



Cameroon

Joint Stakeholder Report for the United Nations Universal Periodic Review

Submitted by **The Advocates for Human Rights**,
a non-governmental organization in special consultative status

and

The National Observatory for the Rights of LGBT Persons and Their Defenders,
under the coordination of **CAMFAIDS**

for the 30th Session of the Working Group on the Universal Periodic Review
April-May 2018

Submitted October 2017

Reporting Organizations

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates promotes human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates collaborates with partner organizations to conduct a range of programs to protect the human rights of LGBT persons around the world. In the United States, The Advocates also provides legal representation to LGBT persons seeking asylum on the basis of sexual orientation or gender identity.

The National Observatory for the Rights of LGBT Persons and Their Defenders is a tool of the UNITY platform created in 2016 by 20 human rights groups in Cameroon and coordinated by CAMFAIDS. Its mission is to gather information on human rights abuses based on actual or presumed sexual orientation and gender identity, to help victims of human rights abuses resolve their claims with the goal of improving the judicial and social environment for LGBT people, and to lead awareness campaigns for the acceptance, tolerance, and respect for human rights for LGBT people and their defenders throughout Cameroon. The group is coordinated by CAMFAIDS and is represented by each of the 20 members organizations of the UNITY platform, who observe the judicial situation in Cameroon and collect information. The member organizations include CERLUDHUS, Lady's Corporation, Trésor Progrès, Affirmative Action, ADEPEV, Enfants d'Afrique, AL CONDOM, ADEFHO, Amis du Cœur, COLIBRI, Avenir Jeune de l'Ouest, Action Contre le SIDA, Jeunes Solidaires de Garoua, ELLES, CAMEF, AAH, COFENHO, SID'ADO, and ACODEVO.

The Cameroonian Foundation For AIDS (CAMFAIDS), headquartered in Yaoundé, Cameroon, is an apolitical, non-sectarian, non-profit association based on volunteerism. It is open to any individual without discrimination on account of sexual orientation, race, creed, ethnic origin, gender, HIV status, political opinion, or disability. The vision of CAMFAIDS is to form a dynamic Cameroonian society based on freedom, democracy, tolerance, and respect for individual rights, including social and economic rights. CAMFAIDS seeks to ensure the implementation of participation strategies taking into account social status and gender. Its mission is: to promote respect for human rights for LGBT people and their defenders, including the right to information and education for victims and other people who are most at risk of human rights violations; to encourage civil, social, economic, educational, cultural, and sport activities for the benefit of those people; to collect information on issues concerning those people and make that information available to the public; to gather all people of good will, without distinction, to search for solutions to problems facing LGBT people and their defenders; to help people who are excluded to restore their emotional environment and thereby contribute to their social reintegration.

I. EXECUTIVE SUMMARY

1. This Universal Periodic Review submission, by **National Observatory for the Rights of LGBT Persons and Their Defenders, under the coordination of CAMFAIDS, and The Advocates for Human Rights**, discusses human rights record related to the treatment of lesbian, gay, bisexual, and transgender people in Cameroon. It is based on research conducted in Cameroon in 2017 by the National Observatory under the coordination of CAMFAIDS.
2. Societal and institutional discrimination against LGBT persons is pervasive in Cameroon, which is one of only a few countries in the world that regularly prosecutes people for consensual same-sex conduct. Section 347-1 of Cameroon's new penal code, adopted in July 2016, punishes "sexual relations with a person of the same sex" with a prison term of six months to five years and a fine of 20,000 to 200,000 Central African francs (about \$40 to \$400 U.S. dollars). There are currently at least four people who have been convicted of same-sex conduct under this statute and its previous iterations (two people sentenced in August 2015 to four years in prison and two people sentenced to in November 2016 to 20 months), and at least seven in jail awaiting trial on the same charges. Furthermore, Article 83 of Cameroon's law on cyber criminality and cybersecurity, adopted in December 2010, punishes anyone who "makes sexual propositions to someone of the same sex" via electronic means with a prison term of up to two years and a fine of 500,000 to 1 million CFA (about \$900 to \$1,800 USD). The punishment is doubled if the proposed sexual acts are actually carried out. In 2016, at least one person in Yaoundé was arrested under this law.
3. Human rights violations targeting LGBT people in Cameroon extend beyond the threat of criminal prosecution. LGBT people are also vulnerable to violence by community members. In such cases, they are often unable to seek justice out of fear of being treated as criminals themselves. LGBT Cameroonians also face significant difficulties obtaining equal access to health care and education, and are often refused treatment at hospital or expelled from schools because of their sexuality or gender identity.
4. Organizations supporting LGBT rights in Cameroon are also at risk. Beginning in July 2013 and continuing through at least May 2017, the offices of CAMFAIDS in Yaoundé were repeatedly vandalized by angry neighbors who accused CAMFAIDS of "destroying the neighborhood." Neighbors repeatedly threw rocks and bottles at CAMFAIDS's offices in an attempt to destroy its security system. People associated with the organization, including several transgender individuals residing at the CAMFAIDS facilities, were physically attacked by community members on their way to and from the center. Moreover, a formal police complaint was filed against CAMFAIDS for the "promotion of homosexuality." This complaint was filed with the aim of having CAMFAIDS removed from the neighborhood.

II. BACKGROUND AND FRAMEWORK

A. 2013 Universal Periodic Review

5. During Cameroon's second Universal Periodic Review in 2013, Cameroon received numerous recommendations regarding its treatment of LGBT people. Recommendations

calling for decriminalization of homosexuality¹ and elimination of violence based on sexual orientation² were not accepted. In addition, Cameroon rejected recommendations calling for the elimination of prejudice based on sexual orientation³ and awareness campaigns in order to meet this goal.⁴

1. *Investigate police violence based on sexual orientation*

Status of Implementation: Accepted, Not Implemented

6. Cameroon accepted a recommendation from Belgium that it investigate police violence on persons because of their sexual orientation.⁵

2. *Eliminate discriminatory treatment based on gender identity and expression*

Status of Implementation: Accepted, Not Implemented

7. Cameroon accepted a recommendation to “adopt further legislative, administrative, and other measures to eliminate discriminatory treatment on the basis of gender identity.”⁶

3. *Continue efforts to combat HIV/AIDS, including all vulnerable populations*

Status of Implementation: Accepted, Partially Implemented

8. Four countries urged Cameroon to continue its efforts to combat HIV/AIDS and continue to implement its care and treatment programs.⁷ Cameroon accepted the recommendations.

4. *Provide protection for human rights defenders in general*

Status of Implementation: Partially Accepted, Not Implemented

9. Cameroon accepted the recommendation of the United Kingdom to “provide active and immediate protection for all human rights defenders”.⁸ Two countries called for the “protection” of human rights defenders who defend the rights of LGBT individuals;⁹ Cameroon did not accept these recommendations.

5. *Investigate threats and violence against human rights defenders, including human rights defenders advocating for the rights of LGBT people, and bring perpetrators to justice*

Status of Implementation: Accepted, Not Implemented

10. Cameroon accepted the recommendation of Spain to “continue to investigate acts of threats and aggression against human rights defenders and journalists and bring to justice those perpetrators”.¹⁰

B. International Legal Framework

11. The United Nations Human Rights Committee, in *Toonen v. Australia* (1994), ruled that the criminalization of consensual same-sex conduct violates the International Covenant on Civil and Political Rights, specifically, the right to privacy and the right to non-discrimination. According to the UN Working Group on Arbitrary Detention, arrests on the basis of sexual orientation are, by definition, human rights violations.

C. Domestic Legal Framework

12. Section 347-1 of Cameroon’s new penal code, adopted in July 2016, punishes “sexual relations with a person of the same sex” with a prison term of six months to five years and

a fine of 20,000 to 200,000 CFA (about \$40 to \$400 U.S. dollars). There are currently at least four people who have been convicted of same-sex conduct under this statute and its previous iterations (two people sentenced in August 2015 to four years in prison and two people sentenced to in November 2016 to 20 months), and at least seven in jail awaiting trial on the same charges.

13. The previous iteration of Section 347-1, the law prohibiting consensual same-sex conduct, entered into force by means of a 1972 presidential ordinance, without the usual review by the National Assembly. The law thus violated Cameroon's Constitution, which reserves the power to pass laws affecting "fundamental rights" of Cameroon's citizens to the legislature alone, not the President.¹¹
14. Further, LGBT individuals and persons suspected of same-sex conduct face significant cultural barriers to full social integration within Cameroonian society. Homosexuality and transgender status are still taboo within broader Cameroonian culture. Individuals face familial as well as social pressures not to let their orientation be made known to anyone within the larger community. Communities in all parts of Cameroon exert pressure (both violent and non-violent) on LGBT people and persons suspected of same-sex conduct, oftentimes requiring them to flee their homes because of intimidation and harassment.

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND RECOMMENDATIONS

A. Right to Liberty and Security

15. CAMFAIDS and the National Observatory have documented at least 53 arrests and prosecutions of LGBT people or those suspected of same-sex conduct since 2005. At least 11 people are currently in custody on the basis of Section 347-1, with four serving out sentences on charges of consensual same-sex conduct and at least seven in pre-trial detention in the central prison in Yaoundé. Recent arrests include the following:
16. In January 2017, a gay man who went to the authorities to report a physical attack was blackmailed by a deputy police commissioner and was jailed because he was unable to pay. Although the man was eventually released, when news of the ordeal reached his landlord, he was forced to leave his home.
17. In April 2017, two transgender individuals were repeatedly arrested in the Mensdong, Melen, and Nkolmesseng areas of Yaoundé solely because of their transgender appearance.

18. The Government of Cameroon should:

- *Release all prisoners who are currently detained on the basis of sexual orientation.*
- *Repeal Section 347-1 and Article 83.*
- *Until Section 347-1 and Article 83 are repealed, instruct the Ministry of Justice to issue a directive to the general prosecutor to cease arrests and prosecutions under that law.*

- *Enact new legislation that would grant special legal protections for human rights defenders, including LGBT rights defenders.*
- *Until human rights defenders are granted legal protections, encourage the General Delegate for National Security to sign an order allowing organizations working in the area of health care for LGBT people to be able to freely operate in order to meet the goals set by the government in the fight against HIV and other STDs.*

B. Cameroonian authorities violate the rights of LGBT persons with arbitrary arrest and detention

19. The organizations have documented cases of arbitrary arrest and abuse by police and gendarmes of detainees accused of consensual same-sex conduct, including the following:

- In early 2017, the local unit of the military in the Mendong neighborhood in Yaoundé arrested two individuals simply because they appeared to be transgender.
- On April 21, 2017, a prosecutor for the court in Yaoundé humiliated and revealed to other inmates the sexual orientation of a man in custody, thus subjecting him to physical and verbal abuse in the jail without the presence of an attorney.
- In July 2017, in the Mimboman neighborhood of Yaoundé, a police officer physically attacked, stripped, and verbally berated an individual he had lured through an LGBT dating website.

20. Police also violate Cameroon's own Code of Criminal Procedure in the manner in which they arrest persons suspected of homosexuality. Section 347-1 applies only to individuals caught in the act of same-sex sexual conduct, but most individuals are arrested on the basis of mere suspicion; often without arrest warrants; and at all times of day and night, rather than during the hours in which arrest warrants can legally be enforced. Despite the fact that human rights violations occur during arrests and pretrial detention, many people arrested for homosexuality are prosecuted and convicted

21. The Government of Cameroon should:

- *Instruct the General Delegate for National Security to issue clear and public orders that police violence against people on the basis of sexual orientation or expression of gender identity will not be tolerated.*
- *Ensure that the General Delegate for National Security and the Secretary of State in charge of the police force introduce sensitivity and human rights training related to sexual orientation and gender identity for police and other security officers at all levels.*
- *Ensure that the Ministry of Justice instructs general prosecutors to investigate and prosecute police and security officers who commit human rights abuses against LGBT people, their defenders, and other detainees.*
- *Establish an independent police oversight mechanism to allow civilians to file complaints against police and other security officers without fear of retribution.*

- *Direct the police and other security officers to respect the Code of Criminal Procedure in carrying out arrests.*
- *Investigate arbitrary arrests based on sexual orientation or gender identity and adopt necessary legislation to eliminate these practices.*

C. Authorities fail in their obligation to prevent and investigate violence, harassment, and ill-treatment of LGBT individuals.

22. CAMFAIDS has documented multiple examples of harassment and intimidation of LGBT people or those suspected of same-sex conduct since 2005. These examples include familial pressures, unwelcoming neighborhoods, and physical intimidation and beatings. Recent examples include the following:

- Seven people (ages 19-36) are currently living at CAMFAIDS's facilities because their families have rejected them.
- In June 2017, after being the victim of a homophobic attack, a 34-year-old gay man was expelled from his home because he had "perverted" the neighborhood.
- In May 2017, five people from CAMFAIDS were physically attacked by neighbors who called them "devil children."
- In January 2017, a 34-year-old gay man working with the organization Affirmative Action on HIV education programs in the city of Ebolowa was assaulted because he would not loan a "friend" money. This "friend" attacked him with a piece of wood, telling others that the man proposed to have sex with him and touch his private parts. He was jailed in the Third District police station for three days.
- In May 2017, a 36-year-old gay man who returned to live with his family was rejected by his brothers—who had previously attacked him with a machete—because he was "gay and a druggie." Out of despondence, the man dumped out his HIV medication and crushed it in front of everyone, saying he would rather die than live with a family who would wish him harm because of his sexuality.
- In July 2017, a gay man in Yaoundé was attacked at a bar frequented by the LGBT community. The assailants told bystanders that the man was a homosexual who had had sex with their little brother.
- In July 2017, a 24-year-old gay man was attacked by a father of a friend, claiming that the man was training his son to be gay.

23. In addition to the specific examples cited above, Cameroonian society often views pedophilia as a manifestation of homosexuality (a misconception reflected in reports suggesting that one can be "trained" to be gay). This can be seen in reports of children being accosted and sexually assaulted by adults, reports which are often linked to homosexuality.

D. Right to administration of justice

24. LGBT people in Cameroon are often denied justice on the basis of their sexual orientation or gender identity. When they are the victims of crime, they are often reluctant to report the crime or seek police protection out of fear that this could open the door to prosecute them under Section 347-1.

25. The organizations documented an August 2016 case of a young gay man who was physically attacked and afterward was forced by his attacker to reveal his sexuality to a crowd of people nearby at a university in Yaoundé. He was driven by the crowd to a neighborhood police outpost and was arrested and jailed. He was denied access to an attorney and the right to defend himself in court.
26. Several human rights organizations based in Cameroon have found that many gay men and lesbians in Yaoundé and Douala have been subjected to blackmail by persons seeking to exploit their vulnerability under Cameroonian law.

27. The Government of Cameroon should:

- *Encourage the General Delegate of National Security and the Secretary of State in charge of the police force to issue instructions to the police and other security officers to investigate alleged crimes directed against LGBT persons, without using the complaint as the basis to initiate proceedings against the complainant on grounds of Section 347-1.*

E. Right to Health

28. The criminalization of consensual same-sex conduct has deleterious health consequences for sexual and gender minorities. Studies demonstrate that laws criminalizing same-sex intimacy pose barriers to HIV prevention, care, and treatment services.¹²
29. UNAIDS has found that health centers in Cameroon have turned away clients on the basis of their presumed sexual orientation. Sexual minorities are often afraid to seek services, for fear of their sexual orientation being exposed.¹³
30. Men who have sex with men (MSM) are not adequately reached by current government prevention programs. According to Cameroon's National AIDS Control Committee's December 2013 report, HIV prevalence rates for MSM were as high as 24% in Douala and 44% in Yaoundé—indicating the urgent need to target MSM in HIV/AIDS prevention efforts. The December 2013 National Strategic Plan on HIV/AIDS and STIs (2014-2017) calls for government efforts to improve HIV prevention efforts for MSM. It also includes, as a priority, “improving the legislative and social environment,” but does not specifically call for decriminalization.¹⁴
31. The International Covenant on Economic, Social and Cultural Rights recognizes the right to health and requires countries to ensure equitable access to the highest attainable standard of health. The UN Special Rapporteur on the Right to Health has called for the decriminalization of homosexuality as an essential step in ensuring this right is upheld.
32. The organizations have documented at least three cases in 2017 in which staff at hospitals in Cameroon refused to provide patients medical care because of perceived sexual orientation based on the patient's physical appearance or anal pathology.

33. The Government of Cameroon should:

- *Instruct the Ministry of Health to publicly call for the decriminalization of consensual same-sex conduct in order to ensure equal access to health care.*

- *Until Section 347-1 is repealed, ensure the Ministry of Health publicly clarifies that no one will be barred access to health services or turned over to the police on the basis of sexual orientation or gender identity.*
- *Ensure that the Ministry of Health sanctions health care workers who do not respect patients' rights to confidentiality, regardless of their sexual orientation or expression of gender identity, and who refuse to provide care to LGBT people.*
- *Ensure that rights of health care providers, social workers, and all actors and organizations providing information, material, or services to LGBT people are respected and protected.*
- *Investigate reports of denial of treatment based on sexual orientation and adopt necessary legislation to eliminate such practices.*

F. Right to Education

34. The number of cases in which LGBT people are denied access to education or expelled from schools appears to be rising in Cameroon. Denying access to education can have especially dire consequences for LGBT youth, many of whom do not have a stable family life and are ostracized in their communities. Lack of education can thus put them on even more unstable footing.
35. The organizations documented a May 2017 case of two male high school students in Yaoundé who were expelled after rumors began to circulate that they were gay. The school's headmaster deemed it necessary to expel the boys so that they would not "contaminate" the other students.
36. In another incident in January 2017, a high school student thought to be gay was called for a disciplinary board hearing. The disciplinary board expelled the student on the grounds that homosexuality was a "virus" that would spread to other students and harm the reputation of the school.

37. The Government of Cameroon should:

- *Investigate reports of expulsions from schools based on sexual orientation or gender identity and adopt necessary legislation to eliminate such practices.*
- *Conduct an awareness-raising campaign among school officials to reaffirm the right to education regardless of sexual orientation or gender identity.*
- *Update its education curriculum to include comprehensive information regarding sexuality, sexual orientation, and sexual health.*
- *Conduct an awareness campaign for students to address discrimination and violence based on gender identity.*

G. Failure to Protect Human Rights Defenders

38. Organizations in Cameroon that help LGBT persons are often the victims of harassment and threats from private citizens. The staff of these organizations and the people they serve live in fear for their safety and wellbeing and often do not report these incidents to the police because they believe the police will not protect them.

39. The organizations documented a May 2017 incident in which LGBT rights defenders, one of whom is transgender, were attacked with syringes of an unknown substance at a hotel in Yaoundé. Although the attack was not successful, the victims were left traumatized and there is no documentation of any assistance from the police.

40. The Government of Cameroon should:

- *Take steps to ensure adequate protection of human rights defenders who help LGBT persons.*
- *Investigate violence against human rights defenders who help LGBT persons.*
- *Take steps to investigate the murder of LGBT rights defender Eric Ohena Lembembe and bring the guilty parties to justice.*
- *Take steps to ensure a favorable environment for the work of human rights defenders.*
- *Encourage non-violence toward, and protection of, human rights defenders and their attorneys, regardless of sexual orientation.*

¹ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.32-131.33, 131.35-131.38

² *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.36

³ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.38, 131.87

⁴ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.36

⁵ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.109

⁶ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.88

⁷ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.151-131.154

⁸ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.112

⁹ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.34, 131.110

¹⁰ *Report of the Working Group on the Universal Periodic Review: Cameroon*, (May 1, 2013), U.N. Doc A/HRC/24/15 ¶ 131.111

¹¹ Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972, Constitution of the Republic of Cameroon, art. 26.

¹² Global Commission on HIV and the Law, “Risks, Rights, and Health,” July 2012, <http://www.hivlawcommission.org/resources/report/FinalReport-Risks,Rights&Health-EN.pdf> (accessed September 22, 2017).

¹³ UNAIDS, 2014 National Commitments and Policies Instrument, Cameroon, 2014, <http://files.unaids.org/en/dataanalysis/knowyourresponse/ncpi/2014countries/Cameroon%20NCPI%202013.pdf>, p. 22.

¹⁴ “National Strategic Plan in the Fight Against HIV, AIDS, and STI’s, 2014-2017.” Cameroon Ministry of Public Health, December 2013. http://www.cnls.cm/docs/publications/PSN_2014_2017_CAMEROUN.pdf (accessed September 22, 2017).