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Freedom House

Freedom in the World 2019 - Burundi

Not Free

14 /100

Overview:

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

Key Developments:

Key Developments in 2018:

- In May, a constitutional referendum to extend presidential term limits passed after a campaign of violence and intimidation against all perceived opponents to the change.
- In September, the government announced that it was suspending nearly all international NGOs. The suspension was lifted in late November.
- Also in September, UN Human Rights Council (UNHRC) Commission of Inquiry on Burundi released a report finding that widespread human rights violations perpetrated by state and state-aligned actors against opponents of the regime persisted throughout the year.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 3 / 40 (–1)

A. ELECTORAL PROCESS: 0 / 12 (–1)

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

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

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

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

Nkurunziza's move to pursue a third term sparked violence including assassinations, arrests, and torture of government critics. The unrest has continued in 2018, though at a lower rate than at its outset.

In May 2018, Nkurunziza further consolidated his rule through the passage of a constitutional referendum, which, among other provisions, lengthens presidential terms from five to seven years. In June, however, Nkurunziza vowed to step down in 2020, despite the fact that the new constitution allows him to stay in power through 2034.

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

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

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

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (–1)

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

The CNDD-FDD conducted a violent intimidation campaign ahead of the May 2018 referendum, with authorities arresting perceived opponents and threatening to assassinate those who did not vote in favor of the changes. According to Human Rights Watch (HRW), at least 15 people died in violence connected to the referendum campaign. The referendum passed with 73 percent of the vote. In addition to extending presidential term limits, the revisions further consolidate power in the executive, allow for future revision of Burundi's ethnic power-sharing system, and create new obstacles for opposition parties.

Score Change: The score declined from 1 to 0 because a constitutional referendum that extended presidential term limits was marred by intimidation and harassment of the political opposition.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

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

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

A network of independent journalists reported that more than 50 members of the opposition coalition Hope for Burundi, who were campaigning against the passage of the referendum, were arrested in a single week in April 2018.

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

The opposition has little realistic opportunity to increase its popular support through elections. Opposition parties, politicians, and their supporters have faced harassment, intimidation, and assassination since 2015, which severely undercuts their electoral competitiveness. Many opposition politicians and groups continue to operate in exile, and face arrest if they return home.

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

The Imbonerakure, the National Intelligence Services (SNR), and the Burundian police are strong allies of the ruling coalition, and use violence and intimidation to influence people's political choices. During the 2018 referendum campaign, for example, members of the Imbonerakure reportedly assaulted and arrested people who were not registered to vote or who stated that they would vote against passing the referendum.

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

The 2005 constitution requires power-sharing between Hutus and Tutsis in the National Assembly and Senate, and additionally stipulates that women and members of the Twa minority be seated in both houses. However, the constitutional revisions approved in May 2018 stipulate that these ethnic quotas, which were originally negotiated to prevent a resumption of conflict between Hutus and Tutsis, be reviewed over the next five years, opening the door for their elimination and the potential political exclusion of the Tutsi minority.

Women face social pressure that can deter active political participation, and few women hold political office at senior levels.

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

C. FUNCTIONING OF GOVERNMENT: 0 / 12

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

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

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

Corruption is a significant problem in Burundi, and there is little political will to address it. Corrupt officials generally enjoy impunity, even when wrongdoing is exposed by nongovernmental organizations (NGOs) and other actors. Anticorruption organizations are underresourced and ineffective.

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

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

CIVIL LIBERTIES: 11 / 60 (-3)

D. FREEDOM OF EXPRESSION AND BELIEF: 5 / 16 (-1)

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

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

In 2018, the government continued to harass and intimidate outlets and journalists that questioned or criticized its policies. In May, the government announced a six-month ban on local radio broadcasting by the British Broadcasting Corporation (BBC) and Voice of America (VOA), both of which the National Council for Communication (CNC) accused of "breaching professional ethics." The government also issued warnings against two local radio stations that allegedly did not follow guidelines on sourcing for their reports.

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

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

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

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

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 0 / 4 (-1)

The SNR and the Imbonerakure actively conduct surveillance activities on private citizens. There is a reluctance to engage in speech which could be perceived as critical of the ruling party due to fears of harassment, threats of violence, and other reprisals. Ahead of the 2018 referendum, the SNR and Imbonerakure expanded their surveillance and harassment to include those perceived as apolitical. For example, the Imbonerakure checked citizens to ensure that they registered to vote and paid election taxes, and frequently harassed and attacked those who had not. Members of the Imbonerakure also reportedly assaulted individuals they overheard expressing opposition to the referendum in private conversations at bars and restaurants.

Score Change: The score declined from 1 to 0 due to increased repression and surveillance around the 2018 referendum, which affected not only opposition voices but also those deemed too apolitical, including people who were not registered to vote or had not paid election taxes.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12 (-1)

E1. Is there freedom of assembly? 0 / 4

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

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4 (-1)

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

The environment for NGOs deteriorated even further in 2018. In September, the government announced that it was suspending nearly all international NGOs for three months, which authorities claimed was for violating a 2017 law requiring NGOs to adhere to ethnic quotas in hiring national staff. The only international NGOs not included in the suspension were those that manage schools and hospitals. The suspension was lifted in late November. In April, the government expelled a team of experts from the UNHRC's Commission of Inquiry on Burundi, which has been highly critical of Burundi's human rights record, and in December, it formally requested the UNHRC close its office and leave the country.

Score Change: The score declined from 1 to 0 because the environment for NGOs deteriorated further with the government's sweeping suspension of international NGOs and the continued repression of domestic civil society groups.

E3. Is there freedom for trade unions and similar professional or labor

organizations? 1 / 4

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

F. RULE OF LAW: 1 / 16

F1. Is there an independent judiciary? 0 / 4

Burundi's judiciary is hindered by corruption and a lack of resources and training, and is generally subservient to the executive. In 2015, justices on the Constitutional Court were reportedly intimidated into ruling in favor of Nkurunziza's decision to stand for a third term. The executive regularly interferes in the criminal justice system to protect ruling party and Imbonerakure members, as well as persecute the political opposition.

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

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

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

In 2017 the International Criminal Court (ICC) opened an investigation into alleged crimes against humanity committed by government actors. Two days after the investigation's launch, Burundi left the ICC, becoming the first country ever to do so.

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

The security situation in Burundi is poor. A September 2018 report issued by the UNHRC's Commission of Inquiry on Burundi found that widespread human rights violations persisted during the year, including instances of "summary execution, disappearance (including enforced disappearance), arbitrary arrest and detention, torture and other cruel, inhumane, or degrading treatment, sexual violence, and violations of civil liberties such as the freedoms of expression, association, assembly, and movement." The report identified the police and the SNR as the principal perpetrators, but noted the increasing role of the Imbonerakure. More than 430,000 refugees had fled Burundi in response to the ongoing crisis as of March 2018.

A December investigative report by the BBC found that the government operates at least 22 secret facilities where political dissidents have reportedly been tortured and killed. The government responded to the report by calling it "fake" and threatening to sue the BBC.

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

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

Discrimination against women is common in access to education, healthcare, and employment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16 (-1)

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

Since 2015, concerns for personal safety have restricted free movement, particularly in neighborhoods regarded as opposition strongholds, where security forces frequently conduct search operations. In 2017 and 2018, refugees reported an increase in police and Imbonerakure checkpoints, which further restricted freedom of movement, as well as attacks against those attempting to flee.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4 (-1)

Land conflict has been an explosive issue in Burundi for decades, which was exacerbated by the return of displaced populations after the civil war ended in 2005. Many of the returnees found new owners occupying their land, and the courts have often failed to fairly adjudicate land disputes. There are additional reports that some refugees who fled in 2015 are returning to find their land occupied.

Due to customary law, women typically are unable to inherit property. The deteriorating security situation hampers private business activity in the country, as does rampant corruption.

Score Change: The score declined from 2 to 1 because many people who have returned to their land after fleeing from conflict have found their properties occupied, and the poor security situation and rampant corruption have hindered business activity.

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

Sexual and domestic violence are serious problems but are rarely reported to law enforcement agencies. Rights monitors continue to report sexual violence carried out by security forces and Imbonerakure, and perpetrators act with impunity. Women are often targeted for rape if they or their spouses refuse to join the CNDD-FDD, and men sometimes experience sexual abuse while in government custody.

According to the Citizenship Code, a Burundian woman married to a foreign national cannot pass on her citizenship to her husband or children.

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

Women have limited opportunities for advancement in the workplace. Much of the population is impoverished. In 2017, "vagrancy" and begging by able-bodied persons became formal offenses under the penal code. The ongoing political and humanitarian crisis has contributed to an economic decline, less access to basic services, and deteriorating living conditions.

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

ecoi.net summary:

Annual report on political rights and civil liberties in 2018



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