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Country Report on Human Rights Practices 2018 - Burundi

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2018 constitution, promulgated in June following a May referendum, provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In 2015 voters re-elected President Pierre Nkurunziza and elected National Assembly (lower house) members in elections boycotted by nearly all independent opposition parties, who claimed Nkurunziza's election violated legal term limits. International and domestic observers characterized the elections as largely peaceful but deeply flawed and not free, fair, transparent, or credible. There were widespread reports of harassment, intimidation, threatening rhetoric, and some violence leading up to the referendum and reports of compulsion for citizens to register to vote and contribute financially to the management of the elections planned for 2020.

Civilian authorities at times did not maintain control over the security forces.

Human rights issues included unlawful or arbitrary killings by the government; forced disappearances by the government; torture by the government; arbitrary arrest and politicized detention by the government; prolonged pretrial detention; harsh and sometimes life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; threats against and harassment of journalists, censorship through restrictive legislation, internet site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; restrictions on freedom of movement; restrictions on political participation, including elections that were not found to be genuine, free, or fair; corruption; trafficking in persons; crimes involving violence against women, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, minority groups, and persons with albinism; criminalization of same-sex sexual conduct; and use of forced or compulsory or worst forms of child labor.

The reluctance of police and public prosecutors to investigate and prosecute and of judges to hear cases of government corruption and human rights abuse in a timely manner resulted in widespread impunity for government and National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) officials.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings, often against perceived supporters of the political opposition or those who exercised their lawful rights. The banned NGO Ligue Iteka, which continued operating from outside the country, documented 309 killings by the end of September, many allegedly committed by agents of the security services or members of the Imbonerakure. The assessments of Ligue Iteka and other human rights groups differed on the number of killings for which agents of the state or ruling party were likely responsible. Responsibility for arbitrary killings and exact statistics were difficult to determine due to the government's restrictions on human rights monitors and civil society organizations (CSOs) and refusal of access to international bodies. Investigations and prosecutions of government officials and members of the ruling party who allegedly committed arbitrary or unlawful killings were rare.

The 2018 report of the UN Commission of Inquiry (UN COI), whose members were denied access to the country by the government but who conducted interviews with more than 400 witnesses living in exile, restated its conclusions from the previous year and found "reason to believe that arbitrary killings remain a widespread practice in Burundi" and that members of the National Intelligence Service (SNR), police, and Imbonerakure were mostly responsible for these killings. The UN COI reported that the practice of hiding bodies, including by weighing them down with stones and throwing them into rivers or by transporting them from one province or district to another to make it difficult to identify victims, persisted. As previously reported the UN COI noted that when bodies are found, they are often buried without an investigation. The commission stated that killings were increasingly taking place in a clandestine fashion rendering documentation more difficult. The report stated that the UN COI received no reports of killings on a scale commensurate with those in 2015 and 2016, with the exception of a May 11 armed group attack in Cibitoke province of a more severe nature. The report also stated that the UN COI had reasonable grounds to believe that crimes including killings, imprisonment, torture, sexual violence, and political persecution amounted to crimes against humanity. NGOs also reported numerous cases of extrajudicial killings committed by police, SNR, and military personnel, sometimes with involvement of local government officials. Local and international organizations also charged that members of the Imbonerakure were responsible for some unlawful killings, including summary executions.

Human rights organizations documented violence, including alleged killings, in advance of the May referendum. Human Rights Watch (HRW) documented the death of Simon Bizimana on March 14 following his arrest and alleged torture during a month-long detention in prison for refusing to register as a voter, which by law is not a crime. During a video, in which Bizimana was questioned by a government official prior to his arrest, he stated he would not participate in elections due to reasons of religious conscience. A hospital certificate stated that the cause of death was malaria, but witness

accounts alleged his condition worsened following beatings with iron rods inflicted by police. HRW also documented the killing on February 24 of Dismas Sinzinkayo, a member of the nonrecognized Forces Nationales de Liberation party led by Agathon Rwasa (FNL-Rwasa), by members of the Imbonerakure following his refusal to show proof of voter registration. On May 13, during the two-week official campaign period before the referendum, a violent confrontation between members of Imbonerakure and FNL-Rwasa supporters in Kirundo province resulted in the death of two FNL-Rwasa members.

Burundian armed opposition groups, primarily operating from the eastern Democratic Republic of the Congo (DRC), conducted periodic cross-border forays into Burundi that resulted in killings. On May 11, an armed group crossed the border from the DRC and attacked the town of Ruhagarika in Cibitoke province, killing 26, including women and children. The government stated that some victims were burned alive. Following the incident, the government established a domestic investigative commission, but as of November it had not publicly released its findings. On September 26, police announced the arrest of an alleged leader of the May 11 attack. The individual, Dismas Ndayisaba, stated that he was a member of the armed group RED-Tabara and that the attack was ordered by Alexis Sinduhije, an opposition figure in exile associated with RED-Tabara. Spokespersons for Sinduhije denied the accusation.

As of mid-October there were at least 48 grenade attacks throughout the country, resulting in at least 17 fatalities. It was often difficult to identify perpetrators and motives behind the attacks. While some attacks specifically targeted police and other members of the security services with apparent political motives, others were likely motivated by personal or business vendettas. Responsibility for attacks was often unclear.

b. Disappearance

There were numerous reports that individuals were victims of politically motivated disappearances after they were detained by elements of the security forces or in kidnappings where the identities of the perpetrators were not evident.

In September the UN COI reported that the phenomena of arbitrary arrest and detention, including in secret locations, the concealment of bodies, and the impunity prevailing in the country continued to create a climate of secrecy conducive to enforced disappearance. The report also noted the persistence of allegations that individuals were arrested by members of the security services and killed "without, in certain cases, their bodies being found." Members of the Imbonerakure, SNR, and police continued to be responsible for most of the disappearances. The 2018 UN COI report stated that commission members had received information regarding cases of alleged forced disappearances for which insufficient details were available to document the cases.

The September report found reason to believe that Bonaventure Havyarimana, Egide Habonimana, Lionel Hafashimana, Emmanuel Nyabenda, and Benius Mbanyenimanga were subjected to forced disappearance following their detention by members of the

SNR on March 2. All five were members of the suspended opposition party Movement for Solidarity and Democracy (MSD). The report stated that SNR agents demanded ransoms from the victims' relatives for their release and that they were allegedly killed despite payment of ransom.

Jean Bigirimana, a journalist for independent newspaper *Iwacu*, was abducted from his car in 2016. Bigirimana's spouse was present at the abduction and stated publicly that SNR officers were responsible. As of October his whereabouts remained unknown. According to media reports, his spouse received several anonymous death threats in 2017 and subsequently fled the country with her children; the family continued to receive threats during the year.

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

The constitution and penal code prohibit cruel, inhuman, or degrading treatment or punishment, but there were numerous reports government officials employed these practices. NGOs reported cases of torture committed by security services or members of the Imbonerakure. As of September Ligue Iteka reported 200 such cases, the majority allegedly committed by members of the Imbonerakure. According to HRW some Burundian refugees in other countries testified they had fled the country after they or their family members suffered rape and other sexual violence, torture, and illegal detention by members of the security forces.

In its 2018 report, the UN COI reported that torture and ill-treatment persisted and the methods employed remained consistent, while observing an "evolution in the profile of victims and perpetrators, as well as the goals pursued." The report stated that since 2017 members of the Imbonerakure were the most frequent perpetrators of acts of torture but reported continued allegations of acts of torture by police officers, agents of the SNR, and Burundian National Defense Forces (BNDF) to a lesser extent. The report described acts of torture as primarily punitive, and aimed particularly at perceived political opponents. According to the UN COI, victims were beaten or kicked or were struck with stones, sticks, rods, metal bars or rifle butts, or were attacked with sharp objects such as machetes or knives. Some victims were burned with heated metal rods, including some who were tied up or handcuffed. In a number of cases, these acts were accompanied by death threats, intimidation, and verbal abuse.

Most such acts of torture and ill-treatment occurred in places of detention, including police or SNR holding cells, the Mpimba central prison in Bujumbura, and unofficial places of detention such as private homes. Several victims described conditions of detention in prisons and police cells that constituted cruel, inhuman or degrading treatment. For example, representatives of the nonrecognized FNL-Rwasa party and the Amizero Y'Abarundi coalition of political independents with which it was associated stated that security service members tortured detained members of the party, including individuals who participated in campaign activities prior to the May constitutional referendum.

Sexual violence remained pervasive and was often used as a means of torture to obtain information or confessions from detainees, although the COI and other observers assessed a trend toward sexual violence by government agents or members of the Imbonerakure being committed in private residences rather than in detention sites. A May report by HRW documented testimonies from Burundian refugees in Uganda and Tanzania that included accounts of acts of sexual violence committed by members of the Imbonerakure against political opponents in 2017 and during the year. Rape was also committed while police officers or members of the Imbonerakure arrested a victim's spouse or relative accused of belonging to an opposition party.

The country has contributed peacekeepers to the African Union Mission in Somalia since 2008 and to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) since 2014. As of October there were almost 800 Burundian personnel serving in MINUSCA. The United Nations received three allegations of sexual exploitation and abuse (SEA) against three members of the Burundian military contingent serving with MINUSCA as of September, including one allegation of the rape of a minor. The allegations were pending investigation as of September. Burundian authorities were also investigating other SEA allegations against MINUSCA peacekeepers from Burundi referred to them by the United Nations in 2016 and 2015, in compliance with requirements of the UN Department of Peacekeeping Operations.

Prison and Detention Center Conditions

Prisons were overcrowded, and conditions remained harsh and sometimes life threatening. Conditions in detention centers managed by the SNR and in local "lock-ups" managed by police generally were worse than in prisons, and there were allegations that police and members of the SNR committed acts of torture, beating, and mistreatment of detainees. Prisons did not meet the standards established by the *UN Standard Minimum Rules for the Treatment of Prisoners*(Mandela Rules).

Physical Conditions: The Office of Penitentiary Affairs reported that, as of September, there were 10,373 inmates, including 4,745 pretrial detainees, in 11 prisons, the majority of which were built before 1965, with the capacity to accommodate 4,194 inmates. Of the 10,373 inmates, 560 were women and 125 were juveniles. As of October authorities held 117 juveniles (most but not all of whom had been convicted; others were awaiting trial) in two juvenile rehabilitation facilities that opened in 2015; they were allowed to participate in recreational activities and received psychosocial support and preparation for eventual return to their families and communities. In addition, there were 82 children living with their incarcerated mothers. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate population was at 721 percent of capacity and Mpimba (in Bujumbura) which was at 513 percent of capacity. No information was available on the number of persons held in detention centers managed by the SNR or in communal jails operated by police. There was a prison for women in Kayanza. Authorities commonly held pretrial detainees with convicted prisoners. No data were available on the number of deaths in detention,

reports of abuse by guards, or prisoner-on-prisoner violence. There were reports of physical abuse by government officials, lack of adequate medical treatment, and prolonged solitary confinement.

Prisons did not have adequate sanitation systems (toilets, bathing facilities), drinking water, ventilation, or lighting. Prisons and detention centers did not have facilities for persons with disabilities.

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria (which were also pervasive in the country's general population). An unknown number died from disease. Each inmate received approximately 12 ounces of manioc and 12 ounces of beans daily; rations also included oil and salt on some days. Authorities expected family and friends to provide funds for all other expenses. Each prison was required to employ at least one qualified nurse and received at least one weekly visit by a doctor, but positions were sometimes vacant and prisoners did not always receive prompt access to medical care; inmates with serious medical conditions were sent to local hospitals.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but they rarely investigated prisoners' complaints. There were credible reports of mistreatment of prisoners, but no record that abusers were punished. Visitors were authorized to see prisoners in most cases.

Independent Monitoring: The 2018 UN COI report documented the continued existence of numerous secret, unofficial detention facilities, including one located in the headquarters of the SNR. No independent monitors were allowed to visit these secret facilities. The September 2016 UN Independent Investigation on Burundi (UNIIB) report concluded there were "reasonable grounds to believe" security forces and Imbonerakure had established 13 places of detention that were denied or unacknowledged by the prosecutor general, according to victims UNIIB had interviewed. In its response to the UNIIB report, the government challenged UNIIB's "reasonable grounds to believe" there were unacknowledged detention centers by asserting there was no tangible evidence to support the allegations.

The government permitted visits requested by the International Committee of the Red Cross (ICRC), the African Union, and the Independent National Commission on Human Rights (CNIDH). Monitors visited known official prisons, communal jails, and SNR detention centers regularly. Monitoring groups had complete and unhindered access to those prisoners held in known detention facilities. Since the government's 2016 decision to suspend official cooperation with the Office of the UN High Commissioner for Human Rights (OHCHR) local office, the OHCHR was not allowed to conduct prison visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not observe these prohibitions. The law provides for a fine of 10,000 Burundian francs ($5.65) and imprisonment of 15 days to one year for any member of the security

forces found guilty of involvement in arbitrary arrest. Human rights groups reported numerous arbitrary arrests and detentions, including some involving the participation of Imbonerakure members. The UN COI described an ongoing trend of arbitrary arrests and detentions during the period of its mandate, starting in 2015, but it did not provide statistics. As of September Ligue Iteka documented 1,182 cases it deemed to be arbitrary arrests but was not able to document the subsequent disposition of all cases. Although regulations obligated government officials to notify family members of an arrest and allow communication, there were documented cases wherein families of arrested individuals did not receive timely notification or were not allowed contact with detainees.

Among other reasons for arbitrary arrests or detentions, police arrested persons on accusations of “undermining state security, participation in armed banditry, holding illegal meetings, illegal detention of weapons, or simply because they were traveling to or from other provinces or neighboring countries,” according to the OHCHR.

In 2017 there were reportedly 15 cases of children detained for “participation in armed groups, participation in an insurrectional movement, or illegal possession of arms,” all receiving legal assistance through CSOs. Some of those detained were subsequently convicted and sentenced. Those convicted were placed in government-run rehabilitation centers in Ruyigi and Rumonge provinces for children in conflict with the law and received psychosocial support, recreational activities, and preparation for eventual return to their families and communities. As of October, 14 of the 15 children arrested in 2017 were released; one was serving a sentence at the center in Rumonge. There were no further reports of children arrested under these provisions as of October.

NGOs reported numerous cases of individuals arrested without due process and accused of being part of or intending to join the armed opposition. Members of the nonrecognized FNL associated with National Assembly First Vice President Agathon Rwasa (FNL-Rwasa), and his Amizero Y’Abarundi coalition of political independents, stated that security service members arrested party members in retaliation for their political activism and membership in the party, including for political activities during the official campaign period before the May constitutional referendum. Authorities charged some of those identified with the FNL with threats to state security, participation in rebellion, or illegal possession of firearms.

In July 2017 Germain Rukuki, a former employee of the banned NGO Christian Action for the Abolition of Torture-Burundi, was arrested by SNR officials and subsequently transferred to Ngozi Prison. Rukuki was accused of acts against state security and rebellion; international and local human rights organizations criticized the nature of his detention and the charges against him as politically motivated. On April 26, Rukuki was convicted and sentenced to 32 years’ imprisonment, which he appealed. As of November his appeal was in progress. In June Rukuki broke his leg during a volleyball game in prison; he requested and was allowed access to medical treatment at a hospital in Ngozi. During his recovery following his operation, he was returned to prison; Rukuki and his lawyers argued that he needed more time for recovery in hospital. His lawyers applied for a provisional release on humanitarian grounds, but it was not granted.

In November 2017 Nestor Nibitanga, a human rights monitor and former representative of the banned NGO Burundian Association for the Protection of Human Rights and Detainees was arrested in Gitega and accused of acts against state security. On January 3--he was denied bail and on August 13--Nibitanga was convicted of the charges against him and sentenced to five years in prison; his lawyer stated that Nibitanga would appeal.

In June 2017 Emmanuel Nshimirimana, Aime Constant Gatore, and Marius Nizigiyimana, all employees of the NGO Speech and Action for the Raising of Consciousness and the Evolution of Mentalities (PARCEM) in Muramvya province were arrested and similarly charged with acts against state security. In March they were convicted and sentenced to 10 years in prison. Their lawyers appealed the conviction; a hearing scheduled in July was postponed and had not been held by year's end.

Numerous reports from human rights activists continued to detail instances in which persons arrested allegedly had to pay bribes to be released. The amount demanded typically ranged from 5,280 to 52,800 Burundian francs ($3 to $30). A September 2017 Amnesty International report recounted instances wherein persons arrested by security forces or detained by members of the Imbonerakure were subjected to extortion and asked to pay between 200,000 and two million Burundian francs ($115 to $1,150). The 2017 UN COI report stated that members of the SNR, police, judiciary, and Imbonerakure often demanded large sums of money for the release of detainees or for their transfer to official prisons.

Role of the Police and Security Apparatus

The National Police, which is under the Ministry of Public Security's authority, is responsible for law enforcement and maintenance of order. The armed forces, which are under the Ministry of Defense's authority, are responsible for external security but also have some domestic security responsibilities. The SNR, which reports directly to the president, has arrest and detention authority. Members of the Imbonerakure, who have no official arrest authority, were involved in or responsible for numerous detentions and abductions, according to reporting by multiple human rights organizations, and the Imbonerakure regularly took over the role of state security agents. In such cases Imbonerakure members often turned over arrested individuals to members of the official security services, but in some cases harassed or committed acts of violence against detained individuals without subsequently turning them over. The September report of the UN COI stated that the SNR and police continued to be the principal perpetrators of human rights violations but highlighted the increasing role played by members of the Imbonerakure. The UN COI found that impunity for these crimes was widespread and perpetuated by the lack of an independent judiciary.

The 2005 constitution provides for equal numbers of Hutu and Tutsi in the military, police, and the SNR to prevent either of these ethnic groups from having disproportionate power that might be used against the other. The SNR, however, did not achieve equilibrium between Hutu and Tutsi members, as a large majority remained Hutu; a slight majority of the police were Hutu. The May constitutional referendum removed the SNR from the security services subject to ethnic quotas but maintained the

quotas for other institutions; it also maintained a clause providing for a review of the quotas by the Senate at a future date. The composition of the BNDF remained close to the quota requirement.

Police were often poorly trained, underequipped, underpaid, and unprofessional. Local citizens widely perceived them as corrupt, often demanding bribes and engaging in criminal activity. The Anticorruption Brigade, which reports to the minister in Charge of Good Governance in the Office of the President, is responsible for investigating police corruption but was widely perceived to be ineffective.

A significant proportion of police were former rebels. Approximately 85 percent of police received minimal entry-level training but had no refresher training in the past five years, while 15 percent received no training. Wages were low and petty corruption widespread.

Police were heavily politicized and responsive to the CNDD-FDD. Police officials complained that members of the Imbonerakure had infiltrated their ranks. CSOs claimed the weaponry carried by some supposed police officers was not in the official arsenal. Some police officers prevented citizens from exercising their civil rights and were implicated in or responsible for summary executions, arbitrary arrests and detentions, enforced disappearances, acts of torture and cruel, inhuman, and degrading treatment and sexual violence. The September UN COI report stated that the Antiriot Brigade and the Protection of Institutions unit continued to be significant perpetrators of grave violations of human rights since 2015. The government rarely investigated and prosecuted these cases, which resulted in widespread police impunity and politicization.

In its response to the 2017 UN COI report, the government admitted that, "certain elements of the security forces have overstepped the framework of their competencies." The government stated they had been held accountable by the justice system but provided no supporting documentation.

Mixed security committees, whose members came from local government, regular security services, and the citizenry, operated in towns and villages throughout the country. Local government authorities designed the committees to play an advisory role for local policymakers and to flag threats and incidents of criminality for local administration. Members of the Imbonerakure frequently occupied positions on the mixed security committees that were reserved for local citizenry, giving them a strong role in local policing, which permitted the ruling party to harass and intimidate opposition members and those perceived to favor the opposition on the local level. Government officials and a spokesperson for the CNDD-FDD confirmed that Imbonerakure members participated in mixed security committees. The mixed security committees remained controversial because lines of authority increasingly blurred between Imbonerakure members and police. Imbonerakure members reportedly detained individuals for political or personal reasons, despite having no legal powers of arrest; beat, extorted, tortured, and killed persons with impunity; and often handed individuals over to the SNR or police, indicating evidence that authorities knew of and

failed to punish their conduct. According to reports by multiple human rights groups, Imbonerakure members set up roadblocks in many provinces, sometimes detaining and beating passersby and extorting money or stealing their possessions.

Independent observers generally regarded the BNDF as professional and politically neutral. The 2017 UN COI report, however, reported that military personnel were implicated in summary executions, arbitrary arrests, and torture; although the most recent COI report clarified the responsibility of BNDF members for torture in particular as "of a lesser measure." Among the units involved in grave violations of human rights, the commission identified the Special Brigade for the Protection of Institutions, the Combat Engineer Battalion (Camp Muzinda), and the Support Battalion of the First Military Region (Camp Muha) in Bujumbura. The commission and other organizations reported that major decisions, including those that have given rise to gross violations of human rights, were allegedly made through parallel chains of command reporting to senior government and ruling party leadership.

The SNR's mandate is to provide both external and internal security. It often investigated certain opposition political party leaders and their supporters. Many citizens perceived the SNR as heavily politicized and responsive to the CNDD-FDD. The UN COI and NGOs asserted SNR officials committed acts of torture, extrajudicial killings, enforced disappearance, and arbitrary arrest and detention.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person without a warrant by notifying a police supervisor in advance. Police have seven days to finish their investigation and transfer suspects to appear before a magistrate but may request a seven-day extension if they require additional investigation time. Police rarely respected these provisions and routinely violated the requirement that detainees be charged and appear before a magistrate within seven days of arrest.

A magistrate must either order the release of suspects or confirm the charges and continue detention, initially for 14 days, and for an additional seven days if necessary to prepare the case for trial. Magistrates routinely failed to convene preliminary hearings, often citing their heavy case backlog or improper documentation by police. The CNIDH identified some cases of prisoners held in detention without a preliminary hearing or in excess of the statutory limits for preventive detention in previous years but did not report publicly on the issue during the year. Officials acknowledged that the legal system struggled to process cases in a timely fashion and that lengthy pretrial detentions were common. A UN human rights team that visited SNR facilities in Bujumbura in 2016 reported that 25 of the 67 detainees they saw had been kept in custody beyond the prescribed maximum time. Due to suspension of the OHCHR's memorandum of understanding in October 2016, it has been unable to verify conditions since then. There were reportedly instances in which police did not comply with magistrates' orders to release suspects in detention, even when there was insufficient evidence to merit charges.

Lack of transportation for suspects, police, and magistrates was a frequently cited reason for the failure to convene preliminary hearings. This was a particular problem in the six provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over the case.

Judges have authority to release suspects on bail but rarely used it. They may also release suspects on their own recognizance and often did so. Suspects may hire lawyers at their own expense in criminal cases, but the law does not require legal representation, and the government did not provide attorneys for those unable to afford one. Prisons have solitary confinement facilities, and detainees were sometimes held in solitary confinement for long periods. Authorities on occasion denied family members prompt access to detainees, particularly those detainees accused of opposing the government.

The law provides for prisoners to have access to medical care and legal assistance. The SNR denied to lawyers access to detainees held at its headquarters in Bujumbura. The ICRC continued to have access to official prisons and detention centers. Several credible organizations, however, reported that the SNR, police, senior officials of the government, and other security organizations maintained clandestine holding cells to which no independent monitors, including the ICRC, were granted access. The September report of the UN COI documented continued cases of torture and mistreatment that occurred in secret, unofficial detention centers where national and international observers had no access.

Arbitrary Arrest: The law provides for a fine of 10,000 Burundian francs ($6) and imprisonment of 15 days to one year for security force members found guilty of arbitrary arrest. There was no evidence that this law had ever been applied. NGOs reported numerous instances of alleged arbitrary arrests wherein no underlying offense in law existed; Ligue Iteka alleged 1,182 such cases as of September. Comprehensive data were not available on the subsequent handling of the cases. Authorities released many within a day or two of their detention.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The law specifies authorities may not hold a person longer than 14 days without charge. As of September, according to the director of prison administration, 47 percent of inmates in prisons and detention centers were pretrial detainees. The average time in pretrial detention was approximately one year, according to the Office of Penitentiary Affairs, and authorities held some without charge. Some persons reportedly remained in pretrial detention for nearly five years. In some cases the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance, because public prosecutors failed to open case files or files were lost. Others remained incarcerated without proper arrest warrants, either because police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release if found to have been unlawfully detained. There was no record that any person was able to challenge their arrest on these grounds during the year.

Amnesty: On January 31, a presidential decree announced an amnesty of prisoners who were serving sentences of less than five years and halving the sentences of others. The government announced the amnesty would affect approximately 2,000 prisoners; as of October, the government stated that 2,611 had been released under the decree. Some of those released, including members of opposition political parties, were reported to have been subsequently rearrested. The decree specifically excluded those imprisoned for the crimes of genocide, crimes against humanity, war crimes, armed robbery, illegal possession of firearms, threatening the internal or external security of the state, voluntary homicide, being a mercenary, cannibalism, and all other crimes committed in association with organized gangs. In September civil society organizations raised concerns with Ombudsman Edouard Nduwimana that a number of persons who received presidential pardons or who finished their sentences remained in prison. Human rights activists claimed that there were delays in the release of some prisoners eligible under the decree, and members of the banned MSD party stated that more than 100 members of their party who met the degree criteria had not been released as of October.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, there were instances when authorities subjected members of the judiciary to political influence or bribery to drop investigations and prosecutions, predetermine the outcome of trials, or avoid enforcing court orders. According to the UN COI, the rules of criminal procedure were rarely observed. Warrantless arrests of political opponents were routinely carried out, pretrial detentions were illegally extended, and judges used confessions obtained under torture as a basis for convicting defendants.

The September report of the UN COI stated there was a long-standing lack of judicial independence. The executive branch frequently interfered with politically sensitive cases to protect members of the CNDD-FDD and the Imbonerakure by issuing orders to have them acquitted or released, or to have opponents of the government convicted and imprisoned. Prosecutors and members of the security services sometimes ignored court orders for the release of detainees after judges had determined that there were no legal grounds for holding them.

There were allegations the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police. Serious irregularities undermined the fairness and credibility of trials, and the failure to prosecute members of the security forces accused of abuse created an atmosphere of impunity.

Trial Procedures

By law defendants are presumed innocent. Panels of judges conduct all trials publicly. Defendants have the right to prompt and detailed information on the charges and free interpretation from the moment charged through all appeals, if necessary, although these rights were not always respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this did not always occur. Defendants have a right to counsel but not at the government's expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal assistance to some defendants. Defendants have a right to defend themselves, including questioning prosecution or plaintiff witnesses, calling their own witnesses, and examining evidence against them. Defendants also may present evidence on their own behalf and did so in the majority of cases. Defendants have the right not to be compelled to testify or confess guilt. The law extends the above rights to all citizens.

The right to a fair trial was often violated. The September UN COI report stated judges often accepted and based decisions on evidence collected through acts of torture. In January 2017, 20 individuals accused of participating in an armed group attack on the Mukoni military camp in Muyinga province were tried, convicted, and received prison sentences in an expedited procedure in the Superior Court of Muyinga. They were reportedly tried without access to counsel, and the court reportedly did not take into account signs that some had been subjected to torture. According to HRW those standing trial had badly swollen hands and feet, many were limping, one had his arm in a sling, and another vomited blood during the trial. The judge denied a defendant's request that the trial be postponed because he had been tortured, and wanted to be treated before presenting his defense. The defendants were convicted and sentenced to 30 years' imprisonment and each fined five million Burundian francs ($2,900), approximately 10 times the average annual income in the country, with an increase of the sentences to 55 years in prison if they failed to pay the fine.

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

Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. The government does not provide military defendants with attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges. Military trials generally are open to the public but may be closed for reasons such as national security or when publicity might harm the victim or a third party; for example, cases involving rape or child abuse. Defendants in military courts are entitled to only one appeal.

While many of the above rights were often violated, no rights were systematically denied to persons from specific groups.

Political Prisoners and Detainees

No verifiable statistic was available on the number of political prisoners or detainees; an estimate was unavailable due to the government's suspension of the OHCHR's activities and refusal to cooperate with or allow the UN COI access to the country. In 2016 the OHCHR estimated there were more than 500 political prisoners or detainees, but independent observers estimated that the number of political prisoners remained in the hundreds. The government denied it held persons for political reasons, citing instead acts against state security, participation in a rebellion, or inciting insurrection. Human rights groups stated that these charges were often a pretext for repressing members of political opposition parties and human rights defenders. Before, during, and after the campaign for the May constitutional referendum, members of opposition parties, particularly FNL-Rwasa, reported numerous instances of their members being detained for political activity. Some of those detained were subsequently released, some charged, and some remained in lengthy pretrial detention. In September 60 prisoners went on a hunger strike in response to a statement by the minister of justice claiming that there were no political prisoners in the country.

The UN COI reported that political opponents were often treated unfairly, they were arrested without warrants, and their rights were routinely violated during both the pretrial and trial stages, particularly through restrictions on access to counsel or obstruction of the work of counsel.

The director of prison affairs said he could not identify political prisoners, as they were incarcerated on charges just like ordinary criminals. In some cases, however, political prisoners were confined in separate cells.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations and may appeal decisions to an international or regional court. In 2016, five civil society organizations that the government closed in October 2016 contested the decision in the East African Court of Justice. As of November the case remained in process. In January the court denied an application by the complainants for a preliminary injunction overruling their closure pending the outcome of the case. In denying the application, the court concluded that the complainants had not demonstrated that their closure caused irreparable damage.

Property Restitution

In the wake of violence and repression, fear, hunger, insecurity, abuse, and severe economic hardship following the 2015 political crisis and harvest failures in early 2017, more than 400,000 Burundians fled to neighboring states, primarily Tanzania. As of November more than 54,000 had returned primarily from Tanzania through a formal process organized by the office of the UN High Commissioner for Refugees. There were reports that in some instances government officials and private citizens seized land owned or legally occupied by departing refugees since 2015, which complicated the reintegration of some of those who returned during the year. Some returnees also found that their houses were destroyed, either due to natural conditions or to intentional property destruction. In general, however, government officials prevented

the occupation of lands belonging to refugees. Government officials cited specific instructions from President Nkurunziza in a 2015 speech to provide for the integrity of refugees' property.

The National Commission for the Land and Other Properties (CNTB) was established in 2006 to resolve land ownership conflicts, particularly between returning refugees who had fled successive waves of conflict in the country and those who had remained. Land disputes were frequently a source of conflict given small plot sizes and the reliance of the vast majority of citizens on subsistence agriculture, and many government officials and civil society actors considered land conflict to be the top cause of killings in the country. In 2015 the president suspended the implementation of all decisions to expropriate taken by the CNTB due to violence associated with land disputes in Makamba province. The CNTB's reported practice of generally restoring lands to returning refugees from Burundi's past conflicts, many of whom were ethnic Hutu, led to accusations of ethnic favoritism. In January 2017 the president lifted the suspension, and the CNTB continued its work to resolve land ownership conflicts.

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

The constitution and law provide for the right to privacy and require search warrants, but authorities did not always respect these rights. The legislature passed into law a revised Criminal Procedures Code, which was officially promulgated in May. The revised law provided for warrantless searches when security services suspect acts of terrorism, fraud, trafficking in persons, illegal possession of weapons, trafficking in or consumption of drugs, or "infractions of a sexual nature." The law requires that security services provide advance notice to prosecutorial officials but does not require approval. Human rights groups raised concerns that the breadth of exceptions to the warrant requirement and the lack of protections provided for in the law created risks of abuse. They also noted that by law warrants may be issued by a prosecutorial official without reference to a judicial authority, limiting judicial oversight of the decisions of police and prosecutors.

Police, SNR agents, and Imbonerakure members--sometimes acting as mixed security committees--set up roadblocks and searched vehicles for weapons. They conducted search-and-seizure operations throughout the year, with a particularly high number of reported searches in the weeks leading up to the May referendum. During these searches security agents seized weapons and household items they claimed could be used to supply an insurgency, including large cooking pots and mosquito nets. Members of the security forces also sought bribes in many instances, either during searches or in lieu of a search.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press but ban "defamatory" speech regarding the president and other senior officials, material deemed to endanger national security, and racial or ethnic hate speech. Restrictions on freedom of speech and press increased significantly following dissent against the president's 2015 announcement that he would seek a third term in office and government accusations of media complicity in the 2015 failed coup. These restrictions continued and were applied to press outlets including those critical of the government or the human rights situation in the country. Journalists and outspoken critics reported harassment and intimidation by security services and government officials. Social media networks, primarily Twitter and WhatsApp, served as news outlets, often replacing traditional news outlets. Forces allied to the CNDD-FDD repressed media perceived as sympathetic to the opposition, including print and radio journalists, through harassment, intimidation, and violence.

Freedom of Expression: The Penal Code, passed in 2009, protects public servants and the president against "words, gestures, threats, or writing of any kind" that is "abusive or defamatory" or would "impair the dignity of or respect for their office." The law also prohibits racially or ethnically motivated hate speech. The law mandates a penalty of six months to five years in prison and a fine of 10,000 to 50,000 Burundian francs ($5.65 to $28.35) for conviction of insulting the head of state. Some journalists, lawyers, NGO personnel, and leaders of political parties and civil society stated the government used the law to intimidate and harass them.

Press and Media Freedom: The government owned and operated daily newspapers in French and Kirundi, *Le Renouveau*and *Ubumwe*, and a radio/television station, Burundi National Television and Radio. The directors general of both outlets report to the Presidency. Rema FM, a CNDD-FDD radio station, also enjoyed support from the government, although it was technically independent. Radio Isanganiro was the country's largest independent radio station. *Iwacu*, an independent newspaper that was generally critical of the government and its policies, continued to publish articles in French and English. The family of an *Iwacu*journalist who disappeared in 2016 reported that it received death threats throughout the year.

The National Communications Council (CNC) required *Iwacu* to close the comments section of its website and *Le Renouveau*to suspend publication of advertisements in English, in both cases stating that the publications' contracts with the CNC did not allow such activities. The CNC later rescinded the suspension of *Le Renouveau*'s English advertisements following the negotiation of a revised contract. On October 12, the Ministry of Justice announced the suspension of the generally progovernment online news outlet *Ikiriho*in connection with a criminal complaint; subsequent media coverage indicated the complaint stemmed from alleged defamation of a Burundian employee of Kenya Commercial Bank.

In September 2017 the CNC announced a decision to withdraw the licenses of Radio Bonesha, Radio Publique Africaine (RPA), and Radio/Television Renaissance for breaches of their agreements with the CNC or for not abiding by content regulations. These three stations had been shuttered by the government in 2015 after unidentified

men destroyed their broadcasting equipment following a failed coup. Radio Bonesha continued to operate a website and RPA continued to broadcast into the country from Rwanda.

In 2013 the government passed a media law that required journalists to reveal sources in some circumstances and prohibited the publication of articles deemed to undermine national security. In 2014 parliament revised the law following journalists' successful appeal to the East African Court of Justice. The court's decision caused parliament to remove from the media law some of its more draconian elements. Following the failed coup in 2015, the government invoked the law to intimidate and detain journalists. In September the government passed a law to regulate accreditation of journalists, by increasing the prerequisites to include minimum requirements for education and prior experience. Reporters who were able to continue working complained that government agents harassed and threatened media that criticized the government and the CNDD-FDD. Journalists had difficulty corroborating stories, as local sources were intimidated.

Violence and Harassment: The majority of independent journalists fled the country during and after the political crisis and crackdown in 2015; most had yet to return, citing threats to their safety. Several media outlets stated they received explicit threats that they would be closed if they published or broadcast stories critical of the government. The government detained or summoned for questioning several local journalists investigating subjects such as human rights violations, corruption, or refugees fleeing the country. Journalists experienced violence and harassment at the hands of security service members and government officials. On August 27, three journalists were attacked by police in a rural area while researching a land dispute between residents and the local government. The journalists reported that police prevented them from conducting their work, physically beat them, and confiscated their equipment. The CNC released a statement criticizing police actions.

Censorship or Content Restrictions: The government censors media content via restrictive press laws established by the CNC, an organization that is nominally independent but subject to political control. According to Freedom House, observers regarded the CNC as a tool of the executive branch, as it regularly issued politicized rulings and sanctions against journalists and outlets. In 2016 the CNC passed two decrees regarding media activity, one for domestic journalists and one for foreign outlets operating in the country. The first compels all journalists to register with the CNC annually. The second limits the access granted to international journalists and establishes content restrictions on the products disseminated by these outlets. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship, including by journalists working for the national broadcaster. Those who did not self-censor reportedly faced "reassignment" to jobs where they did not have access to the public or were fired.

The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 members, who were mainly government representatives and journalists from the state broadcaster.

In May, just weeks before the constitutional referendum, the CNC levied a six-month suspension on two international media outlets, including the British Broadcasting Corporation, citing the outlets' decision to publish "biased" information "contrary to the rules of the [journalistic] profession" and to employ journalists the government claimed were subject to Burundian arrest warrants. At the same time, the government issued a formal warning to several other outlets, including Radio France Internationale, although their broadcasts continued.

Libel/Slander Laws: The law prohibits the public distribution of information that exposes a person to "public contempt" and carry penalties of prison terms and fines. Conviction of treason, which includes knowingly demoralizing the military or the country in a manner that endangers national defense during a time of war, carries a penalty of life imprisonment. It is a crime for anyone knowingly to disseminate or publicize rumors likely to alarm or excite the public against the government or to promote civil war. It is illegal for anyone to display drawings, posters, photographs, or other items that may "disturb the public peace." Penalties for conviction range from two months' to three years' imprisonment and fines. Some journalists, lawyers, and leaders of political parties, civil society groups, and NGOs stated the government used these laws to intimidate and harass them.

Nongovernmental Impact: Many members of the governing party's youth wing, the Imbonerakure, collaborated with government security forces to inhibit freedom of expression. In some cases they were official members of mixed security councils, which comprise police, local administration officials, and civilians. Journalists and human rights defenders accused Imbonerakure members of acting as irregular security forces, using government resources to follow, threaten, and attack individuals they perceived as opposition supporters.

Actions to Expand Freedom of Expression, Including for the Media: In July the CNC announced it would consider lifting the suspension of the two international media outlets suspended in May, provided representatives of the outlets traveled to Burundi for negotiations with the council. The CNC had taken no further action as of October.

Internet Freedom

The government sometimes restricted or disrupted access to the internet or censored online content. According to the International Telecommunication Union's 2017 survey, 5.6 percent of residents used the internet. Some citizens relied heavily on social media platforms WhatsApp, Twitter, and Facebook on both internet and mobile telephone networks to get information concerning current events. There were no verifiable reports the government monitored email or internet chat rooms. Several journalists expressed feeling generally freer in their reporting online than in radio and other media more closely controlled by the government. Several radio stations that were closed after the failed coup continued to publish radio segments and articles online.

Some media websites were occasionally unavailable to internet users in the country. Publications affected included the newspaper *Iwacu* and also the online publication *Ikiriho*, prior to its suspension in October by the Ministry of Justice. There was no official comment on the outages; both the reason and mechanism remained unclear. In most cases, the outages lasted a few days before access was restored.

Academic Freedom and Cultural Events

There were allegations that hiring practices, student leadership elections, and provision of grades at the University of Burundi were subject to political interference in favor of CNDD-FDD members.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government severely restricted this right (see section 1.d.). The law requires political parties and large groups to notify the government with details prior to a public meeting and at least four days prior to a proposed demonstration, and allows the government to prohibit meetings or demonstrations for reasons of "public order." When notified, authorities in most cases denied permission for opposition members to meet or demonstrate and dispersed meetings already underway. By contrast, supporters of the CNDD-FDD and government officials were regularly able to meet and organize demonstrations on short notice; these demonstrations were frequently large and included participation by senior officials.

Freedom of assembly was significantly restricted in the wake of the failed coup attempt in 2015, and these restrictions largely remained in place, with some notable exceptions. Members of the wing of the nonrecognized FNL-Rwasa and the Amizero Y'Abarundi coalition of independents stated that government officials harassed or arrested supporters for holding unauthorized meetings. Other political parties generally reported being unable to hold party meetings or conduct political activities outside Bujumbura, except during the official campaign period before the May referendum. Some opposition party members cited greater leeway, however, to conduct political meetings, such as party conferences than in the preceding three years. In September the FRODEBU-Sahwanya party conducted a congress in Bujumbura followed by a series of meetings in regions around the country; however, the party continued to be unable to conduct public events outside of Bujumbura.

During the official May 1-14 campaign period before the referendum, the Amizero Y'Abarundi coalition of independents led by Rwasa and some other opposition parties conducted large rallies throughout the country to publicize their opposition to, and advocate for votes against, the proposed constitutional changes. The events were widely publicized in media sources, through social media, and online, and there were no apparent constraints on Rwasa's public discourse, which was critical of the government.

There were some reports that individuals attending rallies subsequently faced arrest or harassment by government officials, security services, and members of the Imbonerakure.

Outside of the official campaign period, opposition actors continued to be restricted from conducting most political activities, and members of the Imbonerakure and security services arrested, harassed, and in some cases committed violence against individuals they alleged opposed passage of the referendum. Although government officials stated that restrictions on political speech outside of the campaign period were consistent with the Burundian Electoral Code, no such limitations were applied to government officials and members of the CNDD-FDD party, who between December and May conducted numerous events and media appearances, during which they promoted the referendum and the proposed constitutional changes.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right.

In January 2017 the government enacted a law constricting the liberties of international NGOs. The law includes requirements that international NGOs deposit a portion of their budgets at the Bank of the Republic of Burundi and that they maintain ethnic and gender balances in the recruitment of local personnel. The law contains several clauses that give the government considerable control over NGO selection and programming. In November 2017 an international NGO was instructed to suspend its agricultural programs due to a disagreement with the Ministry of Agriculture and Livestock on program design; in September the NGO was reinstated following lengthy negotiations with the government. In December 2017 another international NGO was expelled for allegedly distributing rotten seeds.

On September 27, the government's National Security Council announced a three-month suspension of international NGOs as of October 1. On October 2, the minister of the interior clarified that the government was suspending their operations until the NGOs provided documents demonstrating compliance with the country's NGO and banking laws. The minister required NGOs to submit a copy of their cooperative agreement with the Ministry of Foreign Affairs, a memorandum of understanding with the appropriate technical ministry, a certification of compliance with banking regulations, and a plan to comply with the law's ethnic and gender balances within three years. He stated that the ministry would review the files of each NGO as soon as it received their submissions, but that NGOs failing to provide documents within three months would be closed. Many organizations viewed the suspension as a politically motivated restriction on civil space. The suspension had an immediate and significant impact on NGO operations, including on the provision of basic services. Some international NGOs were allowed to continue medical and education programs during the suspension. As of mid-November the government had lifted the suspension on 38 NGOs, while the majority were either awaiting response to their compliance documents or still in the process of completing them.

In January 2017 the government also enacted laws governing domestic CSOs. The law requires CSOs to register with the Ministry of the Interior (or with provincial governments if they operate in a single province), a complex process that includes approval for an organization's activities from the Ministry of the Interior and other ministries depending on their areas of expertise. There is no recourse when authorities deny registration. Registration must be renewed every two years. The law provides for the suspension or permanent closure of organizations for "disturbing public order or harming state security."

In 2016 the government permanently banned five CSOs that it claimed were part of the political opposition. In 2016 the government announced its intention to ban Ligue Iteka, the country's oldest human rights organization, for "sow(ing) hate and division among the population following a social media campaign created by the International Federation of Human Rights and Ligue Iteka in which a mock movie trailer accused the president of planning genocide." The ban took effect in January 2017; Ligue Iteka continued to operate from Uganda and report on conditions in Burundi. At year's end there were no further reported closings of domestic CSOs.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report*at www.state.gov/religiousfreedomreport/ (http://www.state.gov/religiousfreedomreport/) .

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government severely restricted these rights.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: According to several news sources, the government enforced the use of "cahiers de menage," booklets that listed the residents and domestic workers of each household in some neighborhoods of the capital. In numerous instances police arrested persons during neighborhood searches for not being registered in household booklets. Persons who attempted to cross the border to flee violence and reach refugee camps were sometimes stopped and turned back by police, the SNR, or Imbonerakure members. Stateless persons also faced restrictions on movement, because in addition to lacking identification documents, they may not apply for driver's licenses and may not travel freely throughout the country.

The government strongly encouraged citizens to participate in community-level work projects every Saturday morning and imposed travel restrictions on citizens from 8:30 a.m. to 10:30 a.m. Authorities required permits for movement outside of one's community during those hours, and police enforced the restrictions through roadblocks. There were reports that members of the Imbonerakure compelled individuals to engage in community work. Persons could obtain waivers in advance, and persons performing physical exercise were generally considered exempt. Foreign residents were exempt.

During the February 8-17 voter registration period organized by the National Independent Electoral Commission (CENI), government officials, members of the security services, and members of the Imbonerakure pressured citizens to register as voters. In some instances this pressure included denial of freedom of movement to citizens who did not provide proof of registration, including denial of access to market areas. In July, as the government sought what it termed "contributions" from citizens, there were also reports that citizens who did not demonstrate proof of payment faced restrictions on freedom of movement from members of the Imbonerakure and local officials.

Local governments established checkpoints on roads throughout the country on a widespread basis officially for the collection of transit taxes on drivers and passengers; the checkpoints were often manned by police or members of the Imbonerakure. Checkpoints were also established for security purposes. There were frequent allegations that those staffing the checkpoints sought bribes before allowing vehicles to proceed. In some instances members of the Imbonerakure were accused of using the checkpoints to deny free movement to individuals for political reasons, such as failing to demonstrate proof of voter registration or proof of contributions for the funding of elections, for refusal to join the ruling party, or for suspicion of attempting to depart the country in order to seek refugee status.

Foreign Travel: The price of a passport was 235,000 Burundian francs ($133). Authorities required exit visas for foreign nationals who held nonofficial passports and who did not hold multiple-entry visas; these visas cost 48,000 Burundian francs ($28) per month to maintain. The majority of foreign nationals held multiple-entry visas and were no longer subject to this requirement. Stateless persons may not apply for a passport and may not travel outside the country.

Internally Displaced Persons (IDPs)

The International Organization for Migration (IOM) counted approximately 151,520 IDPs as of September. According to the IOM, 74 percent were displaced due to natural disasters while 26 percent were displaced for political or social reasons. Some IDPs reported feeling threatened because of their perceived political sympathies. Some IDPs returned to their homes, but the majority remained in IDP sites or relocated to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by UNHCR, the IOM, and other humanitarian organizations, such as shelter and legal assistance programs.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees.

UNHCR estimated 68,748 refugees were in the country as of September, with a further 5,148 in the process of seeking asylum. Of the refugees, approximately 68,200 were Congolese, including arrivals during the year; 4,371 of those in the process of seeking asylum were also Congolese. Continuing violence in the DRC prevented their return. Efforts to resettle Congolese refugees in third countries, begun in 2015, continued.

Employment: The employment of refugees was subject to restrictions. The government is a signatory to the 1951 UN Convention Related to the Status of Refugees and 1967 Protocol on the Status of Refugees, but with a reservation regarding the employment of refugees that meant Burundian nationals had preferred access to employment opportunities. In 2016 the government committed to lifting these reservations, but as of October had not taken steps to do so.

Access to Basic Services: Refugees residing in camps administered by the government and the United Nations and its partners received basic services. The large percentage of refugees residing in urban areas also accessed services, such as education, health care, and other assistance offered by humanitarian organizations.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and provided it to approximately 4,400 persons during the year. These individuals were primarily Congolese who crossed into the country from Lake Tanganyika in order to avoid fighting on the Fizi peninsula in January and did not subsequently seek refugee status but returned to the DRC during the year.

Stateless Persons

According to UNHCR an estimated 974 persons at risk of statelessness lived in the country. All were from Oman, were awaiting proof of citizenship from the government of Oman, and had lived in Burundi for decades. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani citizenship. Stateless persons face limited freedom of movement because they were ineligible for driver's licenses and passports.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The country held legislative, communal, and presidential elections during 2015, but the international community and independent domestic organizations widely condemned the process as deeply flawed. Several progovernment CSOs observed and validated the elections. The UN Electoral Mission in Burundi was the sole international observer of the voting; the

African Union (AU) and the EU declined to participate in the process. Intimidation, threats, and bureaucratic hurdles colored the campaigning and voting period, resulting in low voter turnout and a boycott by most opposition parties.

In December 2017 the government announced a referendum campaign for several constitutional amendments and repressed opposition activity related to the amendments. On May 17, the referendum took place. During the months leading up to the referendum, there were widespread instances of harassment, intimidation, threatening rhetoric, and some violence against real or perceived opponents of the amendments. There were widespread reports that citizens were forced to register as voters during the February voter registration period and make financial contributions to preparations for 2020 elections, including through acts of violence and denial of basic services. The vote itself was largely peaceful but opposition parties charged irregularities including the expulsion of accredited monitors from voting stations and during the vote tabulation process. The Constitutional Court rejected an appeal by the Amizero Y'Abarundi coalition of independents to contest the results provided by the CENI. No country or international organization officially observed the referendum, but a range of CSOs mostly representing progovernment viewpoints did observe the elections.

Elections and Political Participation

Recent Elections: During 2015 the government held four separate elections, including for communal councils and the National Assembly (June), president (July), the Senate (July), and village councils (August). Citing their inability to campaign fairly and freely, most opposition parties called on their adherents to boycott the elections. The CNDD-FDD won absolute majorities in the National Assembly and Senate.

The EU's election observation mission reported that sufficient conditions for credible elections were not met. The AU also declined to send observers because the conditions were not conducive to credible, transparent, free, and fair elections. According to the International Crisis Group, CENI and the Ministry of the Interior created bureaucratic obstacles to opposition parties, including failing to recognize party leadership, refusing to permit legal party meetings, and favoring CNDD-FDD loyalists for positions on provincial and communal election committees.

In December 2017 President Nkurunziza announced a referendum to amend the constitution. During the speech he warned that opposition to holding the referendum was a "red line," while stating that opponents of the constitutional changes would be able to make their case. Several government and ruling party officials subsequently made statements threatening individuals opposed to the referendum. In a December 2017 speech in Cibitoke province, Sylvestre Ndayizeye, a senior leader of the Imbonerakure, reportedly called on his colleagues to "identify and subdue" those who opposed the campaign. In April a video circulated on social media networks of a CNDD-FDD party official in Muyinga province, Melchiade Nzopfabarushe, threatening to kill opponents of the referendum and dispose of their bodies in Lake Tanganyika. Nzopfabarushe was arrested, charged with making violent threats and threats to state

security, convicted, and sentenced to three years in prison on April 30. In June, following the referendum, his sentence was reduced on appeal and he was released from prison. Human rights activists reported other instances of party or government officials using violent rhetoric with no apparent repercussions.

There were numerous reports of members of the security services and the Imbonerakure arbitrarily arresting, harassing, or committing violence against individuals suspected of campaigning against the referendum, including supporters of opposition parties. In May HRW issued a report that documented human rights violations that targeted individuals who refused to contribute funds to finance the referendum vote and the 2020 elections or for not belonging to the ruling party. HRW stated that impunity for these acts was widespread and encouraged further abuse. The number of arrests of opposition members increased significantly in the months preceding the vote, although in many cases those arrested were released shortly thereafter.

In 2017 the government began a campaign to generate citizen contributions to a fund for elections, with the intention of domestically financing future elections. In December 2017 the government released a decree formalizing the campaign, under which amounts were to be automatically deducted from the salaries of civil servants. Deductions began in January. The decree specified that contributions from other citizens were to be voluntary but identified recommended contribution levels for salaried employees and for farmers. Beginning in July 2017, however, and increasing significantly following an announcement by the minister of the interior in June of relaunching efforts to generate contributions from citizens, government officials and members of the Imbonerakure pressured citizens to donate. There were reports of violence, harassment, intimidation, arbitrary arrests, and denial of freedom of movement of citizens who failed to demonstrate proof of payment.

There were widespread reports of compulsion for citizens to participate in the February 8-17 voter registration period, during which voters registered for both the referendum and 2020 elections. Members of the security services, local officials, and members of the Imbonerakure allegedly committed acts of violence, denied basic services, and denied of freedom of movement to citizens who could not demonstrate proof of registration. This included the arrest, alleged torture, and death of Simon Bizimana (see section 1.a). Members of the Imbonerakure closed a market in Makamba commune on February 12 and Rumonge commune on February 13, in each instance forcing vendors and customers to demonstrate proof of voter registration before being allowed to conduct business. There were numerous reports of school administrators threatening discipline against secondary school students who would be of voting age either for the referendum or by 2020 and who failed to register.

Political Parties and Political Participation: According to the law, to qualify for public campaign funding and compete in the legislative and presidential elections, parties needed to be "nationally based," i.e. ethnically and regionally diverse, and demonstrate in writing they were organized and had membership in all provinces. The Ministry of the Interior recognized 32 political parties. Other de facto parties--including the FNL-Rwasa and Union for National Progress, led by Evariste Ngayimpenda--were officially unrecognized. These two unrecognized parties worked together in the form of a

coalition of independent candidates called Amizero Y'Abarundi, which held 22 of the 121 seats in the National Assembly and five of the 21 seats on the Council of Ministers due to power-sharing provisions in the 2005 constitution. The revised constitution promulgated in June officially banned such coalitions and included other constraints on independent candidates for future elections, although Amizero Y'Abarundi continued to function and maintained its legislative and ministerial positions. As a result of this change, on September 14, Amizero Y'Abarundi leader Agathon Rwasa announced that he was seeking official accreditation for a new political party, the National Front for Liberty-Amizero Y'Abarundi. On November 8, the Ministry of the Interior responded with a letter stating that the proposed party acronym and insignia were too similar to those of an existing registered party, violating the law on political parties. On November 12, Rwasa filed an updated application; according to the 2011 law regulating political parties, the government was required to respond within two months.

Other parties, such as the Union for Peace and Development, were recognized by the Ministry of the Interior but were unable to operate due to intimidation and suppression by the government. In April 2017 the minister of the interior suspended the MSD. In August 2017 the minister filed a motion with the Supreme Court to ban the MSD permanently, accusing the party of support for acts of violence and creating a paramilitary wing in violation of the law on political party activities. The president of the MSD, Alexis Sinduhije, was associated with the armed opposition group Resistance for a State of Law in Burundi (RED-Tabara) and was captured on video advocating violence against the government. As of October the case remained pending without an official ruling from the court. The government issued arrest warrants for some members of the opposition group National Council for the Respect of the Arusha Accord and the Rule of Law, whom it accused of participation in the 2015 failed coup.

Ministry of the Interior interference in opposition party leadership and management contributed significantly to the weak and fractured nature of opposition parties. The government stated that the law allows only legally constituted political parties, coalitions of political parties, and independent candidates to run for office and that unrecognized leaders of parties and political actors not associated with a party could play no role in the political process. Two nonrecognized parties were able to compete with constraints through the Amizero Y'Abarundi coalition of independents. Other parties not recognized by the government, however, were largely unable to conduct political activities. The constitution's ban on coalitions for independents further constrained the options of nonrecognized parties and risked disenfranchising them.

The constitution also included measures increasing restrictions on independent candidates, including a measure that prevented individuals from running as independents if they claimed membership in a political party within the previous year or if they had occupied a leadership position in a political party within the previous two years. The constitution also provided that independent candidates for the National Assembly must receive at least 40 percent of the vote in their district in order to be elected, a standard that did not apply to candidates representing political parties.

The new constitution removed provisions included in the 2005 constitution and the 2000 Arusha Agreement on Peace and Reconciliation that provided for representation in the Council of Ministers on a proportional basis for political parties or coalitions of independents that received at least 5 percent of the national vote in legislative elections. These provisions were intended to facilitate consensus-based decision making in the aftermath of the country's 1993-2005 civil war. The revised constitution replaces one of the two vice president positions with a prime minister who has more authority than does a vice president. Under the constitution, the president has the authority to name a vice president who must be of a different ethnicity and party, a prime minister, and cabinet ministers. Whereas the previous vice president positions oversaw different ministerial portfolios, all ministers would report to the prime minister under the constitution while the vice president position would have more limited authority. As of November the revised executive structure had not been implemented, and government officials stated that it would be put in place following the elections in 2020.

Individuals often needed membership in, or perceived loyalty to, a registered political party to obtain or retain employment in the civil service and the benefits that accrued from such positions, such as transportation allowances, free housing, electricity, water, exemption from personal income taxes, and interest-free loans. During the year there were reports of individuals facing harassment, arbitrary arrest, and violence, including torture and killings, for refusing to join the CNDD-FDD at the hands of members of the Imbonerakure, government officials, or other ruling party supporters. These reports, along with the pressure placed on citizens to register as voters or to provide contributions for elections, led some observers to suggest that the space for citizens to support an opposition party or be apolitical was diminishing, constituting an impingement on freedom of expression and association.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

The constitution reserves 30 percent of positions in the National Assembly, Senate, and Council of Ministers for women, and government institutions hired persons after the elections to meet gender, as well as ethnic, quota requirements. The 2017 international NGO law extended this quota to NGO employment as well. Women were not well represented in political parties and held very few leadership positions. Some observers believed that traditional and cultural factors kept women from participating in politics on an equal basis with men.

The constitution provides for representation in all elected and appointed government positions for the two largest ethnic groups. The Hutu majority is entitled to no more than 60 percent of government positions and the Tutsi minority to no less than 40 percent. The law designates three seats in each chamber of parliament for the Twa ethnic group, which makes up approximately 1 percent of the population.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, yet corruption remained a very serious problem. The government did not fully implement the law, and some high-level government officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The constitution provides for the creation of a High Court of Justice to review accusations of serious crimes against high-ranking government officials. The anticorruption law applies to all other citizens, but no high-ranking person has stood trial for corruption.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace. There were also allegations of corruption in the government, including incidents related to lack of transparency of budget revenue related to gasoline importation; to the management of public tenders and contracts, including in the health sector; and to the distribution of the country's limited foreign currency reserves to finance imports. The Burundian Revenue Office (OBR) has an internal antifraud unit, but observers accused OBR officials of fraud.

The state inspector general and the Anticorruption Brigade, which reported to the Minister in Charge of Good Governance in the Office of the President, were responsible for investigating government corruption. There is also a designated anticorruption general prosecutor and an anticorruption court. The Anticorruption Brigade has the authority to investigate, arrest, and refer offenders to the anticorruption general prosecutor.

In view of the lengthy backlog of cases in the Anticorruption Court and the difficulty of obtaining convictions, the Anticorruption Brigade often resorted to enforcing the law through out-of-court settlements in which the government agreed not to prosecute if the offending official agreed to reimburse the money stolen.

Financial Disclosure: The law requires financial disclosure by elected officials and senior appointed officials once every five years, but it does not require public disclosure. The Supreme Court receives the financial disclosures. By law the president, two vice presidents, and cabinet ministers are obligated to disclose assets upon taking office, but the nonpublic nature of the disclosure means compliance with this provision could not be confirmed. No other officials are required to disclose assets.

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

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression. In January 2017 the government enacted laws governing domestic CSOs that made it difficult for many organizations to conduct their work. The law required registration of CSOs with the Ministry of the Interior, a complex process that includes approval for an organization's

activities from the ministry and other ministries depending on their areas of expertise. Registration must be renewed every two years, and there was no recourse in cases where registration was denied. The law provides for the suspension or permanent closure of organizations for "disturbing public order or harming state security," which was broadly interpreted.

Many human rights defenders who had fled the country in 2015 remained outside the country at year's end. Those who remained in the country were subjected to threats, intimidation, and arrest. The cases of Germain Rukuki, Nestor Nibitanga, and three members of PARCEM, who were convicted and sentenced to jail during the year, were emblematic of the judicial threats faced by human rights monitors from both recognized and nonrecognized organizations.

In October 2016 the government banned five CSOs led by opponents to the president having a third term and in January 2017 banned Ligue Iteka. Ligue Iteka and other organizations without official recognition continued to monitor the human rights situation. Members of both recognized and nonrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and their sources.

The United Nations or Other International Bodies: On December 5, the government requested that the OHCHR close its office in Burundi, abrogating the 1995 memorandum of understanding under which the OHCHR worked in the country. The government cited the existence of national institutions as evidence that the OHCHR office was no longer necessary. The OHCHR began preparations for closing the office. The government had suspended cooperation with the office in October 2016 in response to UNIIB's report that found "reasonable grounds to believe" security forces and Imbonerakure had established multiple detention facilities that were unacknowledged by the prosecutor general, and included allegations that senior leaders were personally complicit in human rights violations. Although the OHCHR maintained its office, it reduced personnel in country. The OHCHR's monitoring activities were curtailed substantially and its access to government institutions was limited. In September 2017, days before a separate UN body presented a final report on Burundi to the Human Rights Council in Geneva, a group of armed men broke into and began to search the OHCHR's offices in Bujumbura before departing after a security guard activated an alarm. According to the OHCHR, the men did not take any confidential or otherwise valuable information. The government initially denied the attacks occurred and then announced a police investigation, which had not produced any public results as of December.

The UN Human Rights Council created the three-member UN COI in 2016 to investigate human rights violations since 2015; its mandate was renewed in September 2017 and again in September. The government refused to allow commission members to enter the country following the publication of the 2016 UNIIB report, and did not respond substantively to any requests for information from the commission. In September the commission delivered its annual report, finding there was reason to believe that grave violations of human rights and crimes against humanity continued to be committed in the country, including extrajudicial killings, systematic torture, sexual violence, and

political persecution. The UN COI reported these violations were primarily attributable to state officials at the highest level and to senior officials and members of the SNR, police, BNDF, and Imbonerakure. Government officials dismissed the allegations, claimed that the report was "defamatory," accused the members of the COI of serving foreign interests to undermine the country's sovereignty, and threatened to file defamation charges against them. In October the country's ambassador to the United Nations engaged in an ad hominem attack on the chair of the Commission, comparing him to a participant in the slave trade. The Ministry of Foreign Affairs declared the commission members, who had never had access to the country, persona non grata. Following the release of the report, government officials and CNDD-FDD leaders organized nonviolent protests criticizing Western countries, the United Nations, and commission members, during which participants chanted slogans condemning the COI members.

In September 2017 the Human Rights Council voted to request that the OHCHR send a team of three experts to Burundi for a technical assistance mission, with unclear terms of reference. In March the OHCHR identified a four-person team composed of officials recruited from other UN agencies with expertise on technical assistance in governance and the rule of law. The government granted visas for the experts and all but one member of the team traveled to Bujumbura, where they began preparing to conduct their mission. On April 19, however, the Ministry of Foreign Affairs informed the OHCHR mission that long-term visas for the experts had been cancelled and instructed them to depart the country. The government gave no reason for the decision.

In 2016 the AU announced it would send 100 human rights monitors and 100 military monitors to the country and stated that the Burundian president supported the deployment. Approximately 40 human rights monitors and eight military monitors deployed in 2016 remained in the country until September, when the number was reduced due to a gap in financing. In November the AU Peace and Security Council voted to extend the mission with reduced staffing levels. According to the AU, the monitors were limited in what they could do because the government had yet to agree on a memorandum of understanding for the monitors. The monitors advocated to the government for improvements on human rights and rule of law issues, with particular regard to the cases of jailed human rights defenders, including Germain Rukuki and Nestor Nibitanga; attended court proceedings in sensitive cases; and conducted prison visits. Although no memorandum of understanding on their status in the country was concluded with the government as of September, the monitors had free access to the country. The government did not grant permission for the rest of the monitors to enter the country.

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which had yet to be implemented, and a national Truth and Reconciliation Commission (TRC), which was passed into law in April 2014. In 2014 parliament appointed 11 commissioners in a vote boycotted by the opposition. In November the parliament approved a law that extended the TRC's term for four years, subject to renewal, and expanded the previous 1962-2008 temporal mandate as far back as 1885 and instructed the commission to consider "the role of the colonizer in cyclical violence"

in Burundi. The law expanded the commission to 13 members; on November 22, new commissioners were appointed. Between becoming operational in 2016 and November, the TRC has gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law violations committed in the country. The TRC is also mandated to establish individual responsibilities and those of state institutions, individuals, and private groups.

By September the TRC deployed teams to gather depositions in every province and created an online deposition form, collecting more than 60,000 testimonies. Based on testimony, the commission provisionally identified thousands of mass graves of varying size throughout the country dating from the time of its mandate, as well as numerous allegations of killings, torture, sexual and gender-based violence, and violations of due process rights. The TRC also conducted archival research, with open access to the archives of most state institutions except those of the SNR. Following the conclusion of the formal testimony-gathering phase, the TRC conducted a series of workshops to consider questions of legal analysis and historiography as it prepared for the drafting of its reports and for public events featuring witness testimony regarding abuses as well as exemplary stories of courage. Some CSOs and opposition political figures raised concerns that, given ongoing human rights violations, political tensions, a climate of fear and intimidation, fears of retribution for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. CSOs cited concerns that the participation of ruling party members in deposition gathering teams could reduce the willingness of some Burundians to testify or share fully their stories. The TRC sought to limit such risks by creating balanced teams and excluding potential members subject to derogatory allegations. The operating environment did not change during the year.

A lack of funding and qualified experts adversely affected the TRC's ability to operate. Some of the TRC commissioners were perceived by some CSOs as representing the interests of the ruling party and therefore not impartial. The 2014 law creating the TRC provided for the appointment of an advisory board of eminent international persons, but none was appointed; the 2018 law eliminated the advisory board while stating that the commission could seek advice from international experts.

Ombudsman Edouard Nduwimana's mandate included monitoring prison conditions and encouraging interreligious dialogue. During the year he also focused on dialogue with opposition political parties both inside and outside the country.

The CNIDH, a quasigovernmental body charged with investigating human rights abuses, exercised its power to summon senior officials, demand information, and order corrective action. In 2016 the Global Alliance of National Human Rights Institutions (GANHRI) provisionally downgraded CNIDH's accreditation due to concerns regarding its independence. In February GANHRI confirmed its decision, suspending CNIDH's right to participate fully in global meetings with counterparts. The CNIDH, which also monitored the government's progress on human rights investigations, did not regularly release its findings to the public.

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

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, with penalties of up to 30 years' imprisonment. The law prohibits domestic abuse of a spouse, with punishment if convicted ranging from fines to three to five years' imprisonment. The government did not enforce the law uniformly, and rape and other domestic and sexual violence continued to be serious problems.

In 2016 the government adopted a law that provides for the creation of a special gender-based crimes court, makes gender-based violence crimes unpardonable, and provides stricter punishment for police officers and judges who conceal violent crimes against women and girls. As of October the special court had not been created, and no police or judges had been prosecuted under the law.

The Unit for the Protection of Minors and Morals in the National Police is responsible for investigating cases of sexual violence and rape, as well as those involving the trafficking of girls and women. The government, with financial support from international NGOs and the United Nations, continued civic awareness training throughout the country on domestic and gender-based violence and on the role of police assistance. Those trained included police, local administrators, and grassroots community organizers. The government-operated Humura Center in Gitega provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence. As of early September, the center had received 627 cases of sexual and gender-based violence and domestic violence.

The 2018 UN COI report stated that officials and members of the Imbonerakure were responsible for cases of sexual violence, including cases in which women were targeted because they or relatives were supporters of the political opposition. Credible observers stated many women were reluctant to report rape, in part due to fear of reprisal or social stigma.

Sexual Harassment: The law prohibits sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. Punishment for conviction of sexual harassment may range from a fine to a prison sentence of one month to two years. The sentence for sexual harassment doubles if the victim is younger than 18. The government did not actively enforce the law. There were reports of sexual harassment but no data on its frequency or extent.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, nationality, and inheritance laws. Women continued to face legal, economic, and societal discrimination, including with regard to inheritance and marital property laws.

By law women must receive the same pay as men for the same work, but they did not (see section 7.d.). Some employers suspended the salaries of women on maternity leave, and others refused medical coverage to married female employees. The government provided only limited resources to enforce labor laws in general and did not enforce antidiscrimination laws effectively.

On June 26, the minister of education released a guidance letter stating that female primary and secondary school students who became pregnant or were married during the course of their studies would not be allowed to reintegrate into the formal education system, but could pursue vocational training. This provision also applied to male students believed to have had sexual intercourse leading to pregnancy, but did not affect married male students. Prior to this guidance, female students who became pregnant were required to seek the permission of the Ministry of Education to re-enter school and then transfer to a different school, leading to high dropout rates; male students were not subject to this requirement. On July 27, the minister revoked the guidance and announced the establishment of a committee to facilitate the reintegration of students, including pregnant students, who "face any challenges during the academic year." As of September the committee was in the process of determining its terms of reference.

In May 2017 President Nkurunziza signed into law regulations requiring unmarried couples to legalize their relationships through church or state registrations. The Ministry of the Interior subsequently announced that couples who did not marry before the end of 2017 could face fines of 50,000 francs ($29), based on the provisions of the criminal code against unmarried cohabitation and that children born out of wedlock would not be eligible for waivers on primary school fees and other social services. The campaign was subsequently extended into 2018, and there were no reports of the threatened consequences being implemented. Government officials continued campaigns during the year to implement the president's decree.

Children

Birth Registration: The constitution states that citizenship derives from the parents. The government registers, without charge, the births of all children if registered within a few days of birth and an unregistered child may not have access to some public services. For additional information, see Appendix C.

Education: Education is tuition-free, compulsory, and universal through the primary level, but students are responsible for paying for books and uniforms. Secondary students must pay tuition fees of 12,000 Burundian francs ($6.75) per quarter; secondary school is not compulsory. Throughout the country provincial officials charged parents informal fees for schooling at all levels.

Child Abuse: The law prohibits violence against or abuse of children, with punishment ranging from fines to three to five years' imprisonment, but child abuse was a widespread problem. The penalty for conviction of rape of a minor is 10 to 30 years' imprisonment.

The traditional practice of removing a newborn child's uvula (the flesh that hangs down at the rear of the mouth) continued to cause numerous infections and deaths of infants.

Early and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal and were rare, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of the Interior continued an effort to convince imams not to officiate over illegal marriages. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The penalty for conviction of commercial sexual exploitation of children is 10 to 15 years in prison and a fine of between 500,000 and 2,000,000 Burundian francs ($283 and $1,130). The law punishes conviction of child pornography by fines and three to five years in prison. There were no prosecutions during the year.

Women and girls were smuggled to other countries in Africa and the Middle East, sometimes using falsified documents, putting them at high risk of exploitation.

Displaced Children: Thousands of children lived on the streets throughout the country, some of them HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services, such as medical care and economic support. Independent Observers reported that children living on the streets faced brutality and theft by police and judged that police were more violent toward them during the 2015 political unrest than previously. A government campaign to "clean the streets" by ending vagrancy and unlicensed commerce, begun in 2016, resulted in the detention of hundreds of persons living or working on the streets. The Council of Ministers approved a roadmap in 2017 for ending vagrancy that would require the return of detained children and adults to their communes of origin; as of October this provision was not implemented. The government established a goal of having no children or adults living on the streets by the end of 2017, but did not meet the goal. Arbitrary arrests and detentions of persons including children living on the streets continued.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction*at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html) .

Anti-Semitism

No estimate was available on the size of the Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report*at www.state.gov/j/tip/rls/tiprpt/ (http://www.state.gov/j/tip/rls/tiprpt/) .

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but the government did not promote or protect the rights of persons with disabilities. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required job applicants to present a health certificate from the Ministry of Public Health stating they did not have a contagious disease and were fit to work, a practice that sometimes resulted in discrimination against persons with disabilities.

No legislation mandates access to buildings, information, or government services for persons with disabilities. The government supported a center for physical therapy in Gitega and a center for social and professional inclusion in Ngozi for persons with physical disabilities.

Indigenous People

The Twa, the original hunter-gatherer inhabitants of the country, numbered an estimated 80,000, or approximately 1 percent of the population, according to the OHCHR. They generally remained economically, politically, and socially marginalized. By law local administrations must provide free schoolbooks and health care for all Twa children. Local administrations largely fulfilled these requirements. The constitution provides for three appointed seats for Twa in each of the houses of parliament, and Twa parliamentarians (including one woman) hold seats.

In June a representative of a Twa rights organization stated in the newspaper *Iwacu* that several Twa had been victims of vigilante killings during the year after being accused, justly or unjustly, of crimes by other citizens. Although the organization did not suggest complicity by government authorities or security services, the representative stated that some local officials had questioned the need for investigating the killings since the victims were accused of criminal acts.

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

In 2009 consensual same-sex conduct was criminalized. Article 567 of the penal code penalizes consensual same-sex sexual relations by adults with up to two years in prison if convicted. There were no reports of prosecution for same-sex sexual acts during the

year. There were cases, however, of harassment, intimidation, arbitrary arrests, and demands for bribes by police officers and members of the Imbonerakure targeting lesbian, gay, bisexual, transgender, and intersex individuals.

The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care, and societal discrimination against LGBTI persons was common.

Other Societal Violence or Discrimination

Criminals sometimes killed persons with albinism, particularly children, for their body parts to be used for ritual purposes. Most perpetrators were reportedly citizens of other countries who came to kill and then departed the country with the body parts, impeding government efforts to arrest them. According to the Albino Women's Hope Association chairperson, society did not accept persons with albinism, and they were often unemployed and isolated. Women with albinism often were "chased out by their families because they are considered as evil beings."

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions. A union must have at least 50 members. There is no minimum size for a company to be unionized. The minister of labor has the authority to designate the most representative trade union in each sector. Most civil servants may unionize, but their unions must register with the Ministry of Civil Service, Labor, and Social Security (Labor Ministry), which has the authority to deny registration. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers younger than age of 18 must have the consent of their parents or guardians to join a union.

The law provides workers with a conditional right to strike after meeting strict conditions; it bans solidarity strikes. The parties must exhaust all other means of resolution (dialogue, conciliation, and arbitration) prior to a strike. Intending strikers must represent a majority of workers and give six days' notice to the employer and the Labor Ministry, and negotiations mediated by a mutually agreed party or by the government must continue during the action. The ministry must determine whether the sides have met strike conditions, giving it, in effect, veto power over strikes. The law permits requisition of essential employees in the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law recognizes the right to collective bargaining, excluding measures regarding public sector wages, which are set according to fixed scales following consultation with unions. If negotiations result in deadlock, the labor minister may impose arbitration and approve or revise any agreement. There are no laws that compel an employer to

engage in collective bargaining. The law prohibits antiunion discrimination. The law allows termination of workers engaged in an illegal strike and does not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws. Resources for inspection and remediation were inadequate, and penalties were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities. In the wake of participation by union members in antigovernment demonstrations in 2015, unions were subject to similar pressures and restrictions as other elements of civil society. These measures led to a significant reduction in union activism.

Most unions were public-employee unions, and virtually no private sector workers were unionized. Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. The principal trade union confederations represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions.

Most laborers worked in the unregulated informal economy and were not protected. According to the Confederation of Burundian Labor Unions, virtually no informal sector workers had written employment contracts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. The penalty for conviction of forced labor trafficking is between five and 10 years' imprisonment. The government did not effectively enforce applicable laws. Resources for inspections and remediation were inadequate, and the penal code did not specify penalties. Workplace inspectors had authority to impose fines at their own discretion, but there were no reports of prosecutions or convictions.

Children and young adults were coerced into forced labor on plantations or small farms in the south, small-scale menial labor in mines, carrying river stones for construction in Bujumbura, or engaging in informal commerce in the streets of larger cities (see section 7.c.).

The government encouraged citizens to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Governors of various provinces sporadically fined residents who failed to participate, and members of the Imbonerakure or police sometimes harassed or intimidated individuals who did not participate.

Also see the Department of State's *Trafficking in Persons Report*at www.state.gov/j/tip/rls/tiprpt/ (http://www.state.gov/j/tip/rls/tiprpt/) .

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor, but does not generally apply to children working outside of formal employment relationships. The law states that enterprises may not employ children younger than 16, with exceptions permitted by the Labor Ministry. These exceptions include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. The minister of labor permitted children who were 12 years old and above to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. The legal minimum age for most types of "nondangerous" labor varies between ages 16 and 18. The law prohibits children from working at night and limits them to 40 hours' work per week. The law makes no distinction between the formal and informal sectors.

The Ministry of Labor is responsible for the enforcement of laws on child labor and had many instruments for this purpose, including criminal sanctions, fines, and court orders. The ministry, however, did not effectively enforce the law, primarily due to a dearth of inspectors and inadequate resources, such as insufficient fuel for vehicles. As a result the ministry enforced the law only when a complaint was filed. Fines were not sufficient to deter violations. During the year authorities did not report any cases of child labor in the formal sector, nor did they conduct surveys on child labor in the informal sector.

In rural areas children younger than age 16, often responsible for contributing to their families and their own subsistence, were regularly employed in heavy manual labor during the day, including during the school year, especially in agriculture. Children working in agriculture could be forced to carry heavy loads and use machines and tools that could be dangerous. They also herded cattle and goats, which exposed them to harsh weather conditions and forced them to work with large or dangerous animals. Many children worked in the informal sector, such as in family businesses, selling in the streets, and working in small local brickworks. There were instances of children being employed as beggars, including forced begging by children with disabilities.

In urban areas child domestic servants were often isolated from the public. Some were only housed and fed instead of being paid for their work. Some employers who did not pay the salaries of children they employed as domestic servants accused them of stealing, and children were sometimes imprisoned on false charges. Child domestic workers could be forced to work long hours, some employers exploited them sexually, and girls were disproportionately impacted.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor*at www.dol.gov/ilab/reports/child-labor/findings (http://www.dol.gov/ilab/reports/child-labor/findings) .

d. Discrimination with Respect to Employment and Occupation

The constitution recognizes workers' right to equal pay for equal work. The constitution does not specifically prohibit discrimination against a particular group but rather provides for equal rights. Authorities reported no violations concerning discrimination. Much of the country's economic activity took place in the informal sector, where protection was generally not provided. Some persons claimed membership in the ruling party was a prerequisite for formal employment in the public and private sectors. Members of the Twa ethnic minority, who in many cases lacked official documentation, were often excluded from opportunities in the formal economy. Women were excluded from some jobs, and in October a government decree prohibited women from participating in traditional drumming groups. Persons with albinism reportedly experienced discrimination in employment.

e. Acceptable Conditions of Work

There are official minimum wages established by a 1988 decree of 160 Burundian francs per day ($0.09) in urban areas and 105 francs per day ($0.06) in rural areas. These rates were not consistent with labor market realities and were not enforced; somewhat higher minimum wages prevailed. In Bujumbura the informal minimum wage for unskilled workers was approximately 3,000 Burundian francs ($1.70) per day, less than the World Bank's international poverty rate of $1.90. In rural areas the informal daily minimum wage was 2,000 Burundian francs ($1.13) plus lunch. According to the World Bank, 73 percent of the population lived below the poverty line. More than 90 percent of the working population worked in the informal economy; minimum wage law did not apply to the informal sector, where wages were typically based on negotiation and reflected prevailing average wages.

The labor code limited working hours to eight hours per day and 40 hours per week, but there are many exceptions, including national security, guarding residential areas, and road transport. Security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. A surcharge of 35 percent for the first two hours and 60 percent thereafter must be paid for those workers eligible for paid overtime. Workers are supposed to receive 200 percent of their base salary for working weekends and holidays, but only become eligible for this supplement after a year of service. There is no legislation on mandatory overtime. Breaks include 30 minutes for lunch as a generally observed practice, but there is no legal obligation. Foreign or migrant workers are subject to the same conditions and laws as citizens.

The labor code establishes appropriate occupational safety and health standards for the workplace. Many buildings under construction in Bujumbura, however, had workforces without proper protective equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

The Labor Inspectorate in the Ministry of Labor is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. The government did not effectively enforce the law. The number of labor inspectors was insufficient to enforce compliance, and penalties were insufficient to deter violations.

Although workplaces rarely met safety standards or protected the health of workers sufficiently, there were no official investigations, no cases of employers reported for violating safety standards, and no complaint reports filed with the Labor Inspectorate during the year. There were no data on deaths in the workplace. Workers were allowed to leave the work site in case of imminent danger without fear of sanctions.

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