

BURUNDI 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2018 constitution, promulgated in 2019, provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In May 2020 voters elected President Evariste Ndayishimiye, members of the National Assembly (lower house), and commune councils. The government allowed the main opposition party to participate and campaign. The elections resulted in a peaceful transfer of power but were deeply flawed with widespread reports of human rights abuses perpetrated primarily against members of the main opposition party. Numerous irregularities undermined the credibility of the process in which international observers did not participate.

The National Police of Burundi, which is under the authority of the Ministry of Interior, Community Development and Public Security, is responsible for law enforcement and maintaining order. The armed forces are under the authority of the Ministry of Defense. The National Intelligence Service, which reports directly to the president, has arrest and detention authority. Civilian authorities at times did not maintain effective control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by or on behalf of the government; forced disappearance by or on behalf of the government; torture and cases of cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; politically motivated reprisals against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence or threats of violence against journalists and censorship; substantial interference with the freedom of peaceful assembly and freedom of

association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including but not limited to domestic and intimate partner violence, sexual violence, child, early and forced marriage and other harmful practices; trafficking in persons; crimes involving violence targeting members of national ethnic minority groups or indigenous peoples; crimes involving violence or threats of violence targeting lesbian, gay, bisexual transgender, queer, or intersex persons; and the existence or use of laws criminalizing consensual same-sex sexual conduct between adults.

The government took steps to identify, investigate, prosecute, and punish officials and members of the ruling party who committed human rights abuses or were involved in corruption. Observers however continued to report intimidation and violence by members of state security forces and their proxies throughout the year. Impunity for government and ruling party officials and for their supporters and proxies remained a problem.

The Imbonerakure, the youth wing of the ruling party, has no official arrest authority, but some members were involved in or responsible for numerous human rights abuses. They routinely assumed the role of state security agents and detained and turned over individuals to the official security services, in some cases after committing human rights abuses. The government investigated and prosecuted some alleged abuses by the Imbonerakure, although it did not do so consistently. Additionally, the rebel group RED-Tabara claimed responsibility for a mortar attack against Bujumbura airport, while unidentified individuals threw grenades at bus stations and other locations that killed and injured several hundred persons during the year. The government pledged to investigate and later blamed exiled opposition leaders, some allegedly linked to RED-Tabara, for the grenade attacks.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were numerous reports that the government or its agents, including police, the National Intelligence Service (SNR), military personnel, and elements of the Imbonerakure, committed arbitrary or unlawful killings, often against perceived supporters of the political opposition or those who exercised their lawful rights. The banned nongovernmental organization (NGO) Ligue Iteka continued operating from outside the country and documented 405 killings by the end of November, as compared with 205 the previous year. Many killings were allegedly committed by agents of police or intelligence services or members of the Imbonerakure. The assessments of Ligue Iteka and other human rights groups differed on the number of killings for which agents of the state or ruling party were likely responsible. The government's restrictions on UN human rights monitors and civil society organizations (CSOs) and refusal to allow international human rights bodies authorization to enter the country made it difficult to determine responsibility for arbitrary killings and exact statistics. Security risks for local activists, witnesses, and victims also posed challenges. Investigations and prosecutions of government officials and members of the ruling party who allegedly committed arbitrary or unlawful killings occurred but were rare. Responsibility for investigating such killings lies with the Burundi National Police, which is under the Ministry of Interior, Community Development and Public Security, while the Ministry of Justice is responsible for prosecution.

In its September report, the UN Commission of Inquiry on Burundi (COI), whose members were denied access to the country by the government but who conducted face-to-face or remote interviews with more than 170 victims, witnesses, and other sources living both in the country and in exile, reported that summary executions and arbitrary killings continued. Although bodies bearing signs of violence continued to be found in public places, local authorities often buried them even if they were unable to identify the deceased and without investigating the cause of death and possible perpetrators, citing health risks to the local population in light of a lack of mortuary facilities or ability to preserve the bodies; this made it more difficult for the COI and NGOs to document and differentiate between cases of human rights abuses and cases constituting ordinary criminal offense.

International human rights groups reported that bodies continued to be discovered

regularly in different parts of the country, especially in Cibitoke Province bordering the Democratic Republic of the Congo (DRC). According to a CSO, 35 bodies were found between January and April in Cibitoke alone. In addition, the COI reported numerous cases of disappearances, and it was difficult to determine how many of these were cases of forced disappearance or killings. Some victims were found dead a few days after their disappearance with injuries indicating they had been executed.

In the September report, the COI noted that security incidents were reported regularly, including armed clashes and exchanges of gunfire between members of the security forces, sometimes supported by the Imbonerakure, and armed groups that were often unidentified. According to the COI, authorities made efforts to seek the perpetrators but committed serious human rights abuses in the process of doing so. The report stated that persons suspected of belonging to or assisting armed groups involved in security incidents were executed by police officers or agents of the SNR, and others died in detention after being tortured by SNR agents. The COI concluded, “agents of the National Intelligence Service, placed under the direct responsibility of President Ndayishimiye, were the main perpetrators of executions, enforced disappearances, arbitrary arrests, and detentions and torture in connection with armed attacks and have continued to operate with absolute impunity.” The COI also added that police officers and members of the Imbonerakure were involved in some of the cases. As in past years, the COI report stated there was reason to believe abuses committed by authorities constituted crimes against humanity.

President Ndayishimiye continued efforts to curb violence and engage the country’s youth in positive economic efforts, including the creation of national economic empowerment and employment programs for unemployed youth to strengthen patriotism and involve youth in the development of economic growth. The COI reported that since President Ndayishimiye came to power, officials reportedly instructed Imbonerakure members to stop committing violent acts against the population and stop usurping the functions of police. The COI stated that the number of violent incidents involving members of the Imbonerakure fell in several provinces.

According to a Ligue Iteka report, Eliazard Nahimana, a resident of Buganda

Commune in Cibitoke Province, died on April 22, after being beaten and tortured by a group of Imbonerakure. The report indicated that Nahimana was arrested at the order of Pamphile Hakizimana, the local administrator of the commune, who accused him of obstructing government activities after Nahimana tried to prevent Imbonerakure members from digging a rainwater drainage canal on his property. Nahimana was transported to the commune's police detention facility where he was beaten and tortured. The local administration refused to provide him with medical assistance. As of year's end, authorities made no known efforts to investigate his death.

On May 13, Imbonerakure punched and beat a National Congress for Freedom (CNL) member in Bubanza Province after they accused him of stealing corn, according to the Burundi Human Rights Initiative (BHRI). An eyewitness said the attackers insulted him because he had refused to join the ruling party National Council for Defense of Democracy-Forces for Defense of Democracy (CNDD-FDD) ahead of the May 2020 elections. After being left at a school overnight and receiving inadequate medical care, he reportedly died shortly thereafter. A local government official was arrested but quickly released, and no members of the Imbonerakure had been arrested as of December.

On July 8, individuals in military uniforms arrested Emmanuel Baransegeta in the village of Ruhagarika, Cibitoke Province. According to Human Rights Watch, Baransegeta was tortured and two days later his body, identified by scars he was known to have, was found on the nearby shores of the Rusizi River. Authorities buried Baransegeta's body without further investigation.

In March the Muha Court of Appeals sentenced two Imbonerakure members, Dieudonne Nsengiyumva and Boris Bukeyenzeza, to 15 years of imprisonment for the May 2020 killing of Richard Havyarimana, a representative of the CNL opposition party in Mbogora Commune, Mwaro Province, and ordered them to pay compensation of 10 million Burundian francs (\$5,110).

Media reported that unidentified armed groups were responsible for attacks against government officials, government armed forces and their proxies, and against civilians. The rebel group RED-Tabara claimed responsibility for some attacks that resulted in deaths, including the killing of five soldiers and seven police

officers in Gatumba, Bujumbura Rural Province, in December. As of December 27, there were at least 26 fatalities and 257 injuries resulting from an estimated 33 grenade attacks that took place throughout the country. The identity of the perpetrators and motives behind the attacks were unclear. While the motives were presumably politically motivated hatred of the government, ruling party, or its agents for some of the attacks targeting members of the ruling political party, police, and other security service members, other attacks were likely motivated by personal or business vendettas.

b. Disappearance

There were numerous reports that individuals were victims of politically motivated disappearances after they were detained by elements of the security forces or during kidnappings where the identities of the perpetrators were not clear; however, lack of access to reliable reporting, caused in part by restraints on civil society, limited the ability of human rights organizations and researchers to gather complete data. Additionally, the UN Working Group on Enforced or Involuntary Disappearances noted in September 2020 that a widespread fear of reprisals prevented the formal reporting and registration of enforced disappearances.

Ligue Iteka and SOS Torture Burundi regularly reported disappearances, which were sometimes later determined to be killings when victims' bodies were discovered. A victim's last sighting was often at the time of abduction by the Imbonerakure, police, military, or SNR. The COI, NGOs, and media reported that persons suspected of being involved in attacks and other security incidents, notably members of the CNL, were victims of enforced disappearances. The COI reported it was unable to determine whether authorities' suspicions concerning the individuals' involvement in attacks were based on objective evidence or based solely on political affiliation or ethnic background. As of November 30, Ligue Iteka had documented 56 disappearances, compared with 30 in the previous year. It linked five disappearances to the Imbonerakure, eight to police, 22 to the SNR, seven to the military, one to local administration, and 13 to unidentified actors. According to Human Rights Watch, the SNR, security forces, and the Imbonerakure killed, disappeared, and tortured real or perceived political opponents and persons suspected of having ties with Burundian rebels in the neighboring DRC. Persons crossing the Rusizi River to travel between the DRC

and the country's Cibitoke Province for personal business were reported missing, and their fate remained unknown. In October a delegation from the presidency visited the province to meet with local officials concerning the bodies, but there were no reports of government efforts to investigate or punish such acts.

In a public question and answer session held on December 29, President Ndayishimiye acknowledged there were cases of disappearances and assured the public the government was conducting investigations into the cases. The president also stated there were criminals among members of the security forces who operated on their own and who did not follow orders from their government organizations. The BHRI reported that some judicial police officers were forbidden by their superiors from investigating disappearances.

Media and human rights organizations reported that individuals in military uniforms kidnapped Elie Ngomirakiza, a CNL representative from Bujumbura Rural Province, on July 9. The BHRI reported that several sources said the 212th battalion was responsible for Ngomirakiza's abduction. Police and military officials issued statements denying detaining Ngomirakiza, and no one claimed responsibility. Ngomirakiza's family was unable to locate him, and his whereabouts remained unknown as of November.

On August 13, human rights organizations reported Jean-Marie Ndayizeye, a CNDD-FDD member who worked at the Ministry of Commerce in Gitega, was arrested by an SNR agent, reportedly on suspicion of involvement with armed criminals. As of November his whereabouts remained unknown.

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

The constitution and law prohibit cruel, inhuman, or degrading treatment or punishment, but there were numerous reports government officials employed these practices. NGOs reported cases of torture committed by security services or members of the Imbonerakure. As of November 30, Ligue Iteka reported 57 such cases, down from 103 the previous year, attributing 38 to members of the Imbonerakure, nine to police, six to members of local government, and four to the SNR. Media reported throughout the year that Imbonerakure members arrested,

threatened, beat, tortured, or inflicted a combination of the foregoing on CNL members. There were also reports that government officials in prisons physically abused prisoners. The COI reported most individuals arrested following security incidents were detained by the SNR and that some were subjected to severe torture, including sexual abuse. The BHRI reported numerous cases of torture against detainees at SNR headquarters in Bujumbura as well as in unofficial detention centers in Bujumbura or at the provincial level, including at SNR offices or residences in Gitega, Mwaro, Rutana, and Makamba.

From January through August, the BHRI documented several cases of torture allegedly committed by Moise Arakaza, who was then police commissioner of Mugamba Commune, Bururi Province. Arakaza reportedly beat detainees with the flat side of a machete blade, rubbed hot chili peppers up detainees' noses, and threatened further cruel, inhuman, or degrading treatment against other detainees. The BHRI also stated that several detainees were transferred from Mugamba to SNR headquarters in Bujumbura where they were reportedly tortured. Arakaza was reassigned to a commune in Bujumbura in August but reportedly continued to arrest and ill-treat detainees and other individuals there. Despite BHRI reporting that senior judicial and police officials knew about these abuses, authorities had not held Arakaza accountable as of November.

There were some reports of investigations and prosecutions for serious abuses of human rights, although limited enforcement meant impunity in the security forces remained a problem. Media reported cases of state agents arrested, detained, and sometimes convicted for acts related to human rights abuses. On December 10, the Independent National Commission on Human Rights (CNIDH) released a statement that it had investigated and confirmed two reported cases of torture by members of the SNR. The COI reported, however, many state agents arrested were later released and that the outcomes of proceedings against those still in detention remained uncertain. Factors contributing to impunity included the ruling party's reliance on the Imbonerakure, the lack of judicial independence, and reprisals against individuals reporting abuses. There were no sufficient mechanisms to investigate human rights abuses committed by security forces.

According to the *Conduct in UN Field Missions* online portal, there were seven open allegations of sexual exploitation and abuse by the country's peacekeepers

deployed to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic. Six of the allegations were reported during the year, and one was reported in 2019, all of which allegedly occurred on deployments in prior years. Of the seven, four concerned alleged exploitative relationships with adults between 2014 and 2017, and three concerned alleged instances of child rape between 2017 and 2019. Nine other cases were determined to be unsubstantiated and two cases from the 2015-16 timeframe were substantiated. As of December the government had not announced whether it had taken any measures to investigate or address the seven cases that remained open and had also not yet reported actions taken related to the substantiated 2017 allegation concerning the rape of a child that took place in 2015.

There were reports that members of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community were threatened, beaten, and arrested by local administrators and other citizens with the support of security forces (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to gross overcrowding, physical abuse, and inadequate sanitary conditions. There were reports of lack of adequate medical treatment and prolonged solitary confinement in prisons and detention centers. Conditions in detention centers managed by the SNR and in local “lock-ups” managed by police generally were worse than in prisons. The COI and several other credible organizations also continued to report that the SNR, police, senior government officials, and other security organizations maintained clandestine detention facilities to which no independent monitors were granted access.

Physical Conditions: Gross overcrowding was a severe problem in eight of 11 prisons. The Ministry of Justice’s Office of Penitentiary Affairs reported that, as of December 28, there were 12,954 inmates, including 6,692 pretrial detainees, in 11 prisons and two juvenile rehabilitation facilities, the majority of which were built before 1965, with the capacity to accommodate 4,194 inmates. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate

population was at 800 percent of capacity, and Mpimba, in Bujumbura, which was at 573 percent of capacity. Of the 12,954 inmates, 871 were women and 152 were juveniles. Authorities held 152 juveniles, of whom 111 were convicted and 41 were pretrial detainees, in the two juvenile rehabilitation facilities. There was a prison for women in Ngozi, although women were incarcerated at other prisons as well. Authorities commonly held pretrial detainees with convicted prisoners.

The Office of Penitentiary Affairs reported 46 prisoner deaths during the year, all of which occurred because of a fire at the Gitega prison. On December 7, a large fire caused by an electrical short circuit, broke out at the overcrowded Gitega prison and killed 46 inmates and injured 69 more, according to a presidential statement on December 29. Civil society organizations and some media outlets disputed the government's tally, arguing that many more were killed. No information was available on the number of persons held in secret detention centers managed by the SNR or in communal jails operated by police.

Prisons did not have adequate sanitation systems (toilets and bathing facilities), drinking water, ventilation, and lighting, and these conditions were especially acute in the Muramvya and Mpimba prisons. Prisons and detention centers did not have accommodations for persons with disabilities.

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria. There was no official information regarding cases of COVID-19 in prisons. Authorities took some measures to prevent the spread of the virus, including suspension of visits in all prisons since April 2020 although family members were still permitted to provide prisoners with necessities such as food and face masks. The International Committee of the Red Cross (ICRC) assisted prison authorities to construct quarantine sections in prisons during the COVID-19 pandemic.

Each inmate received daily approximately 12 ounces of cassava, 12 ounces of beans, and, on some days, oil and salt. Authorities expected family and friends to provide funds for all other expenses. Each prison was required to employ at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care; inmates with serious medical conditions were sent to local hospitals. There were reports of shortages of

medicines in prison clinics. It was also reported that prisoners held on politically motivated charges lived in fear of reprisal from prison management and prisoner-run bodies.

There were no reports of prisoner-on-prisoner violence or authorities' failure to maintain control.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but authorities rarely investigated the complaints. There were credible reports of mistreatment of prisoners, such as long stays in solitary confinement, but no record that any abusers were held to account or punished.

Independent Monitoring: The government permitted monitoring by some independent nongovernmental observers.

The government permitted visits requested by the ICRC, the African Union (AU), and the CNIDH. Monitors visited known prisons, communal jails, and known SNR detention centers regularly. Monitoring groups had complete and unhindered access to prisoners held in known detention facilities but were not able to access clandestine SNR detention sites.

Improvements: The government took some actions to relieve overcrowding during the year, releasing more than 2,600 prisoners. An NGO and other observers reported that some of those released were later rearrested for other offenses, while others wanted to return to prison to obtain food and medical care. On March 5, President Ndayishimiye pardoned 5,255 prisoners convicted of certain crimes. The decree provided the release of prisoners who were serving sentences of less than five years, pregnant women and those with children in prisons, prisoners who were younger than age 18 and older than age 70, women accused of infanticide or abortion who have served at least three years of the sentence, prisoners with psychiatric disorders and those with visible disabilities, prisoners with chronic disease at the terminal stage, prisoners accused of corruption if they returned the funds embezzled, and those who had already served three-quarters of their sentence. In addition, the decree provided sentence reductions for prisoners who had served one-quarter of their sentence; prisoners sentenced to life imprisonment

had their sentence reduced to 20 years of prison.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest and detention, but the government did not observe these prohibitions.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person without a warrant by notifying a police supervisor in advance. Police have seven days to finish an investigation and present evidence before a magistrate but may request a seven-day extension for additional investigation. Police rarely respected these provisions.

According to the law, a magistrate must either order the release of suspects or confirm the charges for continued detention, initially for 14 days, and then for an additional seven days if required to prepare a case for trial. Magistrates routinely failed to convene preliminary hearings, often citing heavy case backlogs or improper documentation by police. Authorities acknowledged the legal system struggled to process cases in a timely fashion and that lengthy pretrial detentions were common.

Lack of transportation for suspects, police, and magistrates was a frequently cited reason for the failure to convene preliminary hearings. This remained a problem in the eight provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over the case.

Judges may release suspects on bail but rarely did so. They did, however, often release suspects on their own recognizance. Suspects may hire lawyers at their own expense in criminal cases, but the law does not require legal representation, and the government did not provide attorneys for those unable to afford one. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel.

Some suspects were detained incommunicado. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura. Prisons have solitary confinement facilities, and detainees were sometimes held in solitary confinement for long periods.

Arbitrary Arrest: The law provides for a token monetary fine and imprisonment for 15 days to one year for any member of the security forces found guilty of involvement in an arbitrary arrest. There were no reports this law was applied.

Human rights groups reported numerous arbitrary arrests and detentions, including some involving the Imbonerakure. As of November 30, Ligue Iteka documented 507 arbitrary arrests, a decrease from 916 in the previous year, including 52 by the Imbonerakure, 337 by police, 71 by local administration officials, one by military, and 46 by the SNR. Ligue Iteka reported authorities targeted members of the CNL and their supporters after security incidents like grenade attacks or ambushes, blaming them where authorities had not established responsibility. According to the COI report, authorities arrested many persons arbitrarily following security incidents and accused them of either collaborating with or supporting armed groups, often on the sole basis of political affiliation or ethnic background. Authorities accused others in the place of a relative who was wanted for the same reasons and could not be located.

On January 19, authorities arrested Christa Kaneza, age 19, following the killing of her husband in November 2020 in a suburb of Bujumbura. Amnesty International reported that in February the High Court of Muha in Bujumbura ordered her provisionally released, citing the lack of evidence of her involvement in her husband's killing. Additionally, in September the Court of Appeal of Muha in Bujumbura upheld the decision, following an appeal by the prosecution. Kaneza was provisionally released on December 1.

In October 2020 lawyer Tony Germain Nkina was arrested in Kabarore Commune, Kayanza Province, where he was visiting a client, and charged with threatening state security by collaborating with rebel groups conducting attacks in the area. On June 15, a Kayanza court found Nkina guilty and sentenced him to five years in prison and a fine of one million Burundian francs (\$500). The Ngozi Court of Appeals reaffirmed the conviction on September 29 after five hearings that were

criticized by observers for a lack of evidence to support the government's case. International human rights organizations also believed that Nkina was arrested for his prior work as a representative of the Association for the Protection of Human Rights and Detained Persons, which was one of the leading human rights groups in the country until 2015.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. By law authorities may not hold a person longer than 14 days without charge. As of August, however, 48 percent of inmates in prisons and detention centers were pretrial detainees, according to the Ministry of Justice's Office of Penitentiary Affairs. Authorities held some suspects without formal charges. According to the Office of Penitentiary Affairs, the average time in pretrial detention was approximately one year, but some persons remained in pretrial detention for nearly five years. In some cases the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance because public prosecutors failed to open case files or the files were lost. Others remained incarcerated without proper arrest warrants, either because police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law persons arrested or detained are entitled to challenge the legal basis or arbitrary nature of their detention in court and obtain prompt release if found to have been unlawfully detained. There was no record that any person was able to do so successfully before a court; however, there were reports that the CNIDH helped some detainees successfully challenge the basis of their detention by intervening soon after arrest and negotiating release, arguing lack of evidence or other bases for the charges.

e. Denial of Fair Public Trial

Serious irregularities undermined the fairness and credibility of trials. Although the constitution and law provide for an independent judiciary, there were reports of

authorities who bribed or influenced members of the judiciary to drop investigations and prosecutions or predetermine the outcome of trials or not to seek enforcement of court orders. According to the COI's report, President Ndayishimiye demonstrated a desire to promote the rule of law which had been seriously undermined for several years. The president's efforts were eroded, however, by increasing disrespect for criminal procedures and laws on the part of other government authorities. Authorities routinely did not follow legal procedures.

The COI report stated that the judiciary's lack of independence was long-standing, but its use for political and diplomatic gain worsened under President Ndayishimiye. There were allegations the attorney general's office ignored calls to investigate senior figures within the security services and national police. Prosecutors and members of the security services sometimes ignored court orders for the release of detainees after judges had determined there were no legal grounds for holding them. The COI stated that authorities took no structural measures to resolve these problems. On September 17, the president signed a decree restructuring the Supreme Council of Justice, giving the head of state (the president) authority over the council, including authority to oversee the quality of judicial decisions and the power to implement corrective measures. The COI and other organizations assessed that the decision expanded the means through which the executive branch may control the judiciary.

Trial Procedures

By law defendants are presumed innocent. Panels of judges conduct all trials in public. Defendants have the right to prompt and detailed information on the charges and free interpretation from the moment charged through all appeals, if necessary, although these rights were rarely respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this occasionally occurred. Defendants have a right to counsel but not at the government's expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal assistance to some defendants. Defendants have a right to defend themselves, including by questioning prosecution or plaintiff witnesses, calling their own witnesses, and

examining evidence against them. Defendants also may present evidence on their own behalf and did so in most cases. Defendants have the right not to be compelled to testify or confess guilt, although there were reports some detainees experienced torture to coerce testimonies. Judges used confessions obtained under torture as a basis for convicting defendants. 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. Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. 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 were open to the public but may be closed for reasons such as national security or when publicity might harm the victim or a third party, for example, in cases involving rape or child abuse. Defendants in military courts are entitled to only one appeal.

While many of the above rights were often violated, no rights were systematically denied to persons from specific groups. The inefficiency of the court system extended the appeals process for long periods, in many cases for more than a year.

In February the Supreme Court published a sentence decision dated June 2020 for 34 individuals, including human rights activists and journalists in exile, condemning them to life imprisonment and punitive damages. According to Human Rights Watch, the trial lacked basic due process right since defendants were absent from the trial and neither they nor their attorneys were notified of the proceedings against them. The group was found guilty of “attacks on the authority of the State,” “assassinations,” and “destruction,” and their assets were seized.

Political Prisoners and Detainees

No verifiable statistic was available on the number of political prisoners or detainees; estimates by human rights groups ranged in the hundreds. Many of the examples cited in section 1.d., Arbitrary Arrest or Detention, also qualified as political prisoners or detainees. The government denied incarcerating persons for political reasons, citing instead acts against state security, participation in a

rebellion, or inciting insurrection. Human rights groups stated that these charges were often a pretext for repressing members of political opposition parties and human rights defenders. Throughout the year there were regular arrests and detentions of members of opposition political parties, mainly from the CNL but also from other parties, such as Sahwanya-FRODEBU. Others, mainly young men, were arrested or detained under suspicion of having cooperated with armed rebel groups. In many cases political prisoners remained in pretrial detention, while in other cases prisoners were released without explanation or, more frequently, after paying a monetary fine. The government permitted visits requested by the ICRC, the African Union, and the CNIDH, including to detainees who human rights groups considered to be political prisoners. Monitors visited known prisons, communal jails, and known SNR detention centers regularly. Monitoring groups had complete and unhindered access to prisoners held in known detention facilities but were not able to access clandestine SNR detention sites.

On May 7, a Bujumbura Court sentenced former member of parliament Fabien Banciryano to one year of prison for rebellion, slander, and an attack on the internal and external security of the state. Banciryano was arrested in October 2020 and was widely regarded as a human rights defender, as he was one of the few members of the parliament who spoke out regarding human rights abuses in the country. Banciryano decided not to appeal and was released on October 2, after serving the sentence.

In 2017 Germain Rukuki, a former employee of the banned NGO Action by Christians for the Abolition of Torture-Burundi, was arrested by SNR officials and subsequently transferred to Ngozi Prison. Rukuki was accused of acts against state security and rebellion. International and local human rights organizations criticized the nature of his detention and the charges against him as politically motivated. In 2018 Rukuki was convicted and sentenced to 32 years' imprisonment. Following four years in prison, authorities released Rukuki on June 30, after an appeals court reduced his 32-year sentence to one year.

Politically Motivated Reprisal against Individuals Located Outside the Country

There were credible reports that the government attempted to use international law

enforcement tools for politically motivated reprisals against specific individuals located outside of the country (see also section 1.e., Trial Procedures).

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: In 2020 Human Rights Watch and UN experts reported that authorities collaborated with Tanzanian officials to arrest, torture, forcibly repatriate, and detain without charges refugees and asylum seekers residing in Tanzania for allegedly “attempting to destabilize the country.” Some of those detained in 2020 remained detained in Burundi in the early part of the year before being released.

Threats, Harassment, Surveillance, and Coercion: Local media reported that women’s rights activist Beatrice Nyamoya was arrested upon arrival at the Bujumbura international airport on November 20. Media reported that she is the sister of Francois Nyamoya, secretary general of the banned opposition group Movement for Solidarity and Democracy, whom the government has accused of acts of terrorism; Nyamoya reportedly lives in exile in Rwanda. Radio Isanganiro quoted the chairman of the CNIDH as saying she had been arrested for investigative purposes. Beatrice Nyamoya was released without charge after being held for six days by the SNR.

Bilateral pressure: The BHRI reported that three exiled radio and television stations which had been broadcasting from Rwanda since 2015 were forced to suspend their broadcasts. The BHRI stated that Rwandan intelligence officials informed the directors of the three stations that their media outlets could no longer operate from Rwanda following an apparent rapprochement between the Rwandan and Burundian governments. The decision was reportedly taken in response to repeated requests by the Burundian government.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses and may appeal decisions to an international or regional court.

Property Seizure and Restitution

There were reports that, following the 2015 crisis, government officials and private

citizens seized some of the land that was owned or legally occupied by citizens who fled into neighboring countries, which complicated the reintegration of some of those who returned during the year. Some returnees also found that their houses were destroyed, either due to natural conditions or to intentional property destruction. In general, however, government officials prevented others from occupying lands belonging to refugees.

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

The constitution and law provide for the right to privacy and require search warrants, but authorities did not always respect these rights. The law provides for warrantless searches when security services suspect acts of terrorism, fraud, trafficking in persons, illegal possession of weapons, trafficking in or consumption of drugs, or “infractions of a sexual nature.” The law requires that security services provide advance notice of warrantless searches to prosecutorial officials but does not require approval. Human rights groups raised concerns that the breadth of exceptions to the warrant requirement and the lack of protections provided in the law created risks of abuse. They also noted that by law warrants may be issued by a prosecutorial official without reference to a judicial authority, limiting judicial oversight of the decisions of police and prosecutors.

Police, SNR agents, and Imbonerakure members – sometimes acting as mixed security committees – set up roadblocks and conducted general vehicle inspections and searches. Members of the security forces also sought bribes in many instances, either during searches or in lieu of a search. They conducted search-and-seizure operations throughout the year without judicial or other appropriate authorization. The BHRI reported that the SNR used the Telecommunications Regulation and Control Agency to monitor the date, duration, and location of all calls in the country. The human rights group further reported that the agency had the ability to listen in real time to a limited number of calls.

Some media outlets reported their websites and social media platforms were blocked or not accessible to the public. The official website of the independent outlet *Iwacu* remained inaccessible as of November and could only be accessed via a mirror site.

The BHRI reported that some police arrested and threatened family members of suspects they were unable to find for arrest. For other efforts to punish family members for offenses allegedly committed by their relatives (see section 1.e., Politically Motivated Reprisal Against Individuals Located Outside the County, Threats, Harassment, Surveillance, and Coercion).

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of speech and press but ban “defamatory” speech regarding the president and other senior officials, material deemed to endanger national security, and racial or ethnic hate speech. Additional restrictions imposed in 2015 continued and were applied to all press outlets.

Freedom of Expression: The law prohibits racially or ethnically motivated hate speech. It is illegal for anyone to display drawings, posters, photographs, or other items that may “disturb the public peace.” Penalties for violations range from two months’ to three years’ imprisonment and fines.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: While the government took some measures to loosen restrictions on members of the press and other media, the COI reported that the government continued to surveil and vilify critical journalists while others chose to self-censor.

The government owned and operated daily newspapers and a radio and television station. The CNDD-FDD operated a government-aligned radio station.

Independent media existed but often self-censored and some were restricted.

Radio Isanganiro was the country’s largest independent radio station. *Iwacu*, an independent newspaper that was generally critical of the government and its policies, continued to publish articles in French and English, although it faced harassment from the government.

Violence and Harassment: Journalists and outspoken critics reported harassment and intimidation by security services and government officials to prevent them from doing their work independently or covering sensitive topics. Some

journalists were required to obtain permission from authorities prior to conducting domestic, and in some cases international, travel. Forces allied to the CNDD-FDD repressed media perceived as sympathetic to the opposition, including print and radio journalists, through harassment, intimidation, and violence. Most independent journalists fled the country during and after the political crisis and crackdown in 2015, and some remained in exile as of the end of the year. The government detained or summoned for questioning local journalists investigating subjects such as human rights abuses, corruption, or security incidents.

In January 2020 four *Iwacu* journalists were sentenced to two-and-a-half years in prison for “a failed attempt of complicity in undermining the security of the state.” Human Rights Watch described their arrest as an “attempt to intimidate and threaten other journalists from doing their work.” On December 24, 2020, President Ndayishimiye pardoned the journalists; they were released the same day.

In February the Supreme Court made public the conviction in absentia of seven journalists in exile who were sentenced to life imprisonment in connection with the attempted coup of May 2015 (see section 1.e, Trial Procedures).

On August 31, President Ndayishimiye criticized Esdras Ndikumana, a reporter for French public radio broadcaster Radio France Internationale (RFI), accusing Ndikumana of inflating the number of COVID-19 cases and using RFI’s platform to harm the country by focusing on poverty. Along with Ndikumana, Ndayishimiye referred to *Iwacu* director Antoine Kaburahe as one of two journalists destroying the country and tarnishing its image.

On September 24, police and military officers arrested Aime-Richard Niyonkuru, journalist of Radio Bonesha, while he was investigating a grenade attack in the Kamenge neighborhood of Bujumbura. According to media reports, Niyonkuru was tortured, harassed, and accused of collaboration with enemies of the country, but released 24 hours later.

On December 28, the director of Kanyosha Health Center in Bujumbura detained two journalists from Radio Isanganiro who were investigating the increasing number of COVID-19 cases and medical center capacity. The director ordered the release of the journalists a few hours later, after they agreed to delete all pictures

they took of the center.

Censorship or Content Restrictions: The government censored media content through restrictive press laws established by the National Communications Council (CNC), an organization nominally independent but subject to political control and widely regarded as a tool of the executive branch. CNC decrees require all journalists to register annually with the body, limit the access granted to international journalists, and establish content restrictions on the products disseminated by outlets. The CNC continued to monitor the press closely. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship, including by journalists working for the national broadcaster. The BHRI reported that most journalists working in the country exercised a degree of self-censorship. Self-censorship was especially pronounced on sensitive topics including high-level corruption, human rights abuses by government security forces or Imbonerakure, and other subjects that were seen as critical of the government. The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 CNC members, who were mainly government representatives and journalists from the state broadcaster.

Several journalists stated they were generally freer in their reporting online than on radio and other media more closely controlled by the government, particularly when posting in French or English rather than in local languages. Two radio stations that were closed in 2015 continued to broadcast radio segments abroad and publish articles online.

Libel/Slander Laws: The law protects public servants and the president against “words, gestures, threats, or writing of any kind” that is “abusive or defamatory” or would “impair the dignity of or respect for their office.” The law prohibits the public distribution of information that exposes a person to “public contempt” and provides penalties of imprisonment and fines for violations. The penalty for conviction of insulting the head of state is six months to five years in prison and a token monetary fine. Some journalists and leaders of political parties and civil society stated the government used the law to intimidate and harass them.

Conviction of treason, which includes knowingly demoralizing the military or the

country in a manner that endangers national defense during a time of war, carries a penalty of life imprisonment. It is a crime for anyone knowingly to disseminate or publicize rumors likely to alarm or excite the public against the government or to promote civil war.

National Security: The law requires journalists to reveal sources in some circumstances and prohibits the publication of articles deemed to undermine national security. Harassment in past years under national security provisions caused some journalists to self-censor during the year.

Nongovernmental Impact: Many members of the Imbonerakure collaborated with government security forces to inhibit freedom of expression. In some cases they were official members of mixed security councils, which consisted of police, local administration officials, and civilians.

Actions to Expand Freedom of Expression, Including for Members of the Media: On January 28, President Ndayishimiye committed to allowing a “free and responsible press to contribute to the development of the country” and requested the CNC to find solutions that would allow sanctioned media outlets to resume operations. Reporters Without Borders highlighted the country for “encouraging signs” in freedom of expression for members of media due to actions taken by President Ndayishimiye.

On February 11, the CNC reversed its 2018 decision that closed the comments section of *Iwacu* press group’s online newspaper, and on February 21, the CNC allowed Radio Bonesha, shuttered following the 2015 coup attempt, to reopen and dropped all sanctions against the station.

On June 16, the CNC lifted sanctions against online media outlet *Ikiriho*, which was suspended in 2018 after a private lawsuit was filed against the outlet for defamation. On the same day, the CNC invited BBC’s radio program, suspended since 2019, to reapply for an operating license.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, except for the website of media outlet *Iwacu*, and there were no credible

reports that the government monitored private online communications without appropriate legal authority. Direct access to *Iwacu*'s website from within the country remained blocked; readers were able to access the website from abroad or by using a virtual private network.

Academic Freedom and Cultural Events

There were allegations, including by Freedom House, that hiring practices, student leadership elections, and grading at the University of Burundi were subject to political interference in favor of CNDD-FDD members.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government did not always respect these rights. The law requires political parties and large groups to notify the government in advance of a public meeting and at least four days prior to a proposed demonstration. Opposition parties including the CNL were able to organize national congresses and other public gatherings. The COI reported that after the 2020 elections, authorities relaxed many abusive restrictions and violations related to freedom of peaceful assembly directed at opposition parties. Nevertheless, there were reports that in some localities, particularly in rural settings, CNL members were prevented from holding meetings.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right.

A law constraining international NGOs includes requirements that international NGOs deposit a portion of their budgets at the Bank of the Republic of Burundi and that they develop and implement plans to attain ethnic and gender balances in the recruitment of local personnel. The law contains several clauses that give the government considerable control regarding NGOs' recruitment and programming.

In October 2020 authorities decided to limit operating expenditure within projects funded by technical and financial partners, mainly by aligning salaries with those in public entities.

In February 2020 the minister of interior ordered international NGOs to submit detailed personal information on their employees, including their ethnicity, raising international NGO concerns the government would use the data to target political opponents and exercise control over the organizations. In March 2020 the government announced that those that did not respect ethnic balances prescribed by law would be shut down and that compliance inspections would be undertaken. Human Rights Watch and other organizations commented that the requirement was an attempt to exert control over NGO operations. In September 2020 the Ministry of Foreign Affairs released three decrees concerning the government's relationship to international NGOs that furthered concerns that authorities were moving toward requiring them to observe ethnic quotas in recruiting staff. On December 14, the Senate set up a special commission to investigate the ethnic makeup of foreign NGOs and state-owned enterprises, which the government indicated is required by the constitution. Some ministries contacted NGOs late in the year informing the NGOs of their obligation to provide information on the ethnicity and identity of NGO employees. Some NGOs continued to voice concern that the ministries' intent was to exert control over hiring decisions or otherwise inappropriately influence NGO operations.

The law requires CSOs to register with the Ministry of the Interior (or with provincial governments if they operate in a single province), a complex process that includes approval of an organization's activities from the Ministry of the Interior and other ministries, depending on the CSO's areas of expertise. Registration must be renewed every two years, and there is no recourse when authorities deny registration. The law provides for the suspension or permanent closure of organizations for "disturbing public order or harming state security."

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government at times respected these rights (see also section 2.f., Protection of Refugees, for information on refugee returns to the country).

In-country Movement: According to several news sources, the government enforced the use of household logbooks, *cahier* or *livret de menage*, that listed the residents and domestic workers of each household in some neighborhoods of the capital. In numerous instances police arrested persons during neighborhood searches for not being registered in household booklets. Local governments established checkpoints on roads throughout the country on a widespread basis, officially for the collection of transit taxes on drivers and passengers; the checkpoints were often staffed by police or members of the Imbonerakure. Checkpoints were also established for security purposes. There were frequent allegations that those staffing the checkpoints sought bribes before allowing vehicles to proceed. In some instances members of the Imbonerakure were accused of using the checkpoints to deny free movement to individuals for political reasons, such as failing to demonstrate proof of contributions for the funding of the ruling party's offices and activities. Refugees were required to obtain exit permits to travel outside refugee camps, although the law was inconsistently enforced.

Foreign Travel: Authorities required exit visas for foreigners who held nonofficial passports and who did not hold multiple-entry visas; these visas cost 48,000 Burundian francs (\$25) per month to maintain. Most foreigners held multiple-entry visas and were not subject to this requirement.

In response to trafficking in persons concerns, the General Immigration Authority, which is responsible for issuing travel documents and border security, increased vigilance before granting travel documents to target demographic groups, such as young women and unaccompanied children. In January the immigration authority requested commercial airlines operating in the country to stop accepting citizen passengers travelling to all Gulf countries until further notice due to concerns regarding human trafficking; a special authorization from the immigration authority is required for such travel. These restrictions, however, may have

increased travel via irregular channels as well as vulnerability to trafficking.

e. Status and Treatment of Internally Displaced Persons

The International Organization for Migration (IOM) estimated there were 113,408 internally displaced persons (IDPs) in the country as of September, of whom 54 percent were children. According to the IOM, 83 percent of IDPs were displaced due to natural disasters while 17 percent were displaced for other reasons. Some IDPs reported believing themselves to be threatened because of their perceived political sympathies. Some IDPs returned to their homes, but the majority remained in IDP sites or relocated to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by the Office of the UN High Commissioner for Refugees (UNHCR), the IOM, and other humanitarian organizations, such as shelter and legal assistance programs.

f. Protection of Refugees

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Due to measures taken to prevent the spread of COVID-19, including border closures, the number of refugees entering the country was reduced compared with previous years.

Freedom of Movement: Refugees are required to obtain exit permits from the National Office for the Protection of Refugees and Stateless Persons in the Ministry of Interior to leave refugee camps, although the law was inconsistently enforced.

Employment: The government does not permit refugees and asylum seekers to work in the formal labor market. UNHCR and camp partners implemented some livelihood programs, such as cooperative-led sustainable year-round gardens, mask making, and small-scale soap making, and encouraged refugees to initiate income-generating activities. In response some refugees started hair salons, tailoring

shops, and small markets inside their camps, although insufficient funds to promote their businesses and difficulties obtaining exit permits to sell their products outside the camps hampered their ability to expand their businesses.

Access to Basic Services: Refugees residing in camps administered by the government and by UNHCR and its partners had access to basic services. The large percentage of refugees residing in urban areas also had access to services, such as education, health care, and other assistance offered by humanitarian organizations.

Durable Solutions: Continuing violence in the DRC prevented Congolese refugees from returning. Efforts begun in 2015 to resettle Congolese refugees in third countries continued.

g. Stateless Persons

According to UNHCR, an estimated 783 persons at risk of statelessness lived in the country. All had lived in the country for decades, originally arriving from Oman, and were awaiting proof of citizenship from the government of Oman. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani citizenship. Stateless persons faced limited freedom of movement because they were ineligible for driver's licenses and passports.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government did not respect that right.

Elections and Political Participation

Recent Elections: In May 2020 the country held legislative, communal, and presidential elections without international observers. The CNDD-FDD candidate, Evariste Ndayishimiye, won the election with 68 percent of the vote. The government also held Senate elections in July 2020. The CNDD-FDD won absolute majorities in the National Assembly and Senate.

The elections were deeply flawed with irregularities that undermined the credibility of the process, including blocking independent international observers. The government opened the political space slightly, allowing participation of opposition parties and permitting them to carry out campaign activities across the country. According to the 2020 COI report, opposition parties cited irregularities during the vote tabulation process, including the expulsion of accredited party-affiliated monitors from voting stations. The international community and independent domestic organizations widely condemned the process as flawed, although domestic and international actors generally accepted the election outcomes. Several progovernment CSOs observed and validated the elections. The CNL rejected the results of the election and filed an appeal, which the Constitutional Court dismissed.

The COI noted the presidential election was largely free of mass violence. There were reports of incidents of violence during the election period, namely clashes between members of the ruling party and opposition party, which resulted in injuries and deaths in some cases. The COI stated that opposition political parties and their members, mainly the CNL, suffered serious human rights abuses in the run-up to elections. There were reports of targeted killings, kidnappings, gender-based violence, torture, and arbitrary arrests. Media remained under strict control, and journalists were unable to carry out their duties freely. The CNIDH declared that incidents of human rights abuses were too insignificant to affect the credibility of results, as announced.

The National Independent Elections Commission imposed restrictive conditions, such as limiting movement of locally-based foreign observers and rejecting AU and UN observers.

Political Parties and Political Participation: The constitution outlines a multiparty system and provides rights for parties and their candidates including assurance for authorities' noninterference in political parties' affairs. According to the law, to qualify for public campaign funding and compete in the parliamentary and presidential elections, parties needed to be "nationally based," (i.e., ethnically and regionally diverse) and prove in writing they were organized and had membership in all provinces. The Ministry of the Interior recognized 36 political parties. In 2019 the Ministry of the Interior registered the previously unapproved

National Forces of Liberation-Rwasa under the new name, the CNL. The Union for National Progress, led by Evariste Ngayimpenda, remained unrecognized, except for a small faction that broke off and pledged its allegiance to the ruling party. All registered political parties regularly met through the National Forum of Political Parties, the minister of interior's institution for political dialogue. In addition, President Ndayishimiye met regularly with leaders of political parties to discuss topics of importance to the country and sought their input. Government officials praised the discussion's framework for promoting political unity, while critics argued it served mainly for publicity and did not touch on sensitive political topics.

Political parties allied with the CNDD-FDD were largely able to operate freely. The COI reported political violence subsided and that hate speech against opponents was replaced by official calls for political tolerance. Media and human rights organizations, however, reported abuses including arbitrary arrests, torture and enforced disappearance against political opponents, mainly CNL members, by the Imbonerakure and unidentified armed men in retaliation for political engagement and alleged involvement in armed groups responsible for security incidents in the country. The COI reported that some CNL members were victims of enforced disappearance in the months following the 2020 elections and were seen for the last time being taken away by state agents or members of the Imbonerakure. In some rural communities, CNL offices were ransacked or destroyed.

The constitution includes restrictions on independent candidates, including a measure that prevents individuals from running as independents if they had claimed membership in a political party within the previous year or if they had occupied a leadership position in a political party within the previous two years. The constitution also provides that independent candidates for the National Assembly must receive at least 40 percent of the vote in their district to be elected, a standard that did not apply to candidates representing political parties. The constitution's ban on coalitions for independents further constrained the options for unrecognized parties.

Individuals often needed membership in, or perceived loyalty to, the ruling CNDD-FDD party to obtain or retain employment in the civil service and the benefits that

accrued from such positions, including transportation allowances, free housing, electricity, and water, exemption from personal income taxes, and interest-free loans. The COI reported that individuals were forced to make payments – often with no legal basis – to support the CNDD-FDD on penalty of being denied access to public services and spaces or the issuance of administrative documents. In December online media reported that candidates for leadership positions of the Burundi Football Federation who were not members of the ruling CNDD-FDD party received death threats and were told to withdraw their candidacies.

There were reports opposition-aligned election observers were not allowed full access to monitor elections.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate.

The constitution reserves 30 percent of positions in the National Assembly, Senate, and Council of Ministers for women and the government respected this requirement. This was implemented under the electoral code by adding seats to meet the gender requirement and by closed-list voting, whereby voters choose a political party, and the party provides the order in which candidates are selected, taking gender into account. In the sitting government, approximately 38 percent of seats in the National Assembly and 41 percent of seats in the Senate were filled by women, and five of 15 ministers were women. Women were not well represented in political parties and held very few leadership positions. Some observers believed that tradition and cultural factors kept women from participating in politics on an equal basis with men.

The constitution provides for representation in all elected and appointed government positions for the two largest ethnic groups. The Hutu majority is entitled to no more than 60 percent of government positions and the Tutsi minority to no less than 40 percent; however, a Ligue Iteka report published in February indicated the ethnic quota was not respected in many public institutions. The law designates three seats in each chamber of parliament for the Twa ethnic group, which makes up approximately 1 percent of the population.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. There were numerous reports of government corruption during the year. Some high-level government officials engaged in corrupt practices with impunity. The constitution provides for the establishment of a High Court of Justice to review accusations of serious crimes against high-ranking government officials, but the court does not yet exist. The anticorruption law also applies to all other citizens, but no high-ranking official to date has stood trial for corruption.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace. There were numerous allegations of corruption in the government, including incidents related to the lack of transparency of budget revenue involving gasoline importation; the trading in influence and abuse of office or power; the mismanagement of public tenders and contracts, including in the health and mining sectors; misappropriation of public funds; customs fraud; and the appropriation of the country's limited foreign currency reserves to finance imports. The Burundian Revenue Office has an internal antifraud unit, but observers accused its officials of fraud.

Authorities undertook noteworthy anticorruption initiatives, including dismissing high-level officials as well as hundreds of other low-level officials accused of malfeasance and targeting some high-profile corruption schemes. The Ministry of Interior was charged with leading anticorruption efforts as part of President Ndayishimiye's new anticorruption campaign. The ministry continued a "zero tolerance toward corruption" campaign and kept suggestion boxes in all commune offices and government ministries to allow the population to report corrupt activities. The minister of interior also maintained a toll-free telephone number to allow citizens to report corruption and malpractice.

In February all Bujumbura-based tax collectors were fired after authorities discovered a shortfall of more than 40 billion Burundian francs (\$20.4 million) in annual taxes compared with estimates of what should have been collected.

On May 1, President Ndayishimiye fired Minister of Trade, Transport, Industry and Tourism Immaculee Ndabaneze, and media reported that she was detained before being released shortly thereafter. According to the relevant decree, the minister was dismissed for acts that risked compromising the country's economy and tarnishing its image. The NGO corruption watchdog OLUCOME opined that the minister's departure was linked to the illegal sale of the last plane of the now defunct Air Burundi fleet and for allegedly embezzling funds intended to fund the country's future flagship carrier, Burundi Airlines. President Ndayishimiye also fired Ndabaneze's replacement, Minister of Trade, Transport, Industry and Tourism Capitoline Niyonizigiye, on November 18, via a decree. Soon after, media sources reported that Niyonizigiye had engaged in inappropriate use of government resources by including family members and friends in the country's official delegation to the 2020 Dubai Expo.

On September 14, the Senate dismissed Senate Vice President Spes-Caritas Njebarikanuye after her company sold sugar at rates higher than prescribed limits.

In a setback for anticorruption initiatives, in April the National Assembly approved a law disbanding the anticorruption special court and the anticorruption police unit. The anticorruption court's authorities were transferred to the office of the attorney general and courts of appeals, and the anticorruption police unit's authorities were delegated to the judicial police. The NGO anticorruption watchdog OLUCOME criticized the decision and warned it risked hindering anticorruption efforts. They requested that the government restructure the institutions instead of abolishing them.

The COI report stated that President Ndayishimiye acknowledged the corruption problem in the country and made the fight against corruption one of his priorities but noted that reforms had been modest and that most of the steps taken were symbolic gestures. In some cases public servants were accused of misappropriation of funds without thorough investigations or judicial proceedings, and there were collective punishments that appeared arbitrary.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression, and government officials were rarely cooperative or responsive to their views. The law requires CSOs to register with the Ministry of the Interior, a complex process, which includes approval of an organization's activities. Registration must be renewed every two years, and there was no recourse for organizations denied registration or renewal (see also section 2.a., Freedom of Association). By law an organization may be suspended permanently for "disturbing public order or harming state security."

The government took notable actions regarding CSOs, including releasing human rights defenders (see also section 1.e., Political Prisoners and Detainees, case of Germain Rukuki) and in April lifting sanctions against the organization PARCEM (Speech and Action for the Raising of Consciousness and the Evolution of Mentalities). The organization had been suspended in 2019 for undermining public order and security; media reported the organization was suspended because of a campaign it initiated, *Ukuri Ku Biduhanze* ("Truth on the challenges the country faces"), highlighting problems like malaria and food insecurity that were not being reported.

On April 27, Nestor Nibitanga, a former employee for the Association for the Protection of Human Rights and Detained Persons, was released as part of the large-scale presidential pardon. Nibitanga had been arrested in 2017 after authorities found human rights reports at his home that they claimed threatened state security and later sentenced him to five years in prison.

Human Rights Watch, the COI and other organizations continued to report that human rights defenders who remained in the country were subjected to threats, intimidation, and arrest. The COI's report stated the positive gestures with regard to civil society were generally ad hoc symbolic gestures and that the government took measures aimed more at strengthening its control over the activities and functioning of CSOs than at reopening the democratic space. In February the Supreme Court pronounced a guilty verdict and life sentence for five human rights defenders, lawyers and NGO representatives living in exile (see section 1.e., Trial Procedures).

Numerous CSOs, especially those that focused on human rights, remained banned or suspended. President Ndayishimiye invited all citizens in exile to return to the country, but to date none of these organizations had applied for reinstatement. Ligue Iteka, officially banned since 2017, and other organizations without official recognition continued to monitor the human rights situation from abroad. Members of both recognized and unrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and sources.

The United Nations or Other International Bodies: The government generally barred UN or other international bodies focused on human rights access to the country and refused to cooperate with such mechanisms. Some UN mechanisms also reported that individuals who cooperated with them faced acts of intimidation and reprisals or refused to cooperate due to such outcomes.

On May 31, the Office of the Special Envoy of the UN Secretary-General for Burundi officially closed its doors. The government requested its closure in November 2020, arguing that the presence of a UN mission with an exclusively political character was no longer relevant.

The UN Human Rights Council created the three-member COI in 2016 to investigate and report human rights abuses since 2015. In October the UN Human Rights Council adopted a resolution approving a special rapporteur to replace the COI as the mechanism for monitoring and reporting on human rights in the country. In December Minister of Foreign Affairs and Development Cooperation Albert Shingiro told reporters that the government would “never” allow the special rapporteur to investigate the country.

Government officials refused to cooperate with the COI or allow it access to the country over the course of its mandate. Additionally, the COI reported that individuals who cooperated with the mechanism faced acts of intimidation and reprisals both in the country and neighboring countries.

In September the commission delivered its annual report, finding there was reason to believe that grave abuses of human rights and crimes against humanity continued to be committed in the country but on a smaller scale than during the

elections period. The COI report found these abuses were primarily attributable to state officials at the highest level and to senior officials and members of the SNR, police, and Imbonerakure. Government officials dismissed the COI report. President Ndayishimiye said that any tendency to single out the country for special human rights mechanisms was counterproductive. He called on partners, including the UN Human Rights Council and other nations, to make “a fair and responsible reading” of the country’s efforts.

In April the AU’s Peace and Security Council removed the country from its agenda and terminated the AU’s mandate for human rights observers and military experts deployed in the country since 2016. The 10 civilians and three military AU monitors were the only external monitors in the country.

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which had yet to be implemented, and a national Truth and Reconciliation Commission (TRC), which was adopted into law in 2014. The TRC gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law abuses committed in the country. The TRC was also mandated to establish the responsibilities of state institutions, individuals, and private groups.

Some CSOs and opposition political figures raised concerns that the TRC was deliberately focusing on the events of 1972 to favor the Hutu ethnic group. CSOs also raised concerns that in view of continued human rights abuses, political tensions, a climate of fear and intimidation, fears of retribution for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. CSOs cited concerns that the participation of ruling party members in deposition-gathering teams could reduce the willingness of some citizens to testify or share fully their stories. CSOs indicated that some of the TRC commissioners represented the interests of the ruling party and were not impartial and that a lack of qualified experts adversely affected the TRC’s ability to operate. On December 20, the TRC presented a report to the National Assembly and the Senate qualifying the 1972-1973 events as a genocide. According to the TRC’s president, the commission based its

conclusion on “findings about the serious, massive and systematic human rights violations committed in 1972 and 1973 against the Hutu ethnic group by the government of Michel Micombero.” The National Assembly approved the report and confirmed that the 1972-1973 events qualify as a genocide against Hutus.

The Office of the Ombudsman has a mandate to investigate complaints regarding human rights abuses committed by civil servants, the judiciary, local authorities, public institutions, and any other public entities. The office is also focused on the establishment of community mediation and conflict prevention mechanisms.

The CNIDH, a quasi-governmental body charged with investigating human rights abuses, exercised its power to summon senior officials, request information, and order corrective action. In June the Global Alliance of National Human Rights Institutions (GANHRI) reaccredited the CNIDH with “A” status, the highest label of independence available, after it was provisionally downgraded in 2016 and suspended by GANHRI in 2018. Nevertheless, some observers continued to raise questions concerning the organization’s independence and ability to work on politically sensitive cases without government interference. The CNIDH was active in promoting and defending human rights including freeing opposition members imprisoned during the electoral period, increased interaction with the international community, advocacy to improve prison conditions and a focus on general human rights topics like gender-based violence, trafficking in persons, and children and worker’s rights. Over the course of the year, the CNIDH increased its reporting to the government and the public, including announcing for the first time it completed an investigation into allegations of torture by SNR employees.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape against men and women, including spousal rape, with penalties of up to 30 years’ imprisonment for conviction. The law prohibits domestic abuse of a spouse, with punishment if convicted ranging from fines to three to five years’ imprisonment. The government did not enforce the law uniformly, and rape and other domestic and sexual violence were serious problems.

A 2016 law provides for the creation of a special gender-based crimes court, makes gender-based violence crimes unpardonable, and provides stricter punishment for police officers and judges who conceal violent crimes against women and girls. As of November 30, the special court had not been established, and no police officers or judges had been prosecuted under the law.

The National Police's Unit for the Protection of Minors and Morals is responsible for investigating cases of sexual violence and rape as well as those involving the trafficking of girls and women. The government-operated Humura Center in Gitega and integrated centers in Makamba, Muyinga, and Cibitoke Provinces, provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence.

Sexual Harassment: The law prohibits sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. Punishment for conviction of sexual harassment may range from a fine to a prison sentence of one month to two years. The sentence for sexual harassment doubles if the victim is younger than 18. The government did not actively enforce the law. There were reports of sexual harassment but no data available on its frequency or extent and no evidence of arrests made under antisexual-harassment laws.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children, and they had access to the information and means to do so free from discrimination, coercion, and violence. Men often made the final decisions regarding family planning.

The government provided free prenatal and postpartum services. There were no restrictions on access to contraceptives; the contraceptive prevalence rate was 29 percent. Health clinics and NGOs freely disseminated information on family planning under the guidance of the Ministry of Public Health. Faith-based clinics promoted the use of traditional family planning methods.

The government provided access to sexual and reproductive health services including emergency contraception for survivors of sexual violence.

The 2016-2017 *Demographic and Health Survey* estimated the maternal mortality rate at 548 per 100,000 live births. According to the Ministry of Health, severe bleeding, infections, high blood pressure during pregnancy, complications during delivery, and unsafe abortions were the leading causes of maternal mortality. Other causes included effects from disease, such as malaria, or were related to chronic conditions like heart disease and diabetes. Mothers and pregnant women suffered from lack of access to adequate medical care, particularly in rural areas.

World Health Statistics indicated the adolescent birth rate was 54 per 1,000 in 2019. Leading causes of high adolescent birth rates likely included high rates of poverty and widespread lack of reproductive health education. Ministry of Education policy requires pregnant girls to stop attending classes until one year after they give birth or if they provide medical records showing the pregnancy ended.

There were reports of social and cultural barriers related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society, including limits on girls' access to education. Human rights organizations reported that lack of knowledge led to misconceptions, taboos, and negative cultural and social norms around menstruation. As a result, women and girls experienced negative health consequences and higher rates of school absenteeism and poor educational outcomes. Additionally, menstruation stigma prevented women and girls from seeking treatment for menstruation-related disorders or pain. They also refrained from taking certain jobs or were not able to work because of menstruation stigma.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, and nationality. Women faced legal, economic, and societal discrimination, including regarding inheritance and marital property laws. Traditional practices continued to control distribution of assets in favor of men and boys. A woman does not inherit her father's land and was expected to work on and benefit from the land of her husband.

By law women must receive the same pay as men for the same work, but the government did not effectively enforce the law (see section 7.d.). Some employers suspended the salaries of women on maternity leave, and others refused medical

coverage to married female employees. The government provided only limited resources to enforce labor laws in general and did not enforce antidiscrimination laws effectively.

The law requires unmarried couples who cohabit to legalize their relationships through church or state registrations. On September 28, the minister of interior requested citizens to report any local authorities in unmarried cohabitation so that they would be suspended from their government jobs.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides that all citizens are equal in worth and dignity and that all citizens enjoy the same rights and are entitled to the same protections under the law. No citizens may be excluded from social, economic, or political life of the country based on his or her race, language, religion, sex, or ethnic origin. In addition, the constitution provides for representation in all elected and appointed government positions for the two largest ethnic groups. The Hutu majority is entitled to no more than 60 percent of government positions and the Tutsi minority to no less than 40 percent; however, according to a Ligue Iteka report published in February, the ethnic quota was not respected in many public institutions. The constitution designates three seats in each chamber of parliament for the Twa ethnic group, which constituted approximately 1 percent of the population. There were no reports that police or other government officials incited, perpetuated, condoned, or tolerated violence or discrimination based on ethnicity.

Indigenous Peoples

The indigenous Twa numbered an estimated 80,000, less than 1 percent of the population, according to a 2008 government census, although NGO estimates ranged widely. They generally remained economically, politically, and socially marginalized. By law local administrations must provide free schoolbooks and health care for all Twa children. Local administrations largely fulfilled these requirements (see also section 3, Participation of Women and Members of Minority Groups), but there were reports of disproportionate lack of access to education for Twa children because they lacked civil documents required to enroll in school.

Children

Birth Registration: The constitution states that citizenship derives from one's parents. The government registers, without charge, the births of all children if registered within a few days of birth. An unregistered child may not have access to some public services including free health care for children younger than five and free access to basic education, according to UNICEF.

Education: Education is tuition free, compulsory, and universal through the primary level, but students are responsible for paying for books and uniforms. Secondary students must pay token tuition fees per quarter; secondary school is not compulsory. Throughout the country provincial officials charged parents informal fees for schooling at all levels (see also section 6, Women, Reproductive Rights). Girls suffered from lower school enrollment rates and higher dropout rates. Contributing factors included cultural norms that favored boys obtaining education and girls engaging in domestic and agricultural work at home, preparing for marriage, and early pregnancies.

Child Abuse: The law prohibits violence against or abuse of children, but child abuse was a widespread problem. In December the CNIDH acknowledged that there were cases of various forms of child abuse in the country and indicated the commission was carrying out a study to provide the government with more information on the problem.

Child, Early, and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal, although they reportedly occurred with frequency in Muslim communities. The Ministry of the Interior discouraged imams from officiating at illegal marriages.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The law prohibits commercial sexual exploitation of children and child pornography. There were no prosecutions during the year.

Women and girls were smuggled to other countries in Africa and the Middle East, sometimes using falsified documents, putting them at high risk of exploitation.

Displaced Children: According to the IOM, there were approximately 61,000

internally displaced children in the country as of September (see also section 2.e., Status and Treatment of Internally Displaced Persons). Thousands of children were homeless throughout the country, some of them HIV and AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services, such as medical care and economic support. Independent observers reported that children who were homeless faced brutality and theft by police. Arbitrary arrests and detentions of persons, including children, living on the streets continued.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

No estimate was available on the size of the Jewish population. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. No legislation mandates access to buildings, information, or government services for persons with disabilities.

The constitution prohibits discrimination against persons with disabilities, but the government did not promote or protect their rights. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required job applicants to present a health certificate from the

Ministry of Public Health stating they did not have a contagious disease and were fit to work, a practice that sometimes resulted in discrimination against persons with disabilities. The government did not provide government information and communication in accessible formats.

The government supported a center for physical therapy in Gitega and a center for social and professional inclusion in Ngozi for persons with physical disabilities.

There were no reports of violence, harassment, intimidation, and abuses against persons with disabilities.

HIV and AIDS Social Stigma

The 2016-17 *Demographic and Health Survey* reported that HIV and AIDS stigma was not a concern in the country. During the year an independent study reported, however, that HIV and AIDS stigma was widespread, and the most frequent manifestations of stigma included physical violence, verbal violence, marginalization, discrimination, self-stigma, fear and insecurity, and health-care provider stigma. The study noted less discrimination in the education and employment sectors. Some NGOs highlighted that stigma and discrimination against the LGBTIQI+ and sex worker communities was disproportionately high.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There were reports that government agents incited, condoned, and tolerated violence against LGBTIQI+ persons. LGBTIQI+ persons refrained from reporting such incidents to media or authorities because of stigma, a desire to protect their identities, and concern regarding prosecution of consensual same-sex sexual relations.

There were no reports of official actions to investigate or punish those complicit in violence and abuses by state or nonstate actors.

The law penalizes consensual same-sex sexual relations by adults with up to two years in prison if convicted. There were no reports of prosecutions for same-sex sexual acts during the year.

There were no reports of involuntary or psychological practices specially targeting LGBTQI+ persons.

The law does not prohibit discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services such as health care. Societal discrimination against LGBTQI+ persons was common.

Other Societal Violence or Discrimination

Criminals sometimes killed persons with albinism, particularly children, to use their body parts for ritual purposes. According to the Association of Albinos without Borders chairperson, society did not accept persons with albinism, and they were often unemployed and isolated. He added that children with albinism failed in school primarily due to harassment, uncorrected vision problems, and lack of support from the education sector. Women with albinism often were “chased out by their families because they are considered as evil beings.” The government took steps to improve integration of persons with albinism into society and sensitize communities to promote antidiscrimination efforts, including creation of socio-economic integration groups of persons with albinism that offered opportunities for loans and specialized health care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions with restrictions. A union must have at least 50 members. The minister of labor has the authority to designate the most representative trade union in each sector. Most civil servants may unionize, but their unions must register with the Ministry of Civil Service, Labor, and Social Security (Labor Ministry) that has the authority to deny registration and require unions to provide any information on the administration of the union. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers younger than 18 must have the consent of their parents or guardians to join a union.

The law provides workers with a conditional right to strike after meeting strict conditions; it bans solidarity strikes. The parties must exhaust all other means of

resolution (dialogue, conciliation, and arbitration) prior to a strike. Intending strikers must represent a majority of workers and give six days' notice to the employer and the Labor Ministry, and negotiations mediated by a mutually agreed-upon party or by the government must continue during the action. Strikes and demonstrations are banned during elections. The ministry must determine whether the sides have met strike conditions, giving it, in effect, the power to prevent strikes. The law permits requisition of essential employees in the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law recognizes the right to collective bargaining, but it excludes measures regarding public-sector wages that are set according to fixed scales following consultation with unions. The minister of labor designates the most representative employee organization by order. If negotiations result in deadlock, the minister may impose arbitration and approve or revise any agreement. No laws compel an employer to engage in collective bargaining. The law prohibits antiunion discrimination but allows termination of workers engaged in an illegal strike and does not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws. Resources for inspection and remediation were inadequate, and penalties were not commensurate with those under other laws involving denials of civil rights. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities.

Most unions were public-employee unions, and virtually no private-sector workers were unionized. Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiation. The principal trade union confederations represented labor interests in collective bargaining negotiations in cooperation with individual labor unions.

Most laborers worked in the informal economy. According to the Confederation of Burundian Labor Unions, virtually no informal-sector workers had written employment contracts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. The penalty for conviction of forced labor trafficking was commensurate with penalties for other serious crimes. The government did not effectively enforce applicable laws. Resources for inspections and remediation were inadequate. Workplace inspectors had authority to impose fines at their own discretion. Three convictions for child trafficking were reported.

Children and young adults were coerced into forced labor on plantations or small farms in the south, small-scale menial labor in gold mines, carrying river stones for construction in Bujumbura, work aboard fishing vessels, or engaging in informal commerce in the streets of larger cities (see section 7.c.). Forced labor also occurred in domestic service and charcoal production.

Citizens were required to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Although enforcement of this requirement was rare, there were sporadic reports that communal administrators fined residents who failed to participate, and members of the Imbonerakure or police sometimes harassed or intimidated individuals who did not participate, especially when senior officials attended the community work sessions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor including all forms of slavery or analogous practices, work to repay debt obligations, sale or trafficking, forced recruitment for use in armed conflicts, recruitment or use in commercial sexual exploitation, production of pornographic material or shows, or obscene dancing, all work in any type of illegal activity, including production and trafficking of drugs, and any type of work that, by its nature or work conditions, tends to degrade the health, security, dignity, or morals of a child. The minimum age requirement for employment is 16 years, although there are exceptions for light work within the context of apprenticeship (age 14) and in certain cases that must be approved by

the Labor Ministry if the child is at least age 15 and not a student. This law generally does not apply to children working outside of a formal employment contract. The law prohibits children from working at night and limits them to 40 hours' work per week. Although the law was not enforced in the informal sector, the Labor Ministry stated that informal employment falls under its purview.

The Labor Ministry is responsible for the enforcement of laws on child labor and had many instruments for this purpose, including criminal sanctions, fines, and court orders. The ministry, however, did not effectively enforce the law, primarily due to the insufficient number of inspectors. As a result, the ministry enforced the law only when a complaint was filed. Penalties were not commensurate with those for other serious crimes. During the year authorities did not report receiving any cases of child labor in the formal sector, nor did they conduct surveys on child labor in the informal sector.

Compulsory education ends at age 15, rendering children ages 15 to 16 vulnerable to forced labor. In rural areas children younger than 16 were often responsible for contributing to their families' and their own subsistence and were regularly employed in heavy manual labor during the day, including during the school year, especially in agriculture. Children working in agriculture could be forced to carry heavy loads and use machines and tools that could be dangerous. They also herded cattle and goats, which exposed them to harsh weather conditions and forced them to work with large or dangerous animals. Many children worked in the informal sector, such as in family businesses, selling in the streets, and working in small local brickworks. There were numerous instances of children being employed as beggars, including forced begging by children with disabilities.

In urban areas, child domestic workers were prevalent. Almost all worked in the informal sector and lacked formal contracts. Reports indicated that an increased number of children from the Twa ethnic group were being transported from rural areas to Bujumbura with promises of work and subsequently were exploited. Child domestic workers were often isolated from the public. Some were only given housing and fed instead of being paid for their work. Some employers, who did not pay the salaries of children they employed as domestic servants, accused them of stealing, and children were sometimes imprisoned on false charges. Child domestic workers could be forced to work long hours, some employers exploited

them sexually, and girls were disproportionately impacted.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law does not specifically prohibit discrimination against any group but rather provides for equal rights. The constitution recognizes workers' right to equal pay for equal work, but women faced discrimination regarding pay and access to equal employment, and authorities did not prosecute any violations of this equal rights requirement. Women were excluded from some jobs, and a government decree prohibits women from performing in traditional drumming groups.

The government did not enforce the law in all sectors. Much of the country's economic activity took place in the informal sector, where protection from discrimination was generally not provided. Some persons claimed membership in the ruling party was a prerequisite for formal employment in the public and private sectors. Members of the Twa ethnic minority, who in many cases lacked official documentation, were often excluded from opportunities in the formal economy. Persons with albinism experienced discrimination in employment. Persons with disabilities faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

Wage and Hour Laws: The official minimum wages, unchanged since 1988, were below the official line of poverty. Prevailing minimum wages more reflective of labor market forces were below the international poverty line. According to the World Bank, during the year the percentage of the population that lived below the poverty line was expected to reach 87 percent.

The law limits working hours to eight hours per day and 40 hours per week, but there were many exceptions, including for workers engaged in national security, guarding residential areas, and road transport. Private security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. There is no legislation on mandatory overtime, but premium pay is required for any overtime work performed. Foreign or migrant

workers are subject to the same conditions and laws as citizens.

Occupational Safety and Health: The labor code establishes appropriate occupational safety and health standards for the workplace, but they often were not followed. Many buildings under construction in Bujumbura, for example, had workforces without proper protective equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

The Labor Inspectorate in the Ministry of Labor is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. Workers have the right to remove themselves from situations of imminent danger without jeopardy to their employment.

The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The labor inspectors' mandate was limited to the formal sector, except where international agreements extend that mandate to all employment. Inspectors had the authority to make unannounced inspections and initiate sanctions. The government did not hire sufficient inspectors to enforce compliance or allocate sufficient resources to address enforcement needs, such as that necessary for training and transportation for inspectors.

Violations of safety standards were reportedly commonplace, but there were no official investigations, no cases of employers reported for violating safety standards, and no complaint reports filed with the Labor Inspectorate during the year. The government did not report data on deaths in the workplace.

Informal Sector: Labor laws apply to the informal sector, but they were not enforced. More than 90 percent of the working population worked in the informal economy, mostly in agriculture and as domestic workers, and thus lacked access to legal protections. Violations of wage, hour and safety regulations were common, but no cases were investigated or prosecuted.

The government approved changes to the Labor Code in November 2020 that provide protections for laborers in the informal sector. The new law defines employers' obligations on occupational health and safety and mandates that employers contribute toward health insurance, including for employees in the

informal sector. The Labor Code gives labor inspectors the power to refer violations of the code to police and courts and creates the post of Medical Inspector of Labor, which is responsible for protecting the physical and mental health of workers.