

2011 Trafficking in Persons Report: BURUNDI (Tier 2 Watch List)

Burundi is a source country for children and possibly women subjected to forced begging and sex trafficking. Children and young adults may also be coerced into forced labor on plantations or small farms in southern Burundi, small-scale menial labor in gold mines in Cibitoke, labor intensive tasks such as fetching river stones for construction in Bujumbura, or informal commerce in the streets of larger cities. Some traffickers are the victims' family members, neighbors, or friends who, under the pretext of assisting with education or employment opportunities, obtain them for forced labor. Some families are complicit in the exploitation of disabled children or adults, accepting payment from traffickers who run forced street begging operations. Older females offer vulnerable younger girls room and board within their homes under the guise of being benevolent, and in some cases push them into prostitution to pay for living expenses; these brothels are located in poorer areas of Bujumbura, as well as along the lake and trucking routes. Extended family members sometimes also financially profit from the prostitution of young relatives residing with them. Male tourists from the Middle East, particularly Lebanon, exploit Burundian girls in prostitution, mainly in newly constructed high-end neighborhoods. Business people recruit Burundian girls for prostitution in Bujumbura, as well as in Rwanda, Kenya, and Uganda, and recruit boys and girls for exploitation in various types of forced labor in southern Burundi and Tanzania.

The Government of Burundi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Within its limited capabilities, the government continued its efforts to identify trafficking victims, investigate potential trafficking offenses, and raise public awareness. Despite these efforts, the government did not demonstrate overall increased efforts to address human trafficking over the previous year, particularly in prosecution and protection; therefore, Burundi is placed on Tier 2 Watch List. The government investigated several trafficking cases; however, the government did not prosecute or convict any trafficking offenders, including public officials suspected of complicity in trafficking crimes, during the reporting period. Following raids in 2010, brothel owners housing trafficking victims were fined but did not face criminal prosecution. Although the Ministries of Health and Solidarity provided *ad hoc* support to victims through the provision of medical care vouchers and limited funding to some service providers, most victim assistance continued to be provided by NGOs and local organizations, without government support. The government expanded awareness campaigns, although there still remained a significant need for trafficking awareness among both the general population and government officials.

Recommendations for Burundi: Complete and enact anti-trafficking legislation; enforce the trafficking provisions in the 2009 Criminal Code amendments through increased prosecutions of trafficking offenses and conviction and punishment of trafficking offenders; consider a criminal code amendment to provide a legal definition of human trafficking and penalties for forced labor; establish anti-trafficking standards within all parts of the police force; continue the anti-trafficking public awareness campaign; establish standardized policies and procedures for government officials to proactively identify and interview potential trafficking victims and

transfer them to the care, when appropriate, of local organizations; establish mechanisms for providing increased protective services to victims, possibly through the forging of partnerships with NGOs or international organizations; provide additional training on human trafficking to police and border guards; and establish broad-based institutional capacity to combat trafficking by forming an inter-ministerial committee to coordinate and guide government efforts to combat human trafficking.

Prosecution

The Government of Burundi's anti-trafficking law enforcement efforts decreased during the reporting period. The government investigated several trafficking cases but did not prosecute or convict any trafficking offenders. In at least one case, a trafficking offender was released prior to prosecution after only paying a small fine. The government faced systemic challenges in holding trafficking offenders accountable, including reliance on victim complaints to bring a case to trial, lack of investigative equipment and training, and official complicity. Local and national government officials tend to place emphasis on responding to transnational rather than internal trafficking cases. Articles 242 and 243 of Burundi's Criminal Code prohibit human trafficking and smuggling and prescribe sentences of five to 20 years' imprisonment; the code does not, however, provide a definition of human trafficking, potentially impeding investigators' or prosecutors' ability to identify and prosecute trafficking offenders. Sex trafficking offenses can also be punished using penal code statutes on brothel-keeping and pimping, imposing penalties of one to five years' imprisonment, and child prostitution, with penalties of five to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Forced labor is prohibited by Article 2 of the Labor Law, though the Criminal Code prescribes no explicit penalties for a violation; officials cite this as a weakness in combating trafficking crimes, especially in addressing forced child labor. During the reporting period, the Ministry of Justice forged a partnership with UNODC to draft comprehensive anti-trafficking legislation as part of a donor-funding project; the legislation will rectify gaps in existing anti-trafficking legislation.

In 2010, the government did not collect aggregate data on its anti-trafficking law enforcement efforts; however, according to police statistics, there are 222 cases of incitement to debauchery and prostitution and 52 cases of kidnapping of minors pending. Police claim the majority of these cases involved trafficking. The commander of the Women's and Ethics Brigade reported the investigation of at least 18 serious trafficking cases. In August 2010, police arrested three Tanzanians for attempting to force 10 Burundian children to labor in Tanzania's tobacco fields; Burundian authorities extradited the three trafficking offenders to Tanzania for prosecution. In another forced labor case, an employer was investigated after allegedly hitting his 14-year-old female domestic servant on the head; however, the Chief of Police released the suspect after payment of a small fine. Burundian authorities also conducted several raids on hotels functioning as brothels in the Industrial Quarter of Bujumbura between March and July 2010, in which they discovered and rescued children in prostitution. The prosecutor of Bujumbura fined the brothel owners, though they did not face criminal prosecution; three establishments were closed and one

reopened after it met regulatory guidelines as a legitimate hotel. During the raids conducted in the Industrial Quarter of Bujumbura, police discovered government officials soliciting people in prostitution, including children; despite these reports the Government of Burundi did not prosecute or convict any officials for involvement in trafficking. In November 2010, an employer allegedly burned an adult domestic servant with a smoldering plastic bag; a local association alerted the authorities and brought the case to civil court. Fearing prosecution, the offender fled and has not been located or charged by police. Burundian authorities collaborated with neighboring countries such as Rwanda, Tanzania, and Kenya, as well as with INTERPOL, to investigate trafficking cases and facilitate the return of victims of trafficking. For example, the National Police assisted in the repatriation of at least four child victims of trafficking from Rwanda in 2010.

Protection

The government made minimal efforts to ensure trafficking victims received care during the reporting period. While the government identified and repatriated several trafficking victims, little was done to directly assist these individuals or formally support the organizations that did so. The care centers that exist in Burundi are operated by NGOs, religious organizations, and women's or children's associations; none are specifically focused on providing assistance to trafficking victims. The government operated two centers in Kigobe and Buyenzi Communes of Bujumbura to assist street children, including victims of forced child labor. Government officials identified at least 70 trafficking victims in 2010; however, it is unknown how many of these victims were referred to and provided protective services. Some local NGOs received funding from the Ministry of Solidarity to assist victims of gender-based violence and trafficking in persons or vouchers for hospital care from the Ministry of Health for victims of physical or sexual abuse, including trafficking victims. In a few cases, the Ministry of Education provided school materials for child victims or inserted older youth into vocational schools. Police provided limited shelter and food assistance to child victims in temporary custody while authorities attempted to locate their families; these children were housed in a holding area separate from adult detainees. Children identified in the brothel raids in the Industrial Quarter of Bujumbura were reunited with their families and did not receive care. In some instances, the police, especially members of the Women's and Ethics Brigade, provided counseling to children in prostitution and mediated between these victims and their parents. Burundian authorities cooperated with governments of neighboring countries to repatriate children from Rwanda, Kenya, and Tanzania, though they were provided little assistance upon their return.

The government has not yet developed a system for proactively identifying trafficking victims among vulnerable populations or a process by which to refer such trafficking victims to organizations providing services. Police attempted to locate the relatives of child victims and referred some children to NGO care on an *ad hoc* basis, but provided no support of adult victims. Without standardized procedures for identifying trafficking victims amongst vulnerable populations, some adult trafficking victims were jailed, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked; the brigade did not attempt to

identify trafficking victims among women in prostitution, who were arrested, jailed, and fined \$4 to \$8 before their release. While police interviewed child victims during the investigations of their abusers, the prosecutor's office did not pursue the possibility of child victims' participation – in an appropriate manner – in prosecutions of trafficking offenders and demonstrated laxness in following up on evidence or opening cases in the absence of a victim's complaint. Burundian law did not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

Prevention

The government maintained efforts to prevent trafficking during the year. It did not appoint a ministry or establish a national committee to coordinate or lead its anti-trafficking efforts; neither has it developed a national plan of action on human trafficking. Coordination across government ministries to combat trafficking remained in its infancy. In 2010, the Ministry of Labor, in partnership with UNICEF, began sponsoring working groups with government and civil society representatives on forced child labor, while the Municipal Council for Youth and Children of Bujumbura had ministerial representatives on a committee that addressed human trafficking. In 2010, the Women's and Ethics Brigade, partnering with local government officials and police, informed local populations in seven provinces on the danger of human trafficking, encouraging citizens to report trafficking cases to local authorities. Rather than waiting for victims to file a complaint in order to begin investigations on potential offenders, the national police, through their awareness campaigns, encouraged the population to contact local police or the Women's and Ethics Brigade if they suspected trafficking had occurred in their communities. In 2010, the Ministry of Labor sponsored five workshops for communal administrators, civil society including children protection associations, trade unions, and employers associations to raise awareness of the dangers of child labor and trafficking. The Ministry of Labor's 12 inspectors conducted no child labor inspections during the year. In September 2009, the Ministry of Labor adopted a five-year action plan to address forced child labor in Burundi that it advertised to the government and population in 2010; however, the action plan remained unimplemented due to lack of funds. In March 2011, at a meeting of governors and regional police commissioners, the President cited his concerns regarding trafficking and requested regular progress reports on the government's anti-trafficking efforts. The brothel raids in Bujumbura's industrial quarter resulted in the arrest of three "clients" of the establishments; the offenders are on provisional release awaiting trial. Police investigated incidents of child sex tourism and arrested suspected offenders, including three Lebanese businessmen found sexually exploiting two underage girls in a local guesthouse in March 2011. Burundian authorities charged the offenders with rape and incitement to prostitution and deported them to Lebanon. The government did not provide its troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though foreign donors provided such training to Burundian peacekeeping troops. Burundi is not a party to the 2000 UN TIP Protocol.