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BURUNDI: TIER 3

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Burundi remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including revising the criminal code to integrate formally the penalties of the 2014 anti-trafficking law, organizing a workshop for law enforcement and civil society on the 2014 law, improving screening and scrutiny at the international airport, and investigating several cases involving the alleged recruitment of Burundian women for exploitation in the Middle East. However, the government did not investigate internal trafficking crimes and did not prosecute or convict any trafficking offenders for the third consecutive year. It did not investigate or hold accountable officials complicit in trafficking crimes, despite continuing allegations. Authorities continued to lack understanding of trafficking, and the government did not provide adequate anti-trafficking training for its personnel. The government did not provide victims with adequate protection services; in fact, victims continued to be subject to arrest and detention for crimes committed as a direct result of being subjected to trafficking. The government did not establish the Consultation and Monitoring Committee – mandated by the 2014 anti-trafficking act – to coordinate and lead anti-trafficking efforts.

RECOMMENDATIONS FOR BURUNDI

Implement the anti-trafficking law and significantly increase efforts to more effectively investigate, prosecute, and convict traffickers, including allegedly complicit officials; institutionalize anti-trafficking training to include how to implement the anti-trafficking law for all law enforcement, prosecutors, and judges; establish standardized procedures for officials to proactively identify trafficking victims, including children and adults, and refer them to appropriate care; implement the national action plan; develop national level data collection on law enforcement efforts and trafficking victims; ensure trafficking victims, including children and adults who are forcefully or fraudulently recruited into opposition armed groups, are not punished or detained for crimes committed as a direct result of being subjected to trafficking; drastically improve provision of protective services to trafficking victims, including through partnerships with NGOs that provide appropriate care to victims, and by providing separate shelter for children and adults; take measures to ensure children and adults are not forcibly or fraudulently recruited into governmental and non-governmental armed forces, and provide them with appropriate

protection services; and enact effective policies to regulate labor recruitment agencies and hold fraudulent recruiters criminally accountable and undertake efforts to reduce child sex tourism.

PROSECUTION

The government's law enforcement efforts remained insufficient. Burundi's 2014 anti-trafficking law criminalized forced labor and sex trafficking. Prescribed penalties under the law ranged from five to 10 years imprisonment and were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In 2017, the government revised the criminal code to integrate formally the penalties of the 2014 anti-trafficking law into the criminal code. Labor laws did not provide protection for domestic workers or employees in the informal economy, leaving that population vulnerable to trafficking.

The government had no centralized data collection mechanism on trafficking, making comprehensive statistics difficult to obtain. While the government did not provide comprehensive statistics, according to media reports and statements by government spokespeople, at least 13 alleged traffickers were arrested for transnational trafficking in 2017; however, some of these arrests may have been for smuggling, as this is often conflated with human trafficking. This compared to the 25 arrests documented in 2016. Similar to the prior year, the government investigated transnational trafficking cases, but did not investigate internal trafficking or prosecute and convict any suspects during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, despite ongoing reports of official complicity in trafficking crimes, including allegations of officials involved in the falsification of identity documents to facilitate trafficking. Moreover, security remained a concern for civil society organizations or individuals reporting on these allegations; several anti-trafficking activists fled the country during the previous reporting period after receiving threats against themselves and their families when they attempted to investigate a trafficking network or provide care to trafficking victims.

The Ministry of Human Rights organized an awareness workshop on the 2014 anti-trafficking law, which included civil society, ministry officials, and the Burundian National Police Unit (BNP) for the Protection of Minors and Morals. However, in general, the government did not provide adequate funding or training for law enforcement agencies responsible for investigating trafficking crimes, and corruption continued to plague law enforcement, severely limiting its capacity and effectiveness. Without training on standard procedures, local police reportedly arrested suspected traffickers but often did not refer the cases to the BNP's Unit for the Protection of Minors and Morals, the lead investigating body for trafficking cases, which led to poor case investigations; officials' lack of investigative skills and insufficient understanding of trafficking crimes continued to impede investigations.

PROTECTION

The government maintained minimal protection efforts. The government did not maintain statistics on human trafficking, making it difficult to determine the number of victims, if any, whom the government referred to or provided with protective services. Civil society continued to provide the vast majority of assistance to trafficking victims. In 2017, the media reported that the BNP identified 46 potential female trafficking victims en route to Tanzania, Oman, and other Gulf countries, or planning to transit through Uganda, which was a decrease compared to 75 potential victims identified by police in 2016. One NGO reported identifying 338 victims who had returned from trafficking situations in various Middle Eastern countries, while another reported 356 women remained in potential trafficking situations in the Middle East. One NGO also reported identifying 134 potential victims en route to the Middle East; reportedly some were referred to services or returned to their families, but the NGO did not report how many received assistance. However,

due to a lack of adequate training on victim identification and probable conflation with smuggling in some cases, some of the victims reportedly identified by law enforcement and NGOs may not have been trafficking victims. An NGO reported funding the repatriation of 31 young women from the Middle East, but noted that over 800 young women remained in Oman and Saudi Arabia awaiting repatriation. Another NGO reported funding and assisting in the repatriation of at least two Burundian trafficking victims and providing them with reintegration assistance; both were victims of fraudulent recruitment in Burundi and forced labor in Kuwait. An NGO reported that Burundian diplomats assisted in removing victims from exploitative conditions and in accessing medical assistance. However, the government did not report on efforts by its officials, including staff within its missions in destination countries, to facilitate or fund the repatriation of Burundian victims identified abroad, collaborate with host governments, or subsequently assist victims among this population. An international organization reported separating five Burundian children from opposition armed groups in the Democratic Republic of the Congo (DRC) during the reporting period, but did not report further details.

The government did not report the number of victims who received assistance. Overall, a lack of dedicated funding for victim protection measures seriously constrained the government's ability to assist victims. The government continued to operate Humura Center in Gitega, which provided protection to foreign and domestic victims of sexual, gender-based violence and trafficking, but did not report the number of trafficking victims it assisted during the reporting period. The Humura Center provided temporary shelter, medical care, and guidance on engaging with law enforcement and the judicial system and was accessible to victims with disabilities. The Seruka Center was an NGO-run center in Bujumbura that did not receive government funding; it provided medical and psycho-social assistance, as well as legal assistance to victims of various abuses, including human trafficking. Adult and child victims received assistance in the same facilities, and adults and children, men and women, and foreign and domestic victims all received the same care. The Seruka Center reported providing care to three trafficking victims in 2017.

The government did not have formal procedures for authorities to identify and refer trafficking victims to protection services, and law enforcement officials lacked adequate training to identify potential victims. However, immigration officials at the Bujumbura International Airport, some of whom received training on preventing trafficking provided by an international organization and a local NGO, did have some success in screening for trafficking; this resulted in the identification of some potential trafficking victims and deterrence of traffickers from transiting victims through Bujumbura. Screening included extensive questioning regarding the purpose and final destination of travel, including address and phone number, and review of documentation; however, the government did not provide information on the number of victims identified by immigration officials. The government routinely arrested victims for questioning and would sometimes inappropriately penalize trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking by detaining them in jail for several days. Despite the requirements of the 2016 law for the protection of witnesses, victims, and vulnerable persons, the government did not make any progress on the establishment of a unit within the Ministry of Justice to coordinate protection measures. Burundian law did not allow trafficking victims to obtain restitution; however, it did provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution, subject to judicial decision.

PREVENTION

The government's prevention efforts remained insufficient. The government had an inter-ministerial trafficking committee that met at least once during the reporting period, but it was not effective in leading or coordinating anti-trafficking efforts. The government did not establish the Commission for Consultation and Monitoring on the Prevention and Suppression of Trafficking in Persons, mandated by the 2014 anti-trafficking act, to provide inter-ministerial coordination and

oversight. The government did not take steps to implement its national anti-trafficking action plan, which had been approved in March 2014. The government did not conduct anti-trafficking awareness campaigns in 2017. Burundi also remained without a government-run national hotline, but international organizations funded a national human rights hotline with operators trained to identify trafficking victims; the operators received 113 trafficking-related calls during the reporting period, but the international organization did not provide further details. Unlike the last reporting period when the government suspended the activities of five foreign recruitment agencies registered under the Agency for the Promotion of Investments, the government made no efforts to regulate labor recruitment agencies, nor were any held criminally accountable for fraudulent recruitment. The government did not make efforts to reduce the demand for forced labor, commercial sex, or child sex tourism. The government provided training on human rights and sexual exploitation, which reportedly included anti-trafficking elements, to its troops prior to their deployment abroad as part of international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, Burundi is a source country for men, women and children subjected to forced labor and sex trafficking. As the result of a complex political, economic, and security crisis that began in 2015, more than 420,000 Burundians sought refuge in neighboring countries and many others sought refuge at internally displaced persons camps or moved to the homes of extended family members. Burundi's challenging security environment and endemic poverty created an opportunity for criminals, including traffickers, to take advantage of Burundians in precarious or desperate situations. Between April and December 2015, approximately 70,000 Burundian refugees fled to Rwanda, which contributed to an increase in child sex trafficking of both male and female refugees in Rwanda. In July 2015, approximately 58 children, some younger than 15 years old, were fraudulently recruited and forced 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 also reported that hundreds of Burundian adult and child recruits, including girls, were allegedly trained in weaponry at a training camp in southwestern Rwanda. Some of these adult and child refugees could be victims of human trafficking. In December 2014, an armed group of primarily Burundian rebels invaded the northwestern province of Cibitoke; the estimated 150 rebels reportedly included child soldiers as young as 15-years-old, some of whom were trained in Rwanda. 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.

The government encouraged citizens to participate in community work each Saturday morning and the governors of various provinces sporadically fined residents who failed to participate. Both coercion and economic necessity pushed children and young adults into labor, including forced labor on plantations or small farms throughout Burundi, in gold mines in Cibitoke, in informal commerce in the streets of larger cities, collecting river stones for construction in Bujumbura, 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. Children are subjected to domestic servitude in private homes, experiencing non-payment of wages and verbal and physical abuse. Children in

domestic servitude or working in guesthouses and entertainment establishments may also be exploited in prostitution. Children are fraudulently recruited from rural areas for domestic work and later exploited in prostitution, including in Bujumbura. International organizations reported that young Muslim women from Burundi were particularly vulnerable to forced labor and sex trafficking in various Gulf countries. Young adult Burundian women are fraudulently recruited for fake jobs and are instead subjected to forced labor and sex trafficking in various Gulf countries, such as Kuwait, Saudi Arabia, and Oman; NGOs estimate that between 500 and 3,000 young women have become trafficking victims in these countries between 2015 and 2016 and one NGO reported over 800 young women remain in these countries. In 2017, several adult Burundian women were identified in Kuwait, where they had been fraudulently recruited by Burundian recruitment agencies and Kenyan recruiters for work as domestic workers and receptionists; however, upon arrival they were subjected to forced labor and had their passports confiscated, were paid less than what was agreed, had restricted movement, and were made to work excessive hours without breaks.

Young women take vulnerable girls into their homes, eventually pushing some into prostitution to pay for living expenses. These brothels are located in poorer areas of Bujumbura, along the lake, on trucking routes, and in other urban centers such as Ngozi, Gitega, and Rumonge. Some orphaned girls are exploited in prostitution, with boys acting as their facilitators, to pay for school, food, and shelter. NGOs reported that some boys in the Lake Tanganyika fisheries are subjected to forced labor and that some girls and young women are exploited in domestic servitude and sex trafficking by fishermen. Incarcerated women facilitate commercial sex between male prisoners and detained children within the Burundian prison system. Male tourists from East Africa and the Middle East, as well as Burundian government employees, including teachers, police officers and *gendarmes*, military, and prison officials, are among the clients of Burundian girls in child sex trafficking. Businesspeople recruit Burundian girls for exploitation in prostitution in Bujumbura, as well as in Rwanda, Kenya, Uganda, and the Middle East; they also recruit boys and girls for various types of forced labor in southern Burundi and Tanzania. In 2015, Rwandan officials and international and local NGOs reported that Burundian refugee girls were exploited in prostitution in Uganda after transiting Rwanda; some of these girls may also have been subjected to forced labor in domestic work in Uganda.

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