

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	363
Land:	Burundi
Kilde:	US Department of State
Titel:	2021 Trafficking in Persons Report: Burundi
Udgivet:	1. juli 2021
Optaget på baggrundsmaterialet:	6. august 2021

Document #2055158

USDOS – US Department of State

2021 Trafficking in Persons Report: Burundi

BURUNDI: Tier 2 Watch List

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Considering the documented impact of the COVID-19 pandemic on the government’s anti-trafficking capacity, the government made key achievements during the reporting period; therefore Burundi was upgraded to Tier 2 Watch List. These achievements included the government significantly increasing investigations and prosecutions of suspected trafficking offenses, convicting traffickers for the first time in six years, and referring victims to assistance for the first time in six years. The government institutionalized anti-trafficking training for law enforcement, prosecutors, and judicial officials. The government developed and implemented the country’s first-ever national data collection system on law enforcement’s efforts to combat human trafficking and trained prosecutors, judicial officials, and law enforcement on its use. Despite these achievements, the government decreased the number of victims identified. The government continued to lack standard operating procedures to identify and refer victims to services and did not have adequate protection services available for victims. The government failed to allocate resources to complete implementation of the 2019-2020 National Action Plan (NAP) through the anti-trafficking inter-ministerial committee.

PRIORITIZED RECOMMENDATIONS:

Implement the anti-trafficking law and significantly increase efforts to more effectively investigate, prosecute, and convict traffickers. • Develop national-level data collection on law enforcement and victim identification efforts. • Investigate all credible accusations of official complicity and hold complicit officials criminally accountable. • Institutionalize anti-trafficking training—including training on case investigation and victim identification—for all law enforcement and on implementation of the anti-trafficking law for all prosecutors and judges. • Develop and provide training on national standardized procedures to allow for the systematic identification and referral of trafficking victims to appropriate care. • Expand protective services for victims through partnerships with NGOs, including by allocating resources and providing separate shelter for children and adults. • Devote sufficient resources to implement the 2019-2020 national action plan. • Implement and consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. • Finalize and implement bilateral labor negotiations with destination country governments on migrant worker rights.

PROSECUTION

The government maintained inadequate law enforcement efforts. Burundi’s 2014 anti-trafficking law criminalized sex trafficking and labor trafficking. The law prescribed penalties of five to 10 years’ imprisonment and a fine of 100,000 to 500,000 Burundian francs (\$54 to \$270), and in cases involving children, the law prescribed penalties of 10 to 15 years’ imprisonment and a fine of 500,000 to two million Burundian francs (\$270 to \$1,080). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

The government continued to lack a centralized data collection mechanism and did not systematically report law enforcement actions, making comprehensive statistics difficult to obtain. The government investigated eight cases and indicted 11 suspects in 2019, compared with 10 investigations and no indictments in 2018. The government did not convict any traffickers for the fifth consecutive year. All investigations in 2019 related to transnational trafficking. During the reporting period, the government released seven suspected traffickers in Cankuzo province that an NGO reported the government had arrested in 2018. The government did not report any updates on a case from 2018 in which airport immigration officials reportedly arrested a suspected trafficker for fraudulent recruitment in Qatar. Law enforcement reported collaborating with foreign police on trafficking-related cases; however, they did not report the details of such cases. Corruption and official complicity in trafficking crimes remained significant concerns, potentially inhibiting law enforcement action during the year; however, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. In 2018, the government reportedly arrested and initiated an investigation into a police officer for allegedly providing support to traffickers; the government did not report updates to this case during the reporting period. Security remained a concern for civil society organizations and individuals reporting allegations of complicity; anti-

trafficking activists reported receiving threats, leading some to flee the country. In 2019, the Government of France convicted a former Burundian government minister and his spouse on forced labor charges for exploiting a domestic worker in their home in France.

The government’s ad hoc inter-ministerial anti-trafficking committee collaborated with an international organization to provide anti-trafficking training, including on the definition of trafficking, the anti-trafficking legal framework, identification of potential victims, and victim referral procedures to 50 immigration officials from Bujumbura and other provinces. However, the government reported a lack of capacity to provide adequate training for law enforcement agencies responsible for investigating trafficking crimes. Due to a lack of training on victim identification and referral procedures, observers continued to report that local police mischaracterized and arrested potential victims. Local police often did not refer the cases to the Burundian National Police’s Unit for the Protection of Minors and Morals, the lead investigative body for trafficking cases, which led to poor case investigations and limited prosecutions; officials’ lack of investigative skills and insufficient understanding of trafficking crimes continued to impede overall law enforcement efforts. The government also reported inadequate efforts to address internal trafficking, misunderstandings of the anti-trafficking law by judicial officials, and a lack of resources, which inhibited successful law enforcement efforts and judicial proceedings during the reporting period.

PROTECTION

The government minimally increased protection efforts. The government did not maintain a centralized system to share victim identification and referral information between government stakeholders; consequently, the government did not report comprehensive victim identification statistics. The government identified 372 victims; of these, 314 were identified abroad—including in Kenya, Saudi Arabia, Tanzania, and Uganda—compared to no identified victims in 2018. Of these cases, authorities reported identifying 58 victims en route to the Middle East but did not report information on what indicators of trafficking the victims experienced. The government has yet to report identifying a foreign national victim of trafficking domestically. The government did not report if it provided any identified victims with care or assistance.

The government did not have SOPs for authorities to identify and refer trafficking victims to protection services, and many law enforcement officials lacked adequate training to identify potential victims. Stakeholders did not coordinate with each other and often conflated human trafficking with migrant smuggling and gender-based violence (GBV), causing confusion and impeding coordination efforts. Civil society reported the referral process remained ad hoc, and they could not verify if victims were referred for services. However, civil society noted improved communication with government counterparts and an increase in proactive referrals of victims compared to previous reporting periods. Civil society continued to provide the vast majority of assistance to trafficking victims. In 2019, an international organization and its partners reported identifying 143 child victims—20 girls and 123 boys. The international organization noted a likely underreporting of cases involving female victims. Separately, another international organization reported identifying 113 victims, five of whom had been referred by the government to the organization. Of the other 108 identified victims, 16 were children (eight boys and eight girls) and 92 were adults (13 men and 79 women). Notably, 96 percent of the cases were identified as forced labor, including in agriculture, hospitality, construction, domestic work and childcare, begging, and peddling; only four percent of the identified cases involved sex trafficking. Both international organizations reported all identified victims were Burundian citizens. The government reported providing some assistance to Burundian victims abroad, including providing food and lodging for victims awaiting repatriation and updated travel documents.

An overall lack of dedicated funding for victim protection measures continued to restrict the government’s ability to assist victims. The government continued to operate Humura Center in Gitega, which offered protection services to foreign and domestic victims of sexual abuse, GBV, and trafficking. The Humura Center continued to provide temporary shelter, medical care, and guidance on engaging with law enforcement and the judicial system and was accessible to victims with disabilities; however, the government reported that the center has never provided services to any victims of trafficking. Without financial support from the government, the Seruka Center continued as an NGO-run center in Bujumbura and provided medical and psycho-social assistance, as well as legal assistance, to victims of various abuses, including human trafficking. The NGO reported victims returned to their families after a short stay at the shelter. In addition to the Seruka Center, there were four NGO-run shelters that trafficking victims could utilize. Adults and children, men and women, and foreign victims all had access to the same care. Some international organizations provided tailored services for female victims of abuse and trafficking, such as collaborating with temporary emergency care for first aid and temporary housing, providing family tracing and reunification, vocational training, solidarity groups, and school reintegration.

The 2016 law for the protection of witnesses, victims, and the vulnerable required a centralized unit in the Ministry of Justice be created to coordinate witness protection for victims; however, the government did not report using these provisions for trafficking cases during the reporting period. Labor laws continued to lack sufficient protection for domestic workers or employees in the informal economy, leaving the population vulnerable to trafficking. Burundian law did not allow prosecutors to request restitution in trafficking cases. The law provided foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution, subject to judicial decision, and allowed the government to grant temporary residency; the government did not report identifying any foreign victims who could benefit from this protection during the reporting period. Observers continued to report the government arrested victims for unlawful acts traffickers compelled them to commit and detaining them in jail for vagrancy, commercial sex, or other charges.

PREVENTION

The government increased prevention efforts. The anti-trafficking committee led the government’s policy coordination and communication with civil society, but its ability to drive national anti-trafficking efforts continued to be limited by resource constraints. The government has yet to establish the Commission for Consultation and Monitoring on the Prevention and Suppression of Trafficking in Persons, mandated by the 2014 anti-trafficking act, which would take leadership over government efforts on prosecution, prevention, and protection. The government continued implementing the 2019-2020 national action plan (NAP) despite limited funding. The government partnered with an international organization that funded and began a three-year national anti-trafficking program. In addition, in partnership with the international organization, the anti-trafficking committee delivered various awareness raising activities in February 2020 that reached more than 2,000 people, including potential victims and first responders. The government’s anti-trafficking committee also requested and received training from an international organization on best practices for anti-trafficking coordination efforts, the identification and referral of victims to assistance, and prosecution procedures of trafficking cases. In December 2019, the anti-trafficking committee exchanged information with counterparts from the Government of Tunisia on promising practices to combat trafficking. The government did not have a national anti-trafficking hotline, but international organizations funded a national human rights hotline with operators trained to identify trafficking victims. NGOs also funded a hotline specifically for reporting human trafficking or child labor; details regarding the number of trafficking-related calls were unavailable. The government issued a decree waiving late birth registration fees and implemented a birth registration campaign, with support from an international organization; more than one million children were registered and received birth certificates.

The government did not have effective policies or laws regulating labor recruiters. The national action plan included the proposed creation of a labor market regulation agency, but the government did not report its creation during the reporting period. The government reported contacting the Government of Saudi Arabia in an effort to increase the rights of Burundian migrant workers. The government reported initiating several bilateral labor agreements with destination countries; however, no formal agreements were finalized during the reporting period. Although the president and senior officials spoke out against commercial sex, the government made limited efforts to reduce the demand for commercial sex and did not make any efforts to reduce the demand for child sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burundi, and traffickers exploit victims from Burundi abroad. As the result of a complex political, economic, and security crisis that began in 2015, by February 2020, more than 336,650 Burundians remained in neighboring countries as refugees, including, but not limited to, Tanzania, Rwanda, Uganda, and Democratic Republic of the Congo (DRC). In 2019, the Government of Tanzania told refugees within its borders, a majority Burundian-born, to return home and commenced an operation with the goal of repatriating some 200,000 Burundian refugees despite concerns that they faced a lack of protection and security. Many refugees, in fear of illegal arrests, deportation, and murder, departed Tanzania without formal assistance or adequate identity documentation. Returned refugees frequently lacked access to basic services and accommodation, which subsequently increased their vulnerability to trafficking.

Burundi’s challenging security environment, endemic poverty, and low education levels create an opportunity for criminals, including traffickers, to take advantage of Burundians in precarious or desperate situations. Due to regional instability, observers sporadically report recruitment of children as young as 15 years old by armed groups who force them to participate in anti-government activities. In July 2015, traffickers recruited approximately 58 children, some younger than 15 years old, and forced them to participate in an anti-government armed invasion in Kayanza Province, which was ultimately put down by the government; it was unclear if these children were armed. Between May and December 2015, an international organization reported allegations that Burundian refugees residing in Mahama refugee camp in Rwanda were recruited into non-state armed groups, allegedly by Rwandan security forces, to support the Burundian opposition; many refugees alleged recruiters had threatened, intimidated, harassed, and physically assaulted those who refused recruitment—a form of human trafficking. Most of these recruits were adult males, but six Burundian refugee children between the ages of 15 and 17 were also identified as recruits from Mahama refugee camp. The same international organization reported that hundreds of Burundian adult and child recruits, including girls, were allegedly trained in weaponry at a training camp in southwestern Rwanda—some may have been trafficking victims. In 2016, the Government of the DRC apprehended 16 Burundian children transiting through the east allegedly after recruitment from refugee camps in Rwanda or the DRC to participate in armed conflict in Burundi with an unknown entity. In 2018, an international organization reported separating four Burundian children from armed groups in the DRC.

Both economic necessity and coercion push children and young adults into labor, including domestic service, forced labor on plantations or small farms throughout Burundi, in gold mines in several provinces around the country, in informal commerce in the streets of larger cities, in charcoal production, and in the fishing industry. Traffickers include victims’ relatives, neighbors, and friends, who recruit them under false pretenses to exploit them in forced labor and sex trafficking. Some families are complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. Traffickers fraudulently recruit children from rural areas for forced labor for domestic service and sex trafficking in private homes, guesthouses, and entertainment establishments; the children frequently experience non-payment of wages and verbal and physical abuse. NGOs report that fishermen exploit some boys in the Lake Tanganyika fisheries in forced labor and some girls and young women in domestic servitude and sex trafficking in restaurants and bars around the lake. Traffickers

exploit Burundian adults and children in forced labor in agricultural work, particularly in Tanzania. Women and girls traveling to the Middle East, and often through Tanzania, for domestic service report abusive labor conditions as well as physical and sexual abuse. Young women take vulnerable girls into their homes, eventually pushing some into commercial sex to pay for living expenses. Traffickers exploit orphaned girls, often using underage males as facilitators. There were unsubstantiated allegations that male tourists from East Africa and the Middle East, as well as Burundian government employees, including teachers, police officers, military, and prison officials, are complicit in child sex trafficking by procuring underage Burundian girls.

International organizations continue to report that young Muslim women from Burundi are particularly vulnerable to forced labor and sex trafficking in Gulf countries. Traffickers fraudulently recruit some young adult Burundian women for jobs, but instead subject them to forced labor and sex trafficking in various Gulf countries, such as Kuwait, Saudi Arabia, Oman, and Qatar. NGOs estimate that between 500 and 3,000 young women became trafficking victims in these countries between 2015 and 2016, and one NGO reported over 800 young women remain in these countries. In 2017, Burundian and Kenyan recruitment agencies fraudulently recruited several adult Burundian women, who were identified in Kuwait, for work as domestic workers and receptionists; however, upon arrival, traffickers subjected them to forced labor and confiscated their passports, the victims were paid less than what was agreed, had restricted movement, and were forced to work excessive hours without breaks.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2020 to March 2021)

Country:

Burundi

Source:

USDOS – US Department of State

Original link:

<https://www.state.gov/reports/2021-trafficking-in-persons-report/burundi/>

Document type:

Periodical Report

Language:

English

Published:

1 July 2021

Document ID:

2055158

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