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U.S. Department of State

Burundi Country Report on Human Rights Practices for 1998

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BURUNDI

President Sylvestre Ntibantunganya was overthrown in a military coup in July 1996. The regime headed by self-proclaimed interim President, Major Pierre Buyoya, abrogated the 1992 Constitution and the 1994 Convention of Government. It promulgated a decree in September 1996 that replaced the Constitution during the so-called Transition Period. In April multiparty peace talks resumed in Arusha, Tanzania. On June 4, in conformity with an agreement between the Buyoya regime and the opposition-dominated National Assembly, the National Assembly adopted a Transitional Constitutional Act and a transitional political platform. The Transitional Constitutional Act supersedes the 1996 decree and the 1992 Constitution. The Act changed the structure of government; it eliminated the position of prime minister, created two vice presidents, removed the National Assembly Speaker from the line of presidential succession, and enlarged the National Assembly. The Act placed no time limits on the terms of office of the President or the National Assembly. The transitional political platform endorses in general terms restoring democracy, correcting the numerical ethnic imbalance of the army and judicial system, and creation of an international tribunal to try crimes of genocide. On June 12, a new Government was announced. The First Vice President and 10 of the 22 cabinet ministers are members of the predominantly Hutu opposition party FRODEBU. On June 20, the President appointed a new Constitutional Court. On July 18, the National Assembly was expanded from 81 members to 121 members. Political parties and the National Assembly operate under significant restraints. The judicial system is controlled by the Tutsi minority.

Buyoya holds power in conjunction with the Tutsi-dominated establishment forces. The country has been engaged in a civil war marked by ethnic violence, which includes fighting between the Tutsi-

dominated army and armed Hutu rebel groups. The fighting has caused widespread civilian casualties since the killing of democratically elected president Melchior Ndadaye in October 1993.

The security forces, which are controlled by the Tutsi minority, consist of the army and the gendarmerie under the Ministry of Defense; the Judicial Police under the Ministry of Justice; and the Documentation Service under the presidency. The army and the security services remain committed to protecting the interests of the Tutsi minority. The security forces committed numerous serious human rights abuses.

Burundi is poor and densely populated, with over four-fifths of the population engaged in subsistence agriculture. The small modern sector, largely based on the export of coffee and tea, has been damaged by an economic embargo imposed by neighboring states in 1996. The ongoing violence since 1993 has caused severe economic disruption and dislocation. Large numbers of internally displaced persons have been unable to produce their own food crops and largely depend on international humanitarian assistance. Government efforts to privatize publicly owned enterprises are at a virtual halt. Per capita national income is estimated at less than \$200 per year.

The Government's human rights record remains poor. Citizens do not have the right to change their government. Members of the security forces continued to commit numerous serious human rights violations with impunity. Military forces committed extrajudicial killings and, with their superior firepower, the armed forces committed the most widespread abuses. Armed troops killed both armed rivals and unarmed civilians, including women, children, and the elderly. Military forces massacred unarmed civilian Hutus. Despite Buyoya's avowed intention to end abuses by the military forces, the Government largely was unable or unwilling to prevent them, and perpetrators generally were not punished. The continuing lack of accountability for political and extrajudicial killings and ethnic violence, and continued impunity for those responsible for the 1993 coup attempt and the ethnic massacres that followed have significantly contributed to national insecurity. There continued to be numerous disappearances. There were credible reports that security forces tortured prisoners. Prison conditions remain life threatening. Arbitrary arrest and detention and lengthy pretrial detention are problems, and there were reports of incommunicado detention. The court system suffers from a lengthy backlog. The dysfunctional justice system could not address the country's problems effectively because of its lack of independence, its inefficiency and administrative disruption, and the ethnic partiality of its officials. Authorities infringed on citizens' privacy rights. The Government controls nearly all the media. The Government restricts freedom of assembly and does not permit political demonstrations. The Government restricts freedom of association and places some restrictions on freedom of movement. Incidents of ethnically motivated destruction and extrajudicial killing occurred throughout the country. Legal and societal discrimination against women continue to be a problem; violence against women also occurs. The Twa (Pygmy) minority remains marginalized economically, socially, and politically. The Government cannot protect the rights of children or prevent discrimination against the disabled. There were some instances of forced labor.

Hutu rebel forces committed numerous serious abuses, including massacres of both Hutu and Tutsi civilians.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Amnesty International estimates that since October 1993 approximately 200,000 persons have been

killed in ethnic violence. An international relief organization estimated that approximately 900 persons per month were killed during the first 9 months of the year. According to an international human rights organization, the number of civilians killed during the year was about the same as in 1997.

On January 4, soldiers reportedly killed 15 persons in the Mubone section of Kabezi commune, Bujumbura Rural province.

On January 7, according to an international human rights organization, following a rebel attack on military vehicles that resulted in the deaths of four soldiers, soldiers attacked the Kirekura section of Rubizi zone in Mutimbuzi commune, Bujumbura Rural province, and killed 16 civilians.

On January 17, according to an international human rights organization, soldiers attacked the Burima section of Mutambu commune, Bujumbura Rural province, and killed 25 civilians. The majority of the victims were women and children, many of whom were killed in their homes.

On March 21, according to an international human rights organization, local military forces ordered civilians to leave the Sagadaro section of Isale commune, Bujumbura Rural province. When the civilians arrived at that commune's marketplace, soldiers encircling the marketplace fired upon them, killing and wounding a number of persons.

On May 11, according to an international human rights organization, soldiers fired on civilians in an internally displaced persons' camp located near a military position in Kayanza province, killing six civilians.

On September 4, soldiers reportedly killed six children in an attack on a house in Isale commune, Bujumbura Rural province.

On November 3, soldiers reportedly killed 200 persons in Mutambu, Bujumbura Rural province. Military authorities arrested three military unit leaders, who remained in prison at year's end. According to an international observer, no one was formally charged.

On December 11, soldiers reportedly killed 15 persons in the Mubone section of Kabezi commune, Bujumbura Rural province.

Burundian citizens were involved in military actions on both sides of the armed conflict in the Democratic Republic of Congo during the year.

The Government still has not identified or brought to justice the persons responsible for the June 1996 killing in Cibitoke province of three expatriate employees of the International Committee of the Red Cross. The three persons accused of the 1995 killings of Italian religious workers still have not been brought to justice.

According to an international human rights organization, as of the end of October, the criminal courts had initiated trials of several hundred defendants in cases related to the 1993 ethnic massacres that followed the killing of former president Ndadaye. Foreign lawyers provided under United Nations' auspices helped defend some of the accused. The courts handed down 290 sentences in these trials. Of these, 55 persons were sentenced to death; 175 others were given prison sentences; 60 were acquitted. No death sentences were carried out during the year. Many other persons remained in detention for these massacres (see Section 1.d.). According to Amnesty International, more than 260 persons have been convicted and sentenced to death since February 1996. The six executions that were carried out in 1997

were the first civilian executions since 1982.

On January 1, following an attack on Bujumbura airport, various sources reported that over 200 civilians were killed in the nearby village of Rukaramu, Bujumbura Rural province. The available evidence indicates that although the army was responsible for some of the deaths, rebels killed most of the civilians.

On January 7, according to an international human rights organization, rebels massacred 45 civilians in the commune of Mabayi, Cibitoke province.

On February 10, according to an international human rights organization, rebels attacked the Minago section of Rumonge commune, Bururi province. They killed 32 civilians, and wounded 20 others. The majority of the victims were women and children.

Hutu rebels killed Hutu civilians for refusing to pay "taxes" to the rebels.

On April 22, according to the national news service, rebels killed 26 civilians in Isale and Mugongomanga communes, Bujumbura rural province.

On August 13, rebels reportedly killed seven persons in Mutambu commune, Bujumbura rural province.

On September 2, rebels reportedly killed 17 persons and wounded 17 others in Murata commune, Kayanza province.

On October 27, rebels killed 26 persons and wounded 25 others in Kanyosha commune, Bujumbura Rural province.

On December 2, rebels killed 60 internally displaced persons and wounded 31 others at a camp in Gihanga commune, Bubanza province (see Section 2.d.).

According to an international observer, the number of land mine incidents declined. There were 16 confirmed land mine incidents during the year, compared with 47 such incidents in 1997.

b. Disappearance

Human rights groups reported that abductions and disappearances were common, and took place throughout the year. Disappearances were the result of both ethnic and political rivalries. Reliable numerical estimates are not available.

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

The Transitional Constitutional Act prohibits these abuses; however, members of the security forces continued to torture and otherwise abuse persons.

According to an international human rights organization, the rape of civilians by members of the security forces is common in and near internally displaced persons camps, which are located in close proximity to security forces' bases. There were no known prosecutions of members of the security forces for these abuses, according to the organization.

There were numerous reports of rapes of civilians by rebels.

Conditions in state-run prisons were life threatening and characterized by severe overcrowding and inadequate hygiene, clothing, medical care, food, and water. A total of about 10,000 inmates are housed in facilities built to accommodate a maximum of 3,600 persons. Prisoners must rely on family members to provide an adequate diet, and officials acknowledged that digestive illness was a significant problem among the prisoners. Diseases such as dysentery and malaria reached epidemic levels in some prisons. Deaths of prisoners from disease and malnutrition increased approximately 10 percent over the previous year's level, according to an international observer. Female prisoners sometimes were housed in the same cells as male prisoners.

United Nations human rights monitors were permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons. The law places no limit on the length of pretrial detention. Presiding magistrates are authorized to issue arrest warrants. 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 law requires arrest warrants. The police must follow the same procedures as magistrates, but have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. There were numerous instances of arbitrary arrest. Bail was permitted in some cases. According to a human rights organization, incommunicado detention exists although the law prohibits it.

The disruption of the political process and the general level of insecurity severely impeded the judicial process. According to an international human rights organization, there are almost 10,000 pretrial detainees; they constitute 84 percent of the prison population.

Former president and Parena party leader Jean Baptiste Bagaza was freed from house arrest in early March after the military court that tried him decided that it lacked jurisdiction in the case. Bagaza was placed under house arrest in March 1997 for plotting to kill President Buyoya and possession of illegal weapons. The military court referred Bagaza's case to the Supreme Court. On October 1, the Supreme Court ruled that the military court did have jurisdiction. The military court has not taken action in response to the Supreme Court's ruling. Bagaza departed the country voluntarily in April and has not returned.

An international human rights organization estimates that the authorities hold from 500 to 1,000 political detainees.

The law prohibits exile, and the Government has not used forced exile as a means of political control. However, many persons are in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of Congo, and other countries. Many senior officials keep their families outside the country. A number of officials of the government of deposed president Sylvestre Ntibantunganya fled the country in 1996 and have not returned.

e. Denial of Fair Public Trial

The Transitional Constitutional Act provides for an independent judiciary, but in practice the judiciary is

not independent and is dominated by Tutsis. According to an international human rights organization, Hutus accounted for only 5 percent of the country's 638 judges. Most citizens assume that the courts promote the interests of the dominant Tutsi minority; members of the Hutu majority believe that the judicial system is biased against them.

The judicial system is divided into civil and criminal courts with the Supreme Court at the apex. The military forces have a separate judicial system.

Citizens generally did not have access to civilian and military court proceedings. Defendants are in theory 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. 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 a lack of adequate funding and trained personnel and an outmoded legal code. Many citizens have lost confidence in the system's ability to provide even basic protection. The vast majority of those arrested on criminal charges since October 1993 remain in custody awaiting trial.

There are some clearly identifiable political prisoners, according to an international human rights organization. Charges brought against defendants in nonpolitical crimes are sometimes politically motivated.

On October 2, the Supreme Court began deliberations in the trial of 79 persons accused of participation in the October 1993 coup and killing of former president Ndadaye. Among the accused are several senior past and present members of the military forces. Serious judgment of these defendants appears remote.

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

The Transitional Constitutional Act provides for the right to privacy, but according to reports, the authorities generally do not respect the law requiring search warrants. Security forces are assumed to monitor telephones regularly.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no restrictions imposed on the press by the Transitional Constitutional Act; however, the regime owns the only newspaper and the two major radio stations.

The government-owned *Le Renouveau*, which is published 3 times per week, is the only newspaper that appears regularly. Other newspapers, including at least one opposition newspaper, appear irregularly. Newspaper readership remains limited; literacy is about 50 percent. Political tracts and news sheets continue to circulate. These represent a variety of political viewpoints, sometimes of an extremist nature.

On March 25, security forces confiscated copies of *L'Aube de la Democratie*, a monthly newspaper that supports the Tutsis. On March 27, these forces closed the NetPress, an independent news service that had printed an account of the confiscation. Both resumed publication in November.

The number of newspapers remained at about its 1997 level.

There were a number of instances in which security forces harassed foreign journalists.

Many citizens listen to the two government-owned radio stations for information. One station broadcasts in the Kirundi language, the other in French and Swahili, with limited programming in English. There is one independent radio station, Radio Umwizero, which is financed by the European Union. It broadcasts in French and Kirundi. Citizens also receive the British Broadcasting Corporation, Voice of America, and other international broadcasts. In addition, Radio France International began broadcasting on the F.M. band from Bujumbura in August. According to an international observer, a clandestine radio station operated by Burundian Hutu rebels broadcast briefly from the Democratic Republic of Congo early in the year.

No laws or regulations limit academic freedom. Although no persons at the University of Burundi were persecuted for what they published or said, the University, which is Burundi's only institution of higher learning, remains primarily a monoethnic Tutsi institution.

b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly. The Transitional Constitutional Act permits political demonstrations; however, the Government enforced a ban on all demonstrations.

The Government restricts freedom of association. In March the Government arrested members of the Parena political party; in April and in July, it arrested members of the Uprona party. The Transitional Constitutional Act permits political parties to operate; however, the Government places restrictions on them, particularly on those that oppose government policies.

c. Freedom of Religion

The Transitional Constitutional Act provides for freedom of religion, and the Government respects this right in practice.

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

The Transitional Constitutional Act provides for these rights; however, the Government has in some instances restricted citizens' foreign travel for political reasons. The Government states that the restrictions are for legal, not political, reasons.

In March the Government announced that the legal proceedings against National Assembly speaker Leonce Ngendakumana had been dropped for lack of evidence. Since that time, the Speaker has traveled abroad. Since 1996 the Government had prevented the Speaker from leaving the country because he was under investigation for alleged involvement in the ethnic massacres following the 1993 coup attempt.

Despite the economic embargo imposed by neighboring countries, citizens continued to be able to travel in and out of the country.

Travel is possible in many parts of the country. However, armed rebel activity, particularly in parts of Bubanza, Bujumbura Rural, Bururi, Cibitoke, and Makamba provinces, makes travel perilous.

The remaining forced regroupment camps were closed by the Government, according to international observers. However, over 550,000 citizens, or 9 percent of the population, have been displaced, some for as long as 6 years. For those in the camps for internally displaced persons, some farming is possible,

although only with the permission of the military authorities. Serious health, water, and malnutrition problems exist in many camps. Persons in the hills without a camp pass are considered to be rebels and were killed or wounded by government soldiers, according to a number of sources.

Hutu rebels sometimes kill Hutus who remain outside the camps, according to an international human rights organization.

According to the U.N. High Commissioner for Refugees (UNHCR), during the first 9 months of the year, about 11,000 refugees were repatriated to Rwanda, Tanzania, and the Democratic Republic of Congo. In addition, according to the UNHCR, about 300,000 Burundian refugees, most of them Hutu, remain in Angola, Cameroon, the Republic of Congo, the Democratic Republic of Congo, Kenya, Malawi, Rwanda, Tanzania, and Zambia. Some of these persons fled as early as 1972, and many fled following the killing of former president Ndadaye in 1993. Some fled the country during the year, but the UNHCR is unable to estimate their number.

Repatriates have been the victims of abuses by the Government and the rebels. According to the UNHCR, because of the ongoing civil war there are over 550,000 internally displaced persons in 15 of the country's 16 provinces. Although the soldiers assigned to guard duty in these camps provide a measure of protection to camp inhabitants, they sometimes commit human rights abuses against them. Rape of civilians by members of the security forces in and near internally displaced persons' camps reportedly is common (see Section 1.c.). On December 2, rebels killed 60 internally displaced persons and wounded 31 others at a camp in Gihanga commune, Bubanza province (see Section 1.a.).

Camp inhabitants often are required to perform labor for soldiers without compensation (see Section 6.c.).

On some occasions, the Government also has persecuted displaced persons. However, it permits humanitarian assistance to reach displaced persons and promotes their return and resettlement. On occasion it compelled displaced persons to return to dangerous conditions.

The law include provisions for granting refugee or asylee status in accordance with provisions of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government has approved first asylum in recent years. However, on October 24, the Government refused first asylum to five persons from the Democratic Republic of Congo and returned them to their country, where they feared persecution.

According to the UNHCR, there are approximately 20,000 citizens of the Democratic Republic of Congo living in Burundi, many of whom claim asylum. Following the outbreak of fighting in that country in August, an additional 5,000 Congolese refugees and 2,500 Burundian repatriates entered Burundi.

Rwandans who fled the 1994 ethnic massacres in Rwanda and were registered officially as refugees in Burundi by the UNHCR all departed by 1997; no Rwandan refugees registered with the UNHCR remain. Those refugees who migrated earlier, some as early as 1959, number about 200,000 persons and are not registered officially with the UNHCR. These refugees largely have been integrated into Burundian society.

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

Citizens do not have the right to change their government. The Transitional Constitutional Act makes no provision for elections. The 1992 Constitution and 1994 Convention of Government both were suspended by the Buyoya military regime that assumed power on July 25, 1996 in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. In 1996 Buyoya announced the restoration of the National Assembly and political parties with certain restrictions.

The National Assembly is dominated by the FRODEBU opposition party.

On June 4, following a multiparty conference in Arusha, Tanzania, the National Assembly and the Government entered into a partnership agreement. The National Assembly adopted the Transitional Constitutional Act and a Transitional Political Platform. The Act changed the structure of government by eliminating the position of prime minister, creating two vice presidents, one Tutsi and one Hutu, removing the National Assembly speaker from the line of presidential succession, and enlarging the National Assembly. The Act places no time limits on the terms of office of the president or the members of the National Assembly, although both are described as in transition for a 3-year period.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalances in the army and the judicial system. It also calls for the creation of an international tribunal to try crimes of genocide.

On June 12, a new Government was announced in which the First Vice President and 10 of the 22 cabinet ministers are Hutu members of the FRODEBU party. Although the new Cabinet strikes an overall ethnic balance, members of the Tutsi ethnic group hold the key Ministries of Defense, Interior, Justice, and Finance.

Under the 1992 constitution, deposed president Ntibantunganya was to have remained in office until 1998, when legislative elections had been scheduled. The last elections to fill the Assembly were held in June 1993. The Transitional Constitutional Act stipulates that the National Assembly consists of parliamentarians elected in 1993 who sat in the previous National Assembly, plus 40 new members--28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognized political parties not represented previously in the Assembly.

Since not all those elected in 1993 still are alive or remain in the country, the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Many of the 40 new seats were filled by Tutsi supporters of the Government.

The Act also gives the President the authority to declare a state of emergency by decree after consulting with the President of the National Assembly, the National Security Council, and the Constitutional Court.

There are no legal restrictions on the participation of women or indigenous people in elections or politics. In practice, however, both women and the ethnic Twa (Pygmies) are underrepresented in government and in politics. Women hold 1 of 22 cabinet seats (in the previous government women held 2 of the 24 cabinet seats) and in 1993 were elected to 9 of 81 seats in the National Assembly. However, one of the nine women later was killed.

The expansion of the National Assembly and the filling of vacant seats raised the total number of female Parliamentarians to 16. One of the nine members of the Supreme Court and three of the seven members of the Constitutional Court are women. Although Twa constitute about 1 percent of the population, there

are no Twa in the Cabinet; however, one Twa was appointed to the National Assembly during the year (see Section 5).

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; however, local military authorities restricted access to some areas. Iteka continued to operate and publish a newsletter on the human rights situation.

Amnesty International and the U.N. Special Rapporteur for Human Rights for Burundi visited during the year. The U.N. High Commissioner for Human Rights has an office in Burundi; however, the work of human rights organizations was hampered by insecurity in the countryside.

Citing security concerns, local military authorities refused access to some areas of the interior to journalists, human rights workers, and international relief officials. Militant extremists threatened the lives of those investigating human rights violations.

The Transitional Constitutional Act adopted in June calls for an international commission of inquiry to identify large-scale crimes ("crimes massifs") committed in the country since independence and an international criminal tribunal to judge those persons accused of genocide (see Section 3).

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

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

Women

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

Women face both legal and societal discrimination. There continue to be explicitly discriminatory inheritance laws and discriminatory credit practices. Although by law women must receive the same pay as men for the same work, women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform hard farm work, marry and have children at an early age, and have less opportunity for education than men.

Children

The law provides for children's health and welfare, but the Government cannot address the needs of children adequately. In particular it cannot care for the large population of orphans resulting in part from the violence since 1993. Many of the victims of massacres were children. The Government provides elementary education at nominal cost through grade 6; about 60 percent of school-age children are enrolled. It also provides subsidized health care for all family members.

People With Disabilities

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

Indigenous People

The Twa (Pygmy) minority remains marginalized economically, socially, and politically. Most Twa continued to live in isolation, uneducated, and without access to government services, including health care. In general the Twa remain outside the political process.

National/Racial/Ethnic Minorities

The principal national problem continued to be ethnic conflict between the majority Hutus and the minority Tutsis. The Tutsis historically have held power and still control the military forces; they dominate educated society. The 1996 coup deposed president Ntibantunganya, a Hutu, and replaced him with Major Buyoya, a Tutsi.

Ethnic discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. The President and the Tutsi-dominated army retain their dominance in decision-making and have not initiated genuine power sharing.

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.

According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees are unionized. All employees in the public sector except those involved in activities related to public security are unionized.

Since gaining its independence from the Government in 1992, the CSB has depended financially on a system of checkoffs, as have local unions. In 1995 a rival umbrella trade union, the Confederation of Burundi Unions (COSEBU), was founded. COSEBU and the CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions during the year.

Unions are Tutsi-dominated, reflecting the fact that it is Tutsis who dominate the formal sector of the economy. The unions also have 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 must 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. The restrictions on the right to strike

and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The law prohibits retribution against workers who participate in a legal strike, and this provision is upheld in practice.

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, formerly acknowledged only by ordinance. Since most workers 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. Negotiations are conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor matters. 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 functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits the performance of forced or compulsory labor by adults and children. Forced labor takes place in internally displaced persons' camps, but it is not known to occur elsewhere. The soldiers guarding internally displaced persons camps often require camp inhabitants to cook, fetch water, chop wood, and perform other chores without compensation.

Rebel soldiers also require peasants to perform uncompensated labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code states that children under the age of 16 cannot 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 age 16 do heavy manual labor such as transporting bricks in daytime during the school year.

The minimum age for military service is 18 years, but there are some child soldiers in the army.

Children are prohibited by law 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. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The formal minimum wage for unskilled workers is \$0.40 (145 francs) per day in the cities of Bujumbura and Gitega and \$0.35 (120 francs) 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. A 1997 survey of day-labor wage rates in nine provinces by an international organization revealed that actual wages ranged upward from \$0.30 (109 francs) per day.

Unionized employees, particularly in urban areas, generally earn significantly more than the minimum wage. Public sector wages are set by agreement between the Government and either the CSB or COSEBU. Foreign workers are protected by law and are not subject to discrimination.

The Labor Code stipulates an 8-hour workday and a 40-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime. The Labor Code establishes health and safety standards, requires 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 address directly workers' rights to remove themselves from a dangerous work situation.

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