

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email Basededonnees.DatabaseUnit@irb-cisr.gc.ca.

9 August 2013

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Burundi: Treatment by the state and by society of activists who promote the rights of sexual minorities, without being member of a sexual minority themselves; the law, and whether the state can take action against these activists under legislation; treatment of sexual minorities and activists by the Imbonerakure (2011-July 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on the above-mentioned subject was scarce among the sources consulted by the Research Directorate.

1. Situation of Activists Who Promote the Rights of Sexual Minorities

In correspondence sent to the Research Directorate, the Executive Director of the Movement for Individual Freedoms (Mouvement pour les libertés individuelles, MOLI), a Burundian NGO founded in 2010 whose mission is to advance the rights of LGBTQ (lesbian, gay, bisexual, transgender and queer) people [translation] "through pleas, documentation/research and capacity-building" (n.d.), stated the following:

[translation]

In general, the authorities have not taken direct or indirect action against activists for LGBTQ rights. However, cases have been reported in which heterosexual activists have been subjected to verbal abuse (mockery, insults, etc.) in their family, social (neighbourhood and even church/mosque) and academic environment. (MOLI 5 Aug. 2013)

During an interview granted to the Observatory for the Protection of Human Rights Defenders, an organization created by the International Federation for Human Rights and the World Organisation Against Torture (Organisation mondiale contre la torture), the then director of MOLI, however, pointed out that the authorities had questioned a member of the organization in June 2011 about his work at the NGO and had asked him to stop his activities (Observatory 23 Nov. 2011). A report prepared for the United Nations Universal Periodic Review on Burundi submitted by MUCO Burundi, an organization that fights for the rights of LGBT people in Burundi, in partnership with the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), states that the organization's founder had been summoned twice in 2011 by the police and the intelligence services, who questioned him on the presence of homosexual people in the province of Gitega; according to the organization, the administration [translation] "clearly aimed to prevent MUCO from conducting its activities" (MUCO Burundi and ILGA [2012], 2-3). During that same year, the MUCO founder was detained for two hours because he had [translation] "promoted homosexuality" (ibid., 3).

The Executive Director of MOLI also provided the following information in his correspondence:

[translation]

The Burundian Constitution guarantees freedom of association for all citizens. However, in order to be officially registered, Burundian LGBT organizations were required to officially state in their statutes that they targeted *marginalized, vulnerable or stigmatized groups or people*, and several legal provisions were returned because they contained the words *homosexual* and *homosexuality*.

Despite this refusal to register organizations that claim this LGBTQ identification, these organizations and its members have never been prosecuted by the community. The head offices of these organizations are known, the government authorities have contact information for the heterosexual and homosexual activists for LGBT rights and there is inclusive cooperation on health issues (fight against HIV/AIDS and STDs (sexually transmitted diseases) in particular. (MOLI 5 Aug. 2013)..

According to *Country Reports on Human Rights Practices for 2009*, published by the United States Department of State, the Association for the Respect and Rights of Homosexuals (Association pour le respect et les droits des homosexuels) had to change its name with the government in September 2009 to *Humure* in order to register (US 11 Mar. 2010, Sec. 6).

Furthermore, *Country Reports 2012* states that the government of Burundi "neither supported not hindered ... LGBT organizations" in 2012 (US 19 Apr. 2013, 26).

2. Relations Between the Imbonerakure and Sexual Minorities

According to the Executive Director of MOLI,

[translation]

[t]o date, we have not recorded any cases of violence, harassment or ill treatment towards LGBTQ people by the Imbonerakure.

However, through our unofficial contacts with certain government individuals, and even with the ruling party, there is a complete disinterest in targeting and/or exploiting the LGBTQ theme. Since there are no directives from the decision-makers on this subject, it is understandable that there have not yet been actions by the Imbonerakure (MOLI 5 Aug. 2013).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Mouvement pour les libertés individuelles (MOLI). 5 August 2013. Correspondence sent to the Research Directorate by the Executive Director.

_____. N.d. "À propos de nous." <<http://moliburundi.wordpress.com/presentation-de-moli/>> [Accessed 6 Aug. 2013]

MUCO Burundi and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). [2012]. *Rapport sur la situation des minorités sexuelles au Burundi pour la 15e session de l'Examen périodique universel des Nations Unies pour le Burundi*. <http://www.upr-info.org/IMG/pdf/js3_upr_bdi_s15_2012_jointsoumission3_f.pdf> [Accessed 7 Aug. 2013]

Observatory for the Protection of Human Rights Defenders (Observatory). 23 November 2011. "Les défenseurs plus que jamais menacés!" <<http://www.fidh.org/Les-defenseurs-plus-que-jamais>> [Accessed 7 Aug. 2013]

United States (US). 19 April 2013. Department of State. "Burundi." *Country Reports on Human Rights Practices for 2012*. <<http://www.state.gov/documents/organization/204307.pdf>> [Accessed 1 Aug. 2013]

_____. 11 March 2010. Department of State. "Burundi." *Country Reports on Human Rights Practices for 2009*. <<http://www.state.gov/j/drl/rls/hrrpt/2009/af/135941.htm>> [Accessed 7 Aug. 2013]

Additional Sources Consulted

Oral sources: Attempts to contact an official of the Ligue des droits de la personne dans la région des Grands Lacs and an activist for the rights of sexual minorities in Burundi were unsuccessful.

Internet sites, including: AfricaGay; AllAfrica; Amnesty International; Association nationale de soutien aux séropositifs et malades du SIDA; Burundi Réalités; ecoi.net; Factiva; Freedom House; GlobalGayz.com; Heartland Alliance International; Human Rights Watch; Humure; International Gay and Lesbian Human Rights Commission; *IWACU : Les voix du Burundi*; Pink News.

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