



**EATHAN**  
East Africa Trans Health & Advocacy Network

Eliminating Transphobia In East Africa Through Advocacy & Awareness Raising

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**REPORT ON THE CURRENT SITUATION OF ITGNC PEOPLE IN BURUNDI ON THE VIOLATION AND DISCRIMINATION OF THEIR HUMAN RIGHTS 2018-2019**

**Background History;**

Burundi is among some of the countries in Africa that have criminalized homosexuality. This affects the whole LGBTI community. Our members who live in Burundi have mentioned how the face discrimination both from the government and from the communities they come from. In 2009, for the first time in Burundi history, homosexuality was criminalised.

The parliament of Burundi for the first time passed a law criminalizing the LGBTI people and that law is the homosexual Act. **Homosexuality Act in November 2009** was rejected in the senate by the vote of 36-7. The legislation then passed back to the assembly, which was able to overrule the senate and restore the amendments. President Pierre Nkurunziza subsequently signed the **article 567 of the 2009 Burundi penal code that punishes same sex relationships with 3 month to 2 years imprisonment and a fine.**

The criminalization of LGBTI people in Burundi violates the Burundian Constitution, which guarantees the rights to privacy **Article 28 the right to be free from discrimination.**

**Article 17** the rights protected by international conventions to which Burundi was a party when they made this, but since last year 2018 Burundi signed out of the conventions, **Article 19 the penal code contravenes** the ICCPR and African Charter on Human and Peoples Rights, which should be binding according to **Article 19 of constitution.**

The director of LGBTI rights programmes at Human Rights Watch, criticize the new law, expressing that the government has fallen back on custom and cultural norms to justify this repressive steps. Not only are the republic acts of indecency criminalised, but the legislation could also mean imprisonment of people for their actual or imputed sexual orientation, including private sexual relations between consenting adults. **Human rights watch and others put forward a petition in April 2009, urging the Burundi government to repeal article 67.**

The universal Declaration of human rights of 1948 is a Universalist document. It was based on the principle that the right that articulated are fundamental to all human beings, and that these are derived in the specific language. The first article asserts that all human beings are born free and equal in dignity and rights these are rights that all humans share but of course in 1948, most of Africa was still under European colonial rule.



**The current situation of ITGNC people in Rwanda**

ITGNC people face discrimination and continue to be marginalized by the community due to their perceived sexual orientation and gender identity. Families sometime disown the ITGNC children who refuse to deny their identity and some organizational leaders say that many LGBTI people enter opposite sex marriage due to social pressure.

From my research, I found some information through having conversations with some of our members from the ITGNC community in Burundi. Some of them said that they have been fired from their jobs, beaten by family and neighbours, evicted from their homes because of their gender identity. I found that ITGNC community fear that they are more likely to be beaten or mistreated by police or their fellow citizens simply for their purported sexual orientation or gender identity. Another fear is that the enforcement of the legislation will undermine the attempts to combat the spread of HIV/AIDS among the LGBTI community.

Finally, the right to judicial services is another essential right denied to ITGNC person. During their incarceration, the ITGNC persons are often refused access to judicial services of any kind to counsel or representation ITGNC people are not benefiting from their non- government organization providing legal services that range in intervention.

At least the situation is better than in several other African countries with a maximum punishment of two years in jail. Burundian law is far less drastic than that of Tanzania and Uganda, example where the maximum is life imprisonment, or that of Somalia and four other countries where it is death. In Burundi, the media is not as interested in outing ITGNC or the larger LGBT persons. In 2018-2019, the situation has started worsening, due to the criminalizing and increase in transphobia and homophobia in neighbouring countries.

Burundi is a small county in the central of sub-Saharan Africa, about 75% of its 8 million population are Christians and 20% belong to indigenous religions. Largely rural and agricultural, it is one of the poorest countries in the world and its official language is French and Kirundi.

**Strategy from the ITGNC people in Burundi**

Support is needed in our movements and to work with mainstream human rights organizations to promote dignity and influence positive changes in laws, policies, attitudes and beliefs that discriminate against the community of ITGNC in Burundi.

We need to do the revolution in our country that help to develop and straighten our ITGNC movement in program intervention that target policy makers, legislators, government, media, religious groupings, and citizens with the aim of achieving human rights without fear of violence, imprisonments, harassments, rape and torture.

We need support from other big organizations in and out of Burundi, and internationally to raise our voices further until the government of President Nkurunziza of Burundi to stop the violation and discrimination of LGBTI in Burundi, we think it will help to protect their human and develop their rights.



Burundian ITGNC people have reported that the existence of the law increases stigma and makes the less likely to seek assistance from the police when they are victims of sexual abuse with regard to their gender identity.

**How ITGNC people are being treated by their community;**

Some ITGNC people in Burundi say that being transgender and gay is a taboo and a curse. My source of information indicate that, some ITGNC people have been forced from their homes because of their gender identity, the source continues to say that, it is common for LGBTI to be threatened or insulted in the streets. Example if you dress feminine and your perceived to be a boy or you act masculine if you're perceived to be a girl, there is a possibility of facing violence from people in the streets, who believe that being ITGNC in their community is a sin, and should not exist in the community.

According to our members from Burundi, verbal attacks are encouraged by a feeling of impunity created because of the transphobic and homophobic legislation in some places. ITGNC people in rural areas are subjected to much more discrimination and violence than in cities because of social pressure and stereotypes.

Students can be expelled from school because of homosexuality and ITGNC people fall in this form of discrimination. Homosexuality is a one the faults for which a student may be expelled and denied admission into any institution during the current school year. Most ITGNC students say that they are afraid of the negative consequences they may face if their gender identity is known or suspected.

**Supportive and friendly service providers in Burundi to ITGNC people;**

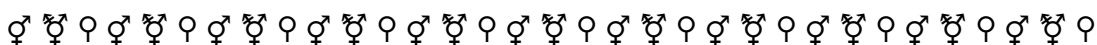
There is a centre called Remuruka, which provides services to ITGNC in Bujumbura, according to one of our members, the centre provides health care assistance with social reintegration and psychological assistance, among the services that the centre is doing, is to bring together ITGNC and LGBT organizations in Burundi.

According to our Steering committee member, because of the law adopted in 2009, some organizations changed their name and it was because of fear of violation and being attacked.

Despite harsh family, social and political sanctions, the ITGNC persons in Burundi are calling for justice, equality, and access to health care in settings that are not safe, protecting others and themselves from the cruelty of government and other citizens in Burundi. The struggle is real but as the movements, we need to bring change in our community first by creating self-awareness.

**How employment is a big challenge to ITGNC people in Burundi;**

Transgender men and women are often, excluded from much of the workforce. Discrimination occurs at all levels of the employment process, including recruitment, training opportunities, and access to job advancements and partner benefits. Even where laws have been passed, employment related issues have not been addressed, especially at the entry levels. The majority of transgender women find that their job opportunities are limited to being beauticians, entertainers or sex workers.



This results in poverty, further social exclusion and homelessness. In countries where employers fund health insurance, unemployment excludes transgender people from health care. Many ITGNC people identify gender recognitions as a precursor to gainful employments if a person's gender is legally recognized, it can empower them to apply for jobs they are qualified for, and there is less confusion in the hiring process.

Insuring legal gender recognition, providing equal access to employment opportunities, developing and improving anti-discrimination policies that protect Trans workers. Protecting safety and security in the workplace is essential for ensuring that Trans individuals are treated equal in the labour market of Burundi as what **employment and labour relationship law** says. Also governments should responsible for providing such protections as to other people according to **Human right Act** say but in the absence of such efforts, trans activist have explored other approaches to create opportunities for other ITGNC people in Burundi.

### **Critical issues which face the ITGNC people in Burundi;**

- **Prevention education**, the ITGNC people in Burundi they say they need access to competent, affirming, sex-positive, safe sex in formation that is especially geared towards their bodies, relationships, and community concern.
- **Barriers to health care** - The ITGNC people face additional barriers to healthcare that other HIV affected people may not, specifically the very real fear of being discriminated against by health care professionals or being denied treatment because of their gender identity or expression. These barriers make it more likely for ITGNC people to avoid getting tested and less likely to maintain in HIV related medical care.
- **Violence** - in addition to the high rates of related harassment and violence that the ITGNC people in Burundi face, they also have much higher rates of sexual violence than the general population and other groups within the ITGNC in the community. Because of the heightened risk of being dismissed or victimized by police, the ITGNC people are also less likely to report their assaults or go to hospitals for post assaults care such as post exposure prophylaxis (PEP).
- **Poverty and unemployment** - the ITGNC people in Burundi who have been discriminated against in employments, or who have been unable to pursue advanced education because of bullying or harassment in school, are more likely to engage in survival sex work, which may put them at greater risk of contracting HIV and other sexually transmitted infection(STIs).
- **Access to police protection and justice** - the lack of basic recognition before the law impedes access to resources for crimes, a significant problem for a population exposed to shockingly high rates even worse when trying to report it to authorities.



**Violation and discrimination of ITGNC people committed by police in Burundi;**

The ITGNC people face routine violence and discrimination in almost all aspects of their daily lives. Police often physically assault, arbitrarily arrest and detain them, sometime without due process or a legal basis, at other times as punishment for simple exercising basic rights, including seeking treatments in health institutions.

Several transgender individual told me that the combinations of criminalization of adults consensual transgender sex conduct and social stigma has had insidious effects on their individual self-expression, forcing them to adopt self censoring behaviour because any suspicious of non-conformity may lead to violence or arrest. several men in capital city of Burundi marriage women because of nations ant-homosexuality laws, to conform to society’s expectations and avoid suspicious and arrest.

**Violation and discrimination Stories of ITGNC people in Burundi;**

- ✓ **Vee** a transgender woman said that one-day police officers had gone to look for her in her home. They did not find her then arrested her father as they said that the case was very serious. On arrival, she went to the police station, she was put in a secluded office, and was questioned about her sexual orientation. The police had gotten reports that she was gay and this is illegal in Burundi. Vee denied the allegations and the police officers started beating her up in a way to force her to say that she is gay. The beating lasted for more than an hour. Since she failed to confess after the beatings, she was let go and told to go back the following day so that the father would be released. The father had to sleep in the cell. The following day she went back, her father was released and she was put in the cell. The police claimed that she give them money for her to be released. Since she was unable to, she had to stay in the cell for more than five hours when her family got the amount of money that the police wanted from her. From that time, she has been scared to even dress in a feminine way and she had to move away from home.
  
- ✓ **BG** a transman recalls that fateful day when he was raped and got pregnant. He still suffers psychologically as he is afraid of going to social places and attending parties that he is invited to. He was drugged and the only thing he remembers is finding himself in the morning undressed and a sharp pain down his genitals. He went to the police station and reported the matter with a number of other people that were also raped in the same party. The police did not take the matter seriously, they said that it was their issue and they had engaged by choice and because things did not go as planned then they decided to come report. BG went to a hospital and took a P3 form, which he has up to date. BG, was also poisoned, and is currently looking to move from the place where he currently lives because he fears for his safety. The relationship with the child that he gave birth to is still fragile as he says the child always reminds him of the pain he went through.



- ✓ J a transwoman says that the only ways to survive in Burundi is to hibernate and disguise her identity as that of the cis-people. She applies her make up well but also tries to minimize it as simple as she can. She works in an organization that tries to fight for the right and help improve the life of the ITGNC people in Burundi. J says that she hopes to get to a point where she can be herself without having to fear for her security in Burundi.

**Conclusion;**

The criminalization act in Burundi continues to make the situation hard for ITGNC and the larger LGBT community in Burundi. Trans people in Burundi continue to face discrimination from the members of the community. The situation is not getting any better for the ITGNC members. Getting health care services, reporting cases to the police and living with people in the community is getting harder by the day.

The LGBTI organizations in Burundi are trying to provide services to the ITGNC people, but the problem is that Trans people are still put in with the MSM and lesbian groupings hence the data for Trans people are lumped together with these groupings. The Trans organization there says that it needs to have its own data for better organizing also improving their capacity. The good thing is that in Burundi the organizations try to work together. There is hope and resilience as the community and organizations in Burundi continue to work for the rights of the larger LGBTI people.

There is still need for further research and documentation as the ITGNC community need to have their specific data. This shall enable them to have better organizing and when it comes to sourcing for funds. This remains as one of the big challenge that the Trans organization faces in Burundi.

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