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2010 Human Rights Report: Burundi

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Burundi is a constitutional republic with an elected government and a population of 8.6 million. From May to September, the country held elections for all public offices, including the first direct presidential elections since 1993. Following the May 25 Communal Council elections, which the international community characterized as generally free and fair, a coalition of 12 opposition parties alleged massive fraud and called for the annulment of the results and new elections. When the parties' demands were not met, they withdrew their candidates from the subsequent presidential, legislative, and "colline" elections. President Pierre Nkurunziza, of the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party, ran unopposed in the June presidential election and was reelected to a second term. International observers characterized the elections as generally free and fair, although there were reports of political violence leading up to and throughout the five-month election season. Security forces reported to civilian authorities. There were instances in which elements of the security forces acted independently of civilian control.

Human rights abuses during the year included security force killings, torture, and mistreatment of civilians and detainees; official impunity; societal killings and vigilante justice; harsh, life-threatening prison and detention center conditions; prolonged pretrial detention and arbitrary arrest and detention; detention and imprisonment of political prisoners and political detainees; lack of judicial independence and efficiency; official corruption; restrictions on privacy and freedom of speech, assembly, and association; sexual violence and discrimination against women and children; discrimination against gays and lesbians and persons with albinism; and restrictions on labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Human rights organizations and the media reported numerous cases in which the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, some of which appeared to be politically motivated. The UN Office of the High Commissioner for Human Rights (OHCHR) in the country reported 35 killings by security forces during

the year, including 25 perpetrated by police, nine by the military (FDN), and one by the national intelligence agency (SNR). Of these, the OHCHR reported 11 cases of extrajudicial killings.

Police officer Jackson Ndikuriyo was killed on August 26 while in the custody of Bubanza Province Police Commissioner Remegie Nzeyimana and four police officers. In December 2009 Ndikuriyo and seven police colleagues complained in a letter to Minister of Public Security Alain Guillaume Bunyoni that police were not receiving their housing allowances. On January 11, Ndikuriyo and Severin Misago, another of the complainants, were fired without explanation. When Ndikuriyo and Misago indicated that they planned to file a lawsuit, Ndikuriyo began receiving threats, including from Deputy Director General of Police Gervais Ndirakobuca. On August 26, police detained Ndikuriyo and Misago in Musigati Commune, Bubanza Province. Later that day Police Commissioner Nzeyimana picked up Ndikuriyo from Musigati police custody. En route between Musigati and Bubanza city, Ndikuriyo was killed. The police claimed that Ndikuriyo was shot by bandits during an ambush. The police acknowledged, however, that no bullets hit the vehicle or any of the police officers during the alleged attack. No arrests occurred by year's end. On September 27, Ndikuriyo's lawyer, Francois Nyamoya, was jailed (see section 2.a.).

On September 7, while executing a search warrant for presumed bandits in Buganda Commune, Cibitoke Province, police arrested and summarily executed Japhet Bigirimana (alias Kadura), Boniface Mahungu, Nsabiwaremye (alias Zairois), and Niyonkuru. Members of the police, including local Police Chief Eugene Bizindavyi, took the four men in a pick-up truck ostensibly to find their arms caches and accomplices. Instead, at approximately 5:30 p.m. the four men were taken to a manioc field and killed. By year's end no suspects had been arrested.

Also on September 7, soldiers shot and killed Fabien Mpfubusa, a member of the National Liberation Forces (FNL) party. Mpfubusa attempted to flee when the military encircled his home in the Kanyosha quarter, Bujumbura. Following the shooting the soldiers searched the house without providing a search warrant. They seized only medication. No investigation occurred by year's end.

Although not numbered among the extrajudicial killings, the following murders appeared politically motivated:

On January 10, a man armed with a Kalashnikov assault rifle shot and killed Sylvestre Niyonzima, a critic of the ruling CNDD-FDD party and the Bubanza Province financial manager for the Union for Peace and Development (UPD-Zigamibanga). Niyonzima, who had defected from the CNDD-FDD party and had just returned from opening a new UPD office, was shot eight times at close range. The killer departed without attempting to steal anything. Witnesses alleged that the killer was an ex-combatant from the CNDD-FDD's former armed wing. The killing occurred within five yards of a police station, but police did not respond to the shooting, and no arrests occurred by year's end.

On July 14, the first court hearing took place in the April 2009 political killing of Ernest Manirumva, vice president of the local nongovernmental organization (NGO) Observatory for the Struggle against Economic Corruption and Embezzlement (OLUCOME). During the preliminary hearing, the 11 men arrested in 2009 requested release on their own recognizance; the judges subsequently declared themselves unable to rule on the request because five other suspects, who remained at large, had not been properly summoned to appear before the court. At year's end the 11 remained in jail, and the five remained at large. Local and international human rights organizations and the international community called on General Prosecutor of the Republic Elysee Ndaye to expand the case to include all suspects and to pursue all possible leads, including high-level officials in the security forces who allegedly arranged and carried out Manirumva's killing.

Beyond the political killings, security forces were responsible for other arbitrary killings during the year.

On June 10, a policeman killed six persons in the Kirundo Province police camp. The following week the High Court sentenced him to life imprisonment. He remained in prison at year's end.

During the year there were developments in the following 2009 killings by security forces:

· On August 10, five policemen, including local police commander Nestor Niyukuri, were sentenced to life imprisonment for the May 2009 shooting of boy scouts in Kayagoro, Makamba Province, which resulted in the death of one scout and the injuring of three. The policemen remained in prison at year's end. The court acquitted the Kayagoro communal administrator on the grounds that he did not have the authority to order police to shoot. The prosecutor appealed the administrator's acquittal; the appeal was pending at year's end.

· The three policemen accused of beating to death a man in Kayanza Province in October 2009 were acquitted on August 9. According to witnesses and police, Kayanza Governor Senel Nduwimana ordered the beating because the victim would not give him land for free. Nduwimana remained the governor of Kayanza after the killing and in July assumed a seat in the National Assembly.

· During the year a soldier was found guilty and sentenced to life imprisonment for the 2008 killing of two persons with a grenade in Ruyigi Province.

There were no developments in the 2008 killing of a civilian by a policeman in a bar in Ngozi Province; the policeman remained in prison, awaiting trial.

There were no further developments in the 2008 killing by FNL rebels of the head of a family in Muhuta, Bujumbura Rural Province.

Large quantities of arms circulated among the population, and general lawlessness prevailed in many areas, resulting in numerous deaths and injuries.

Election-related violence resulted in numerous deaths (see section 3).

Numerous persons involved in personal disputes died as a result of grenade attacks. For example, on January 3, in Itaba, Gitega Province, a grenade attack resulted in the death of Come Matama and his one-year-old child; Matama's wife was seriously injured. According to the Itaba communal administrator, the killing resulted from a land dispute with the victim's brother. Three persons were detained by local police but later released for lack of evidence. No further arrests occurred.

There were no developments in the following 2009 grenade attacks: the February grenade attack, reportedly due to a land dispute, that killed a man in Itaba, Gitega Province; and the September death of one person and serious injury of six others when a grenade was thrown into a cafe in Gihanga, Bubanza Province. No arrests were made in either case.

The two suspects arrested for the December 2009 grenade attack in Bujumbura's central market, which killed two and seriously wounded 10, were released after they provided alibis. No other suspects were arrested.

There were reports of killings usually perpetrated by unknown persons, of individuals accused of sorcery. For example:

- On May 3, a mob killed a man in Ruyigi Province; three suspects were arrested but later released for lack of evidence.
- On June 6, a mob with machetes killed a man in Cibitoke Province. By year's end no suspects had been arrested.
- On July 26, in Nyanza-Lac, Makamba Province, a mob beat to death Appollinaire Ngendabanka. By year's end no suspects had been arrested.

There were no arrests in the following 2009 killings of individuals accused of sorcery: the March killing of a woman from Gisuru and a man from Butaganzwa, Ruyigi Province; the May killing of three elderly women in Gishingano, Bujumbura Rural Province; and the May death of a man burned by a mob in Rumonge, Bururi Province.

There were no further developments in the 2008 sorcery-related death by mutilation of a 14-year-old girl in Muyinga Province.

There was no further development in the 2008 burning and killing of four persons in Ruyigi Province; those arrested were still awaiting trial at year's end.

Sporadic killings of persons with albinism, in which the victims' body parts were removed for use in witchcraft, continued.

On May 2, in Cendajuru, Cankuzo Province, approximately 10 persons armed with guns, grenades, and machetes attacked the household of a Mr. Vwegura, who lived with his daughter and grandson, both of whom were persons with albinism. The attackers went directly to the daughter and grandson's room, shooting Vwegura when he tried to protect his family. The attackers then killed the daughter and grandson, dismembered their bodies, and took the body parts. On May 3, nine suspects--eight Burundians and one Tanzanian--were arrested in connection with the killings. Following their trial two of the nine received life sentences; the others received sentences of 12, 10, and three years' imprisonment. All nine appealed. They remained in prison at year's end.

On September 30, five attackers raided the home of a widow in Nyamurenza, Ngozi Province, killed her eight-year-old son, and severed his hands and legs. At year's end one Burundian suspect was detained in the Ngozi prison and the investigation continued. Four Rwandan nationals remained at large; the country's authorities were working with their Rwandan counterparts on the case.

During the night of December 30, four unidentified assailants armed with rifles and machetes attacked a family with three children with albinism in Gahweza colline in Kiganda, Muramvya Province. According to the local official, the bandits cut off the left arm of the family's 12-year-old son, Ephraim Havyarimana, before they were forced to flee by the family's screams. Ephraim died before he could reach a hospital. No arrests were made by the end of the year.

During the night of December 31, a five-month-old girl with albinism was kidnapped from her family in Vumwe colline in Kinyinya, Ruyigi Province. Police arrested the girl's father and two other individuals; they remained in detention at year's end. According to the authorities, the father had never accepted his paternity of the girl with albinism.

Widespread public dissatisfaction with the security force's inability to control crime, or complicity in it, resulted in vigilante killings.

For example, on April 30, when three thieves armed with rifles attempted to rob a house in Mwiruzi, Cankuzo Province, the local population intervened. They pursued the thieves, caught one, and beat him to death. No one was arrested for the killing.

No arrests were made in the following 2009 cases of mob killings: the September stoning to death of two police officers suspected of theft by a mob in Muhindo, Ruyigi Province; and the September killing by a mob of a man caught stealing in the Cibitoke neighborhood of Bujumbura.

b. Disappearance

There were no confirmed reports of politically motivated disappearances.

As of the end of the year, more than eight families requested that the domestic NGO Association for the Protection of Human Rights and Detained Persons (APRODH) help them locate relatives arrested by security forces during the year.

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

The constitution and law prohibit such practices; however, UN human rights monitors, Amnesty International, and the APRODH reported that members of the police and the SNR tortured detainees during the year, the first reported cases of torture in two years. The UN Integrated Office in Burundi (BINUB) Human Rights and Justice Division (HR&J) reported that members of the police, SNR, and local administrations tortured 30 detainees during the year. Although the perpetrators were known in many cases, no action was taken against them by year's end.

According to BINUB HR&J, police tortured 14 detainees, the SNR 13, and local administration officials two; police and local officials together tortured one individual. All 30 cases occurred between June and November. Methods included forcing a gun into victims' ears and noses; whipping, beating their heads, feet, and buttocks; digging mock graves; and threatening the victims with machetes. While this occurred, the perpetrators demanded that victims confess to planning to "destabilize institutions" or "threaten state security." The OHCHR and international human rights organizations named the following individuals as perpetrators in some cases: SNR Internal Intelligence Director General Leonard Ngendakumana, Chief of Internal Security Jean Claude Sindayigaya, SNR Cabinet Chief Agricole Mwumba Ntirampeba, Western Region Police Commissioner David Nikiza, and Deputy Director General of the Police Gervais Ndirakobuca.

A police commissioner accused of torturing a detainee in the Bubanza provincial jail in 2008 remained in his position without any administrative sanctions.

In May the Muramvya Province High Court sentenced three policemen for the 2007 torture of more than 20 detainees in Rutegama. Desire Uwamahoro, Apollinaire Sindikubwayo, and Nestor Niyukuri received sentences of five, four, and three years of imprisonment, respectively, and fines of 10, six, and three million francs (\$8,045, \$4,827, and \$2,413), respectively. Despite the sentences Uwamahoro and Sindikubwayo remained free and in the police force at year's end. Uwamahoro commanded the Second Quick Reaction Police Unit, an elite unit in Bujumbura that responds to urgent situations nationwide. Niyukuri was in prison, serving a life sentence for the May 2009 boy scout shooting (see section 1.a.). All three appealed their convictions in the Rutegama torture case.

BINUB HR&J and domestic NGOs also reported that members of the security forces and local administration officials often manhandled and beat civilians and detainees. The HR&J Division documented 105 cases of mistreatment during the year.

During the May to September election season, incidents of mistreatment increased particularly of detainees affiliated with political parties. The OHCHR reported 32 cases of such treatment between May and July, committed primarily by the SNR and police as well as one case perpetrated by FDN members. As of December there had been no arrests of perpetrators.

No disciplinary action occurred in the following 2009 incidents: the January beating of an 80-year-old woman by the local police commander in Kamenge, Bujumbura; and the June beating of a female police officer by a male police officer in Kibenga, Bujumbura.

The two policemen arrested in connection with knocking a pregnant woman off a bicycle taxi in Bujumbura in August 2009 were released and returned to duty.

During the year it was reported that in September 2009 the Bururi High Court sentenced a policeman to 20 years' imprisonment for firing live ammunition into an unruly crowd in Bururi Province in 2007. He remained in prison at year's end.

There were reports that security force members raped women and girls during the year. For example, according to the APRODH's statistics for June and September, police committed six cases of rape in June and four cases in September, and military personnel committed one case of rape in September.

There were no further developments in the August 2009 rapes of two 15-year-old girls in Mutimbuzi, Muramvya Province by two armed men in military uniforms.

There were no further developments in the following rape cases involving security forces from 2008: the 36 victims recorded by the UN; a 16-year-old girl at a cantonment camp in Randa; a nine-year-old girl at a camp for displaced persons in Buhiga; and a woman in Busoni.

Widespread public dissatisfaction with the security force's inability to control crime, or complicity in it, resulted in vigilante violence.

For example, 41-year-old Albert Muyeberi was caught in the act of raping an eighth-grade girl in Songa, Bururi Province in January. When local residents confronted Muyeberi, he admitted she was his fifth victim. Local elders prevented residents from lynching the man and burning him alive. After spending time in the hospital, Muyeberi was sent to pretrial detention in the Bururi prison. He remained in detention and awaiting trial at year's end.

On February 18, residents of Kikuza, in Rumonge Commune, Bururi Province, severely beat a man suspected of raping a young local girl. According to media reports, when a local APRODH representative condemned the act, local residents responded that incidents of rape were increasing and that the perpetrators were never punished.

Prison and Detention Center Conditions

Prisons were overcrowded, and prison conditions remained harsh and sometimes life threatening. Physical abuse and prolonged stays in solitary confinement were problems. The director of prison administration in the Office of Penitentiary Affairs reported that as of December, 9,844 persons were held in 11 prisons built to accommodate a total of 4,050 inmates. According to government officials and human rights observers, prisoners suffered from digestive illnesses and malaria; some died as a result of disease. Families often had to supplement meager prisoner rations.

Each prison had at least one qualified nurse and at least a weekly visit by a doctor; however, prisoners did not always receive prompt access to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the sole provider of medicines.

Conditions in detention centers and communal lockups were generally worse than in prisons. Torture and abuse occurred, the government did not feed detainees in detention centers or communal lockups, and severe overcrowding was common. Proper sanitation and medical care were limited or nonexistent.

As of December there were 345 women in prisons and 77 children under three-years-old, some of whom were born there. There were 257 juveniles between 16 and 18 years old in pretrial detention and 115 convicted juveniles. Most women detainees and prisoners were held in the same facilities as men; however, as of September a separate area for female inmates had been established in each prison. A small prison in Ngozi Province was reserved for women only. Juvenile prisoners were held in the same prisons as adults. Ten of the 11 prisons were rehabilitated during the year to accommodate juvenile prisoners in separate areas; however, adult prisoners were often allowed in those areas as well due to overcrowding. Juveniles were generally held together with adults in detention centers and communal lockups. Pretrial detainees were often held together with convicted prisoners, and political prisoners were often held with convicted criminals.

There were unconfirmed allegations that the SNR maintained illegal detention centers across the country.

Prisoners were permitted religious observance without discrimination toward any religions or practices. Prisoners were permitted to submit complaints to judicial authorities without censorship; however, authorities rarely investigated prisoner complaints. No ombudsmen served on behalf of prisoners and detainees.

The government monitored prison and detention center conditions.

During the year the government permitted all visits requested by international and local human rights monitors, including the ICRC; visits took place in accordance with the ICRC's standard modalities.

In an effort to reduce prolonged pretrial detentions, on January 25, the then minister of justice Ndikumana granted release on their own recognizance ("provisional liberty") to certain categories of pretrial detainees: those who had spent 12 months or more in "preventive detention" for crimes with penalties no greater than five years in prison, pregnant or breastfeeding women, minors (less than 18 years old), those diagnosed with advanced incurable diseases, and those whose cases were before the court but had not been heard for three or more years. Persons detained for crimes such as murder, armed robbery, attacking state security, and similar crimes were ineligible for provisional liberty.

In an effort to reduce overcrowding in prisons, a March 24 presidential decree commuted life sentences to 20 years and all others to half the sentence given by the court with some exceptions (see below section 1.d., Amnesty).

To improve prison conditions, Penitentiary Affairs requested a budget increase from 3.068 billion francs (\$2.47 million) to 3.884 billion francs (\$3.12 million). In December parliament approved 3,436,734,950 francs (\$2.76 million) for Penitentiary Affairs.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but security forces arrested and detained persons arbitrarily.

Role of the Police and Security Apparatus

The national police are responsible for internal security, but the FDN may assume such responsibilities in time of war. The police deal with criminal matters, and the FDN fulfills external security and counterinsurgency roles. In practice the FDN also detains suspects. The Ministry of National Defense and War Veterans oversees the FDN; the Ministry of Public Security oversees the national police. The SNR, which gathers intelligence on domestic and international issues and has the authority to arrest and interrogate suspects, reports directly to the president.

Members of the security forces were poorly trained. Corruption, disregard for limits on detention, and mistreatment of prisoners and detainees remained problems. An internal affairs unit within the police force investigated only administrative violations committed by police and had no authority to discipline violators; punishment was rare. BINUB and NGOs provided human rights training to police. Impunity and lack of accountability for members of the security forces who committed human rights abuses remained problems.

Arrest Procedures and Treatment While in Detention

In most cases the law requires arrest warrants issued by presiding magistrates. Police can make arrests without a warrant but are required to notify their supervisor before doing so. The police have seven days to finish their investigation and to transfer the suspect to the magistrate. The police can request seven more days if additional investigation time is required. However, police rarely respected these provisions in practice and routinely violated the requirement that detainees be charged and appear before a magistrate within seven days of arrest. A magistrate can order the release of suspects or

confirm the charges and continue detention, initially for 14 days, then for seven more days as necessary to prepare the case for trial. Magistrates ignored this requirement and often detained suspects for longer. Police are authorized to release suspects on bail, but this provision was rarely exercised. Suspects are permitted lawyers at their own expense in criminal cases, but the law does not require, and the government did not provide, attorneys for indigents at government expense. The law prohibits incommunicado detention, but reportedly it sometimes occurred. Authorities on occasion denied family members prompt access to prisoners.

Unlike in the previous year, security forces arbitrarily detained journalists (see section 2.a.) and political party members (see section 3), sometimes for prolonged periods of time.

Juvenal Rududura, the vice president of the Justice Ministry's administrative workers union, who was detained from September 2008 to July 2009, remained on "provisional liberty" (see section 7.b.).

Prolonged pretrial detention remained a problem; detainees were often held beyond the statutory limit. According to the director of Prison Administration, 56.4 percent of inmates were pretrial detainees held without charge. Lengthy legal procedures, large case backlogs, judicial inefficiency, corruption, and financial constraints often caused trial delays.

For example, the former director general of the state-owned tea company, Elysee Ntiranyibagira, was jailed in 2006 for embezzling public funds and fraudulent management. In 2007 the general prosecutor of the republic requested the Supreme Court schedule Ntiranyibagira's hearing. In December 2008 the case was heard and the judges entered into deliberation. Deliberation, which should last no more than 60 days according to the law, continued for 21 months until he was acquitted in October.

The law provides that detainees in the country's 400 communal lockups be held no longer than two weeks; however, many such detainees were held for months, particularly in provinces without prisons, such as Cankuzo, Cibitoke, Karuzi, Kayanza, Kirundo, Makamba, and Mwaro.

Amnesty

On March 24, President Nkurunziza granted amnesty to prisoners sentenced for less than or equal to five years who also met one of the following conditions: pregnant or breastfeeding, diagnosed with an advanced stage incurable disease, 60 years or older at the date of the amnesty decree, or a minor (under 18 years old). The presidential decree excluded persons convicted for crimes such as rape, assassination, armed robbery, misappropriation of public funds, attacking state security, drug trafficking, and arson. It also excluded convictions for genocide, crimes against humanity, war crimes, voluntary homicide, sexual assault, and torture. By the end of July 1,350 prisoners were released due to the amnesty.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary was not independent in practice and was inefficient and corrupt. Political interference compromised judicial impartiality, and there were problems with enforcement of court orders.

For example, in July a court in Kinama, Bujumbura, ruled that eight members of the UPD and FNL opposition parties detained during election disputes on June 28 and 29 should be released. However, the prosecutor and the Mpimba Prison director refused to follow the court's ruling, and the eight remained in jail until December, when they were released among a group of 20 political prisoners. The charges against them were dropped.

The law provides for an independent military judicial system, which in practice was influenced by the executive and higher-ranking military officers. Military courts have jurisdiction over military offenders and over civilians accused of offenses implicating members of the military. Military courts provide the same rights as criminal courts.

The government officially recognizes the traditional system of community arbitration known as "abashingantahe," which functions under the guidance of community members recognized for their conflict resolution skills. A "mushingantahe," or community mediator, presides over deliberations, and no lawyers are involved. The abashingantahe system was limited to civil and minor criminal matters.

Trial Procedures

All trials are publicly conducted by panels of judges. In theory defendants are presumed innocent and have a right to counsel, but not at the government's expense, even in cases involving serious criminal charges. Defendants have a right to defend themselves, including to question the prosecution's witnesses, call their own witnesses, and examine evidence against them. Defendants can also present evidence on their own behalf and did so in the majority of cases. Few defendants had legal representation because few could afford the services of one of the 131 registered lawyers in the country. Some local and international NGOs provided juridical assistance but could not assist in all cases. The law extends the above rights to all citizens.

All defendants, except those in military courts, have the right to appeal their cases to the Supreme Court. In practice the inefficiency of the court system extended the appeals process for long periods, in many cases for more than a year. This effectively limited the possibility of appeals, even by defendants accused of the most serious crimes.

Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. Military trials, like civilian trials, generally failed to meet internationally accepted standards of fairness. The government does not provide military defendants with attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges. Military trials generally are open to the public but can be closed for compelling reasons, including for national security or when publicity can harm the victim or a third party, such as in cases involving rape or child abuse. Defendants in military courts are allowed only one appeal.

Political Prisoners and Detainees

The incarceration of political prisoners and detainees remained a problem. According to human rights observers, the number of political prisoners and detainees increased compared with the previous year, but specific numbers varied. BINUB HR&J reported 375 politically motivated arrests during the year, of which 202 individuals remained in detention at year's end. On December 30, the spokesperson of the political opposition coalition Alliance des Democratres pour le Changement-Ikibiri (ADC-Ikibiri) welcomed the release near the end of the year of 20 opposition party members but deplored the continued detention of an estimated 200 others. As of December 31, the APRODH reported 156 political prisoners and detainees.

The government generally afforded international organizations and local human rights NGOs access to political prisoners.

Civil Judicial Procedures and Remedies

The judiciary was neither independent nor impartial. Media reports alleged that the judiciary included many individuals beholden to the government. The execution of court decisions, including payment of damages, was slow, sometimes taking years.

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

The constitution and law provide for the right to privacy, but the government did not always respect this right in practice. Authorities did not always respect the law requiring search warrants.

Warrants for searches of opposition figures' homes and opposition parties' offices appeared politically motivated (see section 3). Human rights observers were concerned that the Bujumbura prosecutor general issued politically motivated warrants during the year.

Sources in the media and civil society believed that security forces monitored telephone calls.

CNDD-FDD party membership was needed in some cases to obtain or retain employment, housing, education, and access to health services (see sections 2.b. and 3).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government generally did not respect these rights in practice.

The government did not tolerate public criticism in the media or at public gatherings, particularly perceived insults to the president, security forces, and other high-level public officials. Individuals who criticized the government publicly or privately sometimes faced reprisal.

In a radio talk show on September 19, attorney and Movement for Solidarity and Democracy (MSD) party spokesperson Francois Nyamoya claimed that SNR Chief Adolphe Nshimirimana and the deputy director of police should be removed from office for poor performance and not serving national interests. Nshimirimana filed a lawsuit for defamation, and on September 23 Nyamoya was served with a warrant to appear in the prosecutor's office. On September 27, the prosecutor questioned Nyamoya and then sent him directly to Mpimba Central Prison; he was released on his own recognizance on October 14 and was awaiting trial at year's end. The Burundi Bar Association questioned the use of preventive detention in this case since defamation is a misdemeanor that does not warrant pretrial detention.

The media consisted of print, broadcast, and Internet-based organizations. The government controlled several of the major media outlets, including *Le Renouveau*, the only daily newspaper, and the National Radio and Television of Burundi. There were seven private weekly publications and 23 private Internet- and fax-based newsletters. Radio remained the most important medium of public information. The government-owned radio station broadcast in Kirundi, French, and Kiswahili and offered limited English programming. There were 13 privately owned radio stations. There were two private television stations, including a station with primarily Muslim programming and strong ties to the ruling CNDD-FDD party.

Journalists were arrested during the year, and prominent members of the media reported being threatened and harassed by the SNR, police, and members of the ruling party. Journalists practiced self-censorship. The government pressured media outlets for perceived association with opposition parties.

On November 5, two journalists of the investigative newspaper *Iwacu*, Elyse Ngabire and Dieudonne Hakizimana, were detained after visiting a prominent FNL party member in Mpimba Central Prison and allegedly accepting unauthorized items. Prisoners are prohibited from giving visitors documents, letters, or other items that are not authorized by prison administrators. The two journalists were reportedly interrogated for several hours without access to an attorney and then detained without formal charges by Bujumbura's municipal police chief until November 7. Ngabire, a breastfeeding mother, was not permitted access to her baby during her detention. The journalists were required to return on November 9 for further questioning by the police chief and released after two hours of interrogation.

On April 10, violence erupted between FNL and CNDD-FDD youth in Kinama, Bujumbura, after the FNL opened several local offices. CNDD-FDD supporters attacked Radio and Television Renaissance journalists covering the violence and the

arrest of the FNL party members. The CNDD-FDD supporters chased the journalists, throwing stones and damaging the windshield of their vehicle. The media and NGOs expressed concern that police on the scene did not act quickly to protect the journalists from political violence perpetrated by ruling party's supporters.

On April 27, local police officers and CNDD-FDD supporters in Nyanza-Lac, Makamba Province, allegedly threatened Bonesha FM correspondent Eric Nzigamasabo for reporting that the CNDD-FDD was distributing arms to residents of Nyanza-Lac. Nzigamasabo, who remained in hiding for several weeks for fear of arrest, returned to work for the radio at the end of May.

The government restricted media content during the year by preventing the broadcast of political debates. On March 18, Minister of the Interior Edouard Nduwimana sent a letter to the National Communications Council (CNC) president stating that the media synergy of independent and government news outlets formed for the elections could not broadcast political debates because it would allow parties to advertise their platforms outside campaign periods. Nduwimana's letter added that each synergy member would be fined from 40,000 to 200,000 francs (\$32 to \$161) if the broadcasts were aired on their stations. In a meeting on April 12, the CNC and political party leaders told the minister that prohibiting the broadcasts inhibited the freedom of expression; however, the minister reaffirmed the government's position, and the debates were cancelled.

The law criminalizes certain media activities, such as defining criticism of political figures as defamation, and provides fines and criminal penalties of six months' to five years' imprisonment for insults directed at the president, as well as writings that are deemed defamatory, injurious, or offensive to public or private individuals. The crime of treason, which includes knowingly demoralizing the military or the nation in a manner that endangers national defense during a time of war, carries a criminal penalty of life imprisonment.

During the year the government arrested journalists for defamation of public figures and treason. On August 10, police arrested Thierry Ndayishimiye, chief editor of the private weekly *Arc-en-Ciel* newspaper, on defamation charges related to an article on July 30 alleging embezzlement and the use of substandard materials at the state energy authority. The state prosecutor summoned Ndayishimiye to court in Bujumbura and then sent him to Mpimba Central Prison. Ndayishimiye was released after two days of detention when the charges were dropped.

The government cited national or public security as grounds to arrest journalists who expressed views that were politically embarrassing. For example, on July 17, journalist Jean Claude Kavumbagu was arrested for treason and abuse of freedom of expression by the press after he published an article in his online newsletter *Net Press* that claimed security forces would be unable to prevent an attack by al Shabaab. On September 6, a panel of judges denied Kavumbagu's request for release on his own recognizance, claiming that detention assured Kavumbagu would remain available to the court; in Kavumbagu's previous court cases, however, he was not detained and appeared in court when required. Kavumbagu was previously jailed in 2008 on charges of insulting the president; he was cleared of those charges in March 2009. Kavumbagu remained in pretrial detention at year's end.

During the year the CNC dropped the 2009 defamation case against editing director of African Public Radio (RPA) Eric Manirakiza for defamation of the minister of planning and the case against RPA for allegedly endangering national security with a report on a border conflict with Rwanda. Manirakiza also agreed to drop countersuits against the CNC.

Internet Freedom

There were no reports of government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by email. Jean Claude Kavumbagu was the only case during the year of government prosecution based on

information distributed via the Internet or by email (see section 2.a., Freedom of Speech and Press). According to International Telecommunication Union statistics for 2009, less than 1 percent of the country's inhabitants used the Internet. Lack of infrastructure limited public access to the Internet.

Academic Freedom and Cultural Events

There were no governmental restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government at times restricted this right. The government requires political parties to notify local authorities before assembling. Failure to provide advance notice of political meetings to local officials can result in a fine but does not provide grounds for arrest. However, security forces arrested opposition members for holding meetings, and provincial governors and communal administrators disallowed and disrupted numerous meetings of opposition political parties.

Local NGOs reported that the police, SNR, Ministry of the Interior, and ruling party's youth league (the Imbonerakure) prevented and disrupted opposition party meetings. The OHCHR and international and local human rights organizations repeatedly expressed concern that the government suppressed opposition parties and civil society during the election period, including by restricting their right to public assembly and peaceful demonstration.

On January 31, four MSD party members were arrested in the Mugoboka neighborhood of Bujumbura for holding "an illegal meeting." The MSD supporters were held in the Rohero commune jail overnight.

On May 26, Mayor of Bujumbura Evrard Giswaswa refused to permit a march organized by the Association for the Defense of Women's Rights (ADDF) to commemorate the death of Revocate Manishantse, a recent victim of domestic violence; the mayor claimed the demonstration would be inappropriate during the election period.

On June 6, the Ngozi provincial governor prevented 12 opposition parties from meeting in Gashikanwa to explain their motives for withdrawing from the presidential election. Government authorities argued that the new coalition ADC-Ikibiri was not registered with the government and could not hold meetings. The member parties of the coalition were registered, and coalitions are not required to register. Two days later the interior minister claimed that only the CNDD-FDD had the right to hold meetings during the June 12 to 25 presidential elections since the CNDD-FDD was the only party with a presidential candidate. Local and international NGOs objected that it was undemocratic for the minister of the interior to forbid opposition parties from holding meetings.

Freedom of Association

The constitution provides for freedom of association; however, the government sometimes restricted this right in practice.

Private organizations were required to present their articles of association to the Ministry of the Interior for approval. There were no reports that the government failed to complete the approval process for private organizations whose purposes the government opposed. During the year, however, the Ministry of the Interior investigated the articles of association of existing civil society associations and media outlets in an apparent attempt to harass or threaten those organizations with a perceived association with opposition parties or who advanced causes unpopular with the government.

There were reports that some government officials denied national identity cards, employment, and access to social programs to members of opposition parties. For example, there were reports of fraud or abuse of power in the distribution

of the identity cards that were required for citizens to participate in the 2010 elections. Opposition parties claimed that local administrators used their authority to deny the identity cards to members of opposition parties, but the government denied there had been fraud or abuse of power in the distribution of the cards.

c. Freedom of Religion

For a description of religious freedom, see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights in practice. Government checkpoints, the threat of violence by armed criminals, and possible regional terrorist threats restricted citizens' movements.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The government continued to restrict movement into and out of Bujumbura and other cities at night. Restrictions heightened after al Shabaab claimed responsibility for the July 11 bombings in Kampala, Uganda, following Uganda's participation in the African Union Mission to Somalia.

According to local and international NGOs and opposition parties, the government restricted the movement of prominent opposition party leaders after the ADC-Ikibiri coalition decided to boycott the June presidential elections. On June 27, Democratic Alliance for Renewal (ADR) leader Alice Nzomukunda was stopped at Bujumbura International Airport when boarding a flight to Nairobi; her travel documents and ticket were confiscated. Border police also stopped UPD leader Pascaline Kampayano and Charles Niyungeko, leader of the National Council for the Defense of Democracy (CNDD), a separate political party from CNDD-FDD, at land borders between the Democratic Republic of Congo (DRC) and the country and confiscated their passports.

The law does not provide for forced exile, and the government did not practice it; however, many persons remained in self-imposed exile. Opposition political leaders including Agathon Rwaswa of the FNL, Leonard Nyangoma of the CNDD, Pascaline Kampayano of the UPD, Alice Nzomukunda of the ADR, and Alexis Sinduhije of the MSD fled the country, alleging they felt threatened after their boycott of the presidential elections. They remained in self-imposed exile at year's end.

During the year the UNHCR facilitated the voluntary repatriation of approximately 3,400 refugees who had previously fled to neighboring countries. Among the returnees were 689 repatriated from Tanzania, 2,647 from the DRC, and 80 from Rwanda, South Africa, Lesotho, Zambia, and Europe. This brought the total number of returned refugees to 509,061 since 2002. The UNHCR and the Government Project for the Reintegration of War-Affected Persons (PARESI) assisted in the repatriation and reintegration of these returnees and internally displaced persons (IDPs). PARESI did not register any expelled persons during the year.

The UNHCR has returnee transfer centers in Muyinga, Ngozi, Bujumbura City, and Ruyigi, as well as two in Makamba Province. The UNHCR, the government, and NGO partners provided repatriated individuals and families a six-month food ration and nonfood items that included domestic and hygiene goods, agricultural tools, and cash grants. Returnees also received school assistance in the form of school kits and language acquisition classes. In an attempt to increase voluntary

repatriation from the Mtabila Camp in Tanzania, the UNHCR increased the cash grant from \$40 to \$150 for those who returned voluntarily between September 15 and December 31.

The repatriates, who returned mostly to the southern and eastern provinces, often found their land occupied. During the year there were still reports of disputes over land holdings between returnees, local residents, and the government, particularly in Rutana and Bururi provinces. The Department for Territory and Land Management, along with the UNHCR, was responsible for the preparation of integrated village sites for refugees, IDPs, and other vulnerable groups. Seven integrated villages for more than 5,500 persons had been established in the provinces of Ruyigi, Makamba, and Rutana since 2008. Poor living conditions and a lack of food and shelter remained problems for some returnees.

Internally Displaced Persons

According to a 2009 Ministry of National Solidarity, Human Rights and Gender (Ministry of Solidarity) provisional report, there were approximately 157,000 IDPs in the country. Despite improved security these IDPs remained in what appeared to be increasingly permanent settlements throughout the country. Most were Tutsi who fled their homes during internal conflict in 1993. Some attempted to return to their places of origin, but the majority relocated to urban centers. According to the UN Office for the Coordination of Humanitarian Affairs, most were living at 160 sites, the majority in Kayanza, Ngozi, Kirundo, Muyinga, and Gitega provinces.

During the year the government took no action on behalf of the approximately 600 IDP families who were violently beaten and forcibly evicted from their land in 2008. The families attempted to integrate themselves into other IDP camps and local communities with little success.

The government generally permitted IDPs to be included in the UNHCR's and other humanitarian groups' activities benefiting returning refugees, such as shelter and legal assistance programs.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to the UNHCR, by year's end the government had granted refugee status and asylum to more than 40,000 persons. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The UNHCR reported that the government fulfilled its obligations to provide asylum and refugee protections and cooperated with international organizations involved in refugee issues.

As of December 1, according to the UNHCR, there were approximately 40,940 Congolese refugees and 800 Rwandan refugees in the country. The majority of the Congolese were sheltered in three UNHCR-run refugee camps: Bwagiriza in Ruyigi Province, Gasorwe in Muyinga Province, and Musasa in Ngozi Province. Approximately 250 Rwandans were sheltered in Butare camp in Rutana Province. The remaining 21,000 refugees and asylum seekers, who are overwhelmingly Congolese, were integrated into urban centers. During the year the UNHCR and the government assisted in the voluntary return of 653 refugees to their country of origin, including 642 Congolese refugees. The National Office for the Protection of Refugees and Stateless Persons in the Ministry of the Interior formally took over all asylum-related tasks in March 2009; the office moved to the Ministry of Public Security during the year.

While the UNHCR and the government reported no attacks on refugees or restriction of refugees' movement during the year, there was evidence of gender-based violence in camps, including rape or exploitation of refugee women and girls. The UNHCR reported that, despite some Congolese refugees' fears about moving to Bwagiriza camp in October 2009 due to security concerns related to the camp's proximity to the Tanzania border, no security incidents occurred during the year.

Some school-age urban Congolese refugees reportedly changed their names to avoid discrimination and harassment in local schools.

Unlike in the previous year, there were no reports that national police organized raids to round up illegal immigrants from the DRC, Rwanda, Tanzania, and Uganda.

During the year a number of cases of vandalism, assault, and killings were associated with land conflicts, primarily in the provinces of Ruyigi, Muyinga, and Bururi. The National Commission for Land and Other Goods (CNTB) is responsible for resolving land and property disputes, including those resulting from the repatriation of more than 500,000 refugees since 2002, some of whom had been in Tanzania since 1972. According to the UNHCR, 9,976 of the 19, 541 land disputes registered between January 2007 and August were resolved by year's end. However, some returnees were unable to reclaim their land or to find alternative farmland to support their families due to lack of cooperation from local judicial and administrative authorities. In February the government suspended the CNTB's mediation of a conflict between residents with ties to the National Office of Palm Oil and returnees in Rumonge Commune, Bururi Province, and changed the commission's composition.

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

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through elections based on universal suffrage.

Elections and Political Participation

Between May and September the government held presidential, parliamentary, Communal Council, and local elections. Presidential elections in June resulted in the reelection of President Nkurunziza, the candidate of the ruling CNDD-FDD party. While the elections were generally described as free and fair by international observers and the election days themselves were peaceful, political parties engaged in intimidation and violence leading up to the elections. The ruling CNDD-FDD party and their affiliates were particularly active. In the run-up to the elections, there were widespread reports that the CNDD-FDD's Imbonerakure youth wing committed abuses, such as threatening and assaulting opposition party members, with impunity. A coalition of parties alleged massive fraud in the May 24 Communal Council elections; all six of the opposition parties that had registered for the June presidential election withdrew their candidates. Only a few parties participated in the July parliamentary elections, in which the president's CNDD-FDD increased its majority, winning 81 of the 106 seats in the National Assembly. The Union for National Progress (UPRONA) won 17 seats, the Front for Democracy "Genuine" (FRODEBU Nyakuri) won five seats, and the Twa ethnic group received three seats. In the Senate the CNDD-FDD won 32 of the 41 seats and UPRONA two. The Twa ethnic group received three seats; the four living former presidents of the country received the remaining seats. International and domestic observers released statements that noted instances of electoral irregularities in these parliamentary elections but did not substantiate claims of massive, systemic fraud.

Police searches of opposition parties' headquarters and homes, particularly those targeting the FNL, MSD, and UPD parties, increased significantly during the elections and their aftermath. Major opposition party leaders left the country and went into hiding (see section 2.d.). On August 9, police allegedly found a grenade, a pair of army boots, and a set of military binoculars during a raid on the MSD's national headquarters. On September 16, after MSD President Alexis Sinduhije fled the country, police searched his residence and allegedly found a box of 20 military uniforms. Human rights organizations and opposition parties suggested that the items found in the two raids were likely planted by police or the SNR to entrap MSD members and to discredit the party and its president.

Election violence resulted in numerous deaths.

For example, on May 13, an MSD member was shot and killed in front of his house in Nyakabiga, Bujumbura. By year's end no suspects had been arrested.

On June 19, a CNDD-FDD member was shot and killed in Kanyosha, Bujumbura. No further information was available by year's end.

On July 9, two members of the CNDD-FDD were killed by machetes and a grenade in Ruziba, Kanyosha Commune, Bujumbura Rural. Fifteen persons, all FNL members, were arrested in connection with the killings. Seven remained in detention at year's end.

From June 11 to July 14, 123 grenade attacks resulted in 10 deaths and 65 injuries. These attacks targeted high-profile hotels and restaurants, political party headquarters, and the homes of political party members.

Members of various political party youth movements engaged in group exercises to intimidate other parties and the local populations; such exercises led to violent clashes prior to and during the year's electoral period.

On January 7, in Rugombo Commune, Cibitoke Province, an FNL youth member was beaten by members of the CNDD-FDD Imbonerakure, who were heard yelling anti-FNL slurs during the beating. Three suspects were arrested but fled after being released on bail. One was subsequently rearrested and again released.

On February 1, the minister of the interior officially banned political party youth exercises in Kirundo province after an incident in which CNDD-FDD youth injured FNL youth supporters.

On June 26, SNR agents accompanied by 40 policemen arrested five MSD party members, including the secretary general, the treasurer, and the administrative advisor. Police Deputy Director General Gervais Ndirakabuca assisted with the arrest of the administrative advisor, whose house was searched without a search warrant. In order to extract confessions, members of the Municipal Police of Bujumbura abused the arrestees. According to Ligue Iteka, a local human rights NGO, an MSD driver, who was among those arrested, was kicked and hit with rifle butts. All five were released without charges within a week.

On December 11, Haruna Sibomana, a member of the UPD opposition party and head of Buyenzi quarter in Bujumbura, was held responsible for a mob lynching of a thief on December 10. Although Sibomana had immediately involved the communal administrator and the local police chief when the crowd became a mob, they were unable to prevent the lynching. On December 11, police arrested Sibomana for failing to assist a person in danger. He informed Ligue Iteka that the police officer in charge of his case pressured him to implicate well-known UPD members as instigators of the killing. He was detained for 19 days and released after the public prosecutor dismissed the case.

There were no developments in the following 2009 cases of political violence: the January beating of an FNL supporter by police in Kinama, Bujumbura; the February killing of Frederick Misago after he left the CNDD-FDD for the FRODEBU party in Kamenge, Bujumbura; or the August arson of the UPD leader's property in Kayogoro Commune, Makamba Province.

As of October no one had been charged in the 2008 grenade attacks on four politicians' homes; the investigation stalled.

Some local administrators made CNDD-FDD membership a prerequisite to obtain public benefits such as education, employment, health-care benefits, or civil documents. On August 23, an elementary school director in Mubimbi, Bujumbura Rural Province, refused to register students unless their parents presented voter cards showing they had voted in the presidential election. As the CNDD-FDD had the only candidate in the election, a parent who voted was presumed to be a ruling party member; the school director would register his or her children. Those parents who refused to show

their voter cards or did not vote in the presidential election were assumed to belong to an opposition political party and were not allowed to register their children.

In Gashikanwa, Ngozi Province, a woman requested a certificate from the local administrator declaring her destitute in order to qualify for public assistance. Her request was denied because she was not a CNDD-FDD party member.

The constitution reserves 30 percent of the positions in the National Assembly, the Senate, and the cabinet for women. There were 34 women in the 106-seat National Assembly and 19 women in the 41-seat Senate. Women held nine of 21 ministerial seats, including the new minister of justice who was the Supreme Court president in the former government. There were eight women on the 17-seat Supreme Court and three women on the seven-seat Constitutional Court, including the chief justice.

The law imposes ethnic quotas, requiring that 60 percent of the seats in both houses of parliament be filled by Hutus, the majority ethnic group, and 40 percent by Tutsis, who constitute an estimated 15 percent of the citizenry. The Batwa ethnic group, which makes up less than 1 percent of the population, is entitled to three seats in each house. By law military and police positions should be divided equally between Hutus and Tutsis. The government fulfilled this mandate with respect to the military; however, inequalities continued to exist within the police force. While Hutus make up 51 percent of the police force and Tutsis make up 49 percent, disparities existed at the higher ranks. Eighty percent of police commissioners at the national level were Tutsi, while Hutus made up 66 percent at the provincial district level.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for corruption; however, the government did not implement the law effectively. Widespread corruption in the public and private sectors and a culture of impunity remained problems. Several respected private-sector representatives and trade association officials reported that corruption remained a major impediment to commercial and economic development. The World Bank's 2009 Worldwide Governance Indicators indicated that corruption was a severe problem.

By the end of 2009 OLUCOME estimated the state had lost more than 306 billion francs (\$246 million) since 2003 due to embezzlement. Losses for the first six months of the year were estimated at 20 billion francs (\$16.1 million).

The Ministry of Good Governance and the State Inspector General are responsible for combating governmental corruption. The Ministry of Good Governance includes the Anti-Corruption General Prosecutor's Office and the Anti-Corruption Brigade. The brigade has the authority to act on its own initiative to investigate, arrest, and refer offenders to the general prosecutor.

According to the latest figures available, between September 2009 and August, the Anti-Corruption General Prosecutor's Office investigated and closed 181 files, 106 cases were scheduled for trial at the Anti-Corruption Court, 95 cases were tried, and 74 cases sentenced with possibility of appeal.

Certain government entities cracked down on corruption, while others protected the guilty. For example, early in the year customs agents at the Gatumba border with the DRC were illegally charging 3,000 francs (\$2.41) per driver and 8,000 francs (\$6.44) per vehicle to enter or leave the country. The Burundian Income Authority halted this practice after OLUCOME publicized it.

On September 28, the Anti-Corruption Brigade arrested Alexis Ntaconzoba, director general of SOSUMO, the state-owned sugar company, for fraudulent misuse of public funds. At year's end Ntaconzoba remained in detention in Mpimba Central Prison and had not had a hearing.

On September 30, the director general and the director of administration at the state-owned Public Transportation Company were jailed. Both Director General Jean Pierre Manirakiza and Director of Administration Ferdinand Bacanamwo were accused of misappropriation of the company's funds. Media reports cited losses of 150 million francs (\$120,675). At year's end Manirakiza and Bacanamwo remained in detention in Mpimba Central Prison.

In 2009 the Anti-Corruption Court sentenced Jean de Dieu Hatungimana, director of the state-owned real estate company, to 15 years in prison for intentionally wrongly approving payments to a road construction company, and ministry of finance spokesperson Donatien Bwabo to 10 years in prison for authorizing payment to a fictitious garage. Both men remained free and in high-level government positions while they appealed their cases at year's end.

Former central bank governor Isaac Bizimana, who had been in jail since August 2007 for illegal transfer of government funds to the private company, Interpetrol, was released during the year. Earlier in the year his case and the cases of his alleged accomplices, two former finance ministers in exile, were dismissed for lack of evidence. The new minister of justice stated in December that she disagreed with the general prosecutor's dismissal of the case, and the case was reopened.

The law requires financial disclosure by government officials, but it was not consistently enforced. Some top officials, including President Nkurunziza, voluntarily released copies of their finances after the August 26 presidential inauguration. However, anticorruption watchdogs reported that many government officials transferred questionable assets and financial accounts to immediate family members whose financial records were not disclosed.

In August the then minister of the environment Deogratias Nduwimana granted more than 180 acres of public land to the wife and child of the then second vice president of the republic, Gabriel Ntisezerana, who became president of the Senate on August 20. When the transfers became public knowledge, Ntisezerana stated that a mistake had been made, and the transfer to his child was rescinded. However, Ntisezerana's wife retained possession of the land.

The law does not provide for access to government information, and information was difficult to obtain. The law does not allow the media to broadcast or publish information in certain cases relating to national defense, state security, or secret judicial inquiries. Human rights observers criticized the law for its poorly defined restrictions on the right to access and disseminate information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Human rights observers generally were allowed to visit government facilities such as military bases, prisons, and detention centers, including those run by the SNR. Human rights groups continued to operate and publish newsletters documenting human rights abuses. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from governmental harassment, indigenous NGOs were more susceptible to pressure from authorities and often subject to intimidation and threats from the SNR. Some government officials and members of the ruling CNDD-FDD party indicated that they considered domestic civil society organizations, including human rights groups, to be part of the political opposition.

The following major local independent human rights NGOs operated during the year: Ligue Iteka, the APRODH, the ADDF, Centre Seruka, the Association of Women Jurists, Action by Christians for the Abolition of Torture, and the Observatory of Government Action. No major local human rights NGOs were closely aligned with the government or political parties.

Although several international NGOs expressed frustration at the formidable bureaucratic hurdles they faced when registering with government offices, governmental attitudes toward international humanitarian NGOs remained generally favorable; however, the government expelled the representative of Human Rights Watch (HRW) during the year.

On May 18, Minister of Foreign Affairs Augustin Nsanze informed HRW that the government had canceled agreement for HRW representative Neela Ghoshal due to HRW's report on preelection period political violence (*We'll Tie You Up and Shoot You*). Nsanze claimed the report was biased against the government and the ruling party. The government demanded that Ghoshal cease her work immediately and depart the country by June 5; Ghoshal departed on June 2.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations, such as the ICRC.

In 2008 the UN Human Rights Council renewed the mandate of the UN Independent Expert (IE) on the Situation of Human Rights in Burundi with the provision that the IE's mandate would continue until the government established a National Independent Human Rights Commission (CNIDH). Since 2008 the government has taken the position that the IE has no mandate to report to the Human Rights Council until the CNIDH is established. In December parliament passed legislation authorizing creation of the CNIDH, but President Nkurunziza did not promulgate the law by year's end.

In a June press statement, the then IE Akich Okola noted increasing reports of election-related human rights violations and security concerns since his previous visit in May, including arbitrary arrests, detention and harassment of opposition politicians and their supporters, and grenade attacks by unknown perpetrators during the presidential campaign. In a press conference on November 17, new IE Fatsah Ouguergouz encouraged the government to investigate and prosecute those responsible for torture and extrajudicial killings. He also pressed the government to conduct credible, swift, fair trials in the cases of murdered OLUCOME vice president Ernest Manirumva and imprisoned journalist Jean Claude Kavumbagu (see sections 1.a. and 2.a., respectively).

On January 25, the government created the Office of the Ombudsman, as required by the 2000 Arusha Accords. On November 12, in a noncompetitive process parliament selected Mohamed Rukara as the country's first ombudsman. Civil society members, human rights observers, and political opposition leaders expressed concern that influential CNDD-FDD member Rukara could not be the neutral, independent ombudsman envisioned in the law. As of year's end, the Office of the Ombudsman lacked support staff, a workplace, and office equipment.

Parliament established human rights committees in 2005 in both houses: a Committee for Justice and Human Rights in the National Assembly and a Committee for Judicial and Institutional Issues and Fundamental Rights and Liberties in the Senate. The National Assembly committee was dominated by the CNDD-FDD party and the Senate committee, which,

while well intentioned and well informed, lacked influence. At the end of the year, both committees reviewed and made recommendations on the draft legislation to create a CNIDH, which passed both houses of parliament in December. The committees do not issue reports or recommendations on human rights.

From July 2009 to March, "Popular Consultations on Transitional Justice" took place in country and with diaspora communities. A tripartite government-UN-civil society steering committee managed the consultations to gauge the population's perspective on how a Truth and Reconciliation Commission and Special Tribunal should function. The committee forwarded the report of the consultation results to the Office of the President of the Republic on April 20. On December 7, the report was released to the public. The government did not establish a commission, tribunal, or other national transitional justice mechanisms by year's end.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, disability, language, or social status; however, the government failed to implement these provisions effectively, and discrimination and societal abuses continued.

Women

The law prohibits rape, which is punishable by up to 30 years' imprisonment; however, the government did not enforce the law effectively, and rape and other sexual violence against women and girls were problems. The rape of minors, or rape committed by persons who infect their victim with an incurable sexually transmitted disease, is punishable by life imprisonment. Spousal rape is punishable by fines of 10,000 to 50,000 francs (\$8 to \$40) and eight days' imprisonment.

Many women were reluctant to report rape for cultural reasons, fear of reprisal, and the unavailability of medical care. Men often abandoned their wives following acts of rape, and rape victims were ostracized. Police and magistrates regularly required that victims provide food for and pay the costs of incarceration of those they accused of rape. According to a March 2009 report by Medecins Sans Frontieres de Belgique (MSF-Belgium), many victims who sought judicial redress faced an unresponsive judicial system, and courts often refused to act on cases without witnesses. Some victims were reportedly required to pay 15,000 francs (\$12.07), a large sum for most victims, to obtain a certified medical report. Other problems included judges who did not regard rape as a serious crime and a lack of medical facilities to gather medical evidence. According to women's rights organizations, at times families or communities forced victims to withdraw their complaints and negotiate settlements with the perpetrator or his family outside of the formal judicial system. In other cases the victims were forced by their families and local arbiters to marry their attackers. According to the local NGO Centre Seruka, 60 percent of persons responsible for rape were arrested, and of these 30 percent were prosecuted. As of September the APRODH recorded 61 rapists arrested. Of the limited number of cases that were investigated, successful prosecutions of rapists were rare.

During the year the Ministry of Solidarity began compiling rape statistics through decentralized family development centers (CDF) throughout the country. According to CDF reports, there were 1,556 reported cases of gender-based violence as of July. The ADDF received reports of 3,701 cases of rape and domestic violence as of September, most of which occurred in Bujumbura and its outlying areas. Centre Seruka, equipped in part by MSF-Belgium and funded by the UN, received 742 victims during the year at its center for rape victims in Bujumbura. Of the victims they assisted, 60 percent were raped by persons they knew, including members of their families, cooks, and neighbors. Local and international NGOs, the government, and the UN claimed the number of rape victims was likely much higher.

Civil society and religious communities worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them. Ligue Iteka, the APRODH, the ADDF, and BINUB continued to encourage rape victims to

press charges and to seek medical care, and international NGOs provided free medical care, mostly in urban areas. The government also raised awareness of the problem through seminars and local initiatives describing the kinds of medical care available.

The law prohibits domestic abuse of a spouse or child, with punishment ranging from fines to three- to five-years' imprisonment; however, domestic violence against women was common. As of December the ADDF had received 1,650 cases of domestic violence. Many victims did not report crimes of domestic violence, fearing retaliation, loss or economic support for their children, or a lack of support from the justice system. Police occasionally arrested persons accused of domestic violence but usually released suspects within a few days without further investigation. During the year the government, with financial supported from international NGOs and the UN, continued to sponsor civic awareness training on domestic and gender-based violence as well as the role of police assistance in 12 of the country's 17 provinces.

The media reported many instances of domestic violence, including severe beating, mutilation, and murder. For example, on May 17, Fabien Barutwanayo assaulted and killed his pregnant wife with a hoe due to a land dispute. The local women's association was banned from holding a funeral procession to highlight the problem of domestic violence (see section 2.b.). Barutwanayo fled his home and at year's end had not been located by police.

The suspects who allegedly severely burned his wife with hot water in January 2009 in Cibitoke Province, who allegedly killed his wife with a machete in September 2009 in Makamba Province, and who allegedly burned his wife's genitals in 2008 in Cankuzo Province remained in detention awaiting trial at year's end.

The law prohibits sexual harassment, including the use of orders, severe pressure, or threats of physical or psychological violence, to obtain sexual favors. The sentence for sexual harassment ranges from fines to penalties of one month to two years in prison. The sentence for sexual harassment doubles if the victim is less than 18 years old. There were no known prosecutions during the year.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, although for cultural reasons, husbands often made the final decisions about family planning. Local NGOs reported that women who attempted to assert their right to decide such matters independently sometimes became victims of domestic abuse. Cultural and religious norms made limiting the number of childbirths per family generally unpopular, although family planning and birth spacing were more openly discussed than in previous years. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives, but, according to the local NGO Burundian Association for Family Wellbeing, only 11.4 percent of citizens used these measures.

The government provided free childbirth services, but the lack of sufficient doctors meant most women used nurses or midwives during childbirth as well as for prenatal and postnatal care, unless the mother or child suffered serious health complications. According to the United Nations Population Fund, less than 34 percent of all births took place with skilled attendants. The maternal mortality rate remained high at 620 deaths per 100,000 live births.

Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV, but local health NGOs and clinics reported that women were more likely than men to seek treatment and refer their partners. Only 16 percent of health facilities provided services to prevent mother-to-child HIV/AIDS transmission.

Despite constitutional protections, women continued to face legal, economic, and societal discrimination and were often victims of discriminatory practices with regard to credit and marital property laws. By law women must receive the same pay as men for the same work, but in practice they did not. Some enterprises suspended the salaries of women while they were on paid maternity leave, and others refused medical coverage to married female employees. Women were less likely

to hold mid- or high-level positions in the workforce. However, there were many women-owned businesses, particularly in Bujumbura. While representation of women in decision-making roles remained low, women constituted approximately 20 percent of public administration roles in the country.

The government had a department dedicated to the empowerment of women and promotion of women's rights within the Ministry of Solidarity. Several local groups also worked to support women's rights, including the Collective of Women's Organizations and NGOs of Burundi, and Women United for Development.

Children

Although the constitution states that citizenship can be derived from the mother or father, in practice and according to the law on nationality, citizenship is derived from the nationality of the father only. The failure of the government to record all births resulted in denial of some public services for unregistered children, as the government requires a birth certificate for access to free public schooling and free medical care for children under five. Approximately half of all children were not registered at birth. According to the UN Children's Fund (UNICEF), approximately 40 percent of births of children currently under five years old were not registered. The government registered without charge the births of all children up to the age of five. The urban and rural poor and citizens of western provinces traditionally were less likely to register the birth of a child.

Schooling is compulsory up to the age of 12; primary school was the highest level of education attained by most children. The government's declaration of free and universal primary education in 2005 substantially increased net enrollment rates; however female illiteracy remained a particular problem.

The law prohibits child abuse, and the problem was not reportedly widespread. Corporal punishment in public schools is prohibited; however, the government acknowledged that corporal punishment existed in many homes and schools.

The law prohibits child prostitution, and penalties for those who use child prostitutes ranged from fines from five to 10 years' imprisonment; however, the number of children engaged in prostitution for survival reportedly increased compared with the previous year.

The minimum marriage age for women is 18 and 21 for men, although recently men were allowed to begin marrying at 18. Child marriage reportedly was not widespread, although informal marriages of young girls sometimes occurred when victims were forced by their families to marry after rape or other forms of sexual exploitation. For example, the brother of a 13-year-old girl in Butihinda, Muyinga Province, reportedly arranged her marriage after she was raped by a local businessman during the year. If there was no such agreement, victims and their families were sometimes intimidated by perpetrators living in their community.

The penalty for rape of a minor is 10 to 30 years' imprisonment, and the minimum age for consensual sex is 18. The law prohibits child pornography, which is punishable by fines and three to five years' imprisonment. While child pornography was not prevalent, the rape of minors was a widespread problem. Local hospitals, NGOs, and human rights associations highlighted a particularly high number of rape and sexual abuse cases against children in Rumonge, Burambi and Buyengero communes of Bururi Province during the year; there were also several reported cases from Ngozi, Muyinga, Bujumbura, and Bujumbura Rural provinces, although exact statistics were unavailable. According to UNICEF, approximately 60 percent of reported rapes were of children under 18 years old, 20 percent of whom were children under 12 years old.

During the year Centre Seruka reported that 15 percent of the sexual violence cases it handled were of children less than five years old. The UN Development Fund for Women reported that many rapes of minors were motivated by the rapist's belief that they would prevent or cure sexually transmitted diseases, including HIV/AIDS. Centre Seruka reported that 95

percent of the rape victims who visited its facility during the year were female; the average victim assisted by Seruka was 11.5 years old. Local NGOs reported providing services to secondary school students who were coerced into performing sexual acts or raped by schoolteachers, community leaders, or other authority figures.

Rape cases of very young girls were more likely to be investigated than rape of women, often due to community pressure. For example, on March 25, after a one-and-a-half-year-old girl was raped by a teenage boy in Mutimbuzi Commune, Bujumbura Rural Province, her neighbors held demonstrations condemning the rape. The community challenged the local administration and judiciary to punish the perpetrator. Neighbors also claimed the perpetrator's parents attacked the victim's family.

Children with albinism sometimes faced discrimination in school and within their families. For example, three students with albinism reportedly abandoned their schooling in Makamba Province after their teacher discriminated against them. Officials of Albinos Without Borders (ASF) mediated the conflict between the teacher and students, convincing the students to reenroll. Fathers sometimes sent away women who gave birth to children with albinism.

According to a January report by the Ministry of Solidarity and the Institute of Statistics and Economic Studies of Burundi in conjunction with local and international NGOs and UNICEF, more than 3,250 street children lived in the country's three largest cities of Bujumbura, Gitega, and Ngozi. The Ministry of Solidarity stated that many of these children are HIV/AIDS orphans. The number of street children nationwide was higher, according to UNICEF. The government provided street children with minimal educational support and relied on NGOs to provide basic services such as medical services or economic support.

According to UNICEF, 626 child soldiers were demobilized in 2008 and 2009; most were already adults, and only 22 were under 18 years of age at the time of their demobilization. Local NGOs continued to work with these demobilized children during the year to ensure their reintegration. According to the UN and the government, there were no known cases of children associated with armed groups at year's end.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish population was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical or mental disabilities; however, the government does not have the resources to protect the rights of persons with disabilities with regard to employment, education, or access to healthcare. Although persons with disabilities were eligible for free healthcare services through social programs targeting vulnerable groups, the benefits were not widely publicized or provided. The employment practice of requiring health certification from the ministry of public health sometimes led to discrimination against persons with disabilities.

The Ministry of Solidarity is the government agency in charge of coordinating assistance and protecting the rights of persons with disabilities. The ministry reported an increase from 500 million francs to one billion francs (\$402,252 to

\$804,505) in its budget for disability programs for the year after President Nkurunziza proposed the increase in his December 2009 remarks on the International Day for the Disabled. Despite increased funding for assistance, the government did not enact legislation or otherwise mandate access to buildings, information, or government services for persons with disabilities.

The government supported a center for physical therapy in Gitega and a center for social and professional reinsertion in Ngozi to assist individuals with physical disabilities. Handicap International reported 14 other institutions for persons with disabilities sponsored by religious institutions and NGOs, including four schools for children with sensory disabilities and two for children with mental disabilities. Many schools for children with sensory or mental disabilities were not recognized by the Ministry of Education, making it impossible for students to progress in the educational system. Local and international NGOs expressed concern that persons with disabilities were more vulnerable to rape, assault, and other forms of exploitation than other groups within their communities.

While there were no government restrictions on voting by persons with disabilities, most such individuals could not participate in elections during the year due to issues of access. In February the National Independent Electoral Commission denied a request to make polling stations more accessible, claiming limitations in funding and time.

National/Racial/Ethnic Minorities

The constitution requires ethnic quotas for representation within the government and in the security forces. Hutus, who constitute an estimated 85 percent of the population, significantly increased their presence and power in the government following the 2005 and 2010 elections; however, the minority Tutsis have historically held political and economic advantages.

Indigenous People

The Batwa, believed to be the country's earliest inhabitants, represent less than 1 percent of the population. They generally remained economically, socially, and politically marginalized and were victims of violence during the year. However, the government instituted several measures to address the Batwa's traditional isolation. Local administrations must provide free schoolbooks and health care for all Batwa children. The government also provided small acreages, when possible, for Batwa who wished to become farmers and allocated approximately two acres of land per family, the average size of farmstead of the country's rural poor.

The Union for the Promotion of Batwa reported that on October 23, three Batwa were killed and 32 houses of Batwa families were systematically burned in Gahombo Commune, Kayanza Province. The families fled the area to avoid further attack from the local population. Despite widespread media coverage of the attack, no suspects were arrested in the case at year's end.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes homosexual acts, and anyone who has sexual relations with a person of the same sex can be fined or sentenced to between three months' and two years' imprisonment. At year's end no one was prosecuted under this provision.

Although discrimination existed, it was not always overt or widespread. Families sometimes disowned children who refused to deny their homosexual identity, and gays and lesbians often entered opposite-sex marriages due to social pressure. The lesbian, gay, bisexual, and transgender (LGBT) rights organization Humure reported that 90 percent of the men they surveyed who engaged in male-to-male sex were married. Representatives of the LGBT community stated that after the 2009 passage of the revised penal code criminalizing same sex relations, they were subjected to more

discrimination, but the number of cases remained small. The government took no steps to counter discrimination against gays and lesbians.

Other Societal Violence or Discrimination

The constitution specifically outlaws discrimination against persons with HIV/AIDS or other "incurable" illnesses. There were no reports of government-sponsored discrimination against such individuals, although some observers suggested the government was not actively involved in preventing societal discrimination.

Sporadic killings of persons with albinism occurred during the year (see section 1.a.). In January the ASF reported that persons with albinism were still seeking protection near communal administrative centers because they were afraid to return to their homes after a series of attacks and killings in 2009 and during the year. One woman fled her home for a safer location after her child with albinism was threatened in Makamba Province (see section 6, Children). Health issues involving eyesight or prolonged sun exposure often affected the ability of persons with albinism to participate fully in school or the workforce. The ASF reported that efforts to educate the population about the issues affecting persons with albinism helped to improve the situation.

Section 7 Worker Rights

a. The Right of Association

The constitution and the labor code protect the right of workers to form and join unions without previous authorization or excessive requirements. According to the Confederation of Burundian Labor Unions (COSYBU), less than 10 percent of the formal private sector workforce was unionized, while an estimated 50 percent of the public sector was unionized. Although most civil servants exercised their right to unionize, the armed forces and foreigners working in the public sector are prohibited from participation in unions. The law also prevents workers under the age of 18 from joining unions without the consent of their parents or guardians. According to COSYBU, many private sector employers systematically worked to prevent the creation of trade unions, and the government failed to protect private sector workers' rights in practice. Relations between COSYBU and the government remained poor.

Local human rights NGOs continued to report widespread discriminatory hiring practices for government jobs based on applicants' political affiliations, despite a law prohibiting such practices.

Most citizens worked in the unregulated informal economy, which is not protected by the labor law. COSYBU stated that virtually no informal sector workers had written employment contracts; according to government statistics, only 5 percent had them.

The law provides workers with a conditional right to strike but bans solidarity strikes and sets strict conditions under which a general strike may occur. All peaceful means of resolution must be exhausted prior to the strike; negotiations must continue during the action, mediated by a mutually agreed-upon party or by the government; and six days' notice must be given to the employer and the Ministry of Civil Service, Labor, and Social Security. Before a strike is allowed, the ministry must determine whether strike conditions have been met. The ministry has a de facto veto power over all strikes.

The labor code prohibits retribution against workers participating in a legal strike, but labor leaders continued to suffer abuse.

In February a committee member of the SOSUMO trade union was demoted after publicizing illicit practices by the company's management. Prior to civil society intervention and ensuing media coverage in the case, he was threatened with termination.

The leaders of teacher's trade unions recorded widespread harassment throughout the country during and after their strike in March to April.

For example, on March 17, in both Mutambu Commune and Kabezi Commune in Bujumbura Rural, communal administrators using megaphones urged the population to attack striking teachers. On April 19, at numerous schools throughout the country, when teachers withheld final exam results as a means of protesting the government's failure to pay salary arrears, school principals encouraged students to retaliate with violence.

Ligue Iteka stated that a teacher named Athanase Mashandali was fired because he refused to join the CNDD-FDD party and, as teachers' trade union president in Bubanza Province, had encouraged teachers to strike. In 2008 Mashandali, provincial representative of the Bubanza teachers' trade union, was approached by the CNDD-FDD to join the party, but he declined. In April 2009 the school director (a CNDD-FDD member) accused Mashandali of stealing two dictionaries. Mashandali was subsequently indicted by the Bubanza High Court. He appeared before the court three times, most recently on April 1. On May 27, the school director suspended Mashandali from all teaching activities. On July 27, the court acquitted him. At year's end Mashandali was seeking a meeting with the new minister of basic and secondary education to seek reinstatement. Mashandali stated that the school director fabricated the charges against him and that he was fired because of his political affiliation and his trade union activities.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government frequently interfered with unions and intimidated or harassed their leaders. The law also recognizes the right to collective bargaining, and it was freely practiced. Wages, however, are excluded from the scope of collective bargaining in the public sector; instead, wages were set according to fixed scales, following consultation with unions.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and the Confederation of Free Unions represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions. Civil servant unions must be registered with the Ministry of Labor. There were no reliable statistics on the percentage of workers covered by collective agreements.

The law prohibits antiunion discrimination; however, the government often failed to respect this right in the public sector. The government often retaliated against union members through the use of transfers, demotions, and reduced responsibility under false pretenses.

According to the International Trade Union Confederation (ITUC), the government often failed to protect workers in the private sector from discrimination by employers.

In 2008 the vice president of the Justice Ministry's Administrative Workers Union, Juvenal Rududura, was arrested for allegedly lying during a television interview in which he criticized government policies. Following prolonged detention without trial, he was released on his own recognizance in July 2009. However, his movements were restricted, he was not permitted to leave the city, and his activities were closely monitored by the government. In September 2009 his trial entered the deliberation phase. Under the law deliberations cannot last longer than 60 days. At year's end the case continued under deliberation. Rududura was not able to move about freely and had to appear before a judge every three months.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, reports continued that it occurred. Most reports involving adults concerned cases of domestic servitude. Forced labor by children involved domestic servitude and agriculture. There were no reported cases of forced child labor in the production of goods as defined in the Trafficking Victims Protection Reauthorization Act.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code states that enterprises may not employ children under the age of 16, barring the exceptions permitted by the Ministry of Labor. These exceptions include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. In accordance with the labor code, the minister of labor may permit children ages 12 and up to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. Under the penal code the legal age for most types of "nondangerous" labor is 18. The government did not effectively enforce these laws, and child labor remained a problem. Children less than age 16 in rural areas regularly performed heavy manual labor in the daytime during the school year, primarily in the agriculture sector. According to the ITUC, the vast majority of children in the country worked during the year.

Children were legally prohibited from working at night, although many did so in the informal sectors noted below. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in the farming of crops, primarily bananas, cassava, maize, and beans; family businesses; and other informal sector activity such as street vending. Children also worked in small, local brick-making enterprises.

There continued to be reports of children performing household domestic labor. As in previous years, there was no indication that children were trafficked for commercial sexual exploitation or labor on an organized or widespread basis.

The Ministry of Labor was charged with enforcing child labor laws and had multiple enforcement tools, including criminal penalties, civil fines, and court orders. However, in practice the laws were seldom enforced. Due to a lack of inspectors, the ministry enforced the law only when a complaint was filed. The government acknowledged no cases of child labor in the formal sector of the economy during the year and had conducted no child labor investigations.

During the year the government supported international organizations, several NGOs, and labor unions engaged in efforts to combat child labor; these efforts included care and training of demobilized child soldiers.

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

Although the cost of living rose significantly during the year, the legal minimum wage for unskilled workers remained 160 francs (\$0.13) per day. While some employers voluntarily paid their unskilled laborers a minimum of 1,500 francs (\$1.20) a day, this was far from standard practice. In general unskilled workers' incomes did not provide a decent standard of living for a worker and family. Most families relied on second incomes and subsistence agriculture to supplement their earnings. The Department of Inspection within the Ministry of Labor is charged with enforcing minimum wage laws, but there were no reports of enforcement in recent years. The legal minimum wage had not been revised in many years, and there were no known examples of employer violations. These regulations apply to the entire workforce and make no distinction between domestic and foreign workers or between the informal and formal sectors.

The labor code stipulates an eight-hour workday and a 40-hour workweek, except for workers involved in national security activities; however, this stipulation was not always enforced in practice. Supplements must be paid for overtime work.

There is no statute concerning compulsory overtime; opportunities for compulsory overtime were all but nonexistent. Rest periods include 30 minutes for lunch. There are no differences for foreign or migrant workers.

The labor code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the Ministry of Labor, which was responsible for acting upon complaints; however, there were no reports of complaints filed with the ministry during the year. Workers did not have the right to remove themselves from situations that endangered health and safety without jeopardizing their employment.

Small numbers of persons from the neighboring DRC, Tanzania, and Rwanda worked in the country but did not constitute a significant presence. They were typically undocumented and worked in the informal sector.

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