



## The Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon

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Submitted to the United Nations Human Rights Committee by:

- Acodevo
- Action Affirmative
- Alcondoms-Cameroun
- Alternatives-Cameroun
- Association amis du cœur
- Association AVAF
- Association des jeunes solidaires de Garoua
- Association jeunes de l'ouest
- Cerludhus
- Elles Cameroun
- Humanity First Cameroun
- Ladies Cooperation
- Synergía - Initiatives for Human Rights

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## I. EXECUTIVE SUMMARY

This report is a joint submission by Acodevo,<sup>1</sup> Action Affirmative,<sup>2</sup> Alcondoms-Cameroun,<sup>3</sup> Alternatives Cameroun,<sup>4</sup> Association Amis Du Cœur,<sup>5</sup> Association AVAF,<sup>6</sup> Association des Jeunes Solidaires de Garoua,<sup>7</sup> Association Jeunes de L'Ouest,<sup>8</sup> Cerludhus,<sup>9</sup> Elles Cameroun,<sup>10</sup> Humanity First Cameroun,<sup>11</sup> Ladies Cooperation,<sup>12</sup> and Synergía - Initiatives for Human Rights,<sup>13</sup> to the United Nations (UN) Human Rights Committee (“HRC” or “the Committee”) for its consideration of the State of Cameroon’s implementation of the International Covenant on Civil and Political Rights (“the Covenant” or “ICCPR”) at the 121<sup>st</sup> session taking place between October 16 and November 10, 2017.

These organizations have worked together to produce this report on the human rights situation of lesbian, gay, bisexual, and transgender (LGBT) people in Cameroon. This collaborative report discusses the human rights violations against individuals on the basis of their sexual orientation and/or gender identity.

The State of Cameroon continues to infringe the human rights of LGBT people, including through the criminalization of same-sex sexual acts between consenting adults (currently through Article 347-1 of the Penal Code). Also, Article 83 of the 2010 law on cyber-crimes and cyber security criminalizes with imprisonment and/or a fine a person who makes “sexual propositions to another person of the same sex” by electronic communications, and those penalties double if those propositions are followed by sexual relations. These provisions are in clear violation of the ICCPR.

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<sup>1</sup> Association des Communautés Démunies et Vulnérables de l’Océan (ACODEVO) is an association established in 2011 in Cameroon with the objective to promote sexual and reproductive health of LGBTI people in “Océan” and in Kribi in particular. Acodevo also works for a society that is tolerant of the human rights of all people.

<sup>2</sup> Action Affirmative is a non-profit organization based in Cameroon.

<sup>3</sup> Alcondoms-Cameroun is a non-profit organization established in 2012 with the purpose of fighting HIV and the risks associated with drug abuse among sex workers and LGBTI people.

<sup>4</sup> Alternatives Cameroun is a non-profit organization that works for liberty, expression and the respect of people who are in need or socially excluded.

<sup>5</sup> Association Amis Du Cœur is an association that fights HIV/AIDS and defends the human rights with an emphasis on providing assistance to people who have been excluded from their families because of homosexuality.

<sup>6</sup> Association pour la Valorisation de la Femme is an association established in December 2014 with the objective to enhance the image of women and to restore the confidence in themselves.

<sup>7</sup> Association des Jeunes Solidaires de Garoua is an organization that seeks to create a space for the exchange of ideas and reflections around its objectives: fight against STIs, AIDS and Malaria and combat human rights violations of sexual minorities.

<sup>8</sup> Association Jeunes de L’Ouest is a non-profit organization established in 2014 by a group of young Cameroonians from the west region, who were infected or affected by HIV/AIDS. Its objectives include promote the rights of sexual minorities and ensure sex workers and LGBTI people access health services.

<sup>9</sup> Cerludhus is an organization based in Cameroon, created to be a circle for the reflection and the fight for the human rights and against HIV/AIDS. This organization works to provide psychological support to people victims of violence and rejection based on their sexual orientation, among other objectives.

<sup>10</sup> Elles Cameroun is an organization based in Cameroon advocating for the rights of lesbian and bisexual women. This organization works to reinforce the capacities of lesbian and bisexual women and promote spirit of entrepreneurship.

<sup>11</sup> Humanity First Cameroun is a community based organization engaged in the fight against HIV/AIDS among community of men who have sex with men (MSM) in Yaoundé. It promotes and protects the rights of sexual minorities (LGBTI people) through their work.

<sup>12</sup> Ladies Cooperation is an association for the defense of human rights and working to combat HIV/AIDS and for the revalorization and the well-being of women, in particular women who play football.

<sup>13</sup> Synergía - Initiatives for Human Rights is a non-profit organization established in 2017, working to promote and protect human rights across several countries and regions in the world, with an emphasis on the human rights of marginalized groups, such as LGBTI people. Synergía focuses on institutional strengthening, security and protections, and rights and advocacy at domestic, regional and international levels.

Criminalization of same-sex sexual acts leads to stigmatization of people based on their real or perceived sexual orientation and gender identity. LGBT people in Cameroon continue to face criminalization, violence, intimidation, and discrimination. Many individuals are arbitrarily detained by the police, and physically and psychologically abused while in custody. Attacks against persons on the basis of their sexual orientation and gender identity go largely unpunished and hate crimes are rarely investigated. Also, the lack of a legal framework protecting the rights of LGBT people has a negative impact on the exercise of many other of their rights, such as education, health, and employment. Discrimination against the LGBT community is deeply ingrained in Cameroonian society.

Civil society organizations based in Cameroon have documented 21 cases in 2014 in Yaoundé 7 cases in 2015, and 33 cases in 2016 of arbitrary arrest of individuals based on their perceived or actual sexual orientation. In May 2014, four men were detained by the police after returning to Northern Cameroon with condoms and lubricant in their pockets. The police assumed that the men were on their way to engage in same-sex acts. After three days of physical abuse, the men were released because they cleaned the police station. In September 2014, six individuals were arrested in a raid at a home, based on the indication by neighbors that it housed “homosexuals,” by the police in Kodengui.

Organizations and LGBT activists report that “weekend arrests” of LGBT people with the purposes of extortion are common in Cameroon. LGBT people or those perceived to be are detained on Friday and held through the weekend, then released after paying large sums of money. Two brigades, for example, in the town of Yaoundé are reputed to carry out arbitrary arrests with the aim of extorting the victims.

Also, many individuals that are detained on the basis of the Article 347-1 of the Penal Code are subjected to different forms of torture, which include forced anal examinations, which supposedly are conducted to “prove” that they have engaged in same-sex sexual acts.

Further, human rights defenders of LGBT people face numerous challenges, including being subjected to constant acts of violence and discrimination. Organizations and associations face hurdles seeking and maintaining registration because of undue and arbitrary interference by State authorities.

Gender-based violence often takes the form of so-called “corrective” rape. “Corrective” rape has been described as a “hate crime in which an individual is raped because of their perceived sexual or gender orientation, with the intended consequence of the rape being to ‘correct’ the individual’s orientation or make them ‘act’ more like their gender.” In 2014 a young woman and her two female friends were raped by four men, who accused the girls of being a lesbian because they rejected having sex with the men.

Religious leaders, public servants, and the media play a fundamental role in perpetuating this discrimination and stigmatization against LGBT people. Religious groups and leaders publicly express their rejection to “homosexuality,” and associate same-sex sexual behaviors with Satanism.

In its March 2014 Concluding Observations regarding the periodic review of Cameroon, the African Commission on Human and Peoples’ Rights, while noting with concern judicial harassment, offences against life and other human rights violations of defenders “working in the area of sexual orientation”, and noting “discrimination, stigma and violation of the right to life and physical and mental integrity of individuals based on their sexual orientation,” recommended Cameroon to “take appropriate measures to ensure the safety and physical integrity of all persons irrespective of their sexual orientation and maintain an atmosphere of tolerance towards sexual minorities in the country.”<sup>14</sup>

The State of Cameroon has rejected the recommendations made by the Committee and other human rights bodies and hence, it has failed to meet its obligations under the ICCPR. The purpose of this report is to highlight the widespread human rights violations against individuals on the basis of their sexual orientation and gender identity. In particular, this report draws the attention to the following human rights violations of LGBT people in Cameroon:

- Criminalization of sexual acts and sexual propositions through electronic communications between consenting adults of the same sex.
- Torture and forced anal examinations against LGBT people or people perceived to be LGBT.
- Arbitrary detentions, including “weekend arrests” with the purposes of extortion.
- Extortion and blackmail by State agents and private individuals.
- Killings, attempted killings, threats, violent and verbal attacks against LGBT people.
- Sexual violence and “corrective” rape against lesbian women and transgender men.
- Violence and Discrimination against LGBT human rights defenders and denial of registration to LGBT human rights organizations.
- Hate speech, homophobic and transphobic statements by political and religious leaders and by members of the media, which fuel pervasive violence and discrimination against LGBT people.
- Other forms of discrimination against LGBT people, including in education, employment, access to health care, within families and in the communities.

## **II. BACKGROUND, CONSTITUTIONAL AND LEGAL FRAMEWORK**

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<sup>14</sup> African Commission on Human and Peoples’ Rights, Consideration of reports submitted by State Parties under Article 62 of the African Charter on Human and Peoples’ Rights, Concluding Observations on the 3<sup>rd</sup> Periodic Report of the Republic of Cameroon, 15<sup>th</sup> Extraordinary Session, 7 to 14 March 2014, Banjul, The Gambia, paras. 84, 85, and recommendation xxxvi, available at: [http://www.achpr.org/files/sessions/54th/conc-obs/3-2008-2011/concluding\\_observations\\_cameroon\\_eng.pdf](http://www.achpr.org/files/sessions/54th/conc-obs/3-2008-2011/concluding_observations_cameroon_eng.pdf).

The Constitution of the Republic of Cameroon guarantees many fundamental rights established under the ICCPR, including the fundamental rights to life, liberty, security, humane treatment, private life, fair trial, freedom of assembly, freedom of expression, freedom of association, and non-discrimination, among others. The Cameroonian legal system is a monist system that gives primacy to international law over domestic law. Accordingly, Article 45 of the Constitution states that “Duly approved or ratified international treaties and agreements shall, upon publication, have primacy over national laws, provided the treaty or agreement in question is applied by the other party.” Further, the Constitution “assigned legal value to instruments concerning the protection of human rights by incorporating several provisions of the Universal Declaration of Human Rights, the African Charter on Human and Peoples’ Rights and all ratified international human rights conventions.”<sup>15</sup>

Cameroon ratified the International Covenant on Civil and Political Rights in 1984. The ICCPR explicitly prohibits discrimination based on sex and “other status,” which the Committee has understood to encompass also sexual orientation and gender identity.

However, the State of Cameroon continues to infringe the human rights of LGBT people, including through the criminalization of same-sex sexual acts between consenting adults (currently through Article 347-1 of the Penal Code). Also, as discussed below, Article 83 of the 2010 law on cyber-crimes and cyber security criminalizes with imprisonment and/or a fine a person who makes “sexual propositions to another person of the same sex” by electronic communications, and those penalties double if those propositions are followed by sexual relations.

The State of Cameroon has not implemented the recommendations issued by the Human Rights Committee or other international or regional human rights mechanisms,<sup>16</sup> on this issue. In fact, Cameroon has indicated that “in the present state of morals, homosexuality is a practice that is contrary to the values accepted in the Cameroonian society.”<sup>17</sup>

### **III. HUMAN RIGHTS VIOLATIONS ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY**

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<sup>15</sup> UN, International Human Rights Instruments, Common core documents forming part of the reports of States parties, Cameroon, HRI/CORE/CMR/2013, 23 January 2014, paras. 83-85.

<sup>16</sup> See, for example: CEDAW, Concluding observations on the combined fourth and fifth periodic reports of Cameroon, U.N. Doc. CEDAW/C/CMR/4-5 (Feb. 28, 2014), para. 37. Human Rights Committee, Joint Declaration of Special Rapporteurs on Freedom of expression; Freedom of peaceful assembly and of association; Health; Human rights defenders, CMR 1/2012, U.N. Doc. A/HRC/21/49 (Sept. 7, 2012). African Commission on Human and Peoples’ Rights, Concluding Observations on the 3<sup>rd</sup> Periodic Report of the Republic of Cameroon, 15<sup>th</sup> Extraordinary Session, 7 to 14 March 2014, Banjul, The Gambia, para. V. xxxvi. CAT, List of issues prior to submission of the fifth periodic report of Cameroon, U.N. Doc. CAT/C/CMR/QPR/5 (June 11, 2015), para 29. In the context of the Universal Periodic Review (UPR) before the UN Human Rights Council, several countries have made recommendations to Cameroon to decriminalize same-sex consensual acts, which have been noted by Cameroon. UPR, 4<sup>th</sup> UPR Session, Report adopted 12 October 2009, A/HRC/11/21 (1<sup>st</sup> cycle). UPR, 16<sup>th</sup> UPR Session, Report adopted 20 September 2013, A/HRC/24/15 (2<sup>nd</sup> cycle), recommendations 131.32 to 131.38, and 131.108.

<sup>17</sup> Human Rights Committee, *State Party Report: Cameroon*, U.N. Doc. CCPR/C/CMR/5 (29 Dec. 2016), para. 45.

## **A. Criminalization of sexual acts and sexual propositions through electronic communications between consenting adults of the same sex**

### *1. Introduction: legal framework and State's position*

In its previous concluding observations issued in 2010, the Committee indicated to be “deeply concerned about the criminalization of consensual sexual acts between adults of the same sex,”<sup>18</sup> and issued the following recommendation:

The State party should take immediate steps towards decriminalizing consensual sexual acts between adults of the same sex, in order to bring its law into conformity with the Covenant. The State party should also take appropriate measures to address social prejudice and stigmatization of homosexuality and should clearly demonstrate that it does not tolerate any form of harassment, discrimination and violence against individuals because of their sexual orientation. Public health programmes to combat HIV/AIDS should have a universal reach and ensure universal access to HIV/AIDS prevention, treatment, care and support.<sup>19</sup>

In its List of issues prior to the submission of the fifth periodic report of Cameroon, the Committee requested the State to “indicate the measures taken to date in order to decriminalize consensual sexual relations between adults of the same sex and to bring the Penal Code into line with the Covenant,” in addition to requesting information about number of arrests, and measures to prevent violence and discrimination based on real or imputed sexual orientation, among others.<sup>20</sup>

Former Article 347 *bis* of the Penal Code was not included in Cameroon’s original Penal Code of 1965, but rather later introduced in the Penal Code by an order of President Ahmadou Ahidjo in 1972 (at a time when Cameroon did not have a Parliament to pass laws on issues falling within the jurisdiction of the Legislative Power),<sup>21</sup> contravening the principle of separation of powers.<sup>22</sup> The revision of the Penal Code brought renewed hope to the human rights

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<sup>18</sup> Concluding Observations of the Human Rights Committee: Cameroon. CCPR/C/CMR/CO/4, 4 August 2010: para. 12. “12. The Committee remains deeply concerned about the criminalization of consensual sexual acts between adults of the same sex, punishable with imprisonment from six months to five years under article 347 (bis) of the Penal Code. As the Committee and other international human rights mechanisms have underlined, such criminalization violates the rights to privacy and freedom from discrimination enshrined in the Covenant. The information provided by the State party did not allay the Committee’s concern about arbitrariness in the implementation of article 347 (bis), also observed by the United Nations Working Group on Arbitrary Detention in its Opinion No. 22/2006 (Cameroon) (A/HRC/4/40/Add.1), and about reported cases of inhumane and degrading treatment of persons detained on charges of having sexual relations with a person of the same sex. The Committee is also concerned that the criminalization of consensual sexual acts between adults of the same sex impedes the implementation of effective education programmes in respect of HIV/AIDS prevention. (arts. 2, 7, 9, 17 and 26).”

<sup>19</sup> Concluding Observations of the Human Rights Committee: Cameroon. CCPR/C/CMR/CO/4, 4 August 2010: para. 12.

<sup>20</sup> CCPR/C/CMR/Q/5, para. 8. “8. With regard to one of the recommendations in the Committee’s previous concluding observations (para. 12), please provide information on the status of homosexuals in Cameroon. Please provide statistics for the period 2010–2013, including statistics broken down by sex, age and ethnicity, on the number of persons arrested under article 347 (a) of the Penal Code. Please also indicate the progress of the proceedings in the Roger Jean-Claud Mbede case. Please list the measures taken by the State party to prevent acts of violence against individuals on account of their real or supposed sexual orientation. Lastly, please provide information on the measures taken by the State party to protect homosexual prisoners from discrimination, sexual abuse and physical violence.”

<sup>21</sup> The Observatory for the Protection of Human Rights Defenders (a joint programme by International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), AMShE, et al., Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI Persons, International Fact-Finding Mission Report, February 2015, p. 8.

<sup>22</sup> The Guardian, “Cameroonian lawyer urges world to join her in fight against anti-gay legislation,” (Alice Nkom), March 2015, available at: <https://www.theguardian.com/global-development/2015/mar/10/cameroon-lawyer-campaign-against-anti-gay-legislation>.

community in Cameroon, in the hopes that Article 347 *bis* would be abrogated.<sup>23</sup> In July 2016, Article 347 *bis* was modified by the legislature and became the current article 347-1, containing the same provisions, thereby criminalizing same-sex consensual acts now by a legal measure, included in the Penal Code.<sup>24</sup>

Article 347-1 of the Penal Code of Cameroon penalizes sexual relations between persons of the same sex. If convicted, offenders are subject to imprisonment ranging from six months to five years, and large fines. Criminalization of same-sex sexual conducts violates several rights enshrined in the ICCPR, including the rights to non-discrimination and equality before the law, and freedom from arbitrary interference with private life. Further, unlike other countries which arguably do not enforce or prosecute people based on similar criminal provisions, Cameroon does prosecute and convict people based on this criminal provision.

Additionally, Article 83 of the 2010 law on cyber crimes and cyber security criminalizes with imprisonment between one and two years and/or a fine between 500,000 and 1,000,000 million francs (CFA) a person who makes “sexual propositions to another person of the same sex” by electronic communications, and those penalties double if those propositions are followed by sexual relations.<sup>25</sup>

## **2. Violations of the ICCPR**

The Committee’s jurisprudence indicates that criminalization of consensual sexual acts between adults of the same sex is a violation of the ICCPR. In *Toonen v. Australia*, the Committee found that a law criminalizing same-sex acts between consenting adults was a violation of the right to non-discrimination and the right to privacy.<sup>26</sup> Since then, the Committee has recommended several States to take steps to abolish laws that criminalize same-sex relations.<sup>27</sup>

Moreover, the State of Cameroon argues that, “since the offence of homosexuality is related to the secret side of sexual intimacy, the case law in respect thereof is not abundant.”<sup>28</sup> The Human Rights Committee has stated that even when criminalization laws are not enforced, the fact that they remain in the books violates the ICCPR. Evidence that a law has an intended discriminatory effect is sufficient to find that the State has breached the Covenant. In *Toonen*,

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<sup>23</sup> Alternatives Cameroun et al., Draft Rapport sur la situation des minorités sexuelles au Cameroun for the 30th session of UPR, July 2017 (not yet public).

<sup>24</sup> With the passing of Law N° 2016/007 on 12 July 2016, modifying the Penal Code Article 347 *bis* became Article 347(1) with the same legal provisions.

<sup>25</sup> LOI N°2010/012 DU 21 DECEMBRE 2010 portant sur la cybercriminalité et la cybersécurité. Article 83 - (1) Est puni d’un emprisonnement d’un (01) à deux (02) ans et d’une amende de 500.000 (cinq cent mille) à 1.000.000 (un million) FCFA ou de l’une de ces deux peines seulement, celui qui par voie de communications électroniques, fait des propositions sexuelles à une personne de son sexe. (2) Les peines prévues à l’alinéa 1 ci-dessus, sont doublées lorsque les propositions ont été suivies de rapports sexuels.

<sup>26</sup> *Toonen v. Australia*, Communication no. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994).

<sup>27</sup> See, e.g., Concluding Observations on Togo, CCPR/C/TGO/CO/4; Concluding Observations on Uzbekistan, CCPR/C/UZB/CO/3; Concluding Observations on Grenada, CCPR/C/GRC/CO/1; Concluding Observations on Tanzania, CCPR/C/TZA/CO/4; Concluding Observations on Chile, CCPR/C/79/Add.104; Concluding Observations on the United States of America, CCPR/C/USA/CO/3.

<sup>28</sup> Human Rights Committee, *State Party Report: Cameroon*, U.N. Doc. CCPR/C/CMR/5 (29 Dec. 2016), para. 48.

the Committee recognized that even if an individual has not been prosecuted under the law in question, the existence of the law itself is a threat to private life and liberty.<sup>29</sup>

### **3. Arrests and Prosecutions of people on the grounds of same-sex sexual acts**

Cameroon does prosecute people on the grounds of same-sex sexual acts. Civil society organizations in Cameroon have documented several cases of imprisonment and prosecution under Article 347-1 (former Article 347 *bis*) of the Penal Code. A civil society organization documented at least 7 cases in 2015.<sup>30</sup> Another civil society organization has documented at least 51 arrests and prosecutions of LGBT people or those suspected of being gay or lesbian between 2005 and 2012.<sup>31</sup> By 2012, it was reported by a group of non-profit organizations that “at least five people [were] in Cameroonian prisons on the basis of article 347 bis, with two serving out sentences on charges of consensual same-sex conduct, at least three in pre-trial detention. At least four others have cases pending against them but are free on bail.”<sup>32</sup>

Local organizations indicate that the “prosecution for “homosexuality” started in 2005 with the “Case of Yaoundé 11” and that numbers had been growing since 2011, especially in Yaoundé.”<sup>33</sup> Further, “since 2011, the prosecutors in Cameroon have initiated legal proceedings on the basis of article 347 bis against 28 people. In most cases, the accused were found guilty, often on very flimsy evidence, or even without evidence, of same-sex sexual relations (8 persons were convicted of homosexuality between 2010 and 2012 according to HRW; 22 persons in 2010 and 2011 according to the Ministry of Justice).”<sup>34</sup>

Further, civil society organizations report that Article 83 of the 2010 law on cyber crimes and cybersecurity was used to prosecute a young man presumed to be gay in Yaoundé in 2015.<sup>35</sup>

### **4. Impact of legislation that criminalizes same-sex sexual acts and sexual propositions through electronic messages**

Article 347-1 of the Penal Code and Article 83 of the 2010 law on cyber-crime intensify deep-rooted prejudices towards LGBT people, and enables both state and non-state actors to commit acts of violence and discrimination against LGBT people, including torture, cruel, inhuman and degrading treatment, extortion, threats, harassment, among others.

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<sup>29</sup> Toonen v. Australia, Communication no. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994).

<sup>30</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*, p. 5.

<sup>31</sup> This organization was ADEFHO. Affirmative Action, Alternatives Cameroun, ADEFHO et al., UPR Submission, Cameroon, October 2012.

<sup>32</sup> Affirmative Action, Alternatives Cameroun, ADEFHO et al., UPR Submission, Cameroon, October 2012.

<sup>33</sup> The Observatory for the Protection of Human Rights Defenders (a joint programme by International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), AMSHeR, et al., Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI Persons, International Fact-Finding Mission Report, February 2015.

<sup>34</sup> The Observatory for the Protection of Human Rights Defenders (a joint programme by International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), AMSHeR, et al., Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI Persons, International Fact-Finding Mission Report, February 2015.

<sup>35</sup> Alternatives Cameroun et al., *Draft Rapport sur la situation des minorités sexuelles au Cameroun* for the 30th session of UPR, July 2017 (not yet public).

The State affirms that “Any proven act of physical violence brought before judicial authorities is punishable in accordance with the law regardless of its cause.” However, the State of Cameroon acknowledges that “where victims suffer such violence because of their sexual orientation they would not confess because they are conscious of the fact that homosexuality is punishable.”<sup>36</sup>

The criminalization of gender identity and sexual orientation increases stigmatization and makes people “more vulnerable to violence and human rights abuses, including death threats and violations of the right to life, which are often committed in a climate of impunity.”<sup>37</sup> Criminalization laws of this kind are utilized “to harass and prosecute individuals because of their actual or perceived sexuality or gender identity.”<sup>38</sup> Furthermore, criminalization of same-sex sexual conducts contributes to aggravate prejudice-based violence, and discrimination based on perceived or actual sexual orientation and gender identity.

## **B. Torture, cruel, inhuman and degrading treatment and arbitrary detentions of LGBT people in Cameroon, including “weekend arrests” with the purposes of extortion**

Criminalization of same-sex sexual conducts, established in Article 347-1 Penal Code contributes to an environment that tolerates and even promote discrimination and violence against LGBT people. This law reinforces social prejudices, and it used to justify arbitrary detention, police abuse, extortion and torture. LGBT people in Cameroon are arbitrarily detained, and subjected to cruel and degrading treatment.

The Government of Cameroon has not adopted measures to effectively prevent torture and ill treatment by law enforcement personnel and third parties. The government has failed to implement mechanisms to ensure these acts are properly investigated and perpetrators punished.

### *1. Arbitrary arrests (including “weekend arrests”), torture and police abuse against LGBT people*

Article 347-1 of the Penal Code, that criminalizes same-sex sexual conducts, is arbitrarily enforced in Cameroon. Cameroon argues that “homosexuality remains an offence consisting of a material act of “sexual relations with a person of the same sex.”<sup>39</sup> Nevertheless, in practice, this law is used to arrest and convict persons solely on the basis of their perceived sexual orientation, which is often deduced from their appearance, their hair style, their attitude, the company they keep and even what they are drinking at the time of their arrest. In the vast majority of cases, there is

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<sup>36</sup> UN, Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant pursuant to the optional reporting procedure, Fifth periodic reports of States Parties due in 2013: Cameroon, CCPR/C/CMR/5, 29 December 2016, para. 46.

<sup>37</sup> UN Office of the High Commissioner for Human Rights, Born Free and Equal: Sexual Orientation and Gender identity in International Human Rights Law, page 15, HR/PUB/12/06/2012, p. 33.

<sup>38</sup> United Nations High Commissioner for Human Rights, Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity, U.N. Doc. A/HRC/19/41 (Nov. 17, 2011), para. 12.

<sup>39</sup> Human Rights Committee, *State Party Report: Cameroon*, U.N. Doc. CCPR/C/CMR/5 (29 Dec. 2016), para. 46.

no proof of same-sex sexual act in the file.<sup>40</sup> The level of evidence required to arrest someone on homosexuality charges is extremely low thereby, restricting the freedom of movement and right to security of individuals.

Civil society organizations based in Cameroun have documented 21 cases in 2014 in Yaoundé<sup>41</sup> 7 cases in 2015,<sup>42</sup> and 33 cases in 2016<sup>43</sup> of arbitrary arrest of individuals based on their perceived or actual sexual orientation. Arbitrary detention in the context of police abuse is the beginning of multiple violations to the human rights of LGBT people. Once under police custody, detainees are subjected to discrimination, harassment, extortion and torture.

In December 2012, Bryan was forced to spend one week in a holding cell. There, he was physically abused by the police until his mother secured his release by meeting the police's extortion demands of 200,000 CFA francs.<sup>44</sup> In May 2014, four men were detained by the police after returning to Northern Cameroon with condoms and lubricant in their pockets. The police assumed that the men were on their way to engage in same-sex acts. After three days of physical abuse, the men were released because they cleaned the police station.<sup>45</sup> In September 2014, six individuals were arrested in a raid at a home, based on the indication by neighbors that it housed "homosexuals," by the police in Kodengui.<sup>46</sup>

Organizations and LGBT activists report that "weekend arrests" of LGBT people with the purposes of extortion are common in Cameroon. LGBT people or those perceived to be are detained on Friday and held through the weekend, then released after paying large sums of money. Two brigades, for example, in the town of Yaoundé are reputed to carry out arbitrary arrests with the aim of extorting the victims.<sup>47</sup>

## 2. Torture and forced anal examinations

Many individuals that are detained on the basis of the Article 347-1 of the Penal Code are subjected to different forms of torture, which include forced anal examinations, which supposedly are conducted to "prove" that they have engaged in same-sex sexual acts.

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<sup>40</sup> International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), *Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI persons, International Fact-Finding Mission Report* (2015). Available at [https://www.fidh.org/IMG/pdf/report\\_cameroun\\_lgbti\\_eng\\_final.pdf](https://www.fidh.org/IMG/pdf/report_cameroun_lgbti_eng_final.pdf)

<sup>41</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis*.

<sup>42</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Nouveau Visage de la Haine*.

<sup>43</sup> Humanity First Cameroon and Alternatives Cameroon, *Rapport annuel 2016 sur les violations des droits de l'homme : « chantages, arnaques et extorsions : La loi de la rue »*.

<sup>44</sup> Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*, p. 3.

<sup>45</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis*, p. 4.

<sup>46</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis*, p. 10.

<sup>47</sup> Information reported to Humanity First Cameroon, 2017.

Human rights organizations have documented several cases in 2012 and 2013.<sup>48</sup> In October 2013, police in Yaoundé arrested two men, after a mob denounced them of alleged homosexual acts. They were subjected to forced anal exams and insulted by the doctor who performed them. They were sentenced by a judge to six months in prison, relying partially on the medical reports following the anal exams as “evidence.”<sup>49</sup>

Humanity First Cameroon reported that in 2014, two young detainees were subjected to forced anal examinations, that were carried out by members of the police station of the 14th arrondissement of Ekounou.<sup>50</sup> In June 2014, 19-year-old L. was denounced by his family and driven to the Eseka police station. L. spent one month detained. During this detention, L. was beaten every day for a month by the officers.<sup>51</sup> People under custody are also humiliated by being forced to show their genitals so police officers could take photographs of them.<sup>52</sup>

### *3. Extortion and blackmail by State agents and private individuals*

Blackmail and extortion are perhaps the most common and the least visible abuses that LGBT people are subject to in Cameroon.<sup>53</sup> Victims are asked for money or other possessions in order to avoid being outed as gay. Most commonly, police officers extort people under threat of arrest and prosecution of Article 347-1 Penal Code. This is common with the aforementioned “weekend arrests.”

Civil society organizations have documented several cases extortion and fraud or robbery based on perceived or actual sexual orientation: 17 cases in 2014,<sup>54</sup> 6 cases in 2015,<sup>55</sup> and 67 cases in 2016.<sup>56</sup>

In 2015, two men went to the airport to welcome Mr. Eloundou, director of Humanity First Cameroon. Thinking that the two men were homosexuals a staff sergeant demanded 130,000

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<sup>48</sup> “Human Rights Watch conducted field research in Cameroon in 2012 and 2013 in partnership with Alternatives-Cameroun, the Association for the Defense of Homosexuals (ADEFHO), the Cameroon Foundation for AIDS (CAMFAIDS), and Avocats Sans Frontiers-Suisse (Lawyers without Borders-Switzerland), identifying numerous examples of the use of forced anal exams in different regions.” <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>.

<sup>49</sup> <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>, Chapter II : Forced Anal Testing : a country by country view. Cameroon.

<sup>50</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 8.

<sup>51</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 7.

<sup>52</sup> Alternative Report from Organizations of the Civil Society on the Human Rights Situation in Cameroon Presented to the African Commission on Human and People’s Rights, 54th Ordinary Session, Banjul, The Gambia, October 22 to November 5, 2013, p. 16.

<sup>53</sup> Ryan Richard Thoreson, *Blackmail and Extortion of LGBT People in Sub-Saharan Africa in Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa* 4-19, at 10 (Ryan Richard Thoreson and Sam Cook, Eds., International Gay and Lesbian Human Rights Commission, 2011), <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/484-1.pdf>

<sup>54</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*.

<sup>55</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*.

<sup>56</sup> Humanity First Cameroon and Alternatives Cameroon, *Rapport annuel 2016 sur les violations des droits de l’homme : « chantages, arnaques et extorsions : La loi de la rue »*, p. 16.

CFA francs (197.46€) in exchange for not imprisoning them. As the men declined to pay this amount, the staff sergeant hurled insults and beaten them. The officer then forcibly dragged them while arguing that he was going to lock them up for “homosexuality”. He called them “dirty faggots” and said: “call who you want here, it’s me who decides whether I kill you and no one can do anything about that.” The officer then waited for Mr. Eloundou to arrive and demanded money from him to secure the men’s freedom. Mr. Eloundou also declined. The officer attempted to prevent their taxi from leaving, took the ID cards of the three men and the taxi driver. He then called for back-up and told the officers to bring their weapons. Upon arriving, the police officers insulted the men, and beat them, causing bleeding. The men were released three hours later after having paid 3,000 CFA francs (4.56€). The men were warned to never cross paths with the staff sergeant again.<sup>57</sup>

Extortion and blackmail have harmful psychologically, financially, and often physically traumatizing effects on their victims. It is not only the prospect of an arrest and imprisonment, but also of being outed or exposed to their families, of being expelled from school or jobs, or of being simply ostracized within the community. Victims often feel they have nobody to ask for help, and they cannot report the crime to the authorities either.<sup>58</sup>

### **C. Killings, attempted killings, “corrective” rape, attacks and other acts of violence against LGBT people**

#### *1. Killings, attempted killings and attacks against LGBT people*

In Cameroon, people are attacked and killed on account of their real or perceived sexual orientation and gender identity. Several cases of physical aggression and attacks were reported to civil society organizations (17 cases in 2014,<sup>59</sup> 9 cases in 2015<sup>60</sup> and 20 cases in 2016).<sup>61</sup> Also, civil society organizations documented two cases of attempted homicide, and two unexplained homicides in 2015.<sup>62</sup> For instance, on August 27, 2015, Patrick Edou was tortured and killed by unknown persons. Patrick had received a phone call of a person who insisted to see him. The next morning, Patrick’s family was informed about the crime. Patrick’s body showed signs of great brutality and cruelty. The police officer who brought the body to the morgue declared that the victim had suffered an accident. The circumstances of his death remain unknown.<sup>63</sup>

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<sup>57</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*, p. 8.

<sup>58</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*, p. 8.

<sup>59</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*.

<sup>60</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*.

<sup>61</sup> Humanity First Cameroon and Alternatives Cameroon, *Rapport annuel 2016 sur les violations des droits de l’homme : « chantages, arnaques et extorsions : La loi de la rue »*, p. 16.

<sup>62</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*.

<sup>63</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*, p. 17.

## 2. Sexual violence and so-called “Corrective” Rape

Gender-based violence often takes the form of so-called “corrective” rape. “Corrective” rape has been described as a “hate crime in which an individual is raped because of their perceived sexual or gender orientation, with the intended consequence of the rape being to ‘correct’ the individual’s orientation or make them ‘act’ more like their gender.”<sup>64</sup> Former UN High Commissioner for Human Rights, Navi Pillay, stated that “corrective” rape commonly combines “a fundamental lack of respect for women, often amounting to misogyny, with deeply-entrenched homophobia.”<sup>65</sup>

Local organizations reported 4 cases of “corrective” rape in 2014, and 7 cases in 2016.<sup>66</sup> In 2014 a young woman and her two female friends were raped by four men, who accused the girls of being a lesbian because they rejected having sex with the men.<sup>67</sup>

### **D. Violence and discrimination against LGBT human rights defenders and denial of registration to LGBT human rights organizations**

Many LGBT organizations have found obstacles in the process of obtaining legal recognition of their organizations. For example, CAMFAIDS (Cameroonian Foundation for Aids) needed to frame the organization’s goals in broad terms in order to get official approval. The organization CAMEF also was forced to rephrase its goals, and to eliminate the reference to LGBT people, in order to get officially registered.<sup>68</sup>

In February 2003, an activist filed for registration of the “Association for the Defense of Homosexuals” (Association pour la Défense des Homosexuel-le-s - ADEFHO), but Cameroonian authorities “consistently refuse giving the organisation ADEFHO a registration number.”<sup>69</sup>

Many members of LGBT organizations have been victims of threats, burglaries, blackmail, arbitrary arrests and detentions. Most recently, it was reported that Miguel Togué, a lawyer in Cameroon has received death threats for defending lesbians and gays. It is reported that he has requested help from Lawyers’ Association and filed a complaint before the police. Both instances suggested that he stop defending LGBT people to avoid more threats. He received no police protection.<sup>70</sup>

Eric Ohena Lembembe, director of a local organization was murdered in 2013, and some of his

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<sup>64</sup> Keren Lehavot and Tracy L. Simpson, Incorporating Lesbian and Bisexual Women into Women Veterans’ Health Priorities, June 27, 2013.

<sup>65</sup> Pillay, Navi “*The shocking reality of homophobic rape*” in *The Asian Age*, June 20, 2011.

<sup>66</sup> Humanity First Cameroon and Alternatives Cameroon, Rapport annuel 2016 sur les violations des droits de l’homme : « chantages, arnaques et extorsions : La loi de la rue », p. 16.

<sup>67</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 11.

<sup>68</sup> Id. at p. 21-22.

<sup>69</sup> Aids Acodev, Alternative Cameroun, Association des amis du cœur, Camnafaw, Evolve and Sid’ado, Alternative Report from Organisations of the Civil Society on the Human Rights Situation in Cameroon presented to the ACmHPR, 54th Ordinary Session, Banjul, The Gambia, October, 22 to November 5, 2013.

<sup>70</sup> “No one has been arrested and convicted for this murder.” Boris Dittrich, “Your Children Will Die if you Don’t Stop”, March 13, 2017, available at: <https://www.hrw.org/news/2017/03/13/your-children-will-die-if-you-dont-stop>.

friends were incarcerated during the investigation of the murder. The former president of the organization, Dominique Menoga, had to leave the country for security reasons.<sup>71</sup> Lembembe's crime has yet to be fully investigated.<sup>72</sup> Lembembe's killing was preceded of many attacks on the offices of human rights defenders, including those working for equal rights for LGBT people.<sup>73</sup>

In 2013, organizations have denounced the inaction of the authorities to respond to appeals for assistance by human rights defender Alice Nkom and Laurent M. from the Association for the Defense of Homosexuals (ADEFHO), after they reported life threats received in 2011 and 2012.<sup>74</sup> In the case of Laurent M., civil society organizations reported to the African Commission in a 2013 shadow report that "[a]fter much hesitation he decided to file a complaint on July 31st, 2013, with the division of the gendarmerie in the Douala Bonanjo, where the chief of the investigation brigade responded that he could not help him because homosexuality is illegal under Cameroonian law, and that international organisations are there in order to defend the "fags" in Cameroon."<sup>75</sup>

These acts obstruct their right to freedom of association. For example, in June 27 2013, the offices of Alternative Cameroun (Douala) were set on fire, and some of its members have been swindled.<sup>76</sup> "In May 2013, Kede Benoit, an ACODEVO peer educator working as an observer and an HIV/ AIDS prevention trainer was arrested after receiving two text messages from a man and then going to a meeting place which turned out to be a trap. He spent two weeks in pre-trial detention and then was sentenced to a suspended sentence of one year in prison for "an attempted homosexual act." He had to pay 65,000 CFA francs to the court and 25,000 CFA francs to the family of the "victim." Because of this affair, he lost his job as a cook."<sup>77</sup>

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<sup>71</sup> International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), *Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI persons, International Fact-Finding Mission Report* (2015), p. 21. Available at [https://www.fidh.org/IMG/pdf/report\\_cameroun\\_lgbti\\_eng\\_final.pdf](https://www.fidh.org/IMG/pdf/report_cameroun_lgbti_eng_final.pdf)

<sup>72</sup> "No one has been arrested and convicted for this murder." Boris Dittrich, "Your Children Will Die if you Don't Stop", March 13, 2017, available at: <https://www.hrw.org/news/2017/03/13/your-children-will-die-if-you-dont-stop>.

<sup>73</sup> Human Rights Watch, *Cameroon: LGBTI Rights Activist Found Dead, Tortured. Authorities Should Investigate Death, Condemn Violence*. July 16, 2013. Available at <https://www.hrw.org/news/2013/07/16/cameroon-lgbti-rights-activist-found-dead-tortured>

<sup>74</sup> Aids Acodev, Alternative Cameroun, Association des amis du cœur, Camnafaw, Evolve and Sid'ado, Alternative Report from Organisations of the Civil Society on the Human Rights Situation in Cameroon presented to the ACmHPR, 54th Ordinary Session, Banjul, The Gambia, October, 22 to November 5, 2013.

<sup>75</sup> Aids Acodev, Alternative Cameroun, Association des amis du cœur, Camnafaw, Evolve and Sid'ado, Alternative Report from Organisations of the Civil Society on the Human Rights Situation in Cameroon presented to the ACmHPR, 54th Ordinary Session, Banjul, The Gambia, October, 22 to November 5, 2013.

<sup>76</sup> Id. at p. 20. Testimony by a member of the LGBT community in Yaoundé on 10 January 2014: "Swindlers pretend they are members of the LGBTI community and telephone to set up a meeting wherever and whenever you want. When you get there, they demand a certain amount of money otherwise they report you to the police. They have accomplices in various police stations. So if you agree to go to the police station they just have to reveal your alleged identity ("he's a faggot!") for the police to arrest you and put you in prison to examine your case. They often question people close to you and make a forcible anal examination to 'prove' your homosexual relations; this also means paying a ransom to get released and to get the case closed".

<sup>77</sup> Id. at p. 22.

## **E. Homophobic and transphobic statements by political and religious leaders and by members of the media, which fuel pervasive violence and discrimination against LGBT people**

Discrimination against LGBT people in Cameroon is very common, and religious leaders, public servants, and the media play a fundamental role in perpetuating this discrimination and stigmatization. LGBT organizations report that religious groups publicly express their rejection to “homosexuality,” and associate same-sex sexual behaviors with Satanism.<sup>78</sup> Some opinion leaders and media anchors deliver public messages against LGBT people, for example, by proclaiming that homosexuality is a satanic practice.<sup>79</sup>

During the last periodic review of Cameroon before the African Commission on Human and Peoples’ Rights, held in Banjul in March 2014, a state representative from Cameroon indicated that the state continues to detain homosexual people because homosexuality is against the law.<sup>80</sup>

The permanent negative discourse against LGBT people and homosexuality may encourage the public to commit acts of violence against LGBT people.<sup>81</sup> Civil society organizations registered 55 cases in 2014,<sup>82</sup> 19 cases in 2015<sup>83</sup> and 164 cases in 2016.<sup>84</sup>

In 2014, Dr. N., a teacher at Yaoundé University II at Soa made inflammatory remarks towards homosexuals. During a lesson of Rights of Development and Finance, Dr. N. professed his aversion against homosexuals and his desire to protect Cameroonians. He thus declared: “me, I am going to act like Hitler, I will burn all of them alive in a cage or put them in a plane and shoot down the plane to kill them all. Or better yet, I will bring a machete and chop them up as I think that humanity has no need for these individuals.”<sup>85</sup> Although this is not the first time, in 2015, the national tv station, CRTV, aired a show for young children entitled “Délire” during which the presenter, Foly Dirane, the author of many homophobic songs, forced onto young children his

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<sup>78</sup> See for example: Mgr Samuel Kleda, cité dans l'article du Camerpost : *Cameroon – Conférence épiscopale nationale : Les évêques prescrivent la « zéro tolérance » contre l'homosexualité*. 12 janvier 2016. Disponible en ligne depuis le lien <http://www.camerpost.com/camerounconference-episcopale-nationale-du-cameroun-les-veques-prescrivent-la-zero-tolerance-contre-lhomosexualite/>. Hassan Nsangou "homosexuality can even be assimilated to sexual terrorism," cité dans l'article de AllAfrica : *Cameroon: L'Islam dit non à l'homosexualité !*. 25 juin 2013. Disponible en ligne depuis le lien <http://fr.allafrica.com/stories/201306260493.html>

<sup>79</sup> Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*, p. 9.

<sup>80</sup> African Commission on Human and Peoples’ Rights, discussions held during the context of the periodic review of Cameroon (following the submission of its 3<sup>rd</sup> state report), under article 62 of the African Charter of Human and Peoples’ Rights. 15<sup>th</sup> Extraordinary Session, 7 to 14 March 2014, Banjul, The Gambia.

<sup>81</sup> Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*, p. 9.

<sup>82</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*.

<sup>83</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*.

<sup>84</sup> Humanity First Cameroon and Alternatives Cameroon, *Rapport annuel 2016 sur les violations des droits de l’homme : « chantages, arnaques et extorsions : La loi de la rue »*, p. 16.

<sup>85</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 13.

hatred for homosexuals.<sup>86</sup> Failure of the State to intervene in addressing hate speech fuels violence and further hatred.

#### **F. Ensuring and protecting the rights of the ICCPR without distinction of any kind and the right to equality before the law**

Articles 2(1) of the ICCPR established that each State Party undertakes “to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” In *Toonen v. Australia*, the Committee concluded that the reference to “sex” in Articles 2 and 26 of the Covenant includes a person’s sexual orientation.<sup>87</sup> In recent Concluding Observations, the Committee recommended that State parties take the “necessary steps to put an end to prejudice and the social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation,”<sup>88</sup> indicating that the State has a positive duty to ensure the right to non-discrimination is protected.<sup>89</sup>

Discrimination against LGBT people, or people perceived to be LGBT is prevalent in Cameroon, affecting all aspects of their lives, including in accessing health care services,<sup>90</sup> in terms of employment,<sup>91</sup> education,<sup>92</sup> housing,<sup>93</sup> and within communities<sup>94</sup> and their families.<sup>95</sup> Further,

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<sup>86</sup> Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*, p. 15.

<sup>87</sup> *Toonen v. Australia*, Communication no. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994).

<sup>88</sup> See UN Human Rights Committee: Concluding Observations: Togo, 18 April 2011, CCPR/C/TGO/CO/4, para. 14; see also, UN Human Rights Committee: Concluding Observations: Mongolia, 25 March 2011, CCPR/C/MNG/CO/5, para. 9; UN Human Rights Committee: Concluding Observations: Poland, 27 October 2010, CCPR/C/POL/CO/6, para. 8.

<sup>89</sup> Nowak, Manfred. *U.N. Covenant on Civil and Political Rights CCPR Commentary*, 2d rev. ed., 38 (2005) (“The obligation to ensure consists of the obligation to protect individuals against interference by third parties.”).

<sup>90</sup> Civil society organizations reported 7 cases of discrimination in hospitals in 2013, 7 cases in 2015, and 6 cases in 2016.

<sup>91</sup> Local civil society organizations have documented several cases of discrimination or lay off because of how LGBT employees look, either “too feminine” or “too masculine,” or generally not conforming the gender expectations of their employers. Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*, p. 8.

<sup>92</sup> Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroun sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 12.

<sup>93</sup> LGBT people suffer housing discrimination, and many are unlawfully evicted, because of their sexual orientation and/or gender identity. A local civil society organization reported 28 cases of housing discrimination between 2013 and 2016. In many instances, LGBT people are evicted on the basis of suspicion of homosexuality, or due to pressure from neighbors. Some reports indicate that neighbors contribute to spread rumors about the LGBT individuals, about their daily activities and dating. In other cases, it has been reported that landlords have cut the provision of energy or water to the house where the alleged homosexual person lived, or where LGBT organizations meet. Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*, p. 7. Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 9. Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*. Humanity First Cameroon and Alternatives Cameroon, *Rapport annuel 2016 sur les violations des droits de l’homme : « chantages, arnaques et extorsions : La loi de la rue »*.

<sup>94</sup> In Cameroon, it is very common that LGBT people are insulted by crowds at the streets. Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*.

<sup>95</sup> Civil society organizations reported 36 cases of family rejection because of sexual orientation and/or gender identity between 2014 and 2016. Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 9. Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*. Humanity First Cameroon and Alternatives Cameroon, *Rapport annuel 2016 sur les violations des droits de l’homme : « chantages, arnaques et extorsions : La loi de la rue »*.

LGBT people are often mistreated at police stations, and denied the possibility to lodge complaints of crimes committed against them.<sup>96</sup>

#### IV. RECOMMENDED QUESTIONS

We encourage the State to consider the following questions with regard to its obligation to protect and ensure the human rights of LGBT people in Cameroon:

- What steps is Cameroon taking to protect LGBT people against violence and discrimination, in light of Article 347-1 of the Penal Code? What concrete steps is the State taking to protect LGBT people, and human rights defenders of LGBT people, from violence and discrimination?
- Is there a possibility that the government can issue a formal moratorium on enforcement of Article 347-1 of the Penal Code and Article 83 of the law on cybercrime, with a view to repealing these provisions in the future?
- What actions is the State taking to prevent, eradicate and investigate “weekend arrests” with the purposes of extortion, targeting LGBT people, or people perceived as LGBT?
- What concrete actions is the State undertaking to end arbitrary detentions of LGBT people on the basis of their real or imputed sexual orientation and/or gender identity, and to prevent instances of torture, or cruel and degrading treatment or extortion?
- What efforts is the State undertaking to effectively prevent, investigate and punish gender-based violence including sexual violence and “corrective” rape of LGBT people, and, in particular, lesbian and bisexual women and transgender men?
- What efforts is the State of Cameroon undertaking to prevent violence against human rights defenders of LGBT people and to ensure State authorities do not arbitrarily interfere with the freedom of association and assembly of LGBT organizations?
- What efforts is the State undertaking to combat social prejudice and stigma against LGBT people and promote acceptance and respect for their human rights in the education sector, healthcare facilities, and in society in general?

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<sup>96</sup> For example, when a young gay man was arrested in 2014 in Ekounou, the coordinator of human rights for Humanity First Cameroon, arrived at the police station seeking information about his whereabouts. The officer responded that he has no information to give to “faggots”. Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 6. In 2015, when a young man in Yaoundé went to the police station in Kondengui to report a theft, he indicates that he was dragged out by his hair while yelling that the police station did not serve homosexuals. Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine*, p. 16.

## V. SUGGESTED RECOMMENDATIONS

Considering the information presented in this report, we respectfully present the following recommendations to assist the State of Cameroon to fulfill its obligations to respect and protect human rights of LGBT people in Cameroon. Cameroon should:

- Repeal Article 347-1 of the Penal Code that criminalizes same-sex conducts between consenting adults. In the meantime, adopt a formal moratorium on its enforcement.
- Repeal Article 83 of the 2010 law on cyber crime, which criminalizes sexual propositions between persons of the same sex, through electronic communications. In the meantime, adopt a formal moratorium on its enforcement.
- Adopt measures to prevent arbitrary detentions (including “weekend arrests” with the purposes of extortion”), torture and other acts of cruel, inhuman and degrading treatment of LGBT people, as well as instances of extortion and blackmail on the grounds of real or perceived sexual orientation and gender identity.
- Adopt comprehensive measures to prevent, investigate and punish gender-based violence, including sexual violence and “corrective” rape of LGBT people, particularly lesbian, bisexual or women considered “masculine,” and transgender men.
- Adopt measures to combat hate speech and stigmatization by public officials, religious leaders and the media, which fuel violence and discrimination against LGBT people.
- Ensure proper investigation and diligent prosecution of perpetrators of acts of violence and discrimination against LGBT people, including when committed by State agents, and establish judicial procedures that are responsive to the needs of the victims.
- Adopt measures to ensure that human rights defenders of LGBT people work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities. Ensure that they exercise their right to freedom of association without undue interference by the State.
- Promote acceptance of sexual diversity and the respect for the rights of LGBT people. Conduct public awareness campaigns geared towards youth, in schools and health care facilities, and towards society in general, to promote respect for the human rights of LGBT people.
- Enact comprehensive anti-discrimination legislation and adopt public policy that specifically addresses violence and discrimination on the basis of real or imputed sexual orientation and/or gender identity.