Burundi

Country: Burundi
Year: 2016
Freedom Status: Not Free
Political Rights: 7
Civil Liberties: 6
Aggregate Score: 19
Freedom Rating: 6.5
Overview:

Demonstrations broke out in the capital in late April 2015 after President Pierre Nkurunziza announced his intention to run for a third term in office, which was widely regarded as unconstitutional. At least two dozen people were killed, and many more were arrested or wounded, as police clashed with the protesters. The Constitutional Court approved the president’s plan on May 5, though its members were reportedly subjected to intense pressure and intimidation by the regime. On May 13, a group of military leaders led a coup attempt against Nkurunziza while he was in Tanzania. Government forces quickly reasserted control and began a harsh crackdown on those suspected of involvement in the plot or opposition to the president.

The parliamentary and presidential elections, held on June 29 and July 21, respectively, resulted in victories for Nkurunziza and his ruling National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD) party. However, the opposition boycotted the elections, and UN observers found that the voting was neither free nor credible.

 Freedoms of expression, association, and assembly were severely restricted throughout the year as the government moved to silence dissent. The authorities cracked down on private media outlets; suspended 10 nongovernmental organizations (NGOs), including several working on human rights issues; and closed the national university in Bujumbura.
Reports of torture, forced confessions, and extrajudicial executions by security forces increased.

The overall security situation remained volatile, with both ordinary citizens and prominent individuals affected by rising political violence. An opposition party spokesman was killed by gunmen in May, a key ally of the president was shot to death in August, and leading human rights defender Pierre Claver Mbonimpa narrowly escaped an assassination attempt a day later. By the end of the year, at least 400 people had been killed and more than 200,000 people had fled the country, creating a refugee crisis in neighboring states. In December, a new rebel group announced its formation amid growing concerns that Burundi’s fragile peace was collapsing, potentially plunging the country back into civil war.

Trend Arrow:

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Political Rights and Civil Liberties:

**Political Rights:** 5 / 40 (−6) [Key]

**A. Electoral Process:** 1 / 12 (−3)

A new constitution was adopted in 2005 after a series of agreements ended Burundi’s 12-year civil war. According to the charter, the president, who is directly elected for up to two five-year terms, appoints two vice presidents, one Tutsi and one Hutu, who must be approved separately by a two-thirds majority in both the lower and upper houses of Parliament.

The lower house, the National Assembly, has 100 members directly elected by proportional representation for five-year terms. The constitution requires the National Assembly to be no more than 60 percent Hutu and no less than 40 percent Tutsi, with at least 30 percent of the seats held by women, and three deputies from the Twa ethnic minority. Additional members can be added, or “co-opted,” from the respective party lists to meet these requirements. The upper house, the Senate, consists of 36 members chosen by locally elected officials for five-year terms. Each of Burundi’s 18 provinces chooses two senators—one Tutsi and one Hutu. As in the National Assembly, the Twa are guaranteed three seats in the Senate, and additional members can be co-opted to meet the 30 percent quota for women.

In April 2015, the CNDD-FDD announced that Nkurunziza would seek a third presidential term in elections scheduled for later that year. Critics charged that the move contravened the constitution and would jeopardize the country’s fragile peace. Nkurunziza and his supporters argued that he was eligible to run again because he had been elected by Parliament rather than through a popular vote for his first term in office. Despite widespread public protests and international condemnation of the move, the Constitutional Court on May 5 ruled in favor of Nkurunziza, even as one of the court’s justices fled abroad. Due to ongoing unrest in the country, the electoral commission postponed
National Assembly elections until June 29 and the presidential poll until July 21. Indirect elections to the Senate were held on July 24.

In the National Assembly elections, the CNDD-FDD captured 60 percent of the vote and 77 seats. Despite having boycotted the vote, the opposition coalition remained on the ballot; Amizero y’Abarundi (Hope for Burundi) secured 11 percent of the vote (21 seats), while the Union for National Progress (UPRONA) captured 2 percent (2 seats). Subsequent reallocations and co-opting to meet constitutional quotas resulted in a full seating of 121 deputies. In indirect elections for the Senate, the CNDD-FDD took 33 of 36 elected seats; an additional 7 seats were co-opted. In the presidential poll, Nkurunziza defeated National Forces of Liberation (FNL) leader Agathon Rwasa, 69 percent to 19 percent. Rwasa had pulled out of the race, but his name—like those of other opposition candidates—remained on the ballot.

International observers from some organizations, including the European Union and African Union, refused to monitor the elections, saying they could not be free or fair given the growing violence and climate of intimidation. A UN mission observing the presidential poll confirmed that the overall environment had not been conducive to a free and credible electoral process.

B. Political Pluralism and Participation: 4 / 16 (−1)

More than two dozen political parties are active in Burundi, ranging from those that champion radical Tutsi positions to those that hold extremist Hutu views. Most are small in terms of membership, and many Tutsi have now joined formerly Hutu-dominated parties. The current legislature consists of members of the CNDD-FDD, a largely Hutu party associated with a former rebel group; the Tutsi-led UPRONA; and Amizero y’Abarundi, which includes members of FNL, a former Hutu rebel movement. Many political parties include youth branches that intimidate and attack opponents.

Opposition parties, politicians, and their supporters faced harassment, intimidation, and violence throughout 2015, particularly after the failed coup attempt in May, which triggered a crackdown on those suspected of involvement. Security forces loyal to the president played a key role in the repression, as did Imbonerakure, the ruling party’s youth wing.

Zedi Feruzi, leader of the opposition party Union for Peace and Development, was shot dead on May 24; he had spoken out against Nkurunziza’s decision to run for a third term. Many opposition politicians and groups were operating in exile by year’s end, including CNARED (National Council for the Restoration of the Arusha Accords and Restoration of the State of Rights), which accused Nkurunziza of violating the agreements that ended the civil war. Even some leading regime figures, such as Vice President Gervais Rufyikiri and National Assembly speaker Pie Ntavyohanyuma, fled the country in June after voicing opposition to Nkurunziza’s third-term bid.

C. Functioning of Government: 0 / 12 (−2)
In the absence of freely elected leaders, the government is accountable only to the ruling CNDD-FDD party, and no other group is able to effectively influence policies or legislation.

Corruption and nontransparent government practices are significant problems in Burundi, which ranked 150 out of 168 countries and territories surveyed in Transparency International’s 2015 Corruption Perceptions Index. Burundi’s largest anticorruption watchdog group, the Anticorruption and Economic Malpractice Observatory (OLUCOME), has been active in investigating and drawing public attention to official corruption in recent years.

**Civil Liberties: 14 / 60 (−7)**

D. Freedom of Expression and Belief: 6 / 16 (−2)

Freedom of expression is constitutionally guaranteed, but press laws restrict journalists through broad, vaguely written provisions, and key independent news outlets were destroyed in the political violence of 2015. A 2013 media law has been widely criticized for limiting the protection of journalistic sources, requiring journalists to meet certain educational and professional standards, and banning content related to national defense, security, public safety, and the state currency. The law empowers the media regulatory body to issue press cards to journalists, suspend or withdraw cards as a result of defamation cases, and impose financial penalties for media offenses. The 15-member regulatory council is controlled by presidential appointees and journalists from state broadcasters. In 2014 the Constitutional Court largely rejected a challenge to the media law but reduced its high fines and penalties.

The government dominates the media through its ownership of the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. Radio is the primary source of information for the majority of the population. However, five private radio stations were attacked by unidentified assailants and partially or totally destroyed after the May 2015 coup attempt. Some international radio broadcasts are available in the capital. Print runs of most newspapers remain small, and readership is limited by low literacy levels.

Throughout 2015, the government pressured journalists to name sources used in critical articles and threatened to shutter outlets carrying unfavorable coverage. Journalists are also frequently subject to arbitrary arrest, harassment, or threats by police and the Imbonerakure, and many live in exile.

Access to the internet remains largely confined to urban areas. As protests began in 2015, the government attempted to cut off access to social-media sites used by the demonstrators. Many were able to circumvent the restrictions through the use of VPNs (virtual private networks).

Freedom of religion is generally observed. However, the Roman Catholic Church, which is influential in Burundi, clashed with the government in 2015 over issues including the legality of the president’s bid for a third term.
For many years, civil strife and Tutsi social and institutional dominance impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved since 2005. Burundi’s national university was abruptly closed on April 30, 2015, amid the antigovernment demonstrations.

The ability to engage in open and free private discussion, particularly on opposition to the ruling party, is hindered by a fear of harassment by government supporters. Private citizens, including students and youth activists, faced increasing surveillance by the National Intelligence Service (SNR) in 2015.

E. Associational and Organizational Rights: 2 / 12 (−1)

The constitution provides for freedoms of assembly and association, but a 2013 law on public gatherings imposes restrictions on the right to assemble, including a one-day limit on the duration of demonstrations. The law holds the organizers of public gatherings liable for any legal infractions by participants and allows authorities to interrupt or cancel gatherings that pose a risk to public order.

Amnesty International reported that police used excessive force during the 2015 protests against a third term for Nkurunziza, including shooting at unarmed demonstrators as they fled. At least two dozen people were killed within weeks of the president’s announcement in late April, and hundreds more were injured, detained, or arrested.

Onerous and costly registration requirements prevent many local NGOs from receiving official legal recognition. Registration must be completed in person at the Ministry of Interior in Bujumbura, which is difficult for NGOs based in remote areas, and extensive documentation is required. Crackdowns against Burundi’s civil society sector intensified during 2015. Members of human rights groups that criticized the government faced surveillance, intimidation, threats, and arrest, leading many to seek refuge abroad. Between April and November, at least 15 NGO leaders were forced to flee the country after receiving threats, and two NGO members were killed by police. In November, the authorities suspended 10 NGOs, including some working on human rights issues. The leader of one of those groups—Pierre Claver Mbonimpa of the Association for the Protection of Human Rights and Detained Persons—was shot and seriously wounded in August; he had publicly criticized Nkurunziza’s bid for a third term in office.

The constitution provides protections for organized labor, and the labor code guarantees the right to strike. The Confederation of Burundi Trade Unions has been independent since its establishment in 1995. Most union members are civil servants and have bargained collectively with the government.

F. Rule of Law: 1 / 16 (−3)

Burundi’s judiciary is hindered by corruption, a lack of resources and training, and executive interference in legal matters. In 2015, justices on the Constitutional Court were reportedly intimidated into ruling in favor of Nkurunziza’s decision to stand for a third term.
The court’s vice president, Sylvere Nimpagaritse, fled the country rather than approve the president’s candidacy, which he deemed unlawful; he alleged that he and his fellow justices had come under enormous pressure, including death threats, to vote in favor of the proposal. The current judicial system struggles to function effectively or independently and cannot handle the large number of pending cases, many of which are politically sensitive. Crimes, especially those related to political violence, often go unreported or uninvestigated.

In April 2014, Parliament passed a law creating a truth and reconciliation commission to provide accountability for abuses committed between 1962 and 2008, though opposition members boycotted the vote due to concerns about the commission’s lack of independence. In December of that year, Parliament elected 11 members to the commission in a vote that the opposition also boycotted; under the new law, members are elected by a simple majority. Of the 11 members, 6 are Hutu, 4 are Tutsi, and 1 is Twa. The opposition claimed that most were affiliates of the ruling party. The body has yet to begin its work, and many question the viability of the project given the 2015 violence.

Impunity for police brutality remains widespread. According to Amnesty International, the police and the SNR increasingly engaged in torture and other ill-treatment of detainees suspected of participating in the 2015 protests or subsequent antigovernment violence. Victims described being beaten with iron bars, burned with acid, and having their heads forced under dirty water. Detainees did not have access to lawyers and were forced to make false confessions under threat of death.

The general security situation deteriorated throughout the year, leading an estimated 200,000 people to flee the country. Even before the disturbances related to the president’s reelection bid, the army was implicated in the extrajudicial killing of more than a dozen rebel fighters in the northern province of Cibitoke in January. Following the demonstrations that began in April, the authorities conducted house searches and made arrests in neighborhoods in Bujumbura thought to be harboring dissent. Antigovernment forces gradually stepped up attacks, including an assault in July by a group of armed rebels against army positions in the northwest. In August, General Adolphe Nshimirimana—a close ally of the president who was seen as the mastermind of the crackdowns on antigovernment protesters—was killed in a drive-by shooting and rocket attack. A rebel group calling itself the Republican Forces of Burundi (FOREBU) announced its formation in December 2015; its stated aim was to oust Nkurunziza by force. Also in December, following attacks on two military sites, security forces mounted raids in the capital and reportedly killed at least 87 people. According to the United Nations, the death toll from the political unrest had reached more than 400 by the end of 2015, though international organizations had difficulty collecting such data.

Albinos face a particular threat from discrimination and violence in Burundi. Since 2008, at least 18 albinos—whose body parts are believed by some to have magical properties—have been murdered. Although close to a dozen arrests have been made in connection with such crimes, only one has resulted in a conviction in recent years.

Members of the LGBT (lesbian, gay, bisexual, and transgender) community face official and societal discrimination. The 2009 penal code criminalizes same-sex sexual activity, and punishments include up to two years in prison.
G. Personal Autonomy and Individual Rights: 5 / 16 (−1)

The constitution provides for freedom of movement, though citizens are restricted from traveling outside their communities without a special permit on Saturday mornings as part of a government effort to encourage participation in local service projects. In 2015, concerns for personal safety further restricted free movement, particularly in neighborhoods regarded as opposition strongholds where security forces conducted search operations. The deteriorating security situation also hampered private business activity in the country, and the capital was subjected to a nightly curfew on public transportation.

A 2014 land law strengthened the authority of Burundi’s National Commission of Land and Other Belongings to resolve disputes between current landowners and refugees returning to reclaim their land. Critics argue that the law could lead the country back into ethnic conflict if it is not implemented in an unbiased manner, and may affect the tenuous relationship between major landholders—including business interests and the Catholic Church—and the regime.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Sexual and domestic violence are serious problems but are rarely reported to law enforcement agencies. In late 2015, the Office of the UN High Commissioner for Human Rights noted an increase in cases of sexual violence against women by security forces conducting searches for suspected opposition supporters.

Children in Burundi are often subject to forced labor and sex trafficking. In some cases they are sold into servitude by family members, or recruited and deceived by friends and neighbors. Government officials have largely failed to combat domestic child trafficking, and law enforcement officers are allegedly among the clients of girls being exploited for prostitution.

Scoring Key: X / Y (Z)

X = Score Received
Y = Best Possible Score
Z = Change from Previous Year

Full Methodology

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