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U.S. Department of State

Burundi Country Report on Human Rights Practices for 1996

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BURUNDI

Burundi's democratically elected president was overthrown in a military coup on July 25. Despite the coup, the National Assembly and political parties continue to operate, although under constraints. The present regime, under the self-proclaimed interim President, Major Pierre Buyoya, abrogated the 1992 Constitution and, during the so-called Transition Period, replaced the 1994 Convention of Government with a decree promulgated on September 13. Under this decree, the National Assembly does not have the power to remove the President of the Republic. The Prime Minister, appointed by the President, replaces the President in the event of the President's death or incapacity. Under the former constitution, the President of the National Assembly replaced the President.

Buyoya holds power in conjunction with the Tutsi-dominated military establishment. The judicial system remains under the control of the Tutsi minority, and most citizens consider it biased against Hutus. Violent conflict among Hutu and Tutsi armed militants and the army plunged the country into a civil war marked by ethnic violence, which included fighting between the army and armed rebel groups. The fighting resulted in the death, injury, and displacement of large numbers of civilians. Tens of thousands of people, both Hutu and Tutsi, have been massacred in ethnic violence since independence, especially in 1972, 1988, 1993, and since 1995. As the U.N. Commission of Inquiry in Burundi concluded in 1996, much, but not all, of the ethnic violence in Burundi since 1993 constituted genocide.

The security forces consist of the army and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the documentation police under the Ministry of the Interior. The army remains committed to protecting the interests of the Tutsi minority. The security forces

committed numerous, serious, human rights abuses and also permitted Tutsi extremists to commit abuses.

Burundi is poor and densely populated, with over four-fifths of the population of 7 million engaged in subsistence agriculture. Per capita gross national product is estimated at less than \$200 per year. The small modern sector, based largely on the export of coffee and tea, was damaged by an economic embargo imposed by neighboring countries July 31. The ongoing violence since October 1993 has caused severe disruptions and dislocations. Large numbers of internally displaced persons were unable to produce their own food crops and depended largely on international humanitarian assistance. Government efforts to privatize state-owned enterprises have come to a virtual halt.

The human rights situation continued to deteriorate. The security forces continued to commit numerous, serious human rights abuses, including extrajudicial killings. Military forces committed massacres of unarmed civilian Hutus and frequently permitted Tutsi extremists to engage in violence against Hutus. The Government was largely unable to prevent such abuses, and perpetrators generally went unpunished. Serious incidents of ethnically motivated extrajudicial killing and destruction of property occurred throughout the country. Armed troops and civilian militias killed both armed and unarmed ethnic rivals, including women, children, and the elderly. They also killed expatriates.

Government efforts to restore security were inadequate. Members of the armed forces and vigilante groups committed serious human rights violations with impunity. The continuing lack of accountability for killings and ethnic violence, and for those responsible for the 1993 coup attempt and the massacres that followed, contributed significantly to national insecurity. The dysfunctional justice system could not satisfactorily address these problems due to its own lack of independence, inefficiency, administrative disruption, and the partiality of Tutsi officials. The U.N. International Commission of Inquiry has issued a report about the events of October 1993, although no one involved has yet been brought to justice. Disappearances continued, and prison conditions remained life threatening. Arbitrary arrest and lengthy pretrial detention are problems. The court system suffers under a heavy backlog. The Government controls nearly all the media and banned public assembly. There are some restrictions on movement.

Legal and societal discrimination against women continues to be a serious problem; violence against women also occurs. Citizens do not have the right to change their government. Ethnic discrimination against Hutus is widespread. The Twa (Pygmy) minority remained almost completely marginalized.

Hutu rebel forces massacred both Hutu and Tutsi civilians, including women, children, the elderly, and expatriates, and the numbers killed increased, reflecting the increased scope of rebel activity during the past year.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Amnesty International estimated that between October 1993 and December 1995 more than 100,000 people were killed in ethnic

violence. The army was more responsible than any other group for these deaths. The United Nations Human Rights Rapporteur for Burundi estimated in June that 800 people per month were being killed; the majority of deaths continue to be attributed to government security forces. Organization for African

Unity (OAU) military observers estimated that an average of 500 people per month were killed during the first 6 months of the year. Western nongovernmental organizations (NGO's) believe that about 10,000 people died in conflict during the year, although these sources acknowledge that their figures lack any degree of precision. In August the U.N. Center for Human Rights in Geneva issued a report that said that the Tutsi-led army killed 2,100 to 3,000 civilians in a series of incidents that took place between April and July. Between October and December, massacres of civilians by the military forces and the killing of innocent civilians by Hutu rebels occurred regularly. According to human rights monitors, there were more than 20 incidents in which civilians were killed, mainly by the army, but also by Hutu rebels. The number of civilians killed, estimated at 2,000 during the months of October through December, was the heaviest of the year. The U.N. International Commission of Inquiry concluded in 1996 that much but not all of the ethnic violence since the 1993 assassination of Burundi's president has constituted genocide.

A report released in February from the office of deposed President Sylvestre Ntibantunganya said that the army killed 44 civilians (9 men, 10 women, and 25 children) during an operation in late January at Kabarore in northern Burundi.

In March the Papal Nuncio reported that the municipal police killed a Hutu merchant from the Bujumbura central market along with five other Hutus near Bujumbura.

On April 26, the army--or possibly the Tutsi militia--

reportedly killed 236 Hutu civilians, mostly women and children. An additional 42 people from Buhoro were treated for stab wounds at a nearby hospital. The army initially denied any involvement but said later that Hutu rebels had used civilians as "human shields" during the course of a military operation at Buhoro. Both U.N. human rights monitors and government investigators found 20 graves with an unknown number of corpses at Buhoro.

Government troops reportedly killed 14 civilians in Gitega province between April 20 and 27; Hutu rebels killed 5 civilians at a Catholic mission May 16.

U.N. human rights monitors investigated allegations of a possible massacre by government troops at Musigati in Bubanza province on May 6. The results of their investigation were inconclusive, although the U.N. investigators found 82 graves near Musigati.

In Gitega province, Western aid workers reported that six trucks carrying soldiers arrived at Kibimba Hill on June 13. According to the aid workers, the soldiers used machine guns and bayonets to kill between 70 and 100 Hutu civilians, including women and children.

Army troops reportedly killed about 40 Hutu civilians at a wedding ceremony on Mpfunda Hill in Kayanza province on July 13.

Government forces reportedly took revenge for Hutu extremist kills and killed about 60 Hutu civilians at Muzinda, 7 kilometers from Bujumbura, on July 23.

In late October, government radio reported that troops had killed 102 Hutu civilians in revenge for the killing of 26 Tutsis by Hutu rebels in Rutana province.

In October the military forces admitted that its troops had killed 40 civilians near Mutana October 14; an inquiry is under way. Credible sources also reported a massacre by military forces of between 100 and

400 recently returned refugees at a church in Murambi on October 22.

In November the U.N. Human Rights Observer Mission reported that soldiers killed between 200 and 400 Hutu refugees in a church in Murambi in Cibitoke province, supposedly in revenge for the killing of the governor of Cibitoke hours earlier. A government inquiry was promised.

In early December, the military committed a series of killings in the southern portion of Kayanza province. According to U.N. Human Rights Observers, between 200 and 300 Hutus were killed as the army implemented a forced resettlement policy. In mid-December, military forces killed 70 civilians near Rumonge, and NGO's reported that an undetermined number of civilians were killed by troops in Makaba province December 13.

The three people accused of the 1995 killings of Italian religious workers in Bururi province have not been brought to justice. According to the public prosecutor, the Government is seeking the extradition of the three men accused of the killings from Rwanda and Uganda, where they are believed to have fled following their "escape from custody" in October 1995.

Criminal courts resumed operations this year after a lapse of more than 2 years. The courts tried 79 people for capital crimes, of whom 60 were found guilty and sentenced to death. The courts acquitted the other 19 defendants. Other cases are pending (see Section 1.e.).

During April and May, seven Hutu officials and one Tutsi military officer were killed by unknown assailants in Bujumbura. Two other prominent Hutus survived attempts to kill them. One National Assembly Deputy was killed and another wounded. No one has been brought to justice in connection with these murders and attempted murders. However, military forces claim that they arrested 25 suspects involved in these killings. Since 1993, 22 regular and alternate members of the National Assembly have been killed.

Numerous Hutu civilian administrators were also killed during the year.

On May 9, unknown gunmen fired automatic weapons and threw grenades into huts at a displaced persons' camp that housed about 6,000 Hutus in an outlying neighborhood of Bujumbura. Seven people were killed in the attack, and 32 others were wounded.

On June 4, unknown gunmen killed three expatriate employees of the International Committee of the Red Cross (ICRC) in Cibitoke province. A promised government investigation has produced no results.

In late February, Palipehutu rebels reportedly killed about 45 Hutu civilians in Cibitoke province, according to Hutu sources.

In late March, Hutu rebels near Songa in Bururi province killed about 110 Hutu and Tutsi civilians, according to OAU military observers. Houses were also burned. The Songa incident was the most severe of a series of rebel attacks in Bururi province during March and April.

On May 3, Hutu rebels attacked the King Khaled Hospital in Bujumbura, killing a guard and injuring three other people, including a baby girl. Rebels also attacked a hospital run by Medecins sans Frontieres-France in Makamba in early May.

Hutu rebels attacked a tea factory at Teza in Muramvya province on July 3. About 150 civilians, mainly Tutsis, were killed in the attack, according to local and expatriate sources.

A July 20 attack by Hutu rebels resulted in the deaths of a large number of Tutsi civilians at a displaced persons camp at Bugendana in Gitega province. A Western journalist counted 250 corpses at Bugendana, and government radio reported that 342 people had been killed in the massacre.

In September the Catholic archbishop of Gitega, a Tutsi, was killed in an ambush. It is not known who was responsible for his murder, but Church officials believe that Hutu rebels killed the archbishop.

Credible sources also reported that 87 civilians were killed in an attack by Hutu rebels in Cibitoke province December 18.

There is little reliable information about the interior since the July 25 coup. However, U.N. human rights monitors reported that an undetermined number of civilians were killed in Gitega province during fighting between rebel forces and government troops.

b. Disappearance

Local human rights groups reported that abduction and disappearance were commonplace. Disappearances were the result of both ethnic and political rivalry. Reliable numerical estimates are not available, but the U.N. human rights monitoring mission is aware of three cases in Bujumbura and has received a report concerning the disappearance of 31 children in the interior. There was no further information on six Tutsis who disappeared in August and September 1994.

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

The decree of September 13 and the suspended constitution prohibit these abuses, but they occur in practice.

Prison conditions were life threatening and characterized by severe overcrowding and inadequate hygiene, clothing, medical care, food, and water. Prisoners had to rely on family members to ensure an adequate diet, and officials acknowledged that digestive illness was a major problem among the prisoners. Women were held separately from men. U.N. human rights monitors reported that Tutsi prison guards permitted Tutsi prisoners to assault Hutu prisoners in Bujumbura's main prison.

U.N. human rights monitors and representatives of the ICRC were permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The law places no limit on the total length of pretrial detention. The police are obligated to obtain arrest warrants but have detained people for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Bail is permitted in some cases. Incommunicado detention reportedly exists, although the law prohibits it.

Presiding magistrates are authorized to issue arrest warrants. Regular police and gendarmes can make arrests without a warrant but must submit a written report to a magistrate within 48 hours of any arrest. A magistrate can order the suspect released or confirm the charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The Buyoya regime frequently and arbitrarily arrested foreign journalists (see Section 2.a.).

Despite the reestablishment of the criminal justice system, many of those arrested in conjunction with

the events of 1993 remain in detention and have not faced trial. An attempt in April to bring foreign lawyers to the country to assist in the defense of those accused of crimes from 1993 failed.

The disruption of the political process and the general level of insecurity severely impeded the judicial process. Pretrial detainees constituted about 80 percent of the prison population of approximately 6,900 inmates.

The military Government has not used forced exile as a means of political control. However, many people remain in voluntary exile in Belgium, Kenya, Tanzania, and Zaire. Many senior officials continue to keep their families outside the country. A number of officials of the government of deposed President Sylvestre Ntibantunganya fled the country in August. The Buyoya regime has refused to allow Ntibantunganya and National Assembly President Leonce Ngendakuma permission to leave the country (see Section 2.d.).

e. Denial of Fair Public Trial

The decree of September 13 provides for an independent judiciary, but in practice the judiciary is dominated by Tutsis.

When it operated normally, the judicial system was divided into civil and criminal courts with the Supreme Court at the apex. The military services have a separate judicial system.

Citizens do not have regular access to civilian and military court proceedings, although trials are ostensibly public. Defendants are presumed innocent and have the right to appeal. While defendants have a right to counsel and to defend themselves, few have legal representation in practice.

Most citizens assume that the courts still promote the interest of the dominant Tutsi minority, and members of the Hutu majority believe that the Tutsi-dominated judicial system is biased against them. Hutus accounted for only 13 of the country's 228 judges.

In February Tutsi extremists tried to use the judicial system to challenge the means by which former President Sylvestre Ntibantunganya had been chosen Chief of State. The Constitutional Court ruled against the extremists' legal challenge.

The criminal court system began to function again during the year. The vast majority of those arrested on criminal charges since October 1993 remained in custody awaiting trial. Criminal courts were reestablished in Bujumbura and in the provincial centers of Gitega and Ngozi. The criminal courts heard 79 cases relating to the 1993 massacres. According to the State Public Prosecutor, 60 of the cases resulted in convictions and in 19 cases the defendants were acquitted. All those found guilty received the death penalty. A further 400 cases are now ready to be heard before the courts. About 5,000 more cases were under investigation at year's end.

The civil court system functioned, although the lack of a well-trained and adequately supported judiciary constrained expeditious proceedings.

Besides the frequent lack of counsel for the accused, other major shortcomings in the legal system include the lack of adequate resources and trained personnel, and an outmoded legal code. Most citizens have lost confidence in the system to provide even the most basic protection. This circumstance has contributed to the growing level of vigilante violence.

There are no clearly identifiable political prisoners. However, police often bring charges of involvement in violent crimes or disturbance of the peace against detainees in connection with political issues.

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

The decree of September 13 provides for the right to privacy, and the authorities generally respect the law requiring search warrants. Security forces are assumed to regularly monitor telephones.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

NGO's believe that about 10,000 persons died in conflict during the year (see Section 1.a.).

Continuing insecurity has limited international humanitarian relief operations in most areas outside of Bujumbura and brought them to a complete halt in Cibitoke and Bubanza provinces.

In May civilian relief supplies were stolen from a truck in Muyinga province.

The June 4 killing of three expatriate employees of the ICRC in Cibitoke province caused humanitarian workers to reevaluate their operations in some areas of the country. While operations continue in other areas, concerns about security remain.

Government forces have compelled Hutu peasants to leave their homes in Karuzi province and move into displaced persons' camps, according to international relief agency officials.

The army has also burned large numbers of civilian homes in the course of military operations in Gitega, Karuzi, Muramvya, Bubanza, Cibitoke, and Bujumbura rural provinces.

A series of killings in early December by military forces in the southern part of Kayanza province resulted in 200 to 300 civilian deaths, according to the U.N. High Commissioner for Refugees (UNHCR). These killings took place as the army was implementing a policy of forced resettlement of Hutus.

Hutu rebels killed Hutu civilians who refused to pay "taxes" to the rebels, according to sources in the interior.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no restrictions imposed on the press in the decree of September 13; however, the regime owns the only newspaper and the two major radio stations.

Newspapers, with the exception of the thrice-weekly government owned *Le Renouveau*, have ceased publication, generally for financial reasons. As a result, there is no opposition press. Newspaper readership remains limited. Numerous political tracts continue to circulate; however, these political pamphlets represent a variety of political viewpoints, often of an extremist nature.

Most people rely on the two government-owned radio stations for information. One station broadcast in Kirundi, the other in French, Swahili, and English. An independent radio station, Radio Umwizero, financed by the European Union, began broadcasting during the year but has no political content.

Since 1994 a clandestine radio station supporting Leonard Nyangoma's predominately Hutu insurgent group, the National Council for the Defense of Democracy, broadcasted intermittently and attacked the Government and the Tutsi establishment.

Foreign journalists were frequently questioned by the authorities. American, Belgian, British, Canadian, Danish, and French journalists were detained briefly by the gendarmerie.

No laws or regulations limit the academic freedom of professors at the university. Although no persons were persecuted for what they published or said, the university remains mostly a monoethnic institution. Hutu students are discouraged from returning by other students. The security forces entered the university campus to break up political meetings in October.

b. Freedom of Peaceful Assembly and Association

The Government banned public political demonstrations. Prior to the July 25 coup, street demonstrations took place regularly in Bujumbura, often in contravention of the requirements then in force that demonstrations be authorized in advance.

The Government banned political parties immediately following the coup. Under the decree of September 13, they were again permitted to operate.

Political associations generally did not operate in the interior of the country.

c. Freedom of Religion

There is no state religion, and the Government made no attempt to restrict freedom of worship by adherents of any religion. However, the Catholic archbishop of Gitega was murdered and other church officials have been wounded or killed in ambushes (see Section 1.a.). The Government has little ability to protect politically targeted clergy.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The September 13 decree did not restrict citizens' travel, and in general, the Government made no attempt to restrict travel for political reasons either internally or abroad, although the right to travel of those under criminal investigation, including officials of the FRODEBU party, is limited. An additional exception was the refusal of the Buyoya regime to permit the departure from the country of President Sylvestre Ntibantunganya or National Assembly President Leonce Ngendakumana from the country.

In May the Government closed the border with Zaire. It has not been officially reopened. Despite the imposition of a postcoup economic embargo by neighboring countries, which included air travel, citizens continue to be able to leave by road.

Political parties and civilian militant groups at times prevented citizens from traveling to work and other locations.

Movement throughout the country has been restricted by security problems that the Government has not resolved. Increasing banditry and ethnic violence perpetrated by armed gangs and the military has rendered travel in the countryside perilous. In most of the country, Hutus rarely enter Tutsi areas; Tutsis rarely enter Hutu areas. Military security checkpoints throughout the country effectively restrict movement.

The UNHCR reported that about 180,000 Burundian refugees, most of them Hutu, remained in Zaire and Tanzania at year's end. Many had fled following the assassination of President Melchior Ndadaye in October 1993. Others fled as early as 1972. The UNHCR estimates that between 40,000 and 50,000 citizens left the country during the year. About 60,000 Burundian refugees returned in October and November following upheaval in eastern Zaire.

All but 223 of the 140,000 Rwandan refugees who were in Burundi at the beginning of the year were repatriated by July 25. Some of the repatriations may have been coerced, according to the UNHCR, especially those from Ntamba camp in January, and from the camps in Ngozi province in July. However, the majority of Rwandans returned to Rwanda voluntarily.

More than half the population of the provinces of Cibitoke, Bubanza, Bujumbura rural, and Karuzi were estimated to be internally displaced persons. At least 255,000 Burundians have been internally displaced, according to government estimates. Humanitarian agency officials believe that up to 400,000 Burundians may be internally displaced. The high level of insecurity continues to make it difficult to assess accurately the number of internally displaced people or to provide adequate humanitarian assistance for them.

The Government approved first asylum in recent years. This year, it hosted about 100,000 refugees from Rwanda. While the national government respected refugee conventions, local authorities forced large numbers of Rwandans to return to that country during the year. Refugees returning to Burundi were killed by Burundian security forces this year (see Section 1.g.).

Refugees from other African countries, including Zaire and Somalia, have lived in the country for many years without encountering difficulties.

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

The September 13 decree makes no provision regarding elections, and following the July coup citizens did not have the right to change their government.

Under the constitutional arrangements that were suspended by the coup, the now-deposed President should have remained in office until 1998, when legislative elections were also scheduled.

The decree of September 13 stipulates that the National Assembly consist of parliamentarians elected in 1993 who sat in the previous National Assembly. Under the decree, the interim President may appoint additional Parliamentarians, but he has not yet chosen to exercise this power. While the National Assembly has nominal budgetary oversight, the decree of September 13 allows the Council of Ministers to enact a budget if the National Assembly fails to do so, and it gives the interim President the authority to declare a state of emergency by decree and without reference to the National Assembly.

On September 13, Major Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. In practice the National Assembly is not expected to meet regularly until its members determine under what authority it can act. Many of its members are unwilling to operate under the authority of Major Buyoya's decree of September 13, the regime's declared legal framework for the transitional period. Of the 81 members of the Assembly who were elected in 1993, 38 remain outside the country.

There are no legal restrictions on the participation of women or indigenous people in elections or politics. In practice, however, both women and ethnic Twa (Pygmies) who comprise about 1 percent of

the population are underrepresented in government and in politics. Women currently hold 2 of the 22 Cabinet seats (no change from the number in the previous government) and 9 of the 81 seats in the National Assembly. There are no Twa in either the Cabinet or the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local human rights groups received varying degrees of cooperation from government ministries and local authorities. The human rights group Iteka continued to operate and publish a newsletter on the human rights situation. International human rights groups, including Amnesty International and Human Rights/Watch Africa visited the country. The United Nations deployed a five-member human rights observer mission in April. Its work was hampered, however, by insecurity in the countryside and by the Government's inability, and in some cases unwillingness, to protect human rights workers.

The 62-member OAU military observer mission was withdrawn by the OAU after the July 25 coup.

Local military authorities frequently refused access to areas of the interior to journalists, human rights workers, and international relief officials. Militant extremists, both Hutu and Tutsi, threatened the lives of people investigating human rights violations.

The U.N. International Commission of Inquiry worked in the country between October 1995 and May 1996, investigating the events surrounding the killing of President Melchior Ndadaye in October 1993 and the massacres that followed. The Commission produced a report that circulated in Bujumbura but was not officially released. The Government has asked for the establishment of an international tribunal to try those implicated in the events of 1993.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The September 13 decree explicitly provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion. However, the Government failed to enforce effectively all these provisions. Hutus continue to perceive, correctly, that there is discrimination against them by the Tutsi-dominated Government.

Women

Violence against women occurred, but there was no documentation of its extent. Wives have the right to bring physical abuse charges against their husbands; in practice, they rarely do so. Police do not normally intervene in domestic disputes, and the media do not report incidents of violence against women, including rape. There were no known court cases dealing with the abuse of women.

Women hold a secondary place in society and face both legal and societal discrimination. There continue to be explicitly discriminatory inheritance laws and discriminatory financial credit practices. Although women by law must receive the same pay as men for the same jobs, women are far less likely to hold any mid- or high-level positions. In rural areas, women traditionally perform hard farm work and have less opportunity for education than men.

Children

The Government has taken no action to protect children's rights, nor has it addressed the growing problem of the increasing population of orphans that resulted from the continued violence since 1993.

Children have not been spared by belligerents in the civil conflict; many of the victims of massacres have been children.

People with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for people with disabilities. The rudimentary economy effectively excludes the physically disabled from many types of employment.

Indigenous People

The Twa (Pygmy) minority remained almost completely marginalized--economically, socially, and politically. Most Twa continued to live in isolation, uneducated, and without access to government services, including health care. The Twa remain essentially outside of the political process.

National/Racial/Ethnic Minorities

Burundi's fundamental problem continued to be ethnic conflict between the majority Hutus and the minority Tutsis. Tutsis have historically held power and still control the military and dominate educated society. The July 25 coup that deposed Hutu President Sylvestre Ntibantunganya replaced him with a Tutsi, Major Buyoya. Ethnic discrimination against Hutus, 85 percent of the population, affects every facet of society and institutions, including the military services and the judiciary.

There are few Hutus in attendance at the University of Burundi. A government effort in March to recruit Hutus into the army produced no positive results. The army remains overwhelmingly Tutsi.

Section 6 Worker Rights

a. The Right of Association

The Labor Code nominally protects the rights of workers to form unions, although the army, gendarmerie, and expatriates working in the public sector are prohibited from union participation. Most union workers are urban civil servants.

The country's first national umbrella trade union, the Organization of Free Unions of Burundi (CSB), remains financially dependent on a system of checkoffs, as do local unions. The CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions. Unions are Tutsi-dominated, reflecting Tutsi control of the formal sector of the economy. The unions have also been strong supporters of the Government.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union is represented, the law stipulates that the Minister of Labor will choose the union representing the greatest number of workers to participate in the negotiations.

The Labor Code provides workers with a restricted right to strike. There are several restrictions on the right to strike and to lock out employees: The action must be taken only after exhausting all other peaceful means of resolution; negotiations must continue during the action, mediated by a mutually agreeable party or by the Government; and, 6 days' notice must be given. The law prohibits retribution against workers participating in a legal strike, and this provision is upheld in practice.

In January activity in Bujumbura came largely to a standstill during a week-long general strike organized by extremist Tutsis.

Unions are able to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

The Labor Code recognizes the right to collective bargaining, which had formerly been acknowledged only by ordinance. Since most workers in the formal sector are civil servants, government entities are involved in almost every phase of labor negotiations.

Public sector wages are set in fixed scales in individual contracts and are not affected by collective bargaining. In the private sector, wage scales also exist, but individual contract negotiation is possible.

The Labor Code gives the Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Labor negotiations are still conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor issues. The Council represents government, labor, and management and is presided over and regulated by the Minister of Labor.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity. This right is upheld in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and it is not practiced.

d. Minimum age for Employment of Children

The Labor Code states that children under the age of 16 are not allowed to be employed by "an enterprise" even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice, in rural areas children under the age of 16 do heavy manual labor such as transporting bricks in daytime during the school year.

Children are legally prohibited from working at night, although many do so in the informal sector. Children are obliged by custom and economic necessity to help support their families by participating in activities related to subsistence agriculture, in family-based enterprises, and in the informal sector.

e. Acceptable Conditions of Work

The formal minimum wage for unskilled workers is \$0.46 (145 Burundi francs) per day in Bujumbura and Gitega and \$0.38 (120 Burundi francs) per day in the rest of the country, with a graduated scale for greater skill levels. This amount does not allow a worker and family to maintain a decent standard of living, and most families rely on second incomes and subsistence agriculture to supplement their earnings. Employees working under a contract, particularly in urban areas, generally earn significantly more than the minimum wage. All employees in the public sector work under contract. The CSB estimates that 70 percent of employees working in the formal private sector are covered by a contract.

The Labor Code imposes a maximum 8-hour workday and a 45-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime work. The Labor Code establishes health and safety standards requiring an employer to provide a safe workplace and assigns enforcement responsibility to the Minister of Labor. However, the Ministry does not enforce the code effectively. Health and safety articles in the Labor Code do not directly address workers' rights to remove themselves from a dangerous work situation without fear of losing their jobs.

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