

**38th Human Rights Council
UPR Outcome Burundi**

June 28, 2018

Statement by: International Lesbian and Gay Association

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Thank you, Mr. President,

Despite the fact that Burundi recently revised Article 567 of the Penal Code, which contained criminal provisions against those who engage in “same-sex sexual intercourse”, we are deeply disappointed by the upholding of the same disposition under the Article 590 of the new Penal Code.¹ We are concerned that the new Penal Code does not outlaw discrimination on the basis of sexual orientation and gender identity.

Burundi received and noted all 11 SOGI recommendations. Therefore, we urge the Government of Burundi to respect its human rights obligations by showing full commitment to protect the human rights of all individuals, regardless of their sexual orientation and gender identity. We call upon the Government to take significant steps based on the recommendations noted during this and previous cycles.

Burundi has made progress in ending sexual and gender-based violence. However, despite the existence of its international obligations that are part of the Constitution of Burundi,² gender and sexual minorities in Burundi continue to be victims of human rights violations and face growing discrimination and stigma due to the non-comprehensive and tacit clauses of the sexual and gender-based violence law. Individuals are still victims of arbitrary arrests and illegal detention based on their real or perceived sexual orientation and gender identity. Despite the State’s Constitution which guarantees freedom of expression and peaceful assembly, Burundi does not guarantee the freedom of association and assembly for sexual minority groups based on the Penal Code provisions, hindering the rights to register and operate freely. These groups are refused ministerial approval “due to an object or mission in conflict with the national laws in force”.

We call upon Burundi to leverage its efforts in ending HIV amongst the most-at-risk populations, including sexual minorities, by ensuring discrimination-free access to health care and to ensure that human rights are for all, including lesbian, gay, bisexual and trans persons.

Thank you, Mr. President.

¹ <http://moliburundi.org/code-penal-larticle-567-ne-criminalise-plus-lhomosexualite/>

² Article 19 of the Constitution of the Republic of Burundi.