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BURUNDI

Burundi is ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted a Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party FRODEBU into the Cabinet. Buyoya holds power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. Political parties operate under significant restraints. Since 1993 the country has suffered from a civil war with thousands of civilian deaths and mass internal displacement. The judiciary is controlled by the ethnic Tutsi minority and is not impartial.

The security forces are controlled by the Tutsi minority and consist of the army and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. Security forces committed numerous serious human rights abuses.

The country is poor and densely populated, with 92 percent of the population dependent on subsistence agriculture. Many internally displaced citizens have been unable to grow food and depend largely on international humanitarian assistance. Per capita income is less than \$200 per year. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which is based mainly on the export of coffee, tea, and cotton. The Government has announced that it plans to privatize publicly owned enterprises, but efforts to carry out such a transformation are lagging. Other governments in the region that had imposed economic sanctions on the country lifted them in January.

The Government's human rights record remained poor. Citizens do not have the right to change their government. Security forces continued to commit numerous extrajudicial killings. The armed forces killed armed rebels and unarmed civilians, including women,

children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Despite Buyoya's stated commitment to end abuses by the military, his Government was unable or unwilling to do so, and perpetrators were not punished. Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. There were credible reports of disappearances and the security forces continued to torture and otherwise mistreat persons. Prison conditions were 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 case backlog. The dysfunctional justice system was unable to resolve pressing issues of detention and impunity because of its lack of independence, its inefficiency and administrative disruption, and the partiality of Tutsi officials. Authorities infringe on citizens' privacy rights. The Government controls the media and restricts freedom of speech and of the press. It restricts freedom of assembly and does not permit political demonstrations. The Government restricts freedom of association and movement. At the end of the year, the army forcibly relocated an estimated 330,000 Hutus in an effort to stop rebel attacks on the nearby capital, Bujumbura. The armed forces sometimes limited access to certain areas by human rights observers, citing dangerous security conditions. Violence and discrimination against women continued to be problems. The Government is unable to protect the rights of children or prevent discrimination against the disabled. The indigenous Twa (Pygmy) people remain marginalized economically, socially, and politically. Incidents of ethnically motivated destruction and killing occurred throughout the country. State discrimination against Hutus is widespread. Soldiers required internally displaced persons to perform forced labor. Child labor is a problem.

Rebel Hutu militias also continued to commit many serious abuses, including repeated killings of unarmed civilians, and requiring civilians to perform forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Security forces committed numerous extrajudicial killings. On January 4, soldiers killed more than 55 civilians in Mubone, Kabezi commune, Bujumbura Rural province, according to international human rights observers. The Government promised to investigate; however, any findings were not made public. It is not known if those responsible were punished.

On May 26, soldiers killed 11 Hutu civilians, including women and children, most of whom lived in the household of a man suspected of participating in the 1993 killing of Tutsis, according to an international human rights observer.

On July 19, soldiers killed 30 civilians in Kanyosha commune, Bujumbura Rural province, according to international observers.

On August 11, the army shot and killed an estimated 50 civilians in Kanyosha commune, Bujumbura Rural province, according to international human rights observers. On August

12, the army used grenades and machine guns to kill an unknown number of civilians in Ruziba, Bujumbura Rural province, observers reported. The army suspected the civilians of collaborating with rebels. International observers were prevented from investigating because of security forces' claims that the areas were unsafe. The Government promised to investigate; however, its findings were not made public.

On October 9, a soldier shot and killed six persons, including three children and two women, at the Ruyaga regroupment site in Bujumbura Rural province where they had been moved forcibly, according to the authorities. Seven others were injured. The soldier was detained immediately although his name was not released publicly, authorities said.

There were reports that soldiers shot and killed some persons who tried to leave "regroupment sites" to which Hutus were forcibly relocated starting in September (see Sections 1.f. and 2.d.).

Deaths in prisons continued due to disease and malnutrition (see Section 1.c.).

Amnesty International (AI) estimates that 200,000 persons were killed in ethnic violence between October 1993 and the end of 1998. No credible countrywide casualty figures were available for 1999. Throughout the year, the Government and security forces frequently prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. AI reported that the army and rebel groups killed 600 civilians between November 1998 and March 1999 in Bujumbura Rural province alone. Based on media and other reports, much of the extrajudicial killing and destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces.

Accurate information about landmines is hard to obtain. However, the armed forces apparently use mines to prevent rebels from accessing territory, and rebel groups use landmines as tools of terror. Landmine-related civilian injuries and deaths were reported, particularly in provinces along the southern border with Tanzania.

A domestic human rights organization reported that 51 persons were sentenced to death in the regular criminal courts during the first 10 months of the year. A death sentence handed down by a military court was carried out in July, and legal irregularities in the case prompted protests by AI. On July 28, Corporal Bonaventure Ndikumana was sentenced to death for deliberately killing an officer. Ndikumana was executed the next day without being allowed to file an appeal of his conviction as required by law, according to the authorities and AI. No executions were carried out in 1998. In 1997, after a 15-year period with no executions, the State executed 6 of 38 civilians sentenced to death for the first time since 1982.

In May the media reported the surprise announcement of a judgment in the trial of the 1993 assassination of President Melchior Ndadaye. The Supreme Court sentenced five members of the army to death and 23 others to prison. Another 38 persons were acquitted, 10 cases were sent back for further review, and 5 cases were dropped because the suspects had died. No high-ranking army officers were convicted, although charges were brought originally against many past and present senior army members. The new Attorney General, who is a Hutu, announced that the case would be reopened.

In January rebels killed 178 civilians in Makamba province, according to the media. The civilians were killed either by rebels or were caught in a crossfire between the rebels and the army, according to reports.

On August 28, Hutu rebels killed 39 persons in Bujumbura, most of them Tutsi civilians according to the authorities. Victims were shot or burned. The authorities permitted rapid access to the scenes of the attacks.

On October 12, unknown attackers killed two U.N. foreign staff members and seven others during a U.N. humanitarian assessment mission to Rutana province. Officials said that rebels carried out the attack, possibly to halt humanitarian aid. The Government called on Tanzania to arrest the perpetrators, who it said fled to Tanzania after the attack. Rebels accused the armed forces of committing these killings. In response to this attack, the U.N. halted most of its field operations indefinitely. A grenade attack in Bujumbura's central market in November killed 5 persons and injured 14 others.

There are no definitive statistics available on how many civilians were killed by Hutu rebels; the Government stated that killings by rebels represent the majority of civilian casualties. Rebels reportedly often kill civilians for suspected collaboration with the regime and for their refusal to pay "taxes" to rebels. Hutu rebels ambushed minibuses carrying civilians on national highways, robbing and killing the occupants.

Three persons accused of the 1995 killings of Italian religious workers were not tried. The Government did not identify or bring to justice the persons responsible for the June 1996 killing in Cibitoke province of three foreign employees of the International Committee of the Red Cross.

b. Disappearance

Human rights groups reported that abductions and disappearances occurred during the year, but no credible overall figures were available. AI reported on October 5 that it had credible reports of the disappearance of three persons believed to have been arrested by soldiers in September. According to AI, at least one of the men was believed to have been executed and secretly buried. The media carried brief reports of kidnappings of civilians by Hutu rebels.

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

The Transitional Constitution Act prohibits these abuses; however, members of the security forces continued to torture and otherwise abuse persons. In one such case, AI reported that members of the security forces were believed to have withheld food from detainees and beaten one of them severely. There were no known prosecutions of members of the security forces for these abuses.

At the end of the year, signs emerged of renewed government support for policing of the capital and countryside by armed civilians, which raised fears of the return of militias created in 1995 to destabilize the then Hutu-led government.

Conditions in state-run prisons were life threatening and are 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 rely on family members to provide an adequate diet, and officials say that prisoners suffer from digestive illness, dysentery, and malaria. Poor prison conditions contributed to deaths of prisoners from disease and malnutrition. In April AI reported that a 12-year-old boy, improperly charged in connection with 1993 killings, had been abused sexually by male inmates at Bujumbura's central prison.

U.N. human rights monitors were permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, and exile; however, security forces arbitrarily arrested and detained persons. Limits on the length of pretrial detention were not respected. Presiding magistrates are authorized to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. A magistrate can order the release of suspects or confirm 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 are required to follow the same procedures as magistrates; however, the police 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. Human rights organizations reported that incommunicado detention exists, although it is prohibited by law.

The disruption of the political process and the general insecurity severely impeded the judicial process. In mid 1999, an estimated 7,500 pretrial detainees constituted 78 percent of the total prison population. About 750 of an estimated 9,500 detainees reportedly were released in 1999, but these reports could not be confirmed.

The Government has not used forced exile as a means of political control. However, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, Zaire, and elsewhere. Some senior authorities maintain their families outside the country. A number of officials of the government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, have not yet returned.

e. Denial of Fair Public Trial

The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is not independent and is dominated by ethnic Tutsis. An international human rights organization estimated in 1998 that ethnic Hutus accounted for only 5 percent of the country's judges and lawyers, although they constitute an estimated 85 percent of the population. 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 armed forces have a separate judicial system, and there is a labor court.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal; however, in practice some lawyers say that the structure of the court system inappropriately limits the possibility of appeals for those accused of the most serious crimes. While defendants have a right to counsel and to defend themselves, in practice few have legal representation. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. The majority of persons arrested on criminal charges since October 1993 remain in pretrial custody.

In July the National Assembly passed a new criminal code, which was scheduled to take effect in January 2000, and in theory provides protections for suspects' rights to a lawyer before official charges are filed and during pretrial investigations.

There are some clearly identifiable political prisoners. Charges against defendants convicted for nonpolitical crimes sometimes are politically motivated.

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

The Transitional Constitutional Act provides for the right to privacy, but the authorities reportedly do not respect the law requiring search warrants. Security forces are widely believed to monitor telephones regularly.

Beginning in September, following rebel attacks on the mainly Tutsi-inhabited capital (see Section 1.a.), the Government forcibly relocated an estimated 330,000 mainly Hutu inhabitants of Bujumbura Rural province to "regroupment sites" where security forces could more readily monitor and control their movements. Inhabitants were moved to sites with inadequate sanitation and insufficient access to water, food, shelter, and medicine. The Government's stated rationale for these forced relocations was to protect the relocated persons from rebel attacks.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Constitutional Act does not impose restrictions on the media; however, the Government restricts freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication, and the Government controls the media and harasses and detains journalists.

The regime controls much of the news, since it owns the only regularly published newspaper and the major radio and television stations. The government-owned *Le Renouveau* is published 3 times a week. Other newspapers, including at least one opposition newspaper, appear irregularly. Political tracts circulate, and two private faxed newsheets are published almost daily. These represent a variety of political viewpoints. In June the National Communications Council suspended the activities of the FRODEBU opposition political party's newspaper, *L'Aube de la Democratie*. In October the Council temporarily suspended the newspaper, *La Verite*.

Security forces and the regime harass journalists, questioning or detaining them or having

their property searched and seized. In June the editors of two private faxed newsheets were detained for brief periods for failing to send advance copies of their dispatches to government agencies, even though the advance review law applies only to daily newspapers. In September the Defense Minister publicly compared some journalists to rebels and indicated that they should be treated as such. When journalists protested what they described as a death threat, the Minister explained that he meant only to criticize unprofessional journalists.

The government-owned radio broadcasts in the Kirundi language, French, and Swahili and offers limited English programming. The private radio station, Umwizero, is financed by international donors and broadcasts in French and Kirundi. Listeners also can receive transmissions of the British Broadcasting Corporation, the Voice of America, and Radio France Internationale. A clandestine radio station operated by Hutu rebels once broadcast briefly from the Democratic Republic of Congo.

No laws or regulations limit academic freedom, and no persons at the University of Burundi were persecuted for what they published or said. However, the state university remains primarily ethnic Tutsi. Tensions occasionally flare between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996.

b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly. The Transitional Constitutional Act permits political demonstrations, but in practice none have been allowed by the Government.

The Government restricts freedom of association and has arrested members of organizations and political parties.

The Transitional Constitutional Act permits political parties to operate; however, the regime places restrictions on groups critical of its policies.

c. Freedom of Religion

The transitional Constitutional Act provides for freedom of religion, and the Government respects this right in practice. There is no state religion, and the Government does not restrict freedom of worship.

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

The Transitional Constitutional Act provides for these rights; however, the Government restricts this right in practice. Beginning in September the regime forcibly relocated an estimated 330,000 Hutus from Bujumbura Rural province. Residents of parts of Bujumbura Rural more heavily populated by Tutsis were not subject to relocation. The relocated population, at "regroupment sites," some of which were remote, at times lacked access to food, safe drinking water, shelter, basic sanitation, and health care. Authorities said that they were relocating the population to protect it from rebels, but there were credible reports that the displacements also were used to remove rebels from the relocated

population and to impede civilian assistance to rebels. Persons who tried to leave the sites, allegedly to search for food and water, reportedly were shot, sometimes fatally, by soldiers.

At year's end, about 550,000 other citizens remained in internally displaced persons (IDP's) camps created in 1993-94 throughout the country. With the recently relocated persons, a total of 13 percent of the population live in 360 sites, according to an international relief organization. Inhabitants of these sites raised some of their own food with the permission of the armed forces. Soldiers guarding these camps provide a measure of protection to camp inhabitants; however, they sometimes commit human rights abuses against them.

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

Civilians who remain outside the sites reportedly have been killed by Hutu rebels for allegedly collaborating with authorities and by the armed forces on suspicion of collaborating with the rebels.

The authorities occasionally restricted foreign travel for political reasons in the past; there was one such case in 1999. In August an official from the FRODEBU wing of the party, which is critical of the regime, was prevented temporarily from leaving the country for consultations related to the peace talks in Arusha. Authorities cited legal, not political, reasons.

The majority of citizens could travel legally in and out of the country.

Travel within the country is possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, and Makamba provinces.

The armed forces sometimes denied access to certain areas to human rights observers, citing dangerous security conditions (see Section 4).

The U.N. High Commissioner for Refugees (UNHCR) reported that as of the end of September, about 11,000 Burundian refugees were repatriated in the course of the year from Rwanda, Tanzania, the Democratic Republic of Congo, and other countries. During the same period, an estimated 25,000 Burundians fled Burundi to Tanzania, according to the UNHCR. Approximately 296,000 Burundian refugees, most of them Hutu, remain in Angola, Cameroon, the Republic of the 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 assassination of former president Ndadaye in October 1993.

The Government has granted first asylum in recent years.

Approximately 325 citizens of the Democratic Republic of Congo live in Burundi, many of whom claim asylum. Rwandan refugees who fled the 1994 ethnic massacres in Rwanda departed the country by 1997. Another 200,000 Rwandans who came in earlier waves of refugees, some as early as 1959, are not registered officially with the UNHCR and are integrated into Burundian society.

There were no reports of the forced return of persons to a country where they feared persecution.

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 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. About 3 weeks later, Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The National Assembly is dominated by the opposition party, FRODEBU, which draws the majority of its membership from the Hutu ethnic group.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and Burundi's regime subsequently launched an internal peace process. On June 4, 1998, the National Assembly and the Government entered into a partnership agreement. The National Assembly adopted a Transitional Constitutional Act and a Transitional Political Platform. The act changed the structure of government by eliminating the post of prime minister, creating two vice presidents, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The act placed no time limits on the President's or the National Assembly's term of office. By year's end, no such limits had been enacted, and no future presidential or national assembly elections had been scheduled.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of genocide. No such tribunal had been created by year's end.

On June 12, 1998, a new Government was announced in which the First Vice President and 10 of the 22 cabinet ministers are members of FRODEBU. The Cabinet includes 12 Hutus, including the Minister of External Relations. Progovernment ethnic Tutsi members hold the key Ministries of Defense, Interior, Justice, and Finance.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the Assembly took place in June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: those 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 previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled many of the 40 new seats.

Political parties operate under significant constraints.

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transitional

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

No legal restrictions hinder the participation of women or indigenous people in elections or politics; however women and the ethnic Twa (Pygmies) are underrepresented in government and politics. Of the 22 cabinet seats, 1 is filled by a woman, who serves as the Minister of Women, Welfare, and Social Affairs. (In the previous government women held 2 of the 24 cabinet seats.) In 1993 women were elected to 9 of 81 seats in the National Assembly. One of these nine women was killed in Cibitoke province in 1995. The expansion of the National Assembly and the filling of vacant seats has brought the total of female parliamentarians to 16. One of the nine members of the Supreme Court is a woman as are three of the seven Constitutional Court members, including its president. About 1 percent of the population is Twa, but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly (also see Section 5).

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

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, Iteka, continued to operate and publish a newsletter. Amnesty International representatives and the U.N. Special Rapporteur for Human Rights visited the country during the year. The U.N. High Commissioner for Human Rights maintains an office in the country, but reduced its observer staff in October due to poor security conditions (see Section 1.a.).

Real and claimed insecurity in rural areas was cited by the regime in denying access to some areas of the country to journalists, international relief workers, and human rights observers. Army elements in the field frequently denied access to human rights observers when the army was accused of human rights violations. For example, human rights observers were denied full access to areas in Bujumbura Rural province, where the army is believed to have killed more than 50 civilians on August 10, 11, and 12 (see Section 1.a.).

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

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion. However, the Government failed to implement effectively the act's provisions. Hutus continue to perceive, correctly, that the Tutsi-dominated government and army discriminate against them. The question of exclusion was a central question at the peace talks in Arusha.

Women

Violence against women occurred, but its extent is undocumented. Wives have the right to charge their husbands with physical abuse, but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. No known court cases dealt with the abuse of women.

Women face legal and societal discrimination. Explicitly discriminatory inheritance laws

and discriminatory credit practices continued. By law, women must receive the same pay as men for the same work, but in practice they do not. 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 fewer opportunities for education than men.

Children

The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children and, in particular, of the large population of orphans resulting from the violence since 1993. Many of the victims in the civil war are children. The Government provides elementary education at nominal cost through grade six. About 44 percent of children are enrolled in primary school. The Government provides subsidized health care.

People with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. There are few job opportunities for the physically disabled in Burundi, where most jobs involve significant manual labor.

Indigenous People

The Twa (Pygmies), who are believed to be the country's earliest human inhabitants, now make up only about 1 percent of the population, and generally remain economically, socially, and politically marginalized. Most Twa live in isolation, uneducated, and without access to government services, including health care. One Twa was appointed to the National Assembly, but the Twa are underrepresented in the political process.

National/Racial/Ethnic Minorities

The principal national problem continued to be ethnic conflict between the majority Hutus and the minority Tutsis. Burundi's civil conflict stems from more than three decades of violence and systematic discrimination, which compounds the fears by both sides of genocide and exclusion. Tutsis claim to have been the targets of a genocide carried out in 1993 by Hutus angered over the assassination of democratically elected Hutu president Ndadaye. The Tutsis historically have held power, and they dominate educated society and control the security forces. In 1996 a coup deposed president Ntibantunganya, a Hutu, and replaced him with Major Pierre Buyoya, a Tutsi.

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion. However, the Government failed to implement effectively the act's provisions. The Tutsi-dominated government and army discriminate against Hutus. State 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 protects the rights of workers to form unions, although the army, gendarmerie, and foreigners 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 prohibited by law, are unionized.

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

Tutsis dominate the formal sector of the economy and the unions.

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 participating in a legal strike, and this provision is respected. Strikes by telecommunications and social security workers took place without government intervention.

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 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 functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits the performance of forced or compulsory labor by adults or children; however, soldiers guarding internally displaced persons sites often require inhabitants to cook, fetch water, chop wood, and perform other chores without compensation. The rebels also require peasants to perform uncompensated labor, including the transport of supplies and weapons. Apart from these situations, forced labor is not known to occur. There were no reports of forced child 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, children under age 16 in rural areas do heavy manual labor during the daytime in the school year.

The minimum age for military service is 18, but there are believed to be some children below that age in the army.

Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and c