rebel groups, the Transitional Government, and the international community. The report called on rebel groups to cease hostilities, and it called for rebel groups and the Transitional Government to respect human rights. The office of the U.N. High Commissioner for Human Rights maintained a three-person observer team in the country.

The Arusha Accord committed the Transitional Government to ask the U.N. to establish an International Judicial Commission of Inquiry, and an international tribunal if the commission of

inquiry deemed it warranted. In July 2002, President Buyoya asked the U.N. to establish the commission of inquiry; however, the U.N. made no decision by year's end. The Arusha Accord also called for the establishment of a National Truth and Reconciliation Commission (NTRC) to investigate other crimes; however, by year's end, legislation establishing an NTRC had not been passed.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transitional Constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the Transitional Government failed to implement effectively these provisions, and discrimination persisted. The Tutsi-dominated FAB discriminated against Hutu members by denying them promotion into the officer corps. Discrimination against persons with disabilities was a problem; this was due in part to a lack of government resources to ensure access to buildings and services. There was no overt discrimination against persons with HIV/AIDS.

Women

Domestic violence against women was common; however, no credible statistics were available. Wives had the right to charge their husbands with physical abuse, but rarely did so. Police normally did not intervene in domestic disputes, and the media rarely reported incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence could be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Transitional Government rarely investigated such cases. According to League Itaka, women have been beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement.

The law prohibits rape, which is punishable by up to 20 years' imprisonment. The FAB and rebel forces raped women during the year (see Section 1.g.). According to AI, domestic rape (outside the context of the conflict) was common, including rape of young girls, committed with the belief that it would prevent or cure HIV/AIDS. According to an NGO, this belief may explain why the majority of rapes committed during the year involved victims younger than 18 years old, and in one case, involved a 2-year-old girl. However, information on rape has only recently begun to be recorded. Few cases of rape were reported to the authorities, and many rape victims did not receive medical care due to the intimidation caused by certain cultural attitudes. Men have often abandoned their wives following the abuse, and women and girls were ostracized. In some instances, police and magistrates have reportedly ridiculed and humiliated women who have alleged that they were raped; according to AI, in one case, a victim was instructed to deliver a judicial summons to her alleged rapist. According to an NGO, those who have sought judicial redress faced the weaknesses of the judicial system, including some judges who did not regard rape as a serious crime, and a lack of medical facilities for gathering important medical evidence. In the limited number of cases that have been investigated, successful prosecutions of rapists were rare.

Civil society and religious communities have attacked the stigma of rape to help victims be reintegrated into families that reject them. Domestic human rights groups League Itaka and APRODH continued to encourage women to press charges and seek medical care, and international NGOs have increasingly provided free medical care in certain areas. The Transitional Government has also raised awareness of the problem's extent through seminars and local initiatives on the kinds of medical care available.

The law prohibits prostitution; however, it was a problem. There were reports that soldiers and rebels sexually exploited women and young girls residing near military installations and rebel camps. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS.

Women faced legal and societal discrimination. Discriminatory inheritance laws, marital property laws, and credit practices continued. By law, women must receive the same pay as men for the same work, but in practice they did not. Women were far less likely to hold mid-level or high-level positions. In rural areas, women performed most of the farm work, married and had children at early ages, and had fewer opportunities for education than men.

Several local groups worked in support of women's rights, including the Collective of Women's Organizations and NGOs of Burundi, and Women United for Development.

Children

The law provides for children's health and welfare, but the Transitional Government could not satisfy adequately the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

According to the Ministry of Education, the maximum age up to which public schooling was provided was 22. Schooling was compulsory up to age 12; however, in practice this was not enforced. The Transitional Government provided primary school at nominal cost, but it was increasingly unaffordable due to the declining economy brought about by the continuing conflict. The U.N. International Children's Fund (UNICEF) reported that the net primary school enrollment/attendance rate for children was 49 percent, with 44 percent of girls enrolled/attending and 49 percent of boys. Sixth grade is the highest level of education attained by most children, and less than 10 percent of children of secondary school age attended school.

Female illiteracy was a problem. Approximately 40 percent of women were literate compared with 56 percent of men.

An estimated 550,000 children of school age did not attend school for many reasons, including an inability by their families to afford school fees and materials, frequent displacement due to civil war, ill health, and the deaths of their parents as a result of HIV/AIDS, which left children orphaned, homeless, or both. More than 25 percent of primary schools have been destroyed in the war, and many teachers have been killed. On February 20, CNDD-FDD rebels reportedly burned down the Gahabura primary school in Cibitoke Province and used students' desks and chairs for firewood. Teacher training has been interrupted, and it was difficult to find qualified teachers to work in the provinces most affected by fighting.

Under the law, the country's minimum age for military recruitment is 16, although the Transitional Government has stated that no one under 18 was recruited. However, according to UNICEF, approximately 14,000 children had carried, since 1993, or were still carrying arms in the ranks of government forces or armed opposition groups. During the year, there continued to be reports that security forces, including the FAB, and rebel groups recruited, pressured, and employed child soldiers. Local NGOs reported that an estimated 4,500 children were serving as soldiers in the FAB, 2,000 in the Guardians of Peace, and 3,500 serving rebel groups.

On October 31, U.N. Secretary General Kofi Annan reported that both security forces and rebel groups continued to recruit or use children. Most of the children serving in the army were not in combat units, although some were, according to the head of the army's demobilization program. There were also reports that soldiers guarding refugee camps and military bases forced children to perform labor. HRW reported that security forces routinely enlisted children as young as 12 years old as "doriya," or "ear agents," to work for the Transitional Government as intelligence gatherers, looters, lookouts, scouts, and porters.

HRW reported that the Guardians of the Peace recruited and armed children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the frontlines.

Children voluntarily attached themselves to military units. Most of these children were orphans or IDPs who had no independent means of survival. Some observers believed the FAB allowed these children to perform menial tasks such as cooking in army encampments. Some children joined the military voluntarily by using fraudulent documents such as birth certificates.

According to the Coalition to Stop the Use of Child Soldiers, there continued to be reports that a CNDD-FDD faction with bases in eastern DRC forcibly recruited children to be combatants, looters, porters, and laborers; some of the children were as young as 8 years old. There were also reports of rebel forces that abducted primary school-age children and teachers for forced labor, both as combatants and as camp followers or servants. These reported abductions occurred in the provinces of Makamba, Gitega, Muyinga, and Ruyigi.

In July, several girls and boys aged 10 to 14 years old fought as soldiers in an FNL attack on

Gitoke, a neighborhood in Bujumbura, according to AI. At the conclusion of the battle, residents found the bodies of between 10 and 20 children among the dead.

The Transitional Government worked to demobilize and protect children serving in the armed forces and rebel groups during the year. For example, in March, the Transitional Government established a Permanent Committee for the Execution of Demobilization and Reintegration of Child Soldiers to accommodate and demobilize children in the service of rebel groups and the army. The government demobilization program was formally launched in October; however, at year's end, no child soldiers had formally been demobilized under the government program. By year's end, the program had begun verifying lists of child soldiers and had identified partner NGOs and church groups to sensitize communities and ensure that children would be rehabilitated. UNICEF described the Transitional Government as "very cooperative" on working to eliminate the use of children in or around military or rebel camps.

Child labor was a problem (see Section 6.d.).

According to UNICEF, HIV/AIDS infection rates in girls aged 15 to 19 were four times greater than in boys of the same age. The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. There were an estimated 230,000 children orphaned by HIV/AIDS in the country.

Persons with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. There were few job opportunities for persons with physical disabilities.

Indigenous People

The Twa (Pygmies), who were believed to be the country's earliest inhabitants, comprised approximately 1 percent of the population and generally remained marginalized economically, socially, and politically (see Section 3). Most Twa lived in isolation, without formal education, and without access to government services, including health care and the judicial system. A Refugees International report released during the year noted that the popular perception of the Twa as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

National/Racial/Ethnic Minorities

The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis and the regional inequities between southern Bururi Province and much of the rest of the country. Almost 4 decades of violence and systematic societal discrimination have exacerbated tensions between Tutsis and Hutus. Tutsis claimed to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis from Bururi, historically have held power, dominated the economy, and controlled the security forces.

State discrimination against Hutus, who constituted an estimated 85 percent of the population, affected every facet of society, but most strikingly in higher education and certain branches of the Government, such as the armed services and the judicial system. Northern and eastern Tutsis also had a more difficult time acceding to positions of power.

Section 6 Worker Rights

a. The Right of Association

The Labor Code protects the right of workers to form and join unions; however, the army, gendarmerie, and foreigners working in the public sector were prohibited from union participation. The Ministry of Labor does not have the authority to refuse the registration of a new union.

According to the International Confederation of Free Trade Unions (ICFTU), less than 10 percent of the formal private sector workforce was unionized, and only 50 percent of the public sector was unionized. However, most citizens worked in the unregulated informal economy, in

which unrecognized workers have little or no legal protection of their labor rights.

Tutsis continued to dominate the formal economy and unions; however, Hutus became more involved in the formal economy and unions during the year.

Individual unions received funding from the labor confederations; the confederations were funded by voluntary salary deductions of 0.5 percent. The Confederation of Burundi Labor Unions (COSYBU) represented 17 of 18 unions; the Confederation of Free Unions in Burundi (CSB) represented 1 union. The Labor Code permits the formation of new confederations. When settling disputes in which more than one labor union was represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations; unlike in the previous year, the Transitional Government generally respected this provision.

The Government has interfered in the COSYBU's selection process by refusing to recognize union leaders selected by members in union congresses. Unlike in the previous year, the Transitional Government permitted a representative of the COSYBU to deliver a May 1 workers' day address during official celebrations.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity, and the Transitional Government generally respected this right in practice. In cases where employers dismiss employees because of their union affiliation, the Ministry of Labor can order an employee reinstated; if the employer fails to comply, the Ministry refers the case to the Labor Court, which makes a determination of the severance pay and indemnification that the employer must pay.

Unions were permitted to affiliate with international organizations. The International Labor Organization (ILO) has cited the government for several violations of the ILO Convention 87 on freedom of association. The Committee of Experts expressed specific concern about the denial of trade union rights for public servants and juveniles; the election of trade union leaders; and the rights of unions to organize, administer activities, and defend the interests of their members.

b. The Right to Organize and Bargain Collectively

The Labor Code recognizes the right to collective bargaining; however, wages are excluded from the scope of collective bargaining in the public sector. Since most workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions.

The Labor Court can pass down binding rulings on labor disputes. The Labor Council arbitrates labor disputes. Only if arbitration fails in the Labor Council will the Labor Court pass judgment on a labor dispute. All labor disputes could be settled by arbitration within the Labor Council. The Council represented government, labor, and management, and was presided over and regulated by the Minister of Labor. The Labor Code provides workers with a conditional right to strike. All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labor must determine if strike conditions have been met. The Labor Code prohibits retribution against workers participating in a legal strike, and unlike in the previous year, there were no reports of retribution against striking workers.

In March and April, teachers went on strike to collect promised wage and benefit increases, and they received them. From March to May, non-teaching staff at Burundi University struck for wage and benefit increases commensurate with those won by teachers. The strike was settled by arbitration.

In August, civil and criminal court judges and state prosecutors began a strike seeking independence of the judiciary, wage increases, and better working conditions. On September 24, the Minister of Justice declared the strike illegal and proclaimed that magistrates did not have the right to form a union; the strike ended on October 19.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 5 and 6.f.). There were reports that security forces continued to use persons, including children, to perform menial tasks without compensation, and the use of child soldiers remained a problem (see Section 5).

Rebel groups forced rural populations to perform uncompensated labor such as the transport of supplies and weapons. Rebels also recruited children for labor (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code states that children under the age of 16 cannot be employed by "an enterprise," except for the types of labor the Ministry of Labor determines to be acceptable, which includes light work or apprenticeships that do not damage their health, interfere with normal development, or prejudice their schooling; however, child labor remained a problem. Children under the age of 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ICFTU, the vast majority of children in the country worked during the year.

Children were prohibited legally from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector. Child labor also existed in the mining and brick-making industries. The use of child soldiers and child prostitution continued to be problems (see Sections 5 and 6.f.).

The country ratified ILO Convention 182 on the worst forms of child labor in 2001.

The Transitional Government enforced labor laws only when a complaint was filed; there were no reports of complaints filed during the year.

e. Acceptable Conditions of Work

The legal minimum wage for unskilled workers remained at \$0.15 (160 francs) per day in the cities of Bujumbura and Gitega, and \$0.10 (105 francs) everywhere else. These amounts did not provide a decent standard of living for a worker and family, and most families relied on second incomes and subsistence agriculture to supplement their earnings. Unionized employees, particularly in urban areas, generally earned significantly more than the minimum wage. Public sector wage scales were set by agreement between the Government and either the CSB or COSYBU; however, an individual employee's position on the wage scale was determined by individual negotiation between the employer and the employee. The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have increased.

The Labor Code stipulates an 8-hour workday and a 45-hour workweek, except where workers were involved in activities related to national security. Supplements must be paid for overtime. Alternative work schedules were negotiable.

The Labor Code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the Minister of Labor, who was responsible for acting upon complaints; there were no reports of complaints filed with the Ministry during the year. Health and safety articles in the Labor Code did not directly address workers' rights to remove themselves from dangerous tasks.

Foreign workers, including undocumented workers, are protected by law and were not subject to discrimination; however, they were prohibited from union participation.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports of trafficking. Traffickers could be prosecuted under existing laws against assault, kidnapping, rape, prostitution, and fraud. The Transitional Government had not investigated or prosecuted any

cases of trafficking.

There was a lack of reliable and comprehensive data on trafficking during the year. However, according to a June interview conducted by HRW in Bujumbura, Guardians of the Peace were forced into military trucks and taken away to participate in military operations. In addition, according to the Coalition to Stop the Use of Child Soldiers, CNDD-FDD rebels abducted children from refugee camps and schools in Tanzania and subsequently trafficked them across the Tanzania border into the country; the CNDD-FDD also reportedly trafficked children to bases in the DRC to be trained for combat and to rest after combat operations. According to AI, these children were forced to carry supplies, fetch water, cook, march in front of troop columns, and serve as combatants.

In addition, the trafficking of child soldiers by both the CNDD-FDD and the FNL within the country was a problem. The Transitional Government has acknowledged the need to address this practice.

The Ministry of Reinsertion, Repatriation, and Reintegration and the Ministry of Institutional Reform, Human Rights, and Parliamentary Relations were responsible for combating trafficking. The Transitional Government supported public awareness campaigns and programs to prevent trafficking, and by year's end, it had instituted a program for the demobilization of child soldiers (see Section 5).