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## Trafficking in Persons Report 2010 - Burundi

### BURUNDI (Tier 2)

Burundi is a source country for children and possibly women subjected to trafficking in persons, specifically conditions of involuntary domestic servitude and forced prostitution. Children and young adults may also be coerced into forced labor on plantations or small farms in southern Burundi or to conduct informal commerce in the streets. Some traffickers are the victims' family members or friends who, under the pretext of assisting underprivileged children with education or with false promises of lucrative jobs, subject them to forced labor, most commonly as domestic servants. While there is little evidence of large-scale child prostitution, "benevolent" older females offer vulnerable younger girls room and board within their homes, and in some cases eventually push them into prostitution to pay for living expenses; extended family members also financially profit from the commercial sexual exploitation of young relatives residing with them. Male tourists from Oman and the United Arab Emirates exploit Burundian girls in prostitution. Business people recruit Burundian girls for commercial sexual exploitation in Rwanda, Kenya, and Uganda, and recruit boys and girls for exploitation in various types of forced labor in Tanzania. Unlike in past years, there were no reports of forced or voluntary recruitment of children into government armed forces or rebel groups during the reporting period.

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. The government made clear progress in combating trafficking during the reporting period, particularly with regard to identifying trafficking victims, investigating potential trafficking offenses, and raising public awareness. In 2009, a Bujumbura court heard a case involving child domestic servitude, the first known prosecution of a case involving elements of a human trafficking offense. Significant work remains, however, in educating the government officials and local populations about the nature of human trafficking, bringing cases to trial, and providing protective services to victims.

**Recommendations for Burundi:** Enforce the trafficking provisions in the 2009 criminal code amendments through increased prosecutions of trafficking offenders; consider an amendment to provide a legal definition of human trafficking in the criminal code; launch a nationwide anti-trafficking public awareness campaign; establish 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 training on human trafficking to police and border guards; and consider the feasibility of enacting a comprehensive law against human trafficking that includes specific definitions of what constitutes the crime.

## Prosecution

The government's anti-trafficking law enforcement efforts increased during the reporting period, particularly its efforts to detect and investigate suspected human trafficking offenses. This progress continued, however, to be hampered by lack of investigative equipment and training, poor evidence gathering by police, the unwillingness of victims to lodge complaints, and the failure of prosecutors to vigorously pursue cases after receiving evidence from police and suspected victims. 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, limiting its utility. Sex trafficking offenses can also be punished using penal code statutes on brothel-keeping and pimping (penalties of one to five years' imprisonment), as well as child prostitution (penalties of five to 10 years' imprisonment). These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The criminal code prescribes no explicit penalties for forced labor, though it is prohibited by Article 2 of the labor law. A Bujumbura court fined a woman \$42 for abusing her 12-year old domestic servant by burning her with melted plastic bags. Upon her arrest, police located the child's aunt, who returned the child to her parents in Bururi province. In August 2009, police arrested a Burundian man for kidnapping six boys between the ages of 12 and 13 and transporting them to Tanzania for forced labor in tobacco fields; the suspect's provisional release was revoked after an appeal from the prosecutor's office and he remains in pre-trial detention in Rutana Province prison. Throughout 2009, the Women and Children's Brigade, a specialized police unit, successfully identified and rescued 10 of 17 child victims exploited by an international prostitution ring and returned them to their families; the alleged traffickers have not been arrested due to a lack of concrete evidence. In January 2010, police charged three men and their landlord with corruption of minors and incitement to debauchery after the former were found pimping underage girls from a rental house; the prosecution remained in the pre-trial stage at the end of the reporting period. During a December 2009 meeting with high-ranking police officials, President Nkurunziza instructed the police force to increase efforts to fight human trafficking. As a result of this mandate, police initiated a crackdown on clandestine brothels that housed potential trafficking victims in January 2010, shutting down three small hotels in the Industrial Quarter of Bujumbura. The government did not provide trafficking-specific training for law enforcement officials.

## Protection

Despite its notable efforts to return trafficked children to their families, the government did not adequately ensure that trafficking victims received access to necessary protective services during the reporting period. The few care centers that exist in Burundi are operated by NGOs, religious organizations, and women's or children's associations. Police provided limited shelter and food assistance to victims in temporary custody while authorities attempted to locate their families; these children were housed in a holding area separate from adult detainees. In some instances, the police, especially members of the Women and Children's Brigade, provided counseling to children in prostitution and mediated between these victims and their parents. In January 2010, police rescued three child sex trafficking victims from a brothel in Bujumbura, documented their testimonies, and returned them to their families. In 2009, government officials identified 18 trafficking victims, 10 of whom were victims of forced prostitution and eight of whom were victims of forced labor. In January 2010, Burundi's Interpol office assisted the government in repatriating a 15-year old Burundian boy from Rwanda where he was forced to work as a domestic servant. In cooperation with Tanzanian police, the government repatriated six Burundian child trafficking victims from Tanzania in July 2009. Between April and June, the National Commission for Disarmament, Demobilization, and Reintegration oversaw the demobilization and short-term care of the final 380 child soldiers from the Forces Nationales de Libération (FNL) rebel group and from among alleged FNL dissidents in the Randa and Buramata sites. With outside funding, the Commission's staff provided medical screening, psychosocial counseling, and sensitization on peaceful cohabitation, while conducting family tracing; the children were reunited with their families in July 2009.

In October 2009, the government established a Municipal Council for Children and Youth (CMEJ) to assist at-risk youth and develop a transit center for victims of human trafficking, demobilized child soldiers, and street children. The CMEJ began drafting an action plan in March 2010 and sought the necessary international funding to become fully operational. The government has not developed a system for proactively identifying trafficking victims among vulnerable populations or a referral process to transfer such trafficking victims to organizations providing services. 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 prosecutions of trafficking offenders. The government did not inappropriately incarcerate or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. 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 made clear progress in its efforts to prevent trafficking during the year. In February 2010, the Commander of the Women and Children's Brigade began a tour of the country to sensitize local government officials and inform local populations on the danger of human trafficking. In 2009, the Ministry of Labor sponsored eight workshops for teachers, magistrates, communal administrators, and agricultural workers to raise awareness of the dangers of child labor and trafficking. In partnerships with the ILO and UNICEF, it also conducted a sensitization campaign in several provinces to warn against child trafficking for forced labor and abusing former child soldiers, centered around the World Day against Child Labor in June. The Ministry of Labor's 12 inspectors conducted no child labor inspections in 2009. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. The pre-deployment anti-trafficking training for Burundian peacekeepers, provided by a foreign government, included a curriculum that created awareness and discouraged acts of trafficking and sexual exploitation. Burundi is not a party to the 2000 UN TIP Protocol.

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