

BURUNDI 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2018 constitution, promulgated in June 2019, provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In May voters elected President Evariste Ndayishimiye, members of the National Assembly (lower house), and commune councils in elections organized during the COVID-19 outbreak. The government allowed a main opposition party to participate and campaign. The elections resulted in a peaceful transfer of power but were deeply flawed with widespread reports of human rights abuses perpetrated mainly against the main opposition party members. Numerous irregularities undermined the credibility of the process in which international observers did not participate.

The National Police of Burundi, which is under the Ministry of Public Security's authority, is responsible for law enforcement and maintaining order. The armed forces, which are under the authority of the Ministry of Defense, are responsible for external security but also have some domestic security responsibilities. The National Intelligence Service, which reports directly to the president, has arrest and detention authority. The Imbonerakure, the youth wing of the ruling National Council for the Defense of Democracy--Forces for the Defense of Democracy party, has no official arrest authority, but some members were involved in or responsible for numerous human rights abuses. They routinely assumed the role of state security agents and as such detained and turned over individuals to members of the official security services, in some cases after committing human rights abuses. Civilian authorities at times did not maintain control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings on behalf of the government; forced disappearances on behalf of the government; torture and cases of cruel, inhuman, or degrading treatment or punishment on behalf of the government; harsh and sometimes life-threatening

individuals. Victims of these actions were primarily members of the CNL party, although occasionally other parties were also victims.

The COI report indicated that during the presidential election campaign, members of Imbonerakure, often with the support of local administration, prevented CNL rallies by occupying the venues CNL had reserved in advance.

Freedom of Association

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

In 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 develop and implement plans to attain ethnic and gender balances in the recruitment of local personnel. The law contains several clauses that give the government considerable control over NGOs' recruitment and programming.

On February 13, the minister of interior ordered international NGOs to submit detailed personal information on their employees, including their ethnicity, raising international NGO concerns the government would use the data to target political opponents and exercise control over the organizations. On March 20, the government announced that those that did not respect ethnic balances prescribed by law would be shut down and that compliance inspections would be undertaken. Human Rights Watch and other organizations commented that the requirement was an attempt to exert control over NGO operations. In September the Ministry of Foreign Affairs released three decrees concerning the government's relationship to international NGOs that furthered concerns that authorities were moving toward requiring them to observe ethnic quotas in recruiting staff.

In 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 of an organization's activities from the Ministry of the Interior and other ministries, depending on the CSO's area(s) of expertise. Registration must be renewed every two years, and there is no recourse when authorities deny

registration. The law provides for the suspension or permanent closure of organizations for “disturbing public order or harming state security.”

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://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.

Following his election, President Ndayishimiye called on refugees to return home, stating their countries needed them and declaring the initiative as a presidential priority. On August 13, Rwanda, Burundi, and the Office of the UN High Commissioner for Refugees (UNHCR) reached a tripartite agreement to facilitate the repatriation of Burundian refugees from Rwanda. The first group of refugees from Mahama Camp was repatriated on August 27, and two more convoys followed within a month. Following the successful return of the three convoys from Rwanda, UNHCR reported vastly increased interest in returning to Burundi on the part of refugees. As of September, more than 98,736 refugees had returned since 2017, primarily from Tanzania and Rwanda. President Ndayishimiye welcomed the August 27 convoy of more than 400 refugees from Rwanda and requested Burundian local officials to support the reintegration of the returnees. The three convoys brought the total number of returnees from Rwanda to more than 1,500 since President Ndayishimiye took office.

In August 2019 the governments of Tanzania and Burundi signed an agreement whereby they agreed to the return of approximately 180,000 Burundian refugees in Tanzania, “whether voluntarily or not,” starting in October 2019. Initial returnees were determined to be voluntary; however, later media reports indicated that some refugees, who had initially volunteered to return, changed their minds but authorities disregarded their change of mind and forced them to leave. International organizations and human rights groups claimed that Tanzanian authorities were making conditions for refugees so difficult that in many cases

their returns could not legitimately be considered voluntary. Nonetheless, there were no reports or UNHCR determination that the agreement between the country and Tanzania had been used to repatriate refugees forcibly. In December 2019 the two governments agreed to a three-week pause in returns. Repatriation of Burundian refugees from Tanzania resumed on February 6. From January to September, nearly 19,000 Burundian refugees returned from Tanzania, Rwanda, and the DRC.

In-country Movement: According to several news sources, the government enforced the use of household logbooks, *cahier* or *livret de menage*, 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.

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 staffed 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 of contributions for the funding of elections or for refusal to join the ruling party or on suspicion of attempting to depart the country in order to seek refugee status. Media reported local administrative officials and Imbonerakure members increased control over population movement during the electoral period. On January 15, the permanent secretary of the National Security Council mentioned the need to revitalize joint security committees, of which the Imbonerakure were often members, and to “control population flows and movements of travelers and to keep track every day of the foreigners staying in every household and at every hotel.”

Foreign Travel: Authorities required exit visas for foreigners who held nonofficial passports and who did not hold multiple-entry visas; these visas cost

48,000 Burundian francs (\$25) per month to maintain. Most foreigners held multiple-entry visas and were not subject to this requirement.

e. Status and Treatment of Internally Displaced Persons

The International Organization for Migration (IOM) estimated there were 136,610 internally displaced persons (IDPs) in the country as of September. According to the IOM, 83 percent were displaced due to natural disasters while 17 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.

f. Protection of Refugees

The government generally cooperated with the local UNHCR office and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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 73,614 refugees were in the country as of September, with a further 5,390 in the process of seeking asylum. Of the refugees and asylum seekers, more than 98 percent were Congolese, including arrivals during the year. Due to measures taken to prevent the spread of COVID-19, including border closures, the number of refugees entering the country was reduced. Continuing violence in the Democratic Republic of the Congo as well as border closures prevented refugees from returning. Efforts begun in 2015 to resettle Congolese refugees in third countries continued.

Employment: The government does not permit refugees and asylum seekers to work.

Access to Basic Services: Refugees residing in camps administered by the government and by UNHCR and its partners had access to basic services. The

large percentage of refugees residing in urban areas also had access to services, such as education, health care, and other assistance offered by humanitarian organizations. Due to their inability to work, most refugees lacked sufficient resources to meet their basic needs, even with support from the international community.

g. Stateless Persons

According to UNHCR, an estimated 1,131 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 faced 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, but the government did not respect that right.

Elections and Political Participation

Recent Elections: The country held legislative, communal, and presidential elections on May 20 without international observers. The National Independent Electoral Commission (CENI) declared on June 6 that CNDD-FDD candidate Evariste Ndayishimiye won the election with 68 percent of the vote. President Ndayishimiye was sworn in on June 18, two months early, following the sudden death of former president Nkurunziza, in a peaceful transfer of power. The government also held Senate elections in July and village council elections in August. The CNDD-FDD won absolute majorities in the National Assembly and Senate.

Elections were deeply flawed with irregularities that undermined the credibility of the process, including blocking independent international observers. The government opened the political space slightly, allowing participation of an

opposition party and permitting it to carry out large campaign rallies across the country. According to the COI report, opposition parties cited irregularities during the vote tabulation process, including the expulsion of accredited party-affiliated monitors from voting stations. The Consortium for the Monitoring of Human Rights Violations during the Electoral Period in Burundi doubted the credibility of the election results due to the failure of CENI to report the exact number of polling stations, failure to post voter rolls, last-minute distribution of voter registration cards, journalists' limited access to polling stations, the prohibition against the use of mobile phones in polling stations, and the blockage of most social media sites. The international community and independent domestic organizations widely condemned the process as flawed. Several progovernment CSOs observed and validated the elections. The CNL rejected the results of the election and filed an appeal, which the Constitutional Court dismissed on June 4.

The COI report noted the presidential election day was largely peaceful, but it documented intimidation, threats, arrests, and bureaucratic hurdles during the campaigning and voting periods. The COI report stated that in “the context of the 2020 electoral process, which began in 2019, human rights violations took on a political dimension. They affected the right to security and freedom but also the right to life and to be free from torture or ill-treatment, as well as civil liberties.” Voter turnout was high despite threats to security and human rights.

There were reports of incidents of violence during the election period, namely clashes between members of the ruling party and opposition party, which resulted in injuries and deaths in some cases. In its September report, the COI stated that opposition political parties and their members--mainly the CNL--suffered serious human rights abuses in the run-up to elections. There were reports of targeted killings, kidnappings, gender-based violence, torture, and arbitrary arrests. Authorities recognized some incidents of violence, particularly when clashes occurred between CNDD-FDD and CNL members. Authorities nevertheless assigned responsibility for clashes almost exclusively to CNL members; the government arrested a small number of CNDD-FDD militants involved in violent acts, but it was unclear whether they were prosecuted. The CNDD-FDD benefited from widespread impunity. Hate-filled and threatening speeches, particularly against the political opposition, were widely circulated on social media. The

National Observatory for the Prevention and Eradication of Genocide and other local organizations denounced such hate speeches. Media remained under strict control, and journalists were unable to carry out their duties freely. Journalists were intimidated, threatened, and prevented from covering the electoral process. In its May report on human rights during the electoral period, the National Commission of Human Rights (CNIDH) declared that incidents of human rights abuses were too insignificant to affect the credibility of results, as announced.

The CENI imposed restrictive conditions, such as limiting movement of international observers and rejecting African Union (AU) and United Nations observers. The government initially accredited observers from the East African Community (EAC), but shortly before their arrival, announced that the EAC observers would be placed in a 15-day quarantine for COVID-19 that would end after election day. The EAC observers cancelled their participation. Some diplomatic missions sent teams outside of Bujumbura to observe voting. Diplomatic missions in Burundi, the office of the UN resident coordinator, and the executive secretary of the International Conference on the Great Lakes Region issued statements taking note of the results and encouraging everyone involved to preserve a peaceful climate and resolve electoral disputes through existing legal procedures. The Catholic Bishops Council, which deployed 2,716 observers, reported irregularities that “might undermine the declared result” during a peaceful electoral process.

Elections were organized during the outbreak of COVID-19, and authorities did not take adequate measures to protect the population. The government cancelled voting in embassies outside the country, citing the pandemic. During the run-up to presidential elections, authorities downplayed risks of the COVID-19 pandemic. Human Rights Watch, the COI, and other organizations reported authorities risked putting persons in grave danger by preventing the free flow of fact-based information on the pandemic, such as by prohibiting doctors from sharing information on the number of patients with COVID-19 symptoms. Authorities encouraged persons to participate in massive electoral rallies and threatened to sanction those who took early protective measures.

In 2017 the government began a campaign to generate citizen contributions to a fund for elections with the stated intention of domestically financing future

elections. In July 2019 the president announced that fundraising goals were reached but that “voluntary” contributions were still welcome. Nevertheless, there were reports that the Imbonerakure and local officials continued to force some of the population to make contributions in cash or in kind, including to support the CNDD-FDD party, to organize political rallies, or to give gifts to the party’s candidates.

Political Parties and Political Participation: According to the law, to qualify for public campaign funding and compete in the parliamentary and presidential elections, parties needed to be “nationally based,” i.e., ethnically and regionally diverse, and prove in writing they were organized and had membership in all provinces. The Ministry of the Interior recognized 36 political parties. In February 2019 the Ministry of the Interior registered the previously unapproved National Forces of Liberation-Rwasa under the new name, the CNL. The Union for National Progress (UPRONA), led by Evariste Ndayimpenda, remained unrecognized, except for a small faction that broke off and pledged its allegiance to the ruling party. The Movement for Solidarity and Democracy remained suspended, and the Supreme Court’s decision on a motion to ban it permanently was still pending at year’s end.

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. The CNL was the only opposition party with a network of supporters and campaign workers capable of operating at the national level, and they participated at a historically robust pace not seen since the 1993 elections. Within the official campaign timeframe, the CNL was generally able to conduct campaign-related activities, such as holding meetings and rallies, despite some attempts to thwart campaign activities. Parties not recognized by the government were largely unable to conduct political activities and even recognized parties, such as the CNL, were frequently restricted from conducting political activities. There were reports that

local officials imposed arbitrary restrictions on the CNL while trying to open or inaugurate offices. Dozens of the CNL party offices were vandalized or destroyed.

The constitution includes restrictions on independent candidates, including a measure that prevented individuals from running as independents if they had 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 provides 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 constitution's ban on coalitions for independents further constrained the options of unrecognized parties and disenfranchised them so that only six presidential candidates were able to run for office.

Individuals often needed membership in, or perceived loyalty to, the ruling 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, and water; exemption from personal income taxes; and interest-free loans. During the year there were reports the Imbonerakure, government officials, or other ruling party supporters employed harassment, arbitrary arrest, and violence, including torture and killings, against individuals for being members of an opposition party or for refusing to join the CNDD-FDD. The COI reported that during the electoral process, some persons were prevented from participating in rallies organized by the CNL, in particular due to a lack of transport, while others were forced to participate in those organized by the CNDD-FDD party. The reports, along with the pressure placed on citizens to register as voters or to provide contributions for elections, led some civil society groups and media outlets to suggest that the space for citizens to support an opposition party or be apolitical was diminishing.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups 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 and ethnic quota requirements. This was implemented under the electoral code by adding seats to meet the gender and ethnic requirements and by closed-list voting, whereby voters choose a political party and the party provides the order in which candidates are selected, taking ethnicity and gender into account. In the new government, 39 percent of seats in the National Assembly and 41 percent of seats in the Senate were filled by women and five of 15 ministers were women. Women were not well represented in political parties and held very few leadership positions. Some observers believed that tradition and cultural factors kept women from participating in politics on an equal basis with men. The COI reported that in the context of the electoral process, female candidates and prominent members of opposition parties suffered arbitrary arrest and detention, intimidation, and threats, particularly when the electoral lists were published and the identities of the victims and their party affiliations were widely known. The general climate of intolerance towards the political opposition aggravated violence against women in the opposition.

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. President Ndayishimiye appointed the first minister from the Twa community in the country's history, Imelde Sabushimike, as the minister of national solidarity, social affairs, human rights, and gender.

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 also 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 the lack of transparency of budget revenue involving gasoline importation; the trading in influence and abuse of office or power; the mismanagement of public tenders and contracts, including in the health and mining sector; misappropriation of public funds; customs fraud; and the appropriation of the country's limited foreign currency reserves to finance imports. The Burundian Revenue Office has an internal antifraud unit, but observers accused its officials of fraud.

The state inspector general and the Anticorruption Brigade were responsible for investigating government corruption but were widely perceived as ineffective. The Ministry of Interior and Public Security was charged to lead anticorruption efforts as part of President Ndayishimiye's new anticorruption campaign. The ministry started a "zero tolerance toward corruption" campaign and put suggestion boxes in all commune offices and government ministries to allow the population to report corrupt activities. The minister of interior also set up a toll-free telephone number to allow citizens to report corruption and malpractice. Local media reported an increase in arrests related to corruption after the new government implemented these anticorruption measures. On July 19, police arrested local administrative officials and Imbonerakure members, accusing them of extorting workers who had returned during the year to the country from seasonal work in Tanzania. On July 24, more than 30 persons, including 20 police officers, were arrested on charges of corruption and extortion.

In December the Observatory for Fighting against Corruption and Funds Embezzlement, an NGO watchdog group, reported that more than 183 million Burundian francs (approximately \$93,000) were diverted from an account in the Central Bank holding funds to support victims of torrential rains. The intended beneficiaries had not received any funds.

Financial Disclosure: The law requires financial disclosure by elected officials and senior appointed officials once every seven years but does not require the

disclosures to be made public. The Supreme Court receives the financial disclosures. By law the president, prime minister, vice president, and cabinet ministers are obligated to disclose assets upon taking office, but the nonpublic nature of the disclosure meant compliance with this provision could not be confirmed.

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. The law requires CSOs to register with the Ministry of the Interior, a complex process, which includes approval of an organization's activities. Registration must be renewed every two years, and there was no recourse for organizations denied registration or renewal (see also section 2.a, Freedom of Association). By law an organization may be suspended permanently for "disturbing public order or harming state security."

Human rights defenders who remained in the country were subjected to threats, intimidation, and arrest. The cases of Germain Rukuki and Nestor Nibitanga, who were convicted in 2018 and remained in prison at year's end, were emblematic of the judicial threats faced by human rights monitors from both recognized and unrecognized organizations. On June 30, the Supreme Court rescinded Germain Rukuki's 32-year prison sentence, ordering his appeals trial to be reheard. According to the Supreme Court, "the appeals judge convicted an accused who never appeared in a public hearing and without hearing his defense." No date was set for the new appeals process, and Rukuki remained in prison.

Numerous civil society organizations, especially those that focus on human rights, remained banned or suspended. Ligue Iteka, officially banned since 2017, and other organizations without official recognition continued to monitor the human rights situation. Members of both recognized and unrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and sources.

The United Nations or Other International Bodies: Following a September 14-19 visit of the strategic assessment mission for United Nations engagement in Burundi that included interviews with civil society members, the government, ruling party and main opposition party members, and nonprofit organizations, UN Assistant Secretary-General for Africa Bintou Keita submitted a report to the UN Security Council assessing political and socioeconomic issues relevant to the UN's relationship with the government, including human rights. In November the government requested closure of the UN special envoy's office. On December 4, the Security Council decided to end its specific focus and mandatory reporting on the country, noting the improved security situation.

The UN Human Rights Council created the three-member COI in 2016 to investigate human rights abuses since 2015; its mandate was renewed annually since then. The government continued to refuse to allow commission members to enter the country or to respond substantively to any requests for information. In September, despite not having access to the country, the commission delivered its annual report, finding there was reason to believe that grave abuses of human rights and crimes against humanity continued to be committed in the country, including extrajudicial killings, systematic torture, sexual violence, and political oppression. The COI report found these abuses were primarily attributable to state officials at the highest level and to senior officials and members of the SNR, police, the Burundian National Defense Forces, and Imbonerakure. In fulfilling a new dimension of its mandate to report on "the economic underpinnings of the State," the COI found that widespread economic malpractices, such as corruption and influence peddling, negatively affected human rights. Following release of the COI report in September, the Human Rights Council once again extended the COI's mandate. Government officials dismissed the COI report, and the country's permanent representative to the United Nations in Geneva stated the COI was "a tool used by the enemies of Burundi."

In 2016 the AU deployed 40 human rights monitors and eight military monitors. The 40 monitors stayed in the country until September 2018, when the number was reduced due to a gap in financing. 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 did not make their reports public.

As of September the 10 civilian and three military AU monitors were the only external monitors in 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 adopted into law in 2014. Between 2016 when it became operational and October, the TRC gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law abuses committed in the country. The TRC is also mandated to establish the responsibilities of state institutions, individuals, and private groups.

Based on testimonies collected between 2016 and 2018, the commission provisionally identified 4,000 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. In its report presented on January 14, the TRC identified 142,505 citizens killed or missing from the time of independence in 1962 until the end of the civil war in 2008. On January 27, the commission launched the first phase of exhumation of remains in mass grass graves with a focus on graves linked to the 1972 conflict. Some CSOs and opposition political figures raised concerns that the TRC was deliberately targeting 1972 to favor the Hutu ethnic group. CSOs also raised concerns that in view of continued human rights abuses, 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 citizens to testify or share fully their stories. Some of the TRC commissioners were perceived by some CSOs as representing the interests of the ruling party and therefore not impartial. A lack of qualified experts adversely affected the TRC's ability to operate.

Ombudsman Edouard Nduwimana's mandate included monitoring prison conditions and promoting interreligious dialogue. Prior to the elections, he encouraged opposition leaders in exile to return to Burundi, and some responded.

He also focused on social cohesion during the electoral period in partnership with CSOs.

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 2018 GANHRI confirmed its decision, suspending CNIDH's right to participate fully in global meetings with counterparts. The CNIDH also monitored the government's progress on human rights investigations. In April 2019 a new group of commissioners was appointed to a four-year term and took steps to implement measures to help the CNIDH restore its accreditation. In February the CNIDH began releasing its findings to the public, which it had previously failed to do due to lack of capacity to produce reports and failure to obtain approval in the National Assembly. Some of the reports were posted on its website, including CNIDH's 2019 annual report.

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

Women

Rape and Domestic Violence: The law prohibits rape against men and women, including spousal rape, with penalties of up to 30 years' imprisonment for conviction. 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 were 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 officers 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-operated Humura Center in Gitega provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence.

The September COI report stated that sexual and gender-based violence affected mostly women and girls but also men. In particular, members of the Imbonerakure and police committed violence to intimidate, control, repress, and punish women and men for their supposed or actual political opinions, refusal to join the ruling party, or alleged links to an armed movement. The National Intelligence Service also committed sexual and gender-based violence during arrests and detention. 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 available on its frequency or extent and no evidence of arrests made under anti-sexual-harassment laws.

Reproductive Rights: The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children, and they had access to the information and means to do so free from discrimination, coercion, and violence. Abortion is illegal; however, it is permitted if the life of the mother is in jeopardy. Husbands often made the final decisions about family planning.

The government provided free prenatal and postpartum services. There were no restrictions on access to contraceptives; the contraceptive prevalence rate was 29 percent. Health clinics and NGOs freely disseminated information on family planning under the guidance of the Ministry of Public Health. Faith-based clinics promoted the use of natural family planning methods.

The government provided access to sexual and reproductive health services for survivors of sexual violence.

The *2016-2017 Demographic and Health Survey* estimated the maternal mortality rate at 334 per 100,000 live births in 2016-2017. The main factors influencing maternal mortality were inadequate medical care and low use of family planning services. World Health Statistics indicated the adolescent birth rate was 58 per 1,000 in 2016.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, nationality, and inheritance laws. Women faced 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.

In 2018 the minister of education released a guidance letter stating that female primary and secondary school students who became pregnant or were married during 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, schools required female students who became pregnant 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. Soon afterward, 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.” Reports persisted that school authorities still prevented pregnant girls from attending school, especially in remote areas.

In 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 token fines, based on the provisions of the law against unmarried cohabitation, and declared 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, but as of October the movement had lost momentum and there were no reports that the law was enforced.

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. An unregistered child may not have access to some public services.

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 token tuition fees 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 for conviction 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.

Child, Early, and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of the Interior discouraged imams from officiating at illegal marriages.

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 substantial monetary fine. The penalties for conviction of child pornography are 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. 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/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but the government did not promote or protect their rights. 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 inhabitants of the country, numbered an estimated 80,000, or approximately 1 percent of the population. 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 (see also section 3, Participation of Women and Members of Minority Groups).

In September 2019, the representative of UNIPROBA, an NGO focusing on protecting the rights of the Twa ethnic group, stated that Twa were committed to participate actively in civil society but faced challenges including access to identity and voter cards.

There were sporadic reports of vigilante killings of Twa after they were accused, justly or unjustly, of crimes by other citizens throughout the year.

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

The law penalizes consensual same-sex sexual relations by adults with up to two years in prison if convicted. There were no reports of prosecutions for same-sex sexual acts during the year.

The w does not prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, and access to government services such as health care. Societal discrimination against LGBTI persons was common.

Other Societal Violence or Discrimination

Criminals sometimes killed persons with albinism, particularly children, in order to use their body parts for ritual purposes. Most perpetrators were 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." The government took steps to improve integration of albinos into society and sensitize communities to promote antidiscrimination efforts. On October 16, the first lady organized a training session about albinism, highlighting their vulnerability and urging the population to avoid discrimination against albinos.

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 with restrictions. A union must have at least 50 members. 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) that 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 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-upon 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, the power to prevent 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, but it excludes measures regarding public sector wages that 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 but 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 not commensurate with those under other laws involving denials of civil rights. 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.

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 negotiation. 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 was commensurate with penalties for other serious crimes but there have been no convictions in more than five years. The criminal prohibitions were specific to human trafficking and may not apply to all forms of forced labor. The government did not effectively enforce

applicable laws. Resources for inspections and remediation were inadequate. 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 gold mines, carrying river stones for construction in Bujumbura, work aboard fishing vessels, or engaging in informal commerce in the streets of larger cities (see section 7.c.). Forced labor also occurred in domestic service and charcoal production.

Citizens were required to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Although enforcement of this requirement was rare, there were sporadic reports that communal administrators 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 <https://www.state.gov/trafficking-in-persons-report/>.<https://www.state.gov/trafficking-in-persons-report/>

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all of the worst forms of child labor. The prohibition on hazardous employment did not cover all forms of hazardous agricultural work, and the criminal prohibition on the use of children in armed conflict did not apply to children older than 15. The law does not prohibit the use of children in the production and trafficking of narcotics.

The law states that enterprises may not employ children younger than 16, with exceptions permitted by the Labor Ministry, but this law generally does not apply to children working outside of formal employment relationships. 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 age 12 and older 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 16 and 18. The law prohibits children from working at night and limits them to 40 hours' work per

week. Although the law does not apply to the informal sector, the Ministry of Labor stated that informal employment falls under its purview.

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 in part to the insufficient number of inspectors. As a result, the ministry enforced the law only when a complaint was filed. Penalties were not commensurate with those for other serious crimes. 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 16 were often responsible for contributing to their families' and their own subsistence and 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. The September COI report also cited forced recruitment into the Imbonerakure or, in the case of younger children, into the CNDD-FDD "Little Eagles."

In urban areas, child domestic workers were prevalent, accounting for more than 40 percent of the 13- to 15-year-old children in the country, according to a government survey from 2013-14. Reports indicated that an increased number of children from the Twa ethnic group were being transported from rural areas to Bujumbura with promises of work and subsequently were exploited. Child domestic workers 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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law does not specifically prohibit discrimination against any group but rather provides for equal rights. The constitution recognizes workers' right to equal pay for equal work but women faced discrimination with regard to pay and access to equal employment and authorities did not prosecute any violations of this equal rights requirement. Women were excluded from some jobs, and a government decree prohibits women from performing in traditional drumming groups.

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. Persons with albinism experienced discrimination in employment.

e. Acceptable Conditions of Work

The official minimum wages, unchanged since 1988, were below the official line of poverty. Prevailing minimum wages more reflective of labor market forces were below the international poverty line. According to the World Bank, 73 percent of the population lived below the poverty line.

The law limits working hours to eight hours per day and 40 hours per week, but there are many exceptions, including for workers engaged in national security, guarding residential areas, and road transport. Private security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. There is no legislation on mandatory overtime but premium pay is required for any overtime work performed. 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, but they often were not followed. Many buildings under construction in Bujumbura, for example, 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. Workers have the right to remove themselves from situations of imminent danger without jeopardy to their employment.

The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The labor inspectors' mandate is limited to the formal sector, except where international agreements extend that mandate to all employment, but more than 90 percent of the working population worked in the informal economy and thus lacked access to legal protections. Inspectors have the authority to make unannounced inspections and initiate sanctions. The government did not hire sufficient inspectors to enforce compliance or allocate sufficient resources to address enforcement needs, such as that necessary for training and transportation for inspectors.

Violations of safety standards were reportedly commonplace but 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. The government did not report data on deaths in the workplace but media reported workplace deaths. In one such case, media reported three employees died and one was wounded in a fire at well known soap manufacturing company SAVONOR in August. Police and the company management did not provide further details about the case.