TURI ABANDE?  
(Where do we belong?)

A LANDSCAPE ANALYSIS OF THE HUMAN RIGHTS OF SEX WORKERS AND LGBT COMMUNITIES IN BURUNDI
This report was made possible through the support of COC-Nederland.
UHAI is part of Bridging the Gaps – health and rights for key populations.
This unique programme addresses the common challenges faced by sex
workers, people who use drugs and lesbian, gay, bisexual and transgender
people in terms of human right violations and accessing much needed HIV
and health services. Go to www.hivgaps.org for more information.

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LGBT Photo: ‘not freedom’ by Faith Wanjala
Design & Layout: Black Butterfly Ltd.


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Table of contents

5 Terminology
6 List of acronyms
7 Introduction and context
9 Methodology
10 Summary

11 LGBT
12 Legal and Policy Environment
19 Landscape of LGBT organising in Burundi
25 Lived realities by LGBT people in Burundi
28 Public Discourse
31 General Recommendations

32 HEALTH
33 Health and HIV
39 Recommendations

40 SEX WORKERS
41 Introduction
43 Legal and Policy Environment
48 Landscape of Sex worker organising
51 Lived Realities
54 General recommendations
Sexual orientation: Refers to physical, amorous and/or emotional attraction of one person towards other people. Everyone has a sexual orientation that is an integral part of his/her identity. Homosexuals and lesbians are attracted to people of the same sex. Bisexual people are attracted to people of the same sex and those of the opposite sex. Sexual orientation is independent from gender identity.

Sexual orientation: Refers to physical, amorous and/or emotional attraction of one person towards other people. Everyone has a sexual orientation that is an integral part of his/her identity. Homosexuals and lesbians are attracted to people of the same sex. Bisexual people are attracted to people of the same sex and those of the opposite sex. Sexual orientation is independent from gender identity.

Bisexuality: This is a sexual orientation that refers to the capacity to be emotionally and/or sexually attracted to people of both sexes. A bisexual person is not necessarily attracted to people of both sexes in equal measure, but the degree of attraction can vary with time.

Gay: A person of the male sex who is attracted to individuals of the same sex or gender.

Heterosexuality: This is a sexual orientation that refers to the desire, love, sexual attraction or sex between individuals of the opposite sex or gender.

Homosexuality: This is a sexual orientation that refers to the desire, love, sexual attraction or sex between individuals of the same sex or gender.

Lesbian: A person of the female sex who is attracted to individuals of the same sex or gender.

Imbonerakure: The youth wing of CNDD-FDD which is the ruling party.

Intersex: A person who was born with sexual anatomy, reproductive organs and/or a set of chromosomes that do not correspond to the typical definition a man or a woman. This can be seen at birth or later in life. Intersex person can be of male or female sex, or neither of the above. Intersexuality is not an issue of sexual orientation or gender identity: intersex people have the same range of sexual orientations and gender identities as others who are not.

Bisexual: This is a sexual orientation that refers to the capacity to be emotionally and/or sexually attracted to people of both sexes. A bisexual person is not necessarily attracted to people of both sexes in equal measure, but the degree of attraction can vary with time.

Transgender: A transgender person is therefore a person who identifies, at least in part, with other genders other than what was assigned to him/her at birth and adopts a way of life that corresponds to that gender. The person adopts a gender identity that is not related to his/her sex at birth but without necessarily undergoing sex reassignment surgery.

Terminology

Gender expression: Refers to the manner in which a person openly expresses his/her gender. This can include his/her behaviour and appearance, such as his/her choices of clothes, hairstyle, makeup, body language and voice. In addition, gender expression includes the choice of name and pronoun to define oneself.

Gender identity: Refers to the profoundly and experimented feeling about one’s own gender. The gender identity of a person corresponds in general to the sex that was assigned to him/her at birth. Sometimes, one’s appearance and general behaviour and other external characteristics can be in contradiction with what the society considers to be normal sexual behaviour.
### List of acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABS</td>
<td>Association burundaise contre le Sida (Burundian Association against AIDS)</td>
</tr>
<tr>
<td>ABUBEF</td>
<td>Association burundaise pour le Bien-Etre familial (Burundian Association for the Wellbeing of the Family)</td>
</tr>
<tr>
<td>ADDF</td>
<td>Association pour la Défense des Droits de la Femme (Association for Defense of Women’s Rights)</td>
</tr>
<tr>
<td>AMC</td>
<td>Association des Mamans Célibataires (Association of Single Mothers)</td>
</tr>
<tr>
<td>ANSS</td>
<td>Association Nationale de Soutien aux Séropositifs et (National Association for the Support of People Living with)</td>
</tr>
<tr>
<td>ASOUPEVU</td>
<td>Association pour le soutien des personnes vulnérables (Association for the Support of Vulnerable People)</td>
</tr>
<tr>
<td>CHUK</td>
<td>Kamenge University Hospital</td>
</tr>
<tr>
<td>CPAMP</td>
<td>Centre de Prise en Charge Ambulatoire et Multidisciplinaire (Mobile and Multidisciplinary Centre for the Care of People Living with HIV/AIDS)</td>
</tr>
<tr>
<td>CNLS</td>
<td>Conseil National de Lutte contre le VIH/SIDA (National Council on the fight against HIV/AIDS)</td>
</tr>
<tr>
<td>FSW</td>
<td>Female Sex Workers</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>LGBTI</td>
<td>Lesbian, Gay, Bisexual, Transgender, Intersex</td>
</tr>
<tr>
<td>LBT</td>
<td>Lesbian, Bisexual, Transgender</td>
</tr>
<tr>
<td>MOLI</td>
<td>Mouvement pour les Libertés individuelles (Movement for Individual Liberties)</td>
</tr>
<tr>
<td>MSM</td>
<td>Men who have sex with other men</td>
</tr>
<tr>
<td>RENAJES</td>
<td>Réseau National de concertation et de coordination des Actions des Jeunes Engagees dans la lutte contre le SIDA (National consultation and coordination Youth Network Committed to fighting against AIDS)</td>
</tr>
<tr>
<td>RNJ+</td>
<td>Réseau National des Jeunes vivants avec le VIH (National Network of Young People Living with HIV)</td>
</tr>
<tr>
<td>SWAA</td>
<td>Society for Women Against AIDS in Africa</td>
</tr>
<tr>
<td>STI</td>
<td>Sexually Transmitted Infections</td>
</tr>
<tr>
<td>TWR</td>
<td>Together for Women’s Rights</td>
</tr>
<tr>
<td>UNAIDS</td>
<td>Joint United Nations Programme on HIV/AIDS</td>
</tr>
<tr>
<td>WSW</td>
<td>Women who have sex with other women</td>
</tr>
</tbody>
</table>
Introduction and context

Burundi is a country with an area of 27,834 square kilometers located in East Africa, bordered by Rwanda, the Democratic Republic of Congo (DRC), and Tanzania. Burundi is a country dominated by Christianity with the majority of people being Catholics who coexist with Protestants (21.38%) and other religions including Islam which are concentrated in the capital city, Bujumbura and areas that were once inhabited by Arab businessmen. French and Kirundi are the official languages whilst English and Kiswahili are taught in schools but not widely used.

Demographically, the Burundian population is relatively young and economically challenged. Young people and children account for 60% per cent of the general population, and 81.3% per cent of people live below the poverty line.

In terms of its political history, Burundi was colonised from 1890 to 1916 by Germany and by Belgium from 1919 to 1962, under mandate as a province of Ruanda – Urundi. After independence, Burundi experienced a long period characterised by military regimes and cyclical ethnic conflicts, in which over 300,000 people were killed, millions were internally displaced and hundreds of thousands sought refuge in neighbouring countries from 1972 to 2000.

In 2002, the Arusha Peace and Reconciliation Agreement\(^2\) signed between the state and the main rebel movement ushered in a new transitional period and a new Constitution\(^3\) that led to democratic and peaceful elections in 2005. In 2010, with the boycott of elections by opposition parties, the human rights situation gradually deteriorated and individual liberties became increasingly limited. In April 2015, following the controversial presidential candidacy of Pierre Nkurunziza of CNDD-FDD, the country was once again plunged into the vicious cycle of violence, extrajudicial killings, restriction of the space for civil society organisations, and more than 200,000 people were forced into exile in the region.

In the context of this study, Burundi is similar to Uganda, Tanzania, and Kenya in that same sex sexuality and sex work are criminalised under the Penal Code of 2009. However, despite the existence of these legal provisions, much like its neighbours, the Government of Burundi, in its policy to fight against HIV/AIDS supported by the Global Fund and UNAIDS, since 2010 provides free male condoms as well as free lubricating gels since 2011 to men who have sex with men (MSM).

Contrary to the trend of increasing numbers of LGBT and sex workers’ organisations that can be observed in the East African movements, the number of organisations in Burundi has remained almost constant in the last five years. That said, there has been increased collaboration between organisations within the movements in Burundi exemplified by the establishment of a community centre dubbed ‘Remuruka Community Centre’ in 2011, which is run and managed by LGBT organisations in and serves as a point of convergence. Remuruka is a Kirundi word for “feel at ease”.

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2. [https://www.issafrica.org/cdburundipeaceagreements/No%201%20arusha.pdf last accessed on 25 January 2016.](https://www.issafrica.org/cdburundipeaceagreements/No%201%20arusha.pdf last accessed on 25 January 2016.)
The objectives of this report include:

• Mapping the growth of the LGBT and sex worker movements in Burundi;
• Document the lived realities of LGBT sex worker Burundians;
• Assess the increase or decrease of divergences between service provision and the needs of the sex worker and LGBT communities; and
• Analyse factors contributing to the challenges faced by the movements as well as identify the effective strategies in advocacy for LGBT and sex workers.

This report covers five thematic areas:

• The legal and policy context;
• The state of organising;
• Lived realities;
• Public discourse and opinion; and
• Health.

“There is rampant impunity for all the human rights violations being committed by security forces and the Imbonerakure.... This is an indication that a complete breakdown in law and order is just around the corner....”

— Zeid Ra’ad Al Hussein, the UN high commissioner for human rights

Therefore the LGBT and SW movements in Burundi currently exist in and have to navigate an environment that is not just legislatively hostile to their identities but is also generally politically unstable given that since April 2015 Burundi has been in a state of conflict and increasing insecurity. This has consequently translated into gross human rights violations on every level, lawlessness within society and an inability to access means to hold the state accountable or access justice for homophobia and whorephobia related crimes.
Methodology

This study is the outcome of a hybrid between qualitative and quantitative research. It is therefore a culmination of literature reviews, one on one and electronic interviews as well as formal and informal focus group discussions. Official documents related to juridical and policy were analysed as part of the literature review. In as much as possible, the information contained herein was verified through the interviews as well as follow up on any references. Although a validation meeting for the LGBT and male sex worker community was planned, an escalation in violence in Bujumbura in December 2015 prevented the meeting from taking place. That said, preceding the escalation in violence, one validation meeting was conducted and attended by 30 female sex workers.

The geographical focus of this study is Bujumbura, which is the capital city of Burundi and thus defined as an urban area. Therefore the LGBT and sex worker respondents interviewed in the course of this study are only a small fraction of LGBT people and sex workers in Burundi majority of who live in urban and semi-urban areas of Bujumbura and its environs. Whereas this study sought to investigate the lived realities of the LGBTI community, it was unable to identify a visible intersex community or locate any documentation on intersex individuals in Burundi. As such you may notice that reference is made to the LGBT acronym and not LGBTI. This is the case in an attempt to accurately represent the constituencies that became the subject of this study. This study also attempts to articulate the existing amalgamation between LGBT and sex worker identities. This is particularly so for male sex workers who on the most part appeared to identify primarily as gay, bisexual or MSM and secondarily as sex workers.

Ultimately it is acknowledged that a major limitation of this study is that it was conducted in the context of great political instability, insecurity, escalating violence, gross human rights violations and mass relocation of Burundians including LGBT and sex workers fleeing the violence that has prevailed in the country since May 2015.

Summary

The Constitution as the supreme law offers a framework for protection of LGBT people and sex workers as it does for any Burundian citizen. However, LGBT people and sex workers are, on a regular basis, victims of human rights violations from simple denial to access public services, physical violence, aggression, extortion, rape and threat to the right to life. These human rights violations are intimately related to perceived culture and tradition as well as to the ignorance of rights and duties of the society, encouraged by speeches made by some political leaders addressing masses, and by the high levels of impunity that currently exist in Burundi.

LGBT people and sex workers also face discrimination and stigmatization exemplified through rejection by family members and relatives, at work, at school, etc. The discrimination and stigmatisation are also observed in healthcare facilities, despite progress made by the inclusion of MSM and sex workers as priority groups in national policies on the fight against HIV/AIDS. The existing provisions in said HIV/AIDS policies do not take into account lesbians, transgender and intersex people, and this perpetuates ignorance and undermines their access to healthcare services.

The types of programmes in place in LGBT organisations in Burundi, could be an indication that even if the number of organisations has not grown in the past few years, these organisations have grown in experience. As aforementioned, there is increased collaboration within the movement with the Remuruka Community Centre as the most visible testimony to this. Though the legal framework that governs registration of non governmental organisations or community based organisations can be construed as providing LGBT organisations with the possibility of registration, no organisation is registered as an LGBT organisation and those that tried to do so were denied legal recognition. The movement in general is still facing some challenges including the lack of visibility of transgender and gender non-conforming people who are nearly absent in the current leadership. An important point to mention in this study is that male sex workers are members of LGBT organisations, and female sex workers are members of informal solidarity groups that on the most part do not have any formal structures but are instead formed for purposes of providing basic financial support to each other. Most mainstream organisations that may include sex workers as part of their constituency, exclude male sex workers (perhaps owing to the level of visibility), and do not have sex worker membership or participation in their decision-making process or conceptualization on programming.

Since May 2015, the escalation of violence in Burundi has forced hundreds of thousands including LGBT and sex workers into exile in neighbouring countries. Freedom of association has been threatened with the Government repressing some civil society organisations that openly denounced the third term in office of President Pierre Nkurunziza. Individual liberties are violated with the Burundian population including LGBT people and sex workers facing arbitrary arrests and detentions, extortions, physical and verbal violence, and extrajudicial killings.
Legal and Policy Environment

Given Burundi’s political history, the current Constitution of Burundi came into force in 2005. This Constitution came about following a history of political instability in the country as such this is reflected in the wording used therein which lends a lot of weight to good governance and democracy. Like the constitutions of its neighbours, Burundi’s Constitution contains clear provisions on what it refers to as ‘fundamental values and fundamental rights’ which refer to a vast number of human rights that the citizenry is entitled to including equality before the law, protection by the law, human dignity, on discrimination, the right to life and freedom of association and peaceful assembly.

However, like its neighbors Burundi has a Penal Code, which contains what could loosely be referred to as morality clauses that criminalise both homosexuality and sex work which it refers to as ‘prostitution’. This legislation is the result of a review in April 2009 before which the Penal Code did not contain provisions that criminalised same sex sexuality.

As a result of this criminalisation, LGBT individuals are oftentimes vulnerable to human rights violations on the basis of their real or perceived sexual orientation, and gender identity and expression. These include arbitrary arrests, in which case they seldom get access to justice because majority of would be legal counsel are often times reluctant to act for the arrested individuals and in the rare occasion that willing counsel would be available, the likelihood that they might be affordable and therefore accessible is low. Consequently several members of the LGBT community in this situation resort to bribery or submit to extortion in order to avoid said detention.

Justice and reparation in case of human rights violations on the basis of sexual orientation and gender identity

Despite the existence of a Bill of Rights in the Burundi Constitution that protects all citizenry including LGBT against discrimination and violence, there are several cases (albeit largely unreported) of physical aggression, arbitrary arrests and extortion in the hands of state agents based on a person’s real or imputed sexual orientation which often times are processed in violation of the law.

Violation of rights. Most Human Rights violations against members of the LGBT and SW communities are perpetrated by members of the society and by law enforcement officers. This often happens because most people including the victims of said violations are ignorant about, misinterpret or manipulate the law.

Laws. Strong laws protect all citizens. Equality before the law means that in the laws eyes every citizen measures the same. When laws ‘other’ members of society it creates a platform for impunity.

Justice. It is therefore important to have a strong justice system (objective and fair judiciary) and knowledgeable law enforcement officers as well as legal counsel. Failure of which leads to human rights violations.


6 Case HA48-LB documented by MOLI, April 2011.
“We expect nothing from the Government and from the police as long as the anti-homosexuality law is still in place.”

— Ariella*, a lesbian.

orientation. Transgender people are arbitrarily arrested and detained in cells that do not confirm to their gender identity, during which they face violence and extortion in the hands of other detainees.

Most arrests and detentions of LGBT people by the police that have been reported are often characterised by the absence of any due process; and LGBT people are often detained for other reasons other than being caught engaging in ‘homosexual acts’. These reasons include suspicion that these people engage in sexual relations with people of the same sex, theft, disturbance of the public order, etc.

These arrests and harassment happens despite the fact that Article 567 of the Penal Code provides for penalties where individuals are caught in the act and not on the mere suspicion that one may be a homosexual. This is therefore indicative of limited knowledge by the police of the provisions of article 567 of the Penal Code of Burundi or a misinterpretation and manipulation of the law and an abuse of the Code of Criminal Procedure.

In the cases that human rights violations on the basis of sexual orientation and gender identity are reported and filed in court, they are not successfully prosecuted and thus no reparations made thereby impinging on access to justice. Additionally, cases of people who have been prosecuted in accordance with article 567 have been either characterised by irregularities in procedures or suspended, thus contributing to more threats or persecutions of people identified as LGBT and in some instances, forcing them into exile or hiding.
2014: The very first arrest

A Vietnamese man, Diong Hoai Giet, 32, was the first victim of article 567\textsuperscript{12} of the Penal Code. With his Vietnamese citizenship and working for a telecommunication company of the Vietnamese army, he was arrested on Tuesday 16\textsuperscript{th} September in Karuzi, in the municipality of Bugenyuzi, at Kiranda, for homosexual practices. In the beginning it was his “friend” Démocrate Ndayizeye, who reported being raped. “But in reality, this is because he was caught in the act by members of the public. In order to protect himself, he lied about being raped,” said Aristide Nsengiyumva, the public prosecutor in Karuzi.\textsuperscript{13} Following interrogations, the Diong Hoai Giet was released after three days on condition that he paid a fine of 100,000 Burundian francs. “Homosexuality is punished by the Burundian law, the Vietnamese man must take responsibility for his actions,” declared the prosecutor.\textsuperscript{14}

\textsuperscript{12} Article 567 punishes people caught in the act of sexual relations between people of the same sex by either a fine of at most one hundred thousand Burundian francs or by a prison sentence of at most two years.


\textsuperscript{14} Supra.
Violations to the right to work, to education and to healthcare also happen mainly because people do not appreciate the rights and liberties of LGBT people.

The impact of the current insecurity and political instability in Burundi on LGBT people

Since May 2015, Burundi has undergone a grave security crisis due to violence that followed the announcement of Pierre Nkurunziza’s bid for another presidential term that forced hundreds of Burundians to take refuge in neighbouring countries. An increasing number of LGBT activists have sought refuge in Rwanda.

The role of the youth in the demonstrations that took place in the months of May to July 2015, in neighbourhoods of Bujumbura and in some municipalities in the interior was met with repression by the Government characterised with violence, grave human rights violations, and hundreds of deaths that are still on the rise daily.

LGBT people being part of the Burundian population and mostly comprised of youth, have been among the most exposed to incidences of human rights violations, in addition to extrajudicial killings and forced disappearances. A young transgender woman was violently attacked by a group of unidentified young people in one nightclub in Bujumbura popular among the LGBT community in May 2015. In late July, another transgender person was attacked at the same place.

MOLI, one of the LGBT organisations in Burundi, reported that majority of cases of violence go unnoticed because of the conditions of prevailing insecurity. This implies that the usual procedures for reporting crime to law-enforcement agencies are not followed due to the breakdown of public order. The security crisis also makes the documentation of human rights violations against LGBT people difficult due to the challenges in accessing the places in which the violations have occurred and therefore making it difficult to investigate them.

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24 Interview with Human and Social Rights Director of MOLI, November 2015.
# Supportive laws

<table>
<thead>
<tr>
<th>Laws/Statutes</th>
<th>Provisions</th>
<th>Impact</th>
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<tbody>
<tr>
<td><strong>Constitution of Burundi</strong></td>
<td><strong>Art 13</strong> – All Burundians are equal in their merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.</td>
<td>LGBTI people enjoy fundamental rights; they cannot be excluded from the social, economic or political life of the nation because of their race, of their religion, of their sex or of their ethnic origin.</td>
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<td></td>
<td><strong>Art 28</strong> – Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications.</td>
<td>LGBT Burundians have the right to respect for their private life and to dignity.</td>
</tr>
<tr>
<td></td>
<td><strong>Art 43</strong> – No one may be subject to arbitrary infringement of their private life, their family, their domicile or their correspondence, or to threats to their honour and to their reputation.</td>
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<td></td>
<td>Searches or domiciliary visits may only be ordered within the forms and conditions determined by the law.</td>
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<tr>
<td></td>
<td>The secrecy of correspondence and of communication is guaranteed within the respect for the forms and conditions determined by the law.</td>
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<td></td>
<td><strong>Art 67</strong> – Each individual has the duty to respect and to consider their fellow man without any discrimination, and to maintain with them relations that permit them to promote, to safeguard and to reinforce respect and tolerance.</td>
<td>Individuals and citizens must respect, consider and not discriminate, against another Burundian including on the basis of their real or imputed sexual orientation, gender identity or expression and vice versa.</td>
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<tr>
<td></td>
<td><strong>Art 62</strong> – Every person has the duty to respect their compatriots and to show them consideration, without any discrimination.</td>
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<td></td>
<td><strong>Art 32</strong> – The freedom of assembly and of association is guaranteed, as well as the right to found associations or organisations in accordance with the law.</td>
<td>LGBT people have the right to come together and organise themselves. LGBT human rights defenders have freedom of expression and of association.</td>
</tr>
<tr>
<td></td>
<td><strong>Art 55</strong> – Every person has the right of access to health care.</td>
<td>LGBT people have the right to access healthcare services regardless of their sexual orientation, gender identity or expression.</td>
</tr>
<tr>
<td></td>
<td><strong>Art 53</strong> – Every citizen has a right to the equal access to instruction, to education and to culture. The State has the duty to organise public education and to favour access thereto.</td>
<td>All LGBT people enjoy the right to education, cultural rights; and in the organisation of public education system, the State must facilitate their access to education.</td>
</tr>
<tr>
<td><strong>Penal Code</strong></td>
<td><strong>Art 219</strong> – Anyone who deliberately causes injuries to or assault another person is punishable by a prison sentence of eight months and a fine of fifty thousand and to two hundred thousand Burundian francs or by any of those punishments.</td>
<td>Prohibits acts of violence and physical aggression against LGBT people.</td>
</tr>
</tbody>
</table>
**Restrictive Laws**

* Although the reference in these provisions are made to same sex sexuality, gender variance is not understood and thus made distinct from sexual orientation. As such, this law can also be used against trans identifying and gender non conforming people.

<table>
<thead>
<tr>
<th>Laws/Statutes</th>
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<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution of Burundi</td>
<td>Art 29 – The freedom to marry is guaranteed, as well as the right to choose one’s partner. Marriage may only be concluded with the free and full consent of the future spouses. Marriage between two persons of the same sex is prohibited.</td>
<td>Adults of the same sex cannot be legally married consent not withstanding.</td>
</tr>
<tr>
<td>Ministerial decree No. 620/613 of 7th June 2011 by the Minister of Education, amending school regulations</td>
<td>Art 9 – Homosexuality is an offence punishable by expulsion from school and the denial of admission to any other school in the Burundian educational system for the current school year.</td>
<td>LGB people can be dismissed from school upon discovery of their real or perceived sexual orientation, subjected to threats of denunciation, or even to extortion on the basis of threats of denunciation.</td>
</tr>
<tr>
<td>Penal Code</td>
<td>Art 567 – Anyone who engages in sexual relations with a person of the same sex shall be punishable by a prison sentence not less than three months and not exceeding two years and by a fine not less than fifty thousand and not exceeding a hundred thousand Burundian francs or by any of these punishments.</td>
<td>Adult LGB people that engage in same-sex relations consent not withstanding can be criminally liable in case of obvious offence.</td>
</tr>
<tr>
<td></td>
<td>Art 364 – Is punishable by a prison term of six months to three years and a fine of thirty thousand to fifty thousand francs or only one of these penalties, any person who, either by presenting himself/herself as the owner of any documents or objects relating to a specific person, issued or certified by a national or foreign authority or by any other manoeuvre deceived authority over his/her identity.</td>
<td>This provision can be manipulated to arrest, detain and prosecute transgender and gender non-conforming people.</td>
</tr>
<tr>
<td></td>
<td>Art 365 – Is punishable by the same penalties as the preceding article, any person who in order to deceive the authorities about his/her identity, presented documents or objects of this kind not related to the person who uses them.</td>
<td></td>
</tr>
</tbody>
</table>
International private law protocols and instruments ratified by Burundi

<table>
<thead>
<tr>
<th>Instrument</th>
<th>Date of ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>African Charter on Human and People’s Rights</td>
<td>28th July 1989</td>
</tr>
<tr>
<td>Convention on the Elimination of all Forms of Discrimination against Women</td>
<td>Signed on the 17th July 1980, Ratified on the 8th January 1992</td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights</td>
<td>9th May 1990</td>
</tr>
<tr>
<td>International Covenant on Civic and Political Rights</td>
<td>9th May 1990</td>
</tr>
</tbody>
</table>

Recommendations:
It should be noted that these recommendations are applicable to a ‘normal’ situation and thus may not apply to the current context of political unrest in Burundi.

- **Education and sensitisation**: for the LGBT community on existing rights and legal provisions, for law-enforcement agents and jurists on the right and sexual orientation and gender identity and expression, and for public service providers;

- **Documentation** of cases of human rights violations on the basis of sexual orientation and of gender identity and expression;

- **Engage strategic litigation** with the view of changing existing legislation and policies that discriminate against LGBT people and thus violate the right to liberty guaranteed by the Constitution of Burundi. Ensure that the law is correctly interpreted and applied;

- **Collaborate and build alliances** with organisations and coalitions that work on the Government e.g.: UNAIDS using the progress made in the area of HIV/AIDS. Support the collaboration and capacity building efforts of LGBT organisations in the development of a joint road map for an effective and strategic approach in order to carry out advocacy and engage in strategic litigation on non-discrimination in Burundi;

- **Access to justice** through the training of paralegal staff, the facilitation of access to information on the legal framework for LGBT people, the development and implementation of effective strategies that prioritise collaboration, building networks with jurists, and leaders of human rights organisations in Burundi.
Landscape of LGBT organising in Burundi

The main findings:

- Contrary to trends observed within the LGBT movement in East Africa, the number of LGBT organisations has remained nearly consistent in Burundi during the last three years;
- The visibility of transgender and gender non-conforming people is low within LGBT organisations at the level of leadership and of the quality of actions to specific to transgender and gender non-conforming people;
- Access to limited funding: most of LGBT organisations declared only having not more than two months’ worth of funding for short-term projects and mid-term projects that run for three months to two years;
- Collaboration between LGBT organisations: LGBT organisations have a space for work, meetings, and community activities in a common space, the Remuruka Community Centre. This contributes to collaboration and harmony within the LGBT movement in Burundi.

In Burundi, the first LGBT organisation was established in 2003, under the name Association pour le Respect des Droits des Homosexuels (ARDHO) – Association for the Respect for the Rights of Homosexuals – as an initiative of the late Georges Kanuma (1972-2009). ARDHO evolved and became Humure (Don’t fear) in 2009. With the introduction of the anti-homosexuality provisions in the Burundian Parliament, Humure split into many organisations due to divergence of opinion on the forms that activism should take. Activists from Humure established other organisations in 2010 including RCL and TWR, which were initially supported by ANSS; and MOLI and the Remuruka Community Centre.

In May 2011, four LGBT organisations (Humure, Rainbow Candle Light, MOLI and TWR) in partnership with Heartland Alliance International and with the financial support to promote human rights of LGBT people in Burundi, opened Remuruka Community Centre in Bujumbura. Since its opening, Remuruka Community Centre has offered psychological support, simple medical care, voluntary testing, counseling, and social integration services and recreational activities (the commemoration of international days, film screening, community activities organised by LGBT organisations) and has welcomed a large number of other civil society organisations. Remuruka Community Centre has since become a force for the collaboration of LGBT organisations, made up of efforts for the mobilisation of the LGBT community. It has become a tool that has served to improve the interactions with other non-LGBT civil society organisations. It has also served to host the commemorative activities of international days including the International Day Against Homophobia, Transgender Day of Remembrance, World AIDS Day, and Human Rights Day.

In May 2012, with the end of financial support from the European Commission for Remuruka Community Centre, LGBT organisations: Humure, Rainbow Candle Light, MOLI and TWR mobilised themselves for the survival of Remuruka Community Centre. It is with this view that the LGBT organisations came together to raise funds to sustain the centre and its services that bring together the LGBT community and contribute to the wellbeing and development of LGBT people in Burundi.

In Burundi, despite the existence and recognition of LGBT people by the Burundian authorities, no organisation including those recognised by the law\textsuperscript{26}, is recognised as an LGBT\textsuperscript{27} organisation. In addition, it is difficult for unregistered LGBT organisations to carry out their activities due the lack of legal recognition aggravated by the sensitivity of issues of sexual orientation and gender identity in Burundi.

\textsuperscript{26} Humure was registered in 2009; Rainbow Candle Light was registered in 2012.


\textit{“Associations for the protection of lesbians, gay, bisexual and transgender people cannot organise demonstrations, unless they have been approved by the authorities. It is also difficult for them to conduct their activities without approval, and even if there are many gays and lesbians in Burundi, there is no legally recognised associations.”}

— Clotilde Niragira, former Minister of National Solidarity, in response by the State on the periodic report on Burundi’s implementation of the provisions of the International Covenant on Civil and Political Rights, in October 2014.
Focus areas of LGBT organisations in Burundi?

- **Sexual and reproductive health**: The fight against HIV/AIDS and the improvement of access to health services for sexual minorities in the fight against HIV/AIDS, breast cancer and cervical through awareness of risky practices, voluntary testing, referring LGBT people to healthcare facilities (ANSS, ABS, CPAMP-CHUK, SWAA-Burundi) through peer education, training peer educators and community mobilisation;

- **Creating community spaces**: LGBT organisations working in Burundi collaborate in organising community recreational activities, including discussion groups, discussions, artistic activities (painting, dance, sewing, creative writing, etc.), film screening that contribute to the well-being and psychosocial development of sexual minorities through Remuruka Community Centre.

- **Socio-economic development**: Some organisations have income generating activities, promote and support the education of LGBT people through vocational training, including learning new communication and information technologies, learning and development of language skills, and businesses like sewing;

- **Capacity building**: for emerging activists and the LGBT community, health service providers, the local government and police force in Burundi;

- **Rights and Advocacy**: The documentation of cases of human rights violations based on sexual orientation and gender identity; research; mobilisation and sensitisation for the fight against all forms of discrimination based on sexual orientation and gender identity and gender expression; collaboration and joint work with other civil society organisations working on human rights, sexuality and gender issues in Burundi such as Réseau National des Jeunes vivants avec le VIH (RNJ+), RENAJES - Simbimanga, Ligue Iteka, Association pour la Défense des Droits de la Femme (ADDF), Association des Mamans Célibataires (AMC) with the support of stakeholders such as Conseil National de Lutte contre le VIH/SIDA (CNLS), the UNAIDS Country Office and embassies (the Netherlands, Belgium, United States of America, and European Union).
# Table of the evolution of LGBT organisations in Burundi

## LGBT organisations in Burundi

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Headquarters/Base</th>
<th>Interventions</th>
<th>Target Group(s)</th>
<th>Challenges</th>
</tr>
</thead>
</table>
| Humure       | Bujumbura        | • Advocacy and community mobilisation  
• Improving access to healthcare services for sexual minorities in the fight against HIV/AIDS through sensitisation and peer education | MSM, Gays | • Mapping and identification of LGBT people in rural areas is difficult;  
• The organisation has no sensitisation tools adapted to the rural areas;  
• The organisation has no partner offering legal assistance for human rights violations that require such assistance;  
• The organisation has difficulties in coordinating interventions with other organisations to avoid duplication. |
| MOLI         | Bujumbura        | • Documentation of cases of human rights violations on the basis of sexual orientation and gender identity, research, advocacy, capacity building | LGBT | • The organisation is not yet legally registered;  
• Issues of capacity, sustainability for the staff of the organisation |
| RCL          | Bujumbura        | • Sexual and reproductive health through peer education and sensitisation against HIV/AIDS;  
• Advocacy, research and mobilisation;  
• Community development through income generating activities that contribute to the wellbeing of the sexual minorities. | LGBT/SW | • The organisation needs capacity building in organisational management and development;  
• The organisation has an organisational structure too complex for its size and activities;  
• Staff members are not enough and they are overwhelmed by the workload;  
• The organisation lacks adequate infrastructure to carry out its work. |
| TWR          | Bujumbura        | • Mobilisation and sensitisation for the fight against discrimination on the basis of sexual orientation;  
• Access to healthcare services in the fight against HIV/AIDS and cervical cancer;  
• Development of LBT/WSW/FSW. | FSW/LBT | • The organisation is not registered; it has no legal recognition;  
• The organisation needs institutional support;  
• The organisation is not sustainable because it implements a few short-term projects. |
| MUCO w'urwaruka | Gitega | • Sensitisation on high-risk practices, voluntary testing, peer educator training (all groups)  
• Recreational community activities;  
• Economic development activities. | LGBT | • Remoteness of the area of intervention of the organisation, difficult access to remote areas in rural areas;  
• Lack of collaboration with other organisations;  
• The organisation needs capacity building in order to achieve its goals |
Challenges to LGBT organising in Burundi

As of November 23, 2015, the Burundian Ministry of Interior issued Decree 530/1597, ordering the temporary suspension of operations of the top ten Burundian civil society organisations including several organisations working on issues related to peace and human rights, such as torture and the rights of women and children. This suspension order is linked to an investigation into alleged incitement to violence in recent months in Burundi, as part of a series of demonstrations held in the country to oppose the decision of President Nkurunziza to seek a third term.

Prior to this decision, in a letter dated November 19, 2015, the Attorney General of the Republic, Mr. Valentin Bagorikunda, sent a letter to banks in the country, asking them to communicate banking information of the suspended organisations and some of their leaders.

This decision, criticised by human rights organisations, to restrict the space of civil society organisations, also affects organisations working on issues of sexual orientation and gender identity in Burundi and makes it even more difficult the work of LGBT organisations that already have challenges including:

- The existence of a law criminalising homosexuality;
- Three out of five LGBT organisations are not yet registered with the Public Ministry, so they are not legally recognised;
- The two organisations Humure and RCL while they work with the approval of the Ministry of Interior are not registered as LGBT organisations;
- Visibility: LGBT organisations in Burundi do not make media statements, for reasons of safety and optimisation of progress made and work in terms of HIV;
- The efforts of identification and mobilisation of LGBT people in rural areas are very difficult due to the mentality, discrimination, stigma and remoteness, that makes certain areas difficult to
Recommendations:

- **Legal recognition**: supporting efforts to engage legal procedures for registering LGBT organisations including measures such as provision of technical assistance to organisations that want to apply for registration as LGBT identifying organisations, funding for the required procedures as well as support from mainstream civil society that could take part in the lobbying and advocacy for the granting of access to attainment of legal personalities for LGBT organisations;

- **Strengthen the LGBT movement** by supporting coordination and collaboration initiatives and spaces between LGBT organisations for example the Remuruka Community Centre, in order to stimulate innovation, encourage reflection, facilitate the participation of the LGBT community in the strategic guidelines for the convergence of advocacy activities;

- **Increase the visibility of transgender and gender non-conforming people** by supporting the leadership development of transgender and gender non-conforming people, ensuring their participation in the exchange spaces in the sub-regional, continental and international movements for learning;

- **Networking with other coalitions and alliances of civil society organisations** to develop strategies to challenge existing laws, policies and proposals that limit and restrict civil society space as well as address limitations on freedom of expression and peaceful demonstration with other civil society organisations in Burundi; and

- **Capacity building of LGBT organisations and activists** in response to the needs and contextual issues relevant to organising and activism, which will facilitate better articulation during advocacy efforts as well as more efficient internal structures which may translate to more responsive organising.

access in rural areas;

- Most capacity building opportunities from international or continental actors tend to lean heavily towards Anglophone structures and speaking countries to the exclusion of francophone countries such as Burundi. As such, few members of Burundi’s LGBT community are able to access or actively take part or utilize said opportunities;

- Coordination with other civil society organisations in the interventions is difficult because of the lack of a permanent framework of coordination and exchange to avoid replication;

- Lack of capacity in organisational management and development, and sustainability because most LGBT organisations have no more than two sources of funding for short-term projects; and

- Lack of formal framework for coordination of advocacy strategies of LGBT organisations.
Lived realities by LGBT people in Burundi

Coming Out

“Many boys have tried to seduce me; I reject them saying that I am waiting for the ‘right’ one. But some insist and flood me with messages. This is frustrating because I feel harassed and at the same time I fear telling them that I am attracted to girls.”
— Tania*, a lesbian, Bujumbura

In Burundi, culture, customs, and taboos around sexuality have an impact on the affirmation of LGBT people. ‘Coming out’ is a bold move that few in the society dominated by family affiliations can make. Most LGBT people interviewed said they did not wish to reveal their sexual orientation or gender identity fearing rejection by friends, family members, classmates, and church members.

“I have never said anything whatsoever to my family, to my neighbours and other friends, because they saw me growing up, and that I liked playing with other girls. They have undoubtedly noticed who I am and they kept quiet, or maybe they did not want any confrontation.”
— Lillie*, a transgender woman, Bujumbura

The Family Circle

The family occupies a central place in the life and customs in Burundi. The typical Burundian is socialized to be family oriented. Most LGBT people we interviewed stated that family has an influence on their behaviours as regards their sexuality as well as other choices including on education, religion, social and professional life.

“I have a family. My father and my mother no longer want anything to do with me since some of their friends told them that I was homosexual and because I have many homosexual and effeminate male friends. My family does not support me; they do not want to see me or hear about what’s going on in my life.”
— Eddy*, a bisexual person

Most respondents stated that exclusion and rejection by family, sexual violence, forced marriage, loss of employment are instigated by family members when their sexual orientation and gender identity is discovered or when LGBT people come out while they are still dependents of their family.

“I have a family that I love and respect, and they love me too. My relations with family members are very good but they are not aware of my sexual orientation. This is a family that hates gays and my gay friends are not welcome there.”
— Aime, lesbian
**Education**

The Government of Burundi initiated the “Education for All” programme in 2005 that provides free education in all public primary schools in Burundi. LGBT people have the right to education however due to their appearance and their gender expression, transgender people, are often bullied by their peers and sometimes by educators. This undermines the will and commitment to acquiring the level of education desired by LGBT people.

“I would have loved to go to university but what I have endured in school determined whether I should go or not. In Burundi, it is not easy to be transgender and to have such physical expression in school.”

— Marie Ange*, a transgender woman, Bujumbura

The adoption of the Ministerial decree amending school regulations by the Minister in charge of Education that entered into force on 7 July 2011, which punishes homosexuality by school expulsion for a duration of one school year, has had psychological and social impact on ‘visible’ transgender people and others whose gender expression is different from their biological sex and exposed them to stigmatisation and harassment by peers.

**Work**

“I separate my private and professional lives. I have never thought about inviting my colleagues at my place, for fear that I may let down my guard and they discover who I am.”

— An interview with Max* a young LGBT professional

Most LGBT people stated that the work environment in Burundi is challenging. First, there is a high rate of unemployment in the country. Second, in the occurrence that one is employed, the work environment tends to be hostile to transgender people who are derogatorily considered as ‘transvestites’ and consequently leads to dismissal in jobs that require constant contact with clients.

“I have already tried applying for a job. It was a small job. At the interview they looked at me strangely, then they told me that they would call me to tell me if I got the job or not. They never called me. Other [transgender people] who are lucky enough to be hired, are subjected to a dressing code that does not reflect their identity and gender expression. Now I think the solution is to create my own business, but how will I do so considering that even at a level of public administration, they ask you to dress in a certain way when you need service?”

— Annie* a transgender woman, Bujumbura

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Security

The crisis situation greatly affects the safety of LGBT people living in Bujumbura. It should be noted that the entry to and exit from suburbs are regulated by ‘security checks’ by the police who may request identification papers from people. The failure to produce said identity documents or the production of documents that may not reflect somebody’s identity and gender expression may lead to arrest and detention in a police station.

“Before, we were afraid of attacks by groups of young people from the neighbourhood, who are homophobic and transphobic, because they could insult us and throw stones at us, and we would run for our own safety, or they could slap us or hit us. Now with the situation that our country is going through, we are afraid of the same groups of young people in the neighbourhood and of the police who ask for identity cards, particularly at checkpoints. Recently, the police arrested me and took me out of the car on a bridge to check my papers. That day, I think I was lucky because I was wearing trousers and not a dress. One of the officers asked if the identity card was really mine, if I was the person on the ID card then he asked ‘Are you a boy or a girl?’ One of the supervisors was nearby, the police officers explained to him ‘my case’ in order to know what they should do. The chief told them: ‘deal with it yourself.’ before leaving, leaving me with the police officers. One of the police officers then tried to touch my genitals to see if I was a boy or a girl before saying ‘I’ll show you my genital, and you will have to do the same. I was saved by a person who knew me and who calmed them down urging them to release me so I can continue my journey. The person asked for forgiveness, and they finally let me go after two hours.”

— Maya*, transgender woman, Bujumbura
Public Discourse

Religious leaders

“I am also a believer, I pray to God and Mohamed and I pray every Friday because God is almighty. I know that in the Koran, homosexuality is prohibited. But we should remember that it is Allah who created us all, and the Koran says that we should be tolerant.”

— Mustafa*, a Burundian gay man

By virtue of its Constitution, Burundi is secular country. That said, religion remains particularly influential in several spheres. Since 2005, the government began to play an active role in the propagation of particular religions for example the endorsement of crusades during which political leaders would actively participate. This was accompanied by actions such as the opening of church owned universities and public statements by political leaders (some of whom come from religion affiliated backgrounds) during which scripture would be heavily referenced. In 2009, with the introduction of the Bill on the Amendment of the Penal Code, some religious leaders including Catholics, Protestants, and Muslims spoke against homosexuality. In 2010, MOLI interviewed Bishop Elie Buconyori, Bishop of the Free Methodist Church in Burundi, who stated “Homosexuality is a spiritual disease. This is because science was unable to effectively address homosexuality,” he said.

Political leaders

“In terms of religion, I would like to mention a case dating back in 2011 of a mosque in an urban neighbourhood inhabited predominantly by Muslims who would incite people during their prayers to violence against the LGBT human rights defenders that ran Humure (an LGBT organisation).”

— Frank* a LGBT activist

“Homosexuality is a sin; it’s a cultural practice copied from outside and that is destroying our customs and is practiced by degenerated people. If we love our country, if we love our culture, we must prohibit this practice that can only attract bad things for us.”

— Jérémie Ngendakumana, former president of CNDD-FDD, March 2009


I am disappointed because there was no in-depth debate. Members of Parliament gave in to political and religious pressure they faced and they voted with fear.”
— Jean-Baptiste Manwangari, one of the rare Members of Parliament who defended the decriminalisation of homosexuality at the National Assembly after the Senate voted in its favour.

The media and the society

In Burundi, media content is mainly consumed through radio, television, newspapers and online newspapers and magazines. During the last decade, homosexuality has been a subject of debates and public opinion fuelled by national and international news. In Burundi, with the introduction of MSM as part of the key populations in the National Programme for the Fight Against HIV/AIDS, homosexuals have become more visible within civil society organisations and drawn the attention of the media.

“Taking into account the Constitution of the Republic of Burundi, our culture, the position of various African countries, without forgetting Holy Scriptures; we cannot allow homosexuality to be practiced in Burundi.”
— Pierre Nkurunziza in Charlotte, North Carolina in the United States of America on Sunday 25 September 2011

Since then, politicians, Burundian dignitaries, especially the President of Burundi as an evangelical made homophobic utterances that went as far as inciting the Burundian population against LGBTI people, saying clearly that “Burundi is not ready to legalise homosexuality.”

“In March 2009, the CNDD-FDD party, the party of Pierre Nkurunziza, the President of the Republic of Burundi organised an anti-homosexuality protest march in the streets of Bujumbura that brought together over ten thousand people from all walks of life. The protesters marched chanting anti-homosexuality slogans. This was the biggest protest match since August 2005 when Pierre Nkurunziza became the president of Burundi.

“Media does not bother investigating when it’s about us; they treat the information as if it came from their sources. Even if they lie, where can I go to complain?”
— Fanny*, a transgender woman, Bujumbura.
In 2011, a private newspaper, Iwacu, published an article about an activist head of an LGBT organisation whose provoking headline alongside the activist’s picture incited mosques in his neighbourhood to preach against homosexuality during the week that followed and encouraged homophobic acts against him.

“There are some socially acceptable behaviours that we adopt in order to be integrated in the society The Burundian culture does not accept homosexuality; it considers homosexuals as deviating.”

— Interview with Diane*, a lesbian woman

However, since 2013, the media has increasingly improved in the way it treats issues of LGBT people and the sexual and reproductive health of sexual minorities, by preserving the security of and respecting the dignity of interviewed LGBT people, and by only reporting facts. This is thanks to informal interactions with some journalists during training workshops organised by some organisations and thanks to the fact that Remuruka Community Centre invited some ‘friendly’ journalists during the commemoration of the Transgender Day of Remembrance in 2014.

40 "David*, le président des homosexuels du Burundi", Article publié dans le journal imprimé Iwacu en 2011.
41 Case HA034-OM documented by MOLU, March 2011.
General Recommendations

Public opinion: The situation of LGBT people in Burundi largely depends on the perception of sexual orientation, gender identity and expression, on opinions, and on utterances of government officials, of opinion leaders and of the media. Actions and interventions that can change the position of these opinion leaders and cause them to denounce and condemn homophobic utterances and remarks that incite hatred against real or perceived LGBT people should be encouraged. This should be done by reminding them of unifying values of the Constitution and of values of harmonious cohabitation; and by educating the media in order to avoid the publication of content the may affect the dignity, well-being and the security of LGBT people. The media should be encouraged to continue helping to change public perception by informing and educating the Burundian society on sexuality and gender.

Facilitated access to LGBT friendly healthcare services: Existing LGBT friendly healthcare services are found essentially in the capital city. In rural areas, LGBT people do not visit existing healthcare facilities or when they visit them, they do not return because some staff members are homophobic and trans phobic and this constitutes a threat to the dignity and privacy of the LGBT people. The entry point could be harmonising sensitisation and education efforts targeting medical staff in rural areas. It is also necessary to support the creation and maintenance of LGBT run safe spaces such as Remuruka Community Centre.

Advocacy: There is need to support the advocacy of LGBT organisations in Burundi in order to enable the groups to address issues of human rights violations by promoting non-discrimination and equal access to healthcare services, to education, to job opportunities and to economic development; the rights to freedom of expression, of association and of peaceful assembly, to active participation on decision-making that affect sexual minorities in Burundi.

Documentation and visibility: Most human rights violations perpetrated against real or perceived LGBT people are merely documented by recording statements without any further evidence such audio-visual content. Given that the public opinion is often manipulated by opinion leaders, LGBT organisations and allies need to properly document cases of human rights violations and provide the media and the society with information to challenge the prevailing assumptions around sexual orientation and gender identity and expression, and on their lived realities.

Creation of coalitions, fostered collaborations within and without the movement: Though LGBT organisations carry out activities at the local level and collaborate on certain aspects, there is no point of convergence for LGBT organisations towards other movements. Each of the LGBT organisations could aligns itself with a movement, a network that mirrors its identity and activities. There is a need to support the coordination of efforts of LGBT organisations in contributing to social justice, and to foster communication and consultation between organisations are a few actions that could contribute to the strengthening the LGBT movement in Burundi.
Health and HIV

Considering the context, access to health for LGBT people and sex workers needs to be treated as a distinct from the broader and more general conversation about access to health and the challenges posed by the current political instability for the reason that the factors impeding access to health and the quality of service delivery for these two communities above and beyond the country’s security situation are the stigma and discrimination that prevail. The National HIV/AIDS Policy\(^4\) mentions MSM and sex workers as part of the key populations that require particular attention. Existing interventions and strategies in the area of health of key populations do not address issues specific to transgender, and intersex people.

It is also fitting to mention that male sex worker respondents identify primarily as part of the LGBT community and less so as part of the sex worker community.

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Main findings on the access to health care for LGBT and sex workers:

- Lack of dissemination of information and sensitisation tools specific to LGBT as well as male and female sex workers;
- Discrimination and stigmatisation by the staff and other patients in the healthcare facilities;
- Facilities that have no partnership with LGBT and sex workers’ groups or perceived to be ‘friendly’ are not visited by key populations;
- Condoms and lubricants are available for free, but their distribution is not assured because although the Government through the CNLS makes them available, there is no structures in place at healthcare centres and other functional points to facilitate coordination of said distribution chain;
- Female condoms are not available and there is a general lack of awareness about their existence or function;
- ARVs are available but access to ARVs is not supplemented by the requisite dietary requirements for economically disadvantaged LGBT people and sex workers;
- PrEP (pre-exposure prophylaxis) and PEP (post exposure prophylaxis) are not available in Burundi;
- Projects and organisations involved in the provision of health services for LGBT people and sex workers have no coordination, leading to replication of actions and to lack of harmonisation of lessons learned and good practices;
- The health needs of transgender persons are not acknowledged or met;
- Female sex workers do not have access to information and health services for reproductive health.

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“When you go to ANSS for consultation and healthcare that is not ‘basic’, they tell you that the designated day for MSM to see the doctor is Thursday. If they do not transfer you to another centre, you have to wait until Thursday or you can go to SWAA. The problem with SWAA is that although they welcome you, you can spend the whole day waiting for service because it is slow.”

— Yoncé* a trans woman, Bujumbura

In Burundi, both sexual relations between people of the same sex and sex work are criminalised by the Penal Code, which has been in force since 2009. Gaps created by the disparity and evident lack of harmonisation between existing health policies are prominent. LGBT people are not explicitly recognised as part of the populations at risk. Existing strategic plans and national programmes mention and focus mainly on female sex workers and their clients, as well as MSM (who are narrowly defined which definition is erroneously construed as inclusive of trans women), detainees, seasonal workers, internally displaced people and armed forces as the main target groups in their interventions.

The last official government Demographic and Health Survey (DHS) in 2010 showed that the HIV prevalence rate among adults aged 15-49 years was 1.4%. The data suggest that women are almost twice as likely to be infected than men with a ratio of 1.7/1. Burundi is considered as country with a low prevalence mixed epidemic but key populations showed significantly higher HIV prevalence.

According to the Ministry of Public Health and Fight against AIDS, the HIV prevalence rate among MSM in 2011 was 2.4%, and HIV prevalence among sex workers is 19.8%. A study by PLACE in 2014, revealed that on a sample of MSM, the HIV prevalence rate was 6%, and HIV prevalence rates among sex workers was about 22%.

Currently, none of the existing LGBT organisations offer direct healthcare services. Instead LGBT people are referred to other associations and healthcare facilities that offer LGBT friendly services including on prevention through peer education, as well as testing, treatment and counseling services offered to MSM whether or not they may be living with HIV/AIDS.

Sexual and reproductive health for lesbian and bisexual women, and transgender men remains a challenge because existing health programmes do not acknowledge their existence. This translates to limited information and support available for the prevention and treatment of STIs which is further propagated by the lack of dental dams in Burundi.

Female sex workers are considered a high-risk group by the National Council on the Fight against AIDS (CNLS); and they are beneficiaries of the medical programmes in Burundi offered by pioneer organisations such as ABUBEF, SWAA-Burundi, and ANSS. Voluntary testing services are also free though this does not apply to other STIs. LGBT people also attend educational sessions on the fight against HIV/AIDS, and they have access to condoms and lubricating gels.

There is no medical facility entirely dedicated to the treatment of sex workers in Burundi. Therefore, they visit the same facilities as the general public in which they face discrimination by some healthcare service providers. Due to the fluctuation of monthly revenue from sex work, majority of female sex workers do not have means to pay for the medical services they need, apart from the free services they get from the ally organisations mentioned below:

Organisations and facilities identified as frequently visited by LGBT people and sex workers
- As part of its ‘MSM Project’, ANSS provides free health services to sexual minorities which includes medical consultation, treatment, voluntary testing and counseling, treatment of STIs, provision of ARVs and monitoring of persons living with HIV. Peer educators facilitate information sharing and sensitisation workshops on the increased prevalence of HIV and STIs among MSM, and prevention. The project also provides psychological and social support services, organises discussion groups, carries out visits to the homes of beneficiaries, and monitors patients in case of transfer to a hospital. As an additional activity, the project supports income generating activities that benefit MSM in precarious financial situations;
- CPAM-CHUCK, Nouvelle Esperance provides voluntary testing and counseling services, treatment of STIs, distribution of condoms and lubricating gels. In addition to this, SWAA-Burundi has a hotline service open to the public for the information, issues related to HIV/AIDS and STIs run by an LGBT identifying person;
- ABUBEF provides reproductive health services (birth control pills, etc.) in addition to the services offered by CPAMP-CHUK and Nouvelle Esperance; and
- Seruka Centre Initiative provides prevention services against HIV/AIDS and sexually transmitted infections, and emergency contraception for rape victims.

Information and tools for sensitisation
In 2012, the CNLS in collaboration with Humure produced information brochures on the modes of transmission and means of prevention of HIV/AIDS by adapting the information, the brochures were not disseminated to all healthcare centres in sufficient quantities. Nevertheless, there has been no such adaptation of information targeting female sex workers.

Most LGBT people and sex workers reported not having seen these brochures or any advocacy tools specific to LGBT people and sex workers produced by CNLS in the healthcare facilities that they visited.
Antiretroviral drugs
Access to ARVs is a major problem because most LGBT people and sex workers interviewed said that the supply points are few, and availability is typically restricted to urban areas. Some LGBT and sex workers who do not have enough financial means have problems adhering to the prescribed nutritional diet. Sex workers have reported that taking ARVs and carrying on with work is difficult because of the fatigue and side effects of ARVs.

PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis)
PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis) are not yet available in Burundi. Therefore, they are not part of prevention means available to the general population, including key populations.

Discrimination and stigmatisation in healthcare facilities
LGBT people and sex workers are still discriminated against by some staff and other patients in healthcare facilities. Stigma affects the willingness to visit healthcare facilities, and the result is that most LGBT people and sex workers infected with STIs do not seek medical treatment in time. This is also related to the lack of sufficient information on available services.

“One day I went to Nouvelle Esperance to be screened for HIV/AIDS. The nurse who received me insisted on asking me if I am male or female, because supposedly on the documents he saw a feminine name and I looked like a male person. I was so angry that I got up and left.”
— Bebe*, a transgender man, Bujumbura

Condoms and lubricating gels
Most LGBT people and sex workers said that male condoms are generally available free of charge at most healthcare and youth centers in the municipalities, but their distribution is not guaranteed because although the Government through CNLS attempts to ensure their availability, there is a lack of a coordinated condom supply and distribution system in these healthcare facilities and other functional points. Female condoms are not available and most of the female sex workers interviewed in the course of this study appeared to be unaware of their existence or utility.

Determination of interventions
The only existing institution working on the coordination of the response against HIV/AIDS in Burundi is the Country Coordination Mechanism, which is involved in the implementation and management of the Global Fund grants. Apart from this setting and except for projects that are implemented in consortium as Link Up, there is no formal coordination at country level. The projects and organisations working on the provision of health services for LGBT people and sex workers have no coordination, causing the replication of actions and the lack of harmonisation of lessons learned and best practices to inform future interventions.

Antiretroviral drugs
Access to ARVs is a major problem because most LGBT people and sex workers interviewed said that the supply points are few, and availability is typically restricted to urban areas. Some LGBT and sex workers who do not have enough financial means have problems adhering to the prescribed nutritional diet. Sex workers have reported that taking ARVs and carrying on with work is difficult because of the fatigue and side effects of ARVs.

PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis)
PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis) are not yet available in Burundi. Therefore, they are not part of prevention means available to the general population, including key populations.

Discrimination and stigmatisation in healthcare facilities
LGBT people and sex workers are still discriminated against by some staff and other patients in healthcare facilities. Stigma affects the willingness to visit healthcare facilities, and the result is that most LGBT people and sex workers infected with STIs do not seek medical treatment in time. This is also related to the lack of sufficient information on available services.

“One day I went to Nouvelle Esperance to be screened for HIV/AIDS. The nurse who received me insisted on asking me if I am male or female, because supposedly on the documents he saw a feminine name and I looked like a male person. I was so angry that I got up and left.”
— Bebe*, a transgender man, Bujumbura

Condoms and lubricating gels
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access to information on reproductive health are not part of the package offered by programs targeting sex workers. Abortion is illegal in Burundi.

Any person who, using foods, beverages, drugs, intentionally made a woman abort, except in cases provided for by law, shall be punished by a prison term of one year to two years and a fine of twenty thousand francs fifty thousand francs.

If the perpetrators are medical or paramedical professionals or are undertaking studies for graduation qualifying for the exercise of such profession, they are liable to a prison term of two to five years and a fine of fifty thousand to five hundred thousand francs.

The woman who voluntarily procured an abortion is liable to a prison term of one year to two years and a fine of twenty thousand to fifty thousand francs.

— *Art. 505, 508, and 510 of the Penal Code of Burundi translated from French*
Recommendations

- **Education and sensitisation**: There is a need to prioritise raising the awareness of LGBT people and sex workers regarding existing services and on sexual and reproductive health. Training of peer educators is necessary, especially as the peer-to-peer approach is recommended to counteract the gap in the lived realities of the beneficiaries, and to ensure the dissemination of simplified, understandable information for LGBT people and sex workers at national level;

- **Advocacy**: Targeting policy makers on national health policies, collaborations with national organisations and coalitions as well as supporting the active participation and implementation of networks, lobbying on health rights using the human rights and HIV/AIDS approach in Burundi in terms of access to health;

- **Reproductive health**: Supporting access to information and services that meet the needs and realities of female sex workers in order to reduce unwanted pregnancies and to contribute to the well being of female sex workers in Burundi;

- **Empowerment** of sex workers by promoting networking and facilitating income-generating activities which will strengthen self-esteem, reduce high-risk sexual behavior and consequently enhance sex workers’ power to negotiate; and

- **Given the current crisis in Burundi**, security mechanisms such as encouraging the identification of a neighbourhood ‘contact person’ for the two communities, would simplify the chain of information and facilitate better access to services. It is essential to support innovative programs and including as many members of the LGBT and sex worker communities as possible.
Introduction

In Burundi, sex work has increased in visibility with the demystification of the taboos around sex in the context of the fight against HIV/AIDS (sensitisation and mobilisation), of poverty and of a growing population. This visibility has been equally facilitated by measures taken by the government to repress sex work (e.g. through police raids) in the city of Bujumbura, the involvement of minors in sex work, and the media reports that have publicized the aforementioned.

Male sex workers identify as part of the LGBT community. Most male sex workers said they were perceived as ‘gays’ and that people often thought that there is no such thing as male sex workers. Due to this identity, reference to sex workers in this chapter on the most part connotes female sex worker.

Since May 2015, the surge of violence related to the political situation in Burundi has greatly affected sex work in that because of self imposed curfews in the city of Bujumbura, most sex workers interviewed in this study reported having fewer clients, restricted places of work and decreased powers of negotiation as a result.

“Before [the crisis], you could have two, three, or four customers who call you in a day, and earn nearly one hundred thousand Burundian francs.”

— Christa* a female sex worker, Bujumbura
Whilst recognizing the legitimacy of their work, a repeated theme in the interview process for most respondents was that most sex workers engaged in sex work as minors. Most sex workers made their first transaction in the age group of 13-17. The respondents identified three broad ‘categories’ of sex workers based loosely on situational and geographical locations of work.

- The first category is that of young women from rural areas in Burundi who go to Bujumbura or other towns in their provinces looking for domestic work. Sometimes, when they fail to get the jobs, they move to low-income neighbourhoods and engage in sex work. They are typically street based and thus locally referred to as ‘Somba somba’.

- The second category is that of young women living in challenging family conditions that are beyond their control e.g. poverty, abuse, divorce, single-parent families, severe conflicts between parents and children. Most of these young women chose sex work as a means to earn school fees for themselves and their siblings or to live a peaceful life away from family tensions. This category also includes male sex workers come from disadvantaged background in the capital city and whom their families have rejected.

- The third category is that of young men and women from well-to-do families termed as “elite” sex workers and are known to have a lot of social capital in comparison to the aforementioned categories.

Over the past ten or so years, the Government of Burundi has severely discouraged solicitation and selling sex in the streets, through arrests by the police and “preventative detention”. As a result, most female and male sex workers rarely work on the streets and prefer going to bars, nightclubs or work from their homes, hotels, brothels and guest houses or arrange meetings via phone.

Besides sex work which was reported as a night time engagement for most, respondents reported engaging in other income generating activities during the day to “make ends meet” and sustain themselves. They cited examples of alternative sources of income cited such as small-scale trade – the sale of fruits and food items, the sale of beauty products, the sale of alcoholic beverages and soft drinks, etc.

The respondents interviewed for this study reportedly fee their services for amounts ranging from 5,000 BIF (about USD 3) to over 100,000 BIF (about USD 64). The pricing depends on several factors such as the sexual practices desired by the customer, the income the potential customer, the location from which they work, and the location in which they offer services, etc. The fees in cities and towns differ from those charged by sex workers based in rural areas because of the economic disparity. It this therefore leads to limitations in the power to negotiate which may also explain the lower prices for transactions and the heightened vulnerability to HIV/AIDS and other STIs for rural based sex workers.
Legal and Policy Environment

“Prostitution constitutes, the act of giving one’s body for the pleasure of others and turning it into a profession.”
— Article 538, Penal Code of Burundi (Translated from French)

Burundi much like it’s neighbours has a robust Constitution that is the supreme law of the land and purports to protect all citizenry from various human rights violations. That notwithstanding, Burundi also has a Penal Code that dates back to the colonial period as inherited from the Belgians. It was first reviewed in 1980 to purportedly reflect contextual accuracy and amended in 1981 to include provisions that criminalise sex work. Currently sex work is an offence that is punishable by up to five years imprisonment.

As a result of this criminalisation, sex workers are particularly vulnerable to both state and non-state perpetuated human rights violations. Given that Burundi has also criminalised homosexuality, male sex workers that target male clients are twice as vulnerable. This study found that the visibility of male and trans sex workers in comparison to their female counterparts was considerably low.

Also considering the current political instability, this study found that the human rights violations experienced by most sex workers include but are not limited to:

- The denial of due process and access to justice in cases of human rights violation by clients or arrest by the police. Whereas even before the conflict this was an issue, what little legal protection structures that may have existed are no longer in place due the current breakdown of law and order in Burundi.

“Assumani is a gay sex worker known in the neighbourhood. A few days ago, someone from the neighbourhood asked him for ‘quick service’ in a small alley which was deserted at dusk, for 5,000 Burundian francs. He agreed and they went. When they started kissing, his ‘client’ severely bit his lower lip to the point of cutting it before leaving him with a bleeding mouth. Assumani could not go to the hospital because night was falling, and he managed to stop the bleeding. He did not report the incident to the police.”
— Martin*, a gay man, Bujumbura

• Arbitrary arrests and detention by the Police with the possibility of release only upon payment of an unspecified fine which is oftentimes unrecorded.

“When the police arrest you and take you to the police station, the policemen asks questions like ‘Are you a man or a woman?’. In jail, they hit and assault you severely in order to ‘correct you’. To secure your release, you have to pay much more than what female sex workers pay, and you do not even have the right to the usual interrogation session with the senior police officer to determine your innocence.”
— Lola*, a transgender sex worker, Bujumbura

• Extortion of money and valuable goods by members of society as well as the police.

“Recently, one of our friends was in her house, when she got a visit by the police. They pointed an AK47 at her and ordered her to give them her mobile phone before leaving. This is better than being shot at point blank.”
— Kelly*, female sex worker, Bujumbura
## Supportive legislation

<table>
<thead>
<tr>
<th>Law/Statute</th>
<th>Provisions</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution of Burundi</td>
<td><strong>Art 13</strong> – All Burundians are equal in [their] merits and dignity. All citizens enjoy the same rights and have right to the same protection of the law. No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin.</td>
<td>Recognises the enjoyment of all rights guaranteed by the constitution and the protection by the law for all citizenry including sex workers.</td>
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<td><strong>Art 21</strong> – Human dignity is respected and protected. Any threat to human dignity is punished by the penal code.</td>
<td>Citizenry including sex workers must be treated with respect and dignity, and any violation of their dignity is punishable by law.</td>
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<td><strong>Art 25</strong> – Every woman, every man has the right to the freedom of their person, notably to the physical and psychological integrity and to the freedom of movement. No one shall be subjected to torture, or to cruel, inhuman or degrading penalties or treatments.</td>
<td>Citizenry including sex workers have the right to self determination including over their physical and psychological integrity. They are protected by the law from torture, and from any form of inhuman and degrading treatments.</td>
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<td></td>
<td><strong>Art 32</strong> – The freedom of assembly and of association is guaranteed, as well as the right to found associations or organisations in accordance with the law.</td>
<td>Sex workers have the right to organise themselves and form associations.</td>
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<td></td>
<td><strong>Art 31</strong> – Freedom of expression is guaranteed. The State respects the freedom of religion, of thought, of conscience and of opinion.</td>
<td>This provision guarantees citizenry including sex workers the right to freely express themselves</td>
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<td><strong>Art 52</strong> – Every person is entitled to obtain the satisfaction of the economical, social and cultural rights indispensable to their dignity and to the free development of their person, thanks to the national effort and taking into account the resources of the country.</td>
<td>Sex workers have the right to meet their economic and social needs indispensable to their human dignity and to their development.</td>
</tr>
<tr>
<td></td>
<td><strong>Art 28</strong> – Every woman, every man has the right to respect for their private life and for their family life, for their domicile and their personal communications.</td>
<td>Grants sex workers the right to privacy, and to the non-violation of their homes including through arbitrary and illegal raids.</td>
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<td></td>
<td><strong>Art 43</strong> – No one may be subject to arbitrary infringement of their private life, their family, their domicile or their correspondence, or to threats to their honour and to their reputation.</td>
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<td>Searches or domiciliary visits may only be ordered within the forms and conditions determined by the law.</td>
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<td></td>
<td>The secrecy of correspondence and of communication is guaranteed within the respect for the forms and conditions determined by the law.</td>
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<td></td>
<td><strong>Art 55</strong> – Every person has the right of access to health care.</td>
<td>Access to healthcare by sex workers is guaranteed. This provides sex workers protection by the law from discrimination and denial of healthcare in health care institutions.</td>
</tr>
</tbody>
</table>
### Penal Code

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articles 554 to 562</td>
<td>Rape is broadly defined as any violent act of sexual penetration of any kind and by any means whatsoever.</td>
<td>This provision makes rape punishable by law thereby protecting sex workers from sexual violence by clients and/or law enforcement agents.</td>
</tr>
<tr>
<td>Art 219</td>
<td>Anyone who deliberately causes injuries to or assault another person is punishable by a prison sentence of two months to eight months and a fine of fifty thousand to two hundred thousand Burundian francs or by any of those punishments.</td>
<td>Punishes physical violence and aggression against sex workers.</td>
</tr>
<tr>
<td>Art 563</td>
<td>Sexual harassment entails using, against another person, orders, threats or physical or emotional constraint, aggravated pressure, in order to obtain sexual favours, by abusing the authority conferred the functions. It is punished by a prison sentence of two years and by a fine of five thousand to five hundred thousand Burundian francs. In case the victim of harassment is a minor younger than eighteen, the punishments are doubled.</td>
<td>Sexual harassment on sex workers is punished by the law.</td>
</tr>
</tbody>
</table>
## Restrictive legislation

<table>
<thead>
<tr>
<th>Law/Statute</th>
<th>Provisions</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Penal Code of Burundi</strong></td>
<td>Art 538 defines prostitution as the act of giving one’s body for the pleasure of others and turning it into a profession. As read with Articles 539 to 548 incitement of debauchery and prostitution; pimping, facilitation and solicitation of prostitution.</td>
<td>These provisions criminalise the ‘facilitation’ of sex work, keeping and management of brothels, facilitation and benefit from sexual transactions, and the solicitation of clients by both male and female sex workers with penalties ranging from 6 months to 10 years.</td>
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<td></td>
<td>Art 549 to 553 refers to indecent assault which is defined as constituting any sexual act contrary to Burundian morals intentionally committed against another person. This includes intent to act.</td>
<td>This provision can be and has been used to arrest and prosecute sex workers based on their situation and time of alleged activities as well as their appearance and expression, for example through the choice of dress and body language. The penalties range from between 6 months to 20 years imprisonment.</td>
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<td></td>
<td>Art 364 – Provides that any person who, either by presenting himself/herself as the owner of any documents or objects relating to a specific person, issued or certified by a national or foreign authority or by any other manoeuvre deceived authority over his/her identity is punishable by a prison term of six months to three years and a fine of thirty thousand to fifty thousand francs or only one of these penalties.</td>
<td>This provision may be used to arrest, detain and prosecute transgender and gender non-conforming sex workers.</td>
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<td></td>
<td>Art 365 – Is punishable by the same penalties as the preceding article, any person who in order to deceive the authorities about his/her identity, presented documents or objects of this kind not related to the person who uses them.</td>
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<td></td>
<td>Art 505, 508, 510 – Criminalises abortion making it punishable by penalties of up to 5 years imprisonment.</td>
<td>This provision essentially criminalises any female sex worker that may purport to terminate an unwanted pregnancy as well as any healthcare professional that may purport to assist in said termination.</td>
</tr>
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</table>
Landscape of Sex worker organising

The study discovered that there is no formal organisation of female sex workers in Burundi. The only form of organising which is informal and actually applies to female sex workers is of small groups for ‘solidarity’ and security in neighbourhoods as well as to offer each other support. These groups also serve as target groups in interventions in the fight against HIV/AIDS carried out by civil society organisations working on sexual and reproductive health. An example is ASOUPEVU, an organisation that deals exclusively with female sex workers, started operations in 2006, and was registered by the Ministry as an organisation that supports vulnerable people without mentioning female sex workers.

It should be mentioned that male sex workers interviewed in the course of this study primarily identify as part of some LGBT organisations that have sex workers in their constituency. Another aspect worth noting is that any resources that may be allocated towards sex workers in Burundi, typically have a HIV/AIDS focus and therefore not much attention is paid to aspects such as mobilisation and capacity building. In addition, the current crisis situation prevailing in Burundi affects the community’s ability to not just organise but also to resource any movement.

Advocacy

Most female sex workers interviewed reported that they come together when a colleague is detained and attempt to get her released. They also stated that there is no advocacy on a large scale for sex work because the organisations that implement projects aimed at improving the conditions of female sex workers tend to leverage ‘rehabilitation’ in favour of alternative sources of income generation such as small scale economic ventures.

“When these organisations invite us to take part in a microfinance project, they tell us that sex work is not job for Burundian women and that we should think about other decent income-generating activities to avoid arrests by the police.”

— Mina*, female sex worker, Bujumbura
Supporting income-generating activities
The majority of female sex workers interviewed said that sex work alone is not enough to meet their basic needs. This is due to the fact the sex work is outlawed, and so sex workers are subjected to police raids, and that there is prevailing poverty and employment in the country. Most female sex workers mentioned that poverty was one of the factors that prevented them from being empowered to make decisions on their sexuality and on the use of condoms because their profession is how they make a living.

For this reason most sex workers expressed the need to have alternative sources of additional funds to survive through various income-generating activities. The majority of female sex workers who engage in other income-generating activities sell consumer products: drinks for their clients, airtime, fashion products, etc.

Challenges
- Existing interventions do not cover a large geographical area because it is difficult for organisations implementing these project to locate the sex workers;
- Organisations working with female sex workers do not have enough funds to reach a large number of female sex workers in order to provide them with services such as counseling;
- The legal framework and the social environment creates a reluctance within mainstream human rights organisations to assist in cases of human rights violations against female sex workers;
- The inability of female sex workers to form autonomous organisations and address their issues means that any interventions may lack the sex worker voice and may not necessarily be have a sex worker driven agenda; and
- The level of education of female sex workers, because most of them have not completed their education and the lack of motivation to continue their studies due to stigma and lack of self-esteem.

“When a client suggests to double the money in order to have unprotected sex while you are facing financial difficulties, you have to accept because you have to pay rent and buy food.”

— Ashura, a female sex worker
**Recommendations:**

- Provide **safe spaces for meeting and development** by and for sex workers outside of training and workshops on HIV/AIDS, which explore community mobilisation, and offer group discussions and similar and services in Burundi;
- **Visibility** in supporting the identification of peers to facilitate organising sex workers, enhance the visibility of transgender and male sex workers in the existing LGBT organisations;
- **Supporting income-generating activities** in order to encourage collective work of sex workers, give sex workers bargaining power, and improve their self-esteem; and
- **Capacity building and movement building** in the exploration and discovery by sex workers of organisational forms, creating formal structures, supporting leadership, providing information on the legislation governing organisations in Burundi and provide any assistance to the realisation of the aspirations of sex workers, encourage collaboration with other organisations and movements established in Burundi.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>HQ/Base</th>
<th>Year of establishment</th>
<th>Registration</th>
<th>Target groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASOUPEVU</td>
<td>Bujumbura</td>
<td>2006</td>
<td>2008</td>
<td>Sex workers</td>
</tr>
<tr>
<td>Rainbow Candle Light (RCL)</td>
<td>Bujumbura</td>
<td>2010</td>
<td>2012</td>
<td>Male and transgender sex workers</td>
</tr>
<tr>
<td>Humure</td>
<td>Bujumbura</td>
<td>2003</td>
<td>2009</td>
<td>Male sex workers</td>
</tr>
</tbody>
</table>
Lived Realities

Due to the illegality of sex work, and due to the fact that the Burundian culture has created taboos on any thing that has to do with sex, female sex workers are perceived as a shame and are considered social outcasts and this severely affects their self-esteem and emotional wellbeing.

“Often when I go to work; I travel in a public vehicle. I have to dress decently to avoid people staring at me. When I reach my ‘post’, I put on short clothes and put the others in my bag in order to attract clients. When I go back home, I put back the ‘decent’ clothes.”
— Liliane, a female sex worker

Stigmatisation

The majority of the respondent stated that being known as female sex worker in the neighbourhood makes them the subject of gossip and disrespect from neighbours.

“I do not want to go back to my province. Once of my uncles discovered that I was selling sex in Bujumbura and informed my father. My father disowned me and prevented any family member from talking to me.”
— Natalie*, a female sex work who live in Kanyosha

Sexual harassment and violence

“Police officers arrest us and demand that we pay ‘fines.’ When none of us has made any money, they force us to have sex with them or spend the night in prison. When you know you have a young child at home, you have to comply.”
— Amandine*, a female sex worker who stays in Gasenyi, Bujumbura

The majority of female sex workers stated that they feared the police, who sometimes carry out arbitrary raids on their different places of business, sexually harass them and/or detain them in police stations, in order to solicit bribes for their release.

“They (the police) took Adeline* late at night to Mpanda cemetery, some kilometres from Bujumbura. Three of them raped her, took her phone and left her there without any money or her phone.”
— Lorraine*, a female sex worker, Bujumbura
Sex workers also said that sometimes the clients do not pay after sex. In such cases, clients threaten them or rape them. Sex workers choose to remain silence to avoid being killed\(^5\) by the client or the brave ones use the means at their disposal to defend themselves. Some use razors\(^5\) or empty bottles as weapons. Sex workers who work or live in densely populated neighbourhoods are often victims of rape at the hands of neighbourhood “gangs”, who are believed to abuse drugs.

**Security**

The current crisis is an aggravating factor in all these situations of human rights violations that are perpetrated by law enforcement officers and that are not subject to due process in cases of complaints, because the victims of these violations fear the police.

“Now the police are watching the movements of customers. When you manage to get a client, they follow you and block the road. They rob the customer first of all the valuables, then you, and leave the two of you there.”

— Tasha*, a female sex worker, Bujumbura

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“Since we cannot move from one place to another at night, you can spend the whole night at the bar with the client. In the morning, the price of drinks consumed is so great that you have no choice but to sleep with your customer without payment, since he was the who paid for those drinks.”

— Ella*, a sex worker, Bujumbura

**Strategies that have worked**

- Establishing ‘solidarity’ neighbourhood based groups among female sex workers to coordinate activities that benefit them;
- Networking with pioneer organisations in the fight against HIV/AIDS in Burundi;
- Radio shows on HIV/AIDS with a focus on female sex workers that have contributed in breaking the taboos around sex work;
- Sensitisation of organisations and facilities that provide healthcare services and economic empowerment opportunities; and
- Informal discussions with the police in order to limit arbitrary arrests and detentions of sex workers and violence during police raids.
General recommendations

1. **Institutional support:** Female sex worker “solidarity groups” need to be replicated and strengthened to promote the emergence of female sex worker leadership in order to carry out their own activities for advocacy and decriminalisation of sex work for adults in Burundi.

2. **Education for rights and legal assistance:** Solidarity groups need capacity support on issues other than HIV/AIDS and sexual and reproductive health. Female sex workers are not aware of their rights and do not know what to do when they are arbitrary arrested and they cannot defend themselves. Initiatives such as legal assistance in cases of imprisonment are necessary to fight against human rights abuses meted on female sex workers.

3. **Networking:** Female sex worker “solidarity groups” should collaborate with other women’s organisations working on women’s rights and women empowerment. Until now, female sex worker solidarity groups are working on HIV/AIDS and implement income-generating activities. This contributes to stigmatisation and the deterioration of their living conditions.

4. **Actions on healthcare and service delivery:** Though female sex workers are recognised as a high-risk population in national programmes on the fight against HIV/AIDS, and despite some organisations that support them such as ANSS, ABUBEF and SWAA-Burundi having regional branches in rural provinces, challenges remain in terms of cases of violent rape, and access to treatment that is only available at Seruka Centre.

5. **Documentation:** Cases of arbitrary arrests by the police, extortion, sexual violence and rape against female sex workers need tangible evidence and need to be documented in order to support legal actions and to initiate advocacy actions for the amendment of the law that prohibits sex work. The documentation would also strengthen the involvement of female sex workers for the cause.