

# Burundi

Persecuting



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## QUICK FACTS

Political System | Presidential Democratic Republic    Population | 11,890,78  
 Head of State | Évariste Ndayishimiye    GDP Per capita | NA

## EXECUTIVE SUMMARY

Burundi has consistently scored an F or “persecuting” on the F&M GBGR and GBTR from 2011-2018. Homosexuality has been criminalized since 2009 and the law has yet to be decriminalized. There is currently a lack of information LGBTI life in Burundi since individuals are fearful of the repercussions of openly living g their identity. The US Department of State reported that the LGBTI community face widespread discrimination in education, employment, and housing. Reports by other sources such as Human Dignity Trust, Human Rights Watch, and BBC have documented testimonies of individuals forced into traditional heterosexual marriages and threatened with domestic violence.

The former President of Burundi, Pierre Nkurunziza, vows that “[Burundi] cannot allow homosexuality to be legally practiced in Burundi.”<sup>1</sup> With the head of government actively advocating against the acceptance of LGBTI individuals, Burundi falters in terms of providing a human rights protective environment for LGBTI citizens.

## Background

Burundi is located in Central-East Africa neighbored by Tanzania, Rwanda, and the Democratic Republic of Congo. The country was colonized by Belgium from 1922 to 1962 and established independence soon after. Sixty-two percent of Burundi citizens identity as Roman

Catholic, twenty-three percent Protestant, two-point-five percent Muslim, and eleven percent as “other” or unspecified.<sup>2</sup> Religious leaders in Burundi actively promote homophobia, influencing the country’s hostile attitude towards the LGBTI community and alienating them from society.

Additionally, sixty-percent of the chronic malnutrition rate in children is due to poverty, food shortages, and lack of access to clean water.<sup>3</sup> Burundi citizens are also struggling with a lack of access to healthcare, especially reproductive health services. The country’s GDP dropped drastically post-conflict in 2015 and has yet to recover. Moreover, the CIA identifies Burundi’s underlying weaknesses as “low governmental capacity, corruption, a high poverty rate, poor educational levels, a weak legal system...”<sup>4</sup> LGBTI rights, therefore, are not considered a priority because of poverty, corruption, and lack of access to basic needs. With poor educational levels, lack of social welfare, and religious differences, Burundi citizens may lack access to educational resources on sexual orientation and gender identity.

President Pierre Nkurunziza died of ‘cardiac arrest’ on June 9th, 2020. The current President and head of state of Burundi is Évariste Ndayishimiye, the former General Secretary.

## KEY FINDINGS

### Legal Landscape

Burundi criminalizes same-sex relations under Law No.1/05 of the Penal Code. Law No.1/05 was enacted in 2009, stating that “Whoever has sexual relations with someone of the same sex shall be punished with imprisonment for three months to two years and a fine of fifty thousand to one hundred thousand francs or one of those penalties.”<sup>5</sup> The enactment of criminalization in 2009 highlights how Burundi’s homophobia isn’t rooted in ‘culture’ or ‘traditions,’ but instead tied to state-sanctioned human rights violations.

The US Department of State reported that they were not aware of prosecution for same-sex acts in 2019, but were aware of cases of “harassment, intimidation, arbitrary arrests, and demands for bribes by police officers and members of the Imbonerakure targeting lesbian, gay, bisexual, transgender, and intersex individuals.”<sup>6</sup> Additionally, the US Department of State specifies “significant human rights issues” and lists criminalization of same-sex sexual conduct as one of them. The Imbonerakure is the ruling party youth league. According to Human Rights Watch, the Imbonerakura “carried out widespread human rights abuses throughout 2018, including summary executions, rapes, abductions, beatings, and intimidation of suspected political opponents.”

Due to criminalization of same-sex relations, the law does not prohibit discrimination against LGBTI individuals within housing, employment, and access to education and healthcare. Similarly, Burundi does not recognize transgender individuals and legal gender marker change, establishing a hostile environment for its LGBTI citizens.

### Political Landscape

Political leaders, including the head of state, actively campaign against the decriminalization of same-sex

relations. In 2013, the President of Burundi, Pierre Nkurunziza, refused to accept homosexuality, stating that “[G]iven the Constitution of the Republic of Burundi, our culture, the position of various African countries, not to mention the Holy Scriptures, we cannot allow homosexuality to be legally practised in Burundi.”<sup>8</sup>

In 2016, during the United Nations Human Rights Council (HRC), Burundi voted against the adoption of Resolution 32/2, which “created the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.”<sup>9</sup> The opposition to the Resolution emphasizes Burundi’s unlikely effort to decriminalize same-sex relations or any further steps in gender equality.

### Socio-Economic Landscape

Burundi has yet to pass fair housing and workplace anti-discrimination legislation, leaving LGBTI minorities vulnerable to threats, harassments, and human rights abuses. To date, LGBTI individuals constantly live in fear of ‘exposing’ themselves, consequently being denied access to housing, employment, healthcare, and education. There are no protections afforded to LGBTI people in terms of housing or employment non-discrimination. The poverty stricken cycle along with underfunded education leaves Burundi citizens systematically vulnerable to violence, corruption, and extortion from the police.<sup>10</sup>

To date, there is no legal recognition of gender identity in Burundi. The National Geographic Magazine reported “no information available” on the legality of gender recognition, emphasizing that the discussion of transgender issues may be “considered taboo.”<sup>11</sup>

### Societal Discrimination

In 2019, journalist Megha Mohan of BBC documented societal discrimination LGBTI individuals face in Burundi. Mohan reported on the lack of data and testimonies on life as LGBTI in Burundi while documenting the domes-

tic abuse cases of lesbian women.<sup>12</sup> Although there's a lack of reports on Burundi's LGBTI issues and specific cases of societal discriminations, it is clear that LGBTI individuals live in fearful, hostile environments that represses their identity.

In October 2017, the Burundi police announced "a hunt for homosexuals," arresting numerous individuals who were "engaging in homosexuality," and threatening them to pay extortion bribes for their own freedom.<sup>13</sup> It is clearly concerning that the police of Burundi announced "a hunt for homosexuals," dehumanizing LGBTI individuals while exploiting their limited access to wealth.

## ANALYSIS

The likelihood of Burundi improving its GBGR and GBTR score remains low. The Global Acceptance Index, which measures LGBTI acceptance level per country through survey data, ranked Burundi #160 out of 174 countries with a score of 2.7 from 2014–2017. The low score of Burundi on both the GBGR/GBTR and the GAI indicates widespread homophobia and transphobia throughout the country. The lack of acceptance perpetuates hostility, resulting in LGBTI minorities residing in fear of repercussions within their own family, religious groups, and social life.

The Sub-Saharan Africa GBGR regional score is 27%, an F or "persecuting." Burundi, therefore, is not an outlier but rather part of systemic, regional marginalization of sexual and gender minorities. In order for Burundi to show considerable progress towards human rights equity, the country and its neighbors must first decriminalize homosexuality and implement protective legislation for LGBTI people in every part of social, economic, and private life.

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