

# **BURUNDI 2012 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 2010 voters reelected President Pierre Nkurunziza and chose a new National Assembly (lower house) in elections that a coalition of 12 opposition parties boycotted. International observers characterized the elections as largely peaceful, generally free and fair, and generally well managed, although they noted the absence of pluralistic competition, some unfair use by the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) of government facilities and financial resources during the campaigns, and restrictions on freedom of expression and assembly. The armed forces and other security forces reported to civilian authorities. While observers considered the military generally professional and apolitical, the intelligence service and the police tended to be influenced directly by and responsive to the CNDD-FDD.

The main human rights abuses included torture and extrajudicial executions of detainees, particularly members of certain opposition political parties, by police, military, and intelligence services; prolonged pretrial detention of detainees, often without formal charges; harsh and sometimes life-threatening prison conditions; and a lack of judicial independence.

Other human rights abuses included interference with and intimidation of government officials and political opposition members by certain members of the CNDD-FDD and the intelligence and police services. The political rights of certain opposition political parties--including the right to hold party meetings--were restricted arbitrarily, and members of these parties were detained, threatened, and intimidated. Some journalists and members of civil society and nongovernmental organizations (NGOs) who criticized the government and CNDD-FDD were harassed and intimidated. Corruption existed at all levels of government. Women and girls suffered from widespread sexual and gender-based violence and discrimination, and some were trafficked. Labor rights were not respected, and forced child labor existed.

The general reluctance of and delay by police and public prosecutors to investigate and prosecute--and of judges to hear--cases of government corruption and human rights abuse resulted in a widespread perception of impunity for government and

CNDD-FDD officials. In many cases investigative and judicial officials hesitated to act as a result of bribes or threats.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings during the year.

The UN Office of the High Commissioner for Human Rights (OHCHR) documented 30 cases of extrajudicial killings committed by police, the intelligence service, military personnel, and local government officials during the year; the OHCHR documented 61 cases in 2011. Members of the Youth Wing (Imbonerakure) of the CNDD-FDD were implicated in some cases. Most of the victims were former or current members of the opposition National Liberation Front (FNL) and other opposition parties. The OHCHR relayed the cases to a committee composed of representatives from the Ministries of Interior; National Solidarity, Human Rights, and Gender; and Public Security; the National Intelligence Service (SNR); and others in government. In some cases police or prosecutors opened investigations, but these rarely led to arrests.

During the year student Juvenal Havyarimana was killed while allegedly in the custody of police in Gitega. According to the National Independent Human Rights Commission (CNIDH), the body of Havyarimana, who was a member of the opposition Movement for Solidarity and Democracy (MSD) party, was discovered five days after he was invited to an opposition meeting. According to the CNIDH, a police investigation uncovered evidence that Michel Nurweze, the deputy police commissioner in Gitega, was responsible. Nurweze, who was arrested and charged with the killing, remained in detention awaiting trial at year's end.

In May Human Rights Watch (HRW) released the report *You Will Not Have Peace While You Are Living: The Escalation of Political Violence in Burundi*. The report describes political killings in 2011--some by state agents and members of the ruling party and others by armed opposition groups--stemming from the 2010 elections. According to HRW the killings reflected widespread impunity, the inability of the state to protect its citizens, and an ineffective judiciary. The report also documented government attempts to restrict independent media and civil society's efforts to denounce the violence.

Police arrested suspects in 24 of the 61 cases of extrajudicial killings in 2011. At year's end six of the 24 suspects were serving prison sentences and seven were in jail appealing their convictions. The government took no action in the other 11 cases.

According to the OHCHR, there were an additional 42 cases of politically motivated assassination in 2011 in which the perpetrators were unknown; the victims included members of the FNL and MSD parties as well as members of the CNDD-FDD.

On May 19, the government established an ad hoc commission under the jurisdiction of the public prosecutor to investigate alleged extrajudicial killings between January 2011 and June 2012. The commission considered allegations made by the OHCHR, local NGOs, and diplomatic missions. In August the commission completed its investigations and transmitted its report to the prosecutor general, who held a press conference to publicize the report. Despite the OHCHR's documentation of 61 extrajudicial killings in 2011 and 30 during the year, the report claimed there were no extrajudicial killings in the country during the previous 18 months. The report acknowledged that the killings took place but concluded that they did not fit the UN definition of extrajudicial killings, since there was no proof of government involvement. However, as a result of the commission's investigation, three ranking police officers in different parts of the country were arrested and charged with crimes.

There were no developments in the case of Audace Vianney Habonarugira, a demobilized FNL colonel who was shot and killed in July 2011. In March 2011 in Kamenge, Habonarugira escaped an attempt on his life by an individual identified as an intelligence agent. In the months before his killing, Havonarugira had refused to become an intelligence informant and was persistently followed. A commission of inquiry examined the failed assassination attempt, but there were no prosecutions.

There were no developments in separate investigations into the November 2011 alleged extrajudicial killing and beheading of opposition MSD party member Leandre Bukuru. In addition to the CNIDH investigation, the head prosecutor for the Gitega court of appeals was conducting a separate investigation since a local police commissioner allegedly was involved in the killing.

In September the government's investigation of the 2010 killing of Fabien Mpfubusa found that Mpfubusa was shot while resisting arrest; four of his

accomplices in the killing of two persons in Mubanga were charged and in detention. There was no independent information available to confirm or deny the allegation that Mpfubusa was a victim of extrajudicial execution.

On May 22, the Higher Instance Court of Bujumbura sentenced 14 persons to lengthy prison terms in connection with the 2009 killing of anticorruption activist Ernest Manirumva (see section 1.e.). Because the court failed to investigate the alleged involvement of senior officials in the security services and national police, HRW characterized the trial as a “grave disappointment” to those who campaigned for Manirumva’s killers to be held to account.

### **b. Disappearance**

Unlike in the previous year, there were no reports of politically motivated abductions or kidnappings.

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

The constitution and the law prohibit such practices, but there were reports that government officials employed them (see section 1.a.). During the year the OHCHR documented 17 cases of torture by security personnel.

The OHCHR documented 59 victims of cruel, inhuman, or degrading treatment or punishment for the year, mostly committed by the national police. No information on arrests or convictions of the perpetrators was available.

The OHCHR documented 17 cases of rape and sexual abuse by government agents, including school teachers, during the year. Four of the presumed perpetrators were arrested and convicted; one was found not guilty. Information on the other cases was unavailable.

### **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 the prisons. There were reports of physical abuse and prolonged solitary confinement.

Physical Conditions: The director of prison administration in the Office of Penitentiary Affairs reported that as of December 27, there were 6,581 persons incarcerated in the country's 11 prisons, which were built before 1965 to accommodate a total of 4,050 inmates. No information was available on the number of persons held in detention centers managed by the SNR or in communal lock-ups run by police. As of December 27, there were 280 women in prison and 29 children under three years of age, some of whom were born in prison. A separate area for female inmates existed in each prison. Conditions in these areas generally were better than in the men's sections. For example, female prisoners received free rations of charcoal and more NGO support, such as the provision of soap. A small prison in Ngozi Province was reserved for women only. There were 111 juveniles in pretrial detention and 52 convicted juveniles. Juvenile prisoners were held in the same prisons as adults. During the previous year, 10 of the 11 prisons were rehabilitated to accommodate juvenile prisoners in separate areas; however, adult prisoners often were still allowed in those areas due to overcrowding. Juveniles generally were held with adults in detention centers and communal lock-ups. Pretrial detainees commonly were held with convicted prisoners.

According to government officials and international human rights observers, prisoners suffered from digestive illnesses and malaria; an unknown number died as a result of disease. Each inmate was allotted 12 ounces (350 grams) of manioc and 12 ounces of beans daily. Oil and salt were provided on some days. Family and friends were expected to provide funds for all other expenses. All prisoners had access to potable water. Each prison had at least one qualified nurse and received at least one weekly visit by a doctor; however, prisoners did not always receive prompt access to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the sole provider of medicines.

Administration: Recordkeeping on prisoners was adequate, prison ombudsmen were available to respond to prisoner complaints, and prisoners and detainees had access to visitors. In August the government amended the criminal code to add community service as a sentencing alternative. Authorities permitted prisoners religious observance and allowed them to submit complaints to judicial authorities without censorship; however, judicial authorities rarely investigated prisoner complaints.

Unlike in the previous year, there were no prison riots as a result of poor living conditions.

In 2011 the Office of the Prosecutor General of the Republic and the Office of the Ombudsman began separate investigations into prison conditions and individual cases. Neither report had been made public by year's end.

Monitoring: During the year the government permitted all visits requested by international and local human rights monitors, including the ICRC, which regularly visited all prisons, communal lock-ups, and SNR detention centers. ICRC visits took place in accordance with standard modalities.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention. However, there were credible reports that they occurred (see section 1.e.).

#### **Role of the Police and Security Apparatus**

The National Police, under the Ministry of Public Security, are responsible for law enforcement and maintenance of order within the country. The armed forces, under the Ministry of Defense, 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. Elements of the police, SNR, military, and local officials were responsible for human rights abuses during the year (see sections 1.a. and 1.c.).

The constitution provides for a 50/50 quota (Hutu/Tutsi) in the military, police, and SNR to prevent these armed elements from being used against one ethnic group or the other. The formal integration (with international oversight and assistance) of Hutu into the previously Tutsi-dominated army began in 2004 and largely has been completed. However, the integration of the police remained incomplete.

The police generally were poorly trained, underequipped, underpaid, and unprofessional. They were widely perceived by local citizens as corrupt and were often implicated in criminal activity, including taking bribes. The Anticorruption Brigade is responsible for investigating police corruption.

Approximately 75 percent of the police force were former rebels; 85 percent had received minimal entry-level training and no refresher training in the past five years, and 15 percent had received no training. Due to low wages, petty corruption was widespread. For example, according to the government's Anticorruption

Brigade in the Office of the President, a truck or bus driver typically was compelled to pay bribes totaling approximately 19,500 Burundian francs (\$12.70) at arbitrary police roadblocks and “vehicle inspections” on the main road from Bujumbura to Makamba, a distance of approximately 100 miles.

The public perceived police as heavily politicized and responsive to the CNDD-FDD. During the year police officials were implicated in cases of torture, killing, and extrajudicial execution (see sections 1.a. and 1.c.). The government’s general reluctance and slowness to investigate and prosecute these cases resulted in a widespread perception of police impunity.

The international community was heavily engaged in providing instruction at the police academy on human rights, code of conduct, and community-oriented policing.

The armed forces, which generally were perceived as professional and politically neutral, have an Office of Inspector General to investigate allegations of military abuse.

The country has contributed peacekeepers to the African Union Mission in Somalia (AMISOM) since 2008. The international community was heavily engaged in training the armed forces and regularly provided training in international humanitarian law and in countering sexual and gender-based violence to soldiers assigned to AMISOM.

The SNR is a 200-person force with mandates for both external and internal security. It was reasonably effective at investigating what the government defined as terrorists, including certain opposition political party leaders and their supporters. Many citizens perceived the SNR to be heavily politicized and responsive to the CNDD-FDD. During the year intelligence officials were implicated in cases of torture and extrajudicial killings (see sections 1.a. and 1.c.). SNR officials claimed that officers who were found guilty of abusing their authority were punished internally.

### **Arrest Procedures and Treatment While in Detention**

The law requires warrants issued by a presiding magistrate to make arrests; however, it also allows police to arrest without a warrant by notifying a supervisor in advance. Police have seven days to finish their investigation and to transfer suspects to the magistrate. The police can request seven more days if additional

investigation time is required. However, police rarely respected these provisions in practice and routinely violated the requirement that detainees be charged and appear before a magistrate within seven days of arrest.

A magistrate can order the release of suspects or confirm the charges and continue detention, initially for 14 days, then for seven more 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. Lack of transportation for suspects, police, and magistrates was, however, 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.

Police are authorized to release suspects on bail, but this provision rarely was exercised. Suspects are permitted lawyers at their own expense in criminal cases, but the law does not require, and the government did not provide, attorneys for indigents at government expense. The law prohibits incommunicado detention, but it reportedly occurred. Authorities on occasion denied family members prompt access to detainees.

Arbitrary Arrest: There were allegations of arbitrary detentions by police and SNR personnel. According to the OHCHR, the government arbitrarily arrested 566 persons during the year; 10 of those arrests were politically motivated (see section 1.e.).

Pretrial Detention: Prolonged pretrial detention remained a serious problem. The law specifies that a person cannot be held longer than 14 days without charge. As of December 27, according to the director of prison administration, 62 percent of those being held in prisons and detention centers were pretrial detainees--some held without formal charge--and the average time in pretrial detention was one year. Some persons were held for nearly five years. Police, prosecutorial, and judicial inefficiency and corruption contributed to the problem. For example, many persons were deprived of their legal right to release on personal recognizance because public prosecutors failed to open case files or because prosecutorial and court officials could not find the files. Others were held 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.

In September the prosecutor general of the republic and the Office of the Ombudsman initiated separate reviews of the cases of all prisoners with the goal of releasing either provisionally or completely those held in pretrial detention. As a result of the review, in October the government announced the release of 328 persons from Mpimba Prison in Bujumbura.

In February lawyer Francois Nyamoy was released on his own recognizance with no trial date set. In July 2011 Nyamoya was arrested for allegedly suborning a witness in the 2002 high-profile murder case of World Health Organization official Kassy Manlan.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, there were instances in which members of the judiciary were subject to political interference or bribe taking to drop investigations and prosecutions, predetermine the outcome of trials, or avoid enforcing court orders. Judicial officials, including the president of the Supreme Court responsible for prosecuting and trying high-profile corruption and criminal cases, were subject to direct and indirect threats from persons named in the cases or their political supporters.

Serious irregularities undermined the fairness and credibility of trials. During the year there were allegations that the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police.

For example, on May 22, the Higher Instance Court of Bujumbura sentenced 14 persons to lengthy prison terms in connection with the 2009 killing of anticorruption activist Ernest Manirumva: eight defendants received life sentences for murder; three received 20-year sentences for complicity; and three received 10-year sentences for “lack of solidarity.” Manirumva was investigating allegations of large-scale police corruption and illegal weapons purchases at the time of his death. Noting that the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police, 20 local and international NGOs characterized the trial as “a missed opportunity to deliver justice” and “a serious blow to civil society.” Among evidence not admitted were recordings and transcripts of a police officer who claimed to have witnessed Manirumva’s killing, alleging that security force members were involved, potentially exculpating some of the defendants on trial. HRW characterized the trial as a “grave disappointment” to those who campaigned for Manirumva’s killers to be held to account.

Judicial officials, including the president of the Supreme Court responsible for prosecuting and trying high-profile corruption and criminal cases, often were subjected to direct and indirect threats from persons named in the cases or their political supporters. In October magistrates went on strike for two months to protest political interference and demand the removal of incompetent and corrupt judicial personnel appointed by the government in violation of the law.

Executive officials also were threatened and harassed. In March the ministers of justice and of good governance and privatization were the targets of threatening telephone calls and text messages from persons who sought to block a list of nominations for senior judicial positions presented by the executive branch to the Senate for confirmation. Among the nominees were several persons known for being strict on corruption and violations of human rights.

### **Trial Procedures**

Defendants are presumed innocent. All trials are conducted publicly by panels of judges. Defendants have the right to be informed promptly and in detail of the charges and with free interpretation if necessary; however this right was not always respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense; however, 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 one of the 131 registered lawyers in the country. Some local and international NGOs provided legal assistance but could not assist in all cases. Defendants have a right to defend themselves, including to question prosecution witnesses, call their own witnesses, and examine evidence against them. Defendants also can present evidence on their own behalf and did so in the majority of cases.

All defendants, except those in military courts, have the right to appeal their cases to the Supreme Court. In practice 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 can be closed for compelling reasons,

including for national security or when publicity can harm the victim or a third party, such as in cases involving rape or child abuse. Defendants in military courts are allowed only one appeal.

### **Political Prisoners and Detainees**

The government denied that persons were detained or convicted for political reasons. However, through the end of November, the OHCHR documented 10 cases of detention of members of opposition political parties by the police, intelligence service, military, and local officials. The cases were conveyed to the government for investigation, but no action had been reported by year's end.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for human rights violations, including appealing to the African Court on Human and Peoples' Rights.

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

The constitution and law provide for the right to privacy, but the government did not always respect this right in practice. Authorities did not always respect the law requiring search warrants.

Membership in a registered political party often is needed to obtain or retain employment in the civil service and the benefits that accrue from such positions, such as transportation allowances, free housing, electricity, water, exemption from personal income taxes, and interest-free loans.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech: Throughout the year political party leaders, including those representing the nonparliamentary opposition coalition that boycotted the 2010 elections, continued to convene press conferences, were interviewed by the media, and issued written statements (including on the Internet) in which they criticized the government and the ruling party. In August prosecutors summoned the

president of one of these opposition parties, the Front for Democracy in Burundi, after he expressed support for violence against the government in a press conference. He was released after questioning, during which he retracted his statement by explaining that he had been “provoked” by one of the journalists into saying what he had said.

Freedom of Press: The government owned and operated *Le Renouveau*, the only newspaper that published regularly, and Radio Television Nationale du Burundi, the sole television and radio stations with national coverage. The law prohibits political parties, labor unions, and foreign NGOs from owning media outlets. The law also prohibits the media from spreading “hate” messages or from using abusive or defamatory language against public servants acting in their official role that could damage the dignity of or respect for the public office.

The National Communications Council (CNC), the state agency that oversees the enforcement of media laws, reviewed all projects or legislative proposals relating to the press and imposed sanctions on media organizations that it deemed in violation of the law. The CNC lacked the resources to investigate and did not file lawsuits, but it referred cases to the prosecutor general of the appropriate province and exercised its power to suspend media outlets or reprimand journalists who it decided violated the law.

In January the CNC suspended 13 newspapers because they had not published an edition in more than two years; 10 other newspapers were notified they were approaching the two-year limit for publication.

In June the CNC suspended Radio Rema, which generally supported the ruling party, for airing editorials and comments against civil society members that the CNC found insulting and libelous. A lawsuit filed by the prosecutor general was pending at year’s end.

Also in June the CNC referred its file on African Public Radio, which tended to support the opposition, to the prosecutor general, alleging that the station had accused the president of corruption. No further action was taken by year’s end.

Violence and Harassment: Some journalists investigating controversial subjects such as corruption and human rights violations reported receiving threats from members of the police, SNR, and CNDD-FDD. Unlike in the previous year, the government did not arrest journalists or lawyers who defended such journalists.

On June 20, radio journalist Hassan Ruvakuki, a reporter for the private Bonesha FM and a correspondent for Radio France Internationale, was sentenced to life imprisonment for "acts of terrorism" after he participated in a rebel group meeting and planning session in neighboring Tanzania. Three colleagues of Ruvakuki also were sentenced to life imprisonment, and nine were sentenced to 15-year prison terms. Ruvakuki and his colleagues were arrested in November 2011 after the rebel Forces for the Restoration of Democracy attacked and killed several government troops in the eastern province of Cankuzo. International and local NGOs criticized the verdict, insisting that Ruvakuki was acting as a journalist when he visited the rebel camp and should be freed. The government argued that Ruvakuki was an active participant and therefore a terrorist. On November 8, Ruvakuki appealed his sentence, and the appellate court subsequently reduced his sentence to three years in jail. The public prosecutor appealed the appellate court's reduction of sentence, and the appeal was pending at year's end.

Censorship or Content Restrictions: The law protects public servants and the president against "words, gestures, threats, or writing of any kind" that are "abusive or defamatory" and 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 approximately 10,000 to 50,000 Burundian francs (\$7 to \$32.50) for insulting the head of state. Some journalists, lawyers, and leaders of political parties, civil society, and NGOs alleged that the government used the law to intimidate and harass them.

Libel Laws/National Security: 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 nation 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 false 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 political party, civil society, and NGO leaders alleged the government used these laws to intimidate and harass them.

## **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. According to International Telecommunication Union statistics, 1.1 percent of individuals used the Internet.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

The constitution and law provide for freedom of assembly, and the government generally respected the law in practice. The law requires political parties and large groups to notify the government prior to a meeting. Some opposition political parties claimed that local officials refused permission for them to hold meetings and/or dispersed meetings.

#### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected it in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement: 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. Permits were required for movement outside of one's community during those hours, and these restrictions were enforced by police roadblocks. Waivers could be obtained in advance; all foreign residents were exempt.

Exile: The law does not provide for forced exile, and the government did not practice it. Several leaders of political parties that boycotted the 2010 elections remained in self-imposed exile, claiming to fear for their lives.

Emigration and Repatriation: On August 1, the government of Tanzania informed the approximately 37,500 Burundian refugees living in the Mtabila refugee camp in Tanzania that their refugee status had been revoked and that the camp would close on December 31. Most of the refugees had resided in Tanzania since fleeing the civil war in Burundi 20 years ago, and a separate group of 2,715 Burundian citizens were allowed to remain in Tanzania as refugees. On October 31, convoys organized by the UNHCR, the International Organization for Migration, and other humanitarian organizations began transporting refugees to Burundi and completed the operation on time. During the year approximately 35,000 Burundians returned. Until December 31, those returning were entitled to reintegration assistance from the UNHCR and other agencies in the form of a cash grant, six months of food rations, and health, education, and shelter support. Returnees also began the process of obtaining a government identification card and health benefit card.

Since 2002 the UNHCR has supported the government in reintegrating more than 500,000 returning refugees, helping them reclaim their land, settle land disputes, build homes, and start businesses. The UNHCR estimated that another 20,000 to 30,000 Burundians remained in Tanzania as foreign nationals, although fewer than 2,000 received assistance from the UNHCR; these remaining 2,000 were scheduled to be repatriated in early 2013.

### **Internally Displaced Persons (IDPs)**

As a result of successive waves of civil war and unrest beginning in 1972, there were approximately 80,000 IDPs in the country, according to UNHCR estimates. Some IDPs attempted to return to their rural places of origin, but the majority returned or relocated to urban centers. The government generally permitted IDPs to be included in programs provided by the UNHCR and other humanitarian

organizations to benefit returning refugees, such as shelter and legal assistance programs.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year approximately 5,700 Congolese, mainly from South Kivu Province, crossed the border and sought asylum in Burundi. Most were fleeing violence between armed groups as well as tension between ethnic groups. The influx placed Burundi's three camps for Congolese refugees--Bwagiriza, Musasa, and Gasorwe--under severe strain. Bwagiriza camp, for example, had a capacity for 8,000 people but hosted more than 10,000 at year's end. As of December, according to the UNHCR, approximately 26,000 refugees were in four camps; another 21,000 urban refugees chose not to go to the camps.

Employment: Refugees have the right to work except in protected sectors such as the army, police, and judiciary.

### **Stateless Persons**

Citizenship is derived from the parents, not the place of birth. According to the UNHCR, there were 1,059 stateless persons living in the country at the end of 2010. All were from Oman, awaited proof of citizenship from the government of Oman, and had lived in Burundi for decades. The government offered the stateless Omanis Burundian citizenship if they could not get Omani citizenship. While there were no negative developments during the year related to their stateless status, two Omani families were forced off their land by the national land dispute commission. The land was then given to some returning repatriates who claimed to be the rightful owners.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: In 2010 the government held five separate elections: communal councils (in May), presidential (June), National Assembly (July), Senate (July), and village councils (September). Voter turnout in the communal elections was more than 90 percent. Following the communal elections, a coalition of 12 parties withdrew and boycotted the remaining four elections. Following the withdrawal of the opposition coalition, the CNDD-FDD's presidential candidate, Pierre Nkurunziza, ran unopposed, and the CNDD-FDD won absolute majorities in the National Assembly and Senate.

The EU's Election Observation Mission, which monitored the five elections, noted that the June 2010 presidential and July 2010 National Assembly elections were largely peaceful and generally well managed by the Independent Electoral Commission. However, the mission stated that the political and electoral environment was characterized by unfair use by the CNDD-FDD of government facilities and financial resources during the campaigns, the absence of pluralistic competition, and restrictions by the government and ruling party on the freedoms of political party expression and assembly of its competitors. Members of the youth wings of the CNDD-FDD and of several rival political parties were the main perpetrators of intimidation and violence before, during, and after the elections.

Political Parties: There were 43 registered political parties, the vast majority based on family, clan, or region and representing localized interests. Only six parties fielded candidates in all 17 provinces and 129 communes in the May 2010 communal elections. In 2011 the National Assembly mandated that all parties reregister by the end of 2011. According to the new law, to qualify for public campaign funding and compete in the 2015 legislative and presidential elections, parties must be "nationally based" (ethnically and regionally diverse) and demonstrate in writing that they have party membership and organizations in all of the provinces. A provision that all party presidents must reside in the country was rejected by the coalition of political parties that boycotted the 2010 elections, given that the presidents of three of the parties in the coalition remained in self-imposed exile abroad. Many opposition political parties had not reregistered by the end of the year; however, the Ministry of Interior imposed no penalties on parties who failed to reregister.

Participation of Women and Minorities: The constitution reserves 30 percent of seats in the National Assembly, the Senate, and the communal councils for women. There were 35 women in the 106-seat National Assembly and 18 women in the 41-seat Senate. The constitution also mandates that 30 percent of appointed government positions be set aside for women. Women held seven of 21 ministerial

positions. Additionally, there were seven women on the 25-seat Supreme Court and three women on the seven-seat Constitutional Court.

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

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption. However, the government did not fully implement the law, and some high-level government officials continued to engage in corrupt practices with impunity. Corruption remained a very serious problem.

Judicial corruption occurred. For example, in December a magistrate was arrested for soliciting bribes.

In the Tax and Customs Revenue Authority, the government fired personnel, tightened procedures, and put the authority under foreign management. As a result, tax and revenue collections for 2010 through 2012 increased 76 percent.

The state inspector general and the Anticorruption Brigade of the Ministry of Good Governance and Privatization are responsible for investigating government corruption. Within the judiciary there is 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.

During the year the Anticorruption Brigade investigated 199 cases; however, unlike in the previous year, the government did not authorize the release of a status report on these cases.

In view of the lengthy backlog of cases in the anticorruption court and the difficulty of obtaining convictions, the Anticorruption Brigade resorted in many instances to enforcing the law through settlements in which the government agreed not to prosecute and the offending official agreed to reimburse the money stolen. The government exercised its power to freeze and seize property and bank assets of

officials to compel reimbursement. In most cases, however, corrupt officials were permitted to retain their positions.

In 2007 the government charged three senior government officials with fraud involving 48.3 billion Burundian francs (\$31.5 million) in a government procurement contract with a private company, INTERPETROL. In early 2010 the prosecutor general dismissed the case for lack of evidence, but the new government reopened the case late in 2010. In April 2011 the government began prosecuting the owners of INTERPETROL, Munir and Tariq Bashir, on charges of embezzlement, corruption, and collusion. Certain CNDD-FDD members and government officials, including the SNR director, Adolphe Nshimirimana, and the deputy director of the National Police, Gervais Ndirakobuca, directly threatened the Supreme Court chief justice to force him to drop the case. With the support of some senior government and CNDD-FDD officials, the chief justice and the public prosecutor continued to prosecute the case in 2011; however, during the year the chief justice was dismissed, and his replacement ruled that the case was inadmissible. Unexpectedly, the minister of justice subsequently employed a rarely used legal maneuver called a “citation directe” to bypass the Public Prosecutor’s Office and refile the case with the Supreme Court. Despite an October decision by the council of ministers to approve an investigation report finding all of the accused innocent of corruption charges, the case remained pending at year’s end.

The law requires financial disclosure by elected officials and senior appointed officials once every five years, but it does not require public disclosure. Information on financial disclosures was difficult to obtain.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were not always cooperative and responsive to their views.

Human rights groups continued to operate and publish newsletters documenting human rights abuses and to participate in meetings sponsored by the government and international organizations. Some national human rights NGOs, however, reported being intimidated and harassed by government officials. No major local human rights NGOs were closely aligned with the government or political parties.

Following its May 2010 expulsion of the resident HRW researcher, the government agreed to permit--and HRW assigned--a new researcher in the country, who continued to work during the year.

UN and Other International Bodies: The government generally cooperated with international governmental organizations and permitted visits by UN representatives and other organizations, such as the ICRC and the UN Independent Expert on Human Rights in Burundi.

Government Human Rights Bodies: The Office of the Ombudsman, which monitored prison conditions, was widely perceived by both Burundians and international partners to be impartial and effective.

During the year the CNIDH, a quasi-governmental body charged with investigating human rights abuses, exercised its power to call in senior officials, demand information, and order corrective action. The CNIDH, which also monitored the government's follow-up, is not allowed to release report findings. Local and international partners widely perceived the commission as independent and effective. During the year the CNIDH opened three regional offices to increase its ability to investigate alleged abuses.

Human rights committees exist in the national assembly and the senate. They were instrumental in passing the law creating the CNIDH.

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

The constitution provides for equal status and protection for all citizens, without distinction based on race, language, religion, sex, or ethnic origin, but the law does not explicitly address distinctions based on sexual orientation or gender identity. The government did not enforce the law in many cases.

### **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.

According to a 2010 report compiled from family development centers throughout the country, there were 3,781 reported cases of gender-based violence in 2010, the last year that funding was available to compile statistics. Centre Seruka, a clinic for rape victims, estimated that 60 percent of alleged rapists were arrested and perhaps 30 percent of those arrested were prosecuted. From January through September, Centre Seruka averaged 121 new rape cases per month: 64 percent of victims were under age 18; 43 percent were under age 13; and 18 percent were under age five.

The police Women and Children's Brigade was responsible for investigating cases of sexual violence and rape, as well as of trafficking of girls and women.

Many women were reluctant to report rape for cultural reasons, fear of reprisal, and the lack of medical care. Men often abandoned their wives following acts of rape, and rape victims were ostracized by their families and communities. In some cases police and magistrates required that rape victims provide food for and pay the costs of incarceration of those they accused of rape.

The government, with financial support from international NGOs and the UN, continued civic awareness training on domestic and gender-based violence as well as the role of police assistance throughout the country. Those trained included police, local administrators, and grassroots community organizers.

Civil society organizations worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them; it also encouraged rape victims to press charges and to seek medical care. Centre Seruka 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 orders, severe pressure, or threats of physical or psychological violence to obtain sexual favors. The sentence for sexual harassment ranges from fines to penalties of one month to two years in prison. The sentence for sexual harassment doubles if the victim is less than 18 years old. The government did not actively enforce this law. There were reports that sexual harassment occurred, but no data was available on its frequency or extent.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from

discrimination, coercion, and violence. For cultural reasons husbands often made the final decisions about family planning. Health clinics and local health NGOs were permitted to disseminate freely information on family planning under the guidance of the Ministry of Public Health. The government provided free childbirth services, but the lack of doctors meant most women used nurses or midwives during childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. According to the 2010 demographic and health survey, 60 percent of all births took place with skilled attendants. Between 2004 and 2011, the maternal mortality rate was 500 deaths per 100,000 live births. The main factor influencing maternal mortality was inadequate medical care.

There were no restrictions on access to contraceptives; however, the contraceptive usage rate was 18 percent. According to a 2009 survey, this low rate was due to male opposition or lack of involvement in family planning, lack of communication between partners on family planning, female lack of decision-making authority on issues related to reproductive health, absence of contraceptives in faith-based health clinics, and societal suspicion of family planning and modern contraceptive methods. Men and women had equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners. Only 16 percent of health facilities provided services to prevent mother-to-child transmission of HIV/AIDS.

Discrimination: Despite constitutional protections, women continued to face legal, economic, and societal discrimination and often were victims of discriminatory practices 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 in practice they did not. Some employers suspended the salaries of women on paid 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 they owned businesses, particularly in Bujumbura.

## **Children**

The constitution states that citizenship is derived 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 will not be able to access some public services, such as free public schooling and medical care for children under five years old.

Child Abuse: The law prohibits violence against or abuse of children, with punishment ranging from fines to three- to five-years' imprisonment; however, the rape of minors was a widespread problem. The penalty for rape of a minor is 10 to 30 years' imprisonment. During the year local hospitals, NGOs, and human rights associations noted a particularly high number of rape and sexual abuse cases against children in Rumonge, Burambi, and Buyengero communes of Bururi Province; there also were several reported cases of child rape from Ngozi, Muyinga, Bujumbura, and Bujumbura Rurale provinces, although exact statistics were unavailable. Centre Seruka reported that 95 percent of rape victims who visited its facility during the year were female and that the average age of victims was 14.7 years. The UN Development Fund for Women reported that many rapes of minors were motivated by the rapist's belief that the rape would prevent or cure sexually transmitted diseases, including HIV/AIDS.

Harmful Traditional Practices: 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.

Persons with albinism, particularly children, were sometimes targeted for their body parts, which were used for ritual purposes. On May 6, the mutilated body of a 15-year-old girl with albinism was found in the Kabezi community, south of Bujumbura. Seven men were subsequently arrested and tried during the year; deliberations on the case continued at year's end. During the arrest police shot in the air to disperse a crowd of neighbors trying to kill the perpetrators. A neighbor claimed that the girl was the 18th person killed for ritual purposes in the community since 2008. Most perpetrators were citizens of other countries, who came to kill and then departed the country with the body parts, impeding government efforts to arrest perpetrators.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The law punishes child pornography by fines and three- to five-years' imprisonment; however, there were no prosecutions during the year. The penalty for commercial sexual exploitation of children is five to 10 years in prison and a fine between 20,000 (\$13) and 50,000 Burundian francs (\$33).

The commercial sexual exploitation of children occurred. While little evidence existed of large-scale child prostitution, older females offered vulnerable younger girls room and board within their homes under the guise of being benevolent and in some cases pushed them into prostitution to pay for living expenses. Brothels were located in poorer areas of Bujumbura, as well as along the lake and trucking routes. Extended family members sometimes also financially profited from the prostitution of young relatives residing with them. Business people recruited local girls for prostitution in Bujumbura and nearby countries.

For example, in 2010 police caught one ring trafficking three 16-year-old girls to the Democratic Republic of the Congo (DRC) for the sex trade and a second ring trafficking 11 children between the ages of six and 11 from one province to another for domestic servitude. During the year the former case was dismissed for lack of evidence, and the leader in the second case was released after paying a fine.

The country was a destination for child sex tourism, although no cases were reported during the year. Male tourists from the Middle East exploited local girls for prostitution, mainly in newly constructed high-end neighborhoods. In 2011 girls were fraudulently recruited for prostitution in Oman; the offenders originally promised the intended victims transport to the DRC.

Displaced Children: According to the latest (2009) report compiled by the Ministry of National Solidarity, Human Rights, and Gender and the Institute of Statistics and Economic Studies of Burundi, more than 3,253 street children lived in the country's three largest cities--Bujumbura, Gitega, and Ngozi. Statistics on their numbers in other communities were not available. Many of the children were HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services such as medical care or economic support.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **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](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, mental, sensory, or intellectual disabilities; however, the government did not promote or protect the rights of persons with disabilities with regard to employment, education, or access to health care. The law does not address the rights of persons with disabilities to air travel and other transportation. Although persons with disabilities were eligible for free health care through social programs targeting vulnerable groups, the benefits were not widely publicized or provided. The employment practice of requiring health certification from the Ministry of Public Health 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 did not enact legislation or otherwise mandate 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 reinsertion in Ngozi to assist individuals with physical disabilities.

### **Indigenous People**

The Twa, the original hunter-gatherer inhabitants, numbered approximately 80,000 and constituted less than 1 percent of the population. They generally remained economically, politically, and socially marginalized. Lack of education, employment, and access to land were cited as the major problems. Local administrations must provide free schoolbooks and health care for all Twa children and two acres of land per family (comparable with the nationwide average size of a farmstead). Local administrations largely fulfilled these requirements. The constitution provides three appointed seats for Twa in each of the houses of parliament. Following the 2010 election, one of these three Senate seats was awarded to a non-Twa.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes same-sex sexual acts with penalties ranging from a fine to imprisonment of three months to two years, with or without a fine. During the year two lesbians were briefly arrested and subsequently released.

In May 2011 the Remuruka Center, which offers urgent services to the lesbian, gay, bisexual and transgender (LGBT) community, began operations in Bujumbura. The government neither supported nor hindered local LGBT organizations or the center during the year.

### **Other Societal Violence or Discrimination**

The constitution specifically outlaws discrimination against persons with HIV/AIDS or other “incurable” illnesses; there were no reports of societal violence or discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects 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 be registered with the Ministry of Civil Service, Labor, and Social Security. Police, the armed forces, public sector employees, foreigners working in the public sector, and magistrates may not form or join unions. The law also prevents workers under the age of 18 from joining unions without the consent of their parents or guardians.

The law provides workers with a conditional right to strike if strict conditions are met, but it bans solidarity strikes. All peaceful means of resolution must be exhausted prior to the strike. Negotiations must continue during the action and be mediated by a mutually agreed party or by the government, and six days’ notice must be given to the employer and the labor ministry. The ministry must determine whether strike conditions have been met and has a de facto veto power over all strikes. The law permits requisition orders in the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law also 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, and procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities.

Most unions were public employee unions, and virtually no private sector jobs were unionized. Most laborers worked in the unregulated informal economy and largely were unprotected by labor law with the exception of laws regarding minimum wage. The Confederation of Burundian Labor Unions (COSYBU) stated that virtually no informal sector workers had written employment contracts.

On May 29, the minister of justice reinstated Juvenal Rududura, vice president of the nonmagistrates' union of the Justice Ministry, to his administrative position at the Syndicat du Personnel du Ministère de la Justice du Burundi (SPMJB). Rududura had been suspended following his arrest on libel charges after he alleged corruption in the recruitment of staff at the Ministry of Justice in 2010. The order of reinstatement, however, also required Rududura to transfer from Bujumbura to Karuzir, a transfer that Rududura appealed. By year's end no decision had been made on Rududura's transfer, he remained unemployed, and the criminal libel charge had not been expunged. Rududura was imprisoned for 10 months in 2008-09 for criticizing on television antiunion repression and corruption in the recruitment process. At the end of the year he remained prohibited from leaving the city of Bujumbura, he had to report to the prosecutor's office once a month, and he had yet to be readmitted to the SPMJB.

The two principal trade union centers, the COSYBU and the Confederation of Free Trade Unions of Burundi (CSB), criticized authorities' constant interference in trade union affairs. Between 2007 and 2010, trade unions with close ties to the ruling party were created in the health and education sectors. Workers were harassed by their employers to join the ruling party, quit any union of which they were already a member, and join the government-controlled union. However, the COSYBU reported during the year that government-controlled unions continued to lose momentum.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both the COSYBU and the CSB

represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor, including by children; however, 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, labor intensive tasks such as fetching river stones for construction in Bujumbura, or informal commerce in the streets of larger cities.

The government encouraged citizens to participate in community work each Saturday morning and imposed travel restrictions on citizens during the hours of 8:30-10:30 a.m.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law states that enterprises may not employ children under the age of 16, barring 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. In accordance with the law, the minister of labor may permit children age 12 and above to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. By law the legal age for most types of "nondangerous" labor varies from 16 to 18. The law prohibits children from working at night and limited them to 40 hours per week. The law makes no distinction between the formal and informal sector. The Labor Ministry is responsible for enforcing child labor laws, and it had multiple enforcement tools, including criminal penalties, civil fines, and court orders.

The government did not effectively enforce these laws. Due to a lack of inspectors and resources including fuel for vehicles, the ministry enforced the law only when a complaint was filed. During the year the government acknowledged no cases of child labor in the formal sector of the economy and conducted no child labor investigations.

Children working in domestic service often were isolated from the public, and some received other remuneration, such as food and shelter, in lieu of wages for

their work. Some employers avoided paying their child domestics by accusing them of criminal activity, and at times children were incarcerated because of false accusations. Children in domestic service were vulnerable to long working hours and physical exploitation by their employers.

Because of extreme poverty, child labor was an economic necessity for many families and remained a problem. Children younger than 16 in rural areas regularly performed heavy manual labor in the daytime during the school year, primarily in the agricultural sector. Children working in agriculture could be subject to carrying heavy loads and using potentially dangerous machinery and tools. They also herded cattle and goats, which could expose them to the elements and force them to work with large or dangerous animals. Many children worked in the informal sectors, including family businesses, street vending, and small, local brick-making enterprises. In urban areas children worked as domestic servants.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The informal daily minimum wage in Bujumbura for unskilled laborers was 2,500 Burundian francs (\$1.66). In the past the government set the minimum wage, but during the year the minimum wage was set by market forces. In the interior of the country, the daily minimum wage was 1,000 Burundian francs (\$0.65), with lunch provided. The government estimated that 62 percent of the population lived below the poverty line, which the World Bank defined as a daily wage of \$0.50 in urban areas and \$0.38 in rural areas. More than 90 percent of the population participated in the informal economy. Daily wages in the informal sector averaged between 2,500 and 3,000 Burundian francs (\$1.63 to \$1.95) in Bujumbura and between 1,000 and 1,500 Burundian francs (\$0.65 to \$0.98.) in the interior of the country. There were no reports of enforcement of minimum wage laws in recent years.

The labor code provides for an eight-hour workday and a 40-hour workweek; however, there are many exceptions, such as national security, residential security, and transport drivers. Supplements must be paid for overtime work: 35 percent for the first two hours and 60 percent thereafter. The weekends and holiday premium pay is 200 percent. There is no statute concerning compulsory overtime. Rest periods include 30 minutes for lunch. There is no differentiation made between foreign or migrant workers and citizen workers.

The labor code establishes occupational safety and health (OSH) standards that require safe workplaces. Enforcement responsibility for acting upon complaints rests with the Labor Ministry. However, workers could jeopardize their employment if they removed themselves from situations that endangered health and safety.

The Department of Inspection within the Labor Ministry is charged with enforcing the law regarding minimum wage and work hours and the OSH standards. These regulations apply to the entire workforce and make no distinction between domestic and foreign workers or between the informal and formal sectors. The government did not effectively enforce these laws. Due to a lack of inspectors and resources including fuel for vehicles, the ministry enforced the law only when a complaint was filed. Employees generally did not complain so as not to jeopardize their employment.

There were no known examples of employer violations of OSH standards, nor were there reports of OSH complaints filed with the ministry during the year, despite the fact that workplace environments often did not meet OSH standards. There was no data on workplace fatalities.