

Burundi

Burundi criminalises same-sex sexual activity between men and between women. Sentences include a maximum penalty of two years' imprisonment and fine. There is some evidence of the law being enforced in recent years, and LGBT people are regularly subjected to discrimination and violence.

Types of criminalisation

- Criminalises LGBT people
- Criminalises sexual activity between males
- Criminalises sexual activity between females

Summary

Same-sex sexual activity is prohibited under the Penal Code 2009, which criminalises acts of 'same-sex sexual relations'. This provision carries a maximum penalty of two years' imprisonment. Both men and women are criminalised under this law.

With the passage of the 2009 Penal Code, Burundi criminalised same-sex sexual activity for the first time in its history. It had never previously criminalised since independence in 1962.

There is some evidence of the law being enforced in recent years, with LGBT people being occasionally subject to arrest, however there is a lack of evidence of successful prosecutions under the law. There is evidence of the law being used to extort LGBT people. There have been some reports of discrimination and violence being committed against LGBT people in recent years, including harassment, threats, intimidation, and extortion.

Law and Legal Developments

2011

In July, the Minister of Education introduced an [ordinance](#) which imposes a punishment of one year's suspension from school for pupils found guilty of "homosexuality".

2009

In April, Burundi criminalised consensual same-sex sexual acts between adults for the first time in its history. According to one [report](#), prior to the Bill's amendment, many senators were against the provision but succumbed to pressure from religious groups.

Criminal Provisions

Penal Code 2009, Article 567 Same-Sex Sexual Relations

Article 567 criminalises same-sex sexual relations with a penalty of up to two years imprisonment and a fine. This provision is applicable to sexual relations between men and between women.

Enforcement

2021

ILGA World reported that there were at least 12 cases of enforcement of the criminalising provision between 2009 and 2021.

2020

The US Department of State [report](#) found that “there were no reports of prosecution for same-sex sexual acts during the year.” Similar results were found in recent years.

[G]iven the Constitution of the Republic of Burundi, our culture, the position of various African countries, not to mention the Holy Scriptures, we cannot allow homosexuality to be legally practised in Burundi.

Pierre Nkurunziza, Former President, 2011

Discrimination and Violence

2020

The US Department of State [report](#) highlighted that the lack of enforcement of the law in recent years does not prevent discrimination in housing, employment, nationality laws, and access to services.

2017

The US Department of State Human Rights [report](#) found that there were cases of harassment, intimidation, arbitrary arrests, and demands for bribes by police officers and members of the Imbonerakure targeting lesbian, gay, bisexual, transgender, and intersex individuals.”

In October, the police in Burundi [announced](#) the “hunt for homosexuals”. This announcement came after several LGBT persons, including teenagers, were arrested and forced to pay extortionate bribes for their freedom.

2014

A civil society [report](#) released in September indicates a large degree of societal discrimination in Burundi.

References

1. Penal Code 2009, Article 567 Same-Sex Sexual Relations

“Whoever has sexual relations with someone of the same sex shall be punished with imprisonment for three months to two years and a fine of fifty thousand to one hundred thousand francs or one of those penalties.” [Full text](#).

Related Countries

Tanzania

Tanzania criminalises same-sex sexual activity between men and between women. Sentences include a maximum penalty of life imprisonment.

Uganda

Uganda criminalises same-sex sexual activity between men and between women. Sentences include a maximum penalty of life imprisonment.

Zambia

Zambia criminalises same-sex sexual activity between men and between women. Sentences include a maximum penalty of life imprisonment.

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