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2022 Trafficking in Persons Report: Burundi

Burundi (Tier 2)

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Burundi was upgraded to Tier 2. These efforts included increased investigations, prosecutions, and convictions of trafficking crimes, including investigating, and arresting allegedly complicit officials. The government established the new Consultation and Monitoring Commission on Prevention and Repression of Trafficking in Persons (National Commission on Trafficking) to lead the government’s anti-trafficking efforts. It identified more trafficking victims among Burundian migrants abroad compared to the previous year and supported their repatriation, and it referred all identified victims to care. The government finalized and began to implement interim standard operating procedures (SOPs) to systematically identify and refer trafficking victims to appropriate care. It continued to operate a dedicated trafficking hotline, which led to the identification of potential trafficking cases. The government also took steps to increase protections for Burundian migrants abroad, including by establishing bilateral agreements with the Kingdom of Saudi Arabia (KSA). However, the government did not meet the minimum standards in several key areas. The government did not identify any trafficking victims in Burundi and largely relied on international and non-governmental partners to provide victim assistance. It did not develop a new national action plan (NAP). A lack of officials’ awareness on the trafficking law and the difference between migrant smuggling and human trafficking continued to impede successful investigation and prosecution of trafficking crimes.

PRIORITIZED RECOMMENDATIONS:

- Proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations.
- Continue increasing efforts to investigate, prosecute, and convict traffickers, including officials complicit in trafficking crimes.
- Finalize and implement SOPs on victim identification and referral to care and train officials on the new procedures.
- In partnership with NGOs, expand protective services for victims, including by allocating resources and providing separate shelters for children and adults.
- Increase training for law enforcement and judicial officials on the trafficking law and investigating and prosecuting trafficking cases, and ensure trafficking cases are distinguished from migrant smuggling.
- Develop a national-level data collection system on victim identification, protection, and referral efforts.
- Develop and implement strong regulations and oversight of labor recruitment companies that are consistently enforced, including eliminating recruitment fees charged to migrant workers, and holding fraudulent labor recruiters criminally accountable.
- Draft, finalize, and implement a NAP to combat trafficking.
- Digitalize the Judicial Police record keeping system to better manage and follow up on trafficking cases.

PROSECUTION

The government increased law enforcement efforts. Burundi’s 2014 Counter-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 (\$50 to \$250), and in cases involving children, the law prescribed penalties of 10 to 15 years’ imprisonment and a fine of 500,000 to 2 million Burundian francs (\$250 to \$1,010). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

The government investigated 92 new cases during the reporting period (72 for forced labor, eight for sex trafficking, and 12 involving unspecified exploitation), compared with 32 cases in 2020 and eight cases in 2019, and continued three investigations initiated in the previous reporting period. The government initiated prosecution of 42 new cases during the reporting period, compared with 28 cases in 2020 and 11 cases in 2019, and continued five prosecutions

initiated in the previous reporting period. The government convicted nine traffickers during the reporting period compared with three in 2020. The government reported four traffickers were sentenced to seven years in prison and a fine of 200,000 Burundian francs (\$100) and damages of 300,000 francs (\$150), three traffickers were sentenced to five years in prison, and two traffickers were sentenced to two years’ imprisonment on child trafficking charges. Law enforcement reported collaborating with foreign officials in Saudi Arabia, Tanzania, and Uganda on trafficking cases. The government collaborated with Tanzanian officials in support of a prosecution of two alleged traffickers involving two Burundian boys; the government provided accommodation and witness protection for the victims to remain in Tanzania and participate in the judicial proceedings before being repatriated. The government sent diplomatic notes to the Ugandan, Tanzanian, Rwandan, and Kenyan governments to increase screening for trafficking among Burundian migrants traveling to Gulf countries in April 2021.

The government increased criminal investigations, prosecutions, and convictions of officials complicit in trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns during the reporting period. The government reported taking disciplinary actions against five police officials suspected of providing travel documents to potential trafficking victims in June 2021. Observers reported the government charged the five officers with crimes related to trafficking and received 15 days’ suspension and disciplinary transfers, although they remained free on conditional release while the investigations remained pending. In February 2021, the government collaborated with the Kenyan government to investigate and extradite a Burundian diplomatic official accused of trafficking 89 Burundians. The government reported it dismissed, arrested, and detained the official in prison until May 2021, when conditional release was granted while awaiting trial; the case remained pending at the end of the reporting period. Observers alleged trafficking networks included officials handling passport and travel documents at the Commissary General of Migration, a division of the Ministry of Interior.

The government maintained a data collection system on law enforcement efforts to combat human trafficking, which included information compiled from courts, magistrates, and prosecutors from all 18 provinces. However, the government’s capacity to update and analyze the data was limited, and observers reported additional resources and training were needed for the data collection system to be fully effective. The government reported the Ministry of Justice had 58 anti-trafficking coordinators located throughout the country to oversee communication between government agencies and coordinate law enforcement procedures on trafficking cases. The government trained 280 police officers from the Judicial Police on topics such as trafficking victim identification and investigation procedures for human trafficking cases. The government provided anti-trafficking training to government officials in partnership with an international organization, including 191 judges, 14 diplomatic staff, 34 newly nominated Burundian diplomats, and 250 police officers. The government continued to distribute the 2014 anti-trafficking law (translated into Kirundi) to law enforcement, magistrates, and judicial officials in all provinces.

Although the government increased training for law enforcement and immigration officials during the reporting period, government officials reported a lack of awareness on the trafficking law, as well as a lack of understanding on the difference between migrant smuggling and human trafficking, which impeded successful investigation and prosecution of trafficking crimes. Authorities appeared to dismiss trafficking cases on the grounds that parents of victims permitted their children to be recruited for work inside and outside the country; law enforcement often failed to recognize trafficking indicators in these instances, creating obstacles for successful convictions. Observers reported many arrests were not elevated to prosecution because of insufficient evidence, corruption, and interference of high-ranking officials. The government reported the pandemic continued to hinder law enforcement’s ability to collect evidence, including victim testimony, during trafficking investigations due to limitations on in-person meetings. The government also reported limited capacity to shift meetings online due to low internet access and internet disruptions throughout the country. Additionally, the government reported that existing language barriers made participation difficult in some online trainings.

PROTECTION

The government made mixed protection efforts. The government identified 194 human trafficking victims, all Burundi nationals identified abroad, which included 193 forced labor victims and one sex trafficking victim, compared with 174 victims, including 45 identified abroad and 129 identified in Burundi in 2021. The government did not report identifying any victims in Burundi, which was a significant decrease from those identified in the previous reporting period. The government collaborated with foreign governments to repatriate all 194 victims, including 130 from Saudi Arabia and the remains of a victim who reportedly died from mistreatment in Saudi Arabia. The government provided consular and legal assistance to these victims, including providing travel documents and facilitating their return and reintegration into their home communities. International organizations identified 1,380 potential trafficking victims during the reporting period compared with 428 in 2021. The government reported all identified victims were referred to government and NGO-run shelters for care and assistance, compared with 174 victims referred in the previous reporting period. The government continued to draft formal SOPs for victim identification and referral to care; however, in collaboration with local and international partners, the government developed interim procedures and began implementation during the reporting period.

The government provided comprehensive care services, in collaboration with international organizations and NGOs, for identified trafficking victims, including temporary shelter, medical and psychosocial care, legal assistance, and education and training to victims at five centers located in Bujumbura, Muyinga, Rumonge, Gitega, and Cibitoke provinces. In addition to these five centers, the government used other centers, including IDP sites, as temporary shelters for trafficking victims repatriated from abroad. In partnership with an international organization, the government provided tailored assistance to trafficking victims ranging from immediate and basic needs to

reintegration through income generating activities. Access to services were largely limited to only these five centers requiring victims to travel to the provinces where the centers are located. To offset travel expenses to the centers, the government and its partners provided financial assistance to victims. The government reported offering the option for victims to remain in shelters to ensure their security for especially sensitive cases. The government did not provide separate shelters for children and adults. The government did not operate any shelters specifically dedicated to trafficking victims; however, the government continued to operate Humura Center in Gitega, which offered protection services to foreign and domestic victims of sexual abuse, gender-based violence, and trafficking. The government collaborated with NGOs to offer temporary and long-term shelter, medical care, financial assistance, training for income-generating activities, legal assistance, family reunification, community and school reintegration, and guidance on engaging with law enforcement. An NGO-run center in Bujumbura offered medical and psycho-social assistance as well as legal assistance to victims of various abuses, including human trafficking. There were four additional NGO-run shelters that trafficking victims could utilize; all NGOs operated with little to no funding from the government.

The government reported victims were not required to participate in law enforcement investigations to access protection services and the government took steps to ensure victims' identities were held confidential during the subsequent investigation process. The government reported police and local administrators escorted victims to their respective families and provided protection on the way. In addition, the delegation provided advice to families on how to take care of the victims and mitigate potential discrimination or stigma from their communities. The government reported victims were presented with alternatives to speaking with law enforcement during investigations. The government offered limited funds to some NGOs for victims' assistance.

The 2016 law for the protection of witnesses, victims, and the vulnerable outlined provisions for the protection of witnesses and victims; the government reported providing witness protection support to 194 victims during the reporting period, compared with 123 witnesses during the previous 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 allowed prosecutors to request restitution in trafficking cases. The government reported one case where restitution of an undisclosed amount was ordered; however, the government did not report if the victim received any amount of restitution by the end of the reporting period. Due to a lack of formal identification procedures, authorities may have detained some unidentified trafficking victims related to criminal acts traffickers compelled them to commit. 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.

PREVENTION

The government maintained prevention efforts. The government's inter-ministerial anti-trafficking committee led anti-trafficking policy coordination and collaboration with civil society; however, its ability to drive national anti-trafficking efforts continued to be limited by resource constraints. In January 2022, the government established the National Commission on Trafficking, mandated by the 2014 Anti-Trafficking Act, and it assumed leadership over the government's anti-trafficking efforts and began convening regularly. The government continued to implement its 2019-2020 NAP through the end of the reporting period, despite its expiration in October 2020. The government reported its efforts to develop a national-level data collection system on victim identification, protection, and referral efforts were hampered by lack of funding and training.

The government continued its partnership with an international organization to implement a three-year national anti-trafficking program. The Ministry of Interior, Community Development, and Public Security conducted anti-trafficking awareness activities for local administrators. The government, in partnership with an international organization, conducted awareness campaigns in the Makamba, Rumonge, and Muyinga regions, where the majority of trafficking victims originate. The inter-ministerial anti-trafficking committee operated a dedicated hotline for human trafficking victims, which identified 33 cases involving potential victims abroad. Law enforcement operated a 24-hour hotline for potential victims of crime, including victims of human trafficking, though the government did not report whether the hotline received any calls related to suspected trafficking cases. Additionally, the government operated a hotline for victims of human rights violations, including trafficking in persons. Hotlines accommodated Kirundi, French, and Kiswahili speakers and the government advertised the toll-free numbers via media outlets, billboards, and during government workshops and training sessions.

The government, for the first time, passed a comprehensive law on immigration in November 2021, which will regulate immigration and emigration matters, including by providing protections for vulnerable migrant populations and defining government agencies' various responsibilities. In January 2021, the Ministry of Labor suspended all labor recruitment agencies in an effort to protect citizens from traffickers, which remained in effect at the end of the reporting period; however, such an approach may have increased vulnerability to trafficking for intending migrant workers by eliminating formal recruitment channels. The government did not have effective policies or laws regulating labor recruiters. Observers noted the government's ability to regulate labor recruitment companies and ensure they are not engaging in trafficking remained a significant concern. In December 2020, the Council of Ministers denounced recommendations to prosecute labor recruitment agencies complicit in human trafficking; the government did not report prosecuting such agencies. The government participated in discussions with the Kingdom of Saudi Arabia to establish bilateral agreements to enhance protections for migrant workers; in October 2021, the government signed two bilateral agreements with the KSA. The government reported it began discussions with

Qatar, and the United Arab Emirates (UAE) to establish similar bilateral agreements on migrant worker protections. The government increased border security and surveillance to identify and deter traffickers who cross via unofficial border crossings. The government increased efforts to reduce the demand for commercial sex acts by increasing inspections and control of documents for adults traveling with children. Additionally, the government reported that it continued to apply the 2020 law on social protection in its domestic and global supply chains, including insurance and social security provisions. The government provided anti-trafficking training to its diplomatic staff, and 34 diplomats and other staff members of Burundi’s embassies. The government provided anti-trafficking training to its troops prior to their deployment.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burundi and traffickers exploit Burundian victims abroad. Burundi continued to be a source country for victims who are subjected to forced labor and sex trafficking, both within the country and in destinations in East Africa, particularly Tanzania, Kenya, and Uganda, which can be final destinations or often serve as transit points to Gulf countries such as Saudi Arabia, Oman, the UAE, and Kuwait. Observers reported most traffickers now use land and public transport to leave Burundi and then fly from the neighboring countries to destination countries. As the result of a complex political, economic, and security crisis that began in 2015, by March 2022, more than 259,376 Burundians remained in neighboring countries as refugees, including but not limited to Tanzania, Uganda, Rwanda, and the Democratic Republic of the Congo (DRC). Throughout 2021, an international organization continued the voluntary returns and repatriation of more than 60,000 Burundian refugees, some of whom returned without formal assistance, increasing their vulnerabilities to trafficking. Returning refugees are generally required to live within camps until reintegration into their communities and have limited access to education and livelihood opportunities. An international organization reported some refugees spontaneously return to Burundi without formal assistance and without adequate identity documentation, which significantly increases their vulnerability to trafficking. IDPs and returning refugees, particularly single mothers and widows, frequently lack access to basic services, food, money, and permanent accommodation, which increases their vulnerability to trafficking. Observers reported returning refugees have insufficient assistance upon arrival and most do not have families to support them or homes to return to, which increases vulnerability to exploitation.

In April 2020, Burundi experienced severe flooding that displaced more than 35,000 people; many were placed in IDP camps and did not have access to income-generating activities, increasing their vulnerability to traffickers. Observers reported traffickers increased activity due to the government’s attention on the natural disaster. Observers reported an increase in fraudulent offers to work abroad. International organizations reported the pandemic-related closure of land, water, and air borders restricted trade and seasonal migration for Burundians and refugees alike, limiting economic growth and increasing their vulnerability to traffickers. Observers reported young boys and girls found work as peddlers, domestic workers, wait-staff, or construction laborers and were forced to work excessive hours, denied payment, and were sexually and physically abused. Government and NGOs reported sexual exploitation of young girls from refugee and IDP camps is common as men from host communities promise gifts, pocket money, and tuition funds in exchange for sex.

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 2018 and 2020, an international organization reported separating four and 10 Burundian children, respectively, from armed groups in the DRC; the international organization reported children received assistance and were repatriated.

The government and an international organization reported traffickers have changed their transportation methods, due to increased vigilance at Bujumbura’s international airport. Observers noted traffickers now opted for transportation by land, usually by buses that serve the region, and then fly from neighboring countries. Additionally, the government reported traffickers are increasingly using unofficial border crossings to transit to neighboring countries. 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, charcoal production, manufacturing, construction, cattle herding, street vending, begging, and in the fishing industry. Traffickers operate as networks to provide successful transnational coordination and include victims’ relatives, neighbors, and friends, who recruit them under false pretenses to exploit them in forced labor and sex trafficking. Traffickers increased recruitment of Burundians working in Tanzania and the DRC. Traffickers recruited victims from their hometowns and were paid commissions upon successful recruitment; recruiters often were Burundians, but handlers, guides, and receiving personnel have been foreigners. Some families are complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. The government reported orphans are particularly at risk of trafficking for forced labor in Burundi and in neighboring countries such as Tanzania, Kenya, and Uganda. International organizations report cases of parents lying about their children’s age to meet minimum age employment laws or to receive compensation for offering their children for forced labor. Traffickers fraudulently recruit children from rural areas and those separated from or unaccompanied by parents for forced labor in 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. Observers report traffickers recruit Burundian refugees in Rwanda, Uganda, and the DRC for sexual exploitation and forced labor. 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. NGOs reported a significant number of children disappearing in border provinces suggesting traffickers recruited children to forced labor in cattle herding in Tanzania. NGOs reported recruiters from neighboring countries frequently visit border towns in search of Burundian child workers. Observers alleged 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.

International organizations report the Batwa minority, Burundians living in border provinces, and women—specifically young and Muslim women—are particularly vulnerable to forced labor and sex trafficking. Traffickers fraudulently recruit young women from poverty-stricken rural communities, particularly border provinces such as Cankuzo, Cibitoke, Kayanza, Kirundo, and Muyinga, for work in the Middle East, Tanzania, or Kenya as domestic servants, and victims may be subjected to abusive labor conditions and physical and sexual abuse. Traffickers fraudulently recruit some young adult Burundian women for jobs, but instead subject them to forced labor and sex trafficking in the People’s Republic of China, Kenya, Kuwait, Saudi Arabia, Oman, Qatar, and Yemen. Observers report victims transit through Kenya and Tanzania for short-term stays before reaching their final destination. Observers noted Burundian nationals were trafficking victims in Nigeria. 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, paid them less than what was agreed, restricted their movement, and forced them to work excessive hours without breaks.

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