

## 2015 Trafficking in Persons Report

### **BURUNDI: Tier 3**

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Burundi is a source country for children and possibly women subjected to forced labor and sex trafficking. Children and young adults are coerced into forced labor on plantations or small farms throughout Burundi, in gold mines in Cibitoke, for informal commerce in the streets of larger cities, collecting river stones for construction in Bujumbura, or in the fishing industry. Traffickers include victims' family members, neighbors, or friends who recruit them under false pretenses, only to later 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 endure domestic servitude in private homes, experiencing nonpayment of wages and verbal and physical abuse. Children in domestic servitude or working in guest houses and entertainment establishments may also be exploited in prostitution. At times, children are fraudulently recruited from rural areas for domestic work and later exploited in prostitution, including in rented houses in Bujumbura. Young women offer vulnerable girls room and board within 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. 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 prostitution. Business people recruit Burundian girls for prostitution in Bujumbura, as well as 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 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.

The Government of Burundi does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government's efforts to combat trafficking continued to be hindered by rampant corruption and limited political will, with limited resources devoted to combating the crime. Though it enacted an anti-trafficking law and validated its national anti-trafficking action plan in 2014, the government did not inform judicial and law enforcement officials of the enactment of the law or how to implement it. The government continued its failure to proactively identify trafficking victims and provide adequate protection services specifically for such victims. The government initiated the prosecution of some suspected traffickers and convicted one trafficker in 2014; however, it continued to focus on transnational trafficking crimes and largely failed to address the country's systemic internal

child trafficking problem. Some government officials, including those involved in missions abroad, perpetrated trafficking crimes.

## **RECOMMENDATIONS FOR BURUNDI**

Implement the anti-trafficking law and significantly increase investigations, prosecutions, and convictions of traffickers, including complicit officials; institutionalize anti-trafficking training to include implementation of the 2014 anti-trafficking law for all police, prosecutors, judges, and border guards; establish standardized procedures for government officials to proactively identify trafficking victims, including children and adults, and refer them to appropriate care; increase provision of protective services to victims, possibly through partnerships with NGOs or international organizations; and institute a unified system for collecting trafficking case data, as distinct from other crimes, for use by all stakeholders.

## **PROSECUTION**

The government made limited law enforcement efforts and failed to prosecute government officials allegedly complicit in trafficking crimes. The government enacted an anti-trafficking law in October 2014. However, by the end of the reporting period, the Ministry of Justice had not made efforts to inform the country's judicial personnel about the law and how to apply it. The anti-trafficking law prohibits the trafficking of adults and children for the purpose of forced labor or services and sex trafficking. The definition of "forced labor or services" outlined in the law, however, fails to account for situations where an individual might initially consent to labor but is later forced, defrauded, or coerced to provide such labor. Prescribed penalties under the law range from five to 10 years' imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

Law enforcement efforts remained hindered by lack of capacity and resources, including the funding for transportation of personnel. Furthermore, rampant corruption and officials' lack of investigative skills and basic understanding of trafficking crimes continued to impede investigations and prosecutions. In addition, the government failed to provide anti-trafficking training for its officials in 2014, unlike in 2013 when it trained 1,000 new police recruits. The National Police's Children and Ethics Brigade, responsible for the investigation of trafficking crimes, remained without adequate resources to effectively carry out its mission. The government continued to focus primarily on transnational child trafficking crimes, and paid limited attention to cases involving adult victims or Burundian victims exploited within the country. In 2014, the government reportedly investigated 60 cases involving either trafficking or kidnapping crimes, while the Ministry of Justice reportedly began prosecuting 25 trafficking or kidnapping cases. Without details on these cases, it was unclear what offenses they included. The attorney general's office reported the government obtained a conviction of one offender for trafficking under the 2009 penal code and sentenced the offender to three years' imprisonment; the government did not provide additional details about this case. In comparison, in 2013 the

government initiated two prosecutions of trafficking suspects and convicted one trafficking offender.

The government failed to prosecute or convict any public officials suspected of complicity in human trafficking offenses, despite multiple allegations against teachers, police officers, members of the military and gendarmerie, and prison officials, as well as personnel deployed abroad. During the reporting period, an international NGO reported Burundian personnel serving in the African Union Mission to Somalia (AMISOM) allegedly participated in the sexual abuse—and in some instances, sex trafficking—of Somali women and girls in Mogadishu. While the government appointed an official investigative commission to investigate these claims, the government exonerated the allegedly complicit Burundian soldiers and failed to prosecute any of the suspected offenders or recommend punitive action be taken against any members of the Burundian National Defense Force. An African Union investigation, however, concluded there was evidence of the existence of such exploitation and abuse by AMISOM personnel. In addition, high-level security officials were allegedly complicit in running prostitution networks within Burundi, which may have involved children, but the government made no effort to investigate these allegations. Police repeatedly apprehended suspects involved in the commercial sexual exploitation of children, but released them shortly thereafter without prosecution, at times due to the corruption of police and judicial officials. In January 2015, however, authorities arrested a police officer for kidnapping and bringing two girls to a rented house used for prostitution. The alleged offender, charged with rape, remained awaiting trial at the end of the reporting period.

## **PROTECTION**

The government made inadequate efforts to identify and protect trafficking victims. The government reportedly identified seven child trafficking victims in 2014. It was unclear, however, whether it provided services to these victims or referred them to organizations that did. Overall, the government did not provide adequate protection services for victims or support for NGOs, religious organizations, or women's or children's associations that offered such care. Furthermore, officials remained without formal procedures to identify trafficking victims and refer them to these organizations for assistance. The government made only limited efforts to assist victims, with police offering limited shelter and food to victims held in temporary custody and Family Development Centers offering assistance to victims of violence. It was unclear whether trafficking victims received these services during the year. A government-run medical center in Gitega for victims of gender-based violence reportedly provided services to three trafficking victims in 2014. Without standardized identification procedures, trafficking victims likely remained unidentified in the law enforcement system and vulnerable to being penalized for unlawful acts committed as a result of being subjected to trafficking. For example, the Children and Ethics Brigade did not attempt to identify trafficking victims among women in prostitution who were arrested, jailed, or fined. The government did not have a witness protection program or

other measures in place to encourage victims to participate in the prosecution of their traffickers. Burundian law did not provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution.

## **PREVENTION**

The government decreased efforts to prevent trafficking. The government validated the national anti-trafficking action plan in March 2014, yet it failed to provide funding for its implementation. The government's inter-ministerial anti-trafficking commission did not meet regularly in 2014. Coordination of anti-trafficking efforts across government ministries continued to be poor, while relevant agencies remained largely unaware of the passage of the anti-trafficking law and the scale of the problem, which severely hindered progress. With donor funding, an NGO-led joint working group on human trafficking, which included representation from the National Police and the Ministries of Justice and National Solidarity, met in early 2014 to share information. The government, however, did not take an active role or provide material support to the efforts of the group, and by the end of the reporting period the NGO suspended its activities on trafficking in Burundi. In early 2014, the Children and Ethics Brigade continued its national awareness-raising campaign to educate officials and local populations about the dangers of human trafficking and encourage citizens to report trafficking cases to local authorities. It did not, however, prioritize trainings during most of the year. The government did not report efforts to monitor or investigate fraudulent labor recruitment practices. The government did not provide anti-trafficking training for its diplomatic personnel. The government attempted to prevent child prostitution from occurring within the prison system by separating the children and adults at night; however, children were authorized to have contact with adults during daytime hours. The government also did not make efforts to reduce the demand for commercial sex acts, child sex tourism, or forced labor in 2014. Prior to their deployment abroad on international peacekeeping missions, Burundian troops received ethics training funded by a foreign donor; the training covered human trafficking and sexual exploitation. Despite this training, an international organization reported in September 2014 that up to 21 members of the Burundian and Ugandan personnel serving in AMISOM were allegedly involved in the sexual abuse—and in some instances, sex trafficking—of Somali women and girls in Mogadishu.