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Burkina Faso – Tier 2  
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Burkina Faso is a country of origin, transit, and destination for women and children subjected to forced labor and sex trafficking. Burkinabe children are subjected to forced labor as farm hands, gold panners and washers, street vendors, domestic servants, and beggars recruited as pupils by individuals posing as religious teachers. Girls are exploited in the commercial sex trade. Burkinabe children are transported to Cote d'Ivoire, Mali, and Niger for subsequent forced labor or sex trafficking. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire, and is a destination for children trafficked from other countries in the region, such as Ghana, Guinea, Mali, and Nigeria. To a lesser extent, traffickers recruit women for ostensibly legitimate employment in Lebanon and various countries in Europe, and subsequently subject them to forced prostitution in the destination countries. Women from other West African countries, including Nigeria, Togo, Benin, and Niger, are fraudulently recruited for employment in Burkina Faso and subsequently subjected to situations of forced prostitution, forced labor in restaurants, or domestic servitude in private homes.

The Government of Burkina Faso does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government recognizes that sex trafficking and forced labor are problems in the country, and makes continued efforts to identify child trafficking victims. As a result of a mission to Beirut in March 2012, in conjunction with INTERPOL, adult Burkinabe women were identified as trafficking victims and provided assistance by Burkinabe authorities; these were the first adult victims to be acknowledged by the government. Despite this achievement, the government did not take additional steps to identify adult victims of trafficking among vulnerable populations. The government sustained anti-trafficking law enforcement efforts, conducting 96 investigations and initiating 31 prosecutions. However, at the close of the reporting period, the government had not yet obtained any convictions, and 24 prosecutions remained pending. The government continues to struggle to compile comprehensive data on its law enforcement efforts.

**Recommendations for Burkina Faso:** Strengthen the system for collecting anti-trafficking law enforcement data, and ensure that authorities responsible for data collection are supplied with adequate means for accessing and compiling this information; increase efforts to prosecute and convict trafficking offenders, and apply appropriate penalties as prescribed by the May 2008 anti-trafficking law;

train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and children working in agriculture and mining, and refer them to protective services; strengthen efforts to identify traffickers posing as Koranic school teachers and pursue criminal prosecution of such individuals; improve coordination between the national and regional committees that combat trafficking in persons, including by increasing funding to regional bodies; and, while continuing to fund transit centers and vocational training programs, develop a formal referral mechanism for coordinating with NGOs to provide victims with long-term care.

### **Prosecution**

The government sustained its anti-trafficking law enforcement efforts during the year, though the number of suspected trafficking cases it investigated and prosecuted continued to be few compared with the significant number of victims identified in 2012. The government also struggled to compile complete data on its law enforcement efforts. The country's May 2008 anti-trafficking law prohibits all forms of trafficking and prescribes maximum penalties of 10 years' imprisonment; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. The government reported investigating 96 suspected trafficking cases, initiating 31 prosecutions, and convicting no trafficking offenders in 2012, a decrease in investigations and convictions compared with the previous year; however, 24 of the 31 cases remained pending at the close of the reporting period. Over the course of the reporting period, the Government of Burkina Faso provided anti-trafficking training to police officers, social workers, and judges, which included information on trafficking victim identification, victim assistance, investigation procedures, and prosecution of trafficking crimes. The trainings were provided to 409 participants and conducted by the government with the financial support of UNICEF and INTERPOL. The Ministry of Territorial Administration, Decentralization, and Security conducted periodic raids of sites vulnerable to trafficking, such as brothels and farms, which also served as a means to address the demand for commercial sex acts and forced labor. The Government of Burkina Faso did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period; however, law enforcement efforts remained hindered by limited human and financial resources, and general corruption in the judiciary.

### **Protection**

The government sustained its efforts to identify and provide protective services to large numbers of child trafficking victims during the year, and identified adult victims for the first time. In 2012, the Ministry of Social Action (MSA) identified

1,910 child victims of trafficking, of which 1,427 were boys and 483 were girls; 1,554 were victims of internal trafficking, while the remaining 356 were victims of transnational trafficking. A large number of these children were intercepted and rescued prior to reaching their destinations where they would face exploitation, typically in gold mines or in city centers as domestic servants or street beggars; it is unclear whether these children were victims or potential victims of trafficking. The aforementioned INTERPOL mission to Lebanon, led by Burkinabe police, resulted in the identification of 25 adult female victims of trafficking. These women were recruited by traffickers who promised them jobs as nannies, housekeepers, or cashiers in shops; however, once in Lebanon, the women were forced into domestic servitude and prostitution. To date, four victims have been returned to Burkina Faso and have received assistance from the government, including psychological and social support. The Government of Burkina Faso noted that the women victims in the Lebanon trafficking cases provided valuable information which allowed the authorities to investigate the traffickers. During the year, the government, in collaboration with a variety of local NGOs and international organizations, continued to operate 23 multi-purpose transit centers, which provided limited food, medical care, and counseling before reuniting victims with their families. The government did not report housing any of the adult victims identified in the Lebanon cases in these shelters. The shelters are open, and victims are free to leave at any time. To complement funding from other donors, the government allocated the equivalent of approximately \$14,000 to support protection activities, including funding for these transit centers. The law provides that foreign citizens may apply for asylum if they fear they will face hardship or retribution if returned to their country of origin, although no trafficking victims sought this protection during the year. There were no reports that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked.

## **Prevention**

The Burkinabe government sustained moderate efforts to prevent trafficking in persons over the last year. The MSA conducted a number of awareness-raising activities, including open-forum discussions, film screenings, theater forums, radio programming, conferences, and lectures for the general public. To increase regional participation, membership in the National Committee for Vigilance and Surveillance Against the Trafficking in Persons and Assimilated Practices, which meets annually to assess the current trafficking situation, provide guidance, and make recommendations, was opened to provincial governors in 2012. In addition to the annual National Committee meeting, 13 regional bodies brought together police, social workers, transit companies, NGOs, and other groups engaged in

combating trafficking on a regional level to coordinate activities to identify and assist victims and potential victims of trafficking, as well as support law enforcement efforts. Despite these efforts, the regional bodies remained severely underfunded and lacked sufficient resources.

In 2012, the government directed the MSA to provide counseling on the dangers of trafficking to all women who apply for visas to Lebanon. Additionally, it continued to collaborate with neighboring countries on anti-trafficking efforts, including hosting regional meetings and a training session with participants from Ghana, Canada, and Cote d'Ivoire. The first ladies of Burkina Faso and Cote d'Ivoire signed a joint declaration in October 2012 that commits each country to finalize a bilateral cooperative agreement against cross-border child trafficking in early 2013.

The Government of Burkina Faso failed to adequately address the issue of traffickers posing as Koranic school teachers who force children to beg in the streets, due to sensitivities involved in addressing the issue within the Muslim community. The government provided Burkinabe troops with anti-trafficking and human rights training prior to their deployment abroad on international peacekeeping missions.

-- On June 19, 2013, the Secretary of State will release the thirteenth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 3:30 PM Washington, DC time June 19.

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The United States government approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that the crime of human trafficking includes obtaining or maintaining victims' labor or services (including in the commercial sex market) through force, fraud, or coercion, whether overt or through psychological manipulation. Both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require that the victim be moved from one place to another to be considered trafficked.

-- Countries determined to be a country of origin, transit, or destination for at least two victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as fully complying with the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to bring themselves into compliance with those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to bring themselves into compliance are classified as Tier 3. The TVPA Minimum Standards are generally consistent with the UN TIP Protocol.

-- The Tier 2 Watch List consists of Tier 2 countries (that are making significant efforts, but) where : (1) there is a failure to provide evidence of increasing efforts to combat human trafficking over the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; (2) the Tier 2 classification was based on commitments of anti-trafficking reforms over the next year; or (3) the number of trafficking victims is very significant or significantly increasing.

-- Reflecting U.S. Congressional concern over countries ranked for several consecutive years on the Tier 2 Watch List, 2008 amendments to the TVPA mandate that any country that has been ranked Tier 2 Watch List for two consecutive years (beginning with the 2009 Report) be ranked Tier 3 in the third year unless they either: a) show sufficient progress over the coming nine months to warrant an upgrade to Tier 2 or Tier 1; or b) qualify for a waiver of the automatic downgrade provision. A country must be on Tier 2 Watch List for two consecutive years for this provision to take effect. It would not apply if, for example, a country was ranked Tier 2 Watch List one year, Tier 2 a second year, and Tier 2 Watch List a third year. The Secretary of State, through delegation of authority by the President, may waive the application of the statutorily mandated Tier 3 downgrade provision for up to two consecutive years based on his determination that a waiver is justified because the country has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the TVPA's minimum standards for the elimination of trafficking, and is devoting sufficient resources to implement that plan. If the Secretary has waived the automatic downgrade of a Tier 2 Watch List country for two consecutive years based on the above criteria and the country has not made improvements during this period to warrant removal from the Watch List, by law a waiver is not available for the third year and the country will subsequently be downgraded to Tier 3. The normal process for determining if Tier 3 restrictions are waived would then apply. The text of the TVPA and amendments can be found at <http://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf>.

-- The TVPA also requires the Secretary of State to provide a list to Congress later in the year of countries which: a) moved up a full tier from the previous TIP Report (from 3 to 2 or from 2 to 1) or, b) are ranked Tier 2 Watch List. Anti-trafficking efforts of the countries on this list are briefly evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President can instruct the U.S. executive directors to international financial institutions to vote against or use best efforts to deny loans or other utilization of funds (other than for humanitarian, trade related, or certain types of development assistance) for countries on Tier 3. The President's determinations on

these assistance restrictions or waivers are required to be transmitted to Congress no later than 90 days after the release of the TIP Report.

-- The Child Soldiers Prevention Act (CSPA) of 2008 (Title IV of Public Law 110457) requires publication in the annual Trafficking in Persons (TIP) Report of a list of countries that have governmental armed forces or government-supported armed groups that recruit or use child soldiers (as defined in the Act). The CSPA defines child soldier to include any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces, any person under 18 who is forcibly recruited into governmental armed forces, and any person under 15 who has been voluntarily recruited into those forces. It further defines "child soldier" to include any person under 18 who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state. A child soldier includes those serving in any capacity, including in a support role, such as a cook, porter, messenger, medic, guard, or sex slave.

-- In the fiscal year following the CSPA listing (starting October 1, 2013), governments of countries listed as having government or government-supported groups using child soldiers are subject to sanctions on a broad range of security assistance and commercial licensing of military equipment, absent a Presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. Ten countries are listed pursuant to the CSPA in the 2013 TIP Report: Burma, Central African Republic, Chad, Democratic Republic of the Congo, Rwanda, Somalia, South Sudan, Sudan, Syria, and Yemen.

-- This year's theme is "Victim Identification: The First Step in Stopping Modern Slavery." The work to eradicate modern slavery remains an uphill struggle. This Report estimates that, based on the information governments have provided, only around 40,000 victims have been identified in the last year. In contrast, social scientists estimate that as many as 27 million men, women, and children are trafficking victims at any given time. This shows that a mere fraction of the millions of men, women, and children who are estimated to suffer in modern slavery have been recognized by governments as such and are eligible to receive the protection and support they are owed. Another consequence of the limited number of victims identified is that the traffickers who enslave and exploit millions are operating with impunity, beyond the reach of the law. It means that modern anti-trafficking laws and structures go unused, existing as theoretical instruments of justice. It also stymies research and data collection critical to understanding trafficking's root causes. Weak victim identification efforts also undercut the

Palermo Protocol and hinder the victim-centered “3P” approach that has become the international standard.

-- This Trafficking in Persons Report focuses on victim identification as a top priority in the global movement to combat trafficking in persons. It details training and techniques that make identification efforts successful, as well as the pitfalls of inadequate identification. It also highlights new innovations and partnerships within and beyond government that will enhance identification efforts. If successfully implemented, these innovations will enable more effective delivery of services to survivors and an accumulation and analysis of data to improve the overall response to trafficking.

-- In the spirit of transparency and with a goal of strengthening efforts at home and in partnership with other countries, for the fourth consecutive year the TIP Report contains a tier ranking and narrative of U.S. progress in addressing human trafficking. We hope this assessment will illustrate that the United States holds itself to the same standards to which it holds other countries and will encourage other countries to take a self-critical approach to their anti-trafficking efforts.