

FREEDOM IN THE WORLD 2021

Burundi

14

/100

NOT FREE

<u>Political Rights</u>	4/40
<u>Civil Liberties</u>	10/60

LAST YEAR'S SCORE & STATUS

13/100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Burundi has been in political and economic crisis since 2015. Democratic gains made after the 12-year civil war ended in 2005 have been undone by a shift toward authoritarian politics and violent repression against anyone perceived to oppose the ruling party, the National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD–FDD).

Key Developments in 2020

- Former army general and cabinet minister Évariste Ndayishimiye of the ruling CNDD–FDD won the May presidential election, while the party secured a lower-house majority in concurrent legislative contests. The elections were affected by a pervasive campaign of intimidation and violence targeting the opposition and a shutdown of social media and messaging services.
- Outgoing president Pierre Nkurunziza, who served three terms as chief executive, died in June; the government reported his death was unexpected and was caused by a heart attack. However, speculation that Nkurunziza died of COVID-19 persisted.
- The Burundian government did little to provide information or issue restrictions in response to the COVID-19 pandemic; health-care workers were warned from publicly discussing the crisis, testing was irregularly conducted, and mitigation measures were not consistently enforced. However, President Ndayishimiye vowed to strengthen the government’s response to the pandemic during his swearing-in ceremony.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

1/4

Burundi adopted a new constitution in 2005 after a series of agreements ended the country’s 12-year civil war. The constitution was amended in 2018 via a referendum. Among other provisions, the amended constitution lengthened presidential terms from five years to seven,

consolidating the rule of then president Pierre Nkurunziza—who had served three terms—and the CNDD–FDD.

In January 2020, CNDD–FDD insiders selected Évariste Ndayishimiye, a former army general and interior minister, as the party’s candidate to succeed Nkurunziza for the May election. Ndayishimiye won 71.5 percent of the vote that month, while Agathon Rwasa of the National Congress for Liberty (CNL) received 25.2 percent. Gaston Sindimwo of the Union for National Progress (UPRONA) received 1.7 percent, while others received 1.6 percent.

The contest was marred by a wide-ranging campaign of repression, which the UN Commission of Inquiry on Burundi said included the intelligence services, police, and the ruling party’s youth wing in an August report. However, violence and repression were less common during 2020 election period when compared to 2015. Relatively few COVID-19 mitigation measures were enforced during the 2020 campaign, with the CNDD–FDD encouraging large election rallies. Several days before election day, the government expelled World Health Organization (WHO) officials who voiced concern over the campaigning. International observers were also barred. The CNL claimed that the results were fraudulent, though the Constitutional Court upheld the results in June. Outgoing president Nkurunziza died days after the election, with Ndayishimiye consequently succeeding him that month, ahead of schedule.

The president appoints a vice president, who must be approved separately by a two-thirds majority in both houses of Parliament. The 2018 constitutional amendments reintroduced the position of prime minister. In late June 2020, Prosper Bazombanza was named vice president, while former public security minister Alain-Guillaume Bunyoni was named prime minister.

Score Change: The score improved from 0 to 1 because the outgoing president was replaced through an electoral process that, while deeply flawed, featured less violence and repression than the 2015 election period.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

0 / 4

Parliament’s lower house, the National Assembly, includes 100 members who are directly elected via proportional representation along with 23 “co-opted” members to ensure that 60 percent of the house is represented by members of the Hutu ethnic group and 40 percent is

Tutsi. Members serve five-year terms. The upper house, the Senate, consists of 39 members, 36 of whom are chosen by locally elected officials for five-year terms. Some 3 seats are reserved for the Twa ethnic group.

National Assembly elections took place concurrently with the presidential elections in May 2020, amid the COVID-19 pandemic and a campaign to repress opposition groups. The ruling CNDD–FDD secured 86 seats, while the CNL secured 32 and UPRONA secured 2. Members of the Twa ethnic group received 3 seats via co-option. One CNL candidate was originally removed from an electoral list due to a previous incarceration, but was reinstated and allowed to take her parliamentary seat due to a June Constitutional Court ruling.

Senators were indirectly elected in July 2020; the CNDD–FDD received 34 seats, while the CNL and UPRONA each received 1 seat. Twa members held 3 seats.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

0/4

The five-member Independent National Electoral Commission (CENI) is under the effective control of the ruling CNDD–FDD. In 2015, two members who fled the country amid that year’s unrest were replaced with pro-Nkurunziza appointments approved by a CNDD–FDD–controlled Parliament. Constitutional amendments extending presidential term limits, consolidating power in the executive, and allowing for a future revision of the Burundian ethnic power-sharing system were approved in a 2018 referendum that was marred by a violent intimidation campaign conducted by the CNDD–FDD.

CNL presidential candidate Rwsa challenged the conduct of the May 2020 presidential election, alleging incidents of ballot-box stuffing, falsified election reports, and votes counted from deceased or exiled citizens, though the Constitutional Court rejected that challenge in June.

B. Political Pluralism and Participation

B1 0-4 pts

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

1 / 4

While political party formation is legally allowed, the activities of parties and political leaders perceived as opposing the CNDD–FDD are severely discouraged by the threat of retaliatory violence, repression, or arrest. Local rights groups and Amnesty International reported that the CNDD–FDD continued to deploy those tactics ahead of the May 2020 parliamentary and presidential elections, with opposition members facing arrest, torture, and murder.

Many political parties include youth branches that intimidate and attack opponents, the most prominent of which is the ruling party's Imbonerakure.

An electoral code passed in 2019 prohibits coalitions of independent candidates.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

0 / 4

The opposition has little realistic opportunity to increase its popular support through elections. Opposition parties, politicians, and their supporters face harassment, intimidation, and assassination in Burundi, and many opposition politicians and groups operate in exile. The National Council for the Respect of the Arusha Agreement (CNARED), an opposition-in-exile group, attempted to negotiate with the CNDD–FDD to participate in the 2020 elections, but was unsuccessful in securing an accord.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

0 / 4

The Imbonerakure, National Intelligence Service (SNR), and Burundian police are allies of the CNDD–FDD, and use violence and intimidation to influence people's political choices.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

2/4

The 2005 constitution requires power-sharing between Hutus and Tutsis in Parliament, and additionally stipulates that women and representatives of the Twa minority be seated in both houses. However, the constitutional revisions approved in 2018 require that these ethnic quotas be reviewed over the next five years, opening the door for their elimination and the potential exclusion of ethnic minorities from politics.

Women face social pressure that can deter active political participation, and few women hold political office at senior levels. The August 2020 Commission of Inquiry report noted that women also face state-sanctioned violence “for their supposed or actual political opinions, their refusal to join the ruling party or their links with an armed movement.”

The current political environment is characterized by the dominance of the CNDD–FDD and repression of its opponents, reducing meaningful openings for effective political representation of ethnic and religious minorities and other distinct groups. In June 2020, however, President Ndayishimiye appointed Imelde Sabushimike as human rights minister; Sabushimike is the country’s first Twa cabinet minister.

The CNDD–FDD apparatus has violently targeted returning refugees on suspicion of opposition sympathies.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

0/4

The ruling CNDD–FDD, whose election to power fell far short of standards for free and fair elections, controls policy development and implementation.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	0/4
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Corruption is endemic, though President Ndayishimiye vowed to address corruption during his swearing-in ceremony. Corrupt officials generally enjoy impunity, even when wrongdoing is exposed by nongovernmental organizations (NGOs) and other actors. Anticorruption organizations are underresourced and ineffective.

C3 0-4 pts

Does the government operate with openness and transparency?	0/4
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Government operations are opaque, and government officials are generally unaccountable to voters. There are few opportunities for civil society actors and others to participate in policymaking. Due to recurrent assassinations and assassination attempts, politicians are wary of organizing town hall-style meetings or making other public appearances before voters.

The government was nontransparent during the COVID-19 pandemic, with authorities providing little factual information on the illness. According to a June 2020 Human Rights Watch (HRW) report, COVID-19 testing is inconsistent, and health-care workers are warned from publicly discussing the course of the pandemic.

The authorities were perceived as opaque about possible COVID-19 infections amongst high-ranking officials; while the government reported President Nkurunziza's June 2020 death was the result of cardiac arrest, widespread speculation persisted that he had been infected with COVID-19.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

0/4

Freedom of expression is constitutionally guaranteed, but severely restricted in practice by draconian press laws and a dangerous operating environment for media workers, who risk threats, harassment, and arrest in response to their coverage. A 2013 media law limits the protection of journalistic sources, requires journalists to meet certain educational and professional standards, and bans content related to national defense, security, public safety, and the state currency. The government dominates the media through its ownership of the public television broadcaster, radio stations, and *Le Renouveau*, the only daily newspaper. Key independent news outlets destroyed in the political violence of 2015 have yet to be reestablished. Many journalists have fled the country since 2015, and some have been forcibly disappeared. The Burundian government has banned the British Broadcasting Corporation (BBC) and Voice of America (VOA) since 2018.

Government harassment and intimidation of journalists continued in 2020. In January, four journalists from the *Iwacu* newspaper, who were arrested in October 2019 while covering protests in the west of the country, were convicted of attempting to undermine state security, and sentenced to two and a half years in prison. The government also shut down social media sites and messaging applications on election day in May 2020, impeding the ability of journalists to report on the contests.

D2 0-4 pts**Are individuals free to practice and express their religious faith or nonbelief in public and private?**

3/4

While freedom of religion has generally been observed in Burundi, relations between the government and the Roman Catholic Church, of which a majority of Burundians are members, have worsened in recent years. In 2017, the government set up a commission to monitor religious groups and guard against political subversion within them. In September 2019, the Commission of Inquiry reported that the government was exerting more control over churches to curb political dissent. The same month, senior government officials called for the defrocking of a group of Catholic bishops who accused the ruling party of instigating political violence.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

1 / 4

Both university students and staff who support the CNDD–FDD receive preferential treatment at academic institutions. Continued intimidation of opposition supporters has created an atmosphere of fear and limited free speech on university campuses. Reports indicate that teachers allied to the CNDD–FDD have intimidated students seen as not supporting the party, in some cases preventing them from attending school. Teachers are increasingly screened for political loyalty to the ruling party.

Some schools had barred students of voting age who had not made contributions to the 2020 elections from attending class, though the practice was prohibited in February 2019. That March, authorities arrested several students for allegedly doodling on a photo of Nkurunziza in their school books, though the charges were eventually dropped.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

0 / 4

The SNR and the Imbonerakure actively surveil private citizens. There is a reluctance to engage in speech which could be perceived as critical of the ruling party due to fears of harassment, threats of violence, and other reprisals. In 2019, the Imbonerakure used surveillance and harassment tactics previously employed in the run-up to the 2018 referendum, such as ensuring citizens paid election taxes and attacking those who had not, while they assaulted individuals expressing opposition to the ruling party. Social media and messaging applications were notably blocked on election day in May 2020.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

0 / 4

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

Major election rallies were held during the run-up to the May 2020 poll, despite concerns that they would facilitate the spread of COVID-19. That same month, four WHO staff members were forced to leave Burundi after voicing concerns over the rallies.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

0 / 4

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

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

1 / 4

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

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

0 / 4

The judiciary is hindered by corruption and a lack of resources and training, and is generally subservient to the executive. In 2015, Constitutional Court justices were reportedly intimidated

into ruling in favor of Nkurunziza's decision to stand for a third term. The executive regularly interferes in the criminal justice system to protect CNDD–FDD and Imbonerakure members, as well as persecute the political opposition.

In June 2020, the Constitutional Court partially checked the power of the ruling party by upholding an opposition challenge to the disqualification of an opposition parliamentary candidate. However, the court did not entertain a challenge to over the conduct of the presidential election, despite evidence of widespread fraud and intimidation. The August Commission of Inquiry report also noted the involvement of the judiciary in a repression campaign that targeted the opposition ahead of the elections.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	0 / 4
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The courts, police, and security forces do not operate independently or professionally, and constitutional guarantees of due process are generally not upheld. Arbitrary arrest and lengthy pretrial detention are common. There have been reports that detainees' families were able to secure their release only upon making large payments to the SNR or Imbonerakure.

Defendants must provide their own legal representation, making trial rights dependent on the ability to afford a lawyer. Some detainees accused of participating in the 2015 protests or subsequent antigovernment violence did not have access to lawyers and were forced to make false confessions under threat of death.

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

The Burundian prison system is overcrowded, with the World Prison Brief reporting the prison population at 304 percent of capacity as of December 2020. Prisoners were at risk of contracting COVID-19, with health-care workers reporting that quarantine measures were insufficiently enforced within the prison system.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war	
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and insurgencies?

0/4

The security situation in Burundi remains extremely poor. A 2019 UN report found that widespread human rights violations persist; violations include forced disappearance, summary execution, sexual violence, torture, and arbitrary arrest and detention. The report identified the Imbonerakure as the principal perpetrators, but noted the role of the SNR and other state agents. A 2018 investigative report by the BBC found that the government operated at least 22 secret facilities where political dissidents have reportedly been tortured and killed. The government responded to the report by calling it “fake” and threatening to sue the BBC. The government similarly rejected the UN report.

The UN High Commissioner for Refugees reported that over 312,000 Burundian refugees resided in nearby countries as of December 2020, with nearly half of them residing in Tanzania.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

1/4

Despite quotas for representation in the National Assembly, the Twa population remains marginalized relative to the Hutu and Tutsi ethnic groups. People living with albinism face systematic discrimination and violence in Burundi. LGBT+ people also experience official and societal discrimination. The 2009 penal code criminalizes same-sex sexual activity, and punishments include up to two years in prison.

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

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

1/4

Since 2015, concerns for personal safety have restricted free movement, particularly in neighborhoods regarded as opposition strongholds, where security forces frequently conduct search operations. According to the August 2020 Commission of Inquiry report, the Imbonerakure maintains a checkpoint system to control population movement, despite official instructions for the organization to refrain from such activity. Some local authorities have imposed curfews on women and girls.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1/4

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

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

G3 0-4 pts

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

1/4

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

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

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1/4

Individuals not allied with the ruling party may lose their employment. Community service requirements have taken on political overtones, such as building offices for the CNDD–FDD, amounting to what a 2019 UN report called forced labor.

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

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



On Burundi

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Country Facts

Global Freedom Score

14/100 Not Free

Other Years

2020

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