

BURUNDI 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2005 constitution provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In June, July, and August 2015 voters re-elected President Pierre Nkurunziza and chose a new National Assembly (lower house) in elections boycotted by 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.

Civilian authorities at times did not maintain control over the security forces. Observers considered the military generally professional and apolitical, but the National Intelligence Service (SNR) and police tended to be influenced directly by, and responsive to, the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party. Members of the CNDD-FDD's youth group, the Imbonerakure, sometimes operated in cooperation with police, but often acted independently of any identifiable oversight. Imbonerakure members arrested persons with impunity, despite having no legal powers of arrest.

The most important human rights abuses in the country were extrajudicial killings, including reports of mass graves; arbitrary and politicized detention; and widespread government infringement of the freedoms of speech, press and media, assembly, and association.

Other human rights abuses included disappearances; harsh and sometimes life-threatening prison conditions; a highly politicized judicial system that lacked independence from the executive branch; and prolonged pretrial detention, often without formal charges. Authorities harassed and intimidated journalists and ordered the closure of civil society and nongovernmental organizations (NGOs) that criticized the government and the CNDD-FDD. Government corruption was a serious problem. Security forces reportedly raped women and girls, and widespread sexual and gender-based violence and discrimination against women and girls were serious problems. Human trafficking occurred. Discrimination occurred against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, persons with disabilities, and persons with albinism. Authorities did not respect labor rights, and forced child labor existed.

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 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 that the government or its agents committed arbitrary or unlawful killings, although the number declined from 2015. As of October 5, the UN Office of the High Commissioner for Human Rights (OHCHR) documented more than 150 killings of individuals, many of them extrajudicial killings committed by police, the SNR, or military personnel, sometimes with involvement of local government officials. By comparison, the OHCHR documented more than 400 cases of arbitrary or unlawful killings in 2015.

In December 2015 police responded to an armed attack on three military installations by conducting house-to-house searches in several neighborhoods of Bujumbura perceived as opposed to the president serving a third term. Numerous civilian victims were found dead with their hands bound behind their back and shot in the head. The official death toll from the fighting was 87, but the nongovernmental organizations SOS-Torture Burundi and Ligue Iteka estimated that between 150 and 200 persons died in the fighting and subsequent searches. On January 15, the OHCHR released a statement calling for an immediate investigation into the events of December 2015, citing reports, including eyewitness accounts, of mass graves containing the bodies of those killed. The high commissioner stated, “We’ve received numerous allegations that during the initial search operations on 11 and 12 December in the Musaga, Nyakabiga, Ngagara, Cibitoke, and Mutakura neighborhoods of Bujumbura, police and army forces arrested considerable numbers of young men, many of whom were later tortured, killed, or taken to unknown destinations.” On January 28, Amnesty International (AI) released a report citing satellite imagery and eyewitness accounts indicating that victims from the fighting were buried in mass graves. On March 10, an investigation commissioned by the prosecutor general asserted that “no mass graves had been found in the locations cited by certain NGOs” and added that, on February 29, it had discovered a common grave dug for the victims of insurgents that had not been included in previous reports.

There were also reports of killings targeting security force personnel and individuals associated with the CNDD-FDD. Unidentified gunmen killed a senior CNDD-FDD member, Darius Ikurakure, on March 22; army General Athanase Kararuzza on April 25; and an East African Legislative Assembly member, Hafsa Mossi, on July 13. According to Human Rights Watch (HRW), a high-ranking Imbonerakure member reported the killings of more than 50 Imbonerakure since April 2015, including at least four killed in grenade attacks in Bujumbura in May.

According to a UN Independent Investigation on Burundi (UNIIB) report published in September, armed opposition groups were believed to be behind grenade attacks that killed civilians. The Republican Forces of Burundi and Resistance for a State of Law in Burundi (RED-Tabara) claimed responsibility for two attacks in Cibitoke and Musaga neighborhoods on February 6. Medecins Sans Frontieres reported that its trauma center in Bujumbura treated 55 persons injured in a grenade attack on February 11 and another 61 injured in an attack on February 15. The frequency of grenade attacks in Bujumbura declined in the second half of the year.

b. Disappearance

There were reports that individuals were victims of politically motivated disappearances after they had been detained by elements of the security forces. As of October 5, the OHCHR documented at least 30 cases of enforced disappearances. Ligue Iteka, a local human rights NGO, alleged 331 disappearances during the period between December 2015 and November. After meeting with the relatives of many individuals who had disappeared, UNIIB concluded that agents affiliated with the SNR, police, and the military were responsible for many disappearances. The OHCHR documented either members of police, the SNR, the Burundian National Defense Forces (BNDF), or Imbonerakure as the presumed perpetrators of 96 percent of enforced disappearances it recorded.

Ligue Iteka documented at least 15 alleged disappearances during the year in which the missing individual was a member of the security forces, specifically a member of the preintegration, Tutsi-dominated army. HRW released a report in February that alleged “an alarming new pattern of abductions and possible disappearances” that began after the December 2015 attacks on three government military facilities. According to the report, abductions sometimes targeted security forces suspected of involvement in the attacks.

Jean Bigirimana, a journalist for independent newspaper *Iwacu*, was abducted from his car on July 22. Bigirimana's spouse was present at the abduction and stated publicly that SNR officers were responsible. Despite cooperation from the Independent National Commission for Human Rights (CNIDH) in searching for the journalist, his whereabouts remained unknown at year's end.

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 reports government officials employed them. As of October 5, the OHCHR documented 558 cases of torture and mistreatment of persons that the government accused as participating in the failed 2015 coup attempt or subsequent efforts to remove it from power. UNIIB cited the SNR, Imbonerakure, and to a lesser extent the BNDF as being "consistently identified as the perpetrators."

In a July 13 report, HRW stated that members of the security services or the intelligence services "had hit people repeatedly and slammed gun butts into detainees' faces or limbs, in some cases breaking their bones or smashing their jaws until their teeth fell out. SNR agents beat detainees with steel construction bars, drove sharpened steel rods into their legs, tied cords to detainees' genitals and pulled, used electric shock, and poured liquid on detainees, which burned them." Both HRW and UNIIB cited information that senior figures in the security apparatus were aware of, or were personally involved in, torture and cruel, inhuman, or degrading treatment. In June Minister of Public Security Alain Guillaume Bunyoni wrote to HRW that police could not have tortured or mistreated detainees and denied that police collaborated with the Imbonerakure.

In response to observations by the UN Committee against Torture adopted in August, the government asserted that all agents of the National Police as well as the SNR are subject to the penal code and that, "in cases [of alleged torture or mistreatment] known by the competent authorities, criminal and administrative cases are regularly opened to charge police officers involved." The director of penitentiary administration stated that during the year no police officer was arrested for torture or abuse of prisoners or suspects in their custody and no officer was prosecuted for abusing detainees. Many police officers, however, were jailed for other crimes, including banditry, stealing, rape, unlawful use of a weapon, or losing a weapon.

On July 27, HRW released a report based on testimony from more than 70 rape victims who had fled to the Nduta refugee camp in western Tanzania. According to the report, “(members of) Imbonerakure known to victims, men in police uniforms, and unidentified armed men, some of whom accused the victims of supporting an opposition party or being married to an opposition supporter, were among those responsible for rapes or gang-rapes of 38 women interviewed by HRW.” The report suggested the more than 170 rape cases reported to UNHCR might have been only a fraction of the total, as medical staff of aid organizations believed many women did not report rape unless they sought treatment for medical problems related to their assault.

The government, in response to similar statements in the UNIIB report in September, denied any of the rape cases pending before courts were related to political dissent. It claimed that neither the Humura Center nor the Seruka Center, two centers that treat victims of sexual violence, had reported rape cases linked to political repression.

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. There were reports of physical abuse, lack of adequate medical treatment, and prolonged solitary confinement. Prisons did not have adequate sanitation systems (toilets, bathing facilities), drinking water, ventilation, and lighting. Prisons and detention centers did not have special facilities for persons with disabilities. Prisons did not meet the standards established by the UN *Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela rules).

Physical Conditions: The Office of Penitentiary Affairs reported that, at year’s end, there were 10,049 inmates, including 5,065 pretrial detainees, in 11 prisons, the majority of which were built before 1965, to accommodate 4,194 inmates in all. Of the 10,049 inmates, 457 were women and 106 were juveniles. Authorities held 129 juveniles in two juvenile detention facilities that opened in November 2015. The UN Children’s Fund (UNICEF) stated that fully implementing an ordinance that no children were to be held in adult prisons “remained challenging.” In addition, there were 78 children living with their incarcerated mothers. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate population was at 533 percent of capacity, and Mpimba (in Bujumbura)

which was at 409 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.

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria. An unknown number died from disease. Each inmate received 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 had at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care; inmates with serious medical conditions were sent to local hospitals.

Radio Bonesha reported that in November Jean Claude Nduwayezu, an imprisoned member of the opposition Democratic Solidarity Movement (MSD) party, died after the director of the Mpimba prison did not give timely authorization for him to receive medical treatment. According to Nduwayezu's family, the director allowed him to go to the hospital only after two previous requests were refused.

Conditions for political prisoners were sometimes worse than for ordinary prisoners. In September 2015 officials transported 28 high-profile prisoners accused of participating in the failed May 2015 coup attempt to the Central Prison in Gitega. They reportedly were incarcerated four to a cell in isolation cells intended to hold one person. Independent human rights observers noted the cells did not have windows or toilet facilities. According to one of the detainees' lawyers, as of October, conditions of detention remained the same.

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, and religious observance was allowed.

Independent Monitoring: Until October 10, the government permitted all visits requested by international and local human rights monitors, including monitors from the OHCHR and the International Committee of the Red Cross (ICRC). Monitors visited all prisons, communal jails, and SNR detention centers regularly.

Monitoring groups had complete and unhindered access to those prisoners held in known detention facilities. On October 10, however, the government suspended official cooperation with the OHCHR in the wake of the UNIIB report, although the government continued to allow some access to and monitoring of prisoners. As of October, the ICRC still had unhampered monitoring access to known detention facilities.

On April 18, UN high commissioner for human rights Zeid Ra'ad Al Hussein expressed deep concern over emerging reports of "secret detention facilities across the country." The September UNIIB report concluded there were "reasonable grounds to believe" security forces and Imbonerakure had established 13 places of detention unacknowledged by the prosecutor general, according to alleged victims the 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.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government often did not observe these prohibitions. The law provides for a fine of 10,000 Burundian francs (\$6) and imprisonment of 15 days to one year for any member of the security forces implicated in arbitrary arrest. 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. As of October 5, the OHCHR documented 5,209 arrests it deemed arbitrary, since the individuals involved were arrested without charge, without arrest warrants, or for "investigation purposes." Of the arrests, 2,467 eventually resulted in subsequent release for lack of evidence.

As of October, UNICEF documented more than 100 cases of children who had been detained for "participation in armed groups, participation in an insurrectional movement, or illegal possession of arms." UNICEF stated these children were not recruited or used in armed groups, nor had they been in possession of arms. The children told UNICEF personnel they were arrested while traveling, walking in neighborhoods, or during searches and arrest operations by police, the military, or the SNR.

In May, June, and July, 440 students were suspended and 73 detained for defacing pictures of the president in school textbooks. The 73 detainees were charged with contempt for the head of state, a charge that normally carries a penalty of six months to five years in prison. Following advocacy by the OHCHR, UNICEF, and other international actors, the minister of education pardoned and released the detainees and lifted the suspensions of the other students. UNICEF reported a new case of a student detained for “scribbling” in October.

SOS-Torture Burundi alleged numerous instances of police arresting large groups of persons in raids; those arrested allegedly had to pay bribes to be released. The September UNIIB report stated that persons arrested by security forces were often subject to extortion and asked to pay “ransoms” of four to five million francs (\$2,400 to \$3,000) to middlemen to secure their release.

Minister of Public Security Alain Guillaume Bunyoni, in a June letter to HRW, wrote that allegations of police demanding money from detainees or their families in exchange for their release were “a lie” and that any police involved in extortion would face “severe administrative sanctions and penalties.”

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 were involved in numerous arrests, according to the OHCHR, although they have no arrest authority. Police, the SNR, the armed forces, and local officials committed human rights abuses, usually with impunity.

The 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 integration of police and the SNR did not achieve equilibrium between Hutu and Tutsi members, as a large majority remained Hutu.

Police generally were poorly trained, underequipped, underpaid, and unprofessional. Local citizens widely perceived them as corrupt, including demanding bribes and engaging in criminal activity. The Anticorruption Brigade,

which reports to the Office of the President, is responsible for investigating police corruption.

Approximately 75 percent of police were former rebels. Eighty-five 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 militant youth loyal to the CNDD-FDD and President Nkurunziza infiltrated their ranks. Civil society organizations (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 torture, killing, and extrajudicial execution. The government was slow to investigate and prosecute these cases, which resulted in a widespread perception of police impunity and politicization.

AI cited the case of a police officer, Desire Uwamahoro, as “an emblematic example” of the ineffective criminal investigations and prosecutions that had allowed impunity to flourish. According to AI’s 2016 submission to the UN Committee against Torture, Uwamahoro was convicted of torture in 2010 and sentenced to five years in prison and a fine of 10 million francs (\$6,000), but the sentence was never carried out, and he remained a police force member. In October 2015 he was appointed head of a new police unit, the Antiriot Brigade. In October the SNR arrested him on charges related to gold smuggling, and the government replaced him as head of the Antiriot Brigade. The Appeals Court of Bujumbura sentenced him to three months in prison.

On March 22, Human Rights Minister Nivyabandi told the Human Rights Council that “today’s Burundi is not a land where impunity exists.” He cited the incarceration as of that date of 139 police officers and 84 members of the military convicted of various crimes, including assassination, assault, rape, and torture. In August, Minister of Security Alain Guillaume Bunyoni announced the dismissal of 20 police officers for improper conduct.

The international community provided instruction at the police academy on human rights, the code of conduct, and community-oriented policing. Due to suspension of cooperation by international donors and the government’s suspension of the OHCHR’s activities, many, but not all, of these programs were suspended or canceled.

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 new threats and incidents of criminality for local administration. SOS-Torture and Ligue Iteka alleged the committees allowed the Imbonerakure a strong role in local policing, which permitted the ruling party to harass and intimidate opposition members on the local level. The mixed security committees remained controversial because lines increasingly blurred between Imbonerakure members and police. Imbonerakure members reportedly detained individuals for political or personal reasons.

Independent observers generally regarded the BNDF as professional and politically neutral. The BNDF's Office of the Inspector General investigates allegations of military abuse.

The country has contributed peacekeepers to the AU Mission in Somalia since 2008 and to the UN Multidimensional Integrated Stabilization Mission (MINUSCA) in the Central African Republic since 2014. On March 28, the United Nations stated that it had received allegations of sexual abuse and exploitation against MINUSCA peacekeepers from Burundi. On June 3, the United Nations announced that the Burundi police units serving in the Central African Republic would not be replaced at the end of their tour, which ended in July. As of October, 850 BNDF soldiers remained in MINUSCA.

The SNR's mandate is to provide both external and internal security. Independent observers asserted that the SNR's ranks grew during the year with the inclusion of youth loyal to the CNDD-FDD. It investigated certain opposition political party leaders and their supporters. Many citizens perceived the SNR as heavily politicized and responsive to the CNDD-FDD. NGOs, including AI and HRW, asserted SNR officials colluded with the Imbonerakure in torture and extrajudicial killings.

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 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. A UN human rights team that visited SNR facilities in Bujumbura in April reported that 25 of the 67 detainees they saw had been kept in custody beyond the prescribed maximum.

Lack of transportation for suspects, police, and magistrates was the most 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 personal 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 them 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 access to medical care and legal assistance. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura. The ICRC stated that it had “full access” to prisons and detention centers. Several credible organizations, however, concluded that the SNR maintained clandestine holding cells unknown to the ICRC or human rights organizations. The UN Committee against Torture alleged that cases of torture and mistreatment occurred in unofficial detention centers where national and international observers had no access.

Arbitrary Arrest: The law provides for a fine of 10,000 francs (\$6) and imprisonment of 15 days to one year for arbitrary arrest by security forces. There was no evidence that this law has ever been applied. According to the OHCHR, police, the SNR, and local administrative authorities had arrested 5,209 persons as

of October 5; of whom 2,467 were released without charge. 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 October, according to the director of prison administration, 50.4 percent of inmates in prisons and detention centers were pretrial detainees. The average time in pretrial detention was 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 personal 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 challenged their arrest on these grounds during the year.

Amnesty: During the February visit of the UN Secretary-General, the president reportedly agreed to release up to 2,000 detainees. On February 23, the government granted an amnesty to some prisoners by presidential decree, freeing some who were serving sentences of less than five years and halving the sentences of others. 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 and external security of the state, voluntary homicide, being a mercenary, cannibalism, and all other crimes committed in association with organized gangs. As a result of a presidential decree, 1,370 prisoners were released from prisons. According to Human Rights Minister Martin Nivyabandi during his remarks to the Human Rights Council on March 22, the amnesty reduced the incarcerated population by one quarter.

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.

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

The law presumes defendants innocent. Panels of judges conduct all trials publicly. Defendants have the right to prompt and detailed information of 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 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, especially in cases related to the May 2015 failed coup attempt. For example, persons convicted of participating in the failed coup were sentenced by the Supreme Court on January 15. Defense lawyers stated they were not allowed to speak to their clients during the trial or have access to case files before the hearing in eight cases. Seven lawyers were suspended for complaining about the inaccessibility of case files, and the court refused to hear certain witnesses presented by the defendants. The prosecution objected to the perceived leniency of the sentences and appealed the case. On May 9, an appeals court handed down tougher sentences to the defendants. During the appeal, the OHCHR reported that two defendants were denied the assistance of a lawyer, that

some witnesses for the defense were not heard by the court, and that the court did not disclose the motivation for its judgment.

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 violated, no rights were systematically denied to persons from specific groups.

Political Prisoners and Detainees

The OHCHR estimated there were more than 500 political prisoners or detainees as of year's end. The government denied it held persons for political reasons, citing instead threats made against the state, participation in a rebellion, or inciting insurrection.

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 housed in separate cells. In its September submission to the UN Human Rights Council, AI also reported instances in which political prisoners did not receive access to adequate, timely, medical care.

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 May 2015, for example, independent journalists contested the 2013 media law in the East African Court of Justice and won their appeal. The decision obliged Burundi's parliament to review the law and make changes to it, which it did. These changes, adopted in May 2015, effectively repealed parts of the 2013 law that provided for specific

punishments for journalistic crimes and required journalists to reveal their sources to the government.

Property Restitution

In the wake of fears and severe economic hardship following the 2015 political crisis, more than 300,000 Burundians fled to neighboring states, primarily Tanzania. Radio Bonesha reported in February that government agents and private citizens seized land that had been owned or otherwise legally occupied by these refugees.

The National Commission for the Land and Other Properties (CNTB) was established in 2006 to resolve land ownership conflicts. In March 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. He lifted the suspension in January, 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. 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 in contested neighborhoods of Bujumbura throughout the year. 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.

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.

g. Abuses in Internal Conflict

In 2015 protesters opposed to a third term for the president, led by civil society groups and opposition parties, engaged in peaceful protests allegedly infiltrated by armed opposition elements. Police, the SNR, and members of the irregular

security forces, including Imbonerakure members, responded with live bullets, water cannons, and tear gas. The use of violence escalated on both sides in 2015 and continued through the year with targeted killings and grenade attacks. The government accused opposition supporters of targeted killings of several senior government officials during the year, including Colonel Darius Ikurakure on March 22, Brigadier General Athanase Kararuzza with his wife and daughter on April 25, and East African Community Legislative Assembly member Hafsa Mossi, on July 13. Security forces accused residents in neighborhoods viewed as pro-opposition of throwing grenades at them. In at least two cases, opposition organizations claimed responsibility for grenade attacks against government forces. The population generally feared police, the SNR, and irregular security forces. By year's end, more than 100,000 persons had fled the instability in the country, joining the 230,000 refugees that had fled the country in 2015 in refugee camps or settling elsewhere in Tanzania, Uganda, Rwanda, or the Democratic Republic of the Congo (DRC).

Killings: As of October 5, the OHCHR had documented 157 killings associated with the political unrest during the year.

Abductions: Security forces abducted individuals, particularly young men, from neighborhoods perceived as supportive of the opposition. The OHCHR observed that local human rights defenders labeled many arbitrary detentions as abductions. Some abductions, particularly those for which the SNR was responsible, resulted in the death of the person detained. The OHCHR did not have an estimate of the number of persons authorities had abducted.

Physical Abuse, Punishment, and Torture: Detained individuals reported mistreatment by police and the SNR after their detention. HRW issued several reports citing hundreds of cases of torture, rape, abductions, and incarceration without charge, in which the victims were noncombatants whom the SNR, police, and Imbonerakure perceived to be disloyal to the Nkurunziza administration.

Child Soldiers: According to the OHCHR, the structure of the BPDF prevents the widespread use of child soldiers. Two isolated cases of recruitment by the armed opposition force RED-Tabara were documented.

Other Conflict-related Abuses: Some detainees were denied health care or had treatment for injuries and illnesses interrupted.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press but ban “defamatory” speech about the president and other 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. 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 Speech and Expression: The law 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 francs (\$6 to \$30) for insulting the head of state. Some journalists, lawyers, NGO personnel, and leaders of political parties and civil society alleged the government used the law to intimidate and harass them (see section 3).

Press and Media Freedoms: Government-owned and operated *Le Renouveau*, the only daily newspaper, and Burundi National Television and Radio (RTNB), the sole television and radio station with national coverage, were among the few outlets that were allowed to operate without interruption during the year. The country’s last independent newspaper, the French-language *Iwacu*, whose editor in chief fled the country in 2015, saw one of its journalists disappear in July. *Iwacu* was allowed to stay open and continued to report information critical of the government. Three radio stations forcibly closed in the aftermath of the May 2015 failed coup remained closed. The law prohibits political parties, labor unions, and foreign NGOs from owning media outlets.

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. Penalties for failing to observe the law were severe. 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 media law some of its more draconian elements. Following the failed coup of May 2015, the government invoked the law to intimidate and detain journalists.

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: Several media outlets alleged they received explicit threats that they would be closed if they published or broadcast unflattering stories about the government. The government detained or summoned for questioning several local and international journalists investigating subjects such as human rights violations, corruption, or the movement opposing a third term for the incumbent president. Journalists experienced violence and harassment. According to the Committee to Protect Journalists, at least 100 journalists had fled the country since the April 2015 protests and the May 2015 failed coup attempt and remained abroad at year's end.

In April 2015 the RTNB cut access to its broadcasting towers by radio stations it accused of supporting antigovernment protests, effectively preventing the interior of the country from receiving radio broadcasts overtly critical of the government's actions. In May 2015 supporters of the failed coup attempt burned the offices and destroyed the equipment of the progovernment station, Radio REMA FM. The next day unidentified persons attacked the offices and destroyed the equipment of four radio stations--Radio Television Renaissance, Radio Isanganiro, Bonesha FM, and Radio Publique Africaine--accused by the government of broadcasting messages inciting persons to support the coup. Radio REMA FM reopened in October 2015. Radio Isanganiro was allowed to reopen in March following an agreement with the government. No prosecutions for the destruction of the stations had occurred by year's end.

On January 4, the Ministry of Public Security issued a press release criticizing the reporting of a Radio France Internationale journalist. The release concluded, "The authorized government services will take the necessary measures to deal with this journalist's disruptive activities," a phrase that Reporters without Borders described as a "barely veiled threat." As widely reported in media, on January 28, security forces detained two international journalists on assignment for *Le Monde* on suspicion of fraternizing with an armed opposition group. After 24 hours in custody, they were released without any formal charges being brought.

According to Reporters without Borders, Bonesha FM journalist Boaz Ntaconayigize fled to Uganda after receiving death threats and being attacked and badly injured by four men wielding knives on July 3. Ntaconayigize had

reportedly investigated reports that SNR agents were infiltrating the Burundian refugee community in Uganda. He alleged he recognized two of his assailants as Burundians posing as refugees. According to Radio Bonesha, another of its journalists, Leon Ntakiyiruta, was attacked on August 8 in Kampala, Uganda, by two men wielding machetes; his attackers fled when a passerby intervened.

On July 22, *Iwacu* reporter Jean Bigirimana was abducted by unknown men. Police and the SNR denied that he was in their custody. Presidential spokesperson Willy Nyamitwe stated that the government was investigating the disappearance and tweeted that the opposition might be behind Bigirimana's disappearance.

Reporters without Borders and local media outlets estimated that, by year's end, 75 to 80 percent of the independent journalists who were working in early 2015 had fled the country due to growing threats from progovernment groups.

Censorship or Content Restrictions: The government censored media and penalized outlets that violated its standards of acceptable content. 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 National Communications Council (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. 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.

On October 25, the CNC suspended the radio program *KARADIRIDIMBA* on Radio Isanganiro for one month after the program aired a song about human rights abuses in Burundi. The CNC determined the airing of the song violated the agreement Radio Isanganiro signed which prohibited certain topics from being broadcast.

Libel/Slander Laws: Libel laws prohibit the public distribution of information that exposes a person to "public contempt" and carry penalties of prison terms and fines. The crime 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 criminal 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 range from two months’ to three years’ imprisonment and fines. Some journalists, lawyers, and leaders of political parties, civil society groups, and NGOs alleged the government used these laws to intimidate and harass them.

In 2014 opposition politician Leonce Ngendakumana sent a letter to the UN Secretary-General to alert him to concerns about violence during Burundi’s election cycle that year. Ngendakumana’s letter warned that the ruling party might be preparing a “political genocide.” Authorities charged Ngendakumana with “false accusations and inciting ethnic strife.” He was acquitted on appeal during the year.

Nongovernmental Impact: Many members of the governing party’s youth militia, Imbonerakure, collaborated closely with government security forces. 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 of acting as irregular security forces, using government resources to follow, threaten, and attack individuals they perceived as opposition supporters.

Actions to Expand Press Freedom: In February the government announced it would allow two radio stations to resume broadcasting after their closure and destruction in 2015. As a condition to reopening, REMA FM (which supported the ruling party) and Radio Isanganiro (which was critical of the ruling party) were obliged to sign an agreement stating they would be “balanced and objective” and not threaten the country’s security.

Internet Freedom

According to the International Telecommunication Union, only 5 percent of individuals used the internet. In the absence of independent radio, some citizens relied heavily on the social media platforms WhatsApp, Twitter, and Facebook on both internet and mobile telephone networks to get information about current events. The government blocked the use of two or three social media applications on mobile networks for several days following the May 2015 failed coup. There were no verifiable reports the government monitored e-mail or internet chat rooms. Several radio stations that were closed after the failed coup continued to publish radio segments and articles online.

On August 20, police arrested 54 persons attending a private event in a downtown Bujumbura bar. Relatives of the detainees claimed they were arrested for exchanging messages critical of the government on the WhatsApp messaging platform. On August 21, most detainees were released, but eight remained in custody and were later prosecuted for defamation.

Academic Freedom and Cultural Events

On July 23, independent Radio Bonesha reported that Jerome Nzokirantevye, the head of the national radio and television company, the RTNB, had forbidden the playing of all Rwandan music including religious music. Nzokirantevye denied the report, stating he had only directed the station to “favor Burundian music.”

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of 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 at least four days prior to a meeting, but even when notified, authorities in most cases denied permission for opposition members to meet and dispersed meetings already underway. Many opposition political parties said their decision to boycott the 2015 elections was a response to consistent denials of permission by authorities to hold campaign rallies.

Freedom of assembly was further restricted following the failed coup attempt in May 2015, and these restrictions remained in place at year’s end.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right. The law requires registration of CSOs with the Ministry of Interior, a complex process with unclear criteria. There is no recourse when authorities deny registration. Registration must be renewed annually.

On October 19, the government permanently banned five CSOs, led by those opposed to the president’s run for a third term. On December 22, in the wake of an

internet video accusing the president of planning genocide, the government permanently banned Ligue Iteka, the country's oldest human rights organization, for being "recidivist in its actions to tarnish the image of the country and sow hate and division among the Burundian population." The government allowed 14 previously suspended organizations to restart activities after investigating their involvement in the 2015 protests and subsequent violence.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The government 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. Police arrested persons during neighborhood searches in numerous instances for not being registered in household booklets. Persons who attempted to cross the border to flee violence and reach refugee camps were sometimes stopped by police, the SNR, or Imbonerakure members at border crossings and turned back. Other persons feared being arrested if they attempted to cross and remained in hiding inside the country as internally displaced persons (IDPs).

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. Persons could obtain waivers in advance. Foreign residents were exempt.

Foreign Travel: Many middle and upper class citizens fled the country during the political unrest. The price of passports fluctuated from 50,000 francs to 235,000 francs (\$30 to \$142). In 2015 the opposition group known as CNARED (Council for the Observance of the Constitution, Human Rights, and the Arusha Peace Accord) accused the government of using Interpol to harass its members. The government confirmed that it had sent a list of “putchists” and others implicated in violence to Interpol because they were being pursued by Burundian police. Authorities required exit visas for foreign nationals who held nonofficial passports; these visas cost 48,000 francs (\$29) per month to maintain.

Exile: The law does not provide for forced exile, and the government did not practice it. Many political opposition members, civil society leaders, and journalists have reportedly gone into voluntary exile to escape threats and violence.

Internally Displaced Persons (IDPs)

The International Organization for Migration (IOM) counted approximately 60,000 IDPs displaced as of September, concentrated mainly in Rumonge and Makamba provinces. These IDPs were in addition to a preexisting population of IDPs in the country. Some IDPs reported feeling threatened because of their perceived political sympathies. Some IDPs attempted to return to their homes, but the majority returned to the IDP sites or relocated to urban centers. The government generally permitted IDPs to be included in programs provided by UNHCR and other humanitarian organizations, such as shelter and legal assistance programs.

During the political unrest that began in late April 2015, many citizens sent family members out of neighborhoods in Bujumbura that were the scenes of violent clashes.

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.

As of October, approximately 55,000 Congolese refugees remained in the country, prevented from returning to the DRC by continuing violence there. Efforts to resettle Congolese refugees in third countries, begun in 2015, continued.

Employment: Refugees have the right to work except in the army, police, judiciary, or any political position.

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 and health care.

Stateless Persons

Citizenship generally derives from the citizenship of parents. According to UNHCR, an estimated 1,500 stateless persons lived in the country at the end of 2015. The National Office for the Protection of Refugees and Stateless Persons stated that, at year's end, these numbers remained unchanged. All were from Oman, were awaiting proof of citizenship from the government of Oman, and had lived in Burundi for decades. The government offered the stateless Omanis citizenship if they could not get Omani citizenship. There was no evidence that stateless persons experienced discrimination.

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 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.

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 major 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 departed in May 2015 after judging that sufficient conditions for credible elections were not met. The AU also declined to send observers. According to the International Crisis Group, the National Independent Electoral Commission and the Ministry of 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.

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" (ethnically and regionally diverse) and demonstrate in writing they were organized and had membership in all provinces. The Ministry of Interior recognized 38 political parties. Two other parties--FNL (Forces for National Liberation)-Rwasa and UPRONA-Nditije--were officially unrecognized. Other parties, such as MSD and Union for Peace and Development, were recognized by the Ministry of Interior but were nevertheless unable to operate due to the government's intimidation and suppression.

Ministry of Interior interference in opposition party leadership and management kept opposition political parties weak and fractured. The government stated 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. This stance effectively disenfranchised parties not recognized by the government and prevented their leaders from developing platforms and running campaigns in the months before the 2015 elections.

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 provides for 30 percent of seats in government for women, and government institutions hired persons after the elections to meet gender, as well as ethnic, quota requirements. Women were not well represented in political parties and held very few leadership positions.

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, but 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. Although the 2005 constitution provides for the creation of a High Court of Justice to review accusations of corruption against high-ranking defendants, including the president, the two vice presidents, ministers, the speakers of parliament, members of parliament, and judges, the government had not established the court by year's end. 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 related to lack of transparency of budget revenue related to gasoline importation. A discrepancy between estimated revenues based on the amount of fuel consumed in the country and the amount of revenue reported in the government budget suggested that approximately 49 billion francs (\$29.7 million) in revenue was not accounted for. Lower world oil prices drove up the discrepancy. The Tax and Customs Revenue Authority (OBR) has an internal antifraud unit, but observers have accused OBR officials of fraud.

The state inspector general and the Anticorruption Brigade of the Ministry of Good Governance and Privatization 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. The government also exercised its power to freeze and seize property and bank assets of officials to compel reimbursement, although in most cases authorities permitted officials convicted of corruption to retain their positions.

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 this provision could not be confirmed. No other officials are required to disclose assets.

Public Access to Information: The law does not provide for public access to government information.

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

Domestic and international human rights groups struggled to operate without government restriction. Many human rights defenders who had fled the country in 2015 remained outside the country at year's end.

In October the government banned five CSOs led by opponents to the president's third term and, in December, banned the country's oldest human rights organization, League Iteka. During the year the government allowed 14 organizations suspended for their involvement in the 2015 protests to resume operations after an investigation (see section 2.b.). Many suspended organizations continued to function and post newsletters online, often from abroad. During the year progovernment local NGOs grew stronger and more vocal. They tailored their messages to weaken the effectiveness of antigovernment NGOs and opposition organizations. The progovernment Collective of Associations of People Infected and Affected by HIV/AIDS and the Integrated Platform for Civil Society issued a statement in October praising the permanent ban of five NGOs.

The United Nations or Other International Bodies: On February 27, the AU announced it would send 100 human rights monitors and 100 military monitors to the country and stated that the president supported the deployment. As of year's end, however, procedural issues related to the possible deployment had not been resolved.

On June 28, a government delegation led by Justice Minister Aimee Laurentine Kanyana attended the first part of a UN Committee against Torture review to address concerns including torture, extrajudicial executions, disappearances, and rape. The minister dismissed the review as not credible. The country's delegation

issued a statement saying the government needed time to investigate the reports and did not attend the second day of the review.

On July 29, the UN Security Council passed Resolution 2303 expressing grave concern over human rights violations and welcomed the government's professed cooperation in the deployment of UN and AU human rights monitors. The resolution also authorized a force of up to 228 UN police to be deployed throughout the country. On August 2, the government issued a communique signed by government spokesperson Philippe Nzobonariba stating that the government rejected the deployment of 228 police and that "the government agreed to the deployment of a team of 20 to 50 unarmed police to build the capacity of the Burundian police in the fight against terrorism." The communique asserted that security forces were not necessary because the country's defense and security forces fully controlled the situation within the national territory. The communique stated the government was ready to welcome the 200 observers and experts from the AU, as agreed in October 2015. The government organized nonviolent protests against France, the sponsor of the resolution. According to the AU, fewer than 50 monitors had been granted permission to enter the country as of year's end, and the monitors were limited in what they could do because the government had yet to agree on a memorandum of understanding for the monitors.

In September, UNIIB published a report on the human rights situation in the country. The government challenged many of the UNIIB's allegations in a report published later that month. The Senate, National Assembly, and minister of human rights also rejected the report's findings, and the government organized countrywide protests against both the report and the United Nations. In October the government declared the authors of the report officially unwelcome in the country and suspended the activities of OHCHR Burundi.

On April 26, the International Criminal Court (ICC) launched a preliminary examination to investigate reports of killing, imprisonment, torture, rape and other forms of sexual violence, and enforced disappearances. In October the government passed a law withdrawing the country from the ICC, the first country to do so.

Government Human Rights Bodies: The Prosecutor General's Office set up a commission of inquiry to "shed light on the deaths of 11 and 12 December 2015 and on the allegations of mass graves." The commission's findings, announced on March 10, that "no mass graves had been found in the locations cited by certain NGOs." The prosecutor general stated the investigation had found on February 29 a previously unreported common grave dug for the victims of (see section 1.a.).

On March 4, the president officially launched the operational phase of the Truth and Reconciliation Commission (TRC). The TRC has a mandate to document events from Burundi's 1962 independence to 2008, when the last opposition combatant group (the FNL) laid down its arms. Impunity Watch, an international NGO, asserted in a March report that conditions for the TRC's operation were not conducive "in the current climate of fear and intimidation, lack of genuine free speech, and a ruling party that maintains a tight grip on power." Based on interviews with 60 persons and a series of focus group discussions in 2015 and 2016 in four provinces, Impunity Watch reported that citizens believed the investigations would lead to criminal prosecutions and payment of compensation, which is not within the TRC mandate. Many expressed fear of retribution if they described events. The Forum for the Reinforcement of Civil Society, a local NGO banned by the government in October, criticized the composition of the TRC, asserting its members were too close to the ruling party to be impartial. The TRC president, Jean-Louis Maimane, responded publicly, "One can belong to a political group and yet still be honest."

A lack of funding adversely affected the TRC's ability to operate. As of October, the 150 investigators called for by the end of March had not been recruited, and international donors had not provided adequate funding to finance a pilot project intended to monitor progress and provide feedback to donors and the TRC.

Ombudsman Mohamed Rukara, whose functions included monitoring prison conditions and encouraging interreligious dialogue, was out of the country for the first half of the year. He left the country abruptly in September 2015 after speaking out against the president seeking a third term, returning to Burundi in July. The National Assembly replaced Rukara with Edouard Nduwimana in November when the previous ombudsman's mandate expired.

The CNIDH, a quasi-governmental body charged with investigating human rights abuses, exercised its power to summon senior officials, demand information, and order corrective action. The CNIDH was generally independent, but its effectiveness was limited in part by inadequate resources. The CNIDH, which also monitored the government's progress on human rights investigations, did not always release its findings to the public. Human rights committees in the National Assembly and the Senate worked on a range of issues, including human rights and antitrafficking legislation.

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 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.

On September 22, 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 year's end, the special court had not been created and no police or judges had been prosecuted under the new law.

Seruka Center, an organization working in Bujumbura to help victims of sexual violence, received 1,288 reported cases of sexual assault during the year. Victims stated that men in uniform committed 20 of the assaults and armed men committed 58. Seruka Center noted that the number of rapes was likely higher, but distance from Bujumbura, personal and cultural impediments, and a general climate of insecurity prevented many women and girls from seeking medical care.

The Brigade for the Protection of Women and Children in the Burundian National Police is responsible for investigating cases of sexual violence and rape, as well as 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. During the year the center received 160 cases of sexual and gender-based violence (SGBV).

The IOM and UNHCR reported that, in two camps in Tanzania that were home to more than 100,000 refugees, seven women reported surviving SGBV in Burundi, while 19 reported attacks during their flight from the country.

Credible observers stated many women were reluctant to report rape, in part due to fear of reprisal. Husbands often abandoned wives who had been raped, and

survivors experienced ostracism by their families and communities. In some cases police and magistrates reportedly required rape victims to provide food for and pay the costs of pretrial incarceration of those they accused of rape.

CSOs worked to overcome the cultural stigma of rape to help victims reintegrate into families that rejected them. The organizations also encouraged rape victims to press charges and seek medical care. Seruka Center and Nturingaho Center provided shelter and counseling to victims of rape and domestic violence. Several international NGOs provided free medical care, mostly in urban areas.

Sexual Harassment: The law prohibits sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. Punishment for 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.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so free from discrimination, coercion, and violence. Husbands often made the final decisions about family planning. Health clinics and local health NGOs disseminated information on family planning freely under the guidance of the Ministry of Public Health. The government provided free childbirth services and most women used nurses or midwives during childbirth and for prenatal and postnatal care, unless the mother or child suffered serious health complications. According to the 2010 *Demographic and Health Survey*, skilled attendants were present at 60 percent of births, but lack of access to the limited number of doctors, especially outside the capital, remained a problem. According to the World Bank, the 2015 maternal mortality rate was 712 per 100,000 live births. The main factors influencing maternal mortality were inadequate medical care and low use of family planning services.

There were no restrictions on access to contraceptives, and the Ministry of Public Health and the Fight against AIDS reported the contraceptive prevalence rate was 37 percent, part of a steady increase in the rate since 2006. According to a 2014 survey by the Swiss Tropical and Public Health Institute, many sexually active young people did not use contraceptives for a variety of reasons, including wanting more children, worries about side effects, religious beliefs, disapproval of a partner, a lack of knowledge about contraceptives, or unavailability of

contraceptives. Men and women had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, nationality, and inheritance laws. While 30 percent of elected positions are reserved for women under the constitution, women faced barriers to effective participation, including the low number of women in party leadership positions, financial and time constraints, and lower average levels of education. Women continued to face legal, economic, and societal discrimination, including with regard to inheritance and marital property laws. The Ministry of National Solidarity, Human Rights, and Gender is responsible for combating discrimination against women.

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. Women were less likely to hold mid- or high-level positions in the workforce, although some owned businesses, particularly in Bujumbura.

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. The government fines parents who do not register a birth within the time limit. An unregistered child may not have access to some public services, such as free public schooling and medical care for children under the age of five.

Education: Education is free, compulsory, and universal through the secondary level, but students are responsible for paying for books and uniforms. Throughout the country, provincial officials charged parents fees for schooling.

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 rape of a minor is 10 to 30 years' imprisonment. The UN Development Fund for Women reported that in many instances rapists wrongly believed the rape of minors would prevent or cure sexually transmitted diseases, including HIV/AIDS.

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. No statistics were available on the rate of early marriage. Forced marriages are illegal and were rare, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of Interior continued an effort to convince imams not to officiate over illegal marriages.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The penalty for commercial sexual exploitation of children is five to 10 years in prison and a fine of between 20,000 and 50,000 francs (\$12 and \$30). The law punishes child pornography by fines and three to five years in prison. There were no prosecutions during the year.

While there does not appear to be large-scale child prostitution, older women reportedly offered vulnerable girls room and board in their homes under the guise of benevolence and in some cases forced them into prostitution to pay for living expenses. Brothels were located in poorer areas of Bujumbura, along the lake, and on trucking routes. Extended family members sometimes also financially profited from the prostitution of young relatives residing with them. Businesses recruited local girls for prostitution in Bujumbura and nearby countries.

Women and girls were trafficked to countries in the Middle East, sometimes using falsified documents, putting them at high risk of exploitation. Following international media reports, the government investigated, and seven persons were arrested in June. Media reports accused approximately one dozen companies in Middle Eastern countries, Kenya, and Burundi of being involved in the trafficking scheme.

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. Family poverty and parents' inability to provide for them was a major factor causing children to leave home. The number of children living on the streets in Bujumbura reportedly increased as a result of increasing poverty, but no study has been conducted to verify this claim. UNICEF 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. Starting in June a government campaign to “clean the streets” resulted in the detention of hundreds of persons living or working on the streets, including more than 130 children. According to UNICEF, after being arrested the children were detained in adult prisons before being released.

UNHCR and the IOM reported that as many as 6,000 Burundian children arrived in refugee camps in neighboring countries without their parents between March and October. Some children arrived in camps in Rwanda, and their parents went to camps in Tanzania, and vice versa.

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 travel.state.gov/content/childabduction/en/legal/compliance.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/.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities. The government, nevertheless, did not promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care (see section 7.d.). 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.

The Ministry of National Solidarity, Human Rights, and Gender coordinates assistance and protects the rights of persons with disabilities. The government has

not enacted legislation or otherwise mandated 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 approximately 80,000, or approximately 1 percent of the population, according to the OHCHR. They generally remained economically, politically, and socially marginalized. Lack of education, employment, and access to land were among their major problems. 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) took their seats in August 2015.

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

The law criminalizes same-sex sexual acts with penalties ranging from fines to imprisonment of three months to two years. According to *Burundi Africa Generation News*, on November 2, the High Court of Cibitoke Province sentenced a 15-year-old boy who admitted to the rape of a seven-year-old boy to one year in prison. The adolescent was charged with rape of a minor and homosexuality. There were no other reports of prosecution for homosexuality during the year.

The Remuruka Center in Bujumbura offered urgent services to the LGBTI community. The government neither supported nor hindered the activities of local LGBTI organizations or the center.

Other Societal Violence or Discrimination

Criminals sometimes murdered persons with albinism, particularly children, for their body parts, 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. Most civil servants may unionize, but they must register with the Ministry of Civil Service, Labor, and Social Security, 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 under the 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 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. The law prohibits antiunion discrimination. The law 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--which ranged from 5,000 to 20,000 francs (\$3 to \$12)--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.

Agence France-Presse (AFP) reported police arrested the president of the Burundi Confederation of Unions, Tharcisse Gahungu, and three other union officials who were discussing unionization with tea growers on December 28. AFP reported that a letter from the Burundi Tea Company urged the minister of public security to prevent the planned unionization meeting. Ombudsman Edouard Nduwimana successfully intervened to have Gahungu released two days later without charge.

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 centers represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions. The minister of labor has the authority to designate the most representative trade union in each sector.

Most laborers worked in the unregulated informal economy and were not protected by other than minimum wage labor laws. 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 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.

Children and young adults were coerced into forced labor on plantations or small farms in the south, small-scale menial labor in gold mines in Cibitoke, 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.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 are 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 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. In cases of violations, fines ranged from 5,000 to 20,000 francs (\$3 to \$12) which was 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.

Given the prevalence of extreme poverty in a majority of households, child labor was an economic necessity for many families. In rural areas, children under 16 years of age 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.

In urban areas, child domestic servants were often isolated from the public. Some were only housed and fed instead of given pay 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.

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

d. Discrimination with Respect to Employment and Occupation

The constitution recognizes workers' right to decent work and 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. Penalties ranged from 5,000 to 20,000 francs (\$3 to \$12) and were not sufficient to deter violations. Some persons claimed that membership in the ruling party was a prerequisite to formal employment in the public and private sectors.

e. Acceptable Conditions of Work

In Bujumbura, the informal minimum wage for unskilled workers was 3,000 francs (\$1.82) per day. In rural areas, the daily minimum wage was 1,000 francs (\$0.61), plus lunch. According to the government, 62 percent of the population lived below the poverty line, defined by the World Bank as the equivalent of \$0.50 per day in urban areas and \$0.38 per day in rural areas. More than 90 percent of the working population worked in the informal economy. Wages in the informal sector were on average 2,500 to 3,000 francs per day (\$1.52 to \$1.82) in Bujumbura and from 1,000 to 1,500 francs per day (from \$0.61 to \$0.91) in the rest of the country.

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. A surcharge of 35 percent for the first two hours and 60 percent thereafter must be paid for overtime. Workers are supposed to receive 200 percent of their base salary for working weekends and holidays. 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 as Burundians.

The labor code establishes 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 at 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. In cases of violations, fines ranged from 5,000 to 20,000 francs

(\$3 to \$12). The government has not provided for the effective implementation of these laws and regulations.

Despite the fact that workplaces rarely met safety standards or protected the health of workers sufficiently, there were no cases of employers reported for violating safety standards or 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.

According to the Ministry of Labor, employees reportedly did not complain because they did not want to lose their jobs or because they did not know their rights.